

Confidentiality and Data Protection

“Providers must maintain records, policies and procedures required for the safe and efficient management of the setting and to meet the needs of the children...information should remain confidential”

Statutory Framework for the EYFS

The policy includes information on:

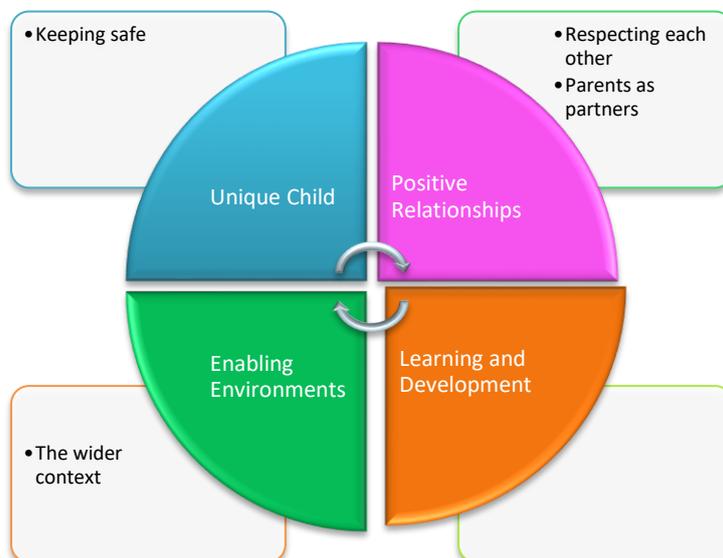
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Policy Statement

At the Meadows Nursery School we work hard to build a ‘trusting relationship’ with the parent(s)/guardian(s) and carers of our children and share information in confidence to enhance the welfare of their child(ren). We respect the privacy of children and their parent(s)/guardian(s) and carer(s), while ensuring that they can access high quality early years care and education.

Our commitment to the EYFS:



Documentation

The Meadows Nursery School prides itself on handling data, information, policies and legislation. The information is organised and stored in order that it remains confidential and only accessible to those members of staff that are authorised to have access to it. The nursery is registered with the 'Information Commissioner's Office' and staff are aware of their responsibilities under the Data Protection Act (DPA) 1998.

Annually the nursery manager archives information which is then stored securely for the required period of time. These records may be stored securely off-site with prior agreement from Ofsted but will be easily accessible and available to those who have a right to see them.

All documentation is bound by our confidentiality policy. We believe confidentiality to be:

'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)

Procedures for confidentiality

- Ⓢ Confidentiality is discussed at induction and during supervisions and staff meetings to ensure all staff understand the need and importance of protecting the privacy of children in their care.
- Ⓢ Staff will not discuss individual children, other than for the purpose of curriculum planning, group management or child development issues, with people other than the child's parents/guardians or carers.
- Ⓢ In some circumstances it may be necessary for the nursery to seek the advice and support of an outside agency, in such cases we would seek the parents/guardians or carers permission first.
- Ⓢ If we are requested to provide information to an outside agency to ensure the child's welfare, i.e. the social care team, we will do so on a need to know basis, ensuring confidentiality is maintained.
- Ⓢ All information recorded will be kept highly confidential and made only available to members of staff or outside agencies who are allowed to see such information.
- Ⓢ All confidential information is stored in the main office.
- Ⓢ If staff request to see confidential information, the request, has to be through the nursery school manager.
- Ⓢ If a parent confides in another parent and shares information about themselves or their child with them and then this information is passed on further, the nursery takes no responsibility for this sharing of information.
- Ⓢ If information is shared between parents/staff in a discussion or training group it is bound by a shared agreement that the information is confidential to the group and not to be discussed outside of it.
- Ⓢ Where we are unsure if the information received is confidential, we always check with the parents to determine whether the information being shared is regarded as confidential or not.

- 🔒 Issues concerning the employment of staff, whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.



Social Networks - Facebook, Twitter and chat rooms:

Staff members are not permitted to discuss any children, staff or nursery matters through Facebook, twitter and chat rooms. Any such discussions taking place through any social networking system will be dealt with through the nursery schools disciplinary procedures and in conjunction with the legal advice sort through Peninsula Business Services.

If a staff member becomes aware of another member of staff, visitor, trainee or parent sharing information through a social networking system, it is their responsibility to report this to the nursery schools manager, refer to whistle blowing policy.

