

## **Chudleigh Pre-school**

**Registered Charity No: 1028874**

**PLA No: 22478**

### **Confidentiality & Data Protection Policy**

#### **Statement of Intent**

The work of Chudleigh Pre-school brings us into contact with confidential information. We have a specific responsibility, in accordance with the Children's Act, to consider all information regarding the children in our care and their parents/carers as confidential. Information relating to children is sensitive and needs to be handled carefully. We are committed to respecting the confidentiality of all parents/carers, children, employees and volunteers. Employees, students, volunteers and the Committee are advised of this policy, required to abide by it at all times and sign annually to show they have read it. Visitors are made aware of the policy.

We store and process personal data during the normal course of our business and do so in accordance with the Data Protection Act 1998. Parents/carers, employees & volunteers have a right to know what information is held about them and to change that information if they believe it to be inaccurate.

#### **Aim**

To ensure that anyone who uses the facilities at Chudleigh Pre-school can do so knowing that we will respect their confidentiality and comply with the Data Protection Act 1998.

#### **Methods**

##### **Children's Records**

We keep three kinds of records on the children attending Chudleigh Pre-School:

1. Developmental records

These include observations of the children, samples of their work, summary developmental reports and learning journeys. They are usually kept in the School Room if the child attends Pre-School and in the Community Room if the child attends Rising Fives. The records can be accessed, and contributed to, by staff, the child and the child's parents.

2. Personal records

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These include registration and admission forms, signed consents, 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 accessed by the relevant party from staff

and/or committee and are stored in a locked cabinet and/or held on computer and protected by passwords.

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 safeguarding and any contact and correspondence with external agencies in relation to their child (unless in the child's best interest and safety not to do so - see Safeguarding Policy).

Parents have access, in accordance with the access to records procedure (below), to the files and records of their own children but do not have access to information about any other child.

Employees do not discuss personal information given by parents, except where it affects planning for the child's needs. Staff and student induction includes an awareness of the importance of confidentiality.

### 3. Photographic Images

Chudleigh Pre-School do not allow any photographs or video images taken/recorded during pre-school sessions to be used for purposes other than those already stated by pre-school on the permission form which is signed by the parents/carer. At public events Chudleigh Pre-School do not provide the names of children to anybody taking photographs or video/filming, unless the parents/carers have given their express permission.

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Parents/carers have the right to access images of their children held by the pre-school. If the images also contain other children then access will be under supervision & on pre-school premises.

Supervisors, helpers, volunteers, students, visitors and committee members do not discuss any child, other than for the purposes of planning the sessions or group management, with any person other than the parents/carers of that child.

Information given by parents/carers to Chudleigh Pre-School is not passed on to anyone without written permission.

Any concerns or evidence relating to a child's personal safety is kept by the Safeguarding Officer and is not shared within Chudleigh Pre-school, except with other supervisors, or ultimately with the Committee and/or relevant third parties (e.g. social services), if it is considered necessary. Any third party involvement is carried out in accordance with our Child Protection Policy and English Law.

Parents/carers may request access to the files and records of their own children 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 a Supervisor.
- The Supervisor informs the chairperson and sends a written acknowledgement.
- Chudleigh Pre-School provide access within 14 days - although this may be extended.
- The Supervisor and chairperson 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. A copy of these letters are retained on the 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.

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- 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 Supervisor and chairperson go through the file and remove any information which a third party has refused consent to disclose.
- What remains is the information recorded by Chudleigh 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 supervisor, 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 Chudleigh Pre-School or another (third party) agency.

### **Sharing information with other Practitioners**

We recognise that children sometimes attend another setting/childminder during their time with us and/or move to another early years setting before they go on to school, although many will leave our setting to enter a nursery or reception class.

We seek parental permission on the child registering with us to share information from the child's Learning Journey with other practitioners.

We prepare children for transitions and involve parents and the receiving setting or school in this process. Devon's Transition Document is prepared summarising a child's achievements and any important personal information that a parent may wish to share in the Early Years Foundation Stage in our setting; 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.

## **Procedures**

### *Transfer of development records for a child moving to another early years setting or school*

- Using the Learning Outcomes in the Early Years Foundation Stage guidance and our assessment of children's development and learning, the key person will prepare a summary of achievements in the seven areas of learning and development.
- The record refers to:
  - any additional language spoken by the child and his or her progress in both languages;
  - any additional needs that have been identified or addressed by the setting;
  - any special needs or disability, whether a CAF was raised in respect of special needs or disability, whether there is a Statement of Special Educational Needs, and 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.
- When a child transfers to a school, we use the Devon proforma transition record.
- 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 any safeguarding or child protection concerns that were raised in the setting 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.

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- 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 as 'confidential'.

### **Employment records**

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

Employment records include application forms, income tax details, payment information, appraisals and correspondence concerning the employee. The confidential records are kept in a locked cabinet which is only accessed by the Staffing Officer, or Chair. The administrator has access to the files to enable them to pay the employees and for filing purposes.

We do not provide a confidential reference or similar information about an employee unless the employee has given their permission.

Our employees have a legal right of access to the information we hold about them. This includes grievance and disciplinary issues. Employees may request access to their personal file using the procedure below.

- An employee must make their request in writing to the chairperson or Staffing Officer.
- The employee will receive a response within 14 days detailing when and where they can access their records.
- The personal record will be reviewed by the Staffing Officer or chairperson to ensure that information regarding any third parties is removed prior to the employee checking their records. If the employee wishes to copy any of the records a photocopying charge may be made.

Please refer to the **Recruitment and Retention** file for our policies on recruitment and confidential information

All the undertakings above are subject to our paramount commitment, which is to the safety and well-being of the child.

Related Policies

- Safeguarding Children Policy
- Student Policy
- Volunteers Policy
- Children's Records Policy
- Confidentiality and Client Access to Records Policy
- Information Sharing Policy
- Provider Records Policy
- Transfer of Records to School Policy
- Working in Partnership with Other Agencies Policy

ICT policies:

- Internet Policy
- Mobile Device Policy
- Camera and Image Policy
- ICT Misuse Policy
- Acceptable Use Policy

Reviewed at Committee Meeting March 2014

Reviewed 15<sup>th</sup> January 2019