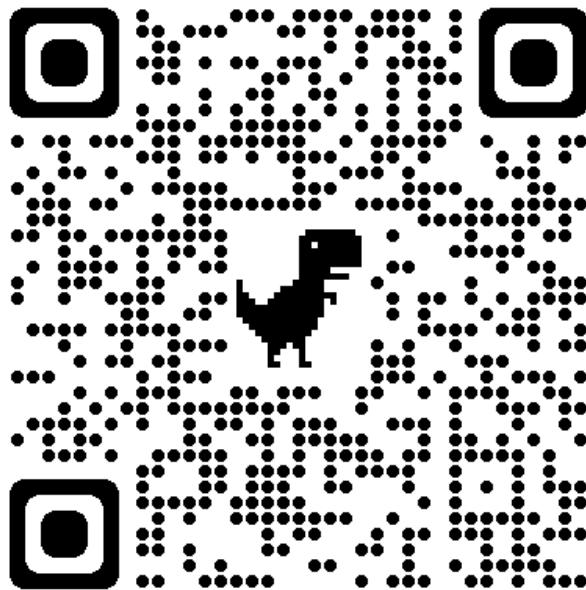




Record Keeping Policy Booklet





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07. Record Keeping Policy

(Alongside associated policies and procedures 07.01-07.05)

Any personal information is held securely and in line with data protection requirements and guidance from the ICO.

Aim

We have record keeping systems in place for the safe and efficient management of the setting and to meet the needs of the children; that meet legal requirements for the storing and sharing of information within the framework of the GDPR and the Human Rights Act.

Objectives

- Children's records are kept in personal files, divided into appropriate sections, and stored separately from their developmental records.
- Children's personal files contain registration information as specified in procedure **07.1 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 Education, Health and Care Plan (EHCP, case notes including recording of concerns, discussions with parents, and action taken, 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. Client access to records is provided for within procedure **07.4 Client access to records.**
- 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 to 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 covers the sharing of information between professions, organisations, and agencies as well as within them, and arrangements for training takes account of the value of multi-agency as well as single agency working.

Records

The following information and documentation are also held:

- name, address and contact details of the provider and all staff employed on the premises
- name address 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
- certificate of registration displayed and shown to parents on request
- records of risk assessments
- 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 2021)

Data Protection Act 2018

Further guidance

[Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers](#) (HMG 2018)



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07 Record keeping policy

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07.02	Confidentiality, Recording and sharing information
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Sticky Fingers Pre-School Newlands	Sticky Fingers Pre-School Redbridge	Sticky Fingers Pre-school Tanners Brook	Sticky Fingers Pre-school Spring road	Sticky Fingers Pre-school Portswood
% Newlands Primary School	% Redbridge Primary school	% Regents Park Community	% 14th Itchen Scout hut	Portswood Primary school
Windermere Avenue	Studland Road	centre	Spring road	Somerset road,
Millbrook	Millbrook	Elmes Drive	Sholing	Portswood,
SO16-9QX	SO16-9BB	Millbrook	Southampton	Southampton
023 80764499	02380 764717	SO15-4PF	SO19-2NZ	SO17-3AA
SF.Newlands@	07726772381	02380 703571	07586560936	07309940469
stickyfingersps.co.uk	SF.Redbridge@	07470015388	SF.Springroad@	SF.Portswood@
	stickyfingersps.co.uk	SF.Tannersbrook@	stickyfingersps.co.uk	stickyfingersps.co.uk
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07 Record keeping procedures

07.01 Children's records and data protection

During an outbreak of serious illness or disease (such as 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 record-keeping procedures. In all cases the principles of data protection are maintained.

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 or 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

- 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 are issued with *07.1a Privacy notice* and 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 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 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

- Appropriate files must be used. These are made of robust card (not ring binders) and have plastic or metal binders to secure documents. File dividers must be inserted into each file.
- The sections contained are as follows:
 - personal details: registration form and consent forms.

