

General Welfare Requirement: Safeguarding and Promoting Children's Welfare

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

Safeguarding children

1.5 Information sharing

“Data protection legislation (the Data Protection Act 2018 (the DPA 2018) and UK General Data Protection Regulation (UK GDPR)) does not prevent the sharing of information for the purposes of safeguarding children, when it is necessary, proportionate and justified to do so. In fact, data protection legislation provides a framework which enables information sharing in that context. The first and most important consideration is always whether sharing information is likely to support the safeguarding of a child.”

Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (latest version)

Procedure statement for St Joseph's Pre-school

St Joseph's Pre-school recognises 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 outcome of having shared it.

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

No single practitioner can have a full picture of a child's needs and circumstances so effective sharing of information between practitioners, local organisations and agencies is essential for early identification of need, assessment, and service provision to keep children safe.

Practitioners aim to be as transparent as possible by telling families what information they are sharing and with whom, provided that it is safe to do so.

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 (latest version)*.

1. Remember that the General Data Protection Regulation 2018 (GDPR), Data Protection Act 2018 (DPA) and human rights law are not a barrier to justified information sharing, but provide a framework to ensure that personal information about living persons is shared appropriately. Fears about sharing information **must not** be allowed to stand in the way of the need to promote the welfare and protect the safety of children.
 - Our policy and procedures on information sharing and data protection provide guidance to appropriate sharing of information 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 – contained within our Enrolment Form - and they sign the 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 registration form;
 - 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 from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
 - Managers contact children’s social care for advice where they have doubts or are unsure.
 - We will contact other agencies (eg. Early Help¹) to provide support to children and parents as their needs are identified.
 - We will follow Gloucestershire Safeguarding Children Partnership (GSCP) guidelines where applicable (eg. Prevent duty).
 4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and DPA 2018, information can be shared without consent if, in your judgement, there is a lawful basis 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 clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
 - Guidelines for consent are part of this procedure.
 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.

¹ See Policy 1.2 Safeguarding Children and Child Protection for more information on Early Help

In St Joseph's Pre-school we:

- record concerns and discuss these with the setting's *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
- follow the procedures for reporting concerns and record keeping.

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.

- Our Safeguarding Children and Child Protection policy and Retention Periods for Records procedure² 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.

- Provision for this is set out in our Retention Periods for Records procedure

At the end of this policy there is a flowchart outlining when and how to share information, courtesy of 'Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers' (latest version).

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:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- 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.
- Copies given to parents of the forms they sign.

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?

² Policies 1.2 and 5.7 respectively

- Have you properly recorded your decision?

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection policy.

Legal framework

- General Data Protection Regulation 2018
- Data Protection Act 2018
- Human Rights Act 1998

