Nightingale Cottage

Data Protection and GDPR Policy

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1. Purpose and scope

Nightingale Cottage is committed to protecting the personal information of the children and families who use the setting, as well as its staff, visiting practitioners and other relevant individuals.

This policy explains how personal information is collected, used, stored, shared, retained and securely disposed of. It aims to ensure that personal data is handled fairly, lawfully, securely and transparently, in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, as amended, and other applicable legislation.

This policy applies to personal information held in paper records, electronic files, emails, messages and other formats.

It applies to information relating to children, parents and carers, employees, self-employed teachers, visiting practitioners, prospective staff and other individuals whose information Nightingale Cottage processes.

2. Data controller and responsibility

Nightingale Cottage is responsible for deciding how and why personal information is processed for the purposes of the setting.

Nightingale Cottage is registered with the Information Commissioner's Office (ICO) in relation to its data protection responsibilities. Registration does not replace the setting's responsibility to comply with applicable data protection legislation and to handle personal information lawfully, fairly and securely.

Francesca Paul is responsible for overseeing data protection arrangements, including ensuring that information is handled securely, access is appropriately restricted, retention periods are reviewed and any data breaches are dealt with appropriately.

All staff and practitioners who have access to personal information must handle it confidentially, use it only for authorised purposes and follow this policy.

3. Personal information collected

3.1 Children and families

Information collected about children and their parents or carers may include:

- Names, dates of birth, addresses and contact details.
- Emergency contacts and details of people authorised to collect a child, where applicable.
- Registration forms, consent forms and relevant permissions.
- Attendance records.
- Brief medical information, allergies and information about additional needs that may be relevant to a child's participation or safety.
- More detailed medical information, diagnostic or educational psychology reports, where provided and genuinely needed.
- Medication instructions and records of medication administered, where applicable.
- Termly written progress reports and other educational records.
- Accident, incident and safeguarding records, where applicable.
- Correspondence with parents or carers.
- Photographs or other images, where taken and appropriately authorised.

3.2 Staff and visiting practitioners

Information about staff and visiting practitioners may include:

- Contact details and information needed to manage the working relationship.
- References, qualifications and relevant employment or professional history.
- Recruitment and suitability-check records.
- Records of DBS checks and other relevant background checks.
- Right-to-work evidence.
- Safeguarding training and other relevant training records.
- Payment, invoicing and tax-related information.
- Relevant correspondence and records relating to performance, conduct or complaints, where necessary.

Nightingale Cottage will collect only information that is reasonably necessary for its legitimate educational, operational, safeguarding or legal purposes.

4. Lawful basis for processing

Personal data must be processed on an appropriate lawful basis under the UK GDPR. Depending on the circumstances, Nightingale Cottage may rely on:

- Contract: where processing is necessary to manage the arrangement with a parent or carer, staff member or practitioner.
- Legitimate interests: where processing is necessary for the legitimate interests of the setting or another party, provided those interests are not overridden by the individual's rights and freedoms.
- Legal obligation: where processing is necessary to comply with a legal requirement.
- Vital interests: where processing is necessary to protect someone's life in an emergency.

- Consent: where consent is the appropriate basis for a particular activity, such as certain uses of photographs or promotional material.

Consent will not be used as a blanket justification for all processing. Where consent is relied upon, it must be freely given, specific, informed and capable of being withdrawn.

Where special-category personal data is processed, such as information about a child's health or disability, Nightingale Cottage must also identify an applicable condition under Article 9 of the UK GDPR and comply with any relevant requirements under the Data Protection Act 2018.

Where criminal-offence data is processed, including relevant information relating to criminal records checks, an appropriate lawful basis and applicable legal condition must be identified.

5. How personal information is used

Personal information may be used to:

- Administer registrations, enrolments and agreements with families.
- Contact parents or carers about sessions, arrangements, progress and relevant concerns.
- Respond appropriately to medical needs, allergies, emergencies and safeguarding concerns.
- Plan and deliver teaching and assess children's progress.
- Maintain attendance, accident, incident and other relevant records.
- Recruit and manage suitable staff and visiting practitioners.
- Carry out relevant safeguarding and suitability checks.
- Manage payments, invoices and accounting.
- Meet applicable legal obligations.
- Respond to complaints, disputes or legal claims.
- Protect the safety and welfare of children and adults.

Information will not be used for unrelated purposes without an appropriate lawful basis. Where the purpose of processing changes, Nightingale Cottage will consider whether the new use is compatible with the original purpose and whether further information or action is required.

6. Medical, additional-needs and safeguarding information

Information about a child's health, allergies, medication or additional needs may be collected where it is necessary to support safe participation, respond to emergencies or fulfil relevant responsibilities.

Nightingale Cottage does not require detailed medical or diagnostic documentation simply because a child has a medical condition or additional need. Information requested should be proportionate to the circumstances and the setting's ability to support the child safely.

Brief information may be recorded on a child's registration and consent form. More detailed supporting documents, such as educational psychology reports or extensive medical information, should be stored separately wherever practicable, with access restricted to those who need the information for an authorised purpose.

