



## CVSE Confidentiality Policy

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## **Introduction**

Calder Valley Steiner Education (CVSE) believes that all parents and children have a right to confidentiality.

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)

## **Policy statement**

In our setting, teachers and assistants 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 and the Human Rights Act.

## **Purpose of document**

The purpose of this document is to provide guidance on CVSE policy on confidentiality and is meant to be adhered to by all staff working for CVSE and parents who may have access to confidential information.

## **Confidentiality procedures**

- CVSE will always check and document 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; CVSE 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.
- CVSE will 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.
- CVSE keep all records securely (see our record keeping procedures).

### **CVSE Working Groups/Committees**

- CVSE promotes a family/parental managed and developed Kindergarten; therefore, there are times when some parents will be made aware of confidential information regarding another parent. E.g. parents on the finance team.
- Parents on these groups must also follow this policy with regards to confidential information they may be privy to.
- No confidential information should be discussed outside the meetings or with anyone else other than a member of that committee/group. (Unless authorised to)
- Any breaches in confidentiality may result in removal from the committee/group.

### **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 Setting Manager.
- A written acknowledgement would then be sent.

- CVSE setting commits to providing copies of the requested documents within 20 school days or 60 working days (whichever is the shorter) in line with GDPR requirements, although this may be extended in extenuating circumstances which would be explained to parents.
- The teacher or administrator 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 setting manager 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 appropriate person, 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.

### **Procedure following a breach in confidentiality**

- Identify the breach
- Identify the perpetrator of breach
- Inform all who may be affected by the breach
- If the breach involves a member of the CVSE the disciplinary procedure should be followed
- If the breach is by a parent with access to confidential information the Personnel Group should take the appropriate action
- Ensure the breach is documented

### **Compliance to Policy**

- All staff, teachers, assistants and administrators are expected to adhere to this policy
- Any parent on a working group must be aware of this policy and adhere to its guidance
- Any breach of confidentiality will be taken seriously and may result in;
  1. disciplinary action for staff of CVSE
  2. Exclusion of parent/s from committees and groups.
- All breaches of confidentiality will be documented

### **Legal documents which may be referred to**

- Data Protection Act 1998
- Human Rights Act 1998

### **Further guidance**

- Information Sharing: Practitioners' Guide (HMG 2006)