CHILDREN'S RECORDS AND DATA PROTECTION

Aim

We have record keeping systems in place for the safe and efficient management of the provision and to meet the needs of the children; that meet legal requirements for the storing and sharing of information within the framework of the GDPR and the Human Rights Act.

Objectives

- Children's records are kept in personal files, divided into appropriate sections, and stored separately from their developmental records, or are kept electronically on management software systems.
- Children's personal files contain registration information in accordance with this policy.
- Children's personal files contain other material described as confidential as required, such as Early Help Assessments, Early Support information or Education, Health and Care Plan (EHCP), case notes including recording of concerns, discussions with parents/carers, and action taken, copies of correspondence and reports from other agencies.
- Ethnicity data is only recorded where parents/carers have identified the ethnicity of their child themselves.
- Confidentiality is maintained by secure storage of files in a locked cabinet with access restricted to those who have a right or professional need to see them. Client access to records is covered in our client access to records policy.
- Staff know how and when to share information effectively if they believe a family may require a particular service to achieve positive outcomes.
- Staff know how to share information if they believe a child is in need or at risk of suffering harm.
- Staff record when and to whom information has been shared, why information was shared and parental consent will be sought where appropriate; however, consent is not required where there is a safeguarding concern, a statutory duty to share information, or another lawful basis for disclosure.
- Where consent has not been given and staff have taken the decision, in line with Information Sharing Duty, to override the refusal for consent, the decision to do so is recorded.

- Guidance and training for staff specifically covers the sharing of information between professions, organisations, and agencies as well as within them, and arrangements for training takes account of the value of multi-agency as well as single agency working.

Records

The following information and documentation are also held:

- name, address and contact details of the provider and all staff employed on the premises
- name, address and contact details of any other person who will regularly be in unsupervised contact with children
- Information about staff qualifications, identity checks and references that have been completed during the recruitment process
- a daily record of all children looked after on the premises, their hours of attendance and their named key person
- certificate of registration displayed and shown to parents/carers on request
- records of risk assessments
- record of complaints and their resolutions
- record of accidents or injuries and first aid treatment. to include steps that were taken and if incidents were reported to Health and Safety Executive (HSE) and/or Ofsted.
- record of any safeguarding allegations against a member of staff, visitors or volunteers

All information is kept in line with the Stepping Stones Privacy Notice. This is shared with parents and carers when a child or young person is registered for a service.

Parents/carers are asked to sign informed consent to record and sharing information prior to their child/young person attending a setting. If a parent/carer would not expect their information to be shared in any given situation, normally, they should be asked for consent prior to sharing unless there is a lawful basis to do so.

The setting is committed to protecting personal information and ensuring that all data is collected, stored, used and shared in accordance with UK data protection legislation. Personal information will only be accessed by those who need it and will be handled securely, confidentially and appropriately.

The setting recognises that data protection legislation does not prevent the sharing of information where there is a lawful basis to do so. In line with safeguarding responsibilities and the statutory Information Sharing Duty, relevant information may be shared with appropriate professionals and agencies when it is necessary to safeguard a child, promote their welfare, assess needs, identify risks or provide support.

Wherever possible, the setting will be transparent with children, parents and carers about how information is used and shared. Consent will be obtained where required; however, consent is not always necessary when there are safeguarding concerns or another lawful basis for sharing information. Staff must not allow concerns about data protection to delay or prevent appropriate action being taken to protect a child.

All information-sharing decisions will be necessary, proportionate, relevant, accurate, timely and recorded appropriately. Information will only be shared with those who have a legitimate need to know and will be transferred securely in accordance with local safeguarding procedures and statutory guidance.

Principles of data protection: lawful processing of data

Personal data shall be:

a) *processed lawfully, fairly and in a transparent manner in relation to the data subject*

b) *collected for specified, explicit and legitimate purposes and not further processed in a manner that is not compatible for these purposes*

c) *adequate, relevant and necessary in relation to the purposes for which they are processed*

d) *accurate, and where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purpose for which they are processed, are erased or rectified without delay*

e) *kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed*

f) *processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ("integrity and confidentiality")* Article 5 of the General Data Protection Regulations (2018)

Practitioners should process data, record and share information in line with the principles above.

During an outbreak of serious illness of disease there may be the need to keep additional records as part of outbreak management. A record is kept of individual cases of children/families who are self-

isolating due to symptoms as per usual record-keeping procedures. In all cases the principles of data protection are maintained at [name of setting]

General safeguarding recording principles

- It is vital that all relevant interactions linked to safeguarding children's and individual's welfare are accurately recorded.
- All recordings should be made as soon as possible after the event.
- Recording should be to a good standard and clear enough to enable someone other than the person who wrote it, to fully understand what is being described.
- Recording can potentially be viewed by a parent/carer, Ofsted inspector, childminder agency, by the successors of the practitioners who record, and may be used in a Family Court as relevant evidence to decide whether a child should remain with their biological parents or be removed to live somewhere else. Recording needs to be fair and accurate, non-judgemental in tone, descriptive, relevant, and should clearly show what action has been taken to safeguard a child and reflect decision-making relating to safeguarding.
- Recording should be complete, it should show what the outcome has been, what happened to referrals, why decisions were made to share or not share information, and it should contain summaries and minutes of relevant multi-agency meetings and multi-agency communication.
- If injuries or other safeguarding concerns are being described the description must be clear and accurate and should give specific details of the injury observed and where it is located.

The principles of GDPR and effective safeguarding recording practice are upheld Stepping Stones Pre-school

- Recording is factual and non-judgemental.
- The procedure for retaining and archiving personal data and the retention schedule and subsequent destruction of data is adhered to.
- Parents/carers and children where appropriate are made aware of what will be recorded and in what circumstances information is shared, prior to their child starting at the setting. Parents/carers are signposted to the Settings Privacy notice and give signed, informed consent to recording and information sharing as part of the settle sessions. If a parent/carer would not expect their information to be shared in any given situation, normally, they should be asked for consent prior to sharing, unless there is a lawful basis to do so.

- There are circumstances where information is shared without consent to safeguard children. These are detailed below, but in summary, information can be shared without consent if there is a lawful basis to do so, and gaining consent places a child at risk.
- Records can be accessed by, and information may be shared with local authority professionals. If there are significant safeguarding or welfare concerns, information may also be shared with a family proceedings Court or the police. Educators are aware of information sharing processes in line with Information Sharing Duty and all families should give informed consent to the way the setting will use, store, and share information.
- Recording should be completed as soon as possible and within 5 working days as a maximum for safeguarding recording timescales.
- If a child attends more than one setting, a two-way flow of information is established between the parents/carers, and other providers. Where appropriate, comments from others (as above) are incorporated into the child's records.

Children's personal files at Stepping Stones

- Children's files will contain the following where appropriate:
  - Personal details: registration form and consent forms & Parent Contracts
  - SEND support requirements
  - additional focussed intervention provided by the setting e.g. support for behaviour, language or development that needs an Action Plan at setting level
  - records of any meetings held
  - welfare and safeguarding concerns: correspondence and reports: all letters and emails to and from other agencies and confidential reports from other agencies
- Children's personal files are kept in a filing cabinet, which is always locked when not in use.
- Access to children's personal files is restricted to those authorised to see them and make entries in them, this being the centre manager, deputy or designated person for child protection, the child's key person, or other staff as authorised by the centre manager.
- Children's personal files are not handed over to anyone else to look at.
- Children's files may be handed to Ofsted as part of an inspection or investigation; they may also be handed to local authority staff conducting a S11 audit if authorisation is seen.