**KEEPING RECORDS (& SECURITY OF RECORDS)**

**INCLUDING RECORDING AND REPORTING OF ACCIDENT & INCIDENTS**

**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 Regulations (GDPR) (2018) and the Human Rights Act (1998). This policy and procedure should be read alongside our Privacy Notice, Confidentiality policy.

**Information Security**

Martlesham Preschool is committed to preserving the confidentiality, integrity and availability of all physical and information assets and use reasonable, practical and effective security measures to protect the information we hold. We will ensure any deliberate act to jeopardise the security of information we hold will be subject to disciplinary and/or legal action as appropriate. This applies to everyone who undertakes duties on behalf of Martlesham Preschool. This includes information on paper, stored electronically, shown or spoken. The Manager ensures employees adhere to all relevant policies. All policies and risk assessments are subject to regular review.

Any breaches of security are logged immediately and appropriate action taken. A security breach is any incident or activity that causes, or may cause a breakdown in the availability, confidentiality or integrity of any of our information.

Confidentiality – information is only accessible to those authorised to see it. We safeguard the accuracy of information. We ensure we have back-up copies of electronic records held and this is stored securely.

**Children’s Records**

**Procedures**

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 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. Stored on our Tapestry software programme. (See Tapestry policy)

*Personal records*

These include the following :

* Personal details – including the child’s registration form and any consent forms.
* 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 cabinet, which is always locked when not in use and which we keep secure in the office.
* 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 our manager, deputy or designated person for child protection, the child’s key person, or other staff as authorised by us.
* 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 a S11 audit, 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, in accordance with our Privacy Notice and Confidentiality 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 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.

## ***Archiving children’s files***

* When a child leaves our setting, their personal file is archived in a lockable filing cabinet for three years. After three years it is destroyed.
* Where there were s.47 child protection investigations, we mark the envelope with a star and archive it for 25 years.
* We store financial information according to our finance procedures.

## ***Other records***

* We keep a daily record of the names of the children we are caring for, and their hours of attendance. Students on training, when they are observing in the setting, are advised of our Confidentiality Policy and are required to respect it.

**Provider records**

**Policy statement**

We keep records and documentation for the purpose of maintaining our charity. 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 our staff including their name, home address and telephone number.
* Names, addresses and telephone numbers of anyone else who is regularly in unsupervised contact with the children.

We consider our records as confidential based on the sensitivity of information, such as with employment records. These confidential records are maintained with regard to the framework of the General Data Protection Regulations (2018), further details are given in our Privacy Notice and the Human Rights Act (1998).

**Procedures**

* All records are the responsibility of our management team and ensure they are kept securely.
* All our records are kept in an orderly way in files and filing is kept up-to-date.
* Our financial records are kept up-to-date for audit purposes.
* We maintain health and safety records; 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 our premises;
* change to our premises which may affect the space available to us or the quality of childcare we provide;
* change to the name and address of our registered provider, or the provider’s contact information/my name, address or contact information;
* Change to the person managing our provision;
* significant event which is likely to affect our suitability to look after children; or
* other event as detailed in the *Statutory Framework for the Early Years Foundation Stage*.

**Transfer of records to school**

**Policy statement**

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. Prior to transferring information, we will establish the lawful basis for doing so (see our Privacy Notice).

**Procedures**

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

* 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 our setting;
  + any special needs or disability, whether a CAF was raised in respect of special needs or disability, whether there is an Education, Health and Care Plan, 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, most local authorities provide an assessment summary format or a transition record, which we will follow as applicable.
* If there have been any welfare or protection concerns, we place a star 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 our setting and what was done about them.
* We will make a summary of the concerns 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 for us to use.
* Where a CAF has been raised in respect of any welfare concerns, we will pass the name and contact details of the lead professional on to the receiving setting or school.
* Where there has been a s47 investigation regarding a child protection concern, we will pass the name and contact details of the child’s social worker on to the receiving setting or school – regardless of the outcome of the investigation.
* We post or take the information to the school or setting, ensuring it is addressed to the setting or school’s designated person for child protection and marked as 'confidential’.
* We do not pass any other documentation from the child's personal file to the receiving setting or school.

**Information sharing**

**Policy statement**

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

We record and share information about children and their families (data subjects) in line with the six principles of the General Data Protection Regulations (GDPR) (2018) which are further explained in [my/our] Privacy Notice that is given to parents at the point of registration The six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects fo no longer than is necessary for the purposes for which the data is processed.
6. Processed in a way that ensures appropriate security of the persona data including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures

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 to 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 responsibility for decision-making should not rely solely on an individual, but should have the back-up of the management team. The management team provide clear guidance, policy and procedures to ensure all staff and volunteers understand their information sharing responsibilities and are able to respond in a timely, appropriate way to any safeguarding concerns.

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 is at risk of suffering, significant harm.
* To prevent significant harm arising to children and young people or adults, including the prevention, detection and prosecution of serious crime.

**Procedures**

Our procedure is based on the GDPR principles as listed above and the seven golden rules for information sharing as set out in *Information Sharing:*  *Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015).* We also follow the guidance on information sharing from the Local Safeguarding Children Board.

