

Data Protection Policy



- Staff and managers of Little Fishes can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education at Little Fishes. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.
- When a child leaves Little Fishes for another early years setting or school, we prepare a report summarising a child's development and learning in the EYFS in Little Fishes in order to enable smooth transitions. We also share other appropriate information when relevant.
- Confidential records are shared where there have been child protection concerns according to the process required by our Local Safeguarding Children Board. The Little Fishes Data Protection procedures guide this process and determine what information we can and cannot share with a receiving setting or school. Prior to transferring information, we will establish the lawful basis for doing so (see our Privacy Notice).
- We recognise that parents have a right to know that the information they share with us will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, we are obliged to share information.
- We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, if it is in the public interest. That is when:
 - it is to prevent harm to a child or adult, or
 - it is to prevent a crime from being committed, or intervene where one may have been, or
 - not sharing it could be worse than the outcome of having shared it.
- Any decision to share confidential information is never made as an individual, but with the back-up of the management team. The three critical criteria are:
 - where there is evidence that the child is suffering, or is at risk of suffering, significant harm, or
 - where there is reasonable cause to believe that a child may be suffering, or is at risk of suffering, significant harm, or
 - to prevent significant harm arising to children and young people or adults, including the prevention, detection and prosecution of serious crime.


- We have record keeping systems in place that meet legal requirements; the means we use to store and share that information takes place within the framework of the GDPR and the Human Rights Act (1998).
- We keep records and documentation for the purpose of maintaining Little Fishes. These include:
 - records pertaining to our registration,
 - financial records pertaining to income and expenditure,
 - risk assessments,
 - employment records of our staff including their name and contact details, and
 - names and contact details of anyone else who is regularly in unsupervised contact with the children.
- We consider our records as confidential based on the sensitivity of information, such as with employment records.
- This policy and procedure should be read alongside our Privacy Notice.
- We work in partnership with local and national agencies to promote the wellbeing of all children. We will never share your data with any organisation to use for their own purposes.
- All staff, including students on recognised qualifications and training who are observing in the setting, are advised of this policy and required to adhere to it.

Legal framework

- General Data Protection Regulations (2018) (“GDPR”)
- Data Protection Act (2018)
- Freedom of Information Act (2000)
- Human Rights Act (1998)
- Children Act (1989)
- [Early Years Foundation Stage Statutory Framework \(2023\)](#) (“EYFS”)

Further guidance

- [Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers \(2018\)](#) (“Information Sharing Advice”), in particular:
 - ‘Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case.’
 - ‘Practitioners need to understand their organisation’s position and commitment to information sharing. They need to have confidence in the continued support of their organisation where they have used their professional judgement and shared information professionally.’
- [Development Matters non statutory curriculum guidance for the Early Years Foundation stages \(DfE 2023\)](#) (“Development Matters Guidance”)
- What to do if you're worried a child is being abused: Advice for practitioners (HM Government 2015)
- [Child protection records retention and storage guidelines \(NSPCC\)](#)

<i>This policy was adopted by:</i>	Little Fishes Pre-school on 1 September 2024
<i>next review date:</i>	July 2025
<i>Signed on behalf of the provider by</i>	 Alison Carr, Chair of Little Fishes Management Group