

The provider must take necessary steps to safeguard and promote the welfare of children.

## Safeguarding Children

### 1.4 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.'* (Information Sharing: Practitioners' Guide)

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 and their parents and carers, while ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. 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.

#### EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.4 The wider context	

#### Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.

- Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.
- Information shared between parents 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.
- Any staff or committee involved with parents on a social network (Facebook, Twitter, etc.), no information must be disclosed/discussed about the workplace or children.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents 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.
- We keep all records securely (see our record keeping procedures).

### **Client access to records procedures**

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

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the setting leader or manager.
- The setting leader informs the chairperson of the management committee and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's leader or manager and chairperson of the management committee prepare the file for viewing.
- All 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.
- It also includes workers from any other agency, including social services, the health authority, etc. 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.
- A photocopy of the complete file is taken.
- The setting leader and chairperson of the management committee 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 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 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. Please see also our policy on child protection.

### **Legal framework**

- Data Protection Act 1998
- Human Rights Act 1998

### **Further guidance**

- Information Sharing: Practitioners' Guide (HMG 2006)  
[www.everychildmatters.gov.uk/\\_files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf](http://www.everychildmatters.gov.uk/_files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf)
- **Social Networking Policy**
- **1. Introduction**
- The use of online social networking sites (including, but not limited to, Facebook, Myspace, LinkedIn and Twitter etc.) has become a very significant part of life for many people. These sites provide a very positive way to keep in touch with friends and colleagues, and can be used to exchange ideas and thoughts on common interests, both personal and work related. However, there have been occurrences where these services have been used for less positive reasons or during work hours, hence the need for formal guidance.
- **2. Use of social Network sites – Employment Conditions**

- If an employees personal internet presence does not make any reference to the setting or cannot be identified, the content is unlikely to be of concern to the setting. If employment at Medstead Pre-school & Nursery is referred to then the information posted would need to comply with the employment conditions outlined below.
- 2.1 Instances where the setting is brought into disrepute may constitute misconduct or gross misconduct and disciplinary action will be applied.
- 2.2 An employee should not disclose confidential information relating to his/her employment at Medstead Pre-school & Nursery.
- 2.3 An employee should not disclose details of any children attending the setting.
- 2.4 Sites should not be used to verbally abuse or harass staff or parents. Privacy and feelings of others should be respected at all times. Employees should obtain permission of individuals before posting contact details or pictures. Care should be taken to avoid language which could be deemed as offensive to others.
- 2.5 If information on the site raises a cause for concern with regard to conflict of interest, employees should raise the issue with their line manager.
- 2.6 Viewing and updating personal sites should not take place during working times, unless in exceptional circumstances, such as where activities form part of a project, and this has been agreed in advance as appropriate by the line manager.
- 2.7 Safeguarding is paramount and no reference should be made relating to any child/family/staff at Medstead Pre-school & Nursery.
- 2.8 Sites should not be used for accessing or sharing illegal content.
- 2.9 Any serious misuse of social networking sites which has a negative impact on Medstead Pre-school & Nursery may be regarded as a disciplinary offence. This includes any conduct which may, in our opinion, damage Medstead Pre-school & Nursery's reputation or undermine our policies, breach confidentiality, or defame a third party. Please consider whether your communications are appropriate and professional. This includes comments made through instant messenger applications.
- 2.10 If parents become 'friends' on the social networking site, staff should ensure that no discussion/statement relates to the setting or anyone involved at the setting, whether it be negative or positive.
- 2.11 What you post on a site is open to scrutiny by others, and may impact on your role within the setting where outside activities are discussed. Medstead Pre-school Nursery does not discourage staff from using such services. However, all should be aware that

Medstead Pre-school & Nursery will take seriously any occasions where the services are used inappropriately.

- **3 –Use of Social Network Sites – Personal safety**
- 3.1 Protect your own personal information online. The threat of identity theft can be significantly reduced if you exercise caution regarding the data you make public. Do not publish personal data (including, but not limited to, address, telephone numbers, date of birth) or any details which advertise, for example, that your home is empty for 2 weeks whilst you are away on holiday.
- 3.2 If you decide to meet someone in person from online, go to a public place and let friends know your plans.