



Information and Records Policy

Our policy reflects the regulations laid down in the EYFS 2014 (3.68,3.69, 3.70, 3.71, 3.72)

Policy statement

Confidentiality

Definition: '*Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.*'

(Information Sharing: Guidance for Practitioners and Managers (DCSF 2008))

- In our Pre-School, staff and the Parent's Management Committee 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 Pre-School. 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.

Information sharing

- 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. That 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 the Parent's Management Committee.
- 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.

Record keeping

- 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:
 - We meet the requirements of the Human Rights Act 1998 with regard to protecting the individual's rights to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder.
 - We meet the requirements of the Data Protection Act 1998 with regard to the information we gather from or about families how we gather it, store it and use it. Our procedures enable us to meet these requirements.



- We have regard to the Common Law Duty of Confidentiality and only share information with other professionals or agencies on a 'need to know' basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children.

Information Sharing when a child attends another setting

We ensure a two way flow of communication to meet the child's individual needs. Before we communicate to another setting verbally or through transfer of records we will always gain parental permission.

Transfer of Records to School

- We recognise that children sometimes move to another early years setting before they go on to school although most will leave our Pre-School to enter a reception class.
- We prepare children for these transitions and involve parents and the receiving setting in this process. We prepare records about a child's development and learning in the EYFS in our Pre-School; in order to enable smooth transitions we share appropriate information with the receiving setting or school at transfer.
- Confidential records are shared where there have been child protection concerns according to the process required by our Local Safeguarding Children Board.
- The procedure guides this process and determines what information we can and cannot share with a receiving school or setting.

Working in partnership with other agencies

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

Procedures

- Both staff and Parent's Management Committee members, when starting their role with the Pre-School, are required to sign the "Confidentiality Signature Form" to affirm that they will act in accordance with this policy.
- Staff and Parent's Management Committee members may as part of their duties have access to confidential information. This must be used and shared only inasmuch as is necessary in the course of their duties, or for safeguarding children. Otherwise, staff and Parent's Management Committee members must not discuss, disclose, or allow to be disclosed any confidential information to any parent or other person not connected with the pre-school, both during and after their service with the Pre-School.
- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Some 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 (see our record keeping procedures) - 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 (see our record keeping procedures).



Client access to records

Parents must be given access to all records about their child provided that no relevant exemptions apply to their disclosure under the Data Protection Act (1998)

http://www.ico.gov.uk/for_organisations/data_protection.aspx

- Learning Journeys are shared regularly with the child and parents, parents are free to take their child's learning journey home after prior agreement with the Key worker or Play Leaders.
- For other records, particularly those that contain sensitive information and/or have implications for Safeguarding Children and Child Protection issues, the following procedure may be applied:
 - 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 Leader or Parent's Management Committee.
 - If the request was made to the Pre-School Leader then they inform the Chair of the Parent's Management Committee and send a written acknowledgement.
 - The Pre-School commits to providing access within 14 days, although this may be extended.
 - The Pre-School Leader and Chair of the Parent's Management Committee 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 Leader and Chair of the Parent's Management Committee go through the file and remove 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 Leader, 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.

Information sharing

- Our procedure is based on the 7 golden rules for information sharing as set out in Information Sharing: Guidance for Practitioners and Managers (DCSF 2008).
1. Remember that the Data Protection Act 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 confidentiality and 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.
 - In our Pre-School we ensure parents:
 - receive information about our information sharing policy when starting their child at the Pre-School and they sign a form to say that they understand circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult;
 - have information about our Safeguarding Children and Child Protection policy; and
 - have information about 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 Designated Person 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 Parent's Management Committee 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 Pre-School we:
 - record concerns and discuss these with the Pre-School's designated person and/or designated officer from the Parent's Management Committee for child protection matters. Record decisions made and the reasons why information will be shared and to whom; and
 - 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 child protection procedure and record keeping procedure 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.

Information sharing 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 sign a form at registration to say they understand this.



- 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, do you have 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, are you sharing the right information in the right way?
 - Have you properly recorded your decision?
- 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 also see our Safeguarding Children and Child Protection policy.

