

# CONFIDENTIALITY AND CHILDREN'S RECORDS POLICY

## INTRODUCTION

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.

### **Legislation relating to Confidentiality:**

1991 – United Nations Conventions on the Rights of the Child

1998 – Human Rights Act

1999 – Protection of Children Act

Daisies Montessori Nursery 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.

Daisies Montessori Nursery School meets the requirements of the Human Rights Act 1998 with regard to protecting the individual's rights to a private family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder.

Daisies Montessori Nursery School meets the requirements of the General Data Protection Regulation 2018 with regard to the information we gather from or about families, how we gather it, store it and use it.

Daisies Montessori Nursery School has regard to the Common Law Duty of Confidentiality and only shares information with other professionals or agencies on a 'need to know' basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children.

## PRACTICE

### **We keep two types of records on children attending our setting:**

#### **DEVELOPMENT RECORDS**

- These include observations of children in the setting, samples of their work, summary developmental reports and learning journeys, including photographs.

They are usually kept in the classroom and can be accessed, and contributed to, by staff, the child and the child's parents.

- Parents have free access to developmental records for their child and will be able to input into these documents.

#### **PERSONAL RECORDS**

These include registration and admission forms, signed consents, medical information and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns. Safeguarding records are kept by the manager.

These confidential records are stored in the locked grey filing box and are kept secure.

Parents may request access to all written information about their child (except where data protection laws stipulate it is against the best interests of the child to do so). Parents do not have access to information about any other child.

Staff will only discuss personal information given by parents with other members of staff, on a need to know basis. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.

Personal details relating to diet, allergies & child collection arrangements are shared with all staff.

## INFORMATION SHARING

There are times when we are required to share information about a child or their family without first obtaining parental permission. This decision to share information without consent would be recorded in the child's file and the reason clearly stated. This would be when there are concerns a child is, or at risk of, suffering significant harm or there are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of parents). Where we may have concerns about a child in need, we would normally gain consent from families to share information. This does not have to be in writing, but we would record in the child's file that we have gained verbal consent as a result of discussing a concern that we need to refer.

Where evidence to support our concerns is not clear we may seek advice from Children's Services. We would only share relevant information that is accurate, factual, non-judgemental and up to date.

In discussions with parents/carers staff will not discuss children other than the children of those parents/carers.

## OTHER RECORDS

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

Students, when they are training in the setting, are advised of our Confidentiality and Children's Records Policy and required to respect it.

## ACCESS TO PERSONAL RECORDS

Parents have a right to request access to their children's files. Where reference is made to other children these papers may be withheld. In general, file notes should be written with the knowledge that they may be viewed by parents. Accuracy is vital.

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

- Any request to see the child's personal records by a parent or person with parental responsibility must be made in writing to the manager.
- The setting will send a written acknowledgement.
- The setting commits to providing access within 28 days - although in some circumstances this may be extended. To ensure data is secure the copy of the file will only indicate the name of the child and family; all other names of professionals etc. will be deleted.
- The settings manager will prepare the file for viewing.

Reference should also be made to our policy on safeguarding and child protection.

## GENERAL DATA PROTECTION REGULATION 2018

Information is collected from parents about their children and information may be received from them about their previous early years setting. We hold this personal data and use it to: support the child's learning & development, monitor and report on the child's progress, provide appropriate pastoral care and evaluate our own provision.

Information we collect includes both contact details and EYFS assessment records, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

We meet the requirements of the Human Rights Act 1998 with regard to the information we gather from or about families, store it and use it.