

General Welfare Requirement: Safeguarding and Promoting Children's Welfare

The provider must take necessary steps to safeguard and promote the welfare of children.

Safeguarding children

1.5 Information sharing

“Ensuring that children and young people are kept safe and receive the best support they need when they need it is vital. Where information sharing is necessary to achieve this objective it is important that the practitioners have a clear understanding of when information can be shared. It is also for them to understand the circumstances of when sharing is inappropriate. The Data Protection Act is not a barrier to sharing information but is in place to ensure that personal information is shared appropriately.”

Richard Thomas, Information Commissioner

Introduction to 'Information Sharing: Practitioners' Guide' (HMG 2006)

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 have due regard to the relevant data protection principles outlined in the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

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 as an individual, but with the back-up of management committee officers. 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 *6 points for Good Practice* as set out in *Information Sharing: Practitioners' Guide (HMG 2018)*

1. Explain to families how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it puts the child at risk or undermines a criminal investigation
 - We ensure parents receive information about our information sharing policy when starting their child in the pre-school 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. This is on our registration form.
 - We ensure parents have information about our Safeguarding Children and Child Protection policy.
 - We ensure parents 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, transition to school or for funding purposes.
2. Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well being and safety is paramount.
 - We record concerns and discuss these with the setting's *designated person* and/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.
 - We follow the procedures for reporting concerns and record keeping.
3. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we are able to judge when it is reasonable to override their wish.
 - Guidelines for consent are part of this procedure.
 - Managers are conversant with this and are able to advise staff accordingly.
4. Seek advice when there are doubts about possible significant harm to a child or others.

- Managers or Lead Safeguarding Officer contact children’s social care for advice where they have doubts or are unsure.
5. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for and shared only with those who need to know and shared securely.
- Our Safeguarding Children and Child Protection procedure and record keeping procedures set out how and where information should be recorded and what information should be shared with another agency when making a referral.
6. Reasons for decisions to share information, or not, 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 overridden.

- 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 the registration form 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.
- We consider the following questions:
 - 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 you sharing the right information in the right way?
 - Have you properly recorded your decision?

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

- GDPR and Data Protection Act 2018
- Human Rights Act 1998

Further guidance

- Information Sharing: Advice for practitioners 2018

This policy was adopted by All Saints Pre-school on 23rd October 2019

Signed:

Position:

Date of review	Reviewed by	Changes
9 th November 2020		Added “or for funding purposes” (under Procedures, section 1, bullet point 3)