



Registered Charity No. 1033185

Title:	CONFIDENTIALITY, DATA PROTECTION AND INFORMATION SHARING POLICY
Outcome Statement:	We aim to promote an environment of respect with reference to confidential information and data protection relating to the children, families or group users and the groups business. The purpose of this policy is to ensure that personal information about children, families and staff remains confidential and is stored appropriately. Where information about a child or their family is required to be shared with other agencies it is done so in an legal and ethical manner which will not impact on the personal rights of the child and their family.
To meet the standards as part of:	Data Protection Act (1998) GDPR (2018) Ofsted Early Years Alliance
Applicable to & For use by:	All members of the pre-school setting: Staff, Committee Members, Volunteers, Parents / Carers, Visitors including work people.
Appendices:	Appendix A- Confidentiality Declaration Form
Last reviewed:	February 2024
Reviewed by:	Hainford & Frettenham Pre-school Manager / Chairperson
Date of Committee Meeting policy adopted at:	
Chairperson Name and Signature:	
Review Date:	Summer term 2026

CONFIDENTIALITY AND DATA PROTECTION

‘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).

In our setting, staff and managers 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 strongly believe that confidentiality and data protection must be maintained at all times by staff, student workers, committee members, voluntary workers and parents within and under 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. We meet the requirements of the Data Protection Act 2018 with regard to information we gather from or about families, how we gather it, store it and use it. Our procedures enable us to meet these requirements. For more information about the Data Protection Act, please go to: <https://www.gov.uk/data-protection>

It is inevitable that our work with children and families will bring us into contact with confidential information. We will not tolerate matters of confidentiality or data protection being discussed by any persons who may not be directly involved or necessary to the circumstances to which it may refer.

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

For Everybody connected to Pre-School

- Ensuring all staff, voluntary workers, students, committee members and parents, and visitors are made aware of the importance of confidentiality. They are aware of the confidentiality policy and the requirement to read this document, and where it is held within the setting for all to access.
- Ensuring all staff, voluntary workers, students, committee members and parents are made aware of any changes or updates which are made to the confidentiality policy which must therefore be noted.
- Asking staff, volunteers, students, committee members, parents and carers under the setting to sign a confidentiality pledge (Confidentiality Declaration) stating the requirements and importance of maintaining confidentiality.

Staff, Volunteers and Students

- Information learned as part of the job concerning children, parents and adults, must remain confidential, both during employment/ placement and after.
- Staff, committee members, volunteers and students will be required to sign a Confidentiality Declaration annually which outlines the need for confidentiality during and after their time in post. (A copy of this declaration is attached as an appendix to this document). This will be stored in their staff file.
- Minutes of Staff Meetings may contain confidential information of a sensitive nature. Any issues discussed during meetings remain confidential to those staff in attendance.
- Staff will not discuss individual children, other than for purposes of curriculum planning/group management, with people other than the parents/carers of that child or the setting manager.
- It is forbidden that any members (staff, student workers, committee members, voluntary workers or parents) use social networking sites to discuss issues under our setting which are of a confidential

nature, or to make inappropriate and judgemental comments about the work, staff, children and families. This also includes comments which could be perceived as complaining or broadcasting negative personal feelings held about the setting, work responsibilities or such like. Disciplinary action will be taken should this situation arise, by the Management Committee.

- Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions, this usually being the Chairperson and Manager.
- Any concerns/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 Manager and the Chairperson.
- Students on Early Years Alliance or other recognised courses, observing in our group, will be advised of our confidentiality policy and will be required to respect it at all times.
- Information about individual members of staff will not be given out to anyone without permission of that person except in the case of Safeguarding Children

Committee Members/ Trustees

At the first Committee Meeting, the importance of confidentiality will be explained. There is a separate policy (Trustee Confidentiality Policy) that will be shared, with trustees being required to read and then sign the confidentiality agreement (See appendix).

