

Rainbow Early Years

Sharing Information Policy

Our Aim:

Rainbow Early Years 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 members. 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. 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 how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it is unsafe or inappropriate to do so.

- We ensure parents receive information about our information sharing policy when starting their child in Pre-School 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.
 - A General Data Protection Regulation (GDPR) agreement is given with the welcome pack and parents are expected to sign to say they have read.
 - We ensure that parents have information about our Safeguarding Children and Child Protection Policy.
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 - 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.
3. We will seek advice from other practitioners, or Designated Officer for Allegations (DOA) if we are in any doubt about sharing information concerned, we will not disclose the identity of the individual where possible.
 - Managers contact children's social care for advice where they have doubts or are unsure.
 4. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we are able to judge when it is reasonable to override their wish. Under the GDPR and Data Protection Act 2018 we may share information without consent if, in our judgement, there is a lawful basis to do so, such as where safety may be at risk. Our judgement will be based on the facts of the case.
 - Guidelines for consent are part of this procedure.
 - Managers are conversant with this and are able to advise staff accordingly.
 5. Consider the safety and welfare of the child when making a decision about sharing information - if there are concerns regarding 'significant harm' the child's well being and safety is paramount.
 - We record concerns and discuss these with our settings manager (Jo Clarke) or Chair of parent committee for child protection matters. Record decisions made and the reasons why information will be shared and to whom.
 - We follow the procedures for reporting concerns and record keeping.
 6. Information shared should be necessary, proportionate, relevant, adequate, accurate, timely and secure: ensuring that the information shared is necessary for the purpose for which we are sharing, is shared only with

those individuals who need to have it, is accurate and up-to-date, and is shared in a timely fashion, and is shared securely.

- 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.
7. Reasons for decisions to share information, or not, are recorded along with what has been shared, with whom and for what purpose. We follow a flow chart of what to do and staff allegations.

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 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 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.
- 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 seek consent, is there sufficient public interest or lawful reasons to share information?
 - Have you properly recorded your decision?

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

Date of review: August 2017 by the Manager.

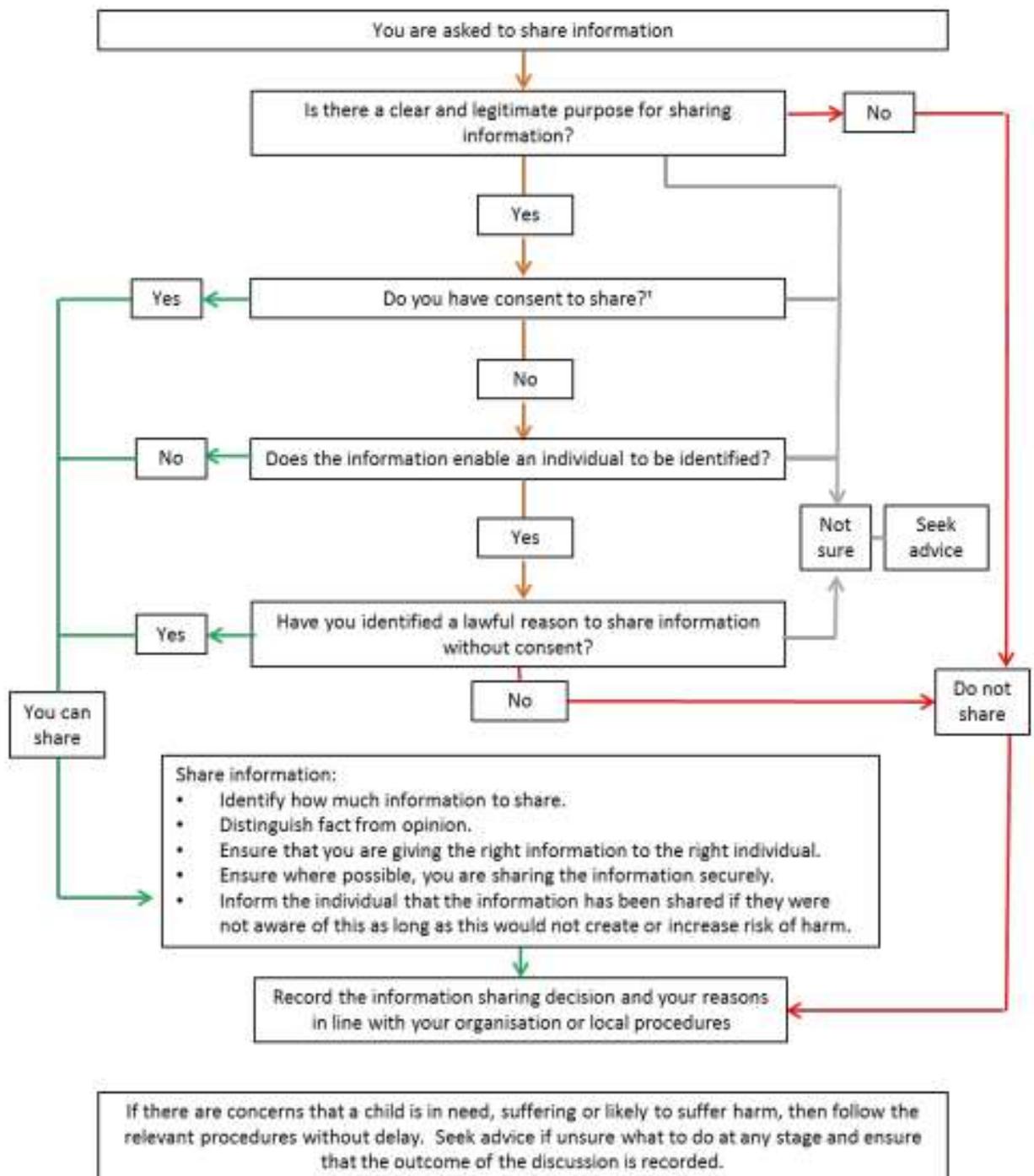
Date of next review: 2018.

Reviewed 14-8-18 J Clarke.

Reviewed 30-8-19 J Clarke.

Reviewed 4-8-20 J Clarke.

Flowchart of when and how to share information



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