

# Information Sharing and Record Keeping Policy

Date: September 2018

Review Date: October 2019

Newton Westpark Nursery adheres to all current guidance and legislation including the Data Protection Act 1998, regarding the sharing of information on and with children, parents, families, staff, volunteers and visitors.

“Information sharing is key ..... it is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all.”

## Information Sharing: Guidance for practitioners and managers

Legislation containing express powers or which imply powers to share are; (this list is not exhaustive)

The Data Protection Act 1998  
The Children Act 1989 and 2004  
Education Act 1996 and 2002

Newton Westpark Nursery recognises the importance of information sharing when appropriate. For example, if a child or young person or adult may be suffering or may be at risk of suffering significant harm, information should be shared with or without consent and concerns referred in line with the Safeguarding Policy. No concern should ever be ignored, but advice sought from the Nursery Safeguarding Officer which is Susan Lister nursery manager or in her absence the Nursery Director Miss Birchall.

As a nursery and as part of the Early Years Foundation Stage requirements, observations on children's learning and development are carried out on a daily basis. As part of our assessment and tracking system in our nursery, we will share individual children's information with the local authority. This information consists of name, date of birth, gender, an individual unique number (as reference only) and a summary of their development in all areas of learning. The local authority will use this data for analysis and to support raising attainment in our nursery. As a setting we also share information to support transitions including a child moving from nursery to nursery or nursery to reception. Information sharing is important to ensure the child or young person and family receive the support they may require.

## Consent

Consent is the key to successful information sharing. Even where the Data Protection Act does not demand it, operating with consent is best practice.

Consent must be sought and should normally be explicit but can be implied (written is always preferable but can be verbal).

Consent must be willing and not inferred from a non-response.

Consent must be sought again if things change significantly and consent can be withdrawn at any time. If consent is withdrawn at any time, all agencies involved must be informed.

Practitioners must use clear and accessible language to parents/carers and explain there are times when confidentiality cannot be maintained, e.g. Safeguarding concerns and practitioners must be aware of relevant legislation and be following the nursery safeguarding policy.

## Whose consent should be sought?

- A person, who has the capacity to understand and make their own decisions, may give (or refuse) consent to sharing.
- People aged 16 years and over are presumed, in law, to have the capacity to give or withhold their consent to sharing of confidential information.
- Practitioners need to assess whether a particular person on a particular occasion has sufficient understanding to consent, or to refuse consent, to the sharing of information.

### **Assessing a person's capacity to consent**

The following criteria should be considered in assessing whether a particular child, young person or adult on a particular occasion has sufficient understanding to consent, or to refuse consent, to sharing of information about them or their children.

- Can the person understand the questions being asked of them?
- Do they have reasonable understanding of what information might be shared?
- The main reason or reasons for sharing the information; and the implications of sharing that information, and of not sharing it?
- Can they appreciate and consider the alternative courses of action open to them?
- Weigh up one aspect of the situation against another?
- Express a clear personal view on the matter, as distinct from repeating what someone else thinks they should do; and be reasonable consistent in their view on the matter, or are they constantly changing their mind?

### **Sharing information appropriately and securely**

Practitioners should share information which is necessary for the purpose for which it is being shared and understand the limits of any consent given. Practitioners should distinguish between fact and opinion and share the information only with those who need to know.

Practitioners should check the information is accurate and up to date and share it in a secure way. Practitioners should establish with the recipient whether they intend to pass it on to other people, and ensure they understand the limits of any consent given. Practitioners should inform the person to whom the information relates, and, if different, any other person who provided the information, if safe to do so.

When transferring confidential information/documents including information stored on Newton Westpark Nursery' authorised electronic devices from the setting for reasons such as Child Protection meetings, Strategy meetings, Early help meetings, staff/employment matters, nursery matters etc, must never be left unattended. This includes being left unattended in any form of transport and must always be kept in the authorised person's possession. Where possible duplicates of confidential documents/information must be made and used for this purpose and not the originals. Before any such information can leave the setting, the authorised person must;

- Record in the setting diary what information/documents/ Newton Westpark Nursery' authorised electronic devices have left the setting for what reason
- The date and time it left the setting
- Signature of authorised person taking responsibility of safe possession of the confidential information. Upon return of confidential information /documents/Newton Westpark Nursery' authorised electronic devices this must be recorded back into the setting diary.
- If the above is not followed disciplinary action may be taken. In the event that any confidential information/documents are misplaced or lost, this must be reported immediately to the manager.

### **Requests for information from children's services**

If an outside agency contacts the setting via telephone requesting information about a child, this policy should be used as a reference as to whether or not information can be shared.

If a social worker telephones the nursery to request information, no information should be given in the first instance. The duty manager/child protection officer for the setting must record all information from the caller and state as part of the nursery procedure, they will telephone the person back using the main switchboard numbers as detailed in the Safeguarding Policy to authenticate the caller before information can be shared. Safeguarding Officer for Newton Westpark Nursery must be informed of this request immediately. As seen on the Nursery Application Form, information given on the form is confidential however access is given to staff and other Early Years Professionals only on a need to know basis and we adhere to the Data Protection Act 1998. For further guidance please see <http://www.wigan.gov.uk/Docs/PDF/Business/Professionals/Information-Sharing-and-Record-Keeping.pdf>

## **Record Keeping**

For clarification and detail on how we record and store information relating to child protection matters, please see the Safeguarding Policy of which this policy is inter-related with. We keep data about the children that attend our nursery and their parents in order to administer and manage our nursery. The data includes names and addresses, assessments and some sensitive information (for example information about medical conditions or ethnic origin). The nursery may use non-traceable extracts from the information for statistical purposes. We do not transfer parents/carers information to third parties unless we either have legal consent or are legally obliged to do so. As seen in our terms and conditions, as part of parents/carers agreement with Newton Westpark Nursery they are agreeing that the nursery can share information on them and their family with its partner agencies. We keep all personal data in accordance with the Data Protection Act 1988.

All information on children, parents, carers and families is securely stored in a lockable filing cabinet. Information on staff and volunteers are stored securely with limited access in line with the Data Protection Act 1998.

### **All and any safeguarding records and information must be;**

- Legible and recorded in a clear format
- Factual, detailed and accurate
- Maintained in chronological order
- Identify what action is to be taken and why
- Are countersigned by the Safeguarding Officer
- Are stored securely
- Are subject to restricted access
- Are maintained in individual, confidential files separate to the child's development records.

Records of each child's progress and development whilst at Newton Westpark Nursery is kept at the setting and added to on a regular basis. These records are shared with the child's parents/carers termly but are available to view at any time and are passed to the child's parents/carers when they leave nursery. Each term every child's progress and development is documented and assessed. This data is analysed by the Manager/ Deputy Manager and this information is then sent to the local authority. Together, this will provide the setting with support and will help to inform future planning to ensure children are progressing in all areas of the EYFS. For further clarification please see our Early Years Policy.

Newton Westpark Nursery will retain records and information required for possible future use as defined by current guidance and legislation. This is detailed below;

Children's registers - 3 years or until next inspection

Medication books - 3 years or until next inspection

Accident books - 24 years

Existing Injury forms - 24 years

Records of individual children - 24 years

Complaints Records - 3 years from date of complaint or until next inspection

Child Protection Records - 24 years

Staff personal files - indefinite

Staff training records - 6 years

Employees' application forms - indefinite

Staff accident records - indefinite

Staff health declarations - 30 years

Management Signature: .....

Date: .....