

## Felixstowe 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 the 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 individuals’ lives. It could ensure that an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death.’

Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)

### **Statement:**

We recognise that parents need to know the information that they provide us with will be treated as confidential. They will have the reasons and circumstances explained to them about when we are obliged to share information with others.

We are obliged to share information without the informant’s authorisation or who it relates to if it is in the public interest in cases when:-

- It is to prevent a crime from being committed or intervene were one may have been or to prevent harm to a child or adult.( safeguarding)
- Not sharing it could be worse than the outcome of having shared it.

These decisions should not be made as an individual, but with the support and knowledge of the management team. The management team provide clear guidance, policy and procedures to ensure all staff and volunteers understand their information sharing responsibilities and are able to respond in a timely, appropriate way to any safeguarding concerns. The three critical criteria are:

- Where there is evidence a child is suffering or is at risk of significant harm.
- Where there is reasonable cause to believe a child may be suffering or at risk of suffering significant harm.
- To prevent significant harm arising to the child, young person or adult, including the prevention, detection and prosecution of serious crime.

## **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 (HM Government 2015). We also follow the guidance on information sharing from the Local Safeguarding Children Board.

- 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.
  - We ensure parents are informed of our information sharing policy at their child's induction to the setting and they sign to say they understand the circumstances that require we share information with and without their consent such as safeguarding situations.
  - We ensure parents have our safeguarding policy and procedures explained to them.
  - We ensure parents are aware we may need to share information with external agencies and other professionals and sign a form at registration to say they are aware of this.
  - All the settings policies and procedures are available for parents to view at all times should they need to refer to them.
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- 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.
  - Our staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file.]
  - Our manager routinely seeks advice and support from their line manager about possible significant harm.
  - Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our manager or deputy, as designated person, who will contact children's social care for advice where they have doubts or are unsure.
  - Our manager will seek advice if they need to share information without consent to disclose.
- 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.

- We base decisions to share information without consent on judgements about the facts of the case and whether it is 'in the public interest'
  - Our guidelines for consent are part of this procedure.
  - Our manager conversant with this and she is able to advise staff accordingly.
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 our designated person and/or designated officer from the management team 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 as set out in our Safeguarding Children and Child Protection Policy.
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 Children's Records Policy 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, [we/I] 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 too.

#### Consent:-

Parents have the right to be informed that their consent to share information will be sought in most cases, as well as the circumstances that would mean their consent would not be sought, or their refusal to consent could be overridden.

- Our policies and procedures set out our responsibility regarding consent on sharing information and circumstances that mean this can be overridden.
- We cover this verbally during the child's induction to the setting.
- Parents sign to say they are aware of this on their registration form.
- Our policies and procedures are always available for parental access.
- Parents give written consent to share information to external agencies and professionals should their assistance be required to meet their child's needs or to pass information on to the next provider /school.
- We give parents copies of the forms they sign.

We consider the following questions:-

- Is there a valid reason for sharing this information?
- Does the information enable the person to be identified?
- Is the information confidential?
- Do you have consent to share this confidential information?
- 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 appropriate information in the right way?
- Has the decision been correctly documented?
- Consent must be informed - that is the person giving consent needs to understand why information will be shared, what will be shared, who will see information, the purpose of sharing it and the implications for them of sharing that information.
- 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.
- We explain 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, we will consider this carefully.
- Where the child is looked after, we may also need to consult the Local Authority, as 'corporate parent' before information is shared.

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

#### **Legal Framework**

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

#### **Further guidance**

- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)
- 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 2015)

**This policy was adopted at a meeting of Felixstowe Nursery School.**

**Held on .....**

**Date to be reviewed.....**

**Signed by Chairperson.....**

**Signed by Manager.....**

Based on Pre-school Learning Alliance policies & procedures