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Calthwaite Nursery (trading as First Class Kids)

Record Keeping & Finance

* Data Protection & Confidentiality
* Record Retention
* Admissions
* Complaints and Compliments
* Finance
* Reserves

Data Protection and Confidentiality

At this nursery we recognise that we hold sensitive/confidential information about children and their families and the staff we employ. This information is used to meet children’s needs, for registers, invoices and emergency contacts. We store all records in a locked cabinet or on the office computer with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a ‘need to know’ basis and treated in confidence. This policy works alongside the Privacy Notice to ensure compliance under the **UK-GDPR** (United Kingdom General Data Protection Regulation) that took effect on January 31, 2020. The Data Protection Act 2018 has been amended to be read in conjunction with the new UK-GDPR instead of the EU GDPR.

**Legal requirements**

* We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2021 and accompanying regulations about the information we must hold about registered children and their families and the staff working at the nursery.
* We follow the requirements of the General Data Protection Regulation **UK-GDPR** (United Kingdom General Data Protection Regulation) Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

**Procedures**

It is our intention to respect the privacy of children and their families and we do so by:

* Storing confidential records in a locked filing cabinet or on the office computer with files that are password protected.
* Ensuring staff, student and volunteer inductions include an awareness of the importance of the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. This includes ensuring that information about the child and family is not shared outside of the nursery other than with relevant professionals who need to know that information. It is not shared with friends and family, or part of any social discussions outside of the setting. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement in the nursery are advised of our confidentiality policy and required to respect it.
* Ensuring that all staff, volunteers and students are aware that information about children and families is confidential and only for use within the nursery and to support the child’s best interests with parental permission.
* Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children’s social care team decide this is not in the child’s best interest.
* Ensuring all staff are aware that this information is confidential and only for use within the nursery setting. If any of this information is requested for whatever reason, the parent’s permission will always be sought other than in the safeguarding circumstances above.
* Ensuring staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs.
* Ensuring staff, students and volunteers are aware of and follow our social networking policy in relation to confidentiality.
* Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions
* Ensuring any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a ‘need-to-know’ basis. If, however, a child is considered at risk, our safeguarding/child protection policy will override confidentiality.

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

**General Data Protection Regulation UK-GDPR** (United Kingdom General Data Protection Regulation)

In order to meet our requirements under GDPR we will also undertake the following:

1. We will ensure our terms & conditions, privacy and consent notices are easily accessed/made available in accurate and easy to understand language.
2. We will use your data to ensure the safe, operational and regulatory requirements of running our Nursery. We will only contact you in relation to the safe, operational and regulatory requirements of running our Nursery. We will not share or use your data for other purposes. Further detail can be found in our GDPR policy [insert document name].
3. Everyone in our nursery understands that people have the right to access their records or have their records amended or deleted (subject to other laws and regulations).
4. We will ensure staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Ac 2018 and the GDPR. This includes:

* Being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as ‘special category personal data.’
* Understanding that ‘safeguarding of children and individuals at risk’ is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

As we hold personal information about staff and families, we are registered under data protection law with the Information Commissioner’s Office. A copy of the certificate can be viewed at the front door. All parent, child and staff information are stored securely according to the requirements of data protection registration, including details, permissions, certificates and photographic images. We will ensure that staff understand the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality.

**Staff and volunteer information**

* All information and records relating to staff/volunteers will be kept confidentially in a locked cabinet
* Individual staff may request to see their own personal file at any time.

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| **This policy was adopted on** | **Signed on behalf of the nursery** | **Date for review** |
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Record Retention Policy

This policy is subject to the laws relating to data protection and document retention.

We are required under legislation to keep certain records about children, parents and also staff members. Due to this legislation, we are required to keep this information for a set amount of time.

Below is a brief overview of the information we keep and for how long. This policy should be used in conjunction with the Data Protection and Confidentiality policy and the GDPR Privacy Notice.

Children’s records - A reasonable period of time after children have left the provision. We will follow the Local Authority procedure.

Records relating to individual children e.g. care plans, speech and language referral forms – We will pass these on to the child’s next school or setting following our Local Authority’s protocols for transition and sharing of sensitive records.

Copies will be kept for a reasonable period, we will follow the Local Authority procedure.

