



## **Information Sharing Policy**

*'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 the information they share with us will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, we are obliged to share information.

We record and share information about children and their families in line with the principles of the General Data Protection Regulations (2018) which states that everyone responsible for using personal data has to follow strict rules called 'data protection principles.' These principles ensure all data is:

1. Used fairly, lawfully, and transparently,
2. Used for specified, explicit purposes,
3. Used in a way that is adequate, relevant, and limited to only what is necessary,
4. accurate and, where necessary, kept up to date,
5. kept for no longer than is necessary,
6. handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction, or damage.

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 to 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 is at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or 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 the Information Sharing Advice for Practitioners providing Safeguarding services to children, young people, parents and carers. We also follow guidance on information sharing from the Gloucestershire Safeguarding Children's Board.

- *Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing 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 both within the setting as well as with external agencies.
- *Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.*
  - 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 that they sign our registration form and contract to say that they understand the circumstances in which information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult;
  - have information about our Safeguarding Children and Child Protection Policy; and
  - have information about the other 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.
- *Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.*

- Our staff discuss concerns about a child routinely and any actions are recorded in the child's file.
- Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our manager and/or the designated safeguarding officer, who will contact children's social care for advice where they have doubts or are unsure.
- Our staff seek advice if they need to share information without consent to disclose.
- *Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis 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 clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.*
  - We base decisions to share information without consent on judgements about the facts of the case and whether there is a legal obligation.
  - Our guidelines for consent are part of this procedure.
  - Our manager is conversant with this, and she is able to advise staff accordingly.
- *Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.*
  - In our setting: We record concerns and discuss these with the setting's designated person and/or our manager.
  - We record decisions made and the reasons why information will be shared and to whom; and
  - We follow the procedures for reporting concerns and record keeping in our Safeguarding Children and Child Protection Policy.
- *Necessary, proportionate, relevant, 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 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 Policy and Children's Records Policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.

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

## **Consent**

When parents choose our setting for their child, they will share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that we will seek their consent to share information in most cases, as well as the kinds of circumstances when we may not seek their consent, or may override their refusal to give consent. We inform them 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 cover this verbally when the child starts and within Safeguarding Children and Child Protection Policy.
- We ask parents to give written consent to share information about any additional needs their child may have, eg. SEN consents, speech and language therapy. Transition records and assessments must have consent from parents to be sent on to another setting.
- We consider the following questions when we need to share:
  - Is there legitimate purpose to us sharing the information?
  - Does the information enable the person to be identified?
  - Is the information confidential?
  - If the information is confidential, do we have consent to share?
  - Is there a statutory duty or court order requiring us to share the information?
  - If consent is refused, or there are good reasons for us not to seek consent, is there sufficient public interest for us 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 our Privacy Notice.

- 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 or it has been explained and agreed at the outset.
- Consent can be withdrawn at any time.
- We explain our Information Sharing Policy to parents.

### ***Separated parents***

- Consent to share need only be sought from one parent. Where parents are separated, this would normally be the parent with whom the child resides. Where there is a dispute, we will consider this carefully.
- Where the child is looked after, we may also need to consult the Local Authority, as 'corporate parent' before information is shared.

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.

### ***Working in partnership with other agencies***

#### **Policy statement**

We work in partnership with local and national agencies to promote the well-being of all children. We will never share your information with any organisation to use for their own purposes.

#### **Procedures**

- We work in partnership, or in tandem with, local and national agencies to promote the well-being of children.
- Procedures are in place for the sharing of information about children and families with other agencies. These are set out in our Privacy Notice, Information Sharing Policy, Safeguarding Children and Child Protection Policy and the Supporting Children with Special Educational Needs Policy.
- Information shared by other agencies with us is regarded as third party information. This is also kept in confidence and not shared without consent from that agency.
- When working in partnership with staff from other agencies, we make those individuals welcome in the setting and their professional roles are respected.
- We follow the protocols for working with agencies, for example on child protection.
- Staff from other agencies do not have unsupervised access to the child they are visiting in the setting and do not have access to any other child (ren) during their visit.

- Our staff do not casually share information or seek informal advice about any named child/family.
- When necessary, we consult with local and national agencies who offer a wealth of advice and information that help us to develop our understanding of the issues facing us and who can provide support and information for parents. For example, ethnic/cultural organisations, drug/alcohol agencies, welfare rights advisors or organisations promoting childcare and education, or adult education.

This policy was reviewed October 2024

This policy is to be reviewed annually unless legislation requires before.