

V: Information and record keeping - Childminders

What do I need to know?

- Legal Framework
 - Data Protection Act 2018
 - Freedom of Information Act 2000
- <u>Early years foundation stage statutory framework for childminders</u> pages 33-36, paragraph 3.92 3.102.
- What constitutes a 'record'.
- There is a requirement to register annually with the Information Commissioners Office (ICO).
- Confidentiality must be maintained, and records kept, transferred or destroyed in line with recommended retention periods.
- Parents, potentially, have access to all records about their child.
- **NB** The Nominated Person is responsible for ensuring that all information about the setting is up to date and is the contact person for Ofsted. This means that Ofsted may not communicate with anyone else.

Information and record keeping (pages 53-55 of audit)	Things to consider and discuss:
Do you ensure you maintain records, obtain, and share information (with parents and, or carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of your setting and to help ensure the needs of all children are met?	 What records do you keep and in what formats? How do you ensure all records are kept safe and secure? When and how do you share information with parents and, or carers and statutory bodies? When do you need parental permission to share information with health professionals, other settings, schools, etc.? Do you know when it is appropriate and applicable to retain records? Do you know what legal basis you use for your data processing?
Are you aware of Guidance on sharing information with relevant services when there are safeguarding concerns, available via: Information sharing advice for safeguarding practitioners - GOV.UK (www.gov.uk)	 Have you accessed and read this guidance document? Are there any actions to implement from this? Is the 'Information sharing advice for safeguarding practitioners' guidance on display or easily accessible for any assistants? How do you know any assistants are aware of this document?



Information and record keeping (pages 53-55	Things to consider and discuss:
of audit)	
Do you ensure you enable a regular two-way flow of information with parents and, or carers, and between providers, if a child is attending more than one setting?	 How do you know your systems for sharing information are effective? How often is information being shared? What types of information is being shared and how is it acted upon? Are all parents sharing information with you about their child? How do you share information with other providers if the child is attending more than one setting?
If requested, do you make sure you incorporate parents and, or carers comments into children's records?	 What do you do with the information you receive from parents and, or carers or other providers? Are parents and, or carers aware that they can contribute to their child's records? How do you enable parents and, or carers to contribute?
Do you ensure your records easily accessible and available (these may be kept securely off the premises)?	 When might each set of records need to be accessible? Who needs to be able to access them? Who does not? Who knows the passwords? If you take and, or keep some records off site how do you ensure they are always secure, including in transit? Are you aware of 'The seven golden rules to information sharing? How do you ensure you and any assistants are aware of these golden rules?
Do you ensure confidential information and records about staff and children are held securely and only accessible and available to those who have a right or professional need to see them?	 How do you protect the privacy of the children, parents and, or carers and give them access if they wish to see all records about their child? Do you understand the difference between privacy and confidentiality? Are you confident in knowing what data you can withhold should it be requested by a parent or carer, or third-party agency? What information can be shared without parental consent? How do you protect sensitive information about your setting and the children in your care from accidental damage and online criminals?



Information and record keeping (pages 53-55 of audit)	Things to consider and discuss:
The National Cyber Security Centre (NCSC) has published helpful guidance on cyber security: Early Years practitioners: using cyber security to protect NCSC.GOV.UK	 Have you accessed and read this guidance document? Are there any actions to implement from this? Is the document, 'Early Years practitioners: using cyber security to protect' guidance on display or easily accessible for all staff? How do you know staff are aware of this document?
Do you ensure you are aware of your responsibilities under the Data Protection Legislation and where relevant the Freedom of Information Act 2000?	 How do you meet your responsibilities under the Data Protection Act 2018? Have you appointed or contracted a Data Protection Officer for your setting? Are you aware of the rights of an individual, to request information for themselves, or their child, under a Subject Access Request'? What procedures do you have to follow if you receive such a request?
This includes the Data Protection Act 2018 and General Data Protection Regulation 2018 see:	



