



Information sharing

Policy statement

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. In most cases we seek parental consent 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 outcome of having shared it.

The decision should never be made as an individual, but with the back-up of Management 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 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.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.2 Inclusive practice 1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.4 The wider context	

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.*
 - The Nursery realises that there will be occasions where information sharing may not require parental consent. This would be in situations where a child is at significant risk of harm. In most cases parental consent will be requested in accordance with our consent procedure below. We also refer to the flow chart of key questions for information sharing taken from the *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)* to determine whether information can be shared.
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 the Nursery we ensure parents:

 - receive information about our information sharing policy when starting their child at the Nursery and they sign the School House Nursery registration/parent contract 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 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, for example, with regard to any special needs the child may have or transition to school.
3. *Seek advice when there are doubts about possible significant harm to a child or others.*
 - The Nursery Manager, who is a designated child protection officer, or the Chair Person of the Management Committee who is the other designated will 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 and parents not to consent to share confidential information. However, in the interests of the child, 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 when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well being and safety is paramount.*

In the Nursery we:

 - record concerns and discuss these with the Nursery's designated child protection officers and Chair Person from the Management Committee. Record decisions made and the reasons why information will be shared and to whom; and
 - 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.*
 - Our Child Protection procedure and Record Keeping procedure set out how and where information should be recorded and what information should be shared with another agency when making a referral.
7. *Reasons for decisions to share information, or not, are recorded.*
 - Provision for this is set out in our Record Keeping procedure

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:

Parents sign the School House Nursery registration/parent Contract to say they understand when information will be shared.

- The Nursery Registration and Parent Contract require parents to consent to the Nursery sharing information with external agencies to perform its statutory duties and obligations. This includes information regarding a child's progress, achievements, attendance, behaviour and general demeanour, information about the child's health, safety and welfare and information related to securing support for children with additional needs. This information will be required for transfer to School or shared with external agencies for the purpose of securing extra support for children with additional needs.
- Where a child attends another child care setting or has a childminder we require parental consent for information to be shared between all parties to ensure continuity of care.
- As already stated, Information may also be shared without consent where a child is at significant risk of harm. These are the only situations where consent to share information may not be sought or overridden by parents/carers.

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 Nursery, which is to the safety and well-being of the child. Please also refer to our Safeguarding Children and Child Protection policy, confidentiality and access to client records and record keeping 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 adopted on:

31 July 2011

Date to be reviewed by:

31 August 2012

Signed on behalf of the Management Committee:

Signatory Name:

Lisa Kennedy