



## **Child Protection: General Data Protection Regulation (GDPR)**

### **Policy statement**

Village Montessori Nursery School is committed to protecting the privacy and security of personal information. This privacy notice describes how we collect and use personal information about pupils, in accordance with the General data Protection Regulation (GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

The data controller (Village Montessori Nursery School) is responsible for deciding how to store and use personal information about children.

### **Procedure or Protocol:**

#### **What information do we collect?**

Village Montessori Nursery School collects, stores and uses the following categories of information which is mandatory:

- Personal Information such as name, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as relationship, phone numbers and email address;
- Attendances details (such as sessions attended, number of absences and reasons for absence);
- Performance and assessment information;
- Special educational needs information;
- Relevant medical information;

### **How We Use Your Personal Information**

Village Montessori Nursery School uses the information to:-

- confirm the identity of prospective pupil and their parents;
- provide education services and extra-curricular activities to pupils, and
- monitor pupils' progress and educational needs;
- safeguard pupils' welfare and providing appropriate pastoral (and whether necessary medical) care;
- manage internal policy and procedures;
- for legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;

- enabling relevant authorities to monitor the academy's performance and to intervene or assist with incidents as appropriate;
- for photographic images of pupils in nursery school publication and on the nursery school website (with parents or carers' permission and consent)

### **The Lawful Basis on Which We Use this Information**

Village Montessori Nursery School only use the information when the law allows us to. Most commonly, we will use information in the following circumstances:-

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligation);
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Local Authority Censuses once a year.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

### **Sharing Data**

Village Montessori Nursery School may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data without the parents' or carers' consent. All information shared with the welfare authorities or agencies are confidential and retain anonymity.

Information may be shared with:-

- the Department of Education (DfE) – on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013;
- Office for Standards In Education (Ofsted);
- Other nursery school / playgroup / childminder that pupils have attended/will attend;
- National Health Service (NHS);
- Welfare services (such as social service);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer (LADO);
- Professional advisors such as lawyers and consultants;
- The Local Authority.

The recipient of the information will be bound by confidentiality obligations, and we require them to respect the security of your data and to treat it in accordance with the law.

### **Why We Share This Information**

We do not share information about our pupils with anyone without consent unless otherwise required by law. For example, we share student's data with the DfE on a statutory basis which underpins nursery school funding and educational attainment. To find out more about the data collection requirements placed on us by the DfE please go to <https://www.gov.uk/education/data-collection>

### **Storing Pupil Data**

Village Montessori Nursery School uses third party software (Tapestry) to keep developmental records about pupils, all other information is in paper format.

Except as required by law, Village Montessori Nursery School only retains information about pupils for as long as necessary in accordance with time frame imposed by law. (Please see appendix)

### **Automated Decision Making**

Automated decision making takes place when an electronic system uses personal information to make decision without a human intervention. We are allowed to use automated decision making in limited circumstances.

Pupils will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Requesting Access to your Personal Data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's education record, contact the nursery school Manager, Kwai Fong Purchase (Miss Jessy)

You also have the right to:-

- Object to processing of personal data that is likely to cause, or is causing, damage or distress;
- Prevent processing for the purposes of direct marketing;
- Object to decisions being taken by automated means;
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the data protection regulations

Anyone party who wishes to exercise any of the above rights, please contact the Manager, Kwai Fong Purchase (Miss Jessie) in writing.

Village Montessori Nursery School will need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to Withdraw Consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Kwai Fong Purchase (Manager). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Contact**

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with Kwai Fong Purchase (Manager) who is also the data protection officer (DPO) who oversees compliance with data protection and this privacy notice.

### **Useful link:**

- <http://lco.org.uk>

This policy was adopted and practiced at	<b>Village Montessori Nursery School Ltd</b>
Effective date	July 2021
Review date	July 2022
Name of the manager who prepared	Mrs Kwai Fong Purchase
Read and acknowledge by member of staff	Cristina (Deputy), Vicky, Svitlana (Room Leader), Magdalena

## Appendix:

### Information Retention Guidelines for Early Years Provision

1. Child Protection					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
1.1	Child Protection files	Yes	Education Act 2002, s175, related guidance 'Safeguarding Children in Education', September 2004.	DOB + 25 years	SECURE DISPOSAL
1.2	Allegations of a child protection nature against a member of staff, including where the allegation is unfolded.	Yes	Until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer.		SECURE DISPOSAL

2. Management					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
2.1	Admissions – if the application is successful	Yes		Admission + 1 year	SECURE DISPOSAL
2.2	Supplementary information form including additional information such as medical conditions, etc.	Yes		Admission + 1 year	SECURE DISPOSAL

3. Pupils					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
3.1	Attendance registers	Yes		Date of register + 3 years	SECURE DISPOSAL (if these records are retained electronically, any back up copies should be destroyed at the same time)
3.2	Pupil Files Retained in Schools	Yes		Retain for the time which the pupil remains at the setting	Transfer to the primary school when the child leaves the school.
3.3	Special Educational Needs files, reviews and Individual Education Plans	Yes		DOB of the pupil + 25 years the review	SECURE DISPOSAL

3.4	Advice and information to parents regarding educational needs	Yes	Special Educational Needs and Disability Act 2001 Section 2	Closure + 12 years	SECURE DISPOSAL unless legal action is pending
3.5	Parental permissions slips for school trips – where there has been no major incident	Yes		Conclusion of the trip	SECURE DISPOSAL
3.6	Parental permissions slips for school trips – where there has been a major incident	Yes	Limitation Act 1980	DOB of the pupil involved in the incident + 25 years The permission slips for all the pupils on the trip to be retained to show that the rules had been followed for all pupils	SECURE DISPOSAL

