



9. Information and Records

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Contents

	Page
9.1 Admissions	3
9.2 Parental involvement	3
9.3 Children's records	4
• Developmental records	5
• Personal records	5
• Other records	5
9.4 Provider records	5
10.5 Transfer of records to school	5
• Transfer of development records	7
• Transfer of confidential information	7
9.6 Confidentiality and client access to records	7
• Confidentiality procedures	8
• Client access to records procedures	8
9.7 Information sharing	9
• Consent	11
9.8 Working in partnership with other agencies	11
9.9 Making a complaint	12
• The role of Ofsted	13
• Records	14

Information and Records

9.1 Admissions

Policy Statement

Our setting is committed to making our setting accessible to children and families from all sections of the local community. We aim to ensure that all sections of our community have access to the setting through open, fair and clearly communicated procedures.

Procedures

We arrange our waiting list in date of birth order. Inclusion on the list does not guarantee a place and advise families to register with other preschools. In addition our policy may take into account the following:

- siblings already attending the setting;
- special educational needs or special circumstances, as identified by Foundation Stage Independent Advisory Service (FSIAS);
- the vicinity of the home to the setting; and
- the date the child was placed onto the list.

We describe our setting and its practices in terms that make it clear that it welcomes both fathers and mothers, other relations and other carers, including childminders.

We describe our setting and its practices in terms of how it treats each child and their family, having regard to their needs arising from their gender, special educational needs, disabilities, social background, religion, ethnicity or from English being a newly acquired additional language.

We describe our setting and its practices in terms of how it enables children and/or parents with disabilities to take part in the life of the setting.

We monitor the gender and ethnic background of children joining the group to ensure that our intake is representative of social diversity.

We make our Equal Opportunities Policy widely known.

We are flexible about attendance patterns to accommodate the needs of individual children and families, providing these do not disrupt the pattern of continuity in the setting that provides stability for all the children. Where children do not attend the setting on a regular basis (eg less than 80%) and without a good reason, sessions may be terminated and given to another family.

9.2 Parental involvement

Our setting believes that children benefit most from early years education and care when parents and settings work together in partnership.

Our aim is to support parents as their children's first and most important educators by involving them in their children's education and in the full life of the setting.

Some parents are less well represented in early years settings; these include fathers, parents who live apart from their children but who still play a part in their lives as well as working parents. In carrying out the following procedures, we will ensure all parents are included.

When we refer to 'parents' we mean both mothers and fathers; these include both natural or birth parents as well as step-parents and parents who do not live with their children, but have contact with them and play a part in their lives. 'Parents' also includes same sex parents as well as foster parents.

Procedures

We have a means to ensure all parents are included – that may mean we have different strategies for involving fathers or parents who work or live apart from their children.

We consult with all parents to find out what works best for them.

We ensure on-going dialogue with parents to improve our knowledge of the needs of their children and to support their families.

We inform all parents about how the setting is run and its policies through access to written information and through regular informal communication.

We inform all parents on a regular basis about their children's progress.

We involve parents in the shared record keeping about their children - either formally or informally - and ensure parents have access to their children's written developmental records.

We provide opportunities for parents to contribute their own skills, knowledge and interests to the activities of the setting.

We welcome the contributions of parents, in whatever form these may take.
All parents have access to our written complaints procedure.

In compliance with the Welfare Requirements, the following documentation is in place:

- Admissions policy.
- Complaints procedure.
- Record of complaints.
- Developmental records of children.

9.3 Children's records

We have record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act (1998).

This policy and procedure is taken in conjunction with the Confidentiality and Client Access to Records Policy and the Information Sharing Policy.

Procedures

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

Developmental records

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

These are usually kept in the playroom and can be freely accessed, and contributed to by staff.

Personal records

These include registration and admission forms, signed consent forms, 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 stored in a lockable file or cabinet and are kept secure.

Parents have access, in accordance with our 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.

Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction 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. These are kept in a secure place.

Other records

We keep a daily record of the names of the children we are caring for, their hours of attendances and the names of their key person.

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

Students, when they are observing in the setting, are advised of our Confidentiality and Client Access to Records Policy and are required to respect it.

9.4 Provider records

Our setting keeps records for the purpose of maintaining our business. These include:

- Records pertaining to our registration.
- Landlord/lease documents and other contractual documentation pertaining to amenities, services and goods.
- Financial records pertaining to income and expenditure.
- Risk assessments.

- Employment records of staff including their name, home address and telephone number.

