

Confidentiality: Policy and Procedure

## THE TREASURE BASKET ASSOCIATION

Principles

### Statement of intent

*'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 setting parties working for or on behalf of the Treasure Basket Association, hereafter TTBA 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 a high quality service. 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. We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).

### CONFIDENTIAL ISSUES MAY INCLUDE:

- Child details - Including developmental needs and behaviour.
- Parent details - Including their domestic circumstances.
- School working practices and policies.
- Schools financial dealings.
- Staff details

### PROCEDURE

It is our intention at TTBA to respect the privacy of children and their families which is achieved by:

- Storing confidential records in a locked filing cabinet that is within a locked room.
- Ensuring that all parties working for or on behalf of TTBA are aware that this information is confidential and only for use only for the purpose of matters pertaining to the TTBA.
- Ensuring that parents have access to files and records of their own children, but not to those of any other child, provided that no relevant exemptions apply to their disclosure under the General Data Protection Regulations (GDPR) (2018)
- Gaining parental permission for any photographs of the children to be used in any TTBA advertising materials etc/

- Ensuring that parties working for or on behalf of TTBA have a professional relationship with all parents and don't become too familiar with particular families or children.
- Ensuring parties working for or on behalf of TTBA are aware that information held for each child is confidential, and only to be used for the service as agreed. If any of this information is requested for whatever reason, the parent's permission must always be sought. Ensuring that parties working for or on behalf of TTBA do not discuss personal information given by parents with other members of TTBA, except where it affects planning for the child's needs.
- Ensuring that parties working for or on behalf of TTBA's inductions include an awareness of the importance of confidentiality.
- Ensuring that parties working for or on behalf of TTBA are aware of, and follow, TTBA social networking policy in relation to confidentiality.
- Ensuring that any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file. This information must be shared with as few people as possible on a need-to-know basis. If, however, a child is considered at risk, the associations' safeguarding children policy will override confidentiality. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis.
- Where third parties share information about an individual; parties working for or on behalf of TTBA check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns

### **Client Access to Records**

Parents may request access to any confidential records TTBA hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that our setting has compiled on them.
- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the data protection officer, hereafter DPO, Felicia Lycett, 7 Mulberry Lane, Goring-By-Sea, BN12 4NR.
- We acknowledge the request in writing, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.

- Our written acknowledgement allows 40 working days for the file to be made ready.
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- The DPO may seek legal advice before sharing a file
- The DPO goes through the file and ensures that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party.
- We write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is.
- They are asked to reply in writing to our DPO giving or refusing consent for disclosure of that material.
- We keep copies of these letters and their replies on the child's file.
- 'Third parties' include each family member noted on the file; so where there are separate entries pertaining to each parent, step parent, grandparent etc. We write to each of them to request third party consent.
- Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Parties working for or on behalf of TTBA should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the party working for or on behalf of TTBA and not the information. We may grant refusal if the party working for or on behalf of TTBA has provided information that could be considered 'sensitive' and the party working for or on behalf of TTBA may be in danger if that information is disclosed; or if that information is the basis of a police investigation. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with parties working for and behalf of TTBA and decisions recorded.
- When we have received all the consents/refusals our manager takes a photocopy of the complete file. On the copy of the file, the DPO removes any information that a third party has refused consent for us to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen.

- 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'.
- We photocopy the 'clean copy' again and collate it for the parent to see.
- The DPO informs the parent that the file is now ready and invites him/ her to make an appointment to view it.

### **The Process**

- The DPO meets with the parent to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- The parent may take a copy of the prepared file away; but, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure.
- The law requires that the information we hold must be held for a legitimate reason and must be accurate. If a parent says that the information we hold is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent's view of the matter. In most cases, we would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then.
- If there are any controversial aspects of the content of a child's file, we must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.
- We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

Telephone advice regarding general queries may be made to The Information Commissioner's Office Helpline 0303 123 1113.

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

#### **PARTIES WORKING FOR TTBA's AGREEMENT**

- All areas of confidentiality must be adhered to at all times. At no time whilst in employment and after termination of employment with TTBA are you to divulge any of our clients details, working practices, policies or financial dealings to any other party.
- When taking on any private arrangements you must consult TTBA first remaining professional and ensure that confidentiality of the child/child family is considered at all times.
- No information regarding other children or problems within the organisation is to be discussed with parents / children at the same or other schools. You must never become too familiar with parents and must ensure that this agreement is adhered to.
- When feedback is given at the end of each child's session you must ensure that it is done in a professional way, giving the parent all the information that they need to know about their child's day.
- You must ensure you are aware of and follow our social networking policy in relation to confidentiality.

Name:

Date:

I hereby understand and will adhere to the above confidentiality policy and staff agreement.

Signature: