



Safeguarding and Welfare Requirement: Information and Records

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.

10.9 Confidentiality and Client Access to Records

Policy statement

Impact Montessori Nursery recognises the importance of maintaining confidentiality and protecting the privacy of children and their families.

We aim to ensure that parents and carers can share information with us in the confidence that it will be treated respectfully, securely and appropriately and used only for legitimate purposes connected with the care, learning, development, health, wellbeing and safeguarding of their child.

We recognise that confidentiality is an important part of our professional relationship with children, parents and carers. However, confidentiality is not absolute. Information may need to be shared where there is a lawful basis to do so, particularly where sharing is necessary to safeguard a child or another person, comply with a legal obligation or support the provision of appropriate care.

All personal information is processed in accordance with the **UK General Data Protection Regulation (UK GDPR)**, the **Data Protection Act 2018**, the **Human Rights Act 1998**, applicable early years requirements and relevant safeguarding legislation and guidance.

This policy should be read alongside our:

- **Privacy Notice;**
- **Children's Records Policy;**
- **Information Sharing Policy;**
- **Safeguarding and Child Protection Policy;**
- **Transfer of Records Policy;** and
- **Complaints Policy.**

1. Principles of confidentiality

Impact Montessori Nursery will:

- respect the privacy of children, parents and carers;
- collect and use personal information fairly, lawfully and transparently;
- only collect information that is relevant and necessary;
- keep personal information accurate and up to date;

- store information securely;
- restrict access to authorised individuals;
- only share information where there is a lawful and appropriate reason;
- maintain appropriate records of significant information-sharing decisions;
- retain information only for as long as necessary in accordance with our Records Retention Schedule;
- securely destroy or delete information when it is no longer required.

Staff must understand that information obtained through their work at the nursery is confidential and must not be discussed inappropriately.

2. When information may be shared

Most information relating to a child and their family is treated as confidential.

Information may, however, be shared with other people or organisations where there is a lawful basis and it is necessary and appropriate to do so.

This may include sharing information with:

- parents/carers;
- other members of staff who need the information to carry out their role;
- the child's school or next setting;
- health professionals;
- SEND professionals;
- children's social care;
- safeguarding partners;
- the police or emergency services;
- Ofsted;
- the Local Authority;
- other statutory or professional agencies.

Information may be shared without consent where there is another lawful basis for doing so. This is particularly important where sharing information is necessary to protect a child or another person from harm.

Staff must follow the nursery's **Information Sharing Policy** and **Safeguarding and Child Protection Policy** when making decisions about information sharing.

3. Consent and confidentiality

Where consent is the appropriate lawful basis for processing or sharing information, we will seek informed consent.

Consent will not be required where information can or must lawfully be shared under another lawful basis.

Parents/carers will not normally be asked for consent where doing so could place a child at increased risk or where there is a legal or safeguarding reason why information should be shared without consent.

Where information is shared without consent, the decision should be based on the circumstances of the case and recorded where appropriate.

4. Information shared by parents and carers

Parents and carers may share personal, family or sensitive information with staff.

Staff will treat this information respectfully and confidentially.

Parents may choose to share information with other parents, for example during informal discussions, parent groups or activities. Impact Montessori Nursery cannot be responsible for information that a parent voluntarily shares with another person.

Where the nursery organises a group discussion, meeting or training session in which confidential information may be discussed, participants will be reminded that information shared by other families should not be discussed outside the group.

5. Recording confidential information

We will record information where it is necessary to:

- support the child's care, learning or development;
- meet the child's health or medical needs;
- support SEND or additional needs;
- record significant incidents or accidents;
- record safeguarding or child protection concerns;
- record actions taken in response to concerns;
- record relevant discussions with parents/carers;
- document referrals or communications with other professionals;
- meet legal, regulatory or contractual requirements.

Parents/carers will be informed about the types of information we routinely collect and record through our **Privacy Notice** and other relevant policies.

Staff must ensure that records are factual, relevant, accurate, objective and written in a professional manner.

Staff must not make separate personal notes about children or families outside the nursery's approved record-keeping systems.

6. Storage of confidential information

Children's personal and confidential records are stored securely in accordance with our **Children's Records Policy** and **Privacy Notice**.

Paper records are kept in secure, locked storage when not in use.

Electronic records are stored using approved systems with appropriate security measures.

