



General 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.

10.10 Information Sharing

'Sharing information is an intrinsic part of any frontline practitioners' 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 an individual receives the right services at the right time and prevent a need from 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 (data subjects) in line with the six principles of the General Data Protection Regulations (GDPR 2018) which are further explained in our Privacy policy. The six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.



5. 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.
6. Processed in a way that ensures appropriate security of the personal 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. 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 the setting's manager and owner. 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 information sharing as set out in *Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)*.

We also follow the guidance on information sharing from the Local Safeguarding Children Board.

1. Remember that the General Data Protection Regulations (2018) and human right law are not a barrier to sharing information as per the Children Act 1989, 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. 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. Our privacy policy is available to all of our parents on our web site.

In our setting we ensure parents:

- receive a copy of our Privacy policy and information about our information sharing policy when starting their child in the setting and they sign a form to say that 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. This is on our registration form;
 - 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 when there are doubts about possible significant harm to a child or others.
 - Managers contact children's social care for advice where they have doubts or are unsure.
 4. Share with consent where appropriate. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.
 - 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.
 - We conversant with this and are able to advise staff accordingly.
 5. Managers are conversant with this and are able to advise staff accordingly. 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.



In our setting we:

- record concerns and discuss these with the setting's *designated person* and/or the manager.

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 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. Reasons for decisions to share information, or not, are recorded.

- Provision for this is set out in our Record Keeping procedure

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 parent handbook.
- Parents sign a form at registration to say they understand this.
- 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 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* - 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 the Privacy Policy.
- 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/my] service or it has been explained and agreed at the outset.
- Consent can be withdrawn at any time.

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.

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 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

- General Data Protection Regulations (GDPR 2018)
- Human Rights Act 1998



Orpington Montessori Preschool



Further guidance

- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)
- What to do if you're worried a child is being abused: Advice for practitioners (HM Government 2015)
- Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children (HM Government 2015)

This policy was adopted at a staff meeting of Orpington Montessori Preschool in November 2018.

On behalf of Orpington Montessori – Cima Shahroudi

Role – Group Manager

Date of Review: October/November 2019 or earlier if required.