We consider our records as confidential based on the sensitivity of information, such as with regard to employment records. These confidential records are maintained with regard to the framework of the Data Protection Act (1998) and the Human Rights Act (1998).

This policy and procedure is taken in conjunction with the Confidentiality and Client Access to Records policy and Information Sharing policy.

Procedures

All records are the responsibility of the managers and/or supervisors who ensure they are kept securely.

All records are kept in an orderly way in files and filing is kept up-to-date.

Financial records are kept up-to-date for audit purposes.

Health and safety records are maintained; these include risk assessments, details of checks or inspections and guidance etc.

Our Ofsted registration certificate is displayed.

Our Public Liability insurance certificate is displayed.

All our employment and staff records are kept securely and confidentially.

We notify Ofsted of any change:

- In the address of the premises.
- To the premises which may affect the space available to us or the quality of childcare we provide.
- To the name and address of the provider, or the provider's contact information.
- To the person managing the provision.
- Any significant event which is likely to affect our suitability to look after children, or
- Any other event as detailed in the *Statutory Framework for the Early Years Foundation Stage* (DfE 2012).

9.5 Transfer of records to school

We recognise that children sometimes 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 prepare children for these transitions and involve parents and the receiving setting or school in this process. We prepare records about a child's development and learning 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 Development Matters 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 7 areas of learning and development.

The record refers to:

- Any additional needs that have been identified or addressed by the setting.
- Any special needs or disability and whether there is a Statement of Educational Need.
- Whether a CAF has been raised and the name of the Lead Professional.

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. Guidance to the form the summary should take will be sent from the Local Safeguarding Children Board at the time of transfer.

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 school or setting.

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 school or setting's designated person for child protection and marked as 'confidential'.

9.6 Confidentiality and client access to records

'Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence'. – Information Sharing: Guidance for Practitioners and Managers (DCSF 2008).

In our setting, staff and managers 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. There are 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).

Confidentiality procedures

We always check where sensitive information is shared with us whether parents regard the information as confidential or not.

Some parents may share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond 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.

Where we record confidential information beyond the general personal information we keep (see our Children's Record Policy) – 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 the child, is kept securely.

Client access to records procedures

Parents may request access to any confidential records held on their child and family 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 the setting leader or manager.
- The setting supervisor informs the management and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's supervisor and management 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. Copies of these letters are retained on 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.
- 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 setting supervisor and management go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
- 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'.
- 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 setting 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 the setting or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.

9.7 Information sharing

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- it is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with the back-up of Managers. The three critical criteria are:

- Where there is *evidence* that the child is suffering, or is at risk of suffering, significant harm.
- Where there is *reasonable cause to believe* that a child may be suffering, or at risk of suffering, significant harm.
- To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the 7 golden rules for information sharing as set out in *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)*.

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.

Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.

2. *Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Seek consent to share information, unless it puts the child at risk or undermines a criminal investigation.*

In our setting we ensure parents:

- receive information about our information sharing policy when starting their child in the setting and they sign a form to say that they *understand* circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult.
- have information about our Safeguarding Children and Child Protection policy; and
- have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.

3. *Seek advice when there are doubts about possible significant harm to a child or others.*

Managers contact children's social care for advice where they have doubts or are unsure.

4. *Share with consent where appropriate. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.*

Guidelines for consent are part of this procedure. Managers and supervisors are conversant with this and are able to advise staff accordingly.

5. *Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well being and safety is paramount.*

In our setting we:

- record any concerns and discuss these with the setting's designated person for child protection matters and the Managers. Record decisions made and the reasons why information will be shared and to whom; and
- follow the procedures for reporting concerns and record keeping.

6. *Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.*

Our Child Protection procedure and Children's Record Keeping procedure set out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. *Keep a record of your decision and the reason for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.*

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies are given to parents of the forms they sign.
- We consider the following questions when we need to share:
 - Is there legitimate purpose to sharing the information?
 - Does the information enable the person to be identified?
 - Is the information confidential?
 - If the information is confidential, do you have consent to share?
 - Is there a statutory duty or court order to share information?
 - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
 - If the decision is to share, are you sharing the right information in the right way?
 - Have we properly recorded your decision?

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please also see our Child Protection policy.

9.8 Working in partnership with other agencies

Our setting works in partnership with local and national agencies to promote the well-being of all children.

Procedures

We work in partnership or in tandem with, local and national agencies to promote the well-being of children.

Procedures are in place for sharing of information about children and families with other agencies. These are set out in the Information Sharing Protocol, Safeguarding Children procedures and the Special Educational Needs Procedures.

