



# Smalley Pre-school Recordkeeping Policy

(Registered Charity No. 1033193)

**Church Hall, Main Road, Smalley, Ilkeston, Derbyshire DE7 6EF**

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## **Aim**

We have recordkeeping systems in place for the safe and efficient management of our setting and to meet the needs of the children, meeting legal requirements for the storing and sharing of information within the framework of the General Data Protection Regulation (GDPR) 2018 and the Human Rights Act 1998.

## **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 as specified in the procedure for children's records and data protection.
- Children's personal files contain other material described as confidential as required, such as Common Assessment Framework assessments; Early Support information or an Education, Health and Care Plan (EHCP); case notes, including recording of concerns, discussions with parents and actions taken; and copies of correspondence and reports from other agencies.
- Ethnicity data is only recorded where parents 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 need to know. Parent/carer access to records is provided for within the procedure for this.
- 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 with whom information has been shared, why information was shared and whether consent was given. Where consent has not been given and staff have taken the decision, in line with guidelines, to override the refusal for consent, the decision to do so is recorded.
- Guidance and training for staff specifically cover the sharing of information between professions, organisations and agencies, as well as between them, and arrangements for training take account of the value of both multi-agency and single-agency working.
- Ofsted is notified of changes in any of the following:
  - address of our premises;
  - changes to our premises that may affect the space available to us or the quality of childcare we provide;

- changes to the name and address of our registered provider or the provider's contact information;
- changes to the person managing our provision;
- any significant event that is likely to affect our suitability to look after children; and
- other events as detailed in the Statutory Framework for the Early Years Foundation Stage (DfE 2021).

## Records

The following information and documentation are also held:

- names, addresses and contact details of the provider and all staff employed on the premises;
- names, addresses and contact details of any other person who will regularly be in unsupervised contact with children;
- a daily record of all children looked after on the premises, their hours of attendance and their named key person;
- a certificate of registration displayed and shown to parents on request;
- landlord/lease documents and other contractual documentation pertaining to amenities, services and goods;
- financial records pertaining to income and expenditure;
- records of risk assessments; and
- a record of complaints.

## Legal references

General Data Protection Regulation 2018

Freedom of Information Act 2000

Human Rights Act 1998

Statutory Framework for the Early Years Foundation Stage (DfE, 2025)

Data Protection Act 2018

## Further guidance

[Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#) (DfE, 2024)

## Children's records and data protection

During an outbreak of serious illness or disease (e.g. COVID-19), 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 recordkeeping procedures. In all cases, the principles of data protection are maintained at Smalley Pre-school.

## **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 it is processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purpose for which it is processed, is erased or rectified without delay;
- e) kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; and
- 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”), per Article 5 of the GDPR 2018.

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

### **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.
- Every 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.
- Recordings can potentially be viewed by a parent/carer or Ofsted inspector, may be viewed by the successors of the educators 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. Recording needs to be fair and accurate, non-judgemental in tone, descriptive and relevant; it 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, and why decisions were made to share or not share information. 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.

### **Principles of GDPR and effective safeguarding recording practice at Smalley Pre-school**

- Recording is factual and non-judgemental.
- The procedures for retaining and archiving personal data and the retention schedule and subsequent destruction of data are 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 our setting. Parents/carers are issued with the privacy notice and should give signed, informed consent to recording and information sharing prior to their child attending our 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.
- 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 an educator is unable to gain consent, cannot reasonably be expected to gain consent or 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 Court or the police. Educators are aware of information sharing processes, and all families should give informed consent to the way our setting will use, store and share information.
- Recordings 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 with the parents/carers and with other providers. Where appropriate, comments from others (as above) are incorporated into the child's records.

### **Children's personal files at Smalley Pre-school**

- For paper records, appropriate files must be used. These should be stored in an orderly manner, split into sections. The sections are as follows:
  - personal details: registration form and consent forms;
  - contractual matters: copies of contract, days and times, record of fees, and any fee reminders or records of disputes about fees;
  - SEND support requirements;
  - additional focused interventions provided by our setting (e.g. support for behaviour, language or development that needs an action plan at setting level);
  - records of any meetings held; and
  - welfare and safeguarding concerns: correspondence and reports, including 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.
- Correspondence in relation to a child is read, any actions noted and filed immediately.
- Access to children's personal files is restricted to those authorised to see them and make entries in them, this being the setting manager, deputy or designated person for child protection, the child's key person or other staff as authorised by the setting 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 an S11 audit, as long as authorisation is seen.
- See our transfer of records procedure for information on the archiving of children's files.

