



Confidentiality

Version control

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Policy statement

Definition: 'Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.'

(Information Sharing: Guidance for Practitioners and Managers (DCSF, 2008))

At Otters Nursery Schools, staff, managers and directors can be said to have a 'confidential relationship' with families who use the nurseries, with work colleagues and with the organisation. It is our intention to respect the privacy of children, parents, carers, and persons who use, work for or are associated with Otters Nursery Schools. This will be done whilst ensuring children have access to high quality early years care and education in our settings. We aim to ensure that all information shared is in confidence. Information regarding children will only be used to enhance the welfare of the children. Information regarding persons using, working for or associated with Otters Nursery Schools will only be used to enhance the welfare of the person in question. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information takes place within the framework of the Data Protection Act and the Human Rights Act.

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Procedure



Otters Nursery Schools work in conjunction with children and families. This will sometimes bring staff into contact with confidential and personal information.

To ensure that all those using and working in the nursery can do so with confidence, we respect confidentiality in the following ways:-

- All staff, paid or unpaid, will sign a Confidentiality Agreement prior to employment.
- The Confidentiality Agreement forms part of the contract of employment.
- Otters Nursery Schools will uphold the Confidentiality Agreement and take legal action against any person who has broken the agreement during or after employment or association.
- Staff will not discuss children with other people not directly involved with the child, without the permission of the parents/carers of that child.
- Information given by parents/carers to staff will not be passed onto other adults without permission unless the information relates to a safeguarding concern. The Safeguarding Procedure must be followed.
- All personal records on staff and children are strictly confidential and are kept in the office. This information must not be passed onto other parents or staff members unless permission has been given by that person.
- Developmental records on the children should remain in a secure place in the child's room and not on display.
- All nursery records will be monitored by the Manager.
- Confidential records to be shared will be done so in an appropriately private and sensitive manner.
- The Manager will be responsible for monitoring all photos taken within the nursery premises or off site when children are involved.
- designated Company Director R. Angell will monitor all posts on the company website and press release.
- Otters Nursery Schools documentation and all aspects of Otters Nursery Schools are confidential, remain the intellectual property of the company and where appropriate are subject to copyright.
- All Information discussed at staff meetings will remain within the nursery setting.
- Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to people directly involved with the making of personnel decisions and the member of staff in question.
- Staff will not post information on any social networking sites such as Facebook, MySpace or Twitter, which mentions:
 - any confidential information regarding employment issues,
 - children currently attending or who have previously attended Otters Nursery Schools,
 - staff members/colleagues,or anything that would bring the nursery's name into disrepute.

Key Commitments



We always check whether parents regard the information they share with us to be regarded as confidential or not.

Some parents sometimes share information about themselves with other parents as well as staff; the nursery cannot be held responsible if information is shared beyond 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 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. We keep all records securely (see our record keeping procedures).

Parent/Carer access to records procedures

Children's development records are shared with and are available for parents at all times. The records are specifically shared at regular intervals at parent evenings, of which parents/carers have prior knowledge.

At other times parents/carers 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 manager.
- Records NOT containing sensitive information can be made available at the earliest convenience.

Records containing sensitive information shared with third parties the following procedure must be followed :

- The Manager informs any other agency involved within 24 hours and acts according to their advice.
- The Manager informs designated Company Director R. Angell within 24 hours and keeps the person fully briefed on advice and actions taken.
- The Manager sends a written acknowledgement to the person making a request.
- The nursery commits to providing access within 14 days, although this may be extended.
- The Manager writes to all third parties, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. 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 social services, the health authority, etc. It is

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- usual for agencies to refuse consent to disclose, preferring the individual 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.
 - The manager, acting on any third party advice, prepares the file for viewing. The Manager will go through the file and remove any information which a third party has refused consent to disclose. 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. 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 shared with designated Company Director R. Angell before further action is taken.
 - Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against Otters Nursery Schools or another (third party) person or agency.
 - The 'clean copy' is photocopied for the parents/carers who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the Manager, so that it can be explained.

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

Legal framework

Data Protection Act 1998
Human Rights Act 1998