- contractual matters: copies of contract, days and times, record of fees, any fee reminders or records of disputes about fees.
- SEND support requirements
- additional focussed intervention provided by the setting e.g. support for behaviour, language or development that needs an Action Plan at setting level
- records of any meetings held
- welfare and safeguarding concerns: correspondence and reports: 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 a S11 audit as long as authorisation is seen.



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07 Record keeping procedures

07.02 Confidentiality, recording and sharing information

Most things that happen between the family, the child and the setting are confidential to the 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 settings 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 Partners (LSP) procedures should 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 well-being 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, i.e. if a referral is made to children's social care, the identity of the referring agency and some of the details of the referral is 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 6.1b Safeguarding incident reporting form July 21. 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 attitude.
- 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 action 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 may use a computer to type reports, or letters. Where this is the case, the typed document is deleted from the computer and only the hard copy is kept.
- Electronic copy is downloaded onto a disc, labelled with the child's name and stored in the child's file. No documents are kept on a hard drive because computers do not have facilities for confidential user folders.
- The setting is registered with the Information Commissioner's Office (ICO). Staff are expected to follow guidelines issued by the ICO, at <https://ico.org.uk/for-organisations/guidance-index/>
- 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
- Staff should follow guidance including Working Together to Safeguard Children (DfE 2018); Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers 2018 and What to do if you're Worried a Child is Being Abused (HMG 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.
- Staff can be said to have a 'confidential relationship' with families. Some families share information about themselves readily; members of staff need to check whether parents regard this information as confidential or not.
- Parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has confided in.
- Information shared between parents in a group is usually bound by a shared agreement that the information is confidential and not discussed outside. The setting manager is not responsible should that confidentiality be breached by participants.
- 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 the setting.

- Educators ensure that parents/carers understand that information given confidentially will be shared appropriately within the setting (for instance with a designated person, during supervision) and should not agree to withhold information from the designated person or their line manager.

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, 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.
- Procedure *07.1 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 to be 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.
- Confidential information may be shared without authorisation - either from the person who provided it or to whom it relates, if it is in the public interest and it is not possible or reasonable to gain consent or if gaining consent would place a child or other person at risk. The Data Protection Act 2018 enables data to be shared to safeguard children and individuals at risk. Information may be shared to prevent a crime from being committed or to prevent harm to a child, Information can 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.
- Sharing confidential information without consent is done only in circumstances where consideration is given to balancing the needs of the individual with the need to share information about them.
- When deciding if public interest should override a duty of confidence, consider the following:
 - is the intended disclosure appropriate to the relevant aim?
 - what is the vulnerability of those at risk?
 - Is there another equally effective means of achieving the same aim?
 - Is sharing necessary to prevent/detect crime and uphold the rights and freedoms of others?

Is the disclosure necessary to protect other vulnerable people?

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.

Obtaining consent

Consent to share information is not always needed. However, it remains best practice to engage with people to try to get their agreement to share where it is appropriate and safe to do so.

Using consent as the lawful basis to store information is only valid if the person is fully informed and competent to give consent and they have given consent of their own free will, and without coercion from others, Individuals have the right to withdraw consent at any time.

You should not seek consent to disclose personal information in circumstances where:

- someone has been hurt and information needs to be shared quickly to help them
- obtaining consent would put someone at risk of increased harm
- obtaining consent would prejudice a criminal investigation or prevent a person being questioned or caught for a crime they may have committed
- the information must be disclosed regardless of whether consent is given, for example if a Court order or other legal obligation requires disclosure

NB. The serious crimes indicated are those that may harm a child or adult; reporting confidential information about crimes such as theft or benefit fraud are not in this remit.

- Settings are not obliged to report suspected benefit fraud or tax evasion committed by clients, however, they are obliged to tell the truth if asked by an investigator.
- Parents who confide that they are working while claiming should be informed of this and should be encouraged to check their entitlements to benefits, as they it may be beneficial to them to declare earnings and not put themselves at risk of prosecution.

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 07.1a Privacy notice. They should also be informed about the circumstances, and reasons for the 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 - 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.

