

# INFORMATION SHARING POLICY & PROCEDURE

Next Gen  
Support  
Services

**Approved by:** Omar Salahuddin **Date:** 08/08/25

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We recognise that parents/carers 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.
- Not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but as a joint management decision and with the involvement of the registered person. 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.

## PROCEDURE

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
  - Our policy and procedures on information sharing provides guidance to appropriate sharing of information with external agencies.
2. Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Seek consent to share information, unless it puts the child at risk or undermines a criminal investigation.

In our setting we ensure parents/carers:

- Receive information about our information sharing policy when starting their child in the 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 on our application form.
  - Have information about our Safeguarding Young People and Adult Protection policy.
  - 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. Seek advice when there are doubts about possible significant harm to a child or others.
    - Managers may contact children's social care for advice where they have doubts or are unsure.
  4. Share with consent where appropriate. Respect the wishes of children and parents/carers not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.
    - Guidelines for consent are part of this procedure.
  5. Managers are conversant with this and are able to advise practitioners accordingly. 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.

In our setting we:

- Record concerns and discuss these with the setting's designated safeguarding Officer for child protection matters. Record decisions made and the reasons why information will be shared and to whom.
  - Follow the procedures for reporting concerns and record keeping.
6. Information shared will be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.
- Our Safeguarding procedure sets 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.
- Provision for this is set out in our Record Keeping procedure

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 may be overridden. We do this as follows:

- 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 parent welcome pack.
- Parents/carers sign the application 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.
- Copies given to parents of the forms they sign.

We consider the following questions when we need to share:

- 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 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 we properly recorded your decision?

## DATA PROTECTION

The Data Protection Act applies to personal information about living individuals held either on computer or manual records. The Act governs anything at all done to personal data (processing) including collection, use, disclosure, destruction and storing data. In order to comply with the Act, any organisation processing personal data must comply with data protection principles.

Our provision will consider the following when considering sharing information (this should not be taken as a definitive list but used merely as a guide):

The first condition that should be considered prior to sharing of information is the issue of consent. If clear, explicit and informed consent is provided in writing for the processing of the data then the processing should be possible without concern. Consent should be obtained from all persons who are identifiable from the information where possible. In the case of young children, their parents/carers can consent.

Consent should be included within a consent form signed by the parent/carer of the child concerned. It is possible to share information without consent but this should only be considered if

the obtaining of consent is inappropriate given the facts of any particular case. This would include where consent seeking would put a child in danger.

Police enquiries must be made as a formal request under 529(3) of the Data Protection Act. Police cannot request or insist on seeing information about a child, family or member of staff without evidencing that the appropriate request has been made.

Consent should be sought from each person named in the record. All information sharing, conversations and contact between agencies should be recorded. The records must be factual, accurate, in writing, dated and signed.

## **RECORD KEEPING AND SHARING**

All children's personal information will be stored securely in a locked cabinet situated in the provision room. The Manager and Deputy Manager will be the key holders and not permit any other practitioners access to the files unless deemed necessary. The provision is registered with the Information Commissioner's Office (ICO) to enable us to obtain and control personal information regarding children and their families. The head of provision will annually update the ICO Certificate and registration.

High quality record keeping is essential in safeguarding, particularly for children with an early help assessment plan (EHAP) and for children with special educational needs (SEN). Practitioners have a duty to maintain a good, clear written record of all concerns and actions regarding safeguarding and child protection issues for the children in their care. All such records, including referrals and subsequent notes will be kept securely and locked at all times.

There are two types of records kept on children in provision:

1. Developmental Records: These include the children's Learning Journals or Profiles, which contain observations of children in the Provision engaged in activities, photographs and samples of their work and summary developmental reports. These can be accessed and contributed to by practitioners and the child and his/her parents/carers. In order to ensure we meet our obligations under the Data Protection legislation, we ask parents/carers and children to approach a practitioner first should they wish to access these records.
2. Personal Records: These include application and admission forms, consent forms and correspondence concerning the child and/or family. They may also contain reports or minutes from meetings concerning the child from other agencies, an on-going record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters. These files are kept in a locked cabinet. Parents/carers may request access to any confidential records held on their child and family following the procedure set out below:
  - Parents/carers may request to see the files and records of their own children but do not have access to information about any other child.
  - Requests to see a child's personal file by the parent or person with parental responsibility should be made in writing to the Manager and/or Deputy Manager.
  - Third parties (including all family members who may be referred to in the records, workers from other agencies such as children's social care, health authority etc.) will be contacted to request permission to disclose to the person requesting it.
  - Legal advice may be sought before sharing a file, particularly in the event the parent or carer has possible grounds for litigation against another (third party) agency.
  - If permission is granted to parents/carers the information will be presented at an appropriate and convenient time for the provision and practitioners.

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 policy.