



Hail Weston Pre-School, The Village Hall, High Street, Hail Weston, Cambs. PE19 5JS, Tel: 01480 214574

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 General Data Protection Regulation is not a barrier to sharing information but is in place to ensure that personal information is shared appropriately.”

Introduction to ‘Information Sharing: Practitioners’ Guide’ (HMG 2018)

Policy statement

Hail Weston Pre-school Activity Group (HWPAG) 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; because
- 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 and/or the Pre-school Leader and/or the Designated Person for child protection. 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.

Procedures

Our procedure is based on the *seven golden rules to sharing information* as set out in *Information Sharing: Practitioners’ Guide (HMG 2018)*

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 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.
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.
 - We ensure parents/carers receive information about our information sharing policy when starting their child in the preschool and they 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 registration form.
 - We ensure parents/carers have information about our Safeguarding Children and Child Protection policy.
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.
 - Seek advice when there are doubts about possible significant harm to a child or others. The Pre-school Leaders will contact the LADO (Local Authority Designated Officer) or Children’s Social Care for advice where they have doubts or are unsure.
 - We follow the procedures for reporting concerns and record keeping.

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 Data Protection Act 2018 you may share information 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.
 - 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.
 - We record concerns and discuss these with the *designated persons for Child Protection Co-ordinators, Samantha Hitchen, Nathalie Dodds and Kirsty Law*. Record decisions made and the reasons why information will be shared and to whom.

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.
 - 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. 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.
 - We ensure parents 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.

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.
 - Reasons for decisions to share information, or not, are recorded. See our Record Keeping procedure

Consent

Parents/carers 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 overridden.

- 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.
- 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 their Child Learning and Development Record together with Observations, either verbally or in written form, to the next provider/school or other Early Years Provision the child may attend.
- We consider the following questions:
 - Is there a 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 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 2017
- Data Protection Act 2018
- Human Rights Act 1998

This policy was adopted at a committee meeting of HAIL WESTON PRE-SCHOOL ACTIVITY GROUP held on January 2020

Date to be reviewed: January 2021

Signed on behalf of the Management Committee:.

Lizzie Spear

Signatory:.....

Role of signatory: Chairperson