

### **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.

## **10.3 Information sharing**

"Information Sharing is essential for effective safeguarding and promoting the welfare of children and young people "this is taken from 'Information Sharing: Advice for Practitioners providing safeguarding services to children young people, parents and carers' (HMG 2018)

### **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.

### **Procedures**

Our procedure is based on the 7 Golden Rules for information sharing as set out in Information Sharing: Advice for Practitioners providing safeguarding services to children, young people, parents and carers (HMG, 2018).

1. 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.

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.
  - We ensure parents receive information about our information sharing policy when starting their child in the pre-school. They sign a form to say that they understand circumstances when information may be shared without their consent. This will only happen when it is a matter of safeguarding a child or vulnerable adult. This is on our registration form.
  - We ensure parents have information about our **Child Protection Policy 1.1**.
  - **How we use your information** privacy notices are given to parents when completing registration forms outlining what we do with children's data and how long it needs to be retained for, along with destroying the data appropriately.
  - 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 wellbeing and safety is paramount.
  - We record concerns and discuss these with the setting's designated person for child protection matters (**Carole Tuck & Jayne Buchan**). Record decisions made and the reasons why information will be shared and to whom. We follow the procedures set out by Cambridgeshire County Council for reporting concerns and record keeping.
  - 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.
3. 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.
  - Managers contact children's social care for advice where they have doubts or are unsure.
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.

5. Consider safety and well-being: 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.'
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 upto-date, is shared in a timely fashion, and is shared securely.
  - Our **Child Protection policy 1.1** and **record keeping policy 10.7** 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.

Provision for this is set out in our record keeping procedure.

## **Consent**

Parental consent to share information will be sought in most cases, and information/examples given to parents 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 registration form. 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 Child Protection Policy 1.1 for further details.

### **Legal framework**

GDPR (2018)  
Human Rights Act 1998

This policy was adopted at a meeting of Witchford Rackham Pre-school

Held on \_\_\_\_\_

Signed on behalf of the  
Management Committee \_\_\_\_\_

Name of signatory \_\_\_\_\_

Role of signatory \_\_\_\_\_

Date to be reviewed \_\_\_\_\_