



Data Protection, Information and Record Keeping

	Date	Date	Date
Revision History	01/09/2019		

Policy Statement:

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met. We have record keeping systems in place that meet legal requirements; the means we use to store and share that information takes place within the framework of the Data Protection Act (1998), the Human Rights Act (1998) and the GDPR (May 2018). This policy and procedure should be read alongside our Confidentiality and Client Access to Records Policy and our Information Sharing Policy.

Procedures:

Procedures If a child attends another setting, we establish a regular two-way flow of appropriate information with parents and other providers. Where appropriate, we will incorporate comments from other providers, as well as parents and/or carers into the child's records. We keep two kinds of records on children attending our setting:

3.1 Developmental records

These include observations of children in the setting, photographs, video clips and samples of their work and summary developmental reports. These are usually kept on a secure digital journal system and can be accessed, and contributed to, by our staff with a password, the child and the child's parents and other family members that have permission from the parents.

3.2 Personal records

These may include the following:

- Personal details – including the child's registration form and any consent forms.
- Contractual matters – including a copy of the signed parent contract, the child's days and times of attendance, a record of the child's fees, any fee reminders or records of disputes about fees.
- Child's development, health and well-being – including a summary only of the child's EYFS profile report, a record of discussions about every day matters about the child's development health and well-being with the parent.
- Early Support – including any additional focussed intervention provided by [our/my] setting (e.g. support for behaviour, language or development that needs an SEN action plan) and records of any meetings held.
- Welfare and child protection concerns – including records of all welfare and protection concerns, and [our/my] resulting action, meetings and telephone conversations about the child, an Education, Health and Care Plan and any information regarding a Looked After Child.
- Correspondence and Reports – including a copy of the child's 2 Year Old Progress Check

(as applicable), all letters and emails to and from other agencies and any confidential reports from other agencies. These confidential records are stored in a lockable cupboard in the resources room. The resources room is also locked when not in use. We read any correspondence in relation to a child, note any actions and file it immediately

- We ensure that access to children's files is restricted to those authorised to see them and make entries in them, this being our manager, deputy or designated person for child protection, the child's key person, or other staff as authorised by our manager. We may be required to hand children's personal files to Ofsted as part of an inspection or investigation process; or to local authority staff conducting a S11 audit, as long as authorisation is seen.
- We ensure that children's personal files are not handed over to anyone else to look at. Parents have access, in accordance with our Confidentiality and Client Access to Records Policy, to the files and records of their own children, but do not have access to information about any other child.
- Our staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs.
- Our staff induction programme includes an awareness of the importance of confidentiality in the role of the key person.

3.3 Safe and secure storage

Due to the nature of the setting being a pack-away nursery school, some records are stored in a locked filing cabinet at the registered business address. Should records or documents need to be carried between the registered business address and another place of work (such as the setting or the local authority offices), these are carried in a secure bag with a combination lock.

Old Basing Village Nursery School has permission from Ofsted to store information off-site. (Email confirmation was received on the 13th June 2019)

3.4 Emergency Contact Details

All personal details related to children and staff are accepted in paper form initially and transferred manually to our secure, password protected Family App. The Family App can be accessed at any time on a setting device with a password. In the event of an emergency, the setting mobile phone (with internet access) can be used to call up emergency contact details. On a half-termly basis, or on the arrival of a new child in the setting, a paper print out of emergency contact details for children and staff is re-reprinted and kept in a red file. In the event of an evacuation, practitioners are able to grab these details quickly on exit.

3.5 Retention of Records

We retain children's records for three years after they have left the setting; except records that relate to an accident or child protection matter, which are kept until a child reaches the age of 21 years or 24 years respectively. These are kept in a secure and locked filing cabinet at the registered business address.

3.6 Archiving children's files

When a child leaves our setting, we remove all paper documents from the child's personal file and place them in a robust envelope, with the child's name and date of birth on the front and the date they left. We seal this and place it in an archive box, stored in a safe place (i.e. a locked cabinet) for three years. After three years it is destroyed. Where there were s.47 child protection investigations, we mark the envelope with a star and archive it for 25 years. We store financial information according to our finance procedures.

3.7 Other records

We keep a daily record of the names of the children we are caring for, their hours of attendance and the names of their key person. Students on Pre-school Learning Alliance or other recognised qualifications and training, when they are observing in the setting, are advised of our Confidentiality Policy and are required to respect it.

