

## Confidentiality Policy

### **Policy Statement**

'Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.'

(Information sharing: Guidance for Practitioners and Managers)

At Pathways, staff and managers 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. 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).

We keep 3 types of records at Pathways, these are:

- developmental records
- personal records
- staff records

To ensure that all those using and working at Pathways can do so in confidence, we will respect confidentiality in the following ways:

- Parents with parental responsibility will have supervised access to the files and records of their own children but will not have information about any other children.
- When an accident form needs to be signed, we do not name the other child, if there was any involvement, also accident and medicine forms are kept in individual child files to protect other parents from seeing confidential information.
- Staff will not discuss individual children, other than for purposes of curriculum planning.
- Information given by parents/carers to the manager will not be passed onto other adults without the permission from individual parents.
- Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.
- Any anxieties/evidence relating to a child's personal safety will be kept in a confidential file and will not be shared within the group except with the parents, management, Staffordshire Families Integrated Front Door Service and Ofsted.
- Students on recognised courses are welcomed and encouraged and receive a full induction.
- Confidential records are stored in a lockable file or cupboard and are kept secure.

### **Confidentiality Procedures**

- Most things that happen between the family, the child and the setting are confidential to our setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.

- Information shared 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 confidential or not.
- Some parents may share information about themselves with other parents as well as with our staff, we cannot be held responsible if information is shared by those parents whom the person has 'confided' in.
- We inform parents when we need to record confidential information beyond the general personal information we keep (Privacy Policy) - for example with regard to any injuries, concerns or changes in relation to the child or 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.
- Information is kept in a manual file. The staff may also use a computer to type reports, or letters, following GDPR.
- Our staff discuss children's general progress and well being in meetings, but more sensitive information is restricted to the manager and the child's key person and is shared with other staff on a need-to-know basis.
- We do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the setting.
- Discussions with other professionals take place within a professional framework and not on an informal basis. Staff should expect that information shared with other professionals will be shared in some form with parent/carers and other professionals, unless there is a formalised agreement to the contrary, i.e. if a referral is made to children's social care, the identity of the referring agency and some details of the referral is likely to be shared with the parent/carer by children's social care.
- Welfare/child protection concerns are recorded on welfare forms. Information is clear and unambiguous (fact, not opinion), although it may include the practitioners' thoughts on the impact on the child.

All the above are undertakings of Pathways Safeguarding Policy.

Pathways will regard any breach of confidentiality as a disciplinary offence and any breaches will lead to dismissal.

Data protection breaches will be reported to the ICO

### **Breach of Confidentiality**

- A breach of confidentiality occurs when confidential information is not authorised by the person who provided it, or to whom it relates, without lawful reason to share.
- The impact is that it may put the person in danger, cause embarrassment or pain.
- It is not a breach of confidentiality if information was provided on the basis that it would be shared with relevant people or organisations with lawful reason, such as to safeguard an individual at risk or in the public interest, or where there was consent to the sharing.

### **Parental confidentiality**

For the protection of all involved in Pathways confidentiality is at the heart. We also ask parents to retain a confidentiality agreement to ensure that personal information

regarding children, staff, parents and volunteers is always kept confidential. We do not wish other parents, children or staff to be the subject of gossip or unfounded truths. Parents are asked in accordance with our confidentiality policy to refrain from passing information to third parties about others, if a parent has an issue with something regarding Pathways, they are asked to speak to management and the problems dealt with there. Pathways will not give any information regarding other children, staff, parents or volunteers to any other party unless it directly concerns them and consent is given. Parents are asked to speak to Pathways management regarding any issues they have and it will be dealt with accordingly. Any parent who is found to have passed information on about staff, children, parents or volunteers that could put the business at risk or cause unfounded distress or harm to others could be asked to leave.