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, 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.

Age for giving consent

- A child may have the capacity to understand why information is being shared and the implications. For most children under the age of eight years in a nursery or out of school

childcare context, consent to share is sought from the parent, or from a person who has parental responsibility.

- Young persons (16-19 years) are capable of informed consent. Some children from age 13 onwards may have capacity to consent in some situations. Where they are deemed not to have capacity, then someone with parental responsibility must consent. If the child is capable and gives consent, this may override the parent's wish not to give consent.
- Adults at risk due to safeguarding concerns must be deemed capable of giving or withholding consent to share information about them. In this case 'mental capacity' is defined in terms of the Mental Capacity Act 2005 Code of Practice (Office of the Public Guardian 2007). It is rare that this will apply in the context of the setting.

Ways in which consent to share information can occur

- Policies and procedures set out the responsibility of the setting regarding gaining consent to share information, and when it may not be sought or overridden.
- Information in leaflets to parents, or other leaflets about the provision, including privacy notices.
- Consent forms signed at registration (for example to apply sun cream).
- Notes on confidentiality included on every form the parent signs.
- 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 2018)

[Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#) (HMG 2018)

[What to do if you're Worried a Child is Being Abused](#) (HMG 2015)

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



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07 Record keeping procedures

07.03 Client access to records

Under the General Data Protection Regulations there are additional rights granted to data subjects which must be protected by the setting.

The parent 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 the setting has compiled on them.

- If a parent wishes to see the file, a written request is made, which the setting acknowledges in writing, informing the parent that an arrangement will be made for him/her 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 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 is sought.
- The setting manager goes through the file with their line manager and ensures all documents are filed correctly, entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party. The setting manager should always ensure that recording is of good quality, accurate, fair, balanced and proportionate and should have quality assurance processes in place to ensure that files are checked for quality regularly and that any issues are addressed promptly.
- Each of those individuals are 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.
- Entries where you have contacted another agency may remain, for example, a request for permission from social care to leave in an entry where the parent was already party to that information.
- 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.
- Members of staff 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.
 - 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 the 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, so there should be no surprises.
 - 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 the document not to be disclosed is removed (e.g. a case conference report) or notes pertaining to that individual in the contact pages blanked out using a thick marker pen.
- The copy file is then checked by the line manager and legal advisors verify that the file has been prepared appropriately, for instance, in certain circumstances redaction may be appropriate, for instance if a child may be damaged by their data being seen by their parent/carer, e.g. if they have disclosed abuse. This must be clarified with the legal adviser.
- 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 him/her 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 the 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, then the parent should be referred to section 10.2 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, professional judgement, or represents a different view of the matter than that held by the parent, the 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.
- A setting should never 'under-record' for fear of the parent seeing, nor should they make 'personal notes' elsewhere.

Further guidance

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



<p>Sticky Fingers Pre-School Newlands % Newlands Primary School Windermere Avenue Millbrook SO16-9QX 023 80764499 SF.Newlands@ stickyfingersps.co.uk</p>	<p>Sticky Fingers Pre-School Redbridge % Redbridge Primary school Studland Road Millbrook SO16-9BB 02380 764717 07726772381 SF.Redbridge@ stickyfingersps.co.uk</p>	<p>Sticky Fingers Pre-school Tanners Brook % Regents Park Community centre Elmes Drive Millbrook SO15-4PF 02380 703571 07470015388 SF.Tannersbrook@ stickyfingersps.co.uk</p>	<p>Sticky Fingers Pre-school Spring road % 14th Itchen Scout hut Spring road Sholing Southampton SO19-2NZ 07586560936 SF.Springroad@ stickyfingersps.co.uk</p>	<p>Sticky Fingers Pre-school Portswood Portswood Primary school Somerset road, Portswood, Southampton SO17-3AA 07309940469 SF.Portswood@ stickyfingersps.co.uk</p>
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07 Record keeping procedures

07.04 Transfer of records

Records about a child's development and learning in the EYFS are made by the setting; to enable smooth transitions, 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 designated person's responsibility to ensure that records are transferred and closed in accordance with the archiving procedures, set out below.
- If the Local Safeguarding Partners (LSP) retention requirements are different to the setting, the designated person 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 the 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 special educational needs or disability, whether there is an Action Plan (or other relevant plan, such as CIN or CP, or early help) 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 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.
- The setting will use the local authority's assessment summary format or transition record, where these were provided.
- Whichever format of assessment summary is used, it should be completed and shared with the parent prior to transfer.

