

## **Brentwood Day Nursery GDPR**

### **Terms and Conditions, privacy notice, consent and disclaimer**

#### **Child protection**

If nursery staff are concerned about a pre-existing injury on a child they have a duty to talk to the parents about it. If there are continuing grave concerns about a child's welfare the nursery reserves the right to contact the local safeguarding team without permission of the parents in line with our statutory responsibilities to maintain the health and welfare of each child.

If you have any other concerns about the safety of your child in relation to contact with other persons outside of the nursery setting, you must tell the manager at the nursery

#### **First aid**

Trained first aiders are on site at all times to ensure the safe and appropriate treatment of the inevitable minor cuts and bruises that are part of childhood. Every accident that needs treatment is recorded and staff will ensure you are informed of the circumstances and treatment at the end of the day. If a child has any injury to the head you will be informed immediately as it may be necessary to collect your child early. Consent for administering emergency first aid needs to be indicated in the consent section.

#### **Sickness and Medication**

Children should not be brought to nursery whilst they are suffering with sickness, diarrhoea or any other infectious illness until their symptoms have been clear for 48 hours. If a child becomes ill whilst at Nursery, a member of our team will contact you by telephone to ask you to collect your child immediately. If we are unable to contact, you or other parent/guardians we will call the emergency contacts. If serious and required, we will call the child's doctor. Although not a requirement, staff are happy to administer medication with written permission but it must be in the original container labelled with your child's name and an appropriate medication form completed. In addition, certain types of non-prescribed medication can be given at nursery, such as: to reduce temperature (e.g. Calpol) or offer relief for an allergic reaction or sting (e.g. Piriton) if necessary. All medication must be given to the manager or key person. A child's attendance at nursery while on medication is solely at the discretion of the manager in keeping with our medication protocol. For children who have ongoing medical conditions (e.g. asthma) the parent will be asked to complete a care plan with the Key person or Manager to support staff if an emergency situation occurs.

#### **Sun care**

During the warmer months, we ask that all children have sun cream applied before coming to nursery. Please could parents also provide sun cream for their children so that it can be applied while they are at the nursery to ensure a suitable level of sun protection. Sun hats must also be worn when the children are outside, please provide a sun hat for your children. We do have spare sun hats which the children can wear. If you do not want them to wear a nursery sun hat and do not provide one they will not be able to go outside.

#### **Special requirements**

If your child has an ongoing medical condition or allergic reaction to certain textures or food you must inform staff and complete the appropriate nursery medical forms. It is your responsibility to keep staff informed and updated so that relevant and appropriate action can be taken where necessary.

#### **Social media and Facebook**

Brentwood Day Nursery takes photographs of the children as part of its programme, business activities, children's portfolios and training activities. We may display these pictures in the nursery, use them in individual children's progress/development records, email them to you or post them on the nursery Facebook page\*. We will only use them for the above purposes and additional consent will be sought for photos to be used in any other marketing or promotion. We do not save any photos or videos, once

uploaded to Facebook, the photo or video is deleted. When a child has left the nursery, we delete all photos of the child off the nursery Facebook page. Aysha Mehmet and Claire Holdgate are responsible for ensuring that photos are deleted. Consent for photos needs to be indicated in the consent section.

Please see a member of staff if you would like to join our Facebook page. \*

\*The Nursery Facebook page is set to private, only current parents who we have agreed to will have access.

## **Tapestry**

In order to keep you updated with your child's development, we use an online application called 'Tapestry'. Through a secure log in method it enables us to share information and photographs of your child's development. This will enable you to follow your child's progress and achievements at nursery and share home experiences too. Each observation will be linked to the Early Years Foundation Stage profile and the level they are working at.

We will also be creating an art journal from the Tapestry application, for children's masterpieces and regular writing and drawing progression. We will regularly monitor their cognitive development during play activities which will be recorded on assessment sheets in their journals. Children's developmental progression can be accessed anytime via Tapestry. An overview copy will also be kept in children's journals, updated termly. These are stored on the green registration table in the nursery and can be viewed any time.

The information we share online via Tapestry will be stored electronically. These will be emailed to you when your child leaves (these will be password protected).

We do not save any photos or videos, once uploaded to Tapestry, the photo or video is deleted. Aysha Mehmet and Claire Holdgate are responsible for ensuring that photos are deleted. Tapestry consent needs to be given at the end of this form.