Committee members will be reminded that:

- During their term in office as a committee member, they may be party to confidential information concerning the children, families or group users and the group's financial business. Any information that is received as a result of their position as a committee member must remain confidential to them at all times.
- Confidential issues must not be discussed with parents, or any other individual not connected with the organisation or anyone that does not need to be informed.
- During and after their term of office, they must not disclose or allow the disclosure of any confidential information, except in the proper course of their membership of the committee.
- Ensuring those involved in confidential discussions are necessary to the discussion.
- Ensuring that when a confidential matter is discussed at a meeting, the Chair makes it clear to members present and members are aware that the confidentiality policy applies to any matters.
- Ensuring that if a confidential matter is discussed outside of the meeting, steps will be taken to deal with the issue more formally.
- Ensuring confidential items are recorded correctly.
- Ensuring items which are confidential are not documented in Committee Meeting minutes, but are shown, for example, as: 'Confidential matter related to staff pay discussed – minutes of discussion and agreements reached will be held in a confidential file'. The discussion will be documented and filed separately in a locked file with access only by authorised parties (specific members of the Committee). (NB: The minutes of a committee meeting are not confidential as they are a public document for members to read).

Parents and Carers

- Being clear about what is confidential prior to a discussion- 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 setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in
- Information given by parents/carers to the pre-school leaders will only be shared on a need to know basis.
- 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 - 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.
- All parents can see the details kept about their child and themselves at any time
- Parents/carers will not be given access to the information kept on other children and their families
- Feedback given to parents/carers on their children's progress will be given directly to the parent/carer unless they state that a third person can be involved
- We strongly advise and expect that all parents/carers under the setting equally adhere to our Social Networking expectations, which forbids any persons under or connected to the setting, using social networking sites to discuss issues or share photos which are of a confidential nature, or to make inappropriate and judgemental comments about staff, children and other families. Careful consideration will be given with regard to the action that will be taken should there be a breach in confidentiality in this way. Please see our Safeguarding Policy for more information.

Confidential Documents

- Any personal information is held securely and in line with legal requirements; General Data Protection Regulations (GDPR) (2018) and the Human Rights Act.
- We keep all records securely and only available to authorised personnel
- A list of Parent names and contact telephone numbers are kept with the committee chairperson in cases needing emergency contact i.e. bad weather closures.
- Documents containing confidential information or of a sensitive nature will be stored in a locked filing cabinet within the locked office (paper documents). Digital files will be kept securely, with appropriate passwords on the preschool laptop, documents and any memory sticks used.
- We use an online learning journal to record observations and progress. These are updated by all members of staff both on the preschool premises and at their homes. The learning journals are all password protected and secured safely by each member of staff.
- Certain records may have to be retained by the setting in accordance with the Data Protection Act 2018.
 - Children's medication and First Aid Records are retained for 21 years after the child has left the setting
 - Children's records/ admission/ permission forms are retained for 3 years after the child has left the setting.
 - Staff application forms and interview records are retained for 6 months (unsuccessful candidates) or 6 years after employment ends (successful candidates).
 - Financial records are retained for 6 years
- Further guidance on retention periods can be found on the Early Years Alliance website: https://www.eyalliance.org.uk/sites/default/files/retention_periods_for_records_aug_13.pdf

Whilst the Data Protection Act places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child or vulnerable adult being placed at risk of harm. Therefore, we have our 'information sharing' procedures outlined further in this policy.

Steps taken if a breach of confidentiality arises:

Staff

- One to one meeting with Manager and Chairperson. (In event of long-term sickness this will be the Deputy Manager in their role as 'Acting Manager' / Vice Chairperson)
- In the event that the breach in confidentiality has been conducted by any of the persons as above, the most next senior member of the Management Committee will be asked to attend.

- An investigation will commence into confidentiality breach. If a data protection breach has occurred, this will be referred to the ICO (see <https://ico.org.uk/for-organisations/advice-for-small-organisations/72-hours-how-to-respond-to-a-personal-data-breach/> for further information)
- Staff will be reminded of Confidentiality Policy and requirements to ensure that the policy and procedures are fully understood.
- If relating to a child and/or Parent/Carer – Parent/Carer will be informed.
- If a formal complaint has been received the required process will be conducted under the Complaints Policy.
- A record will be kept of any meetings/discussions that take place.
- A formal verbal warning will be issued to the member of staff.
- Should a second breach ever occur this will lead to a formal warning and may result in dismissal.