Accidents and pre-existing injuries - If relevant to child protection we will keep these until the child reaches 25 years old.

Safeguarding Records and Cause for Concern forms – we will pass these on to the child’s new educational establishment e.g. school. In the event that we are not informed of the child’s new placement, we will keep the records until the child has reached 25 years old.

Records of any reportable death, injury, disease or dangerous occurrence (for children) - As these incidents could result in potential negligence claims, or evolve into a more serious health condition, we keep records until the child reaches the age of 21 years and 3 months.

Records of any reportable death, injury, disease or dangerous occurrence (for staff) – 3 years

Type of accidents include fractures, broken limbs, serious head injuries or where the child is hospitalised.

Observation, planning and assessment records of children - We keep our planning filed since the last inspection date so there is a paperwork trail if the inspector needs to see it.

Information and assessments about individual children are either given to parents when the child leaves or to the next setting/school that the child moves to (with parents’ permission).

Personnel files and training records (including disciplinary records and working time records) – 7 years

Visitors/signing in book – Up to 24 years as part of the child protection trail.

This policy will be reviewed annually and amended according to any change in law/legislation.

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# **Admissions**

At First Class Kids we care for children between the ages of 3 months to 11 years.

The numbers and ages of children admitted to the nursery comply with the legal space requirements set out in the Early Years Foundation Stage (EYFS). When considering admissions, we are mindful of staff: child ratios and the facilities available at the nursery.

We operate an inclusion and equality policy and ensure that all children have access to nursery places and services irrespective of their gender, race, disability, religion or belief or sexual orientation of parents.

Prior to a child attending nursery, parents/carers must complete and sign a contract and registration form. These forms provide the nursery with personal details relating to the child. For example, name, date of birth, address, emergency contact details, parental responsibilities, dietary requirements, collection arrangements, fees and sessions, contact details for parents, doctor’s contact details, health visitor contact details, allergies, parental consent and vaccinations etc.

**Providers eligible to provide government funded places for early education.**

All settings registered to accept government funding (detailed in the code of practice) must offer funded places for eligible families from when their child turns 9 months old. At First Class Kids we provide funded places for children with either 15 hours or 30 hours; this is subject to availability. These places will be allocated on a first come, first served basis.

All funded sessions are now in line with the flexible arrangement as specified by the Government. When you register your child for their funded place, we will discuss your needs and, as far as possible with availability and staffing arrangements, we will accommodate your wishes. We reserve the right to limit and/or have specific funded sessions, according to our business requirements.

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Complaints and Compliments

At First Class Kids we strive to provide the highest quality of care and education for our children and families and believe that all parents/carers are treated with care, courtesy and respect.

We hope that at all times parents are happy and satisfied with the quality and service provided and we encourage parents/carers to voice their appreciation to the staff concerned and/or management. We record all compliments and share these with staff.

We welcome any suggestions from parents/carers on how we can improve our services, and will give prompt and serious attention to any concerns that parents may have. Any concerns will be dealt with professionally and promptly to ensure that any issues arising from them are handled effectively and to ensure the welfare of all children, enable ongoing cooperative partnership with parents/carers and to continually improve the quality of the nursery.

We have a formal procedure for dealing with complaints where we are not able to resolve a concern. Where any concern or complaint relates to child protection, we follow our Safeguarding/Child Protection Policy.

Internal complaints procedure

**Stage 1**

If any parent/carer should have cause for concern or any queries regarding the care or early learning provided by the nursery, they should in the first instance take it up with the child's key person or a senior member of staff. If this is not resolved, we ask them to discuss this verbally with the manager.

**Stage 2**

If the issue still remains unresolved or parents/carers feel they have received an unsatisfactory outcome, then they must present their concerns in writing as a formal complaint to the nursery manager. The manager will then investigate the complaint in relation to the fulfilment of the EYFS requirements and report back to the parent within 28 days**.** The manager will document the complaint fully, the actions taken and the outcome in relation to it in the complaints log book.

(Most complaints are usually resolved informally at stage 1 or 2.)

**Stage 3**

If the matter is still not resolved, the nursery will hold a formal meeting between the manager, parent/carer and a senior staff member to ensure that it is dealt with comprehensively. The nursery will make a record of the meeting and document any actions. All parties present at the meeting will review the accuracy of the record, and be asked to sign to agree it and receive a copy. This will signify the conclusion of the procedure.

