



Record Keeping – Confidentiality

Confidentiality and Recording information

- Most things that happen between the family, the child and the setting are confidential to the setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Members of staff discuss children's general progress and well being together in meetings, but more sensitive information is restricted to the manager and key person and is shared with other staff on a need to know basis.
- Members of staff 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 should take place within a professional framework and should not be on an informal or ad-hoc basis.
- It is important that members of staff explain to parents that sometimes it is necessary to write things down in their child's file and explain the reasons why.
- When recording general information, members of staff should make sure that entries are dated correctly and that the time is included where it is necessary to do so. The person making the entry signs each time.
- Making records about a welfare or child protection concern is done using the information recorded is clear and unambiguous; it records fact, not opinion, although it is fine to write what you think might be the impact on the child arising from your concerns.
- Records are non-judgemental and do not reflect any biased or discriminatory attitude.
- Not everything needs to be recorded, but significant events, discussions and telephone conversations must be recorded at the time that they take place.
- When deciding what is relevant, **the things that cause concern** need to be recorded as well as **action taken to deal with the concern**. Decide what level this is and use the appropriate recording format which is then filed within the child's file.
- Where information is shared, the reasons for doing so are recorded in the file where it is decided that information is not to be shared, this is also recorded using the same recording sheet.
- Most information is kept in a manual file. However, members of staff may use a computer to type reports, or letters. Where this is the case, the typed document is deleted from the PC and only the hard copy kept. We do not keep electronic records on children, other than the register and financial data.
- Where it is helpful to keep an electronic copy, this is saved in a secure

Confidentiality – Definition of what is confidential

- Personal information of a private or sensitive nature, and
- 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 could reasonably expect it would not be shared with others. (Information Sharing: Guidance for practitioners and managers)
- Practitioners and managers can be said to have a 'confidential relationship' with families. Some families share information about themselves readily; members of staff need to check whether parents regard this information 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 group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it. The setting manager is not responsible should that confidentiality be breached by participants.
- Where third parties share information about an individual; practitioners and managers need to check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.
- Information shared in the context of the setting is confidential.

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.
- 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 a limited number of people, or where there was consent to the sharing.

Exception

- Confidential information may be shared without authorisation - either from the person who provided it or to whom it relates- if it is in the public interest. This is in order to prevent a crime from being committed or to intervene where one may have been, or to prevent harm to a child or adult.
- Sharing confidential information without consent is done only in circumstances where not sharing it could result in a worse outcome than the outcome of having shared it.
- The decision to share information should never be made as an individual, but with the backup of the manager. The manager can provide support, and sometimes ensure protection, through appropriate structures and procedures.

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.

Consent

- When parents choose Chard NNI & Schools Out for their child, they will share information about themselves and their families. They have a right to know that any information they share will be regarded as confidential. They should also be informed about the circumstances, and reasons for the setting being under obligation to share information.
- Parents have a right to be informed that their consent 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 overridden.
- The policy on information sharing should be explained with parents or users of other services provided by Chard NNI & Schools Out for whom this guidance is applicable.

Separated parents

- Consent to share need only be sought from one parent.
- Where parents are separated, this would normally be the parent with whom the child resides.
- Where there is a dispute, this needs to be considered carefully.
- Where the child is looked after, the Local Authority, as 'corporate parent' may also need to be consulted before information is shared.

Ways in which consent to share information can occur in Clare House:

- Policies and procedures that set out the responsibility of the setting regarding gaining consent to share information, and when it may not be sought or overridden.
- Information in leaflets to parents, or other leaflets about the provision
- Consent forms signed at registration
- Notes on confidentiality included on every form the parent signs
- Copies given to parents of the forms that they sign
- Signatures of parents on forms giving consent to share information about additional needs, or to pass on child development summaries to the next provider/school.