Transfer of confidential safeguarding and child protection information

- The receiving school/setting will need a record of child protection concerns raised in the setting and what was done about them. The responsibility for transfer of records lies with the originating setting, not on the receiving setting/school to make contact and request them.
- 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 onto 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" which is defined as physical injury (non-accidental) physical and emotional neglect, ill treatment and 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 Section 17 of the Children Act,) 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 is 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 is necessary.
- The designated person 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 wants to see the exact content of the safeguarding information to be transferred, they should go through the subject access request process. It is important that a child or other person is not put at risk through information being shared.
- If no referrals have been made for early help or to children's social work services and police, there should not normally be any significant information which is unknown to a parent being shared with the receiving school or setting.
- 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 designated person will seek legal advice.

- In the event that LSP requirements are different to the setting's this must be explained to the parent, and a record of the discussion should be signed by parents to indicate that they understand how the information will be shared, in what circumstances, and who by.
- Prior to sharing the information with the receiving setting the designated person should check LSP retention procedures and if it becomes apparent that the LSP procedures are materially different to setting's procedures this is brought to the attention of the designated person's line manager, who will agree how to proceed.
- If a child protection plan or child in need plan is in place 06.1a 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 a 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.
- Where a CAF/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.
- Where there has been a S47 investigation regarding a child protection concern, 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.
- Where a child has been previously or is currently subject to a child protection plan, or a child in need plan, the name and contact details of the child's social worker will be passed onto the receiving setting/school, along with the dates that the relevant plan was in place for.
- This information is posted (by 'signed for' delivery) 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.
- Parent/carers should be made aware what information will be passed onto another setting via [07.1a Privacy notice](#).
- Copies of the last relevant initial child protection conference/review, as well as the last core group or child in need minutes can be given to the setting/school.
- The setting manager must review and update [06.1a Child welfare and protection summary](#), checking for accuracy, proportionality, and relevance, before this is copied and sent to the setting/school.
- 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 designated person writes clearly on the front of the envelope the length of time the file should be kept before destruction.

This is sealed and placed in an archive box and stored in a safe place i.e. 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.

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



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07 Record keeping procedures

07.05 Conflict of Interest

Policy statement

Our staff members and trustees have a duty to maintain public confidence in the ability to safeguard the welfare and best interests of children, other adults and the reputation of Sticky Fingers Pre-school (“the charity”). It is therefore expected that staff adopt and promote high standards of personal conduct. All adults in contact with children should therefore understand and be aware that safe practice also involves using judgment and integrity about behaviours in places other than the work setting.

Conflicts of interest occur when a staff member or trustee’s personal interests, or the interests of an organisation or person connected to the staff member or trustee, have the potential to conflict with the interests of the Pre-School.

DEFINITION:

A conflict of interest is a situation in which an individual has competing interests and loyalties. A conflict of interest can exist in several kinds of situations:

- With a public official whose personal interests’ conflict with his/her professional position.
- With an employee who works for one company but who may have personal interests that compete with his/her employment.
- With a person who has a position of authority in one organisation that conflicts with his or her interests in another organisation.
- With a person who has conflicting responsibilities.

EXAMPLES:

- A member of staff who is related to a child within the provision,

- A manager or a staff member has a close friendship with one of the families,
- A member of staff has a close relationship with a manager,
- A staff member holds a second employment,
- A member of staff has a connection with families within their workplace through social networking
- Beneficiaries (staff), will not have any family members upon the committee or as trustees.

