

**Confidentiality Policy**

**Statement of Intent**

At Steady Steps Nursery and Pre-school, The Management and Staff 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.

**Aim**

At Steady Steps Nursery and Preschool. 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 met the requirements of the Human Rights Act 1998 regarding protecting the individual’s rights to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder.

We meet the requirements of the Data Protection Act 1998 regarding the information we gather from or about families how we gather it, store it and use it. Our procedures enable us to meet these requirements.

We have regard to the Common Law Duty of Confidentiality and only share information with other professionals or agencies on a ‘need to know’ basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children.

**Method**

At Steady Steps Nursery and Pre-school, we keep to two categories of records on children that attend our setting. These can be defined as:

Developmental Records

* These include observations of children in the setting and samples of their work.
* Tracking and Analysis of Children’s Progress and Record of Development Summary. Confidentiality of these records is in keeping with our e-safety ‘Tapestry Online Learning Journal Policy’.

Personal records

* These include registration and admission forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.
* These confidential records are stored in a lockable file or cabinet and are kept secure by the person in charge in an office or other suitably safe place. Key holders are the Manager and the Deputy.
* Parents have access, in accordance with the *access to records procedure*, to the files and records of their own children but do not have access to information about any other child.
* Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.

Other Records

* Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personal decisions.
* Students and Mentors whilst they are observing in our Setting are advised our of Confidentiality Policy and are required to respect it.

**Information Sharing**

* Most things that happen between the family, the child and the setting are confidential to Steady Steps Nursery and Preschool. 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.
* Information shared between parents in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it. We not responsible should that confidentiality be breached by participants.
* We inform parents when we need to record confidential information beyond the general personal information we keep (see our Children's Records Policy) - for example regarding any injuries, concerns or changes in relation to the child or the 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 in adhering to our Children's Records Policy.
* At Steady Steps Nursery and Preschool, our 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 and financial data.
* Where it is helpful to keep an electronic copy, we download it onto a memory stick, labelled with the child’s name and kept securely in the child’s file. No documents are kept on the hard drive.
* At Steady Steps Nursery and Preschool, our staff discuss children’s general progress and well-being together in meetings. More sensitive information is restricted to the Manager and the Child’s Key Person. Sensitive information 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.
* 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. We check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns

**Access to records procedures:**

Parents may request access to any confidential records we hold at Steady Steps Nursery and Preschool on their child and family following the procedures below:

* Any request to see the child’s personal file by a parent or person with parental responsibility must be made in writing to the Manager of Steady Steps Nursery and Pre-school.
* We will 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. We will commit to providing access within 14 days – although this may be extended.
* The Manager informs the Chairperson of the Management Committee and legal advice may be sought before sharing a file
* The Manager goes through the file with the Chairperson and notes 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 The Manager 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.
* Members of our staff should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information. We may grant refusal if the member of staff has provided information that could be considered ‘sensitive’ and the staff member 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 members of staff and decisions recorded.
* When all the consents/refusals have been received the Manager takes a photocopy of the complete file. On the copy of the file, the manager removes any information that a third party has refused consent for 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.
* The copy file is then checked by the manager and Chairperson to verify that the file has been prepared appropriately.
* The manager informs the parent/ Carer that the file is now ready and invites them to make an appointment to view it.
* The manager will meet with the parent/ carer 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; 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 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 Steady Steps Nursery and Pre-school which is to the safety and well-being of the child. Please see also our policy on Safeguarding Children and Child Protection

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| This policy was adopted by | Steady Steps Pre School |  |
| On | September 2018 |  |
| Date to be reviewed | Sept 2019 | *(or sooner idn)* |
| Signed on behalf of the provider |  | |
| Name of signatory | J Pickthall | |
| Role of signatory (e.g. chair, director or owner) | Director/Manager | |