

4. Information sharing

Policy

“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’ (HMG 2006)

We recognise that parents have a right to know that information they share with us, 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.

- 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 as a Management decision.

The three critical criteria’s 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.

Procedure

The following process will be abided by:

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 / Carers receive details regarding our Information Sharing Policy. Parents/ Carers 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 or vulnerable adult. This is on our Parent/ Carer Nursery Contract.
 - We ensure Parents have information regarding our Safeguarding Children and Child Protection Policy.
 - We ensure Parents & Carers have information about the circumstances in which information will be shared with external agencies for example, 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 designated *person*: Karen Woodward.
 - 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, Parent's / Carers 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 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.
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. Reasons for decisions to share information, or not, are recorded.
 - Provision for this is set out in our record keeping procedure

Consent

- We consider the following questions:
- 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 see our 'Safeguarding Children and Child Protection policy'.