



**EYFS: The Safeguarding and Welfare Requirements**  
**3.70**

## **Safeguarding Children**

### **3a.6 Information Sharing**

*“Ensuring that children and young people are kept safe and receive the best support they need when they need it is vital. Where information sharing is necessary to achieve this objective it is important that the practitioners have a clear understanding of when information can be shared. It is also for them to understand the circumstances of when sharing is inappropriate. The Data Protection Act is not a barrier to sharing information but is in place to ensure that personal information is shared appropriately.”*

Richard Thomas. Information Commissioner

Introduction to ‘Information Sharing: Practitioners’ Guide’ (JULY 2018)

#### **Policy Statement**

Effective safeguarding arrangements should be underpinned by two key principles

- Safeguarding in everyone’s responsibility – for services to be effective, each professional and organisation should play their full part
- A child centred approach – for services to be effective, they should be based on a clear understanding of the needs and views of children.

No single professional can have a full picture of a child’s needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

In order that organisations and practitioners collaborate effectively, it is vital that every individual working with children and families is aware of the role that they have to play and the role of other professionals.

#### **Procedures**

- At Auden Place Community Nursery 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 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 income of sharing it
- The decision should never be made as an individual, but with the back-up of 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 at risk of suffering significant harm
- To *prevent* significant harm arising to children.
- When the suspected abuse is sexual abuse.

At Auden Place Community Nursery, our procedure is based on the *6 points for Good Practise* as set out in *Information Sharing: Practitioners' Guide*.

1. Explain to families how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it puts the child at risk or undermines a criminal investigation
  - We ensure parents receive information about our information sharing policy when starting their child in the nursery 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. This is on our registration form.
  - We ensure parents have information about our Safeguarding Children and Child Protection policy - 3a.2
  - We ensure that parents have information about the circumstances when information will be shared with external agencies e.g. with regard to any special needs the child may have or transition to school.
2. 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.
  - We record concerns and discuss these with the nursery's *designated person* for child protection matters. Record decisions made and the reasons why information will be shared and to whom.
  - We follow the procedures for reporting concerns and record keeping.
3. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we are able to judge when it is reasonable to override their wish.
  - Guidelines for consent are part of this procedure
  - Managers are conversant with this and are able to advise staff accordingly
4. Seek advice where 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
5. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for and shared only with those who need to know and shared securely.
  - Our Safeguarding Children and Child Protection procedure and record keeping procedures 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.

*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.

7. Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden
8. We cover this verbally when the child starts or include it in our deposit pack.
9. Parents sign a form at registration to say they understand this.
10. Parents are asked to give written consent to share any information about any additional needs their child might have, or to pass on their child development summaries to the next provider/school.
11. We consider the following questions
  - Is there a 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?

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

**Remember 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.**