

Sunbeams Play

Registered Charity No. 1152188

Safeguarding Children and Young People

5. Confidentiality and Client access to Records.

Policy statement

Definition: *‘Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.*

In our setting, staff and managers can be said to have a ‘confidential relationship’ with families. It is our intention to respect the privacy of children, young people and their parents/carers, while ensuring that they access high quality care and education in our setting. We aim to ensure that all parents/carers can share their information in the confidence that it will only be used to enhance the welfare of their children/young people. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act.

All personal information will be treated as confidential. However confidential information may be shared to other agencies to safeguard and promote the welfare of children.

In some circumstances, seeking consent from a person we believe is neglecting or abusing a child may undermine safeguarding procedures and may increase the risk of harm to the child or another person. In these situations, we will share this information without consent.

If a child makes a disclosure, we will never promise the child confidentiality, instead we will explain that the information will need to be passed on to the appropriate person to help keep them safe.

Our organisation is responsible for lawfully sharing the information we hold, and we must not assume that someone else will pass on information that may be critical to safeguard and promote the welfare of a child.

Parents/carers must be informed that confidential information may need to be shared in the event of a child protection incident or similar.

Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Parents/carers may, sometimes share information about themselves with other parents/carers as well as staff; the setting cannot be held responsible if information is shared beyond those parents/carers whom the person has 'confided' in.
- Information shared between parents/carers in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it.
- We inform parents/carers when we need to record confidential information beyond the general personal information - for example with regard to any injuries, concerns or changes in relation to the child/young person or the family, any discussions with parents/carers on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child/young person.
- We keep all records securely.

Client access to records procedures

Parents/carers may request access to any confidential records held on their child and family following the procedure below:

- Requests to see the child/young person's personal file by a parent or person with parental responsibility must be made in writing to the setting Data protection officer.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's Data protection officer prepares the file for viewing.
- Third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. Copies of these letters are retained on file.
- 'Third parties' include all family members who may be referred to in the records.
- Workers from any other agency, Social Services, the Health Authority, etc are included. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
- When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- Photocopies are taken of the complete file.

- The setting leader to go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
- What remains is the information recorded by the setting, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- The 'clean copy' is photocopied for the parents/carers who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the setting leader, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent/carer has possible grounds for litigation against the setting or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child.

Legal framework

- Data Protection Act 2018
- Human Rights Act 1998

This policy was adopted on	20 th April 2015
Policy updated	April 2023
Date to be reviewed	April 2024
Signed on behalf of the management committee	
Name of Signatory: Susan Carr	
Role of Signatory: Manager	

Reviewed By	Date
Sue Carr	24/05/2024