

## Developing a Confidentiality Procedure

Records must be easily accessible and available (with prior agreement from Ofsted or the childminder agency with which they are registered, these may be kept securely off the premises). 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 General Data Protection Regulations (GDPR 2018) and where relevant the Freedom of Information Act 2000.

### **Statutory Framework for the Early Years Foundation Stage 2024**

**Privacy - EYFS requirement 3.78 CM, 3.79 GP** – *Providers, childminders and assistants must ensure that all staff understand the need to protect the privacy of the children in their care as well the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality.*

**Talking to parents - EYFS requirement 3.71 CM, 3.72 GP** – *Providers must ensure that there is an area where staff may talk to parents and/or carers confidentially.*

#### **The procedure should include:**

- How within the setting the manager, staff, volunteers and any other person associated with the setting will maintain confidentiality i.e., not discussing confidential matters about children with other parents/carers, not discussing confidential matters about parents/carers with children or other parents/carers, not discussing confidential matters about staff with children, parent/carers or other staff members.
- How staff are made aware of confidentiality once they are employed by the setting.
- How confidential records are filed and stored, who holds the responsibility to do this and who has access to such records (Refer to recording of information procedure).
- What procedures are in place if a parent wishes to talk to a member of staff confidentially.
- What procedures are in place should a member of staff wish to discuss confidential information with a parent about their child.
- The procedure that will be followed should confidentiality be broken (Refer to disciplinary, grievance and whistle blowing policies).
- Where certain circumstances may override confidentiality, i.e., Child Protection (Refer to the child protection policy).
- If a setting is committee led, the procedure to follow that committee members are aware of the need to follow confidentiality and the consequences should this be broken.
- The procedures that are in place for information to be shared with other outside agencies.
- The importance of registering with the Information Commissioners office (ICO) when taking images or video footage of children, keeping electronic records for children and having CCTV including video doorbells.
- How service users are informed of CCTV in operation and whether this is auditory, visual and/or both

GDPR compliance – the **7 Principles** of the General Data Protection Regulation (GDPR, 2018) state that information must be treated with:

1. Fairness, lawfulness and transparency

2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality.
7. Accountability

With relation to '**confidentiality**' this means that personal data relating to children and their families: *must be processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.*

Consider:

- Storing data confidentially
- Data sharing
- Informing parents about what information you hold about them and their children
- How data is held confidentially and securely and deleted when there is no longer a need for it to be retained.
- How you pass information on to a child's next setting
- All information relating to children and families is stored securely and treated confidentially, unless there is permission to share it or there is a child protection (safeguarding) issue.

**The procedure should be reviewed:**

- At least annually.
- The procedure needs to be signed by the registered person, include reviewed date and next review due date.
- If any of the changes are made to the procedure when reviewed the staff and parents need to be informed.

**Links to other policies & procedures:**

- Safeguarding Children
- Inclusion
- Staffing and Employment
- Supervision and Appraisal
- Induction
- Recording of Information
- Working in partnership with parents
- Whistle Blowing
- Behaviour
- Settling in
- Admissions
- Administration of Medicine
- GDPR

**This information is provided for guidance only. It is your responsibility to ensure that all statutory legal guidance is adhered to. Consideration needs to be given to any changes in legislation subsequent to the production of this information.**