

Information & Records

Information sharing



“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.”
Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

Policy statement

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We record and share information about children and their families (data subjects) in line with the six principles of the General Data Protection Regulations (GDPR) (2018) which are further explained in our Privacy Notice that is given to parents. The six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed.
6. Processed in a way that ensures appropriate security of the persona data including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures

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 a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or

- not sharing it could be worse than the outcome of having shared it.

The decision should never be made by an individual, but with the back-up of management committee.

The three critical criteria are:

- Where there is *evidence* that the child is suffering, or is at risk of suffering, significant harm.
- Where there *is reasonable cause to believe* that a child may be suffering, or at risk of suffering, significant harm.
- To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the GDPR principles and the 7 golden rules for information sharing as set out in *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)*.

1. *Remember that the General Data Protection Regulations 2018 and human rights law are not barriers to justified sharing information but provide a framework to ensure that personal information about living individuals is shared appropriately.*

- Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.

2. *Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Seek consent to share information, unless it puts the child at risk or undermines a criminal investigation. A Privacy Notice is given to parents to explain this further.*

In our setting we ensure parents:

- Receive a copy of our Privacy Notice and information about our information sharing policy when starting their child in the setting and they sign a form to say that they *understand* circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult. This is on our registration form;
- Have information about our Safeguarding Children and Child Protection policy; and

- Have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.
3. *Seek advice when there are doubts about possible significant harm to a child or others.*
- Supervisor or Deputy Supervisor contact Children’s Family Contact Point for advice where they have doubts or are unsure.
4. *Share with consent where appropriate and, where possible, respect the wishes of children and parents not to consent to share confidential information. However, we may still share information without consent if, in our judgement, that lack of consent can be overridden in the public interest. We will need to base our judgement on the facts of the case.*
- Guidelines for consent are part of this procedure.
 - We base decisions to share information without consent on judgements about the facts of the case and whether there is a legal obligation.
5. Consider safety and wellbeing: Supervisors are conversant with this and are able to advise staff accordingly. Base their information sharing decisions on considerations of the safety and welfare of the child and others who may be affected by these actions when making a decision about sharing information – if there are concerns regarding ‘significant harm’ the child’s well-being and safety is paramount.
- In our setting we:
- Record concerns and discuss these with the setting’s *designated safeguarding lead/or designated officer from the management committee* for child protection matters;
 - Record decisions made and the reasons why information will be shared and to whom; and
 - Our Safeguarding Children and Child Protection procedure and Children’s Record Policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.
 - Follow the procedures for reporting concerns and record keeping.
6. *Necessary, proportionate, relevant, accurate, timely and secure: We ensure that the information we share is necessary for the purpose for which we are sharing it, is shared only with those people*

who need to have it, is accurate and up-to-date, is shared in a timely fashion and is shared securely.

- Our Safeguarding Children and Child Protection procedure and Children's Record Policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. Reasons for decisions to share information, or not, what has been shared and with whom and for what purpose are recorded

- Provision for this is set out in our Record Keeping procedure.

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies are given to parents of the forms they sign.
- We consider the following questions when we need to share:
 - Is there legitimate purpose to sharing the information?
 - Does the information enable the person to be identified?
 - Is the information confidential?
 - If the information is confidential, do you have consent to share?
 - Is there a statutory duty or court order to share information?
 - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
 - If the decision is to share, are we sharing the right information in the right way?
 - Have we properly recorded our decision?

- Consent must be freely given and *informed* - that is the person giving consent needs to understand why information will be shared, what will be shared, who will see information, the purpose of sharing it and the implications for them of sharing that information as detailed in the Privacy Notice.
- Consent can be withdrawn at any time.

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection policy.

Legal framework

- General Data Protection Regulations (GDPR) (2018)
- Human Rights Act 1998

Further guidance

- Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

Authorisation & Review

This policy was adopted at a meeting of

Wroughton Preschool

Held on

Date to be reviewed

Yearly at AGM

Signed on behalf of the management committee

Name of signatory

Role of signatory (e.g. chair/owner)

Chairperson