

Light vertical

## Confidentiality Policy

Evergreen Forest Nursery 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. We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework The General Data Protection Regulation (GDPR) and Data Protection Act (2018) and the Human Rights Act (1998). It is important to note that the GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

### Confidentiality procedures

- Most things that happen between the family, the child and the setting are confidential to our setting.
- Occasionally it may be necessary to share information about a child with, for example, other agencies or professionals, or possibly social care or the police.
- If we judge that information needs to be shared with another agency we will ask for consent from a parent/carer, except in exceptional circumstances in which the safety or welfare of the child might be jeopardised.
- We will follow the advice set out in the Government document, Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (2018) when making decisions regarding the sharing of confidential information, including whether, in exception circumstances, to share information without consent.
- Some parents may share information about themselves or their child with other parents; we cannot be held responsible if information is shared by those parents whom the person has confided in.
- 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.
- All records, whether on paper or electronic, are kept securely. No-one outside the Evergreen Forest Nursery staff has access to any information kept by about the children at the setting.
- Staff discuss children's general progress and well being together in meetings, but more sensitive information is restricted to our manager and the child's key person, and is shared with other staff on a need to know basis.
- We do not discuss children with anyone who is not involved in the child's care, including 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.

- Parents may at any time request to see all confidential information the nursery holds about their child. To do so they need to email the manager, who will arrange for all such information to be provided to them.
- Our recording procedures and guidelines ensure that the all records made about a child or family reflect an accurate and non-judgemental account of any work done or discussions held.
- The law requires that the information we hold must be accurate. 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.

## Children's records

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 Data Protection Act (1998) and the Human Rights Act (1998).

We keep two kinds of records on children attending our setting:

### Developmental records

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

### Personal records

- These may include the following (as applicable):
- Personal details – including the child's registration form and any consent forms
- Parents details including contact information (address, phone numbers, email) and contact information for other adults (emergency contacts).
- Contractual matters – including a copy of the signed terms and conditions, the child's days and times of attendance, a record of the child's fees, any fee reminders or records of disputes about fees.
- Child's development, health and well-being – information gathered via the enrolment form when the child starts at Evergreen Forest Nursery and any information added afterwards.
- Any additional focused intervention provided by our setting (e.g. support for behaviour, language or development that needs an SEN action plan) and records of any meetings held.
- Welfare and child protection concerns – including records of all welfare and protection concerns, and our resulting action, meetings and telephone conversations about the child, an Education, Health and Care Plan and any information regarding a Looked After Child.
- Dates and times of attendance.
- Accident and incident reports.

### Procedures

- Children's records, as outlined above, are kept both electronically and on paper, depending on what is most appropriate and necessary. In all cases, the records are kept securely and are only accessible by a member of the nursery staff or, on request, the parent of the child.
- Any paper records that are held by the nursery staff during the course of a session (eg,

- contact details) are locked securely overnight.
- Shared electronic folders are shared only with nursery staff.
  - If a child attends another setting, we establish a regular two-way flow of appropriate information with parents and other providers. Where appropriate, we will incorporate comments from other providers, as well as parents and/or carers into the child's records.
  - We may be required to hand children's personal files to Ofsted as part of an inspection or investigation process; or to local authority staff, as long as authorisation is seen. We ensure that children's personal files are not handed over to anyone else to look at.
  - Parents have access, on request, to the files and records of their own children, but do not have access to information about any other child.
  - Our staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs.
  - Our staff induction programme 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 setting; except records that relate to an accident or child protection matter, which are kept until a child reaches the age of 21 years or 24 years respectively. These are kept in a secure place.
  - When staff leave the nursery, their access to the shared electronic folders and is removed and any paper records are returned to Evergreen Forest Nursery
  - Other than when sharing with other agencies or professionals, with parental consent, staff never share any information about a nursery child outside of the nursery or save electronic files in any location other than the secure shared folders.

### Record retention periods

We retain records in line with the 2018 recommendations from the Pre-School Learning Alliance. Please see Appendix 1.

Records are retained for these periods either in paper or electronic form, depending on what is more practical and secure. All retained records are held securely and can only be accessed by the nursery management.