Information shared by other agencies with us is regarded as third party information. This is also kept in confidence and not shared without consent from that agency.

When working in partnership with staff from other agencies, we make those individuals welcome in the setting and their professional roles are respected.

We follow the protocols for working with agencies, for example on child protection.

Staff from other agencies do not have unsupervised access to the child they are visiting in the setting and do not have access to any other child(ren) during their visit.

Our staff do not casually share information or seek informal advice about any named child/family.

When necessary we consult with local and national agencies who offer a wealth of advice and information that help us develop understanding of issues facing us and who can provide support and information for parents. For example, ethnic/cultural organisations, organisations promoting childcare and education, or adult education.

9.9 Making a complaint

Our setting believes that children and parents are entitled to expect courtesy and prompt, careful attention to their needs and wishes. We welcome suggestions on how to improve our setting and will give prompt and serious attention to any concerns about the running of the setting. We anticipate that most concerns will be resolved quickly by an informal approach to the appropriate member of staff. If this does not achieve the desired result, we have a set of procedures for dealing with concerns. We aim to bring all concerns about the running of our setting to a satisfactory conclusion for all of the parties involved.

Procedures

All settings are required to keep a written record of any complaints that reach stage two or beyond, and their outcome. This is to be made available to parents as well as to Ofsted inspectors on request.

Making a complaint

Stage 1

Any parent who has a concern about an aspect of the setting's provision talks over, first of all, his/her concerns with the setting supervisor.

Most complaints should be resolved amicably and informally at this stage.

Stage 2

If this does not have a satisfactory outcome, or if the problem recurs, the parent moves to this stage of the procedure by putting the concerns or complaint in writing to the setting supervisor and the management.

Where parents are not comfortable with making a written complaint, the staff member in whom they confided will write a summary of the complaint in the complaints book giving as true an account of the complaint as possible.

The setting stores written complaints from parents in the child's personal file. However, if the complaint involves a detailed investigation, the setting supervisor will store all information relating to the investigation in a separate file designated for this complaint.

When the investigation into the complaint is completed, the management will make its findings known in writing and may meet with the parent to discuss the outcome.

Parents must be informed of the outcome of the investigation within 28 days of making the complaint.

When the complaint is resolved at this stage, the summative points are logged in the Complaints Summary Record.

Stage 3

If the parent is not satisfied with the outcome of the investigation, he or she requests a meeting with the setting supervisor and/or the manager(s). The parent may have a friend or partner present if they prefer and the supervisor should have the support of the management team.

An agreed written record of the discussion is made, as well as any decision or action to take as a result. All the parties present at the meeting sign the record and receive a copy of it.

This signed record signifies that the procedure has concluded. When the complaint is resolved at this stage, the summative points are logged in the Complaints Book.

Stage 4

If at the stage 3 meeting the parent and setting cannot reach agreement, an external mediator is invited to help to settle the complaint. This person should be acceptable to both parties, listen to both sides and offer advice. A mediator has no legal powers, but can help to define the problem, review the action so far and suggest further ways in which it might be resolved.

Stage 5

When the mediator has concluded his/her investigations, a final meeting between the parent and the setting is held. The purpose of this meeting is to reach a decision on the action to be taken to deal with the complaint. The mediator's advice is used to reach this conclusion and is present at the meeting if all parties think this will help a decision to be reached.

A record of this meeting, including the decision on the action to be taken is made. Everyone present at the meeting signs the record and receives a copy of it. This signed record signifies that the procedure has concluded.

The role of the Office for Standards in Education, Children's Services and Skills (Ofsted) and the Local Safeguarding Children Board

Parents may approach Ofsted directly at any stage of this complaints procedure. In addition, where there seems to be a possible breach of the setting's registration requirements, it is essential to involve Ofsted as the registering and inspection body with a duty to ensure the Welfare Requirements of the Early Years Foundation Stage are adhered to.

The number to call Ofsted with regard to a complaint is 0300 123 1231.

These details are displayed on our setting's notice board.

If a child appears to be at risk, our setting follows the procedures of the Local Safeguarding Children Board in our local authority.

In these cases, both the parent and setting are informed and the setting leader works with Ofsted or the Local Safeguarding Children Board to ensure a proper investigation of the complaint, followed by appropriate action.

Records

A record of complaints against our setting and/or the children and/or the adults working in our setting is kept, including the date, the circumstances of the complaint and how the complaint was managed.

The outcome of all complaints is recorded in the Complaints Book which is available for parents and Ofsted inspectors on request.