10.7 Information sharing

"Sharing information is an intrinsic part of any frontline practitioner's job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. It could ensure that a individual receives the right services at the right time and prevent a need form becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death."

Information Sharing: Advice for Practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)

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 in line with the six principles of the GDPR's (2018) which are further explained in our Privacy Notice that is available to parents on our website and on the Notice Board. The six principles state that personal data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
- Accurate and where necessary, kept up to date.
- 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.
- 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. This 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 the management team. 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 as listed above and the seven golden rules for sharing information in Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers. We also follow the guidance on information sharing from the LSCB

1. Remember that the GDPR's 2018 and Human Rights Law are not barriers to sharing information but provide a framework to ensure that personal information about living persons is shared appropriately.

   - Our policy and procedures on information sharing provide guidance to appropriate sharing of information within the setting as well as 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, or we have a legal obligation to do so

In our setting we ensure parents receive a copy of our Privacy Notice and are aware of

- our information sharing policy when starting their child in the setting and that information may be shared without their consent when it is a matter of safeguarding a child or vulnerable adult.
- our Safeguarding Children and Child Protection policy; and
- 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.
   - The Manager contacts children's social care for advice where they have doubts or are unsure.
   - Staff discuss any concerns about children in supervision meetings but also as and when any concerns arise.

4. *Share with informed consent where appropriate and where possible respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.*
   - Our 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: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.*
   In our setting we:
   - record concerns and discuss these with the setting's *designated person* for child protection matters. Record decisions made and the reasons why information will be shared and to whom; and

- follow the procedures for reporting concerns and record keeping.

6. *Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion and is shared securely.*
   - Our Safeguarding Children, Child Protection and Record Keeping policies set out how and where information should be recorded and what information should be shared with another agency when making a referral.

7. *Keep a record of your decisions and the reasons for it – whether to share information or not. If you decide to share, record what you have shared, with whom and for what purpose.*
   - Where information is shared, we record the reasons for doing so in the child's file. Where it is decided that the information is not to be shared, we record this too

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 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 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 you sharing the right information in the right way?
- Have you properly recorded your decision?
- Consent must be freely given and informed
- Consent may be explicit, verbally but preferably in writing, or implicit, implied if the context is such that sharing information is an intrinsic part of our service
- Consent can be withdrawn at any time

Separated parents

- Consent to share need only be sought from one parent – normally the parent with whom the child resides.
- Where the child is looked after, we may also need to consult the LA 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. 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 2018
- Human Rights Act 1998

Further guidance

- Information Sharing: Guidance for Practitioners and Managers (DCSF 2015) www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/information_sharing_advice_safeguarding_practitioners.pdf
- What to do if you're worried a child is being abused (HM 2015)
- Working Together to Safeguard Children (HM 2015)
- Advice for practitioners providing safeguarding services to children, young people, parents and carers (DFE)
- Advice for Practitioners providing safeguarding services to children, young people, parents and carers. (DFE)

Change log		
This policy was changed on	**Signed on behalf of the nursery**	**Reason for change**
7/08/2020	Veronica van Ingen	Adoption of policy
27/10/2021	Veronica van Ingen	No changes, part of annual review
28/01/2026	Veronica van Ingen	No changes