Information and record keeping (pages 53-55	Things to consider and discuss:
of audit)	
Are you aware however, the DPA also sets out specific exemptions under which certain personal information may, under specific circumstances, be withheld from release? For example, a relevant professional will need to give careful consideration as to whether the disclosure of certain information about a child could cause harm either to the child or any other individual.	 What are the 'relevant exemptions'? How do you know what the specific exemptions under which certain personal information may, under specific circumstances, be withheld from release as set out in the DPA? How do these exemptions apply to your provision?
Further guidance of how data protection laws operate can be found on the website of the Information Commissioner's Office at: Guide to the UK General Data Protection Regulation (UK GDPR) ICO	 Have you accessed and read this guidance document? Are there any actions to implement from this? Is the 'Guide to the UK General Data Protection Regulations' guidance on display or easily accessible? How do you know any assistants are aware of this document?
Do you ensure records relating to individual children retained for a reasonable period of time after they have left the provision?	 Which records do you retain? How long do you keep them? How do you keep track of when a record needs to be destroyed?
Are you aware individual providers should determine how long to retain records relating to individual children?	 Does this period meet the requirements of your insurance company, the LA requirements for funded children, SEN children or child in care, the Childcare Register and the requirements of any other relevant body or legislation? How do you dispose of records safely and securely? What records do you pass on to a child's next Setting and, or School? How do you ensure the method of transfer is safe? How do you confirm that it has been received?



- Data Protection Act information
- Information Commissioners Office
- <u>SEND code of practice</u>
- DCC Schools Retention Guidelines
- DCC PVI Retention Guidelines Document 'Tt' in EYFS Statutory framework supporting documents
- For advice and support regarding Data Protection and GSPR contact: GDPRfor.EarlyYears@derbyshire.gov.uk
- Derbyshire SchoolsNet Early Years
- Derbyshire Early Years Service Eventbrite
- Email: CS.EYS@derbyshire.gov.uk



Information and record keeping – Information about the child (page 56 of audit)

Do you **ensure** you record the following information for each child in your care:

- full name?
- date of birth?
- name and address of every parent and, or carer who is known to the provider?
- information about any other person who has parental responsibility for the child?
- which parent(s) and, or carer(s) the child normally lives with?
- emergency contact details for parents and, or carers?

Where possible, do you **make sure** you hold more than two emergency contact numbers for each child.

Things to consider and discuss

- How do you ensure all information is accurate? e.g. Do you record that a child's birth certificate has been seen and checked?
- How is information kept up to date? e.g. Emergency contact details for each child.
- How do you collect information on who has parental responsibility for a child? Where is this information recorded? Who needs to can access this information?
- How do you ensure both you and any assistants, and parents and, or carers know and understand what the legal term 'parental responsibility' means?
- How would you manage the situation if you had been informed that a person did not have legal access and, or parental responsibility for a child, but they arrive at your Setting to collect the child?
- How do you collect information on who the child normally lives with? Where is this information recorded? Can whoever needs to know this information access it?
- How do you ensure emergency contact details are always accessible and available, should you need to access them, e.g. on outings and, or school run? How do you keep the information safe when taking it off-site?
- How many emergency contact numbers do you have? Do you think this is adequate and would enable you to make appropriate contact in case of an emergency?
- What would you do if you were unable to collect more than two emergency numbers?
- How do you collect information about whether a child is a 'child in care'? Do you know which local authority the child in care is registered with? Have you obtained the name of the social worker for the child? How do you monitor child attendance?
- What do you do if you have concerns about a child attendance? Have you contacted and informed the Virtual School? Who has parental responsibility?
- How do you ensure you and any assistants meet Data Protection and GDPR legislation?
- How do you know what information can you share with others?
- Do you know when it is appropriate and applicable to retain records?
- Does this retention period meet the requirements of your insurance company, the LA requirements for funded children, SEN children or children in care or the requirements of any other relevant body or legislation?



Information and record keeping – Information about the child (page 56 of audit)

Things to consider and discuss

(Repeated from previous table row)

Do you **ensure** you record the following information for each child in your care:

- full name?
- date of birth?
- name and address of every parent and, or carer who is known to the provider?
- information about any other person who has parental responsibility for the child?
- which parent(s) and, or carer(s) the child normally lives with?
- emergency contact details for parents and, or carers?