## **Confidentiality, recording and sharing information**

Most things that happen between the family, the child and our setting are confidential to our setting. In certain circumstances, information is shared. For example, a child protection concern will be shared with other professionals, including social care or the police, and we will give information to children's social workers who undertake S17 or S47 investigations. Normally, parents should give informed consent before information is shared, but in some instances, such as if this may place a child at risk or a serious offence may have been committed, parental consent should not be sought before information is shared. Local Safeguarding Partner (LSP) procedures will be followed when making referrals and advice sought if there is a lack of clarity about whether or not parental consent is needed before making a referral due to safeguarding concerns.

- Staff discuss children's general progress and wellbeing together in meetings, but more sensitive information is restricted to designated persons and key persons and shared with other staff on a need-to-know basis.
- Members of staff do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the organisation, unless in a formal and lawful way.
- Discussions with other professionals should take place within a professional framework, not on an informal basis. Staff should expect that information shared with other professionals will be shared in some form with parent/carers and other professionals, unless there is a formalised agreement to the contrary (e.g. if a referral is made to children's social care, the identity of the referring agency and some of the details of the referral are likely to be shared with the parent/carer by children's social care).
- It is important that members of staff explain to parents that sometimes it is necessary to write things down in their child's file and explain the reasons why.
- When recording general information, staff should ensure that records are dated correctly and the time is included where necessary, and signed.
- Welfare/child protection concerns are recorded on a safeguarding incident reporting form. Information is clear and unambiguous (fact, not opinion), although it may include the educator's thoughts on the impact on the child.
- Records are non-judgemental and do not reflect any biased or discriminatory attitudes.
- Not everything needs to be recorded, but significant events, discussions and telephone conversations must be recorded at the time that they take place.
- Recording should be proportionate and necessary.
- When deciding what is relevant, the things that cause concern are recorded, as well as actions taken to deal with the concern. The appropriate recording format is filed within the child's file.

- Information shared with other agencies is done in line with these procedures.
- Where a decision is made to share information (or not), reasons are recorded.
- Staff are expected to follow the guidelines issued by the Information Commissioner's Office (ICO) at <https://ico.org.uk/for-organisations/>.
- Additional guidance in relation to information sharing about adults is given by the Social Care Institute for Excellence at [www.scie.org.uk/safeguarding/adults/practice/sharing-information](http://www.scie.org.uk/safeguarding/adults/practice/sharing-information).
- Staff should follow guidance including Working Together to Safeguard Children (DfE, 2023); Information Sharing: Advice for Practitioners Providing Safeguarding Services for Children, Young People, Parents and Carers (DfE, 2024); and What to Do If You're Worried a Child Is Being Abused (DfE, 2015).

### **Confidentiality definition**

- Personal information of a private or sensitive nature, which is not already lawfully in the public domain or readily available from another public source, and has been shared in a relationship, where the person giving the information could reasonably expect it would not be shared with others.
- Educators ensure that parents/carers understand that information given confidentially will be shared appropriately within our setting (e.g. with a designated person, during supervision) and should not agree to withhold information from the designated person or their line manager.
- Where third parties share information about an individual, staff need to check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.
- Information shared is confidential to our setting.

### **Breach of confidentiality**

- A breach of confidentiality occurs when confidential information is not authorised by the person who provided it, or to whom it relates, without lawful reason to share. The impact is that it may put the person in danger or cause embarrassment or pain.
- It is not a breach of confidentiality if information was provided on the basis that it would be shared with relevant people or organisations with lawful reason, such as to safeguard an individual at risk or in the public interest, or where there was consent to the sharing.
- The procedure for children's records and data protection must be followed.

### **Exception**

- GDPR enables information to be shared lawfully within a legal framework. The Data Protection Act 2018 balances the right of the person about whom the data is stored with the possible need to share information about them.
- The Data Protection Act 2018 contains "safeguarding of children and individuals at risk" as a processing condition enabling "special category personal data" to be processed and shared. This allows educators to share without consent if it is not possible to gain consent, if consent cannot reasonably be gained or if gaining consent would place a child at risk.

