



1. Introduction

In our 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 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 1998 and the Human Rights Act.

2. 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)

3. Procedures

Record keeping

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.

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

Developmental records

- These include observations of children in the setting, photographs, video clips and samples of their work and summary developmental reports.
- These are usually kept in the classroom and/or on the classes' blogs and can be accessed during parents-teachers' meetings or upon request for hardware documents, and through the login with personal passwords on the blog, and contributed to, by staff, the child and the child's parents.

Personal records

- These include identity, registration and admission forms and information, signed consent forms, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an on-going 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 in an office or other suitably safe place.
- Parents can have access to the files and records of their own children upon request and systematically regarding progress (school reports sent by email to both parents/carers at least twice a year) 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. Past this time-lapse, records of any kind will be systematically destroyed and disposed of in a secure way.

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 - including those on work-experience - when they are observing in the setting, are advised of our data protection policy and are required to respect it. These records will be destroyed three years after staff/ students have left the organization.

4. 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 is usually bound by a shared agreement that the information is confidential and not discussed outside of it.
- 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).

5. Parent / Carer Access to Records Procedure

Parents / Carers 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 by email to the HT.
- The HT sends a written acknowledgement, by email.
- The setting commits to providing access within 14 days, although this may be extended.
- The head teacher prepares 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 head teacher 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 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 from the Local Authority before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.

The Present policy has been drawn under:

HM Data Protection Act:

http://www.legislation.gov.uk/ukpga/1998/29/pdfs/ukpga_19980029_en.pdf

HM Education Regulations 2009 & 2007:

http://www.legislation.gov.uk/uksi/2009/1563/pdfs/uksi_20091563_en.pdf

http://www.legislation.gov.uk/uksi/2007/2260/pdfs/uksi_20072260_en.pdf

HM Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents & carers

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf

DfE Data Protection: how we share pupil and workforce data

<https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

DfE Cloud computing services: guidance for schools

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584755/Cloud_computing_services_guidance_Jan_2017.pdf

DfE Cloud software services & the Data Protection Act: advice for schools

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/644845/Cloud-services-software-31.pdf

ICO GDPR Preparation guidance:

<https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>

ICO Guidance for the education sector:

<https://ico.org.uk/for-organisations/education/>

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