



Barrowford
Primary School
Learn to Love, Love to Learn

**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)

At Barrowford School community, teachers, teaching assistants, welfare staff and the Senior and Middle Leadership Team can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children, their parents and carers, whilst ensuring they access high quality education in our school. We aim to ensure that all parents and carers are able to share their information in the confidence 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.

- We always aim to check whether parents regard the information they share with us as confidential or not.
- Parents at times share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared by those parents whom the person has 'confided' in to other people: this is relevant to the Sanctuary setting and The Nurture room.
- Information shared between parents in a discussion or support 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.
- We keep all records securely.

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 Rachel Tomlinson (Head teacher).
- Rachel Tomlinson will inform Doug Metcalf (Chair of Governors) and send a written acknowledgement to the parent.
- The setting commits to providing access within 14 days, although this may be extended.
- Rachel Tomlinson with Juliette Bate (Social Worker) 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 Children`s Social Care, 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.
- Rachel Tomlinson and Juliette Bate 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 to the parent but should be read jointly with Juliette Bate who will explain the content.
- 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 Barrowford School, 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)

Information sharing

"Practitioners need to understand their organisation's position and commitment to information sharing. They need to have confidence in the continued support of their

organisation where they have used their professional judgement and shared information professionally.”

Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

Policy statement

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- it is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with support from Rachel Tomlinson . The three critical criteria are:

- Where there is evidence that the child is suffering, or is at risk of suffering, significant harm.
- Where there is reasonable cause to believe that a child may be suffering, or at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedure

Our procedure is based on the 7 golden rules for information sharing as set out in Information Sharing: Guidance for Practitioners and Managers (DCSF 2008).

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.

- Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.
- When an agency rings school for information regarding a child/ren, staff to ring the agencies back to verify authenticity prior to giving information.

2. Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Seek consent to share information, unless it puts the child at risk or undermines a criminal investigation.

In our school we ensure parents:

- receive information about our information sharing policy when starting their child at Barrowford School and they sign a form to say that they understand circumstances

when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult.

- have information about our Child Protection policy; and
- have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.

3. Seek advice when there are doubts about possible significant harm to a child or others.

- Designated Senior Person (DSP) contact children's social care for advice where they have doubts or are unsure.

4. Share with consent where appropriate. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.

- Guidelines for consent are part of this procedure.

5. DSP is conversant with this and is able to advise staff accordingly. Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well-being and safety is paramount.

In our school we:

- Record concerns and discuss these with the DSP and Rachel Tomlinson Head Teacher for child protection matters. Record decisions made and the reasons why information will be shared and to whom; and follow the procedures for reporting concerns and record keeping.

6. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.

- Our Child Protection procedure and Record Keeping procedure set out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. Reasons for decisions to share information, or not, are recorded.

- Provision for this is set out in our Record Keeping procedure

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child commences school.
- Parents sign a form during induction to say they understand this.

- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on information, to the next school.
- Copies given to parents of the forms they sign.

We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

All the undertakings above are subject to the paramount commitment of Barrowford School, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection policy.

Legal framework

Data Protection Act 1998

Human Rights Act 1998

Further guidance

Information Sharing: Guidance for Practitioners and Managers

Children's records

Policy Statement

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.

This policy and procedure is taken in conjunction with the Confidentiality Policy and our procedures for information sharing.

Procedures

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

Developmental records

These include observations of children in Barrowford School, photographs, video clips and samples of their work and developmental reports.

Personal records

- These include registration and admission forms, signed consent forms, and correspondence concerning the child or family (internal notification forms), reports or minutes from meetings concerning the child from other agencies, a chronology of significant information, observations by staff involving the child, strategy plans, or child protection matters.
- These confidential records are stored in a lockable file or cabinet and electronically on CPOMS (Child Protection Online Monitoring System.).
- Parents have access, in accordance with our 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.
- 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 and volunteers when they are observing in Barrowford School are advised of our confidentiality policy and are required to respect it.

Legal Framework

Data Protection Act 1998

Human Rights Act 1998

Further guidance Information Sharing: Practitioners' Guide (DfES 2006)

Provider records

Policy Statement

We keep records for the purpose of maintaining our business. These include:

- Landlord/lease documents and other contractual documentation pertaining to amenities, services and goods.
- Financial records pertaining to income and expenditure.
- Risk assessments.
- Employment records of staff.

Our records are regarded as confidential on the basis of sensitivity of information, such as with regard to employment records and these are maintained with regard to the framework of the Data Protection Act and the Human Rights Act.

This policy and procedure is taken in conjunction with the Confidentiality and Client Access to Records policy and Information Sharing policy.

Procedures

- All records are the responsibility of Sarah Metcalf (Administration manager) who ensures they are kept securely.
- All records are kept in an orderly way in files and filing is kept up-to-date.
- Financial records are kept up-to-date for audit purposes.
- Health and safety records are maintained; these include risk assessments, details of checks or inspections and guidance etc.
- Our Public Liability insurance certificate is displayed.
- All our employment and staff records are kept securely and confidentially.

Legal framework

Data Protection Act 1998

Human Rights Act 1998

Helen Lewin (Inclusion Leader)

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