## **Fees/Registration/Enrolment**

Full completion of the Registration documents is necessary This will need to be returned and discussed with the nursery Manager prior to your child's admission. This includes mutually agreed sessions (which are subject to availability) and a registration fee of £40. The Registration form is to be fully completed and signed by both parties. All children joining the nursery will be on a three month probation period from their first day. This will be reviewed at the end of the three months.

Nursery fees are invoiced at the start of each term and the final date fees should be paid are highlighted in red. These can be paid either by bank transfer, cheque, childcare vouchers or by cash. Please see our 'nursery fees' document for full details on our nursery fees.

## **Changes to sessions or cancellation of your nursery place**

If you would like to arrange additional or change sessions at any stage please contact the manager for availability and agreement. We require one month's notice in writing if you wish to terminate your child's place otherwise fees will be charged in full.

## **Late collection**

If your child is still at nursery after the closing time you will be contacted, along with authorised collectors to make emergency arrangements for your child's collection. Staff will remain on site with your child for a reasonable time until collection. However, if we cannot contact you or the authorised collectors staff may be required to contact the local Social Care team and follow the procedures (see attached policy). If you are continually late to collect your child, there will be a late fee applied to your next terms invoice. This is charged at £5 per 5 minutes and £1 every minute thereafter.

## **Notice of termination**

We reserve the right to terminate a child's place with immediate effect if a serious breach of the parental contract has taken place, for example, unacceptable behaviour towards another parent, child or staff member, frequent late collection without permission or non-payment of fees.

In the event that a child is not settling at the nursery, despite various methods to support this transition, we reserve the right to ask that you find an alternative setting for your child.

## **Fees and Payments**

Invoices shall be provided to parents and it is their responsibility to pay on time each month. Please refer to **Nursery Fee Policy** for details of non/late payment procedures.

## **Refund for non-attendance**

While the management team will at all times seek to keep the nursery open during the year to promote continuity of care for the children we will not refund any fees if a child is absent due to sickness or on holiday. In addition the nursery will not refund fees if the nursery has to close due to “acts of God” infectious diseases, pandemics, environmental factors (such as snow or flooding), emergency repairs or any other situation outside of the nursery control.

## **Jurisdiction**

These terms and conditions are governed by English law and are subject to the jurisdiction of the English courts.

## **Complaints and concerns**

Please put your complaint in writing in the complaints book situated in the basket on the parent information table. Any further complaints or concerns should be addressed to the manager. Should your complaint remain unresolved please contact Ofsted.

**Please see GDPR, consent and permissions pages below which must be signed, thank you.**

*Please keep this section for your own reference*

# **Brentwood Day Nursery GDPR**

## **Privacy Notice and General Data Protection Regulation**

The nursery is required to obtain and process personal and sometimes sensitive information about children and families as part of its registration process for childcare services. Our procedures for retaining information is set by the GDPR (General Data Protection Regulation 2018). This privacy notice includes the following information:

### **What information is being collected?**

Brentwood Day Nursery, Brentwood, Essex, records the child's date of birth, child's full name, place of birth, full name of parents/guardian with whom the child lives and does not live (if the child has been fostered or adopted then we would obtain full legal information), birth certificate number, address, gender, ethnicity, cultural background, nationality, religion, first language, parents/guardian emergency contact details, other emergency contact details (such as grandparent etc) dietary requirements, allergies, specific needs, medical needs or disabilities, Educational healthcare plan (EHCP), long term medication required, permanent birth (or other) markings, doctors, dentists and health visitor contact details, record of immunisations, development records, observation records, record of accidents, incidents (including any disclosures made by a child), medical and sickness, personal relation information (such as a parent who has specific needs or a parent who has not been granted access), children's shared information record, outside professional contacts (including reports on that child). We do not ask for nor record personal bank account information of any child or parent. The registration form asks for consent for each of these data categories. All parents have the right to consent and object to different communication methods, direct marketing etc.

Personal data is automatically processed within the Essex County Council portal when we apply for termly funding. This system is highly secure requiring a course of passwords and security checks.

Personal data is automatically processed within the Tapestry application, to update developmental records on all children.

The nursery does not hold records where data is automatically processed.