A close relationship is defined as such by virtue of association, which is a family relationship, personal partnership, civil partnership or marriage. This may also apply to close friendships, guardianships (Godparent) or business partners.

Staff members and trustees must avoid all situations that may possibly lead to a conflict of interest and also have a legal duty to declare any potential conflicts of interest between themselves (or a connected person or organisation) and the charity. Prior legal authorisation is also required in any situation where a trustee potentially stands to receive a material benefit from the charity.

The purpose of this policy is to provide a procedure for recognising situations which can lead to potential or actual conflicts of interest and to create a clear and transparent process for declaring and managing these conflicts.

Staff Members

Staff members are required to provide details of any relationships with any of the Pre-School's families or suppliers and comply with any reasonable instructions given to them by the Pre-School on such relationships.

The staff member has a duty of care and must always apply the safeguarding of children above all else.

Types of conflicts of interest

A conflict of interest can exist in several kinds of situations:

Direct financial gain or benefit: Circumstances that involve a staff member or trustee receiving a direct financial gain or benefit might include:

- Paying an organisation which the staff member has a financial interest in, for services provided to the charity,
- A paid employee of the charity becoming a trustee,
- Employing a trustee to work in a paid post within the charity or paying a trustee for work they carry out as part of their trustee duties,
- Selling charity equipment or land to a trustee,
- A staff member or trustee providing a loan to the charity,
- A waiver or reduction in childcare fees for a trustee.

Indirect financial gain: This can include the employment of a staff member or trustee's partner by the charity, as the staff member or trustee may benefit indirectly from their partner's salary.

Non-financial gain: A non-financial gain can include if a staff member or trustee is treated favourably when using the services of the charity, such as if they were given priority above other families when applying for childcare sessions.

Conflicts of loyalty or duty: These might arise for staff members or trustees if:

- A partner, relation or close friend is employed by the charity.
- They are a trustee, employee or member of another organisation that has dealings, or may be in direct competition, with the charity e.g. for a funding bid.
- A family that attends the Pre-School is related to, lives in close proximity to or close friendship with the staff member.
- With a public official whose personal interests conflict with his/her professional position
- With an employee who works for one company but who may have personal interests that compete with his/her employment
- With a person who has a position of authority in one organisation that conflicts with his or her interests in another organisation
- With a person who has conflicting responsibilities.

Principles for effective Professional practice within the workplace

- No employee should allow their outside activities to interfere with their work. They should not allow any conflicts between their duties or their private interest to affect their ability to carry out their duties effectively.
- No employee should make use of or exploit the provision, their connection with the provision or information obtained in the course of their duties to further their own private interest.
- No employee should act in a manner likely to bring the provision into disrepute or affect the reputation of the business.
- Adults should be aware that behaviour in their personal lives may impact upon their work with children. Adults should understand that the behaviour and actions of their family members may raise questions about their suitability to work with children.
- Employees have a duty to disclose any potential or apparent conflict of interest which may affect their ability to carry out their role. Any employee who believes that they may have a conflict of interest should consult their Lead Practitioner and complete a conflict of interest form.
- Adults should always approve any planned social contact with children or families with management. Report and record any situation which may place a child at risk or which may compromise the setting or their own professional standing.
- Employees should at all times follow their employers Code of Conduct.
- Employers have a duty to take reasonable steps to prevent conflict of interests within the workplace. i.e. redeployment of staff if related to a child in their care.
- Employees should ensure that their social media profiles are set to the highest privacy levels and that any family members of children attending the setting are removed as 'friends' during the child's time at the setting.

Trustees

Authorisation for a trustee to receive a benefit

Conflicts of interest are often created when a trustee stands to profit or personally benefit, either directly or indirectly, from the charity or their role. Explicit legal authority must be obtained from the governing document, the Charity Commission or a court of law before a trustee receives any financial or material benefit from the charity. There are limited circumstances where a benefit will not require authority i.e. reasonably incurred expenses. Benefits that are available to anyone and not just the trustees will also not generally need to be authorised. All benefits and payments to trustees are clearly detailed in the charity's accounts.