**Stage 4**

If the matter cannot be resolved to their satisfaction, then parents/carers have the right to raise the matter with Ofsted. Parents/carers are made aware that they can contact Ofsted at any time they have a concern, including at all stages of the complaints procedure, and are given information on how to contact Ofsted. Ofsted is the registering authority for nurseries in England and investigates all complaints that suggest a provider may not be meeting the requirements of the nursery’s registration. It risk assesses all complaints made and may visit the nursery to carry out a full inspection where it believes requirements are not met.

A record of complaints will be kept in the nursery. The record will include the name of the complainant, the nature of the complaint, date and time complaint received, action(s) taken, outcomes of any investigations and any information given to the complainant including a dated response.

Parents/carers will be able to access this record if they wish; however, all personal details relating to any complaint will be stored confidentially and will be only accessible by the parties involved. Ofsted inspectors will have access to this record at any time during visits to ensure actions have been met appropriately.

The record of complaints is made available to Ofsted on request.

We will follow this procedure for any other compliments and complaints received from visitors to the provider, where applicable.

Contact details for Ofsted:

Email: [enquiries@ofsted.gov.uk](file:///\\storage-server\Data\Products%20and%20Services\Publications\Final%20Pubs\P%20&%20P%20England\July%2021\enquiries@ofsted.gov.uk)

Telephone: **0300 123 1231**

### **By post:**

### Ofsted Piccadilly Gate Store Street Manchester M1 2WD

Parents/carers will also be informed if the nursery becomes aware that they are going to be inspected and after inspection the nursery will provide a copy of the report to parents/carers of children attending on a regular basis.

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**Finance**

Calthwaite Nursery is a registered company and a registered charity (Unincorporated Organisation) and we adhere to both Companies House and the Charity Commissions legal obligations. We are also members of the Pre-school Learning Alliance who’s 2011 Constitution we adopt annually at our Annual General Meeting.

## Companies House & the Charity Commission: -

The Charities Act 2006 states that trustees are required to keep accounting records that show and explain all of the charity’s transactions. These include a detailed record of all sums of money received or paid and a description of how or why the money was received or spent. The accounting records must show the charity’s financial position at any particular date in the past and enable accounts to be prepared at the end of the financial year. The year-end accounts of most charities must be audited or examined. Calthwaite Nursery’s accounts are prepared at the financial year-end, which is 30th August. The accounts are examined and then submitted to Companies House and the Charity Commission along with the Trustees Annual Report. Members of the public have the right to obtain a copy of a charity’s accounts from the trustees. If the trustees receive a written request for a copy of the accounts, this must be provided within two months.

Financial records will be kept for a minimum of 6 years.

## The Companies Acts 1985 & 1989 Company Limited by Guarantee: *-*

Calthwaite Nursery adheres to the Memorandum of Association. This document is the agreed rules governing how our organisation will be run.

This Constitution has stipulations, which we must follow to run correctly and to remain financially secure.

*Free Entitlement to Early Education for Three- and Four-Year Olds*

Eligible children from 9 months old are entitled to 15 hours of funded Early Education for 38 weeks of the year. This applies until they reach compulsory school age (the term following their fifth birthday).  Calthwaite Nursery is registered to receive funded Entitlement. A contract exists between the nursery and Cumbria County Council and its definitions must be adhered to; failure to do so would mean a breach of contract, this in turn may see partial or full withdrawal of Free Entitlement. We also offer 30 hours funded entitlement for those parents/carers who are eligible.

The table below shows when your child/children will become eligible for their funded early learning place.

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| If your child is born between: | They are eligible for a free place from: |
| 1st April to 31st August | 1st September following their third birthday until statutory school age |
| 1st September to 31st December | 1st January following their third birthday until statutory school age |
| 1st January to 31st March | 1st April following their third birthday until statutaory school age |

*Funded Entitlement to Early Education for Two Year Olds*

Calthwaite Nursery is registered to receive funding for two year old children providing their family meet the criteria needed to receive this funding. In order to apply the family **MUST** be in receipt of one of the following benefits:

* Income Support
* Income Based Jobseekers Allowance
* An income-related employment and support allowance
* The Guaranteed element of State Pension Credit
* Child Tax Credit and/or Working Tax Credit, provided the annual gross income is not more that £16,190 as assessed by Her Majesty’s Revenue and Customs (HMRC)

If you are in receipt of the following criteria below, please provide supporting evidence:

* Universal credit
* If the child is looked after by the Local Authority
* If the child has a current statement of special educational needs (SEN) or an education, health care plan.
* If the child is in receipt of Disability Living Allowance
* Support under part VI of the Immigration and Asylum Act 1999
* If the child has left care through special guardianship or through an adoption or residence order.