Children's Records

- We keep two kinds of records on children attending our Pre-School:
 - Developmental records:
 - These include observations of children in the Pre-School, photographs, video clips and samples of their work and summary developmental reports.
 - These are kept in a locked cupboard and can be freely accessed during the session time. Staff, the child and the child's parents contribute to these records.
 - Personal records:
 - These include registration forms, signed consent forms, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an on-going 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 and are kept secure by the administrator and Pre-School Leader.
 - Parents have access, in accordance with our client access to records procedure, 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., however registers, administration of medicine book, accident records and incident records are held for 16 years. These are kept in a secure place.
 - 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 who are observing in the Pre-School, are advised of our Confidentiality, Information Sharing and Record Keeping Policy and are required to respect it.

Provider Records

- We keep records and documentation 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, home address and telephone number.
 - Name, address and telephone number of anyone else who is regularly in unsupervised contact with the children.
- All records are the responsibility of the Administrator and manager under the guidance of the Parent's Management Committee who ensures that they are kept securely.
- 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:
 - in the address of the premises;
 - to the premises which may affect the space available to us;
 - to the name and address of the provider, or, the provider's contact information;
 - to the person managing the provision;
 - any significant event which is likely to affect our suitability to look after children; or
 - any other event as detailed in the Early Years Foundation Stage.

Transfer of Records to School

- Transfer of development records for a child moving to another early years setting or school:
 - Using the EYFS assessment of development and learning ensure the key person prepares a summary of achievements in the 7 areas of learning and development.
 - This record refers to any additional language spoken by the child and his or her progress in both languages.
 - The record also refers to any additional needs that have been identified or addressed by the Pre-School.
 - The record also refers to any special needs or disability and whether a CAF was raised in respect of special needs or disability, whether there is a Statement of Special Educational Needs and gives the name of the lead professional.



- The record contains a summary by the key person and a summary of the parent's view of the child.
- The document may be accompanied by other evidence such as photos or drawings that the child has made.
- If there have been any welfare or protection concerns a star is placed on the front of the assessment record.
- Transfer of confidential information:
 - The receiving school or setting will need to have a record of concerns that were raised in the Pre-School and what was done about them.
 - A summary of the concerns will be made to send to the receiving setting or school along with the date of the last professional meeting or case conference. Some Local Safeguarding Children Boards will stipulate the forms to be used and provide these.
 - Where a CAF has been raised in respect of any welfare concerns the name and contact details of the lead professional will be passed on to the receiving setting or school.
 - Where there has been a s47 investigation regarding a child protection concern the name and contact details of the child's social worker will be passed on to the receiving setting or school – regardless of the outcome of the investigation.
 - This information is posted or taken to the school or setting, addressed to the setting or school's designated person for child protection and marked confidential.

Working in partnership with other agencies

- We work in partnership or in tandem with, local and national agencies to promote the well-being of children.
- Procedures are in place for sharing of information about children and families with other agencies. These are set out in the information sharing procedure within this policy as well as in procedures within our Safeguarding Children and Child Protection policy and our Special Educational Needs policy.
- 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.
- When working in partnership with staff from other agencies, we make those individuals welcome in the Pre-School and their professional roles are respected.
- We follow the protocols for working with agencies, for example on child protection.
- Staff from other agencies do not have unsupervised access to the child they are visiting in the Pre-School and do not have access to any other children during their visit.
- Our staff do not casually share information or seek informal advice about any named child/family.
- When necessary we consult with local and national agencies who offer a wealth of advice and information that help us develop understanding of issues facing us and who can provide support and information for parents. For example, ethnic/cultural organisations, drug/alcohol agencies, welfare rights advisors or organisations promoting childcare and education, or adult education.

Legal framework

- Data Protection Act 1998
- EYFS 2014
- Freedom of Information Act 2000
- Human Rights Act 1998
- Children Act 1989



Further guidance

- Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)
What to do if you are Worried a Child is Being Abused (HMG 2006)

<http://legislation.org.uk/>

The Information and records policy was adopted in -----

Date for review -----

Signed on behalf of the Management Committee

Name of signatory _____

Role of signatory _____

I have read the Information and Records Policy
I have been given the opportunity to comment upon the contents of
the policy and I am happy with the policy contents...

Name	Signature	Date