Staff must not:

- leave confidential records unattended;
- share passwords;
- store confidential information on personal devices;
- use personal email accounts to send confidential information;
- store confidential information on unauthorised cloud-storage systems;

- discuss confidential information in public areas where it may be overheard.

Where staff need to prepare reports or correspondence electronically, this must be done using an authorised nursery device and system.

Temporary copies or drafts containing personal information must be securely deleted or destroyed when no longer required.

7. Access within the nursery

Access to confidential records is restricted to individuals who have a legitimate need to access the information.

This may include:

- the nursery manager;
- deputy manager;
- Designated Safeguarding Lead (DSL);
- the child's key person;
- other staff involved in the child's care where access is necessary;
- authorised professionals or agencies where there is a lawful basis for sharing.

Staff should only access information that is necessary for their role.

Sensitive safeguarding information will be shared internally strictly on a **need-to-know basis**.

8. Staff discussions

Staff may discuss children's general progress, learning and wellbeing as part of appropriate professional discussions, planning and supervision.

Where information is sensitive, confidential or relates to safeguarding, access and discussion will be restricted to those who need the information to carry out their role.

Children and families must not be discussed:

- with staff who are not involved in their care unless there is a legitimate reason;
- with other parents;
- with friends or family members;
- in public places;
- on social media;
- through personal messaging or communication platforms.

Discussions with external professionals must take place through appropriate professional channels and not through informal or unauthorised arrangements.

9. Information received from third parties

Where a third party provides information about a child or family, staff will consider:

- who provided the information;
- whether the information was provided confidentially;
- whether the information is relevant and necessary;

- whether it is accurate or requires verification;
- whether it needs to be shared with anyone else;
- whether there are safeguarding considerations.

Where information is provided in confidence, we will respect that confidentiality unless there is a lawful reason to disclose it, including where disclosure is necessary to safeguard a child or another person.

10. Parents' and carers' access to records

Parents/carers may request access to personal information that Impact Montessori Nursery holds about them and, where appropriate, information relating to their child.

A request to access records should normally be made in writing to the nursery manager or designated data protection lead.

A request may be made by:

- a parent;
- a person with parental responsibility;
- the child themselves, where they have sufficient understanding and capacity to exercise the right;
- an authorised representative acting on behalf of the individual.

We will deal with requests in accordance with applicable data protection legislation.

We may need to verify the identity and authority of the person making the request before providing access.

11. Access to a child's records

Parents do not automatically have unrestricted access to everything relating to their child.

When considering a request for access to a child's records, we will consider:

- the child's age and level of understanding;
- whether the child is capable of exercising their own rights;
- the nature of the information requested;
- whether the information includes personal information about another person;
- whether disclosure could place someone at risk;
- whether any legal restrictions apply;
- whether safeguarding concerns affect disclosure.

Where the child is too young to exercise their rights themselves, a person with parental responsibility may normally make a request on the child's behalf. However, the nursery will consider the child's best interests and any relevant circumstances before releasing information.

12. Third-party information

A child's records may contain information about other people, including parents, relatives, staff or professionals.

We will not automatically disclose another person's personal information simply because it appears in a child's record.

Before releasing records, we will consider whether third-party information should be:

- disclosed;

- redacted;
- withheld; or
- obtained directly from the relevant third party where appropriate.

We will make these decisions in accordance with data protection legislation.

We will not routinely contact every third party mentioned in a record to obtain consent before responding to a subject access request. The nursery will assess each request on its individual circumstances.

Where a request is complex or involves particularly sensitive information, the nursery may seek advice from an appropriate data protection adviser or legal professional.

13. Safeguarding information and access requests

Where records contain safeguarding or child protection information, particular care will be taken before disclosure.

Access to information may be restricted where disclosure would:

- place a child or another person at risk;
- prejudice a safeguarding investigation;
- reveal information that another person is legally entitled to keep confidential;
- otherwise be subject to a lawful exemption.

Where necessary, the nursery will seek advice from the Designated Safeguarding Lead, Local Authority safeguarding professionals, the ICO or an appropriate legal adviser before releasing particularly sensitive information.

The safety and wellbeing of the child remains a primary consideration.

