

7. Confidentiality Policy

Version number	Dates produced & approved	Reason for production & revision	Author	Locations	Proposed next review date
V1.0	Jan 2010	First adopted	Cttee	Dropbox.com	
V2.0	Jan 2014	Updated	Cttee	Dropbox.com Website	
V3.0	Jun 2015	Updated	S Huxley-Reynard	Dropbox.com Website	June 2016
V4.0	Sept 2017	Reviewed, updated & version controlled	K Coupe	Dropbox.com Website	2019/20
V5.0	Sept 2018	Update re GDPR	K Coupe	Dropbox.com Website	2020/21
V6.0	Sept 2019	Updated to include section on Committee Members plus a confidentiality agreement (appendix 1)	K Coupe	Dropbox.com Website	20201/22
V7.0	30 Aug 2020	Updated to include section on staff plus a confidentiality agreement (appendix 2) and guidance on videos of staff on Facebook page	K Coupe & R Clare	Dropbox.com Website	Sept 2022
V8.0	19 Apr 2021	Confirmation of what is Special Category personal data as defined by the ICO	K Coupe	Dropbox.com Website	May 2023
V9.0	25 Apr 2022	Updated as follows: • list of associated policies and procedures section as per EY Services Safeguarding Audit (175/157 section) 2022	K Coupe & E Pearce	Dropbox.com Website	Apr 2023

Statement of Intent

It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality pre-school care and education.

Aim

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. Means of storing and sharing that information take place within the framework of the General Data Protection Regulations (GDPR) 2018, Data Protection Act 2018 (DPA 2018) and the Human Rights Act 1998. However, the GDPR and DPA 2018 do not prevent, or limit, the sharing of information for the

purposes of keeping children and young people safe¹. Personal data about children and their families is categorised by the Information Commissioner's Office as "special".

Methods

To ensure that all those using – and working in- North Nibley Pre-school can do so with confidence, we respect confidentiality in the following ways:

- Parents have ready access to the files and records of their own children but do not have access to information about any other child.
- Confidential information relating to children, eg. Special Educational Needs (SEN) discussions are made through an egress switch account, the password for which is only known by the nominated SENCo. (Not the Hotmail email to which a number of committee members have access).
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs.
- Staff induction includes an awareness of the importance of confidentiality in the role of the key person.
- Any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a "need-to-know" basis.
- Personal information about children, families and staff is kept securely in a lockable cupboard whilst remaining as accessible as possible.
- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personal decisions.
- Staff appraisals/interview notes are kept within their employment file, and not electronically on Dropbox.
- Students on Playgroup & Toddler Association (PATA) or other recognised qualifications and training, when they are observing in the Pre-school, are advised of our confidentiality policy and required to respect it.

Client access to records procedures

Parents may request access to any confidential records held on their child and family following the procedure outlined in North Nibley Pre-school's Policy 41 Data Subject Access Requests, which has been written to ensure compliance with GDPR and DPA 2018.

Committee members and confidentiality

As a not for profit organisation and a charity we are run by committee. Committee members are drawn from the parents/carers of the children who attend North Nibley Pre-school. During their time in office as a trustee or committee member, parents/carers will be party to confidential information concerning the children, families, staff, setting users, and the pre-school's business.

Any information received as a result of their position as a trustee/committee member must remain confidential to them. These issues must not be discussed with parents, or any other individual not connected with North Nibley Pre-school, unless agreed by the committee.

During and after their term in office, trustees/committee members must not disclose or allow the disclosure of any confidential information (except in the proper course of their membership

¹ Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (July 2018)

of the committee). All trustees/committee members must adhere to the requirements of the GDPR and the DPA 2018².

At the Pre-school's Annual General Meeting, elected trustees/committee members are asked to sign the pre-school's Committee Members confidentiality and communication agreement (see Appendix 1). The signed copy of this document is kept with the Pre-school's Single Central Record.

Staff and confidentiality

Staff have a right to privacy, as do children and their parents/carers. Personal details should not be discussed except in exceptional circumstances.

The Playleader, staff and volunteers and any other individual associated with North Nibley Pre-school will respect confidentiality by:

- not discussing individual incidents, behaviour or information concerning children in front of parents/carers or other children;
- not discussing confidential matters about children with other parents/carers;
- not discussing confidential matters about parents/carers with children or other parents/carers;
- not discussing confidential information about other staff members;
- only passing sensitive information, in written or oral form, to relevant people; and
- not disclosing any information from Pre-school to any others including friends and family.

In circumstances where staff have good reason to believe that a child is at risk, or is likely to be at risk, of child abuse or neglect, the Safeguarding Policy³ will override confidentiality on a 'need to know' basis.