**Nursery Fees**

Children can start Calthwaite Nursery from 3 months of age, a fee is charged as early years funded entitlement does not apply until the term after the child turns 9 months funding criteria `is met.

The Fees charged are per session, not on an hourly rate. Nursery fees are invoiced in advance on a monthly basis. The payment terms are 15 days from the invoice date.

**Inclement Weather**

In the event of bad weather, such as snow, or other unforeseen circumstances forcing nursery to close at short notice, parents will have the option of having their fees reimbursed.

**Late Pick up**

We ask that if you are going to be late to collect your child/ren you contact nursery at your earliest convenience. If no contact is made, we will endeavour to make contact with parents/carers and then children’s emergency contacts.

Procedures for Late Fees: -

* A late collection charge of £10 will be charged to parents for the first 15 minutes and then £5 for each 15 minutes thereafter until the child is collected.

**Debtor Management**

The balance of unpaid invoices will be carried forward to the next monthly invoice. If you are experiencing difficulties paying monthly fees then please speak to the administrator, Judith Bowman, or the Manager, Rachel Vepers which will be handled in the strictest confidence.

If payment is not received 7 days from the due date, a reminder letter will be sent asking for payment within 7 days. Failure to pay the total outstanding balance within seven days will result in a written demand for immediate settlement. Failure to pay this total outstanding balance within return of the issue of the written demand for immediate settlement will result in the immediate exclusion of the child concerned. Exclusion of the child will remain in force until such time as the total outstanding balance is paid in full.

A late payment fee of 10% of the invoice will be added to cover administration costs.

*Legislation: The Charities Act 2011*

# **Reserves Policy**

# **Definition*: - Reserves are part of a charity’s unrestricted funds that are freely available to spend on any of the charity’s purposes. This definition excludes restricted income funds and endowment funds.***

# **Definition of a Charity Trustee: - *Charity Trustees are the people who are responsible for the general control and management* of *the administration of a charity*.**

# Policy

# The Trustees/Directors, i.e. Management Committee, of Calthwaite Nursery, trading as First Class Kids, are ultimately responsible to the key stakeholders for ensuring that their finances comply with the relevant regulations. Stakeholders are individuals or organisations connected with our nursery and include parents, staff, funders, bankers and statutory bodies.

# Trustees are also responsible for ensuring that the finances are managed in accordance with the nursery’s governing document. Calthwaite Nursery’s governing document is the Pre-School Learning Alliance (now the Early Years Alliance) 2011 Constitution.

# Charity law requires any income received by a charity, to be spent within a reasonable period of receipt. Trustees should be able to justify the holding of income as reserves. The Charity Commission’s report on small charities and reserves states, “If reserves are too high, they tie up money that could and should be spent on charitable activity. If they are too low, the future of the charity may be put at risk”.

# We aim to have sufficient money in the bank account to cover expenses as they become due. This money is known as the ‘reserves’ or ‘working capital’. However, there could be times when our nursery’s income drops below average, for example when there is a temporary drop in the numbers of children attending the setting, and when not all expenditure is incurred evenly over the year. If there are no reserves at times such as these, it is possible that we could become insolvent.

# We will review our level of reserves and set a target to ensure that there is always adequate working capital for the efficient running of our nursery.

# We will make sure that we do not hold on to unnecessary amounts of reserves so as not to conflict with the trustees’ duty to spend income within a reasonable time frame.

# The trustees will make sure that this reserves policy is set out in the trustee’s annual report.

# The reserves will be monitored throughout the financial year. The reserves are currently held in a bank account with HSBC Uk, however we plan to change our bank account to the Unity Bank plc in the near future.

# The reserves will be examined at the end of the financial year.

# *Legal Framework*

# The Charities Act 2006

# Trustee Act 2000

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