

Sunbeams Play

Registered Charity No. 1152188

Safeguarding Children and Young People

6. 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.”

Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

Policy statement

We recognise that parents/carers 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:

- Sharing is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult.
- Failure to share 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 higher management.

The three critical criteria are:

- Where there is *evidence* that the child/young person is suffering, or is at risk of suffering, significant harm.
- Where there is *reasonable cause to believe* that a child/young person may be suffering, or at risk of suffering, significant harm.
- Where it *prevents* 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 : Guidance for Practitioners and Managers (DCSF 2008):

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
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.

In our setting we ensure parents/carers:

- Receive information about our information sharing policy when starting their child/young person in the setting and they sign a form to say they understand circumstances when information may be shared without their consent. This will only be when it's a matter of safeguarding a child or vulnerable adult.
 - Have information about our safeguarding children and child protection policy and have information about the circumstances when information will be shared with external agencies.
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, young people and parents/carers not to consent to share confidential information. However, in the interests of the child or young person, know when it is reasonable to override their wish.
 - Guidelines for consent are part of this procedure.
5. Managers are conversant with this and are able to advise staff accordingly. Consider the safety and welfare of the child/young person 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 *Data Protection Officer Sue Carr* who is also available for child protection matters. Record decisions made and the reasons why information will be shared and with whom.
 - 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.
 7. Reasons for decisions to share information, or not, are recorded.

Consent

Parents/Carers 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:

- Policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- Explain this verbally when the child or young person starts or include this in our registration documents
- Parents/Carers sign a form at registration to say they understand this.
- Parents/Carers are asked to give written consent to share information about any additional needs their child or young person 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?

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.

Legal framework

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

This policy was adopted on

20th April 2015

Policy updated

April 2023

Date to be reviewed

April 2024

Signed on behalf of the management committee

Name of Signatory

Role of Signatory

| Reviewed By | Date |
|-------------|------|
| | |
| | |
| | |
| | |
| | |
| | |