### Appendix 1

Taken from *Retention periods for records (Pre-School Learning Alliance 2018)*

<b>Children's records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Children's records, including registers, medication records and accident records pertaining to children Note: children's learning and development records i.e. learning journeys are maintained by the setting and handed to parents when the child leaves. *If a concern is identified that legal action may be instigated, all relevant information will be retained	Records should be retained for a reasonable period of time after children have left the provision (e.g. three years) or until the next Ofsted inspection after the child has left the setting (whichever is soonest).	Requirement	EYFS (given legal force by Childcare Act 2006)

until the child reaches the age of 25.

Until child reaches age of 21 - or until the child reaches the age of 25 for child protection records, SEND records and health care plans. Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements.

Recommendation

Limitation Act 1980  
Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to three years after, or deliberately caused personal injury up to six years after the event) are postponed until the child reaches 18 years old.

Records of any reportable death, injury, disease or dangerous occurrence.

Three years from the date of the last entry (or, if the accident involves a child, then until the person reaches the age of 21). The setting will also need to consider whether it is necessary to keep the records for a longer period in light of the circumstances.

Requirement

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI1995/3163) (as amended)

Safeguarding and welfare records (including written summary of information transferred to schools) which resulted in a Child Protection referral or Child In Need referral being made to the local authority.

Until the child reaches age 25 years, or for Looked After Children 75 years.

Requirement

Limitation Act 1980

Safeguarding and welfare records (including written summary of information transferred to school) which resulted in a referral being made to CAF or other early help support services referrals.

Six years from time referral made, or for Looked After Children 75 years.

Requirement

Limitation Act 1980

**Personnel records**

**Retention Period**

**Status**

**Authority**

Personnel files and training records (including disciplinary records and working time records).

Six years after employment ceases.

Recommendation

Chartered Institute of Personnel and Development

Application forms and interview notes for unsuccessful candidates.

Six months to one year.

Recommendation

Chartered Institute of Personnel and Development

DBS information

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer

Requirement

Disclosure and Barring Service

Requirement

than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

We will maintain on employee files the reference number, the date a check was obtained and who obtained it.

EYFS (given legal force by Childcare Act 2006)

<b>Pay</b>	<b>Retention Period</b>	<b>Status</b>	<b>Authority</b>
Wages/salary records (including overtime, bonuses and expenses).	Six years.	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records.	Three years after the end of the tax year in which the maternity period ends.	Requirement	The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended
Statutory Sick Pay (SSP) records.	Six years after employment ceases.	Recommendation	Chartered Institute of Personnel and Development
Income Tax and National Insurance returns/records.	At least three years after the end of the tax year to which they relate.	Requirement	The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended
Redundancy details, calculations of payments, refunds, notification to secretary of state.	Six years from the date of redundancy.	Recommendation	Chartered Institute of Personnel and Development
Parental leave records.	18 years from the birth of the child.	Recommendation	Chartered Institute of Personnel and Development
National Minimum Wage records.	Three years after the end of the pay reference period following the one that the records cover.	Requirement	National Minimum Wage Act 1998
Pension scheme and member records.	Six years (except for records of opt-outs which must be kept for four years).	Requirement	The Pensions Regulator
12 years from the ending of any benefit payable under the policy	Recommendation	Chartered Institute of Personnel and Development	
<b>Health and safety</b>	<b>Retention Period</b>	<b>Status</b>	<b>Authority</b>
C:\Users\misss\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\57078F30.tmpStaff accident records (for organisations with 10	Three years after the date of the last entry (there are separate rules for recording of accidents involving hazardous substances).	Requirement	Social Security (Claims and Payments) Regulations 1979 (SI 1979/628)

or more employees).

Records of any reportable death, injury, disease or dangerous occurrence.	Three years from the date of the last entry.	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended
Accident/medical records as specified by the Control of Substances Hazardous to Health regulations (COSHH) 1999	40 years from the date of the last entry.	Requirement	The Control of Substances Hazardous to Health regulations 1999 (COSHH) (SIs 1999/437 and 2002/2677)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees.	Permanently.	Recommendation	Chartered Institute of Personnel and Development

### **Financial Records**

### **Retention Period**

### **Status**

### **Authority**

Accounting records.	Three years for private companies. Six years for Public Limited Companies. Six Years for Charities	Requirement	Section 386 and 388 of the Companies Act Charities Act 2011 section 131
---------------------	--	-------------	--

### **Administration records**

### **Retention period**

### **Status**

### **Authority**

Complaints records	At least three years from the date of the last record.	Requirement	Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
Insurance policies.	Permanently.	Recommendation	Information and Records Management Society
Minutes/minutes books.	Permanently	Recommendation	Chartered Institute of Personnel and Development