

General Welfare Requirement: Safeguarding and Promoting Children's Welfare

The provider must take necessary steps to safeguard and promote the welfare of children.

Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

Safeguarding children

1.5 Information sharing

'Sharing information is an intrinsic part of any frontline practitioners' job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. It could ensure that an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death.'

Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)

(<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>).

Policy statement

We recognise parents have a right to know that 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, either:

- 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
- not sharing it could be worse than the outcome of having shared it.

The responsibility for decision-making should not rely solely on an individual, but should have the back-up of the management team. The management team provide clear guidance, policy and procedures to ensure all staff and volunteers understand their information sharing responsibilities and are able to respond in a timely, appropriate way to any safeguarding concerns.

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.

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: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)*. We also follow the guidance on information sharing from the Local Safeguarding Children Board.

1. Remember that the Data Protection Act 1998 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 both within the setting, as well as with external agencies.
2. 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 about our Information Sharing policy when starting their child in the setting and they sign a Parental/Carer Agreement 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 or vulnerable adult. This is on our Parental Agreement form; with our Admissions form.

- have information about our Safeguarding Children and Child Protection policy.
 - 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 from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
- A Member of the Management Team will contact Support Services for Education for advice where they have doubts or are unsure. If possible this will be done without disclosing the identity of the person.
 - Our staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file.
 - Our manager routinely seeks advice and support from their line manager 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 manager or deputy, as designated person, who will contact children's social care for advice where they have doubts or are unsure.
4. Share with informed 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, there is good reason 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 certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
- We 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 manager 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 individual and others who may be affected by their actions.

In our setting we:

- record concerns and discuss these with our designated person and/or designated officer from the management committee for child protection matters.
- record decisions made and the reasons why information will be shared and to whom; and

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- follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Children and Child Protection Policy.
6. Necessary, proportionate, relevant, adequate, 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 individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
- 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 and if information is not shared & why.
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, we 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 we will seek their consent to share information in most cases, as well as the kinds of circumstances when we may not seek their consent, or may override their refusal to give consent. We 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.
- We 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.
- Parents sign a Parental/Carer Agreement at registration to say they understand this, which directs them to this policy for further clarification. They are given a copy of the agreement for their own records.
- 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. This is part of the Transfer form. developmental information is also passed on to the other provider of dual setting children with parents consent.
- We give parents copies of the forms they sign.
- We consider the following questions when we assess the need to share:

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- 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 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?
- 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.
- We 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, we will consider this carefully.
- Where the child is looked after, we 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: Advice for practitioners providing safeguarding services to children, young people, parents and carers \(HM Government 2015\)](#)
- [What to do if you're worried a child is being abused: Advice for practitioners \(HM Government 2015\)](#)

- [Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children \(HM Government 2015\)](#)

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| This policy was adopted at a meeting of | Comeytrove Under Fives Preschool | |
| Held on | <u>21 June 2012</u> | (date) |
| Reviewed by the management committee | <u>November 2017</u> | (date) |
| Date to be reviewed | <u>November 2018</u> | (date) |
| Signed on behalf of the management committee | _____ | |
| Name of signatory | _____ | |
| Role of signatory | _____ | |

Links to other policies:

- 1.2 Safeguarding children & child protection
- 1.4 Confidentiality & client access to records
- 1.10 Making a complaint
- 2.4 Student placements
- 3.6 Recording and reporting accidents and incidents
- 5.1 Children's records
- 4.6a Parental agreement
- P22 & 23 Statutory Framework