



Ballygawley Early Years Playgroup

Confidentiality and Clients Access to Records Policy

Statement of Intent

Ballygawley Early Years Playgroup management committee and staff aim to have a 'confidential relationship' with all our 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.

Definition: 'Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.' (Information Sharing: Guidance for Practitioners and Managers (DCSF, 2008))

Aim

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.

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; Ballygawley Early Years Playgroup 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.
- We inform parents when we need to record confidential information beyond the general personal information we keep- 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



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external agencies in relation to their child. If child protection investigation is commenced, parents/guardians will not be allowed access to their child's file.

- We keep all records securely.

We keep two kinds of records on children attending our setting:

1. *Developmental records*

- These include observations of children in the setting, samples of their work, summary developmental reports and records of achievement.
- They are kept within the Ballygawley Early Years Playgroup can be accessed, and contributed to, by staff, the child and the child's parents /Guardians.

2. *Personal records*

- These include registration and admission forms, signed consent forms, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.
- These confidential records are stored in a lockable file or cabinet and are kept secure by the person in charge within the Playgroup.
- Parents have access, in accordance with the Confidentiality and Client Access to Records Policy, to the files and records of their own children but do not have access to information about any other child.
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.
- We retain children's records for three years after they have left the setting. These are kept in a secure place.

Other records

- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- Students observing in the setting are advised of our confidentiality policy and required to respect it.



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Access to personal records

Parents/ Guardians may request access to any 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 deputy leader.
- The setting leader informs the chairperson of the Ballygawley Early Years Playgroup 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 deputy in leaders absence 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. A copy of these letters are retained on the 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.



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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 2000

This policy was adopted by Ballygawley Early Years Management Committee at meeting on 05/2015, and reviewed again on 01/2016 and 12/2016.

This policy links with the following:

- Safeguarding Children and Child Protection Policy
- Whistle Blowing Policy
- Data Protection Policy
- Storage of Records Policy
- Managing Aggression and Challenging Behaviour including Bullying