However parents do have a right to refuse automated decision making and profiling, this may affect relevant future funding and agency intervention.

### **Who is collecting it?**

Staff at Brentwood Day Nursery. Rachel Austin and Claire Holdgate are responsible for implementing the GDPR requirements. On occasions, we may be asked by external companies such as Essex Children's services to record certain information relating to their health and education.

### **How is it collected and how is it stored?**

Information is collected from parents/carers, it is recorded on the forms (hard paper copy) given to parents/carers when a child starts the nursery. Some information may also come from other settings, external professionals, health and social care/services, confidential information about a child will be sent via Egress, a highly secure encrypted software that delivers information electronically. All hard copy information recorded on registration forms and individual children's records, are kept in a locked filing cabinet, in a locked cupboard, (keys are kept in the safe) which is accessed by senior staff members and other staff members (under supervision) when authorised on specific occasions. All discussions, formally or informally, that have information that we feel should be recorded will be logged on a child's individual shared information document, we may make reference to these records should something arise. We also document when a child is away from the setting (for any reason), so that we may oversee consistent absence (see our safeguarding policy for non attending children procedures). Information is recorded by the individual member of staff who was involved but will be authorised by the manager and deputy manager.

Should information be shared in error, we will be able to refer to our records so that this can be corrected.

Photos and videos of children are not saved on to any device, once the photo has been uploaded to Facebook or Tapestry, it is deleted permanently

### **The purpose and legal basis for collecting the data**

To ensure that your child is entitled to a place at the setting and that the setting receives the statutory funding which it is eligible for and so that we are able to provide the relevant care and education for that child. We have a legal duty to ensure that your child is entitled to a place at the setting and that the setting receives the statutory funding which it is eligible for and so that we are able to provide the relevant care and education for that child. This is a statutory requirement and part of the OFSTED regulations.

### **How will it be used?**

The information kept is to support development, monitor progress and provide appropriate care for each child in our nursery. It is also used when applying for additional funding

## **Who will it be shared with?**

We are required by law to pass some information to Essex County Council as the Local Authority (LA), and the Department for Education (DfE) through the Free Early Education Entitlement headcount and annual Early Years Census. Any professionals working with that child and family will also have access to certain information (this will only be passed on where prior consent has been obtained). We may also share information, where necessary with Essex Health and Social care services and also OFSTED. If your child attends another nursery or pre school we may be required to share information with them. Information may also be shared with the primary school that your child attends

## **Right to access information and request of data processing termination**

Every parent has the right to view their child's folder and records that we hold on that child. If you wish to view this information, please speak to Rachel Austin and we would supply this information within one month of asking. We will keep a record of when an individual requests to view personal data and the outcome of that request; it will be recorded in their individual personal file and within an electronic record log. When a parent requests access to information being held on their child or asks for information processed on that child to be terminated, we will consider the following:

- the nature of the personal data; any court orders relating to parental access or responsibility that may apply; any duty of confidence owed to the child or young person; any consequences of allowing those with parental responsibility access to the child's or young person's information. this is particularly important if there have been allegations of abuse or ill treatment; any detriment to the child or young person if individuals with parental responsibility cannot access this information.

- should a parent ask us to delete information or terminate processing information on that child, we will view the information and where we feel we must fulfil our safeguarding duty, we would make a managerial decision on how this would affect the child and if necessary we would seek advice from Children's and families hub or OFSTED.

Upon viewing of the records, if you feel that any data is incorrect, and upon our review and agreement, we will update our records with the relevant information within one week of asking.

Having reached an agreement for the requester to view the information, to stop processing information or to delete any information, this will be done within one month of the agreement date and it will be recorded in their individual personal file and within the electronic record log.

## **Withdrawing consent**

Individuals have a right to withdraw their consent at any time. If you withdraw your consent, this does not affect the lawfulness of the processing up to that point. The processing of data will stop immediately and in some cases we will aim to identify another lawful basis for recording and continuing to process that information if we feel that the information is vital to the development of your child. We require the individual to complete our 'withdrawing consent' form stating the reasons for doing so and the particular consent they are withdrawing from. In accordance to the ICO terms and conditions on 'Consent', we have a lawful basis to share information without your prior consent, under the lawful basis 'vital interest' rule where we feel that processing that data is necessary to protect someone's life or safety of that individual. Any withdrawal request will be recorded in their individual personal file and within the electronic record log.

