



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 General Data Protection Regulation and the Human Rights Act.

Confidentiality Procedures:

- We always check whether parents wish 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 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.



Ballygawley Early Years Playgroup

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 one year before they are destroyed. These records are kept in a secure place. Children's records may also be passed to parents when the child leaves Playgroup. Registration and PEAGs forms are retained for seven years before being destroyed.

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.

Access to Personal Records

The Right of Access allows an individual to gain access to information, helping transparency on the lawfulness and accuracy of the information being held. In relation to the GDPR (General Data Protection Legislation), this would include:

- The personal data an organisation holds on them.



Ballygawley Early Years Playgroup

- Confirmation that the data has been processed.
- Supplementary information (for the most part, information that is shown in a Privacy Policy).

A request to access the above information is called a Subject Access Request (SAR). A SAR applies to all personal data held by an organisation. If the information does not fulfil the definition of personal data, the organisation does not have to disclose it in response to a SAR (although the organisation may choose to do so at its own discretion).

An individual is only entitled to access their own personal data, and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone).

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 to the setting Leader / Deputy Leader either verbally or in writing.
- The setting Leader informs the Chairperson of the Ballygawley Early Years Playgroup Committee and a written acknowledgement is sent.
- The setting commits to attempting to provide access within 14 days - although this may be extended up to one month if necessary.
- The setting's Leader or Deputy in the Leader's 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. Copies 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'.



Ballygawley Early Years Playgroup

- 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 Safeguarding Children and Child Protection.

Legal Framework

- General Data Protection Regulation 2018
- Human Rights Act 2000



Ballygawley Early Years Playgroup

This policy was adapted at a meeting of our playgroup held on the 30th May 2023

Monitoring

This policy will be reviewed annually by the management team to ensure it remains fit for purpose.

This policy was reviewed by the Ballygawley Early Years Management Committee on:

Date: 10/06/2023

Signed:
(on behalf of the Management Committee)

Name and Position: Caroline Buchanan, Chairperson

Reviewed on:

Date: Signed:..... Position:.....

Date: Signed:..... Position:.....

Date: Signed:..... Position:.....

This policy links with the following policies:

- Safeguarding Children and Child Protection policy
- Whistleblowing policy
- Data Management policy
- Management of Records policy
- Participation & Partnership with Parents policy
- Promoting Positive Behaviour policy
- Anti-Bullying policy