

## Confidentiality Policy

**It is our intention to respect the privacy of the children and their parents/carers whilst they access high quality care and education within our setting.**

### Aim

We aim to ensure that all parents/carers feel confident enough to share information on the understanding that it will only be used to enhance the welfare of their children.

Our procedures enable us to comply with legislation such as the Human Rights Act 1998 in regard to protecting the individual's right to privacy. Our only justification to interfere with this right is where we believe a child may be at risk of significant harm or to prevent a crime.

We also comply with the Data Protection Act 1998. This dictates how we gather, store and use the information about the families who use our setting. As an organisation that process personal data, we are registered with the Information Commissioner's Office (ICO).

We would only share information about our families with other professionals or agencies on a "need to know" basis, with consent from the parent/carer or without consent in circumstances where there are safeguarding issues.

All personal information is kept on the booking platform Ipal. Any written information concerning a child is kept in a confidential file in a locked filing cabinet in the NAP cupboard.

### Other Records

- Issues to do with the employment of staff, whether paid or unpaid remain confidential to the people directly involved with making personnel decisions.
- Students, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it at all times.

### Sharing Information

- There are times when we are required to share information about a child or their family. These are when:
  - There are concerns that a child is or may be suffering significant harm.
  - The 'reasonable cause to believe' a child is or may be suffering significant harm is not clear.
  - There are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of the parents).
- We explain to families about our duty to share information for the above reasons during their induction to the setting.
- Where we have concerns such as above, we would gain consent from families to share. This will be in writing, and a record will be kept in the child's file that we have gained written consent as a result of discussing a concern that we need to refer to a social care agency.
- We do not seek consent from parents to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example, where we have cause to believe a parent may be trying to cover up abuse or threaten a child.
- Where we decide to share information without consent it is always recorded in the child's personal file and a reason clearly stated.

- Where evidence to support our concerns are not clear we may seek advice from North Somerset's Children's Social Care Department.
- We only share relevant information that is both accurate, factual, non-judgemental and up to date.

### **Access to Personal Records**

Parents may request access to any personal records held on their child and family following the procedure below.

- Any request to see the child's personal records by a parent or person with parental responsibility must be made in writing to the person ultimately in charge of the setting, the Chairperson.
- The Chairperson will send a written acknowledgement.
- The setting commits to providing access within 14 days although in some circumstances this may be extended.
- The Chairperson prepares the file for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. A copy of these letters are retained on the child's 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 usual for the agencies to refuse consent to disclose, preferring the individuals 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.
- A photocopy of the complete file is taken.
- The Chairperson will go through the file and remove any information which a third party refused consent to disclose. This is best done with a thick black marker pen, to score through every reference to the third party and any information they have added to the file.
- What remains is the information recorded by the setting, detailing work initiated and followed by them in relation to confidential matters. This is called a clean copy.
- The 'clean copy' is then photocopied for the parents who are then invited into the setting to discuss the contents. The file should never be given straight over, but should be gone through by the Chairperson and setting manager, in order that it can be fully explained.
- 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.

### **Procedure for Transporting Confidential Documents**

- Personal and developmental records will only be edited within the setting.
- On the rare occasion that personal records may need transporting to other agencies/professionals, they will be hand delivered by an authorised person at the setting. (We will ensure that we have parental permission to do this, except when to do so may result in serious harm to the child.)
- If personal files need to be relocated for any reason to another place of safety the Chairperson of the committee will transport the locked file with the key. The file will then be stored by the nominated person in a place of safety.
- Any confidential information no longer required will be disposed of by secure shredding.

### **Electronic Messaging and Social Networking**

- No members of staff or students are allowed to discuss children, parents/carers or anything to do with the setting on any social networking sites.
- Emails containing information about parents/carers and children should be kept brief and only initials used.

- Personal information about children, parents or carers must not be looked at by students on placement unless specific consent has been given by a parent/carer for a specific reason.
- Care should be taken when speaking on the telephone that no information is given on a child unless speaking directly to the parents/carers, emergency contacts or professionals from other agencies such as social services. If you are ever in doubt, verify or seek advice and call back.
- Any breach in confidentiality will be regarded as a serious offence.

### **Mobile Phone Policy**

- We do not allow the use of personal phones during our opening hours on the premises, either indoors or in the outside play area.
- Mobiles belonging to staff should be switched off and kept in a secure place away from the children.
- If staff do need to be contacted in case of an emergency, it is acceptable to use the settings phone number to do so.
- This ban excludes the settings allocated mobile phone which is required as a point of contact for parents and other persons.
- This mobile is checked by staff members regularly, to ensure it has not been used inappropriately.
- Where possible, this mobile will not contain a camera setting.
- The mobile phone will not be used to photograph the children.

All parents and visitors will be advised of this policy during their induction into the setting. Parents and visitors will be asked to ensure they adhere to it at all times. Further information on the use of mobile phones is within the setting's Safeguarding Procedure.

**Date to be reviewed:** July 2028

**Date amended:** July 2025

**Date signed off:** July 2025

**Signed:** Kathleen Williams

**Signed:** Jools Granville