

10.10 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

Bolney Under Fives 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 an officer of the committee.

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.

Procedures

Our procedure is based on the seven 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.*

- 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 agreement, unless it is unsafe or inappropriate to do so.*

In our/my setting we ensure parents:

- receive information about our/my Information Sharing Policy 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.

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 in one to ones and any actions are recorded in the child's file.
- Our Supervisor routinely seeks advice and support from the officers of the committee about possible significant harm.
- Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our Supervisor or deputy, as designated person, who will contact children's social care for advice where they have doubts or are unsure.
- Our Supervisor seeks advice if they 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.*

- Bolney Under Fives base decisions to share information without consent on judgements about the facts of the case and whether it is 'in the public interest'.
- Our guidelines for consent are part of this procedure.
- Our Supervisor is conversant with this and 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 Bolney Under Fives:

- record concerns and discuss these with our designated person and/or designated officer from the management team for child protection matters;
- 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 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, Bolney Under Fives 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

When parents choose our setting for their child, they will share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that Bolney Under Fives will see their consent to share information in most cases, as well as the kinds of circumstances when Bolney Under Fives may not seek their consent, or may override their refusal to give consent. Bolney Under Fives inform them 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.
- Bolney Under Fives may cover this verbally when the child starts or include this in our prospectus.
- Parents sign our Registration Form at registration to confirm that they understand this.
- Bolney Under Fives ask parents 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.
- Bolney Under Fives give parents copies of the forms they sign.
- Bolney Under Fives consider the following questions when Bolney Under Fives need to share:
 - Is there legitimate purpose to us sharing the information?
 - Does the information enable the person to be identified?
 - Is the information confidential?
 - If the information is confidential, do Bolney Under Fives 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 for us 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 Bolney Under Fives properly recorded our/my decision?

- Consent must be *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.
- 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.
- Bolney Under Fives explain our Information Sharing Policy to parents.

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, Bolney Under Fives will consider this carefully.
- Where the child is looked after, Bolney Under Fives 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

- Data Protection Act (1998)
- Human Rights Act (1998)

Further guidance

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

This policy was amended and adopted at a meeting of Bolney Under Fives

Held on

24/03/2014

Date to be reviewed

24/03/2016

Signed on behalf of the management committee

Name of signatory

Mrs Sarah Josling

Role of signatory (e.g. chair, director or owner)

Chair