Further guidance

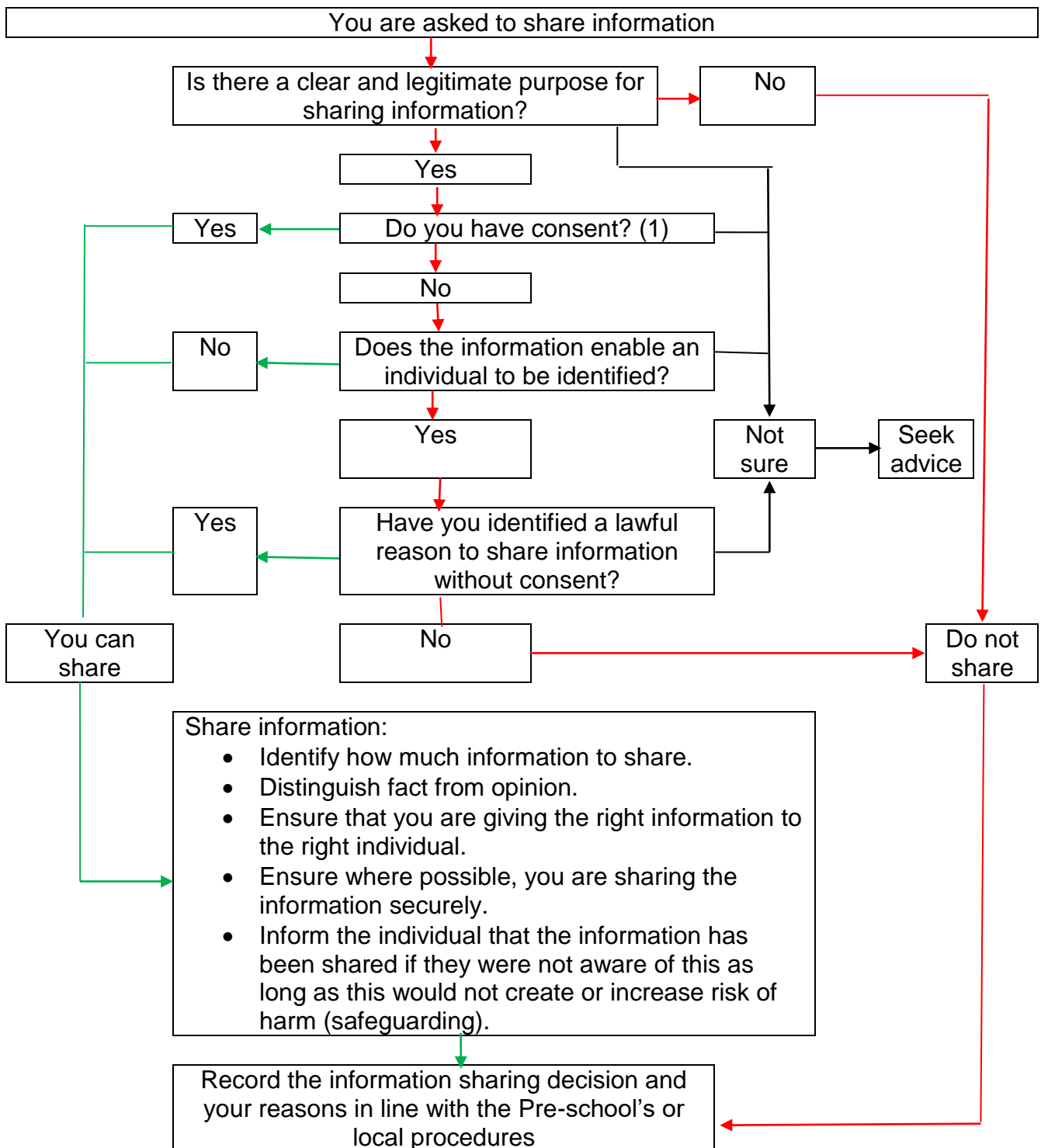
- Keeping children safe in education (latest version)
- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers ([latest version](#))
- The Prevent duty: safeguarding learners vulnerable to radicalisation (DfE latest version)
- Working Together to Safeguard Children (latest version)

Associated Policies and Procedures

- 1.2 Safeguarding Children and Child Protection (including managing allegations of abuse against a member of staff)
- 5.4 Data Protection
- 5.5 Data Subject Access Requests
- 5.6 Data Breaches
- 5.7 Retention Periods for Records

Version Number	Author	Purpose of change	Date
1.0	Committee Secretary	Reviewed and updated	Sept 2016
2.0	K Coupe	Reviewed & updated in line with GDPR & DPA 2018, and inclusion of version control	19/09/2018
3.0	K Coupe	Reviewed and updated in line with Keeping Children Safe in Education 2018	27/02/2019 Cttee Mtg
4.0	K Coupe	Reviewed. Updated references to Gloucestershire Safeguarding Children Partnership and Keeping Children Safe in Education 2021. Reference to an additional associated procedure	22/03/2022 Committee Member (A Shipton)
5.0	K Coupe	Reviewed and "Further guidance" section checked and updated as necessary	06/11/2023 Committee Member (S Webb)
6.0	K Coupe	Updated in line with Working Together to Safeguard Children 2023	22/02/2024 Committee Member (S Long)
7.0	K Coupe	Updated in line with Information Sharing: Advice for Practitioners providing safeguarding services to children, young people, parents and carers updated May 2024	23 July 2024 Cttee Mbr (L Finn-Powers)

Flowchart of when and how to share information



If there are concerns that a child is in need, suffering or likely to suffer harm, then follow the relevant procedure without delay. See advice if unsure what to do at any stage and ensure that the outcome of the discussion is recorded.

(1) Consent must be unambiguous, freely given and may be withdrawn at any time.