

## Information Sharing and Confidentiality Policy

### Statement of Intent

The nursery or preschool has a responsibility to obtain and keep records about the children that it cares for. It must share information about the child with parents and carers, other professionals working with the child, the police, social services and Ofsted as appropriate and in accordance with laws and guidance. This ensures the safe and efficient management of the nursery or preschool and that the needs of all the children are met.

It is our intention to respect the privacy of children and their parents and carers, while ensuring that the children access high quality early years provision. We follow the government Information Sharing Protocol and we are also compliant under GDPR. We explain this in our detailed Privacy Statement which parents and staff sign.

### Aim

We aim to ensure that all parents and carers can share their information with the confidence that it will only be used to enhance the welfare of their children or as a legal protection for the child.

### Methods

We keep two main kinds of records on children attending our setting:

#### 1. **Developmental records**

These include observations of children in the setting, samples of their work, summary developmental reports and records of achievement.

Written developmental records or the Tapestry On-Line Learning Journal can be accessed, and contributed to, by staff, the child, and the child's parents and any other family member the child's parent authorises access to and by any other setting the child attends.

The Early Years Foundation Stage Forum which administers the On-Line Learning Journey, ensures data is securely stored and that precautions have been made to ensure servers are safe from both physical and cyber based attacks. Some examples of this are; the positioning of their servers in a high security data centre within the UK, as well as regular backups to a separate but equally secure location; separate databases for each Tapestry account; hack resistant coding; and encoded file names for uploaded media.

We are very aware of the safeguarding of children implications for this system, and we are reliant upon the trust of parents and other family members not to share any of the images from the Learning Journal on any other e-system or social networking site. We ask that parents sign a disclosure, where we ask that no images are shared and also stress the importance of this being so for other family members who are also authorised users. It is the parental responsibility to ensure that other family members are aware of this requirement.

#### 2. **Personal Records**

These include, for example, registration and admission forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an on-going record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.

The preschool or nursery records the following information for every child in their care: full name; date of birth; name and address of every parent and/or carer who is known to the setting and information about any other person who has parental responsibility for the child; which parent(s) and/or carer(s) the child normally lives with; and emergency contact details for parents and/or carers.

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YMCA enables people to develop their full potential in mind, body and spirit. Inspired by, and faithful to, our Christian values, we create supportive, inclusive and energising communities, where young people can truly belong, contribute and thrive.

SUPPORT & ADVICE

ACCOMMODATION

FAMILY WORK

HEALTH & WELLBEING

TRAINING & EDUCATION

YMCA Bath Group, is a charity (1106370 England & Wales) and a company limited by guarantee (5206496 England & Wales).  
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These confidential records are stored in a lockable cabinet and are kept securely by the preschool or nursery manager in the office area.

Parents have access, in accordance with the access to records procedure, to the files and records of their own children but do not have access to information about any other child.

Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person. Consent is sought to discuss information with the Local Authority, outside agencies and other professionals working with the child.

### **3. Other Records**

Records concerning the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with Human Resources or pay roll.

Students on placements working towards recognised qualifications are advised of our confidentiality policy and required to respect it as they may overhear or be aware of confidences when they are with us.

The legal framework for this work is:

#### **Primary Legislation**

General Data Protection Regulations (GDPR) 2018

Data Protection Act (DPA) 1998

Freedom of Information Act 2000

The GDPR requires every data controller who is processing personal information to register with the Information Commissioner's Office, unless they are exempt. The registration number for Bath YMCA is Z6977485 and this is renewed annually.

#### **Guidance**

HM Government Information Sharing Guidance March 2015

#### **Access to Personal Records**

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

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the Preschool or Nursery Manager.
- The Nursery Manager informs the Director of Children's Services of the YMCA Bath Group and then sends a written acknowledgement to a parent.
- The setting commits to providing access to material within 14 days - although this may be extended.
- The Nursery Manager, the Director of Children's Services and/or Chief Executive of the YMCA Bath Group prepare the file for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. A copy of these letters is retained on the 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 directly to them.
- 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 Nursery Manager and Director of Children's Services of the YMCA Bath Group go through the file and remove 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 given straight over, but should be gone through by the setting manager, so that it can be explained.

- Legal advice will be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.

**Final statement about when information will be shared without consent.**

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well being of the child. However, all practitioners at YMCA Bath Group will share information with the MASH Team (Multi-Agency Safeguarding Hub) if there is considered to be a safeguarding issue. This may be done without parental or carer consent, if it is felt that such consent would put the child at greater risk. It may also be carried out if we consider that the development and progress of the child is impeded by the delay or failure of the parent to give consent for SEN assessments. Our first concern will always be for the welfare of the child.

Even when we do not have consent to share confidential information, we may lawfully share if this can be justified to be in the public interest. Where consent cannot be obtained or is refused, or where seeking it may cause individuals to be at risk if significant harm, we may still share information without consent, when in our judgements on the facts of the case, the lack of consent can be overridden in the public interest.

Please see also our policy on safeguarding children for cross-referencing purposes.

All other policies relating to YMCA Bath Group are available for you to read at the childcare setting or on our web site

**Signed on behalf of YMCA Bath Group**  
(original signed copy held at registered office)

Mike Fairbeard

**Role of Signatory**

Chief Executive

**Date of Review of Policy**

September 2020

