

## **Children's Records and data protection**

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

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

Educators should process data, 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.
- 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.
- Recording can potentially be viewed by a parent/carer, Ofsted inspector, 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 to live somewhere else. Recording needs to be fair and accurate, non-judgemental in tone, descriptive, relevant, and 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, why decisions were made to share or not share information, and 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.

## **The principles of GDPR and effective safeguarding recording practice are upheld at Woodland Corner**

- Recording is factual and non-judgemental.
- The procedure for retaining and archiving personal data and the retention schedule and subsequent destruction of data is 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 the setting. Parents/carers should give signed, informed consent to recording and information sharing prior to their child attending the 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 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 proceedings Court or the police. Educators are aware of information sharing processes and all families should give informed consent to the way the setting will use, store, and share information.
- Recording 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 between the parents/carers, and other providers. Where appropriate, comments from others (as above) are incorporated into the child's records.

**Children's personal files at Woodland Corner** (are stored using Family nursery management software and paper records) 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 admission 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).

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 a S11 audit if authorisation is seen.

### ***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 mark with the date they left. This is stored 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.

Health and safety records and some accident records must be kept for a longer period of time, as well as 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/carer shall be informed of their right to make a complaint to the ICO.

### **Legal framework**

- General Data Protection Regulations (GDPR) (2018)
- Freedom of Information Act 2000
- Human Rights Act 1988
- Statutory Framework for the Early Years Foundation Stage (DfE 2025)
- Data Protection Act 1998

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This policy was adopted at a meeting of Woodland Corner

Held on (date) 6<sup>th</sup> May 2026

Signed on behalf of the Management Committee

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

Review date

Jess Brown

Chairperson

May 2027