



## Information Sharing Policy

St Marks Pre-school recognises that parents have a right to know that the information they share with the pre-school will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, the pre-school is obliged to share information.

The pre-school records and shares information about children and their families ('data subjects') in line with the six principles of the General Data Protection Regulations (GDPR) (2018), which are further explained in the St Marks Pre-school Privacy Notice that is given to parents at the point of registration. The six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed.
6. Processed in a way that ensures appropriate security of the personal data, including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The pre-school is 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 to intervene where one may have been, or to prevent harm to a child or adult; or when
- not sharing it could be worse than the outcome of having shared it.

The responsibility for decision-making should not rest solely on one individual, but should have the back-up of the management team. The management team provides 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 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**

St Marks Pre-school's procedure is based on the 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*. The pre-school also follows the guidance on information sharing from the Local Safeguarding Children Board.

1. *Remember that the General Data Protection Regulations 2018 and human rights law are not barriers to justified information sharing as per the Children Act 1989, but provide a framework to ensure that personal information about living individuals is shared appropriately.*

St Marks Pre-school's policy and procedures on information sharing provide guidance to the appropriate sharing of information both within the setting and 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 consent, unless it is unsafe or if I have a legal obligation to do so. A Privacy Notice is given to parents at the point of registration to explain this further.*

At St Marks Pre-school we ensure parents:

- receive a copy of our Privacy Notice and are signposted to information about the pre-school's Information Sharing Policy when starting their child in the setting; and that they sign the pre-school's Registration Form to say that they understand the circumstances in which information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult;
- are signposted to information about the pre-school's 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 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.*

The St Marks Pre-school practitioner team discusses concerns about children routinely in supervision and any actions are recorded in the child's file.

The Pre-school Manager routinely seeks advice and support from the Local Authority Childcare Officer/social care about possible significant harm.

The pre-school's Safeguarding Policy sets out the duty of all members of the practitioner team to refer concerns to the Pre-school Manager or Designated Safeguarding Lead (DSL), who will contact children's social care for advice where they have doubts or are unsure.

The Pre-school Manager will seek advice if there is a 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.*

The pre-school bases decisions to share information without consent on judgements about the facts of the case and whether there is a legal obligation. Pre-school guidelines for consent are part of this procedure. The Pre-school Manager is conversant with this and 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.*

At St Marks Pre-school 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 with whom; and
- follow the procedures for reporting concerns and record keeping as set out in the pre-school's Safeguarding 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.*

St Marks Pre-school's Safeguarding Policy and Maintenance, Storage and Transfer of 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, the pre-school records 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**

When parents choose St Marks Pre-school for their child, they share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that the pre-school will seek their consent to share information in most cases, as well as the kinds of circumstances when the pre-school may not seek their consent, or may override their refusal to give consent. The pre-school informs parents/carers as follows:

- St Marks Pre-school's policies and procedures set out the pre-school's responsibility regarding gaining consent to share information and when it may not be sought or when refusal may be overridden.
- The pre-school may cover this verbally when the child starts.
- Parents sign the pre-school's Registration Form at registration to confirm that they understand this.
- The pre-school asks 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 provider/school.
- The pre-school will give parents copies of the forms that they sign on request.
- The pre-school considers the following questions when we assess the need to share information:
  - Is there a legitimate purpose to the pre-school sharing the information?
  - Does the information enable the person to be identified?
  - Is the information confidential?
  - If the information is confidential, does the pre-school have consent to share?
  - Is there a statutory duty or court order requiring the pre-school to share the information?
  - If consent is refused, or there are good reasons for the pre-school not to seek consent, is there sufficient public interest for the pre-school to share information?
  - If the decision is to share, is the pre-school sharing the right information in the right way?
  - Has the pre-school properly recorded its decision?

Consent must be freely given and informed – that is, 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 the 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 the pre-school service or it has been explained and agreed at the outset.

Consent can be withdrawn at any time.

The pre-school explains its Information Sharing Policy to parents.

### **Separated parents**

- Consent to share needs only to 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 pre-school will consider this carefully.
- Where the child is looked after, the pre-school may also need to consult the Local Authority, as 'corporate parent', before information is shared.

All the undertakings above are subject to St Marks Pre-school's paramount commitment, which is to the safety and well-being of the child. Please also see our Safeguarding Policy.

This policy was adopted at a meeting of the pre-school held on ..... (date)

Signed on behalf of the pre-school .....

Also see: Safeguarding  
Admissions

Making a Complaint

Parental Involvement