1. *Remember that the General Data Protection Regulations 2018 and human rights law are not barriers to justified information sharing as per the Children Act 1989 but provide a framework to ensure that personal information about living individuals is shared appropriately.*

* Our policy and procedures on Information Sharing provide guidance to appropriate sharing of information [both within the setting, as well as] with external agencies.

1. *Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their consent, unless it is unsafe or inappropriate to do so. or if I have a legal obligation to do so. A Privacy Notice is given to parents at the point of registration to explain this further.*

In our setting we ensure parents:

* receive a copy of our Privacy Notice when starting their child in the setting and that they sign our Registration Form to say that they understand the circumstances in which 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 other 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.

1. *Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.*

* Our staff discuss concerns about a child routinely in supervision and any actions are recorded in the child’s file.
* Our manager routinely seeks advice and support from their line manager about possible significant harm.]
* Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our manager or deputy, as designated person, who will contact children’s social care for advice where they have doubts or are unsure.
* Our managers seek advice if [they need to share information without consent to disclose.

1. *Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.*

* We base decisions to share information without consent on judgements about the facts of the case and whether there is a legal obligation.
* Our guidelines for consent are part of this procedure.
* Our manager is conversant with this and is able to advise staff accordingly.

1. *Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.*

In our setting we:

* record concerns and discuss these with our designated person and/or designated officer from the management team for child protection matters;
* record decisions made and the reasons why information will be shared and to whom; and
* follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Children and Child Protection Policy.

1. *Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.*

* Our Safeguarding Children and Child Protection Policy and Records Policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.

1. *Keep a record of your decision and the reasons 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.*

* Where information is shared, we record the reasons for doing so in the child's file; where it is decided that information is not to be shared that is recorded too.

*Consent*

When parents choose our setting for their child, they will share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that we will seek their consent to share information in most cases, as well as the kinds of circumstances when we may not seek their consent, or may override their refusal to give consent. We inform them 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.
* Parents sign our Registration Form at registration, and terms and conditions to confirm that they understand this.
* We ask parents 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.
* We give parents copies of the forms they sign.
* We consider the following questions when we assess the need to share:
* Is there a legitimate purpose to us sharing the information?
* Does the information enable the person to be identified?
* Is the information confidential?
* If the information is confidential, do we have consent to share?
* Is there a statutory duty or court order requiring us to share the information?
* If consent is refused, or there are good reasons for us not to seek consent, is there sufficient public interest for us to share information?
* If the decision is to share, are we sharing the right information in the right way?
* Have we properly recorded our decision?
* Consent must be freely given and *informed* - that is the person giving consent needs to understand why information will be shared, what will be shared, who will see information, the purpose of sharing it and the implications for them of sharing that information as detailed in the Privacy Notice.
* Consent may be *explicit*, verbally but preferably in writing, or *implicit*, implied if the context is such that sharing information is an intrinsic part of our service or it has been explained and agreed at the outset.
* We explain our Information Sharing Policy to parents.
* Consent can be withdrawn at any time.

*Separated parents*

* Consent to share need only be sought from one parent. Where parents are separated, this would normally be the parent with whom the child resides. Where there is a dispute, we will consider this carefully.
* Where the child is looked after, we may also need to consult the Local Authority, as ‘corporate parent’ before information is shared.

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

**Recording and reporting of accidents and incidents**

**Policy statement**

We follow the guidelines of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) for the reporting of accidents and incidents. Child protection matters or behavioural incidents between children are not regarded as incidents and there are separate procedures for this.

**Procedures**

*Our accident forms are :*

* Accessible to our staff, who all know how to complete them; and then placed in the childs individual file.
* This is reviewed termly to identify any potential or actual hazards.

*Reporting accidents and incidents*

* Ofsted is notified as soon as possible, but at least within 14 days, of any instances which involve:
* food poisoning affecting two or more children looked after on our premises;
* a serious accident or injury to, or serious illness of, a child in our care and the action we take in response; and
* the death of a child in our care.
* Local child protection agencies are informed of any serious accident or injury to a child, or the death of any child, while in our care and we act on any advice given by those agencies.
* Any food poisoning affecting two or more children or adults on our premises is reported to the local Environmental Health Department.
* We meet our legal requirements in respect of the safety of our employees and the public by complying with RIDDOR. We report to the Health and Safety Executive (HSE):
* Any work-related accident leading to an injury to a member of the public (child or adult), for which they are taken directly to hospital for treatment.
* Any work-related accident leading to a specified injury to one of our employees.
* Specified injuries include injuries such as fractured bones, the loss of consciousness due to a head injury, serious burns or amputations.
* Any work-related accident leading to an injury to one of our employees which results in them being unable to work for seven consecutive days. All work-related injuries that lead to one of our employees being incapacitated for three or more days are recorded in our accident book.
* When one of our employees suffers from a reportable occupational disease or illness as specified by the HSE.
* Any death, of a child or adult, that occurs in connection with a work-related accident.
* Any dangerous occurrences. This may be an event that causes injury or fatalities or an event that does not cause an accident, but could have done.
* Information for reporting incidents to the Health and Safety Executive is provided in the Pre-school Learning Alliance's Accident Record publication. Any dangerous occurrence is recorded in our incident book (see below).

