



## Data Protection Policy

All confidential information in our setting is stored securely in a filing cabinet in the office, only management have the key and it is locked overnight. It is our intention to respect the privacy of our children, families and staff at all times. We aim to ensure that all families can share their information in the confidence that it will only be used to enhance the welfare of their children. There are record systems in place within the framework of the Data Protection Act and the Human Rights Act.

### Our Confidential procedures

- 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 setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided in'.
- Information share 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. Eg. With regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parent 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, they are locked overnight.
- With regards to all social networking sites i.e facebook, twitter etc. we ask all staff to sign a declaration at their induction to state that they will not share any information (including photographs) about the children, setting, parents or other staff via these sites to any other person including First Steps staff and Directors.

In the event of a safeguarding concern and request for information on these grounds, in acknowledgment of safeguarding legislation overriding this policy content, the information will be provided. We will however seek this request in writing and store in the child's personal file.

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 setting's manager.
- The setting manager sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.

- The setting's manager/Directors 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 setting manager will 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 setting, 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 setting 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 setting or another (third party) agency.

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 see also our policy on child protection.

# Retention periods for records



Children's records	Retention period	Status	Authority
Children's records - including registers, medication record books and accident record books pertaining to the children	A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980  Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Personnel records	Retention period	Status	Authority
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development

DBS check	6 months	Recommendation	DBS Code of Practice  The following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken
<i>Pay</i>			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982
Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development

<i>Health and safety</i>			
Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
<b>Financial records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Accounting records	3 years from the end of the financial year for private companies, 6 years for public	Requirement	Companies Act 2006

	limited companies		
	6 years for charities	Requirement	Charities Act 2011
<b>Administration records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive
Minutes/minute books	10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation	Chartered Institute of Personnel and Development

### Useful publications

More detailed information on retention of financial records is provided in *Financial Management* (Ref: A119) Pre-school Learning Alliance, which can be ordered from [www.pre-school.org.uk/shop](http://www.pre-school.org.uk/shop).

The Pre-school Learning Alliance is the largest and most representative early years membership organisation in England. An educational charity, the Alliance represents the interests of over 14,000 member settings who deliver care and learning to over 800,000 families every year. We offer information and advice, produce specialist publications, run acclaimed training and accreditation schemes and campaign to influence early years policy and practice.

T. 020 7697 2595 E. [info@pre-school.org.uk](mailto:info@pre-school.org.uk) W. [www.pre-school.org.uk](http://www.pre-school.org.uk)

## Keeping Children's records

### Learning Journeys

- *These include observations of children in the setting, photographs, video clips and samples of their work and summary developmental reports.*

### 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 cabinet in the office and are kept secure by the managers.

- Parents have access 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. Staff sign a confidentiality statement during their induction

**Other records**

- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- Students on childcare qualifications and training, when they are in the setting, are advised of our confidentiality policy and are required to respect it.

Date of Policy: March 2019

Signed By: Nursery Manager