Members of the Committee

- One to one meeting with Chairperson and Manager. (In the event of long-term sickness or the breach involving persons holding these positions, the Deputy and / or Vice Chairperson)
- Other members of the Management Committee will be informed and may be invited to attend any meetings.
- An investigation will commence into confidentiality breach. If a data protection breach has occurred, this will be referred to the ICO (see <https://ico.org.uk/for-organisations/advice-for-small-organisations/72-hours-how-to-respond-to-a-personal-data-breach/> for further information)
- A decision will be made by the Management Committee who will all agree if the breach justifies the committee member to be asked to resign in their position.

Parent/Carer/Guardian

- One to one meeting with Chairperson and Manager. (In the event of long-term sickness or the breach involving persons holding these positions, the Deputy and / or Vice)
- Parent/Carer/Guardian will be reminded of the confidentiality policy held by the pre-school and requirements of maintaining confidentiality.
- If in extreme circumstances and/or if breaches continue, parent/carer/guardian may be asked to remove their child and leave the setting.

STORING CHILDREN'S INFORMATION

At Hainford and Frettenham Pre-School, we keep two types of records on children who attend our setting; developmental records and personal records.

Development records

- These include observations, which are now kept on tablets as we use tapestry an online learning journal. Tapestry is password protected, with parents being provided with their own log-in details. If tablets are taken to work on at home they are kept securely at the keypersons home and locked away when not in use.
- Other developmental records, such as progress reports, 2 year old checks and parental reports are stored in a lockable filing cabinet and keys are kept securely by the Pre-school staff. They can be freely accessed and contributed to by staff, child and the child's parents.

Personal records

- These include Admisson Forms, Permission Forms, correspondance concerning the child or family.
- These confidential records are stored in a lockable filing cabinet and are kept secure by the Manager and Deputy Manager of the Pre-school.
- Parents can have access to the files and records of their own children but not any other child.

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- Staff will not discuss personal information given by parents with other staff, except where it effects the planning for the child's needs.
- We retain children's records for three years after they have left the Pre-school, except records that relate to an accident or child protection matter, which are kept until the child reaches the age of 21 years. These are kept in a locked filing cabinet in the locked office.

PROVIDER RECORDS

We keep records for the purpose of maintaining our business. These include:

- Records pertaining to our registration.
- Landlord/lease documents and other contractual documentation pertaining to amenities, services and goods.
- Financial records pertaining to income and expenditure.
- Risk assessments.
- Employment records of staff.

Our records are regarded as confidential on the basis of sensitivity of information, such as with regard to employment records and these are maintained with regard to the framework of the General Data Protection Regulations (2018) and further details are given in our Privacy Notice and the Human Rights Act.

Procedures

- All records are the responsibility of the management committee who ensure they are kept securely.
- All records are kept in an orderly way in files and filing is kept up-to-date.
- Financial records are kept up-to-date for audit purposes.
- Health and safety records are maintained; these include risk assessments, details of checks or inspections and guidance etc.
- Our Ofsted registration certificate is displayed.
- Our Employer Liability insurance certificate is displayed.
- All our employment and staff records are kept securely and confidentially.

INFORMATION SHARING

We recognise that parents have a right to know that the information they share with us will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, we are obliged to share information. The purpose of this policy is to ensure that where information about a child or their family is required to be shared with other agencies it is done so in an legal and ethical manner which will not impact on the personal rights of the child and their family.

'Working Together to Safeguard Children' identifies from research and experience that keeping children safe from harm requires professionals and others to share information. Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect. No practitioner should assume that someone else will pass on information which may be critical to keeping a child safe.

We record and share information about children and their families (data subjects) in line with the six principles of the General Data Protection Regulations (GDPR) (2018) which are further explained in our Privacy Notice that is given to parents at the point of registration. The six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed.
6. Processed in a way that ensures appropriate security of the personal data including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- it is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with the back-up of the management committee.

The three critical criteria are:

- Where there is *evidence* that the 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 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.

Procedures

Our procedure is based on the GDPR principles as listed above and the seven golden rules for information sharing as set out in *Information Sharing: Guidance for Practitioners and Managers*.