## **Data retention**

We provide childcare for returning children up to the age of 8 years old (up to the day of their 8<sup>th</sup> birthday). We do have many returning children in the school holidays. For this reason we retain all children's records until their 9<sup>th</sup> birthday. At this point, all information is destroyed, although for child protection purposes, all children's accident and incident reports (including any shared information regarding a child's health and wellbeing) (electronic and hard copy) are kept for 21 years or in the case of a child who is on the child protection register, the records will be kept for 24 years (we will also back up a child's Tapestry account for any child that is involved with social services). Hard copies of records for every current child are kept in a secure locked cabinet, all keys are kept in the safe (only the management team have access to the safe).

Once a child has left the nursery, all their documents are scanned and held electronically on an encrypted folder on the nursery laptop. All files are password protected. We have a password protected database which is used to record when their details are scanned, and hard copies destroyed, so that we are able to accurately record when data can be destroyed or deleted according to the data retention periods. The database includes information such as date of birth, start date and leave date and when their data can be destroyed. Deletion of hard copies involves shredding and we use the McAfee shredder to delete all electronic documents.

## **What will be the effect of this on the individuals concerned?**

All the information obtained will be used to help support that child in all aspects of their education, health and welfare

**Is the intended use likely to cause individuals to object or complain?**

Some of the information may be personal, or may be specific to that child, a parent may object to the nursery sharing the information with professionals such as speech and language (consent must be given first). However where we feel a child is at an immediate potential risk, and we feel we must fulfil our safeguarding duty, we would make a managerial decision on whether to pass on this information to the Children's and families hub or the police. If you are not happy with our data handling procedures, we would ask you to contact us in the first instance, so that we may have the opportunity to resolve any issues. However, you have the right to complain further to the Information Commissioners Office (ICO) if you think there is a problem with the way we are handling the data

Your consent is given at the end of this form, to which you agree to the conditions set out in our privacy notice and our lawful basis for recording this information. Please see below.

## BRENTWOOD DAY NURSERY - CONSENT AND PERMISSIONS

Please complete the following consent and permissions, print, and return to the nursery (where there are two parents/carers please can both parents/carers sign)

CHILDS NAME \_\_\_\_\_ DATE \_\_\_\_\_

By signing this form you are acknowledge the following:

1. I have read all the terms and conditions contained within this form and agree to abide by them:  
Yes \_\_\_ No \_\_\_  
Signed \_\_\_\_\_  
Signed \_\_\_\_\_
2. I have understood your conditions outlined in this privacy notice/GDPR and your lawful basis for processing the data that you have asked for:  
Yes \_\_\_ No \_\_\_  
Signed \_\_\_\_\_  
Signed \_\_\_\_\_
3. I have read and agree to the terms set out in the policies and procedures:  
Yes \_\_\_ No \_\_\_  
Signed \_\_\_\_\_  
Signed \_\_\_\_\_
4. I am aware of your General Data Protection Regulation within your policies and procedures and agree to your conditions within it:  
Yes \_\_\_ No \_\_\_  
Signed \_\_\_\_\_  
Signed \_\_\_\_\_
5. I give consent for the nursery to collect, hold and process pertinent information about my child (as detailed in our privacy notice on previous page).  
Yes \_\_\_ No \_\_\_  
Signed \_\_\_\_\_  
Signed \_\_\_\_\_
6. I give consent to be contacted by (please tick): email  telephone  post  text   
Yes \_\_\_ No \_\_\_  
Signed \_\_\_\_\_  
Signed \_\_\_\_\_
7. Where necessary, information about your child may be shared with external companies, please give your consent to share this information.

