

### **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.

## **Safeguarding children**

### **1.5 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 being informed about the circumstances, and reasons, when we are obliged to share information, ie., as displayed in our Policies and our New Parent Pack.

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 Notice. All current parents/guardians have received a copy of our Privacy Notice and all new parents will receive a copy at the point of registration, together with their Admission Form. 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.

- 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 sharing it.
- 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.

Mrs Amelia Joyner (Pre-School Leader and Safeguarding Officer) will disclose any information about a child to other members of staff on a need to know basis only. Staff recognise that all matters relating to safeguarding are confidential. All staff are aware that they have a professional responsibility to share information with other agencies in order to safeguard children. All staff are aware that they cannot promise a child to keep secrets which might compromise the child's safety and wellbeing. We undertake to share an intention to refer a child to Social Care with their parents/carers unless to do so could put the child at greater risk of harm, or impede a criminal investigation. If in doubt, we will consult with MASH Safeguarding Hub Devon.

## Procedures

Our procedure is based on the GDPR principles and the seven golden rules (listed below) for information sharing as set out in *Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers*. 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 rights law are not a barrier to justified sharing information as per the Children Act 1989, 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.
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 consent, unless it is unsafe or if we have a legal obligation to do so. A Privacy Notice is given to parents at the point of registration to explain this further.*

In our setting we ensure parents:

- Receive a copy of our Privacy Notice and have access to our Information Sharing Policy, shown on our website and available in a paper copy in our setting. They sign our Parent 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 (also on our website and in a paper copy within our setting); and
  - have information about 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.*

- Our staff discuss concerns about a child routinely and any actions are recorded and followed up by our Pre-School Leader.
- Our staff routinely seek advice and support from their line manager (Pre-School Leader) about concerns regarding possible significant or immediate harm.
- Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our Safeguarding Officer or Deputy Safeguarding Officer, who will contact children's social care for advice where they have doubts or are unsure.
- Our Pre-School Leader seeks advice if we need to share information without consent to disclose.

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 will 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 there is a legal obligation.
- Our guidelines for consent are part of this procedure.
- Our Pre-School Leader is conversant with this and she is able to advise staff accordingly.

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 our designate Safeguarding Officer
- record decisions made and the reasons why information will be shared and to whom; and
- follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Children and Child Protection Policy.

6. *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 other agencies 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 overridden.

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden. This is covered in our New Parents Pack and parents sign a Parent Contract 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:
  - 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 we 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 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.

#### *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 pre-school, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection Policy and our Confidentiality Policy.

#### **Legal framework**

- General Data Protection Regulations (2018)
- Human Rights Act 1998
  
- **Further guidance**
- Working Together to Safeguard Children (DfE 2018)  
[www.gov.uk/government/publications/working-together-to-safeguard-children--2](http://www.gov.uk/government/publications/working-together-to-safeguard-children--2)
- Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers (HMG 2018)  
[www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice](http://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice)

- What to do if you're Worried a Child is Being Abused (HMG 2015)  
[www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2](http://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2)
- Mental Capacity Act 2005 Code of Practice (Office of the Public Guardian 2007)  
[www.gov.uk/government/publications/mental-capacity-act-code-of-practice](http://www.gov.uk/government/publications/mental-capacity-act-code-of-practice)

|  |                                  |                 |
|--|----------------------------------|-----------------|
| This policy was adopted at a meeting of      | <u>Cullompton Pre-School</u>     | name of setting |
| Held on                                      | <u>23<sup>rd</sup> June 2010</u> | (date)          |
| Date to be reviewed                          | <u>23<sup>rd</sup> June 2011</u> | (date)          |
| Signed on behalf of the management committee | <u>Michelle Ratcliff</u>         |                 |
| Name of signatory                            | <u>Michelle Ratcliff</u>         |                 |
| Role of signatory (e.g. chair/owner)         | <u>Chairperson</u>               |                 |

This policy has an annual review period and, as such, will be reviewed and signed off at a management committee meeting of Cullompton Pre-School each year, as shown below.

|                          |                                |    |              |
|--------------------------|--------------------------------|----|--------------|
| Previously reviewed on:- | 27 <sup>th</sup> February 2017 | by | Jenny Keenor |
| Previously reviewed on:- | 26 <sup>th</sup> February 2018 | by | Owen Jones   |
| Previously reviewed on:- | 6 <sup>th</sup> February 2019  | By | Alex Fox     |
| Previously reviewed on:- | 24 <sup>th</sup> February 2020 | By | Alex Fox     |

|   |  |
|---|--|
| Reviewed by Staff on:                         | 24 <sup>th</sup> January 2022              |
| Reviewed by Committee on:                     | 21 <sup>st</sup> February 2022 (A Ballard) |
| Date of next review:                          | January 2023                               |
| Signed on behalf of the Management Committee: | J Madge                                    |
| Name of Signatory (printed):                  | Jack Madge                                 |
| Role of Signatory (e.g. Chairperson)          | Chairperson                                |

