



Information Sharing Policy

Little Owls Information Sharing Policy

Version Control Log

Date	Date agreed with Managers	Overview of changes
November 2018	November 2018	Review of policy in line with Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2018), Keeping Children Safe in Education, (2018), Working Together to Safeguard Children (2018), Pre-School Learning Alliance good practice

Information sharing

We recognise that parents have a right to know that the information they share with me 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 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 to 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;
- 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

We follow the advice provided in 'Information Sharing – Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers (DfE 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/

Information_sharing_advice_practitioners_safeguarding_services.pdf and the Designated Safeguarding Lead and the Deputy Designated Safeguarding Lead are responsible for managing this including obtaining any required consents

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) and we also follow the guidance on information sharing from the Plymouth Safeguarding Children Board.

1. *Remember that the General Data Protection Act (2018) and human rights laws are not barriers to justified sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.*

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.

Our policies and procedures on Information Sharing provide guidance to appropriate sharing of information both within the setting as well as with external agencies. However, practitioners should give regard to the following to effectively share information:

- practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role.

Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal •

- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent
 - information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
 - relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.
2. *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/carers:

- receive information about our Information Sharing Policy when starting their child in the setting in that they sign our Registration Form to say that they understand our policies and procedures.
 - thus 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.
3. *Seek advice if you are in any doubt, without disclosing the identity of the person where possible.*

Managers may contact Gateway (01752-307160) and/or the Multi-Agency Hub (01752 305200) for advice where they have doubts or are unsure about possible significant harm.

4. *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.*

Guidelines for consent are part of this process and we follow the model for information sharing (Good Practice Support for Information Sharing in the Foundation Years 2018) **depicted in our Safeguarding and Child Protection Policy.**

5. 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 Little Owls *Designated Safeguarding Lead or Deputy Designated Safeguarding Lead and/or the Committee Member responsible for Safeguarding*.
 - 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.*
- The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child.** Our Safeguarding and Child Protection Policy and our 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.
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, we record the reasons for doing so in the child's file; where it is decided that information is not to be shared that is recorded 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 sign our Registration Form at registration to confirm that they understand our policies and procedures.
- We ask parents 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 give parents copies of the forms they sign.
- We consider the following questions when we assess the need to share:
 - Is there a 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 me to share the information?
 - If consent is refused, or there are good reasons for me not to seek consent, is there sufficient public interest for me 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?

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 and seek advice from Gateway where appropriate.
- 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 our paramount commitment, which is to the safety and well-being of the child. **Please also see our Safeguarding Children and Child Protection Policy.**

Legal framework

- Data Protection Act (1998)
- Human Rights Act (1998)

Further guidance

- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2018)
- What to do if you're worried a child is being abused: Advice for practitioners (HM Government 2015)
- Working together to safeguard children, (HM Government 2018)