Confidentiality Policy

**EYFS Legal requirement:**

3.69. Records must be easily accessible and available (with prior agreement from Ofsted or the childminder agency with which they are registered, these may be kept securely off the premises). Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Act (DPA) 1998 and where relevant the Freedom of Information Act 2000.

3.70. Providers must ensure that all staff understand the need to protect the privacy of the children in their care as well the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality.

Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the DPA34.

3.71. Records relating to individual children must be retained for a reasonable period of time after they have left the provision.

It is a legal requirement of the nursery to hold information about the children who attend the Nursery and any staff. Basic information is used for registers, invoices, planning, assessment, payments and for emergency contacts. At Fleximinder Nursery we work with many children and families and through close relationships with both the children and their parents, sometimes will be in contact with confidential information. All staff are aware that this information is confidential and only for use within the nursery setting. Staff safety is also important and if a member of staff feels that they have a concern regarding dangerous malpractice, then they are able to report in confidence to the manager, who will then deal appropriately with the concern or issue.

**AIMS:**

* To ensure that all information held by the nursery regarding children, parents, carers and staff remains confidential at all times.

We will respect confidentiality in the following ways:

* All information to be stored in a locked cabinet.
* All staff to be informed of the confidentiality policy and procedures during the induction period.
* We will seek permission from parents or carers should any information be requested by a third party for whatever reasons.
* Parents/ carers will have ready access to the files and records of their own children but will not have access to information about any other child.
* Issues to do with the employment of staff whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.
* Staff will not discuss the individual children, other than for purposes of planning/group management, with people other than the parent/carers of the child/ staff.
* All employees and students on placement must abide by the confidentiality policy and sign to say that they will do this at their induction.
* Employee contracts and rates of pay are confidential.
* The staff and management team will not pass on information given by the parents/carers unless permission has been given.
* In accordance with Data Protection Registration employees will ensure that all personal information and files are stored correctly and securely when not in use.
* Care should be taken when speaking on the telephone that no information is given on a child unless speaking to parents, emergency contacts or professionals from other agencies such as social services. If in doubt verify or seek advice and telephone back.
* Observations used for qualifications and training must not use children’s real names and require parental permission before commencing.
* Observations on individual children may be seen by parents therefore they should not include real names of other children.
* Staff will not discuss individual children with people other than the parents/carer unless for planning and management team purposes.

**Safeguarding issues may necessitate referring a child who may be at risk of harm without prior parental consent, in accordance with the Safeguarding Children Policy.**

* No staff member or student are allowed to discuss children, parents or anything to do with the company on any social networking site.
* All the undertakings above are subject to the paramount commitment of the nursery to the safety and well being of the child. Any anxieties/ evidence relating to a child’s personal safety will be kept in a confidential file and will not be shared within the group except with the child’s key person or managers.
* Information given by parent/ carers to the managers or key person will not be passed onto other adults without permission.
* Students on work experience or other recognised courses observing in nursery will be advised of our confidentiality policy and required to respect it.
* The nursery will comply with all requirements of the Data Protection Act and the Information Commissioner’s Office.
* Any breach of confidentiality will be taken as a serious offence and may result in a charge of gross misconduct, in line with the company’s Disciplinary.
* We will respond to requests for information in line with legal legislation guidelines.
* Nursery practitioners are trained to deal with any situations involving pupils that may arise during the session time, in a caring and sensitive manner.
* When practitioners need to discuss sensitive issues with parents/carers they do so in an appropriate manner in suitable surroundings where confidentiality can be maintained.
* Children or parents/carers may make personal disclosures either in groups or to individual practitioners that cause concern.  Where practitioners have concerns for a child’s welfare concerns must be reported to the designated child protection member of staff.  In line with safeguarding policy concerns are usually shared with parents/carers and their consent sought prior to referral to another agency unless this is judged to put the child at further risk.
* Any information that parents/ carers or other professionals share with us we will treat as third party information and not share unless prior permission is gained.

**Useful contacts/ Supporting Legislation/guidance:**

OFSTED 0300 123 1231

Safeguarding Vulnerable Groups Act 2006

Public Interest Disclosure Act 1998

Every Child matters

Children Act 2004

Guidance for Safer working practice for adults who work with children and young people

EYFS Statutory Framework 2014

Information sharing guidance for practitioners.

Data protection Act (DPA) 1998

Freedom of Information Act 2000

ico.org.uk/

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Policy reviewed by Lucy Allcock- June 2019

**Policy reviewed and updated by Amiee Gleave – August 2020**