

# Confidentiality Policy

## Statement

The Grass Roots Private Day Nursery Confidentiality Policy has been developed in accordance with the principles of:

- The Human Rights Act 1998
- The Data Protection Act 1998
- General Data Protection Regulations 2018
- The Freedom of Information Act 2000
- Crime and Disorder Act 1998 S17
- Children Act 1989 S17 and 47
- Children Act 2004 S10, 11 and 12
- The welfare regulations required by Section 40 of the Childcare Act 2006

This policy needs to be read in conjunction with the nursery settings Safeguarding and Child Protection and Allegations against Staff Policies.

As part of the ethos of our setting, we take seriously our responsibility to ensure the protection, health, safety and wellbeing of the children entrusted to our care. We expect our staff to comply with this confidentiality policy and will treat breaches of confidentiality as a serious matter. The members of staff who are responsible for implementation, monitoring and reviewing of the confidentiality policy are the settings management team.

## Rationale and Statement on the Importance of Confidentiality:

At Grass Roots we believe that:

- The safety, wellbeing and protection of the children in our setting are of paramount importance when staff are making decisions about confidentiality.
- The appropriate sharing of information between setting staff is an essential element of ensuring the wellbeing of children and young people in our care.
- It is an essential part of the ethos of our setting that there is a clear and explicit policy on confidentiality so that children, parents/carers and staff are able to seek help both within and outside the setting and the number of situations are minimised when personal information is shared to ensure children and staff are supported and safe.
- Parents/carers, children, young people and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues.
- The settings attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the setting.
- Everyone in the setting needs to know that no one can offer absolute confidentiality. The setting, at all times, puts the safety and welfare of the child first and any issue will be referred to the setting's designated safeguarding lead, or a deputy, as necessary. The name of the designated person is **Lucy Pottinger**.

## Definition of Confidentiality

For the purpose of this policy the following definition of confidentiality will apply:

"Discretion in keeping private information"

We aim to ensure that, in this setting, all parents and carers can share information with confidence that it will only be used to enhance the welfare of their children. The general rule, in this setting, is that staff should make clear that there are limits to confidentiality at the beginning of the conversation. These limits relate to ensuring children's safety and wellbeing.

### **Staff, Visitors and Volunteers Responsibilities**

All people working with children in this setting will:

- Adhere to the fact that the interest of the child is paramount
- At the outset inform the child, parent/carer or staff member that they cannot offer complete confidentiality in circumstances when they are concerned for the child or other children or parents or staff members.
- Will explain to the child, parent/carer or staff member as appropriate at the outset openly and honestly what and how information will or could be shared and why and seek their agreement.
- The exception being when to do so would place the child, young person or others at increased risk of significant harm or an adult at risk of serious harm or if it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with a potential investigation.
- Will ensure that the information they share is accurate and up to date and necessary for the purpose for which they are sharing it, shared only with those people who need to see it and shared securely.
- Unless they are already known, a phone call received from a professional seeking information, must be verified before information is divulged by calling them back on an organisation telephone number and not a mobile phone.
- Inform any child, parent/carer or staff member when they have inadvertently made a disclosure that they may need to share the information with the designated safeguarding lead.
- At all times abide by the setting's child protection policy.
- Be duty bound to act appropriately upon information not directly given to them and consult with the designated child protection person in the setting.
- Where there are areas of doubt about the sharing of information seek a consultation with your local Safeguarding Children's Board.
- Are aware that under no circumstances should any member of staff, visitor or volunteer either at work or in any other place, make, deliberately download, possess, or distribute material from the setting or that they know to be illegal, for example child sexual abuse material

### **Ground Rules in the Setting for Carers/Parents, Staff and Children**

In order to create the right sort of learning environment and to help safeguard people's rights to confidentiality the setting believes it is best to establish a clear set of ground rules to work within whilst at the setting.

Ground rules will enable sensitive or controversial issues to be explored in a way that can minimise the risks of inappropriate disclosures being made.

### **Examples of Ground Rules**

- Listen to views and opinions
- If we find out things about another child, parent/carer or staff member which are personal and private we won't talk about it unless the child, parent/carer or staff member is at risk of significant harm.
- If we are worried about some else's safety we will then talk to the setting's designated safeguarding lead.
- We will respect each other and not laugh, tease or hurt others.

### **When Confidentiality should be broken and Procedures for doing this**

See the safeguarding and child protection policy and if you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to **Lucy Pottinger**, Designated Safeguarding Lead.

### **Children's Records**

We keep two kinds of records on children attending our setting:

#### **1. Developmental Records**

These include observations of children in the setting, samples of their work, summary developmental reports and records of their achievements.

These are documented and kept online, with password access for staff and parents, and can be accessed and contributed to by staff, and the child's parents/carers. Sometimes staff need paper copies of these documentation but they will be kept in key person files and kept locked in the office.

#### **2. Personal Records**

These include registration and admission forms, signed consents and correspondence concerning the child or family, reports or minutes concerning the child from other agencies, an ongoing record of relevant contact with parents and observations by staff on any confidential matter involving the child such as developmental concerns, child protection or welfare matters. These confidential records are stored in a lockable file or cabinet and are kept secure by the person in charge in an office or other suitable safe place. Parents have access in accordance with the access to records procedure to the files and records of their own children but do not have access to information about any other child. Parents do not, however, have an automatic right of access to child protection records.

### **Other Records**

Issues to do with the employment of staff, whether paid or unpaid will remain confidential to the people directly involved with making personnel decisions.

Student volunteers who are working or observing in the setting are advised of our confidentiality policy and required to respect it.

### **Monitoring and Review**

All setting personnel and visiting staff will have access to a copy of this policy and will have the opportunity to discuss any questions or issues raised with management.

This policy has been written to reflect the new guidance and legislation issued in relation to safeguarding children and promoting their welfare.

This policy forms part of our setting development plan and will be reviewed annually. All staff should have access to this policy and sign to the effect that they have read and understood its contents.

**This policy will be reviewed by management annually, who are responsible for ensuring the dissemination of this policy to all staff, volunteers and parents.**