

Children's Records and Access to Records

This policy should be read together with Woodland Corner's Privacy Statement and the Confidentiality, Record Keeping and Sharing Information Policy.

Policy statement

We recognise the importance of accurate and secure record keeping. We have record systems in place within the framework of the General Data Protection Regulations (GDPR) (2018) and Data Protection Act 1998.

Where information is transferred, for example to a child's new setting or school, this is done securely and in line with the GDPR and Data Protection Act 1998.

In line with the GDPR and Data Protection Act 1998, parents/carers have a right of access to personal data concerning them or their child, and a right to request rectification of such personal data. This policy sets out further information in relation to these rights.

Any students or volunteers working in the setting are advised of our data protection policies and are required to respect them.

Procedures

We keep the following records on children attending our setting:

- Developmental records, including observations of children in the setting, photographs, video clips and samples of their work and summary developmental reports.
- 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 SEND action plan) and records of any meetings held.
- Welfare and child protection concerns – including records of all welfare and protection concerns, our resulting action, meetings and telephone conversations about the child, letters and emails to and from other agencies and confidential reports from other agencies.
- Correspondence and Reports – including a copy of the child's 2 Year Old Progress Check (as applicable).

These records are stored in a lockable file or cabinet, which is always locked when not in use and which our manager keeps secure in an office or other suitably safe place. Sensitive documents (e.g., welfare and child protection matters) are kept separately in a locked cabinet.

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 who have a valid need to access the files (e.g., to make entries to them).

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 in relation to safeguarding concerns, provided authorisation is seen. Please see related policies for further information.

Transfer of records

Appropriate information is shared with the receiving setting or school at transfer to enable smooth transitions.

The key person prepares a summary of achievements in the prime and specific areas of learning and development. The record also refers to any additional needs that have been identified or addressed by the setting and any action plans. The record contains a summary by the key person and a summary of the parents' view of the child. The summary should be completed and shared with the parent prior to transfer.

Transfer of confidential safeguarding and child protection information

To safeguard children effectively, the receiving setting must be made aware of any current child protection concerns 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. It is important that any decisions made to share or not share with or without consent are fully recorded.

The Manager or Deputy Manager 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 has objections or reservations about safeguarding information being transferred to the new setting, or if it is unclear what information should be included, the Manager should seek legal advice.

Record retention

We retain children's records (developmental and personal) for three years after they have left Woodland Corner, or until the next Ofsted inspection after your child leaves our setting.

Medication records and accident records are kept for longer according to legal requirements.

Learning journeys are maintained by Woodland Corner and available at parent/carer's request when their child leaves.

In some cases (child protection or other support service referrals), we may need to keep your data longer, as necessary in order to comply with legal requirements. We will only keep your data for as long as is necessary to fulfil the purposes it was collected for and in line with data protection laws.

Physical records are disposed of in a way that ensures that personal information is not compromised. Electronic records are securely deleted, and hard copies are disposed of as confidential waste.

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 a clearly labelled archive box until the retention period has lapsed, at which point the documents are securely destroyed.

For web-based or electronic children's files, the Manager must also use the archiving procedure, and record details of what needs to be retained/destroyed. The Manager 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.

Some records must be kept for a longer period of time, for example any records relating to safeguarding concerns. We mark any such documents appropriately and store them clearly.

Access to records

Parents/carers may request a copy of their personal data or their child's records held by Woodland Corner (often referred to as a 'subject access request'). Requests can be made in any format. Woodland Corner may take reasonable steps to verify the identity of the requester or ask for clarification of their request. Woodland Corner shall endeavour to respond within 30 days of receipt of the request; we may extend the time to respond if necessary and we will inform the requester of this and explain the reason for it.

A fee may be charged to the parent for additional requests for the same material, or any requests that will incur excessive administration costs.

Woodland Corner may refuse to provide some, or all, of the requested information if we consider a request to be manifestly unfounded or excessive, or if another exemption applies. In such circumstances, the parent/carer shall be informed of this and of their right to make a complaint to the ICO.

If the request involves information about other individuals, Woodland Corner will only disclose

information if consent has been obtained from the third party or if it is reasonable to comply with the request without that third party's consent. Woodland Corner may take such steps as necessary to protect third party information, for example by redacting names or other third party sensitive data.

Please see Annex 1 for the procedure that Woodland Corner follows in relation to requests for access.

Rectifying data

Parents/carers can make a request for inaccurate personal data to be rectified. They should notify the manager in relation to this. Details of any such request shall be recorded by the manager. Woodland Corner shall endeavour to respond to a request for rectification within one month of receipt of the request; we may extend the time to respond if necessary and will inform the requester of this within one month.

Woodland Corner will review all requests for rectification on a case by case basis. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent's view of the matter. If we consider the request to be manifestly unfounded or excessive, we retain the right to refuse to change the entry. In such circumstances, the parent/carers shall be informed of their right to make a complaint to the ICO.

Legal framework

- General Data Protection Regulations (GDPR) (2018)
- Data Protection Act 1998

This policy was adopted at a meeting of Woodland Corner

Held on (date) 7th May 2025

Signed on behalf of the Management Committee

Jess Brown

Role of signatory (e.g. chairperson etc.)

Chairperson

Review date

May 2026

Annex 1

Subject Access Request Procedure

Parents/carers may request access to personal data we hold on their child following the procedure below:

- Any request to see the child's personal data by a parent or person with parental responsibility must be made in writing to the setting manager.
- The manager will acknowledge the request in writing, informing the requestor that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- Our written acknowledgement allows 40 working days for the file to be made ready. This timeframe may be extended as permitted by the GDPR.
- A reasonable fee may be charged if Woodland Corner considers a request to be manifestly unfounded or excessive, or if the individual requests further copies of their data.
- Our manager shall inform the Committee Chair immediately upon receiving a subject access request and legal advice may be sought.
- Where the data includes information about third parties (including staff members), the manager shall first consider whether it is possible to comply with the request without disclosing third party data; if it is not possible, the manager (or another member of staff or the Chair) shall take reasonable steps to obtain the consent of the third party. All correspondence must be kept on the child's file.
- 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 have to be written to regarding third party consent.
- Staff members should also be written to, but the setting reserves the right under the legislation to override a refusal for consent, or just delete the name and not the information. In each case this should be discussed with members of staff and decisions recorded.
- The final version of the file shall be checked by the Chair and, if applicable, legal advisors.
- The manager and the Chair shall meet with the requestor to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only person(s) 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, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure and the ICO helpline.
- If there are any controversial aspects of the content of a child's file, the manager and the Chair must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.

Telephone advice regarding general queries may be made to the Information Commissioner's Office helpline: 0303 123 1113.