- Information may also be shared without consent in the public interest if it is necessary to protect someone from harm, prevent or detect a crime, apprehend an offender, comply with a court order or other legal obligation, or in certain other circumstances where there is sufficient public interest.

The decision to share information should not be made as an individual but with the backing of the designated person, who can provide support, and sometimes ensure protection, through appropriate structures and procedures.

## **Consent**

- Parents share information about themselves and their families. They have a right to know that any information they share will be regarded as confidential as outlined in our privacy notice. They should also be informed about the circumstances and reasons for our setting being under obligation to share information.
- Parents are advised that their informed consent will be sought in most cases, as well as the circumstances when consent may not be sought or their refusal to give consent overridden.
- Where there are concerns about whether or not to gain parental consent before sharing information, for example when making a Channel or Prevent referral, the setting manager must inform their line manager for clarification before speaking to parents.
- Consent must be informed – 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.
- 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, this needs to be considered carefully.
- Where the child is looked after, the local authority, as ‘corporate parent’, may also need to be consulted before information is shared.

## **Ways in which consent to share information can occur**

- Policies and procedures set out the responsibility of our setting regarding gaining consent to share information and when it may not be sought or may be overridden.
- Information in leaflets to parents or other leaflets about the provision, including privacy notices.
- Consent forms signed at registration.
- Parent signatures on forms giving consent to share information about additional needs or to pass on child development summaries to the next provider/school.

## **Further guidance**

[Working Together to Safeguard Children](#) (DfE, 2023)

[Information Sharing: Advice for Practitioners Providing Safeguarding Services for Children, Young People, Parents and Carers](#) (DfE, 2024)

[What to Do If You're Worried a Child is Being Abused](#) (DfE, 2015)

[Mental Capacity Act 2005 Code of Practice](#) (Office of the Public Guardian, 2007)

## Client access to records

Under GDPR, there are additional rights granted to data subjects that must be protected by our setting.

The parent/carer is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that our setting has compiled on them.

- If a parent wishes to see the file, a written request is made, which our setting acknowledges in writing, informing the parent that an arrangement will be made for them to see the file contents, subject to third-party consent.
- Information must be provided within 30 days of receipt of request. If the request for information is not clear, the manager must receive legal guidance, for instance from Law-Call for members of the Early Years Alliance. In some instances, it may be necessary to allow extra time in excess to the 30 days to respond to the request. An explanation must be given to the parent where this is the case. The maximum extension time is 2 months.
- A fee may be charged to the parent for additional requests for the same material or any requests that will incur excessive administration costs.
- The setting manager informs their line manager, and legal advice may be sought before sharing a file.
- The setting manager goes through the file with their line manager and ensures all documents are filed correctly, entries are in date order and there are no missing pages. They note any information, entry, or correspondence or other document that mentions a third party. Each of those individuals is written to, explaining that the subject of the file has requested sight of the file, which contains a reference to them, stating what this is.
- They are asked to reply in writing to the setting manager, giving or refusing consent for disclosure of that material. Copies of these letters and their replies are kept on the child's file.
- Agencies will normally refuse consent to share information, and the parent should be redirected to those agencies for a request to see their file held by that agency.
- Each family member noted on the file is a third party, so where there are separate entries pertaining to each parent, step-parent, grandparent, etc., each of those has to be written to regarding third-party consent.
- Members of staff should also be written to, but our setting reserves the right under the legislation to override a refusal for consent or just delete the name and not the information.
  - If the member of staff has provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed, then the refusal may be granted.
  - If that information is the basis of a police investigation, then refusal should also be granted.
  - If the information is not sensitive, then it is not in our setting's interest to withhold that information from a parent. It is a requirement of the job that if a member of staff has a concern

about a child and this is recorded, the parents are told this at the start and, in most cases, concerns that have been recorded will have been discussed already.

