



Confidentiality Policy

“Share information with consent and where possible, respect the wishes of those who do not consent to having their information shared. Under the UK GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk” (Information Sharing Advice for Practitioners providing safeguarding services to children, young people, parents and carers May 2024).

Aims

At The Life Nursery we respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education in our nursery. 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. The Life Nursery will store and share information that takes place within the framework of the UK General Data Protection Regulations (UK GDPR) and the Human Rights Act (1998).

Confidentiality Procedure

- In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Some parents may share information about themselves with other parents as well as with nursery staff. The Life Nursery cannot be held responsible if information is shared by those parents whom the person has confided in.
- The staff at The Life Nursery discuss children’s progress and wellbeing together in meetings, but more sensitive information is restricted to the Manager and the child’s key person and is shared with other staff on a need to know basis.
- The Life Nursery do not discuss children with staff who are not involved in the child’s care, not with other parents or anyone else outside of the nursery.
- Any discussions that take place between The Life Nursery and other professionals will be within a professional framework and not on an informal or ad-hoc basis.
- Where third parties share information about an individual to The Life Nursery, the staff check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

Parent’s access to records procedure

Parents may request access to any confidential records The Life Nursery 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 The Life Nursery has compiled on them.
- Any request to see the child’s personal file by a parent or person with parental responsibility must be made in writing to the Nursery Manager.
- The Manager will acknowledge the request in writing, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- The Life Nursery’s written acknowledgement allows one month for the file to be ready and available. We will be able to extend this by a further two months where the requests are

complex and numerous. If this is the case, we will inform you within one month of the receipt of the request and explain why the extension is necessary.

- The Manager will inform the Directors and legal advice may be sought before sharing a file.
- The Manager will go through the file with the Directors and ensure all documents have been filed correctly, that entries are in date order and that there are no missing pages. The Life Nursery will note any information, entry or correspondence or other document which mentions a third party.
- The Life Nursery will write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is.
- They are asked to reply in writing or email to the Nursery Manager giving or refusing consent for disclosure of that material.
- The Life Nursery will retain copies of these letters and their replies on the child's file.
- 'Third parties' include each family member noted on the file; so where there are separate entries pertaining to each parent, step parent, grandparent etc. The Life Nursery will write to each of them to request third party consent.
- Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Staff at The Life Nursery should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information. The Life Nursery may grant refusal if the member of staff has provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed; or if that information is the basis of a police investigation. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with members of staff and decisions recorded.
- When The Life Nursery have received all the consents/refusals the Manager will take a photocopy of the complete file. On the copy of the file, the Manager will remove any information that a third party has refused consent for the nursery to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen.
- The copy file is then checked by the Directors and legal advisors to verify that the file has been prepared appropriately.
- What remains is the information recorded by the nursery, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- The Life Nursery will photocopy the 'clean copy' again and collate it for the parent to see.
- The Manager will inform the parent that the file is now ready and invite him/her to make an appointment to view it.
- The Life Nursery and Directors will meet with the parent to go through the file, explaining the process as well as what the content of the file records are about the child and the work that has been done. Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- The parent may take a copy of the prepared file away; but, to ensure it is properly explained to and understood by the parent, the Manager will never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. The Life Nursery recording procedures and guidelines ensure that the material reflects an accurate and non-judgmental account of the work we have done with the family.

- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then the nursery will refer the parent to their complaints procedure.
- The law requires that the information that the nursery holds must be held for a legitimate reason and must be accurate (see our Privacy Notice). If a parent says that the information we hold 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, The Life Nursery retain the right not to change that entry but will record the parent's view of the matter. In most cases, the nursery would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then.
- If there are any controversial aspects of the content of a child's file, The Life Nursery must seek legal advice. 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.
- The Life Nursery never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

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

All the undertakings above are subject to the paramount commitment of The Life Nursery, which is to the safety and well-being of the child. Please see also our policy on Safeguarding Children and Child Protection.

Legal framework

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

Further guidance

- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2024)

This policy was reviewed by Louise Gray, Nursery Manager and Kirsty Beck, Deputy Manager – September 2024

Policy read and agreed by:

Name	Date