Staff failing to show due regard for confidentiality will be liable to disciplinary action under the provisions of the Pre-school's Disciplinary Procedure⁴.

If a staff member works in more than one setting they must be aware that they must not share information regarding children and families between settings. If there are concerns about a child's protection, please refer to the Safeguarding Policy.

Staff, students and volunteers are required to sign the Pre-school's Staff Confidentiality Agreement (see Appendix 2). The signed copy of this document is kept in the Pre-school's Single Central Record.

Overview statement

All the undertakings outlined in this policy are subject to the paramount commitment of North Nibley Pre-school, which is to the safety and well-being of the child. Please see also our policy 4 Safeguarding children and child protection.

As we are a not for profit organisation, have regular contact with those we hold the information about and are committee led, we do not need to register with the Information Commissioner's Organisation (ICO).

² See Policies 36 Data Collection; 41 Data Subject Access Requests and 42 Data Breaches

³ Policy 4 Safeguarding Children and Child Protection

⁴ Policy 27 Disciplinary

Legal framework

- General Data Protection Regulation 2018
- Data Protection Act 2018
- Human Rights Act 1998

Further guidance

- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (July 2018)

Associated policies and procedures

- 4 Safeguarding children and child protection
- 23 Social Networking
- 36 Data collection and information sharing
- 41 Data subject access requests
- 42 Data breach procedure

Appendix 1

**Confidentiality and Communication Agreement:
Trustees/Committee Members**

Trustees and committee members are reminded that during his and her term of office, he or she may be party to confidential information concerning the children, families, staff, pre-school users and the pre-school's business. Any information which has been received as a result of your role as a trustee or committee member must remain confidential to you, the committee and the Lead Practitioner.

Information received by trustees and committee members about the pre-school staff and finances of the committee must also remain confidential.

Confidential issues must not be discussed with parents, or any other individual not connected with North Nibley Pre-school.

Trustees and committee members shall not, during or after his or her term of office, disclose or allow the disclosure of any confidential information (except in the proper course of his or her membership of the committee).

Trustees and committee members will ensure that they do not breach the General Data Protection Regulation 2018 (GDPR) and the Data Protection Act 2018 (DPA). North Nibley Pre-school, as an organisation which processes personal data, must comply with certain GDPR/DPA principles and the rights of the person about whom data is processed (eg. children, staff and volunteers). Personal data can be computerised, manual or any other format – this means that most files relating to children, staff and volunteers will fall within 'personal data'.

Trustees and committee members will communicate either in person or via email. In the case of the latter, by signing this Agreement, trustees and committee members are giving their consent to sharing their personal email addresses for such communications. They also agree to ensure that any such email communication is not kept on any electronic device (eg laptop, mobile etc) for longer than is necessary. North Nibley Pre-school recommends that housekeeping activities are undertaken regularly on their electronic devices, eg termly.

Any trustee or committee member found to have acted in contravention of this Agreement will have their position terminated forthwith. The remaining trustees and committee members will discuss if any further action need be taken. This will be dependent on the confidential nature of the information disclosed.

Signed (Chair): Date:

Signed (Treasurer): Date:

Signed (Secretary): Date:

Committee Member: Date:

Committee Member: Date:

Committee Member: Date:

Committee Member: Date:

Committee Member: Date:

Committee Member: Date:

Appendix 2

Confidentiality Agreement Staff, Students and Volunteers

This confidentiality agreement applies to all employed staff members, students and regular volunteers working directly/indirectly with children at North Nibley Pre-school.

Terms of the Agreement

[Definitions: You: staff member, student, volunteer; We: North Nibley Pre-school]

- You will keep any information heard, read or shared between staff members, outside agencies and parent/carers regarding a child and/or their family confidential.
- You will notify the Playleader or Committee Chair or Ofsted if You have concerns regarding the information shared or the method in which the information was shared.
- We will keep information regarding children and their families confidential, unless on a need to know basis.
- You will not post confidential information regarding staff members, children or parents/carers on social networking sites.
- You will not disclose that you work for a pre-school on social networking sites that you access outside Pre-school The exception being the Pre-school's Facebook page where videos are occasionally shared showing work done by the children and where staff are visible.
- If You develop concerns for a child whilst in our care or a child discloses information to You, You will report this to the Pre-school's Designated Safeguarding Lead or her Deputy. In the case of a disclosure or concern, the information should be written down clearly without interpretation or prejudices.

I accept and agree to the terms stated above.

Signature: Print Name: Date:

Signature: Print Name: Date:

Signature: Print Name: Date:

Signature: Print Name: Date:

Signature: Print Name: Date:

Signature: Print Name: Date:

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