



"A Confident Start in a Caring Environment"



HOME FARM CHILDREN'S NURSERY LTD (HFCN)

Confidentiality Policy

This policy will be reviewed annually.

Last updated:	June 2025
Next review:	June 2026
Ratified By:	HFCN Board

CONFIDENTIALITY POLICY

This is a Statutory Policy

Policy Statement

HOME FARM CHILDREN'S NURSERY LTD (HFCN) is committed to keeping information about children, parents/carers and staff as confidential as possible. Our work with children and families will bring us into contact with confidential information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.

It is a legal requirement for HFCN settings to hold certain information about the children and families using our setting and also for the staff working at the setting. There are record keeping systems in place that meet legal requirements which means that we use, store and share that information within the framework of the current legislation on data protection and human rights (including General Data Protection Regulations (2018) Data Protection Act 2018 and the Human Rights Act (1998)). There may be instances whereby confidentiality is overridden by our Child Protection policy to ensure the safety of a child.

Our objective is to respect the privacy of children and their parents/carers and we endeavour to ensure that any information they may provide will only be used to enhance the welfare of their child(ren). The limits to confidentiality relate to the child's safety and wellbeing. The exception to this rule is when a member of staff is unsatisfied with a situation at the setting which they feel has not been dealt with adequately by a senior member of staff in respect of child protection issues, child welfare or bullying at work. In these circumstances staff must follow the HFCN Child Protection and Safeguarding Policy and take advice from the Local Authority Designated Officer (LADO) or Ofsted. Staff are not permitted to discuss any aspect of the setting externally. Staff induction includes an awareness of the importance of confidentiality.

Records are kept as follows:

- **Personal Records:** Each child's individual file will include: registration and enrolment forms, consent forms, information and observations by staff on any confidential issue involving the child; for example, developmental concerns or safeguarding concerns. Also, reports or minutes that may arise from any meetings that concern the child from other agencies working with the child/family.
- **Learning and Development Records:** These include observations, assessments, photos, developmental records and samples of children's work. These records can be accessed and contributed at any time by staff, the child's parents/carers and the child. Please also refer to the setting's Tapestry Policy.
- **Staff Records:** Each team member, paid or unpaid, will have a personnel file containing personal information, emergency contact details, next of kin, recruitment information, references, induction records, training records, qualifications, evidence of DBS and medical records. This file can be accessed by the individual to whom the file relates upon request to the management.
- **Medication Records:** Individual records relating to each child detailing ongoing medication and emergency treatment with consent from parents/carers
- **Accident and Incident Records:** Individual records relating to each child/staff member detailing the nature of the accident/incident, pre-existing injuries, who dealt with it and the outcome. If an accident has occurred at home staff complete a 'body map' this record will include counter signatures from staff and parents.

Working Practices

- In exceptional circumstances information is shared, for example with other professionals, social services or the police.

- Information shared with other agencies is done in line with our Information Sharing Policy.
- We always check whether parents/carers regard the information they share with us to be confidential or not.
- Information shared between parents/carers in a discussion or training group 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, e.g. 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.
- Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis.
- Where third parties share information about an individual, our practitioners and managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

Parent/carer access to records procedures

Parents may request access to any confidential records we hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that our setting has compiled.
- Any request to see the child's personal file by a parent/carer must be made in writing to the Manager who following written acknowledgement, will then proceed to make the necessary arrangements, subject to third party consent. (Where necessary, third-party names will be redacted prior to information sharing.)
- Our acknowledgement allows four weeks for the file to be made ready and available. We will be able to extend this by a further eight weeks where requests are complex or numerous. If this is the case, the Nursery will inform the parent/carer within four weeks of the receipt of the request and explain why the extension is necessary.
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- The Manager informs the child's Key Person and, in some cases, legal advice may be sought before proceeding to share a file.
- A note is made of any information, entry or correspondence which mentions a third party. Contact is then made with that person(s) explaining that the subject has requested sight of the file, which contains a reference to them and consent for disclosure is sought.
- 'Third parties' include each family member noted on the file; so, where there are separate entries pertaining to each parent, step parent, grandparent etc. each of them is contacted to request third party consent. Third parties also include workers from other agencies, including children's social care and Health authority.
- When consents/refusals have been received, the manager removes any information that a third party has refused consent for disclosure and deducts any references to the third party, and any information they have added to the file.
- The copy file is then checked by the line manager and legal advisors to verify that it has been prepared appropriately.
- 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 manager informs the parent that the file is ready and invites him/ her to make an appointment to view it.
- The manager and their line manager meet with the parent/carer to examine the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only the person(s) with parental responsibility may attend the meeting, or with the parent's legal representative or interpreter.
- The parent may take a copy of the prepared file.
- Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then they are referred to the complaint's procedure.

- The law requires that the information we held must be for a legitimate reason and be accurate (see Privacy Notice). If a parent says that the information is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent. We retain the right not to change that entry, but can record the parent's view of the matter. We then give a parent the opportunity to state their views which will be recorded.
- If there are any controversial aspects of the content of a child's file, legal advice will be sought. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already been completed and an appeal process is underway.

Telephone advice regarding general queries may be made to The Information Commissioner's Office Helpline 0303 123 1113.

All staff members will be aware of the confidentiality policy and procedure and will be required to accept and sign the setting confidentiality agreement.

At all times any information given by the parents/carers or the children will be treated with the safety and well-being of the children in mind.

HFCN will consider any unauthorised sharing of information as a serious offence and will take appropriate disciplinary action against anyone who breaks the confidentiality agreement.
All parents should note that in cases where there is a child protection concern for a child the setting has a legal responsibility to share this information and as such it does not fall within the scope of this policy.

Legal framework

- General Data Protection Regulations (GDPR) (2018)
- Data Protection Act 2028
- Human Rights Act (1998)

Further guidance

- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)