Essex County Council as the Local Authority (LA)	Yes ___	No ___
Department for Education (DfE)	Yes ___	No ___
Early Years Census	Yes ___	No ___
OFSTED	Yes ___	No ___
Another nursery or preschool that your child may attend	Yes ___	No ___
Another primary school (forwarding information when leaving)	Yes ___	No ___
NHS (and all professionals within the NHS, i.e. health visitors)	Yes ___	No ___
Private medical professionals i.e. speech and language arranged by the parents	Yes ___	No ___
Emergency services	Yes ___	No ___
8. There may be occasions whereby we ask for extra information from parents so that extra support can be given to meet individual needs. Do you consent to this?  
Yes \_\_\_ No \_\_\_

9. I consent to the nursery using photos of my child ....

in the nursery Yes \_\_\_ No \_\_\_

in their individual children's progress/development records Yes \_\_\_ No \_\_\_

in emails Yes \_\_\_ No \_\_\_

on the nursery Facebook page Yes \_\_\_ No \_\_\_

on the Tapestry application Yes \_\_\_ No \_\_\_

on any other marketing or promotion Yes \_\_\_ No \_\_\_

I agree not to share photos posted on Facebook on my own newsfeed Yes \_\_\_ No \_\_\_

I agree not to share photos posted on Facebook on other social media Yes \_\_\_ No \_\_\_

Signed \_\_\_\_\_

Signed \_\_\_\_\_

10. You are able to retract your consent at any time, please contact the nursery manager. In order to fulfil our safeguarding duty, we will make a managerial decision as to the consent you are withholding from and may seek another lawful basis in order to record or process information. I understand and consent to this:

Yes \_\_\_ No \_\_\_

Signed \_\_\_\_\_

Signed \_\_\_\_\_

11. The nursery has a **Facebook** page, only current parents are members, please let us know if you would like to join this Facebook page and be contacted via it?

Yes \_\_\_ No \_\_\_

Signed \_\_\_\_\_

12. **Tapestry** - E-Safety is of paramount importance to us, we therefore ask you to provide the following information to allow us to proceed with setting up your child's Tapestry account. Recommendation from the government is for three random words (no family names) to be included when creating your password.

We will send you an activation link once we have received this completed form. Please speak to a member of staff if you require any assistance setting this up.

As a parent/carer of:

Child's full name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

I agree to the following:

- NOT to publish any of my child's observations, photographs or videos that have been posted on Tapestry
- NOT to share the log in details with anyone other than my trusted family
- Speak to my child's keyperson or a member of staff if I experience any difficulties accessing or adding data to my child's online learning journal.

Parent/Carer name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In order for us to set up an account for your child, we require the following information. The account will be set up for you and we will let you know the next steps.

Parent/Carer Names:

Parent 1: \_\_\_\_\_ Email: \_\_\_\_\_

Parent 2: \_\_\_\_\_ Email: \_\_\_\_\_



**PERMISSIONS**

The nursery seeks to work closely with parents at all times. There are certain things that the nursery needs to have specific permission for. These are detailed below:

**Cream, plasters and face paint (please circle YES or NO for each question)**

Is your child able to tolerate plasters on their skin? Yes / No

Do you consent to a staff member applying vaseline to a sore area of skin? Yes / No

Do you consent to a staff member applying Sudocream to a sore area of skin? Yes / No

On occasions, staff members may apply face paint to the children. Do you consent to this? Yes / No

Do you consent to a staff member applying factor 50 sun cream to your child? Yes / No

(All sun cream must be clearly labelled with your child's name)

Do you consent to your child wearing a nursery sun hat ? Yes / No

(if you do not consent to this and it is a hot day, and your child does not have his/her own sun hat they will not be allowed outside)

Are you happy for the nursery staff to use the nursery wet wipes on your child? Yes / No

(In the event of the parent/carer wishing to provide their own wetwipes they must be clearly labelled with your child's name)

**Medication and emergency first aid**

If you are happy for your child to have medicine administered by a competent (first aid qualified) staff member if the need arises (high temperature/allergic reaction), please sign below:

Parent/ Carer Signature .....

If the need arises (choking, fitting, etc) we will administer emergency first aid by a competent (first aid qualified) staff member

**Trips and Walks** Wherever possible, to support children's learning and development, the staff may take children on walking trips to the local area (e.g. to the shops or library)\*. If you are happy for your child to accompany staff on these trips on a higher than normal ratio, please sign below:

\*One trip per term. Parents will be notified prior to this taking place.

Parent/ Carer Signature: .....

(Please feel free to discuss this further with the manager or your child's key person).

**Footwear**

All children attending nursery are required to wear suitable footwear. We request no open toed sandals/footwear or heeled shoes to be worn during attendance. This is to help reduce any accidents which may occur during play and activities. Plimsolls/ trainers with socks are advisable. I hereby acknowledge understanding of the above mentioned request.

Parent/Carer Signature: .....