General Welfare Requirement: Safeguarding and Promoting Children's Welfare

The provider must take necessary steps to safeguard and promote the welfare of children.

Safeguarding Children

1.4 Confidentiality

Policy statement for St Joseph's Pre-school

St Joseph's Pre-school's 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 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. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the General Data Protection Regulation 2018 (GDPR), the Data Protection Act 2018 (DPA) 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 safe.[1]

- *"Information **can be shared legally without consent**, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.*
- *Relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental or emotional well-being."*

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

Confidentiality procedures

To ensure that all those using – and working in – St Joseph's 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.
- We always check whether parents regard the information they share with us to be regarded as confidential or not.

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

- 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 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 (see our record keeping procedures) - 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.
- Personal information about children, families and staff are kept securely in a lockable cupboard whilst remaining as accessible as possible.
- 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 share with as few people as possible on a "need-to-know" basis.
- 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 kept secure in a lockable cupboard.
- Students on Playgroup & Toddler Association (PATA) or other recognised qualifications and training, when they are observing in St Joseph's Pre-school, are advised of our confidentiality policy and are 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 St Joseph's Pre-school's Policy 5.5 Data Subject Access Requests, which has been written to ensure compliance with GDRP 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 St Joseph's 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 St Joseph's 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

of the committee). All trustees/committee members must adhere to the requirements of the General Data Protection Act 2018 and the Data Protection Act 2018[2].

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 Lead Practitioner, staff and volunteers and any other individual associated with St Joseph's 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 Policy[3] 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 Procedure[4].

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.

[2] See Policies: 5.4 Data Protection; 5.5 Data Subject Access Requests and 5.6 Data Breaches
[3] Policy 1.2 Safeguarding Children and Child Protection
[4] Policy 2.1.1 Disciplinary

Overview statement
All the undertakings outlined in this policy are subject to the paramount commitment of St Joseph's Pre-school, which is to the safety and well-being of the child. Please see also our policy 1.2 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).

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)

Version Number	Author	Purpose of change	Date
1.0	E Kemp	Reviewed	Mar 2018
2.0	K Coupe	Reviewed & updated in line with GDPR & DPA 2018, and inclusion of version control	19/09/2018
3.0	K Coupe, N Powers & H Elliott	Updated to include section on Committee Members and confidentiality. Inclusion of a confidentiality agreement (appendix 1)	10/07/2019 AGM
4.0	K Coupe	Updated to include section on Staff and confidentiality. Inclusion of a staff confidentiality agreement (appendix 2)	06/082020 Cttee mtg

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 you role as a trustees 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, finances of the committee must also remain confidential.

Confidential issues must not be discussed with parents, or any other individual not connected with St Joseph's 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). St Joseph's 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. St Joseph's 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: ……

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 St Joseph's Pre-school.

Terms of the Agreement
[Definitions: *You:* staff member, student, volunteer; *We:* St Joseph's 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 Lead Practitioner 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.
- 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: ……

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