<b>4. Personal Records held in Schools</b>					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
4.1	Staff Personal Files	Yes		Termination + 7 years	SECURE DISPOSAL
4.2	Interview notes and recruitment records	Yes		Date of interview + 6 months	SECURE DISPOSAL
4.3	Pre-employment vetting information (including DBS check)	No	DBS guidelines	Date of check + 6 months	SECURE DISPOSAL (By the designated member of staff)
4.4	Disciplinary proceedings	Yes	Where the warning relates to child protection see 1.2. if the disciplinary proceedings relate to a child protection matter please contact your safeguarding children officer for further advice.		
4.4a	Oral warning			Date of warning + 6 months	SECURE DISPOSAL
4.4b	Written warning- level 1			Date of warning + 6 months	SECURE DISPOSAL
4.4c	Written warning-level 2			Date of warning + 12 months	SECURE DISPOSAL
4.4d	Final warning			Date of warning + 18months	SECURE DISPOSAL
4.4e	Case not found			If child protection related please see 1.2 otherwise SECURE DISPOSAL	SECURE DISPOSAL

				immediately at the conclusion of the case	
4.5	Records relating to accident/injury at work	Yes		Date of incident + 12 years. In the case of serious accidents a further retention period will need to be applied	SECURE DISPOSAL
4.6	Annual appraisal/assessment records	No		Current year + 5 years	SECURE DISPOSAL
4.7	Salary/payslips	Yes		Last date of employment + 85 years	SECURE DISPOSAL
4.8	Maternity payslips	Yes	Statutory Maternity Pay (General) Regulations 1986 (SI1986/1960), revised 1999 (SI 1999/567)	Current + 3 years	SECURE DISPOSAL
4.9	Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995	Yes		Current + 6 years	SECURE DISPOSAL
4.10	Proofs of identity collected as part of the process of checking 'portable' enhanced DBS disclosure	Yes		Where possible these should be checked and a note of what was seen and what has been checked. If it is felt necessary to keep copy of documentation then this should be placed on the member of staff's personal file.	

5. Health and Safety					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
5.1	Accident Reporting		Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration	Termination + 7 years	SECURE DISPOSAL

			Act 1992 Section 8. Limitation Act 1980.		
5.1a	Adults	Yes		Date of incident + 7 years	SECURE DISPOSAL
5.1b	Children	Yes		DOB of child + 25 years *	SECURE DISPOSAL
5.2	COSHH			Current year + 10 years	SECURE DISPOSAL
5.3	Incident reports	Yes		Current year + 20 years	SECURE DISPOSAL
5.4	Policy statement			Date of expiry + 1 year	SECURE DISPOSAL
5.5	Risk Assessments	Yes		Current year + 3 years	SECURE DISPOSAL
5.6	Fire Precautions log books			Current year + 6 years	SECURE DISPOSAL

<b>6. Administrative</b>					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
6.1	Employer's Liability certificate			Closure of the school + 40 years	SECURE DISPOSAL
6.2	Inventories of equipments & furniture			Current year + 6 years	SECURE DISPOSAL
6.3	General file series			Current year + 5 years	SECURE DISPOSAL
6.4	School brochure or prospectus			Current year + 3years	Review to see whether a further retention period is required
6.5	Circulars (staff/parents/pupils)			Current year + 1 year	Review to see whether a further retention period is required
6.6	Newsletters			Current year + 1 year	Review to see whether a further retention period is required
6.7	Visitors book			Current year + 2 years	Review to see whether a further retention period is required
6.8	PTA			Current year + 6 years	Review to see whether a further retention period is required

<b>7. Finance</b>					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
7.1	Annual accounts		Financial Regulations	Current year + 6 years	SECURE DISPOSAL
7.2	Loan and grants		Financial Regulations	Date of last payment on loan + 12 years	SECURE DISPOSAL
7.3	Contracts				SECURE DISPOSAL
7.3a	Under seal			Contract completion date + 12 years	SECURE DISPOSAL
7.3b	Under signature			Contract completion date + 6 years	SECURE DISPOSAL
7.3c	Monitoring records			Current year + 2 years	SECURE DISPOSAL



7.4	Invoice, receipt and other records covered by the Financial Regulations		Financial Regulations	Current year + 6 years	SECURE DISPOSAL
7.5	Annual Budget and background papers			Current year + 6 years	SECURE DISPOSAL
7.6	Debtor's Records		Limitation Act 1980	Current year + 6 years	SECURE DISPOSAL
7.7	Invoices			Current year + 6 years	SECURE DISPOSAL
7.8	Receipts			Current year + 6 years	SECURE DISPOSAL
7.9	Bank Statements			Current year + 6 years	SECURE DISPOSAL
7.10	Petty cash books			Current year + 6 years	SECURE DISPOSAL
7.11	Maintenance and contractors		Finance Regulations	Current year + 6 years	SECURE DISPOSAL
7.12	Leases			Current year + 6 years	SECURE DISPOSAL
7.13	Lettings			Current year + 6 years	SECURE DISPOSAL
7.14	Burglary, theft and vandalism report forms			Current year + 6 years	SECURE DISPOSAL
7.15	Maintenance log books			Current year + 6 years	SECURE DISPOSAL

8. Local Authority					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
8.1	Attendance returns	Yes		Current year + 1 year	SECURE DISPOSAL
8.2	Circulars from LEA			Whilst required operationally	Review to see whether a further retention period is required

9. Department for Children, Schools and Families					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
9.1	HMI reports			These do not need to be kept any longer	SECURE DISPOSAL
9.2	OFSTED reports and papers			Replace former report with any new inspection report	SECURE DISPOSAL

10. Connexions					
	Basic file description	Date Prot Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
10.1	Work Experience agreement			DOB of child + 18 years	SECURE DISPOSAL

End.