**Confidentiality Policy**

Policy statement:

It is the policy of Kinnegad Community Childcare Clg. to keep confidential any information we collect relating to all children, families, and staff connected with our service.

Knowledge or observations of children's development or behavior will be treated in a strictly confidential manner except in terms of legal obligations ie. child protection.

This policy has been created having regard to Children First Act, 2015, *Children First: National Guidance 2017*, and the Child Care Act, 1991 (Early Years Services) Regulations 2016.

Parents will be made aware of the necessity of keeping records in relation to their children in order to comply with the Child Care Act 1991 (Early Years Services) Regulations 2016

Parents will have access to the records kept in the service, only in relation to their own child. These records will be kept in a locked filing cabinet.

All information regarding a concern about child abuse or neglect should be shared on a need to know basis in the best interest of the child. No undertakings regarding secrecy can be given and this should be made clear to children and families using the service. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

Parents and children have a right to know if personal information is being shared, unless doing so could put the child at further risk.

Parents will always be informed if a report is being made to Tusla, unless doing so would further endanger the child, impair Tusla’s ability to carry out a risk assessment or put the reporter at risk of harm.

Under the Children's First Act, 2015, information shared by Tusla with a mandated person in the course of carrying out an assessment, arising from a mandated report, shall not be disclosed to a third party unless Tusla has provided written authorisation to this effect.

The principles of confidentiality will be addressed with all staff, volunteers, and trainees and it will be impressed upon them that it is not acceptable to discuss matters relating to the children or staff of the service outside the setting.

Breaches of confidentiality by staff will be dealt with under the complaints policy or the terms of employment as appropriate.

**Confidentiality**

It is essential that at all times the matter is treated in the strictest confidence and that the identity of the employee is not disclosed, other than as required under the procedures within the policy.

Protective measures may be required while the allegation is being investigated. The principles of natural justice, the presumption of innocence and fair procedures should be adhered to.

It is very important to note that protective measures are intended to be precautionary and not disciplinary.

The manager will maintain regular and close liaison with Tusla and/or an Garda Siochana and ensure that no action by the service frustrates or undermines any investigation.

Further action will be guided by employment legislation, the contract of employment, the other policies and procedures of the service (including the disciplinary policy) and the advice of the investigating agencies.

**Parents and allegations of abuse or neglect against employees**

Parents have the right to contact Tusla to report an allegation of abuse or neglect about the employee or service.

Parents of children who are named in an allegation of abuse or neglect will be kept informed of actions planned and taken, having regard to the rights of others concerned.

If there is any concern that a child may have been harmed, their parents will be informed immediately.

February 20, 2023