

Information sharing

‘Information sharing in a safeguarding context means the appropriate and secure exchange of personal information, between practitioners and other individuals with a responsibility for children, in order to keep them safe from harm.’

Information Sharing: Advice for practitioners providing safeguarding services for children, young people, parents and carers (Department for Education – May 2024)

Policy statement

The Life Nursery recognise that parents have a right to know that the 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.

Recording and Sharing Information

The Life Nursery record and share information about children and their families in line with the seven principles of the UK General Data Protection Regulations (UK GDPR) which are further explained in our Privacy Notice that is given to parents at the point of admission. The seven principles state that personal data must be:

Specifically, the principles require that personal information:

- a) Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions set out in the GDPR are met;
- b) Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
- c) Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- d) Shall be accurate and, where necessary, kept up to date;
- e) Shall not be kept for longer than is necessary for that purpose or those purposes and retained only for as long as necessary;
- f) Shall be processed in accordance with the rights of data subjects under the GDPR;

Also that:

- g) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss, damage or destruction to personal data;
- h) Personal data shall not be transferred to a country or territory outside of the European Economic Area unless that country or territory is subject to a ‘Community Finding’ by the European Commission, which permits transfer.

Consent

The way in which The Life Nursery can share confidential information without consent is if they have a valid lawful basis to do so. Practitioners will refer to the six lawful bases set out in Article 6 of the UK GDPR. As stated within the 'Information Sharing Advice for practitioners providing safeguarding services for children, young people, parents and carers – May 2024' – 'It is likely that 'public task' or 'legal obligation' will be the most appropriate lawful bases for you to use when sharing information to safeguard or protect the welfare of a child'.

The sharing of information is not dependent on any thresholds for intervention eg 'it is not necessary for a formal process under Section 17 or Section 47 of the Children Act 1989 to be invoked in order for information to be shared, provided that the sharing is necessary' – (Information Sharing – 2024).

Responsibility

"Everyone must take responsibility for sharing information in order to keep children safe from harm" – (Information Sharing – May 2024)

At The Life Nursery it is everybody's responsibility to understand their information sharing responsibilities and are able to respond in a timely, appropriate way to any safeguarding concerns.

The three critical criteria for sharing information 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

The Life Nursery procedure is based on the UK GDPR principles as listed above and the seven golden rules for sharing information in the Information Sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers (May 2024). The Life Nursery also follow the guidance on information sharing from the 'Working Together to Safeguard Children (2023)' and 'Safer Bradford'.

"The Data Protection Act 2018 and UK General Data Protection Regulations (UK GDPR) supports the sharing of relevant information for the purposes of keeping children safe" – 'Working Together to Safeguard Children (2023)'.

The Seven Golden Rules for Sharing Information (see Information Sharing 2024)

1. *All children have a right to be protected from abuse and neglect. Protecting a child from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them.*
 - The Life Nursery policy and procedures on Information Sharing and Child Protection and Safeguarding, provide guidance to appropriate sharing of information both within the nursery, together with external agencies.
2. *When you have a safeguarding concern, wherever it is practicable and safe to do so, engage with the child and/or their carer(s) and explain who you intend to share information with, what information you will be sharing and why.*

In The Life Nursery we ensure parents:

- Receive a copy of our Privacy Notice and information about our Information Sharing Policy when starting their child in the nursery and that they sign an 'Admission Form' to say that they understand the circumstances in which information may be shared without their consent.
 - have information about our Child Protection and Safeguarding policy; 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 another nursery or school.
3. *You do not need consent to share personal information about a child and/or members of their family if a child is at risk of or there is a perceived risk of harm*
 - The Life Nursery staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file
 - The Manager routinely seeks advice and support from the Directors about possible significant harm.
 - Our Child Protection and Safeguarding policy sets out the duty of all members of our staff to refer concerns to the Manager/Designated Safeguarding Lead or Deputy Safeguarding Lead, who will contact Integrated Front Door (IFD) in Bradford for advice where they have doubts or are unsure as to whether or not to share information without consent to disclose.

4. *Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case*
 - The Life Nursery base decisions to share information without consent on judgements about the facts of the case and whether there is a legal obligation.
 - The Life Nursery's guidelines for consent are part of this procedure.
 - The Manager/Deputy (Designated Safeguarding Leads) are conversant with this and are able to advise staff accordingly.
5. *When sharing information, ensure you and the person or agency/organisation that receives the information takes steps to protect the identities of any individuals (eg the child, a carer, a neighbour or a colleague) who might suffer harm if their details become known to an abuser or one of their associates.*

In The Life Nursery we will:

- record concerns and discuss these with the Designated Safeguarding Lead;
 - record decisions made and the reasons why information will be shared and to whom; and
 - follow the procedures for reporting concerns and record keeping as set out in our Child Protection and Safeguarding Policy.
6. *Only share relevant and accurate information with individuals or agencies/organisations that have a role in safeguarding the child and/or providing their family with support, and only share the information they need to support the provision of their services.*
 - The Life Nursery's Child Protection and Safeguarding Policy set out how and where information should be recorded and what information should be shared with another agencies when making a referral.
 7. *Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information.*
 - Where information is shared, The Life Nursery will 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 also.

Consent in more Detail

When parents choose The Life Nursery 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 will 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 may cover this verbally when the child starts and include this on our website.
- Parents sign an Admission Form prior to their child starting nursery, to confirm that they understand this.
- 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 nursery/school.
- We give parents copies of the forms they sign.
- We consider the following questions when we assess the need to share:
 - Is there a legitimate purpose to us 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 for us not to seek consent, is there sufficient public interest for us 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 freely given and *informed* - the person giving consent needs to understand why information will be shared, what will be shared, who will see the information, the purpose of sharing it and the implications for them of sharing that information as detailed in our Privacy Notice.
- 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.
- Consent can be withdrawn at any time.
- We will explain and share 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, The Life Nursery will consider this carefully and seek appropriate advice.
- Where the child is looked after, The Life Nursery may also need to consult the Local Authority, as 'corporate parent' before information is shared.

All the undertakings above are subject to The Life Nursery's paramount commitment, which is to the safety and well-being of the child. Please also see our Safeguarding and Child Protection Policy.

Legal framework

- UK General Data Protection Regulations (UK GDPR)
- Human Rights Act (1998)

Further guidance

- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (Information Sharing - Advice for practitioners providing safeguarding services for children, young people, parents and carers (2024)
- 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 2024)

This policy was reviewed by Louise Gray, Nursery Manager and Kirsty Beck, Deputy Manager – May 2024

This policy has been read and understood by:-