10.6 Confidentiality and client access to records

Policy statement

"Share with informed consent where appropriate and where possible respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case."

Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers. (HMG 2015)

In our Nursery School, staff 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. 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 Regulations 2018 and the Human Rights Act 1998.

Confidentiality procedures

- Information sharing with other agencies is done in line with our Information Sharing Policy.
- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Parents sometimes share information about themselves with other parents as well as staff; the Nursery School 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 are not responsible should that confidentiality by breached by participants
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures and Privacy Notice) -

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 and Privacy Notice).
- Information is kept in a manual file
- We discuss children's general progress and well being together in meetings, but more sensitive information is restricted to the Head and the child's key person and is shared with other staff on a need to know basis
- Our discussions with other professionals take place within a professional framework and not an informal or ad-hoc basis

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 Nursery School Head.
- The Nursery School manager sends written acknowledgement.
- The Nursery School commits to providing access within 14 days, although this may be extended.
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- The Nursery School's manager and Deputy 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 Nursery School Head goes through the file and removes 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 Nursery School, 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 Nursery School manager, 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 Nursery School or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the Nursery School, which is to the safety and well-being of the child. Please see also our policies on child protection and safeguarding children.

Legal framework

- GDPR 2018
- Human Rights Act 1998

Further guidance
Information Sharing: Practitioners' Guide (HMG 2006) (DCSF 2015)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

Change log		
This policy was changed on	**Signed on behalf of the nursery**	**Reason for change**
7/08/2020	Veronica van Ingen	Adoption of policy
27/10/2021	Veronica van Ingen	Updated link in further guidance note, as part of annual review
28/01/2026	Veronica van Ingen	No changes