Procedure for dealing with conflicts of interest

The charity maintains a trustee register of interests to help recognise potential conflicts of interest or loyalty for the trustees, recording information such as:

- Sources of significant income of the trustees (not including the amount).
 - Significant business interests, including property holdings.
 - Membership or board positions in other organisations.
 - Significant participation in any form of a campaigning or political body.
 - Details of any third parties that the trustee deals with on a regular basis.
 - Relationships with any employees of the charity, or any potential employees, suppliers, service providers or funders to the charity.
 - Situations where the trustee has the opportunity to benefit, including whether authority has been obtained.
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- Trustees are asked to complete a declaration of interests form, disclosing any known interests which may conflict with the work of the charity, on invitation to join the charity as a trustee and annually thereafter to keep the trustee register of interests up-to-date.
 - Significant interests for prospective trustees will be pointed out to the members at the time of trustee elections.
 - The trustee register of interests is used at each trustee meeting to identify any items for discussion where there is potential for a conflict of interest to arise for any of the trustees.
 - As not all conflicts of interest can be predicted in advance, trustees are asked to declare any potential conflicts of interest at the start of the meeting, and must withdraw from any discussions and voting on the matter concerned.
 - As stated in the Pre-school Learning Alliance constitution 2011, point 6.3, a committee member must absent himself or herself from any discussions of the Committee in which it is possible that a conflict of interest may arise between his or her duty to act solely in the interest of the Pre-school and any personal interest (including but not limited to any personal financial interest) which the Committee member may have in the matter under consideration and take no part in any vote on the matter.
 - The conflict of interest and the action taken are recorded in the minutes of the meeting.

The above steps to declare that a conflict exists and to withdraw from the discussion and any decision-making will usually be all that is required if the conflict of interest does not involve a possible material benefit to the trustee. However, if a trustee is receiving a material benefit, specific legal authority is required and the additional conditions below are followed.

Additional conditions relating to financial or material benefits

- The trustees who do not stand to benefit from an arrangement make the decision over whether it is in the best interest of the charity for a trustee to receive a financial or material benefit. The matter is recorded on the trustee register of interests and the trustee concerned has no involvement.
- In all cases where the trustees decide it is in the best interests of the charity, the trustees ensure they have the necessary legal authority before proceeding any further; making an application to the Charity Commission for authority in instances where the charity's governing document does not provide this.
- If legal authority is provided:
 - The number of trustees receiving a financial or material benefit from the charity at any time, either directly or indirectly through a connected person or organisation, are always in the minority.
 - A written agreement is drawn up to set out the arrangements between the trustee concerned and the charity, and is approved by the trustees who do not stand to benefit.
 - Any payments or financial benefits made to a trustee are reasonable for the service provided and do not exceed the amount that would normally be paid by the charity.
 - Trustees with a conflict of interest will not be permitted to sign contracts or invoices connected with the conflict.
 - Trustees who receive a financial benefit from the charity do not hold one of the Officer positions, as implementing the procedures required to manage the conflict of interest will make it difficult to fulfil certain duties connected to these roles.
 - The benefit is clearly recorded in the charity's Annual Report and accounts.

Each trustee is responsible for declaring any matters that may present any actual or potential conflict of interest. If any trustee is uncertain about what matters they should declare, they must raise the issue with the other trustees. The trustees will seek advice from the Charity Commission where necessary. The Charity Commission advice and any actions taken in following the advice will be recorded in the minutes.

The trustees must notify the Charity Commission if they find that a trustee is receiving an unauthorised benefit or has not acted in the best interest of the charity. In these cases, the trustee concerned may be in breach of trust and could be liable to repay the value of the benefit to the charity.

Where a conflict of interest may damage the interests or reputation of the charity, the trustee may be asked to take steps to put an end to the situation causing the conflict, if necessary, by resigning as a trustee of the charity.

Last Amended: June 2026

Review Date: September 2026

Manager on behalf of Sticky Fingers: