

Birdwood Nursery Children's Records Policy

1. Policy Statement

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 Regulation (2018) and the Human Rights Act (1998).

This policy and procedure should be read alongside our Confidentiality Policy and Client Access to Records Policy and our Information Sharing Policy.

2. Procedures

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

1. Developmental records:

- These include observations of children in the setting, photographs, video clips and samples of their work and summary developmental reports;
- These are usually kept on display in each play space and can be accessed, and contributed to, by our staff, the child and the child's parents.

2. Personal records:

These may include the following:

- Personal details – including the child's registration form and any consent forms;
- Contractual matters – including a copy of the signed parent contract, 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 – including a summary only of the child's EYFS profile report, a record of discussions about every day matters about the child's development health and well-being with the parent;
- Early Support – including any additional focussed 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;
- Correspondence and Reports – including a copy of the child's 2 Year Old Progress Check (as applicable), all letters and emails to and from other agencies and any confidential reports from other agencies.

These confidential records are stored in a lockable file or cabinet, which is always locked when not in use and which the Nursery Manager keeps secure in an office or other suitably safe place.

- We read any correspondence in relation to a child, note any actions and file it immediately;

- We ensure that access to children's files is restricted to those authorised to see them and make entries in them, this being the Nursery Manager, Deputy Nursery Manager or Designated Safeguarding Lead and Deputy Lead for child protection, the child's key person, or other staff as authorised by the Nursery Manager;
- 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 conducting an S11 audit, if authorisation is seen. We ensure that children's personal files are not handed over to anyone else to look at;
- Parents have access, in accordance with our Confidentiality and Client Access to Records Policy, 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 (see the setting's Privacy Policy):
 - Safeguarding records – Until the child is 25 years old
 - Accident and Incident Forms – 22 years
 - RIDDOR forms – 22 years
 - Early Years Education Forms – 7 years
 - Complaints Records – 3 years
 - Children's registration forms – 2 years from leave date
 - Medicine forms – 2 years from leave date
 - Allergy forms – 2 years from leave date
 - Children's registers – 2 years
 - New parent enquiry information – 1 year

2.1 Archiving children's files

- When a child leaves our setting, we remove all paper documents from the child's personal file and place them in a robust envelope, with the child's name and date of birth on the front and the date they left;
- We seal this and place it in an archive box, stored in a safe place (i.e., a locked cabinet) for three years. After three years it is destroyed;
- Where there were S47 child protection investigations, we mark the envelope with a star and archive it for 25 years;
- We archive all documents unless the records are related to Safeguarding issues or and SEND, which would be transferred to the child's school;
- We store financial information according to our finance legislation in place at the time.

2.2 Other records

- We keep a daily record of the names of the children we are caring for, their hours of attendance and the names of their key person;
- Students or other recognised qualifications and training, when they are observing in the setting, are advised of our Confidentiality and Client Access to Records Policy and are required to respect it.

3. Transfer of records

Records about a child's development and learning in the EYFS are made by the setting; to enable smooth transitions, appropriate information is shared with the receiving setting or school at transfer. Confidential records are passed on securely where there have been concerns, as appropriate.

3.1 Transfer of development records for a child moving to another early years setting

- It is the designated person's responsibility to ensure that records are transferred and closed in accordance with the archiving procedures, set out below.

3.1.1 Development and learning records

- The key person prepares a summary of achievements in the prime and specific areas of learning and development;
- This record refers to any additional languages spoken by the child and their progress in all languages;
- The record also refers to any additional needs that have been identified or addressed by the setting and any action plans;
- The document also contains photos or drawings that the child has made;
- These are handed to the parent when the child moves settings.

3.2 Transfer of confidential safeguarding and child protection information

- The receiving school/setting will need a record of child protection concerns raised in the setting and what was done about them. The responsibility for transfer of records lies with the originating setting, not on the receiving setting/school to make contact and request them;
- To safeguard children effectively, the receiving setting must be made aware of any current child protection concerns, preferably by telephone, prior to the transfer of written records;
- Parents should be reminded that sensitive information about their child is passed onto receiving settings where there have been safeguarding concerns and should be asked to agree to this prior to the information being shared. Settings are obliged to share data linked to "child abuse" which is defined as physical injury (non-accidental) physical and emotional neglect, ill treatment, and abuse;
- Parents/carers should be asked to agree to this, however, where safeguarding concerns have reached the level of a referral being made to local children's social work services (either due to concerns that a child may be at risk of significant harm or that a child may be in need under Section 17 of the Children Act), if consent is withheld the information will most likely need to be shared anyway. It is important that any decisions made to share or not share with or without consent are fully recorded;
- For any safeguarding or welfare concerns that resulted in an early help referral being made, and if consent to share is withheld, legal advice is sought prior to sharing;

- The designated person should check the quality of information to be transferred prior to transfer, ensuring that any information to be shared is accurate, relevant, balanced and proportionate. Parents can request that any factual inaccuracies are amended prior to transfer;
- If a parent wants to see the exact content of the safeguarding information to be transferred, they should go through the subject access request process. It is important that a child or other person is not put at risk through information being shared;
- If a parent has objections or reservations about safeguarding information being transferred to the new setting, or if it is unclear what information should be included, the designated person will seek legal advice;
- If a child protection plan or child in need plan is in place, the Child welfare and protection summary is also photocopied and a copy is given to the receiving setting, along with the date of the last professional meeting or case conference;
- If a S47 investigation has been undertaken by the local authority a copy of the child welfare and protection concern summary form is given to the receiving setting;
- Where an early help assessment has been raised in respect of welfare concerns, the name and contact details of the lead professional are passed on to the receiving setting;
- If the setting has a copy of a current plan in place due to early help services being accessed, a copy of this should be given to the receiving setting, with parental consent;
- 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, regardless of the outcome of the investigation;
- Where a child has been previously or is currently subject to a child protection plan, or a child in need plan, the name and contact details of the child's social worker will be passed onto the receiving setting, along with the dates that the relevant plan was in place for;
- This information is posted (by 'signed for' delivery) or taken to the setting, addressed to the setting's designated person for child protection and marked confidential. Electronic records must only be transferred by a secure electronic transfer mechanism, or after the information has been encrypted;
- Parent/carers should be made aware what information will be passed onto another setting via Privacy Policy;
- Copies of the last relevant initial child protection conference/review, as well as the last core group or child in need minutes can be given to the setting/school;
- The Nursery Manager must review and update 06.1a Child welfare and protection summary, checking for accuracy, proportionality, and relevance, before this is copied and sent to the setting;
- The Nursery Manager ensures the remaining file is archived in line with the procedures set out below.

No other documentation from the child's personal file is passed to the receiving setting or school. The setting keeps a copy of any safeguarding records in line with required retention periods, above.

3.3 Archiving children's files

- Paper documents are removed from the child's file, taken out of plastic pockets and placed in a robust envelope, with the child's name, date of birth, and the date they left on the front;
- The designated person writes clearly on the front of the envelope the length of time the file should be kept before destruction;
 - This is sealed and placed in an archive box and stored in a safe place i.e., a locked cabinet for three years or until the next OFSTED inspection conducted after the child has left the setting, and can then be destroyed.
- For web-based or electronic children's files, the designated person must also use the archiving procedure, and records details of what needs to be retained/destroyed. The designated person must make arrangements to ensure that electronic files are deleted/retained as required in accordance with the required retention periods in the same way as paper-based files;
- Health and safety records and some accident records pertaining to a child are stored in line with required retention periods, above.