



Confidentiality Policy

Policy statement:

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'* (Information Sharing: Practitioners' Guide)

At Acacia Pre-school, 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. We aim 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.

There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act.

1. General Principles:

Acacia Pre-school recognises that colleagues (employees, volunteers, students, apprentices, committee members & others who work within our organisation) gain information about individuals and organisations during the course of their work or activities. In most cases such information will not be stated as confidential and colleagues may have to exercise common sense and discretion in identifying whether information is expected to be confidential.

This policy aims to give guidance but if in doubt, seek advice from your manager.

- Information received by Acacia as part of the services it provides, will be considered to be information for Acacia Pre-school to share with colleagues and used to deliver its aims and objectives.

- Colleagues should inform groups, organisations or individuals why they are requesting information and explain the purpose of storing and using this information. Colleagues should ask permission to keep and use this information
- Colleagues are able to share information with their Manager in order to discuss issues and seek advice. Colleagues will not disclose to anyone, other than their manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation
- Colleagues should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship. Please see 'Staff Code of Conduct' for more explicit information.
- There may be circumstance where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem however, these discussions should not take place in social settings.
- If colleagues receive information from individuals outside Acacia, regarding the conduct of a colleague or group, then this should be dealt with sensitively. The appropriate colleague should tell the individual about the **Complaint Procedure** and advise them accordingly.
- If employees are dissatisfied with the conduct of a colleague, and have sensitive information that could be evidenced through investigation, they should discuss it with the manager under the **Whistle Blowing Procedure**. Any allegation, which is found to be malicious, or ill-founded, will be dealt with by Acacia Pre-school under the **Disciplinary Procedure**
- Where there is a legal duty on Acacia Pre-school to disclose information, the person that is affected will be informed that disclosure has or will be made.

2. Why information is held:

- Most information held by Acacia Pre-school relates to individuals or service users, members, employees, trustees, and volunteers.
- Information is kept to enable Acacia Pre-school colleagues to understand the needs of individuals or service users in order to deliver the most appropriate services.

3. Access to information:

- Information is confidential to Acacia Pre-school as an organisation and may be passed to colleagues, manager or trustees to ensure the best quality service for users.
- Where information is sensitive, i.e. it involves disputes or legal issues, it will be confidential to the employee dealing with the case and their manager. Such information should be clearly labelled 'Confidential' and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.
- Colleagues will not withhold information from their manager unless it is purely personal to them and not business related.
- Users may see Acacia Pre-school records which relate to them or their organisation. However, written consent would need to be obtained from any third person who may have contributed to these records before they can be seen. The request must be in

writing to the Manager/ Chair of the Committee giving 14 days' notice. The letter must be signed by the individual, or in the case of an organisation's records, by the Chair or Manager.

- Sensitive information will only be made available to the person or organisation named on the file.
- Employees may see their personnel records by giving 14 days' notice in writing to the Manager.
- When photocopying or working on confidential documents, colleagues must ensure they are not seen by people in passing. This also applies to information on computer screens.

4. Storing information:

- General non-confidential information about organisations is kept in unlocked filing cabinets that are available to all Acacia Pre-school colleagues.
- Employees' personnel information will be kept in lockable filing cabinets by the manager/administrator and will be accessible to the Manager and Administrator only.
- In an emergency situation, the Manager may authorise access to files by other people.
- Confidential documentation or personal data is shredded before being put in the bin.

5. Duty to disclose information:

- Acacia Pre-school has a legal duty to disclose information when they feel that a child/ren may be at risk of significant harm.
- In addition, a colleague believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Manager as soon as is reasonably possible, who will report it to the appropriate authorities.
- Acacia Pre-school should inform the users of this disclosure.

6. Disclosures:

- Acacia Pre-school complies fully with the **Disclosure & Barring Service** regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.
- Acacia Pre-school will request pre-employment Disclosure & Barring Service checks for new employees and volunteers whose posts involve contact with children, as specified by the Disclosure Guidance.
- Acacia Pre-school will clearly state the need for, and level of, Disclosure on the recruitment advert.
- Disclosure information is always kept separately from an applicant's personnel file in secure storage with access limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

- Documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, Acacia Pre-school may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, and the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

7. Data Protection Act:

- Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act and must comply with the data protection principles. These are that personal data must be:
 - Obtained and processed fairly and lawfully
 - Held only for specified purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept longer than necessary
 - Processed in accordance with the Act
 - Kept secure and protected
 - Not transferred out of Europe
- Acacia Pre-school will ensure that it adheres to all aspects of the Data Protection Act.

8. Breach of confidentiality:

- Acacia Pre-school takes a breach of confidentiality very seriously
- Colleagues who are dissatisfied with the conduct or actions of other colleagues or Acacia Pre-school should raise this with their manager and not discuss their dissatisfaction outside Acacia.
- Colleagues accessing unauthorised files or breaching confidentiality may face disciplinary action. Ex-employees breaching confidentiality may face legal action.

Legal framework

- Data Protection Act 1998
- Human Rights Act 1998

Further guidance

- Information Sharing: Practitioners' Guide (HMG 2006)
www.everychildmatters.gov.uk/_files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf

This policy was adopted at a meeting of

Acacia Pre-school

Held on

(date)

Signed on behalf of the management
committee

Name of signatory

Alison Berryman

Role of signatory (e.g. chair/owner)

Chair Person