



## The Burrow Policies and Procedures



### **3. Our Community**

The Burrow is committed to Safeguarding and Promoting the Welfare of Children and Young People and expects all staff, students and volunteers to do the same. Safeguarding children is everyone's responsibility.

## **3.6 Confidentiality and Data Protection**

(including Information Sharing)

### **Policy statement**

At The Burrow, we aim to build a relationship of confidentiality with all members of our community. It is our intention to respect the privacy of staff, children, and their families, while ensuring that children access high quality Early Years care and education in our setting at all times. We aim to ensure that all staff and families can share their information in the confidence that it will only be used to enhance the welfare of the children. We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework of the *General Data Protection Regulation (GDPR 2018)*, the *Data Protection Act (2018)* and the *Human Rights Act (1998)*. We are registered with the ICO for storage of confidential information. In addition to this policy please refer to our **Privacy Notice (App 3.6a)** for further information and to see how and why we collect this information and how it is used.

### **Confidentiality**

#### *Procedures*

- All staff are made aware, through their induction, of this policy and that confidentiality is of the utmost importance to all those using and working in the nursery
- Personal records of children and staff are kept securely, and access is limited to designated staff
- Information is kept either in a manual file, which is stored securely, or electronically
- All computers containing personal data have security software installed and are password protected. Password changes are undertaken regularly
- All stored information, both hard and electronic, is disposed of securely/deleted after the statutory periods of time, once the child/staff member has left our provision as laid out in our **Retention of Data Checklist (App 3.6b)**
- Persons have ready access to some files and records of their own, or their own children, and not any other person. They should be aware that some information we hold may be sensitive and therefore subject to a formal request being made in writing in line with our **Privacy Notice (App 3.6a)**
- We always check whether the information shared with us is regarded as confidential or not
- We do not routinely share personal information with any other agencies without prior written consent from the person, unless the law and our policies allow us to do so - please refer to the *Information Sharing* section

- We do not discuss individual children/staff with anyone not directly involved with their care/employment, other than at a management level
- We inform parents/staff when we need to record confidential information with regard to their child/themselves, beyond the general personal information we keep - for example with regard to any injuries, incidents, concerns or changes to the child or the family, any discussions on sensitive matters, any records we keep regarding action taken in respect of child protection/safeguarding issues, and any contact and correspondence with external agencies
- Parents/staff have the right to object to information being used for certain purposes, e.g. photographs, website, Facebook
- Personnel issues remain confidential to the people involved
- Any concerns and evidence relating to children's/staff's personal safety or welfare is kept in a confidential file and is not shared within the nursery with the exception of the children's key workers/Management
- Children's individual abilities and behavior are not discussed with anyone other than the parent unless it involves another child
- Disciplinary procedures are carried out should a member of staff not follow our confidentiality procedures
- Our CCTV recordings are for security purposes only
- Access to CCTV recordings is restricted to the Manager and Business Manager
- Parents and staff receive a written *Privacy Notice* advising them of our data management processes

## Information Sharing

Sharing information is an intrinsic part of a practitioner's job when working with children. Sharing information helps to ensure that an individual receives the right services at the time and prevents a need from becoming more acute and difficult to meet.

Where possible, we only share information with consent.

We are obliged to share confidential information without consent from the person who provided it, or to whom it relates, if it is in the *public interest*.

That is when:

- it is to prevent a crime from being committed or to intervene where one may have been
- it is to prevent harm to a child or adult
- not sharing it could be worse than the outcome of having shared it.

The *GDPR* (2018), *Data Protection Act* (2018) and *Human Rights Act* (1998) are not barriers to justified information sharing but provide a framework to ensure that information is shared appropriately.

We consider the following when we need to share confidential information:

- is there a legitimate purpose to sharing the information?
- do we have consent to share?
- is there a statutory duty or court order requiring us to share the information?
- if consent is refused, or there are good reasons for us not to seek consent, is there sufficient public interest for us to share the information?

