

General Welfare Requirement: Documentation

Providers must maintain records, policies and procedures required for the safe and efficient management of the settings and to meet the needs of the children.



Safeguarding

Privacy notice incorporating confidentiality

(To be used in conjunction with Safeguarding & Child Protection Policy for Educational Settings & Providers of Education Services for Children & Young People (Including No Platform Policy))

Policy statement

Hollyfield Preschool Nursery provides a welcoming, stimulating and secure environment where children, families, staff and volunteers from all backgrounds and cultures are valued.

We respect each other's rights, listening to all who use or setting and putting individual needs at the heart of our work. Our inclusive nursery community works together to promote equality, encouraging and supporting each person to develop to their full potential and have a sense of identity. We develop our children's curiosity and challenge them to achieve their best and become self-confident and independent learners.

This policy has also been revised to include compliance with social distancing guidance, showing how we communicate to staff and parents and to children in an age-appropriate approach. We are committed to safeguarding and promoting the wellbeing of all children and expect our staff and volunteers to share this commitment.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.2 Inclusive practice 1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.1 Observation, assessment and planning 3.3 The learning environment 3.4 The wider context	

Our Nursery Values 'SPARKLE'

S – We provide **Security** which enables **Self-belief**. This in turn makes each child feel **Special** which gives **Strength** of character.

P – **Practitioners** teach with **Passion** and support children in being **Playful, Persistent** and **Proud** learners

A – We help children to successfully **Adapt** to new environments and routines. This means children feel secure to **Actively Achieve** their goals.

R – Practitioners strive to have positive and open **Relationships** with all families who come to nursery. We support our children to be **Responsible** and **Resilient** learners

K – Our children are **Keen** learners who show **Kindness** to all around them with support from our positive behaviour systems. Children are **Knowledgeable** about their rights and help each other to stay safe as well as express their feelings.

L – Our **Leadership** is robust and fosters a **Loving** environment both for practitioners and children to have a **Love for Learning**

E – We ensure **Equality** which supports **Empowerment** in taking steps in our own learning. Children and staff are **Enthusiastic** and **Eager** to keep learning.

The UN Convention on the Rights of the child

This policy is in accordance with the 1989 United Nations Convention on the Rights of the Child (UNCRC)

Children's rights are:

UNIVERSAL – Rights are for all children all over the world

INHERENT – All children are born with these rights

INALIENABLE – Rights cannot be taken away

UNCONDITIONAL – Rights do not have to be earned

INDIVISIBLE – All rights are equally important

Article 2: Non-discrimination-

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Article 3: Best interests of the child-

The best interests of the child must be a top priority in all decisions and actions that affect children.

Article 8: Protection and preservation of identity-

Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully.

Article 12: Respect for the views of the child-

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

Article 13: Freedom of expression-

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

Article 14: Freedom of thought, belief and religion-

Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

Article 15: Freedom of association-

Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 19: Protection from violence, abuse and neglect-

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 23: Children with a disability-

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

Article 27: Adequate standard of living-

Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

Article 28: Right to education -

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Article 29: Goals of education -

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Article 30: Culture-

Every child has the right to learn and use the language, customs and religion of their family, regardless of whether these are shared by the majority of the people in the country where they live.

Article 31: Leisure, play and culture -

Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

Introduction

We are committed to ensuring that any personal data we hold about our families is protected in accordance with data protection laws and is used in line with your expectations. Hollyfield Preschool Nursery Data protection officer is **Lydia Enefer**. This privacy notice explains what personal data we collect, why we collect it, how we use it and how we protect it. 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 General Data Protection Regulations (GDPR, 2018) and the Human Rights Act (1998).

What personal data do we collect?

We collect personal data about our families to provide care and learning that is tailored to meet individual children's needs. We also collect information in order to verify eligibility for free childcare as applicable.

Personal details that we collect about children included in the registration form:

- Name, date of birth, address, health and medical needs, development needs, and any special educational needs, likes and dislikes, birth certificate number, religion, ethnicity, language spoken at home etc.

Where applicable we will obtain child protection plans from social care and health care plans from health professionals. We will also ask for information about who has parental responsibility for children and any court orders pertaining to individuals.

Personal details that we collect about parents/carers included in the registration form:

- Name, home and work address, phone numbers, emergency contact details, family details, a password for anyone who collects the child to use, email address etc.

If parents apply for up to 30 hours free childcare, we will also collect:

- Parent national insurance number or unique taxpayer reference (UTR), if self-employed. We may also collect information regarding benefits and family credits that parents are in receipt of.