Information about a child's needs will be handled respectfully and confidentially. It will not be shared routinely with other families or individuals who do not need access to it.

Safeguarding information will be shared with relevant authorities or professionals where this is necessary and lawful to protect a child or meet safeguarding responsibilities. Confidentiality does not prevent appropriate safeguarding action.

Safeguarding records may need to be retained for longer than ordinary educational or administrative records. Their retention will be considered separately, taking account of the nature of the concern, applicable requirements and any ongoing safeguarding or legal matter.

7. Sharing personal information

Personal information will not be routinely disclosed to third parties unless there is an appropriate reason and lawful basis to do so.

Information may be shared where necessary with:

- Parents or carers, in relation to their child and subject to the rights and confidentiality of others.
- Emergency services or relevant health professionals in an emergency.
- Local authority safeguarding teams, the police or other relevant authorities where required or appropriate.
- Relevant professionals involved in a child's welfare, where sharing is lawful and necessary.
- Accountants, insurers, legal advisers or service providers where required for legitimate operational purposes.
- Relevant government departments or other authorities where required by law.

Where an external service provider processes personal information on behalf of Nightingale Cottage, appropriate arrangements will be considered to ensure the information is handled securely and in accordance with data protection requirements.

Only information that is relevant and necessary will be shared. Where appropriate, the individual concerned or their parent or carer will be informed, unless doing so would be inappropriate or could compromise safeguarding action, an investigation or another lawful purpose.

8. Storage and security of information

Nightingale Cottage will take reasonable and proportionate steps to protect personal information from loss, misuse, unauthorised access, disclosure, alteration or destruction.

These steps include:

- Restricting access to personal information to those who need it for an authorised purpose.
- Protecting electronic devices and accounts with appropriate passwords and security measures.
- Avoiding the unnecessary transfer of sensitive information through insecure channels.

- Taking care when sending emails or messages, including checking recipients before sending.
- Keeping confidential documents out of view and disposing of them securely when no longer required.
- Ensuring staff and practitioners understand their confidentiality responsibilities.

- Reviewing access to records when a staff member or practitioner leaves or no longer needs access.

Personal information must not be kept on personal devices, shared accounts or in accessible locations without appropriate safeguards.

Staff and practitioners must not discuss confidential information about children or families with people who have no legitimate reason to know it.

9. Records retention and disposal

Nightingale Cottage retains personal data only for as long as necessary for the purpose for which it was collected, taking account of applicable legal requirements, safeguarding considerations and potential legal claims.

Different types of records may require different retention periods, even where they relate to the same child or member of staff. Where information is no longer needed, it will be securely deleted or destroyed unless there is a documented reason for retaining it for longer.

The following schedule sets out the standard retention periods adopted by Nightingale Cottage.

Record type	Standard retention period
Child registration and consent forms, including contact details, emergency contacts, consent records and brief medical or additional-needs information (for example, hay fever or ASD)	3 years after the child's last attendance. As this information forms part of the original registration record, the complete form will normally be retained for this period. Access will be restricted appropriately.
Detailed supporting medical or additional-needs information, including educational psychology reports, diagnostic assessments, detailed medical information and extensive correspondence about a child's needs	Reviewed when the child leaves. Securely delete when no longer necessary for the purpose for which the information was collected, unless a documented safeguarding, legal or other justified reason requires longer retention.
Medication instructions and records of medication administered	Retain instructions while needed to administer medication safely. Review administration records when the child leaves and retain for an appropriate period, taking account of potential claims, safeguarding considerations and any applicable requirements.

Termly written progress reports	3 years after the child's last attendance.
Routine attendance records	3 years after the child's last attendance.
Routine accident and incident records	Normally until the child's 21st birthday, subject to individual review and any applicable requirements.
Significant safeguarding and child protection records	Individual review, with a cautious standard retention approach of until the child's 25th birthday, or longer where justified by safeguarding considerations, an ongoing matter or legal requirements.
Invoices and financial records	6 years, subject to applicable tax and accounting requirements.
Staff personnel and recruitment records	Normally 6 years after the engagement ends, with unnecessary information deleted sooner where appropriate.
DBS certificate copies	Not routinely retained. If exceptionally retained, normally destroy within 6 months, subject to applicable guidance and requirements.
Records of DBS and other suitability checks	Retain proportionate details of the check, date, outcome and recruitment decision for the applicable staff-record retention period.
Right-to-work evidence	Retain throughout the engagement and for 2 years after it ends, in accordance with applicable Home Office requirements.
References, qualification verification and relevant overseas-check evidence	Normally 6 years after the engagement ends, subject to necessity and any applicable requirements.
Unsuccessful recruitment applications	Normally 6 months after the recruitment decision, unless a complaint, dispute or legal claim justifies longer retention.

These periods are standard retention arrangements adopted by Nightingale Cottage; they are not intended to imply that legislation prescribes the same period for every record type. Where a specific legal requirement applies, it will take precedence. Retention periods will be reviewed periodically to ensure that they remain appropriate and proportionate.

9.1 Medical and additional-needs information

Brief information collected on a child's registration and consent form may be retained as part of the complete registration record for the period specified above.