- if the decision is to share, are we sharing the right information in the right way?
- is the information necessary, proportionate, relevant, adequate, accurate, timely and secure?
- have we properly recorded our decision?

### *Procedures*

- Parents and staff are informed of our policy for Data Protection and Confidentiality (including Information Sharing) at their induction and a hard copy is made available to them should they request it
- Staff sign a declaration to confirm their understanding of this policy
- We routinely share certain aspects of staff personal data with outside agencies e.g. payroll, our local authority
- We routinely share children's information with outside agencies, without seeking consent, as listed in our **Privacy Notice (App 3.6a)**
- The decision to share confidential information without consent is always made as a management team decision and never individually
- If there is any doubt, advice is sought from the appropriate agency without disclosing the identity of the person where possible
- We do **not** routinely share information with any other agencies without prior written consent, unless it is unsafe to do so, or the law and our policies allow us to do so, as stated above
- We ensure the person giving consent understands why information is shared, what is shared, who sees it, the purpose of sharing it and the implications for them of sharing that information
- Where information is shared with regards a Safeguarding concern, details of what information is shared, with whom, when and why, is recorded on our **Discussion/Event Log (App 1.2c)** which is then kept in our Safeguarding Central File
- Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis, and details are kept as appropriate e.g. SEND
- Information discussed at parent's meetings is shared with staff as necessary
- Our staff discuss children's general progress and well-being together in meetings
- 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 are not responsible should that confidentiality be breached by participants
- In the case of separated parents, consent to share need only be sought from one parent, normally the parent with whom the child resides. Where there is a dispute, we consider this carefully
- Where a child is 'looked after', we may also need to consult the Local Authority as the 'corporate parent' before information is shared
- For further guidance on sharing information refer to our Children's Records and Provider Records Policies.

### *Transfer of confidential safeguarding information*

- The transition school or nursery provision need to have a record of any safeguarding or child protection concerns that were raised in our setting and what action was taken
- We make a summary of the concerns to send to the receiving setting or school, along with the date of the last professional meeting or case conference. Some Local Safeguarding Children Boards will stipulate the forms to be used and provide these for us to use
- Where a LA Early Help Care Plan (EHCP) or Early Help Assessment has been raised in respect of any welfare concerns, we pass the name and contact details of the lead professional to the receiving setting or school
- Where there has been an investigation regarding a child protection concern, we pass the name and contact details of the lead professional to the receiving setting or school – regardless of the outcome of the investigation
- We post or take the information to the school or setting, ensuring it is addressed to the nursery or school's Designated Safeguarding Lead (DSL) and marked as 'confidential'.

### *Transfer of development records for a child moving to another early years setting or school*

- Using the *EYFS Statutory Framework 'Outcomes'* (DfE 2025) and our assessment of children's development and learning, staff prepare a summary of the child's progress in Learning and Development and the Characteristics of Effective Learning
- The record also refers to:
  - any additional language spoken by the child and his or her progress in both languages
  - any additional needs that have been identified or addressed by our setting
- It may be accompanied by other evidence, such as photos or drawings that the child has made
- When a child transfers to school, we complete a transition record if applicable, listing all SEND documentation passed on to the school on our **Transition Record (App 3.6c)**.

## **Client access to records**

### *Procedures*

- Parents have the right to request access to the personal information file we hold about them or their child, as stated in our **Privacy Notice (App 3.6a)**
- The manager meets with the parent to go through the file, explaining what the file records 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
- It is an offence to remove material from a file that is controversial or to rewrite records to make them more acceptable. We ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family
- We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere

- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our Comments, Concerns and Complaints Policy
- The law requires that the information we hold must be accurate. 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 we can record the parent's view of the matter. In most cases, the parent is given 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, e.g. a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway, we must seek legal advice prior to sharing information.

**Signed:** *L.B. Mee*

**Name:** Lynn Mee

**On behalf of The Burrow Nursery**