

## 1.08 Information Sharing

*'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.'*

### Policy statement

We recognise that parents have a right to know that the information they share with us 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 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.
- To prevent significant harm arising to children and young people or adults, including the prevention, detection and prosecution of serious crime.

We share information with the following organisations/people: (with consent of parents/Carers unless the law and policies allow us to)

- Schools the child attends after leaving our provision
- Other Preschools, Childminders where a child uses more than one provision
- Local Authority for funding purposes
- The Department of Education (annual early years census and funding)
- Special Educational Needs & Disability Co-ordinators
- Occupational Therapists – NHS SALTs. Heath Visitors
- East Sussex County Council for Audit purposes

### Procedures

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.

Our policy and procedures on Information Sharing provide guidance to appropriate sharing of information with external agencies

1. 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:

- receive information on where to read our Information Sharing Policy and GDPR, Data Protection Act (2018) information when starting their child in the setting and that they sign our Registration Form 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; 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.
2. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
    - Managers contact children's social care for advice where they have doubts or are unsure.
  3. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under 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 procedure.
  4. 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 setting's Designated Safeguarding Lead
- record decisions made and the reasons why information will be shared and to whom; and
- follow the procedures for reporting concerns and record keeping.

5. Necessary, proportionate, relevant, adequate accurate, timely and secure ( see Appendix A) 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.
  - Our Safeguarding Children Policy and 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.
6. 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**

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.
- At the children's initial trial session parents are given a letter outlining our main policies and are asked to read them and sign to say they have done so.
  
- 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.
- Parents can request copies of any signed documents.
- 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 we have consent to share?
  - Is there a statutory duty or court order requiring us to share the information?
  - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest for us 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?

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 Policy 1.0

If you have any queries regarding the information we share please contact the school in the first instance For general information regarding sharing information contact the Commission's Office [www.ico.org.uk](http://www.ico.org.uk)

Date to be reviewed – on or before end March 2024

See Appendix A

## **Appendix A**

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Practitioners should use their judgement when making decisions about what information to share, and should follow organisation procedures or consult with their manager if in doubt. The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child.

### **Necessary and proportionate**

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of GDPR and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties. Information must be proportionate to the need and level of risk.

### **Relevant**

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make informed decisions.

### **Adequate**

Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

### **Accurate**

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

### **Timely**

Information should be shared in a timely fashion to reduce the risk of missed opportunities to offer support and protection to a child. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore place a child or young person at increased risk of harm. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

### **Secure**

Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisations policy on security for handling personal information.

### **Record**

Information sharing decisions should be recorded, whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to

share, it is good practise to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some rare circumstances, this may be indefinitely, but if this the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is necessary to do so.