Sharing of information: outside agencies, i.e. social care team

We recognise the importance of developing an 'open relationship' with our parents and the importance of keeping information they share with us confidential, however, we inform parents that there are circumstances when we are obliged to share information.

We are legally obliged to share confidential information when requested and without authorisation when:

- It prevents a crime from being committed
- It prevents a child/adult from being injured
- If we were, not, to share the information it would cause greater harm than if we were to

The decision to share information is decided by the nursery school manager and the nursery director and only if:

- There is *evidence* that a 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 is 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.



Sharing of information procedures:

Our policy for the sharing of information is supported by the 6 points for good practice in the 'Information Sharing: Practitioners Guide' set out in the HM Government document:

- 1. We will explain to families how, when and why information will be shared about them and with whom. We normally obtain consent unless it puts the child at risk or undermines a criminal investigation**

On registering with the nursery we ensure parents receive information about our information sharing policy and sign to say that they have read and understand when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult.

Consent will be sought from the parent when an outside agency requires information regarding a child with additional needs, transition support to school or support with nursery integration.

- 2. We put the child's safety and welfare first when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well-being and safety is paramount.**

When we have safeguarding concerns we record them on a nursery incident form and discuss these with the setting's safeguarding officer. The safeguarding officer will record on the incident form the decisions made and the reasons why information is to be shared and to whom. We follow our safeguarding policy in this instance.

- 3. We respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we are able to judge when it is reasonable to override their wish.**

Managers are conversant with this and are able to advise staff accordingly.

- 4. We will seek advice without consent when there are doubts about possible significant harm to a child or others.**

Managers contact the local SPOA (single point of advice) for advice.

- 5. We ensure that the information shared is accurate and up-to-date, necessary for the purpose it is being shared for and shared only with those who need to know and shared securely.**

Our Safeguarding policy sets out how and where information should be recorded and what information should be shared with another agency when making a referral.

- 6. We give reasons for decisions to share information, or not.**

Information regarding the reasons to share are recorded by the safeguarding officer on the nursery school's incident form.



Parent's consent:

- Ⓢ Parents have a right to be informed that their consent to share information 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.
- Ⓢ Our 'sharing of information' policy sets out when we will gain consent to share information and when it may not be sought or overridden.
- Ⓢ Permission to share information will be sought through the nursery schools booking form, through parents signing the statement: "I have read and understand the sharing of information policy."

Staff taking information/work home

- Ⓢ Staff members are not permitted to take any personal information, of any child or parent home with them.
- Ⓢ Staff members are not permitted to sign into Eylog using computers outside of the nursery setting.

- Ⓢ Staff members are permitted to take home:
 - Planning
 - Curriculum development work
- Ⓢ If a member of staff wishes to take 'work' home they need to:
 - make a request through speaking to the nursery school manager
 - complete a 'request to take work home' form
 - ensure work is kept confidential
 - complete their work in the privacy of their own home
 - ensure they do not mark, record, write reports or read information in a public place
- Ⓢ Staff should return the work the following day and if they request it for an extended period of time they should make another request to the nursery manager
- Ⓢ On return to work the staff member should sign the work back in on the 'request to take work home' form.

Parents request to see their child's personal file

- Ⓢ We have an open approach to our care and therefore if a parent/guardian or carer requests access to their child's confidential records we are more than happy to share this information. However, we follow the following procedure in order to safeguard their child:
- Ⓢ A parent/guardian or carer must make a request to see a child's personal file in writing to the nursery manager.
- Ⓢ The nursery will provide access to the records within a 14 day period of time, although this may be extended through request.
- Ⓢ The parent will be required to organise a suitable day and time within this 14 day period of time to view the personal files on the nursery premises. This arrangement will need to be convenient to the nursery manager and the parent/guardian/carer.
- Ⓢ The nursery school's manager will prepare the file for viewing.
- Ⓢ If the file contains information from any third parties, these will be written to, stating that a request for disclosure has been received and asking for their permission to disclose the information they have provided in the file. 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 the social care team, the health authority, etc.
- Ⓢ It is usual for agencies to refuse consent to disclose as they often prefer the parent/guardian or carer 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 nursery manager will go through the file and remove any information which a third party has refused consent to disclose.
- Ⓢ 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 and provided to the parent/guardian or carer when they come into the nursery to discuss the contents. The file should never be given straight over, but should be gone through by the nursery manager, so that the content can be explained.

Policy last reviewed:

30th January 2019