



General Data Protection Regulation Policy

Children's Records

Policy Statement

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 General Data Protection Regulation 2018 and the Human Rights Act (1988).

Procedures

We keep two kinds of records on children attending our Pre-School:

- Developmental records
 - These include observations of children in the Pre-School, photographs, samples of their work and summary developmental reports.
 - These are kept in each child's learning journey and can be freely accessed, and contributed to, by staff, the child and the child's parents.
 - Keyworkers will take home children's Learning journeys to update, these are to be kept securely at all times. They are only to be viewed by the staff member. We require signed parental permission for this.

- Personal records
 - These include registration and admission forms, signed consent forms, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing 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.
 - These confidential records are stored in a lockable file or cabinet and are kept secure.
 - Parents have access, in accordance with our 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.
 - 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.
 - We retain children's records for three years after they have left the Pre-School, except records that relate to an accident or child protection matter. These are kept until a child reaches the age of 21. All records are kept in a secure place. We destroy all documents by shredding when needed.



- 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.
 - Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
 - Students and volunteers on recognised courses observing the group will be advised of our confidentiality policy and required to respect it.

Provider Records

Policy Statement

We keep records for the purpose of maintaining our business. These include:

- Records pertaining to our registration.
- Landlord/lease documents and other contractual documentation pertaining to amenities, services and goods.
- Financial records pertaining to income and expenditure.
- Risk assessments.
- Employment records of staff including their name, address and telephone number.
- Names, addresses and telephone numbers of anyone else who is regularly in unsupervised and supervised contact with the children

Our records are regarded as confidential on the basis of sensitivity of information, such as with regard to employment records and these are maintained with regard to the framework of the GDPR 2018 and the Human Rights Act (1998).

Procedures

- All records are the responsibility of the Manager who ensures they are kept secure.
- All records are kept in an orderly way in files and filing is kept up-to-date.
- Financial records are kept up-to-date for audit purposes.
- Health and Safety records are maintained; these include risk assessments, details of checks or inspections and guidance etc.
- Our Ofsted registration certificate is displayed.
- Our Public Liability insurance certificate is displayed.
- All our employment and staff records are kept securely and confidentially.

We notify Ofsted of any change:

- Which may affect the space available to us or the quality of our childcare.
- In the address of the premises or the provider's address and contact information
- To the person managing the provision
- Any significant event which may affect our suitability to look after children; or any other event as detailed in the Statutory Framework for the Early Years Foundation Stage (DfE 2014)



Confidentiality and Client Access to Records

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)

In our Pre-School, staff 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. 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 GDPR and the Human Rights Act.

Confidentiality Procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Parents sometimes share information about themselves with other parents as well as staff; the Pre-School cannot be held responsible if information is shared beyond 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 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.
- The manager will email parents newsletters and use it as a way of sending other important information. Parents give signed permission to receive such emails. They can opt out by telling the manager at any time.
- We keep all records securely.

Client Access to Records Procedures

Parents may request access to any confidential 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 Pre-School Manager.
- The Pre-School Manager sends written acknowledgement.
- The Pre-School commits to providing access within 14 days, although this may be extended.



- The Pre-School's Manager and Deputy(ies) 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. Copies of these letters are retained on 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 Pre-School Manager goes through the file and removes 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 Pre-School, 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 Pre-School Manager, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the Pre-School or another (third party) agency.
- All the undertakings above are subject to the paramount commitment of the Pre-School, which is to the safety and well-being of the child. Please see also our policies on child protection and safeguarding children.

Information Sharing

"Practitioners need to understand their organisation's position and commitment to information sharing. They need to have confidence in the continued support of their organisation where they have used their professional judgement and shared information professionally." Information Sharing: Guidance for Practitioners and Managers (DCSF 2015)

Policy Statement

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, if it is in the public interest. This is when:

- It is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- Not sharing it could be worse than the outcome of having shared it.



The decision should never be made as an individual, but with the back-up of other members of staff. The three critical criteria are:

- Where there is evidence that the child is suffering, or is at risk of suffering, significant harm.
- Where there is reasonable cause to believe that a child may be suffering, or at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the 7 golden rules for information sharing as set out in Information Sharing: Guidance for Practitioners and Managers (DCSF 2015).

1. Remember that the GDPR is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.

- Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.

2. Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Seek consent to share information, unless it puts the child at risk or undermines a criminal investigation. We will only obtain information that we deem necessary to collect. We will gain signed parental permission where needed.

In our setting we ensure parents are aware of:

- Our information sharing policy when starting their child in the setting and that information may be shared without their consent when it is a matter of safeguarding a child or vulnerable adult.
- Our Safeguarding Children and Child Protection Policy; and the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.

3. Seek advice when there are doubts about possible significant harm to a child or others.

- The Manager contacts children's social care for advice where they have doubts or are unsure.

4. Share with consent where appropriate. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.

- Guidelines for consent are part of this procedure.

5. The Manager is conversant with this and is able to advise staff accordingly. Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well being and safety is paramount. In our setting we:

- Record concerns and discuss these with the setting's designated person for child protection matters.



Little Den Preschool

- Record decisions made and the reasons why information will be shared and to whom.
- Follow the procedures for reporting concerns and record keeping.

6. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.

- Our Safeguarding Children, Child Protection and Record Keeping policies set out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. Reasons for decisions to share information, or not, are recorded.

- Provision for this is set out in our Record Keeping procedure.

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies are given to parents of the forms they sign.

We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, is there consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, is the right information being shared in the right way?
- Has the decision been properly recorded?

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection policy.

Legal Framework

- General Data Protection Regulation 2018
- Human Rights Act 1998



Further guidance

- Information Sharing: Practitioners' Guide (DCSF 2015)

Other useful PLA (Pre-School Learning Alliance) publications

- Accident Record (2013)
- Accounts Record (2005)
- Safeguarding Children (2013)
- Recruiting and Managing Employees (2011)
- Financial Management (2010)
- Medication Administration Record (2015)
- Daily Register and Outings Record (2014)
- Managing Risk (2009)
- Complaints Investigation Record (2015)

Any breach of data is to be reported to the Information Commissioners Office within 72 hours.

The data protection officer is Emma Reeves.

This policy was adopted at the meeting of the Management Committee held on:

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Signed on behalf of the Little Den Pre School Playgroup:

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Print Name:

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Position: CHAIRPERSON