

Information Sharing

Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

'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 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.

EYFS key themes and commitments

The Themes and Principles describe the features of our practice on which the Early Years Foundation Stage is based. They emphasise that the child is of first importance and that all relationships, experiences and the environment together influence how the child will develop, plan and learn.

http://www.foundationyears.org.uk/files/2011/10/EYFS_Principles1.pdf

A Unique Child –1.2 Inclusive practice, 1.3 Keeping safe

Positive Relationships 2.1 Respecting each other, 2.2 Parents as partners

Enabling environments –3.4 Wider context

Procedures

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

1. *Remember that the Data Protection Act is not a barrier to sharing information but provides 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 with external agencies
2. *Be open and honest with the person (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. At Yaxley & Mellis School we ensure parents:*
- Receive information about our information sharing policy when starting their child in the setting and 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.
 - 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 if you are in any doubt, without disclosing the identity of the person where possible.*
- Our staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file.
 - Our Team Leader and Ofsted Nominated Person will routinely seek advice and support about possible significant harm.
 - Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our manager or deputy, as designated person, who will contact children's social care for advice where they have doubts or are unsure. The Team Leader will contact children's social care for advice if necessary.
4. *Share with 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, that lack of consent can be overridden in the public interest. You need to base your judgement on the facts of the case.*
- We base decisions to share information without consent on judgements about the facts of the case and whether it is 'in the public interest'.
 - Guidelines for consent are part of this procedure.
 - The Team Leader and Ofsted Nominated Person are conversant with this and are able to advise staff accordingly.
5. *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. Base your information sharing decisions on 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 persons *and* designated officers 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. *Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.*
- Our Safeguarding Children and Child Protection procedure and Record Keeping procedure 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 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 pre-school 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 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.

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 in our pre-schools policy overview for parents that they are given as the child starts the setting.
- Parents sign a form at registration to say they understand this.
- Copies are given to parents of the forms they sign.
- 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?

Consent must be *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.

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.

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. Parents should be aware that Yaxley & Mellis Pre-school makes all reasonable efforts to protect children and their families' privacy and will not share information unless it is required to do so in the best interests of the child. If you have any questions regarding this policy please do not hesitate to contact our Ofsted Nominated Person or Team Leader.

Legal framework

- Data Protection Act 1998
- Human Rights Act 1998

Further guidance ▪ Information Sharing: Guidance for Practitioners and Mangers (DCSF 2008)

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