

## Aclet Close Nursery School

### **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

### **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 individual’s lives.”*

*“Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect.”*

Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (March 2018)

### **Policy statement**

We recognise that parents have a right to know that the information shared 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 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 to 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 it shared it

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

### **Procedures**

Our procedure is based on the seven golden rules for sharing as set out in:

Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (March 2018)

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 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 that parents:

- Receive information about our Information Sharing Policy when their child starts Nursery. This will only be when it is a matter of safeguarding a child or vulnerable adult
- Have information about our Safeguarding and Child protection Policies; and
- Have information about the other 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.*

- School leaders contact First Contact for advice when 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.*

- 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.*

In our setting we:

- Record concerns and discuss these with the designated lead/deputy lead professional for Safeguarding
- Record decisions made

*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 Safeguarding Children and Child protection Policy and Children's Records procedure 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.*

- Where information is shared, the reasons for doing so are recorded in the child's file; where it is decided that information is not to be shared, that is recorded too.

## **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.

## **Legal Framework**

- Data protection Act (1998)
- Human Rights Act (1998)

Policy adopted: **November 2017**

Date reviewed: **November 2020/November 2021/September 2022/December 2023**

Due for next review: **December 2024**