



Confidentiality & Access to Records Policy

The EYFS statutory guidance 3.78 (DfE 2024) states.

‘Records must be easily accessible and available. Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Legislation and where relevant, the Freedom of Information Act 2000.

Definition: ‘Confidential information is 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.

At Bottesford Bunnies, educators can be said to have a ‘confidential relationship with families. It is the Pre-School’s intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education. The Pre-School aims 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 Pre-School has record-keeping systems in place that meet legal requirements, this means that the systems used to store and share information takes place within the framework of the Data Protection legislation.

Bottesford Bunnies’ work with children and families will sometimes bring us into contact with confidential information. To ensure that all those using and working in the setting can do so with confidence, we respect confidentiality in the following ways:

Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- 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.
- We keep all records securely (see our record keeping procedures)
- Parents are spoken to in the office, or in a private place, where necessary, to maintain confidentiality, subject to regulations.

Client access to records procedures

- Bunnies uses Connect Childcare and parents have access to Parents zone using a password. Passwords can be reset where necessary by the Director (Clare)
- Educators take tablets home to work on, they are password protected.

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

- All personal information about children and families are kept securely in a lockable box; whilst remaining as accessible as possible to Educators
- Any request to see the child's personal file (registration documentation etc) by a parent or person with parental responsibility must be made in writing to the Director (Clare)
- The Director (Clare) will send a written acknowledgement and commits to providing access within 14 days, although this may be extended.
- The Director (Clare) prepares the file for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking for permission to disclose to the person requesting it. Copies of these letters are retained on file.
- 'Third parties' include all family members who may be referred to in the records.
- It also includes workers from any other agency, including social services, the health authority etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go to them directly.
- When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- A photocopy of the complete file is taken.
- The Director (Clare) goes through the file and removes any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
- 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 'clean copy' is photocopied for the parents who are then invited in to discuss the contents. The file should never be handed straight over, but should be gone through by the Director (Clare) so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the setting, which is the safety and well-being of the child. Please see also our safeguarding policy.

- Educators will not discuss individual children, other than for the purposes of curriculum planning/group management, with people other than the parents/carers of that child unless written permission has been given e.g., with outside agencies such as Speech and Language therapy or Behaviour Support etc.
- Issues to do with employment of educators, whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions, this includes all matters relating to pay and performance.
- Any anxieties/evidence relating to a child's personal safety will be kept with the child's key person/Manager/Designated Safeguarding Lead and the Director (Clare). Other educators may be advised on a need to know basis.
- New Educators, students and volunteers will be advised of our confidentiality policy, as part of their induction and required to acknowledge and respect it, by signing a confidentiality agreement.
- Educators do not talk publicly about the work performance of their colleagues, or disciplinary or grievance matters in which they are directly involved.
- Any breach of the procedures and routines specified in this policy document will be investigated and may result in disciplinary action being taken if a staff member is involved.
- In collecting, holding and processing data Bottesford Bunnies complies with current Data Protection rules and guidance.

The EYFS statutory guidance 3.79 states,
 'Providers must ensure that all staff understand the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality'
 (DfE 2024)

- All requests for information relating to Government or local authority funding must be made through a Freedom of Information Advisor at the local authority.
- Bottesford Bunnies is aware of its responsibilities under the Data Protection legislation.
- A statement of confidential information will be maintained detailing the information held, the format, which has access, and any data sharing protocols.
- Records relating to individual children must be retained for a reasonable period of time after they have left the provision (DFE 2024: 3.80)

- Bottesford Bunnies Facebook page may show photographs but never of children's faces and no names are mentioned.
- Educators must never discuss work, pre-school children or their families outside of the pre-school and must never use social media sites to discuss particular aspects of work, children or their families (see safeguarding policy)

References to other relevant policies:

- Complaints policy
- Communication & Working in Partnership Policy
- General Data Protection Regulations (GDPR) Policy
- Safeguarding Children Policy
- Staffing & Employment Policy

Policy Review

- This policy will be reviewed annually or following a complaint in which a breach of confidentiality has been made
- Any complaints regarding this policy should be dealt with via the current complaints procedure

This policy is also in line with EYFS (DFE 2021) and Every Child Matters – 'Staying Safe'.

Amended Nov 2010

Next review Nov 2011

Amended Jan 2012

Next review Jan 2013

Reviewed March 2013

Next review March 2014

Reviewed March 2014

Next review March 2015

Reviewed and updated March 2015

Next review March 2016

Reviewed March 2016 by Owner, Manager, Deputy Manager and Practitioners

Next review date: March 2017

Reviewed and updated January 2017

Next review date January 2018

Reviewed and updated December 2017

Next review date December 2018

Reviewed and Updated December 2018

Next review date December 2019

Updated March 2019

Next review date March 2020

Reviewed and updated by Director (Clare) Managers and Practitioners at staff Meeting March 2nd 2020

Next review March 2021

Reviewed and updated by Director (Clare) Managers and Practitioners at staff Meeting July 21st 2021

Next review July 2022

Reviewed and updated by Director, Manager, Deputies and Practitioners at staff Meeting July 14th, 2022

Next review July 2023

Reviewed and updated by Director, Manager, Deputies and Practitioners at staff Meeting July 11th, 2023

Next review July 2024

Reviewed and updated by Director, Manager, Deputies and Educators at team Meeting October 2nd, 2024

Next review October 2025.