Where possible, do you **make sure** you hold more than two emergency contact numbers for each child.

(Continued from previous table row)

- How do you dispose of records safely and securely?
- When do you need parental permission to share information with health professionals, other settings, schools, etc.?

CONSIDERATIONS re. OTHER CHILD-RELATED RECORDS:

- Do you need parental permission to share information about a child's learning and development? What information can be shared without parental consent?
- How do you keep accurate records of all children's attendance at your provision? How often do you monitor child attendance? What to do if you have concerns about a child's attendance?
- How do you collect information about any allergies, health issues, SEND concerns or diagnosis, other agencies and, or professionals associated and, or with the child or family?
 Where is this information recorded? How do you ensure you and any assistants who need to know this information can access it? How often is this information updated?
- How do you and any assistants know what to include in a child's child protection file? Do you have a central child protection file for each child which is stored securely? How to you transfer a child's child protection file to another provider? Do you obtain a confirmation receipt stating the files have been transferred?



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- Information Commissioners office
- SEND code of practice
- Derby and Derbyshire Safeguarding Children Partnership
- Working together to safeguard children
- Keeping children safe in education
- DCC Schools Retention Guidelines
- DCC PVI Retention Guidelines Document 'Tt' in EYFS Statutory framework supporting documents
- For advice and support regarding Data Protection and GSPR contact: GDPRfor.EarlyYears@derbyshire.gov.uk



Information and record keeping – Information for parents and carers (page 57 of audit)

Things to consider and discuss

Do you **ensure** you share following information available to parents and, or carers:

- how the EYFS is being delivered in the setting and how parents and, or carers can access more information?
- the range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home?
- how the setting supports children with special educational needs and disabilities?
- food and drinks provided for children?
- details of your policies & procedures
- the procedure to be followed in the event of a parents and, or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting?
- how staffing at the setting is organised (for example, whether you have an assistant)?
- the name of the child's key person and their role?
- a telephone number for parents and, or carers to contact in an emergency?

Do you know that for anybody registered as a "childminder without domestic premises" – that they are not permitted to provide any provision under that registration from any domestic premises, which includes for the drop-off and/or collection of a child?

- How and how often do you evaluate the range of information included in your welcome pack? How do you consult with parents about additional information they may find useful?
- How and what are parent and, or carers preferred means for being contacted and how do you acquire and store the contact details for each parent and, or carer?
- Are there any barriers to communicating with parents and, or carers and how do you plan to resolve this?
- How do you promote a two-way flow of information between you and parents and, or carers? How do you know that communication with parents and, or carer is effective?
- How, what, and where is information shared with parents and, or carers about the EYFS and how is it being delivered throughout your provision?
- Is relevant information, such as safeguarding procedures, or policies such as the complaints policy, displayed including how to contact Ofsted?
- How and what information is shared with parents and, or carers about the range and type of activities and experiences provided for the children and daily routines?
- How and what information is shared with parents and, or carers regarding how they can support their child's learning at home? How are these methods effective in engaging parents and, or carers? How do you know?
- How and what information is shared about children with SEN and disabilities? How are these methods effective in engaging and supporting parents and, or carers? How do you know?
- Do you know where you can signpost parents for further information, help and, or support relating to a child with SEND? Where would you send parents and, or carers?
- Have you obtained parental consent for information sharing with other professionals, and what information will be shared?
- How and what information shared regularly with parents and, or carers about food and drinks provided for children? How do you involve parents and, or carers and children in food and drink choices and planning?



Information and record keeping – Information for parents and carers (page 57 of audit)

Things to consider and discuss

(Repeated from previous table row)

Do you **ensure** you share following information available to parents and, or carers:

- how the EYFS is being delivered in the setting and how parents and, or carers can access more information?
- the range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home?
- how the setting supports children with special educational needs and disabilities?
- food and drinks provided for children?
- details of your policies & procedures
- the procedure to be followed in the event of a parents and, or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting?
- how staffing at the setting is organised (for example, whether you have an assistant)?
- the name of the child's key person and their role?
- a telephone number for parents and, or carers to contact in an emergency?