- The member of staff's name can be removed from an entry, but the parent may recognise the writing or otherwise identify who had provided that information. In the interest of openness and transparency, the setting manager may consider overriding the refusal for consent.
- In each case, this should be discussed with members of staff and decisions recorded.
- When the consent/refusals have been received, the setting manager takes a photocopy of the whole file. On the copy file, any documents not to be disclosed are removed, and references to that party are blanked out using a thick marker pen.
- The copy file is then checked by the line manager (and legal advisors if required) to verify that the file has been prepared appropriately.
- The 'cleaned' copy is then photocopied again and collated for the parent to see.
- The setting manager informs the parent that the file is now ready and invites them to make an appointment to view it.
- The setting manager and their line manager meet with the parent to go through the file, explaining the process, as well as what the content records about the child and the work that has been done. Only persons with parental responsibility can attend that meeting or the parent's legal representative or interpreter.
- The parent may take a copy of the prepared file away, but it is never handed over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. If recording procedures and guidelines have been followed, the material should reflect an accurate and non-judgemental account of the work done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, the parent should be referred to the complaints procedure for parents and service users.
- The law requires that information held must be accurate, and if a parent says the information held is inaccurate, then the parent has a right to request it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion or professional judgement or represents a different view of the matter than that held by the parent, our setting retains the right not to change the entry but can record the parent's view. In most cases, a parent would have had the opportunity at the time to state their side of the matter, and this should have been recorded there and then.
- If there are any controversial aspects of the content of a client's file, legal advice must be sought. This might be where there is a court case between parents or where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.
- We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

## **Further guidance**

The Information Commissioner's Office website (<https://ico.org.uk/>) or helpline (0303 123 1113).

## **Transfer of records**

Records about a child's development and learning in the EYFS are made by the staff at Smalley Pre-school to enable smooth transitions, ensuring 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.

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

- It is the setting manager's responsibility to ensure that records are transferred and closed in accordance with the archiving procedures set out below.
- If the LSP retention requirements are different to those of the setting, the designated safeguarding lead will liaise with their line manager and seek legal advice if necessary.

### **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 our setting and any action plans.
- The record also refers to any special needs or disability and whether Early Help referrals, or child in need referrals or child protection referrals, were raised in respect of SEND, whether there is an action plan (or other relevant plan, such as an EHCP) and gives the name of the lead professional.
- The summary shared with schools should also include whether the child is in receipt of, or eligible for, EYPP (Early Years Pupil Premium) or other additional funding.
- The record contains a summary by the key person and a summary of the parents' 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 format, which we will follow as appropriate.
- Whichever format of assessment summary is used, it should be completed and shared with the parent prior to transfer.
- If there have been any welfare or protection concerns, we place a star on the front of the assessment record.

### **Transfer of confidential safeguarding and child protection information**

- The receiving school/setting will need a record of child protection concerns raised in our setting and what was done about them. The responsibility for transfer of records lies with our originating setting.
- 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 on to 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.
- 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 S17 of the Children Act 2004), 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 may be sought prior to sharing.
- If the level of a safeguarding concern has not been such that a referral was made for Early Help, or to children's social work services or police, the likelihood is that any concerns were at a very low level and if they did not meet the threshold for Early Help, they are unlikely to need to be shared as child abuse data with a receiving setting. However, the designated person should make decisions on a case-by-case basis, seeking legal advice as necessary.
- 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 or school, along with the date of the last professional meeting or case conference.
- If an 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/school. The name and contact details of the child's social worker will be passed on to the receiving setting/school, regardless of the outcome of the investigation. This will also occur if a child has been previously or is currently subject to a child protection plan, or a child in need plan.
- Where a CAF (Common Assessment Framework) / 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 or school.
- 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.
- This information is posted or taken to the school/setting, addressed to the setting's or school'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.
- Parents/carers should be made aware what information will be passed on to another setting in line with the privacy notice.
- The setting 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.


### **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 and date of birth on the front and the date they left.
- The setting manager writes clearly on the front of the envelope the length of time the file should be kept before destruction.

This is sealed, placed in an archive box and stored in a safe place (e.g. 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.

- Where there were S47 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.
- For web-based or electronic children's files, 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.

This policy was adopted by Smalley Pre-school

On	23.12.25
Date to be reviewed	23.12.26
Signed on behalf of the provider	
Name of signatory	Joanne Rothwell
Role of signatory (e.g. chair, director or owner)	Chair of the Committee