3.8 Information Sharing

'Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case.' Information sharing:

Advice for practitioners providing safeguarding services to children, young people, parents and carers (HMG 2015)

In our setting, staff and the manager can be said to have a 'confidential relationship' with families. 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. We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework of the Data Protection Act (1998) and the Human Rights Act (1998).

Most things that happen between the family, the child and the setting are confidential to our setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police. Information shared with other agencies is done in line with our Information Sharing Policy.

We always check whether parents regard the information they share with us to be confidential or not. Some parents may share information about themselves with other parents as well as with our staff; we cannot be held responsible if information is shared by those parents whom the person has 'confided' in.

Information shared between parents in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it. We not responsible should that confidentiality be breached by participants. We inform parents when we need to record confidential information beyond the general personal information we keep - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child. We keep all records securely.

Most information is stored in our nursery Family App. However, our staff may use a computer to type reports, or letters. Where this is the case, the typed document is deleted from the PC and only the hard copy kept. We do not keep electronic records on children, other than the register and financial data. Where it is helpful to keep an electronic copy, we download it onto a disc, labelled with the child's name and kept securely in the child's file.

Our staff discuss children's general progress and well being together in meetings, but more sensitive information is restricted to our manager and the child's key person, and is shared with other staff on a need to know basis. We do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the setting. Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis. Where third parties share information about an individual with us; our practitioners and manager check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

3.9 Parent / Guardian Access to Records

Parents / Guardians may request access to any confidential records we hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that our setting has compiled on them.

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the setting manager. We acknowledge the request in writing, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- Our written acknowledgement allows 40 working days for the file to be made ready.
- A fee of £25.00 to cover admin costs may be charged to the parent / Guardian. Our manager may need to seek legal advice before sharing a file. Our manager goes through the file with their deputy to ensure that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party.
- We write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is. They are asked to reply in writing to our manager giving or refusing consent for disclosure of that material. We keep copies of these letters and their replies on the child's file. 'Third parties' include each family member noted on the file; so where there are separate entries pertaining to each parent, step parent, grandparent etc, we write to each of them to request third party consent. Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Members of our staff should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information.
- We may grant refusal if the member of staff has provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed; or if that information is the basis of a police investigation. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with members of staff and decisions recorded
- When we have received all the consents/refusals our manager takes a photocopy of the complete file.
- On the copy of the file, our manager removes any information that a third party has refused consent for us to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen. The copy file is then checked by manager and legal advisors to verify that the file has been prepared appropriately. 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'. We photocopy the 'clean copy' again and collate it for the parent to see. Our manager informs the parent that the file is now ready and invite[s] him/ her to make an appointment to view it.
- Our manager meets with the parent to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done.
- Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter. The parent may take a copy of the prepared file away; but, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable.
- Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family. If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure. The law requires that the information we hold must be accurate.
- If a parent says that the information we hold is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent's view of the matter. In most cases, [we/I] would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then. If there are any controversial aspects of the content of a child's file, we must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.
- We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere. Telephone advice regarding general queries may be made to The Information Commissioner's Office Helpline 0303 123 1113. All the undertakings above are subject to the paramount commitment of our setting, which is to the safety and well-being of the child. Please see also our policy on Safeguarding Children and Child Protection.

EYFS Requirements:

3.68.Providers must maintain records and obtain and share information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met. Providers must enable a regular two-way flow of information with parents and/or carers, and between providers, if a child is attending more than one setting. If requested, providers should incorporate parents' and/or carers' comments into children's records.

3.69.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 Data Protection Act (DPA) 1998 and where relevant the Freedom of Information Act 2000.

3.70.Providers 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. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the DPA

3.72.Providers must record the following information for each child in their care: full name; date of birth; name and address of every parent and/or carer who is known to the provider (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.

3.73.Providers must make the following information available to parents and/or carers: • how the EYFS is being delivered in the setting, and how parents and/or carers can access more information the range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home • how the setting supports children with special educational needs and disabilities • food and drinks provided for children • details of the provider's policies and procedures (all providers except childminders (see paragraph 3.3) must make copies available on request) including the procedure to be followed in the event of a parent and/or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting • staffing in the setting; the name of their child's key person and their role; and a telephone number for parents and/or carers to contact in an emergency

3.76.Providers must hold the following documentation: • name, home address and telephone number of the provider and any other person living or employed on the premises (this requirement does not apply to childminders) • name, home address and telephone number of anyone else who will regularly be in unsupervised contact with the children attending the early years provision • a daily record of the names of the children being cared for on the premises, their hours of attendance and the names of each child's key person • their certificate of registration (which must be displayed at the setting and shown to parents and/or carers on request)