Do you know that for anybody registered as a "childminder without domestic premises" – that they are not permitted to provide any provision under that registration from any domestic premises, which includes for the drop-off and/or collection of a child?

(Continued from previous table row)

- How do you share your policies and procedures with parents and, or carers?
- How do you share your procedures including safeguarding and child protection, failing to collect a child, if a child goes missing at or away from the setting and your complaints policy and procedures?
- How do you ensure both staff and parents and, or carers know and understand what the legal term 'parental responsibility' means?
- How do you ensure that any assistants are aware of who has parental responsibility for each child?
- How do you collect information about whether a child is a child in care? Do you know which local authority the child in care is registered with? Have you obtained the name of the social worker for the child? How do you monitor child attendance? What to do if you have concerns about a child attendance? Have you contacted and informed this with Virtual School?
- How and what information do you share with parents and, or carers about staffing in the setting? How often do you review this information and share changes with parents and, or carers?
- How and what information do you share with parents and, or carers about the name of their child's key person and their role?
- Does information provided to parents include a telephone number for parents and, or carers to contact in an emergency?
- How do you ensure you meet Data Protection and GDPR legislation?
- When and how do you share information with parents and, or carers and statutory bodies? How do you ensure staff know this information to ensure they are following Data Protection and GDPR legislation?
- When do you need parental permission to share information with health professionals, other settings, schools, etc.? Do you need parental permission to share information about a child's learning and development? What information can be shared without parental consent?



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- Guide to the UK General Data Protection Regulation (UK GDPR) | ICO
- Data Protection Act information
- · Information Commissioners office
- Derby and Derbyshire Safeguarding Children Partnership
- Working together to safeguard children
- Keeping children safe in education
- Local Offer Derbyshire
- Derbyshire Information, Advice and Support Service for SEND
- SEND code of practice: 0 to 25 years GOV.UK (www.gov.uk)
- SEND: guide for parents and carers GOV.UK (www.gov.uk)
- What to Expect When?- a Parent's Guide
- Ready for school Tips for parents Derbyshire County Council
- Inspecting registered childcare providers: information for parents
- Ofsted's role in regulating childcare: poster for parents
- Homepage | Food Standards Agency

- First steps nutrition good food choices and portion sizes for 1 4 year olds
- NHS eat well guide
- The Eatwell Guide
- Healthier Families
- Childhood obesity: applying All Our Health
- Healthy diet recommendations British Nutrition Foundation
- Eat Better, Start Better | FoodForLife
- Healthy eating and safe food preparation | From pregnancy to children aged 5
- Health Protection in schools and other childcare facilities
- Safer food, better business for caterers
- Safer food better business for childminders
- Allergen guidance for food businesses
- DCC Schools Retention Guidelines
- DCC PVI Retention Guidelines Document 'Tt' in <u>EYFS Statutory framework</u> supporting documents
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Information and records - Complaints	Things to consider and discuss:
(page 58 of audit)	
Are you aware that you are not required to have a written procedure for handling complaints?	 What do you and any assistants consider to be a concern or a complaint? What is your complaints procedure? Is this a written procedure? How do you make parents and, or carers aware of how to make a complaint and to whom? How are verbal complaints recorded and acted upon? Do you and any assistants know what to do if someone makes a verbal complaint? Can your assistants explain this procedure? How do you ensure you and any assistants know how to raise a concern? Do you have a whistle blowing policy and do any assistants know what this is about? How is this information shared?
Do you ensure you keep a written record of any complaints, and their outcome?	 How do you ensure a confidential recording system is in place for complaints made? How long will you keep records of complaints? In what situation would you contact your insurance company to notify them or request advice following a complaint? What is your staff code of conduct and disciplinary procedures? Are they clear and unambiguous? How and when are these shared with any assistants?
Do you ensure you investigate written complaints relating to your fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint?	 Who will investigate any complaints? How do you monitor the progress of any investigation to ensure the deadline of 28 days is adhered to? How do you notify the complainant of the outcome? What will you do if they are not happy with the outcome of your investigation? How do you review practice as a result of complaints? What changes have you put into place following the review of a complaint?
Do you ensure the record of complaints are made available to Ofsted or the relevant childminder agency on request?	 How are complaints securely stored to enable records to be shared with Ofsted or a childminder agency on request? Who has access to the complaints records? What if that person is not available? Are you aware of how long you must retain information relating to complaints? How do you ensure you meet Data Protection and GDPR legislation?