- Remember that the General Data Protection Regulations 2018 and Human Rights Law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
- Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.
- Be open and honest. Explain to families how, when and why information will be shared about them and with whom, and seek their consent to share information, unless it puts the child at risk or undermines a criminal investigation. This policy is shared with parents at the point of registration and available on the website for reference at all times.

In our setting we ensure parents:

- receive information about our information sharing policy when starting their child in the setting and are made aware of when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult.
- have information about our Safeguarding Children and Child Protection policy; and
- have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.

In our setting we ensure staff:

- Seek advice when there are doubts about possible significant harm to a child or others.
- Managers contact CADS (Children's Advice & Duty Service) for advice where they have doubts or are unsure.

- Share with informed consent where appropriate and, where possible, respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.
- Guidelines for consent are part of this procedure.
- Managers are conversant with this and are able to advise staff accordingly. Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding ‘significant harm’ the child’s well-being and safety is paramount.

In our setting we always record concerns regarding safeguarding and children protection. We discuss these with the following people, where appropriate:

Safeguarding Lead Practitioner/ Manager	Louisa Coleman
Deputy Safeguarding Lead Practitioner/ Deputy Manager	Laura Luxford
Safeguarding Lead Practitioner Trained/ SENCo	Jodie Girling
Committee Chairperson/ Committee Safeguarding Representative	Rosina Monsey

We always record decisions made and the reasons why information will be shared and to whom; and

- follow the procedures for reporting concerns and record keeping.
- have safeguarding as an agenda item at all committee meetings, staff meetings and staff supervisions.
- Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.
- Our Child Protection procedure sets out how and where information should be recorded and what information should be shared with another agency when making a referral (see safeguarding policy)
- Reasons for decisions to share information, or not, are recorded and kept securely and confidentially in the child’s personal file.

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 may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies are given to parents of the forms they sign.
- Consent must be freely given and informed – that is the person giving consent needs to understand why information will be shared, what will be shared, who will see the information, the purpose of sharing it and the implications for them of sharing that information as detailed in the Privacy Notice.
- Consent can be withdrawn at any time.

We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

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 also see our Safeguarding Children and Child Protection policy.

CONFIDENTIALITY DECLARATION



All staff, committee members, students, voluntary workers, parents and carers under the setting of Hainford & Frettenham Pre-school Learning Alliance are required to sign a Confidentiality Declaration in line with our Confidentiality Policy.

- Confidential issues in which relate to children, parents, the business or finances of the setting, must be kept in strictest confidence and must not be discussed with others.
- Information which may be received that contains personal, sensitive or confidential matters must be handled with diplomacy and discretion and kept in strictest confidence.
- If working under the setting in an employment or voluntary capacity, during or after a pre-school session, events or incidents which may have occurred must not be discussed or disclosed to others.
- The appropriate procedure must be adhered to should there be a need to discuss or highlight any concerns in relation to the pre-school sessions, the children, staff, volunteers, students, parents or carers. First and foremost this should be with the pre-school manager (or Deputy) or if this is not felt to be appropriate, the pre-school Chairperson.
- Discussions which are held during one to one or group meetings that may disclose sensitive or confidential information must not be discussed with others and kept confidential to you.
- Staff, Committee Members, Student workers, Voluntary workers, Parents or Carers, shall not after their time under the setting, disclose or allow the disclosure of any confidential information, except in the proper course of practice.
- Under no circumstances must social networking sites be used to discuss issues of a confidential nature, or to make inappropriate or judgemental comments about work, staff, children and other families. This also includes comments which could be perceived as complaining or broadcasting negative personal feelings held about the setting, work responsibilities or such like.
- It is also forbidden that matters of a confidential nature, in which any parties may have been involved in during their time under the setting, be discussed or disclosed to any other persons, should they no longer be involved under the setting.

I have read and understood the pre-school's Confidentiality Declaration and am aware of the Confidentiality Policy of the setting.

I will respect all aspects of confidentiality as outlined within this declaration.

Name: (Please print)	
Position Held:	
Signed:	
Date:	