14. Responding to access requests

When a valid access request is received, the nursery will:

1. acknowledge the request;
2. verify the identity and authority of the requester where necessary;
3. identify the information covered by the request;
4. review the relevant records;
5. consider whether any exemptions or restrictions apply;
6. remove or redact information that cannot lawfully be disclosed;
7. provide the information securely; and
8. keep an appropriate record of the request and response.

We will normally respond within **one month** of receiving a valid request.

Where a request is complex or numerous, the response period may be extended by up to a further two months where permitted by law. If an extension is required, we will inform the requester within the initial one-month period and explain the reason for the extension.

15. Charges for access requests

We will normally provide information in response to a valid data protection access request without charge.

We may charge a reasonable fee or refuse to respond where a request is manifestly unfounded or excessive, particularly where requests are repetitive.

Any decision to charge a fee or refuse a request will be made in accordance with applicable data protection legislation.

16. Correcting inaccurate information

Individuals have the right to ask us to correct inaccurate or incomplete personal information.

If a parent/carer believes that information held in their or their child's records is factually incorrect, they should contact the nursery manager.

We will investigate the request and correct information where appropriate.

A distinction will be made between:

- factual inaccuracies, which should normally be corrected; and
- professional opinions, assessments or judgements, which may not be factually incorrect simply because a parent/carer disagrees with them.

Where an opinion or professional judgement is disputed, we may retain the original record but, where appropriate, add a clear record of the parent's/carer's differing view.

Records must never be altered or removed simply because their content is difficult, controversial or disputed.

17. Complaints about records

If a parent/carer is unhappy with:

- the contents of a record;
- the accuracy of information;
- the way information has been handled;
- a decision concerning access to records; or
- the outcome of an information request,

they should first raise the matter with the nursery in accordance with our **Complaints Policy**.

Where appropriate, we will review the matter and provide a written response.

Individuals also have the right to complain to the **Information Commissioner's Office (ICO)** if they remain concerned about how their personal information has been handled.

18. Records concerning legal proceedings

Where a child's records are relevant to ongoing or anticipated legal proceedings, safeguarding investigations, court proceedings or other formal investigations, the nursery may seek specialist advice before releasing, altering or destroying information.

Records must not be altered, removed or destroyed because they may be controversial, disputed or potentially relevant to proceedings.

Our normal recording procedures require staff to maintain accurate, factual and non-judgemental records.

19. Confidentiality and safeguarding

Confidentiality must never prevent appropriate safeguarding action.

The welfare and safety of children is a fundamental responsibility of Impact Montessori Nursery.

Where there is a concern that a child may be suffering, or may be at risk of suffering, significant harm, staff must follow the **Safeguarding and Child Protection Policy**.

Information may be shared without parental consent where this is necessary and lawful to protect a child or another person.

Staff should seek advice from the DSL where they are uncertain about whether information should be shared.

20. Training and staff responsibilities

All staff, students, volunteers and other individuals who have access to children's records must understand their responsibilities regarding:

- confidentiality;
- data protection;
- secure handling of information;
- information sharing;
- safeguarding;
- access to records.

Confidentiality and data protection form part of staff induction and are reinforced through ongoing training and supervision.

Any suspected loss, unauthorised access, accidental disclosure or inappropriate sharing of personal information must be reported immediately to the nursery manager or designated data protection lead.

21. Review of this policy

This policy will be reviewed regularly and whenever there are significant changes to:

- data protection legislation;
- safeguarding requirements;
- EYFS requirements;
- nursery procedures;
- information systems or technology.

The policy will be read alongside the nursery's Privacy Notice and other relevant information governance policies.

Legal framework

This policy is based on applicable legislation and statutory requirements, including:

- **UK General Data Protection Regulation (UK GDPR);**
- **Data Protection Act 2018;**
- **Human Rights Act 1998;**
- **Children Act 1989;**
- **Children Act 2004;**
- applicable **Early Years Foundation Stage (EYFS)** requirements;
- relevant safeguarding legislation and statutory guidance.

Further guidance

- Information Commissioner's Office (ICO) – guidance on individual rights and children's information.
 - Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers.
 - Current Early Years Foundation Stage (EYFS) statutory framework.
 - Local safeguarding partnership procedures and guidance.
-

Policy review and approval

This policy was adopted by: Impact Montessori Nursery

Date adopted: _____

Date of last review: _____

Date to be reviewed: _____

Signed on behalf of the provider: _____

Name of signatory: _____

Role of signatory: _____