



High Legh Preschool Nursery - Confidentiality Policy

At High Legh Preschool Nursery, 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 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. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).

Confidentiality procedures

- We always check whether parents regard the information they share with us to be treated as confidential or not.
- All staff should be aware that all information on records is to be regarded as confidential.
- Staff will be made aware of any information that may affect a child's welfare and or behaviour. These matters are not to be discussed out of the workplace.
- 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.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to 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.
- A child's safety and welfare is paramount, if the Nursery Manager or Designated Safeguarding Lead (DSL) feels a confidence should be breached as there is significance evidence that the child is at risk from harm then the document Information Sharing: a Practitioners guide March 2015 should be referred to.
- We keep all records securely (see our record keeping procedures).

Records

- All records concerning a child's personal details will be kept in the strictest confidence by the Nursery Manager & Administrator.
- All records concerning staff's personal details will be kept in the strictest confidence by the Nursery Manager & Administrator.

- No unauthorised person has access to these files and details will not be disclosed without prior permission from the parents or guardian unless in extreme circumstances, when it may be in the child's best interest to do so.
- Child development records will be kept and used to show parents their child's development during their time with us, consent will be asked before passing these documents on to the child's school to ensure a smooth transition.
- Staff may discuss children's general progress and wellbeing together 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.
- Parents' permission will be sought before sharing information with any other settings a child may attend.

Access to records procedures:

Parents may request access to any confidential records held on their child and family following the procedure 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 Nursery Manager.
- The Nursery Manager informs the chairperson of the committee and sends a written acknowledgement, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- The written acknowledgement allows one month for the file to be made ready and available. We will be able to extend this by a further two months where requests are complex or numerous. If this is the case, we will inform the parent within one month of the receipt of the request and explain why the extension is necessary.
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- Legal advice may be sought before sharing a file.
- The Nursery Manager and chairperson of the committee prepare the file for viewing, they ensure all documents have been filed correctly, that entries are in date order and that there are no missing pages. Any information, notes or correspondence which mentions a third party will be noted.
- All third parties are written to, stating that a request for disclosure has been received which contains a reference to them, it will be stated what this reference is and their permission will be sought to disclose to the person requesting it. They are asked to reply in writing to the Nursery Manager giving or refusing consent for disclosure of that material. Copies of these letters are retained on file.
- 'Third parties' include all family members who may be referred to in the records. where there are separate entries pertaining to each parent, stepparent, grandparent etc. We will write to each of them to request third party consent.
- 'Third parties' also includes workers from any other agency, including social services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.

- 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 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 and chairperson of the committee go through the copy of the file and remove any information which a third party has refused consent to disclose and blank out any references to the third party. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
 - The copy file is checked by the chair of the committee to verify that the file has been prepared appropriately.
 - Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.
 - 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 again. The Nursery Manager informs the parent that the file is now ready and invites him/her to make an appointment. The file should never be given straight over, but should be gone through by the Nursery Manager, so that it can be explained.
 - The Nursery Manager will go through the file with the parent, 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 persons 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 once it has been properly explained and understood by the parent.
 - 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 the Nursery Manager will refer the parent to the complaint's procedure
 - The law requires that the information we hold must be for a legitimate reason and must be accurate (see our privacy notice) 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 the

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 contents 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.
- All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child.
- Please see also our policy on Safeguarding of children in our care.