*Incident forms*

* We have ready access to telephone numbers for emergency services, including the local police. Where we rent premises we ensure we have access to the person responsible and that there is a shared procedure for dealing with emergencies.
* We ensure that our staff and volunteers carry out all health and safety procedures to minimise risk and that they know what to do in an emergency.
* On discovery of an incident, we report it to the appropriate emergency services – fire, police, ambulance – if those services are needed.
* If an incident occurs before any children arrive, we risk assess this situation and decide if the premises are safe to receive children. We may decide to offer a limited service or to close the setting.
* Where an incident occurs whilst the children are in our care and it is necessary to evacuate the premises, we follow the procedures in our Fire Safety and Emergency Evacuation Policy or, when on an outing, the procedures identified in the risk assessment for the outing.
* If a crime may have been committed, we ask all adults witness to the incident make a witness statement including the date and time of the incident, what they saw or heard, what they did about it and their full name and signature.
* We keep an incident form for recording major incidents, including some of those that that are reportable to the Health and Safety Executive as above.
* These incidents include:
  + a break in, burglary, or theft of personal or our setting's property;
  + an intruder gaining unauthorised access to our premises;
  + a fire, flood, or electrical failure;
  + an attack on an adult or child on our premises or nearby;
  + any racist incident involving families or our staff on the setting's premises;
  + a notifiable disease or illness, or an outbreak of food poisoning affecting two or more children looked after on our premises;
  + the death of a child or adult; and
  + a terrorist attack, or threat of one.
* On the incident form we record the date and time of the incident, nature of the event, who was affected, what was done about it or if it was reported to the police, and if so a crime number. Any follow up, or insurance claim made, is also recorded.
* In the event of a terrorist attack, we follow the advice of the emergency services with regard to evacuation, medical aid and contacting children's families. Our Fire Safety and Emergency Evacuation Policy will be followed and our staff will take charge of our children. The incident is recorded when the threat is averted.
* In the unlikely event of a child dying on our premises, the emergency services are called and the advice of these services are followed.
* The incident book is not for recording issues of concern involving a child. This is recorded in the child's own file.

**Common Inspection Framework**

* As required under the *Common Inspection Framework*, we maintain a summary record of all accidents, exclusions, children taken off roll, incidents of poor behaviour and discrimination, including racist incidents, and complaints and resolutions.

**Data Protection**

**Policy Statement**

Martlesham Preschool needs to collect and use certain information about families in order to operate. These include current, past and prospective employees, children and families, and other people/agencies with whom we communicate. We may occasionally be required by law to gather and use certain information to comply with the requirements of government education departments. This personal information must be dealt with securely and properly, and the Data Protection Act 1998 safeguards this. We ensure that we treat personal information lawfully and correctly. We will keep premises, information and people secure in accordance with regular risk assessments, legal commitments and insurance requirements.

**Objectives**

Information shall:

* Be processed fairly and lawfully
* Not be processed unless specific conditions are met
* Be obtained only for specific and lawful purposes, and shall not be further processed in any way incompatible with those purposes
* Be adequate, relevant and not excessive in relation to the purposed for which they are processed
* Be accurate and up-to-date
* Not be kept longer than is necessary for those purposes
* Be processed in accordance with the rights of data subjects under the Act
* Not be transferred
* Be kept securely, ensuring appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, accidental loss or destruction

Martlesham Preschool will:

* Observe conditions regarding fair collection and use of information, and meet legal obligations to specify the purposes for which the information is used
* Collect and process information only to the extent that it is needed to fulfil operations or comply with legal obligations
* Apply check to determine the length of time information is held.
* Take appropriate security measures to safeguard personal information
* Ensure there is someone with specific responsibility for data protection
* Ensure everyone handling personal information understands they are contractually responsible for following good data protection practice and are trained to do so
* Data protection is regularly reviewed and evaluated

**Technical & Organisational**

Martlesham Preschool use data stored :

* On password protected computers & laptops
* Tapestry software package
* Digital cameras
* Password protected devices (kindles/ipads)
* Website
* Back up USB sticks
* Paper, including letters/forms/record cards

Hard copies are all stored in lockable filing cabinets, cupboards, shed with padlock. Kindles can be taken home by key person’s (agreements are signed and passwords stored). Laptops can be taken home by the Manager and Administrator.

All staff are aware of all our policies, and in relation to data protection the confidentiality policy, records policy, online policy and data protection policy.

Technical

If any technical data is lost, removed or compromised:-

Change passwords, remove risk of it happening again.

Organisational

If procedures fail to work:-

Check risk assessments, let relevant staff/committee know of outcome and changes to procedures or policies etc.

**Legal framework**

* Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 (As Amended)
* General Data Protection Regulations (GDPR) (2018)
* Freedom of Information Act (2000)
* Human Rights Act (1998)
* Children Act (1989)

*This policy is reviewed annually by Martlesham Preschool Committee*