Information and records - Complaints	Things to consider and discuss:
(page 58 of audit)	
Do you ensure you make available to parents and, or carers details about how to contact Ofsted or the childminder agency with which you are registered as appropriate, if they believe you are not meeting the EYFS requirements?	How do you make parents and, or carers aware of how and when to contact Ofsted or the relevant childminder agency?

Information and records - Complaints	Things to consider and discuss:
(page 59 of audit)	
Do you ensure if you become aware that you are to be inspected by Ofsted or have a quality assurance visit by the childminder agency that you notify parents and, or carers?	How do you notify parents and, or carers if an Ofsted inspection or quality assurance visit is about to take place?
Do you ensure after an inspection by Ofsted or a quality assurance visit by your childminder agency, you supply a copy of the report to parents and, or carers of children attending on a regular basis?	How do you notify and supply a copy of the report to parents and, or carers of the outcomes following an Ofsted inspection or quality assurance visit?

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- Derby and Derbyshire Safeguarding Children Partnership
- Working together to safeguard children

- Keeping children safe in education
- Guidance for safer working practice for those working with children and young people in education
- Inspecting registered childcare providers: information for parents
- Complaints procedure Ofsted
- Complain about a school: State schools
- Ofsted's role in regulating childcare: poster for parents



Information and records – Information about the childminder (page 59 of audit)

Do you **ensure** you hold the following documentation:

- your name, home address and telephone number and any other person living or employed on the premises?
- the name, home address and telephone number of anyone else who will regularly be in unsupervised contact with the children attending the early years provision?
- a daily record of the names of the children being cared for on the premises, their hours of attendance and the names of each child's key person (if this is not the childminder themselves?
- your certificate of registration (which can be displayed digitally, for example on a childminder's website, and must be available to parents and, or carers on request)?

Things to consider and discuss:

- How and what information do you record regarding yourself and any assistants and any other person living or employed on the premises? How and where is this information stored securely?
- Do Ofsted have up to date contact information for your setting, e.g. email address?
- How and what information do you record of anyone else who will regularly be in unsupervised contact with children? How and where is this information stored securely?
- What systems are in place to notify you of any changes to personal details?
- How and what information do you record regarding the children being cared for on the premises, including their hours of arrival and departure? How and where is this information stored securely?
- Are absences of Local Authority funded children or children in care monitored and reported to the LA? Who would you inform?
- Which certificates and, or qualifications do you legally have to display?
- Where do you display your certificate of registration and insurance certificate, so it is available for parents and, or carers to see?
- Where do you display your staff paediatric first aid (PFA) certificates or a list of assistants who have a current PFA certificate so parents and, or carers can see? If this is not displayed, can you make this available if requested?
- Where do you display food hygiene certificates so parents and, or carers can see them? If this is not on display, can you make this available if requested?
- Where do you display your certificate of registration? If this is not on display, can you make this available if requested?
- Do you ensure that information is stored securely in line with Data Protection Act 2018 and General Data Protection Regulations GDPR? How long do you retain it for? How will you dispose of it safely?
- Are you registered with the Information Commissioner's Office?



- <u>Disclosure & barring Service</u>
- Information Commissioners Office (ICO)
- Early years qualification checker
- Childminders and childcare providers register with Ofsted guidance
- Data Protection Act information
- Information Commissioners office
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