



CONFIDENTIALITY – Safeguarding Children

Sharing Information

We recognise that parents have the 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 both managers/key workers.

The three critical criteria are:

- ◆ Where there is evidence that the child is suffering, or 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.



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Sharing Information – Procedures

Our procedure is based on the 6 points for Good Practice as set out in *Information Sharing: Practitioners' Guide* (HMG 2006)

1. Explain to families how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it puts the child at risk or undermines a criminal investigation.
 - ◆ We ensure parents receive information about our information sharing policy when they start their child at our setting 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 in our welcome pack.
 - ◆ We ensure parents have information about our Safeguarding Children and Child Protection policy.
 - ◆ We ensure parents have information about the circumstances when information will be shared with external agencies for example with regards to any special needs the child may have or transition to school.
2. 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 the setting's managers. Record decisions made and the reasons why information will be shared and with whom.
 - ◆ We follow the procedures for reporting concerns and record keeping.
3. Respect the wishes of children and parents not to share confidential information. However, in the interest of the child, we are able to judge when it is reasonable to override their wishes.
 - ◆ Guidelines for consent are part of this procedure.

- ◆ Managers are conversant with this and able to advise staff accordingly.



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Sharing Information – Procedures Cont...

4. Seek advice when there are doubts about possible significant harm to a child or others.
 - ◆ Managers contact children's access point for advice where they have doubts or are unsure.
5. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for and only shared with those who need to know and 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.
6. Reasons for decisions to share information or not, are recorded.
 - ◆ Provision for this is set out in our record keeping procedure.



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Sharing Information – Consent

Parents have the 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 will include a copy of this in our welcome pack.
- ◆ Parents will sign a copy of the policy at registration to say they understand this.
- ◆ Copies are given to parents of the policy they sign.
- ◆ Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development records to the next provider/school.
- ◆ We consider the following questions:
 - Is there 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 we 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 we properly recorded our 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.

March 2016