Why we collect this information and the legal basis for handling data

We use personal data about our families in order to provide childcare services and fulfil the contractual arrangement they have entered into. This includes using data to:

- Contact parents in case of an emergency
- Support children's wellbeing and development
- Manage any special educational, health or medical needs of children whilst at our setting
- Carry out regular assessment of children's progress and to identify any areas of concern
- Maintain contact with parents about children's progress and respond to any questions they may have
- Process claims for up to 30 hours free childcare (only where applicable)
- Keep parents updated with information about our service

With parental consent, we will also record children's activities for their individual learning record on Tapestry. This may include photographs and videos. Parents will have the opportunity to withdraw consent at any time for images taken by confirming so in writing.

We have a legal obligation to process safeguarding related data about children should we have concerns about their welfare. We also have a legal obligation to transfer records and certain information about children to the next setting children will be attending

Who we share data with

In order for us to deliver childcare services we will also share data as required with the following categories of recipients:

- Ofsted – during an inspection or following a complaint about our service
- Banking services to process online banking payments and voucher payments
- Local Authority (where parents claim up to 30 hours free childcare as applicable)
- Government's eligibility checker (as above)
- Insurance underwriter (if applicable)
- Setting software management provider (if applicable)
- Settings that child will be attending when leaving us

We will also share data:

- If legally required to do so, for example, by law, by a court or the Charity Commission
- To enforce or apply the terms and conditions of parental contract with us
- To protect children; for example by sharing information with social care or the police
- If it is necessary to protect our or others rights, property or safety
- If we transfer the management of the setting, in which case we may disclose personal data to the prospective buyer so they may continue the service in the same way.

We will never share your data with any other organisation to use for their own purposes

How do we protect data?

We protect unauthorised access to personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed by storing in lockable drawers

How long do we retain data?

We retain personal data for up to 3 years after the child no longer uses our setting, or until our next Ofsted inspection after the child leaves our setting. Medication records and accident records are kept for longer according to legal requirements. Children’s learning and development records are maintained by us and handed back to parents when children leave us. In some instances (child protection, or other support service referrals) we are obliged to keep data for longer if it is necessary to comply with legal requirements

Automated decision-making

We do not make any decisions about children based solely on automated decision-making, and must be justifiable and we will then explain the details to parents if this is the case.

Parents rights with respect to data

Parents have the right to:

- Make a Subject Access Requests (SAR) which is when the right of access permits you to request and receive a full breakdown of all the personal data you have shared with an organisation
 1. Request access, amend or correct their own child’s personal data
 2. Request that we delete or stop processing their own child’s personal data, for example where the data is no longer necessary for the purposes of processing
 3. Request that we transfer own family personal data to another person
- Make a Freedom of Information (FOI) request, which is the right to access recorded information held by public sector organisations.

If parents wish to exercise any of these rights at any time or if they have any questions, comments or concerns about this privacy notice, or how we handle data, please contact us.

If concerns continue about the way data is handled and parents remain dissatisfied after raising a concern with us, they have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk/

Confidentiality

'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 2018)

Staff and managers at Hollyfield Preschool Nursery 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.

Confidentiality procedures

- 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 Safeguarding 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 and in these cases, 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 are 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, regarding 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.

- Information is kept in a manual file, or electronically. Our staff may also 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.
- Where it is helpful to keep an electronic copy, we store it on a PC which requires a password and only senior staff have access to.
- Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to our manager/deputy and the child's key person and is only 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, or 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, our practitioners and managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.
- Should any members of staff or students share any kind of information with people outside of the setting for any reason, the Capability Procedure will be put in place and disciplinary action will be taken

Client access to records procedures

Parents 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 about 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 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 one month for the file to be made ready and available. We will be able to extend this by a further two months where requests are complex or numerous. If this is the case, we will inform parents within one month of the receipt of the request and explain why the extension is necessary
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- Our management team and legal advice may be sought before sharing a file.
- Our management team goes through the file and ensures 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, stepparent, 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 the management team 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 invites him/her to make an appointment to view it.
- Our management team meet 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 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 complaint's procedure.
- The law requires that the information we hold must be held for a legitimate reason and must be accurate (see our Privacy Notice). 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 would have given the 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.

Changes to this notice

We keep this notice under regular review. Parents will be notified of any changes where appropriate.

Legal framework

- General Data Protection Regulations (GDPR, 2018)
- Human Rights Act (1998)

Further guidance

- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HMG 2018)

This policy was adopted at Hollyfield Preschool Nursery's Staff meeting in April 2018

Date to be reviewed – March 2022

Signed on behalf of the management team –

Name of signatory –

Role of signatory -