More detailed supporting documents will be stored separately from registration forms, with access restricted to those who need the information for a legitimate purpose, wherever practicable.

When a child leaves Nightingale Cottage, detailed documents will be reviewed to determine whether they remain necessary. Information that is no longer required will be securely deleted. Where a document contains both information that must be retained and information that is no longer necessary, Nightingale Cottage will consider whether the unnecessary information can be securely redacted or removed while preserving the required record.

Records relating to medication administration, accidents, incidents and safeguarding concerns will be considered separately and retained in accordance with the relevant requirements and retention arrangements.

9.2 Staff records when an engagement ends

When a member of staff or visiting practitioner leaves Nightingale Cottage, their records will be reviewed. Information required for legal, financial, safeguarding or claims-related purposes will be retained for the applicable period, and unnecessary documents will be securely deleted.

Right-to-work evidence will be retained for the required period. DBS certificate copies will not routinely be kept, and any copy retained exceptionally will be disposed of in accordance with applicable guidance. Proportionate records of completed suitability checks and recruitment decisions will be retained for the relevant period.

Access to email accounts, shared folders, devices and other systems will be removed when no longer required.

9.3 Secure disposal and review

At the end of the applicable retention period, paper records will be securely destroyed and electronic records securely deleted, subject to any necessary arrangements for backups, ongoing investigations or legal holds.

Any decision to retain records beyond the standard period will be documented, including the reason for retention and the date on which the record will next be reviewed.

10. Staff recruitment and suitability records

Nightingale Cottage collects and records relevant information to help assess whether staff and visiting practitioners are suitable for their roles and to meet applicable safeguarding responsibilities.

Depending on the role and the checks required, this may include:

- Identity and right-to-work checks.
- References and employment history.
- Qualification verification.
- DBS and other relevant suitability-check information.
- Overseas criminal-record or other checks, where appropriate.

- Safeguarding and relevant training records.
- The date and outcome of checks and the recruitment decision.

Only checks appropriate to the role and permitted by law will be undertaken. Access to these records will be restricted.

DBS certificate information will be handled in accordance with the applicable DBS Code of Practice and data protection requirements. Nightingale Cottage will not routinely retain copies of DBS certificates. Where a copy is exceptionally retained, it will be securely destroyed in accordance with applicable guidance. A proportionate record of the check and recruitment decision may be retained without keeping the certificate itself.

Right-to-work evidence will be retained for the period required by applicable Home Office guidance.

Where a staff member or practitioner leaves, records will be reviewed under Section 9. Records no longer required will be securely deleted, while records needed for legal, safeguarding, financial or claims-related purposes will be retained for the appropriate period.

11. Individual rights

Individuals have rights under data protection law in relation to their personal information. Depending on the circumstances, these may include the right to:

- Be informed about how their information is used.
- Request access to their personal information.
- Request correction of inaccurate or incomplete information.
- Request erasure of information where the legal conditions are met.
- Request restriction of processing in certain circumstances.
- Object to processing based on legitimate interests or certain other grounds.
- Request data portability where the right applies.
- Withdraw consent where processing is based on consent.

These rights are not absolute and may be subject to legal exemptions or other limitations.

Requests should be made to Francesca Paul using the contact details in this policy. Nightingale Cottage will respond within the applicable legal timeframe and may need to verify the identity and authority of the person making the request.

Requests relating to children's information will be considered in light of the child's circumstances, the authority of the person making the request, the child's rights and any relevant safeguarding or confidentiality considerations.

12. Personal data breaches

A personal data breach may include the loss, theft, accidental disclosure or unauthorised access to personal information.

Anyone working with Nightingale Cottage who becomes aware of a possible breach must report it to Francesca Paul as soon as possible. The incident will be assessed promptly, and appropriate steps will be taken to contain it, reduce potential harm and prevent recurrence.

Where required by law, Nightingale Cottage will notify the Information Commissioner's Office (ICO) without undue delay and, where feasible, within 72 hours of becoming aware of a reportable personal data breach.

Where a breach is likely to result in a high risk to individuals' rights and freedoms, affected individuals will also be informed without undue delay where required by law.

The incident, assessment, decisions and action taken will be documented appropriately, including where a decision is made that notification is not required.

13. Concerns and complaints

Anyone who has a concern about how Nightingale Cottage handles personal information should raise it with Francesca Paul using the contact details in this policy.

Nightingale Cottage will consider the concern and respond appropriately.

Individuals also have the right to raise a complaint with the Information Commissioner's Office if they believe their personal information has been handled unlawfully or their data protection rights have not been respected.

Information about the ICO and how to make a complaint is available at https://ico.org.uk/.

14. Policy review

This policy will be reviewed at least annually and sooner if there are significant changes to the law, the setting's activities, the types of personal information collected or the way information is stored and used.

The review will consider whether the lawful bases for processing remain appropriate, whether access and security arrangements are adequate, whether retention periods remain necessary and proportionate, and whether any changes are needed to staff practices or procedures.

Policy owner: Francesca Paul
Next review date: October 2027

