



## **Colyton Caterpillars Early Education**

### **Early Years Confidentiality, Data protection and Information sharing Policy**

This policy was agreed by trustees/staff:	
Date of last review:	December 2023
Date of next review:	July 2024
Reviewed by:	K.Clode

Our work with children and their families will bring us into contact with confidential information which will only be used to enhance the welfare of their children. Parents have a right to know and be informed about the circumstances, and reasons, when we are obliged to share information and we will be open and honest and explain to families how, when and why the information will be shared about them and with whom. It is a legal requirement for the nursery to hold information about the children and families using the nursery and the staff working at the nursery. There are recordkeeping 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 1998. We are registered with the Information Commissioner's Office in regard of our data protection responsibilities and a copy of our certificate will be made available on request.

It is our intention to respect the privacy of children and their families and we do this by following the procedure below:

1. Confidential records are stored securely and are locked in a filing cabinet or cupboard.
2. Written permission is obtained to hold personal details on children.
3. Parents are informed when we need to record confidential information beyond the general personal information we keep i.e. injuries, concerns and contact with external agencies.
4. Written consent is sought from parents before information is shared with external agencies unless a child is considered at risk when our Safeguarding Children Policy will be followed.
5. Parents have access to files and records of their own children but not to those of any other child
6. All staff are aware that personal information given by parents is confidential and only for use within the nursery where it affects planning for the child's needs.



7. If parents share information about themselves with other parents as well as staff, we cannot be held responsible if information is shared by those parents whom the person has 'confided' in.
8. Staff, student and volunteer inductions include an awareness of the importance of confidentiality. Decisions about staff employment remain confidential to those directly involved in the process.
9. If staff breach this policy this may result in disciplinary action including dismissal.

## **Records**

Records are kept for the purpose of maintaining our business. These include health and safety records, development plans, financial records, contractual documentation, and employment records of staff, students and volunteers. We keep two kinds of records on children attending our setting:

**Developmental records – 'My Learning Journey'** -These may include observations of children in the nursery, photographs, video clips and samples of their work and summary developmental reports. These are usually kept in the room and can be freely accessed, and contributed to, by staff, the child and the child's parents only.

**Personal records** -These include registration and consent forms; an on-going record of relevant contact with parents; correspondence concerning the child or family from other agencies; observations by staff on any confidential matter such as developmental concerns or safeguarding matters. These are stored in a lockable cabinet and are kept secure by the nursery manager in the office. Parents have access to the files and records of their own children (please see below) but do not have access to information about any other child.

## **Access to records**

In accordance with the Freedom of Information Act 2000 parents may request access to any confidential records held on their child and family following the procedure below:

1. Request to see the child's personal file by a parent must be made to the Nursery Manager, who will send written confirmation and will inform a senior manager. We commit to provide access within 14 days, although this may be extended.
2. All third parties are written to asking for their permission to disclose to the person requesting it. This includes all family members and workers from other agencies, referred to in the records.
3. When all the consents/refusals to disclose have been received. All information which a third party has refused consent to disclose is removed and the file photocopied.
4. The photocopied file is given to the parents by the nursery manager who will explain the contents of the file.
5. Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the nursery or another (third party) agency.
6. Only key staff (manager/deputy manager) to know case sensitive passwords.

## **Information sharing procedures**

The GDPR provides a framework to ensure that personal information about living persons is shared appropriately. The circumstances in which information can be shared are explained to parents at registration and they sign a form to say that they understand the circumstances when information may be shared without their consent. 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 happened 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 a senior manager the three critical criteria are:

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

Information shared must 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. We will record decisions made and the reasons why information will be shared and to whom. Our Safeguarding Policy sets out how and where information should be recorded.

### **Working in partnership with other agencies**

We work in partnership with local and national agencies to promote the well-being of all children.

1. When working in partnership with staff from other agencies, we make those individuals welcome in the setting and their professional roles are respected.
2. We follow the protocols for working with agencies, for example on child protection.
3. Information shared by other agencies with us is regarded as third-party information. This is also kept in confidence and not shared without consent from that agency.
4. Staff from other agencies do not have unsupervised access to the child they are visiting in the nursery and do not have access to any other children during their visit.
5. We may consult with local and national agencies for advice and information to help us develop understanding of issues facing us and who can provide support and information for parents.

All the undertakings outlined above are subject to the paramount commitment of Colyton Caterpillars Group which is the safety and well-being of the child.

### **Retention of Records**

In accordance with our responsibilities outlined in the GDPR we do not keep personal information for any longer than is necessary. Records are stored securely for the periods indicated below before being securely destroyed by Home Shred.

<b>Type of Record</b>	<b>Retention Period</b>	<b>Status and Authority</b>
<b>Children's Records</b>		
Personal records including registers, medication forms, accident records	A reasonable period of time once the children have left the nursery	Statutory Framework for the EYFS (Given legal force by Childcare Act 2006) - Requirement

Until the child reaches 21 years old or 24 years old for child protection records	Limitation Act 1980 -Recommendation	
Funding forms including associated documentation such as proof of date of birth and/or eligibility for additional funding	7 years	Local Authority -Requirement
Learning Journey	Should be passed to school, next provider or parent when the child leaves	Good Practice - Recommendation
Personnel Records		
Personal files and training records including details of any disciplinary records	6 years after employment ceases	Chartered Institute of Personnel and Development – Recommendation
Disclosure and Barring Service check	6 months maximum for certificate, number should be retained for the duration of employment	DBS Code of Practice - Recommendation
Health and Safety Records		
Staff accident records	3 years after the date the record was made	Social Security (Claims and Payments) Regulations - Requirement
Records of any reportable injury, disease, dangerous occurrence or death	3 years from the date of the record	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) -Requirement
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	The Control of Substances Hazardous to Health Regulations 2002 (COSHH) – Requirement
Risk Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Chartered Institute of Personnel and Development – Recommendation