



Information Sharing

‘Ensuring that children and young people are kept safe and receive the best support they need when they need it, is vital. Where information sharing is necessary to achieve this objective, it is important that the practitioners have a clear understanding of when information can be shared. It is also for them to understand the circumstances of when sharing is inappropriate. The Data Protection Act is not a barrier to sharing information, but is in place to ensure that personal information is shared appropriately.’

Richard Thomas, Information Commissioner

Introduction to ‘Information Sharing: Practitioners’ Guide’ (HMG 2006)

Policy Statement

We recognise 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 whom it relates to 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
- Not sharing it could be worse than the outcome of having shared it.

The decision to share information should never be made as an individual, but with the backup of the management team. 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.

Personal Information may be stored within 3rd party service providers as part of the normal course of providing our services. 3rd party providers who process information on behalf of Little Rays will comply with all necessary legislation and data protection directives, specifically those set out as part of the GDPR.



Procedures

Our procedures are based on the *Seven Golden Rules for Sharing Information as set out in 'Information Sharing: Practitioners Guide' (HMG 2015)*

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.
 - We ensure that parents have access to our Policies and Procedures that set out how personal data is stored and shared with others. These include, but are not limited to:
 - i. Confidentiality and Client Access to Records Policy
 - ii. Data Protection Policy, Certificate and Registration Details
 - iii. Information Sharing Policy
 - iv. Record Keeping Policy
 - v. Registration of Children Policy
 - vi. Safeguarding Policy
 - vii. Social Media Policy
 - These Policies and Procedures create a framework to ensure that personal information about living individuals is shared appropriately.
 - When starting their child at the Nursery parents sign a form to say that they understand the personal information that is stored about them, how it is stored and the circumstances when information may be shared without their consent.
 - In normal circumstances we will seek parental consent to agree to share information with relevant 3rd parties such as schools and local authorities. However, there may be circumstances where we believe it is in the child's interest that this information is not disclosed to parents. In such circumstances the nurseries Data Protection Officer and Safeguarding Officer will be informed as well as the appropriate authorities.
2. Be open and honest with the individual (and/or 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 receive information about our Information Sharing Policy when starting their child at the Nursery 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.
 - We ensure parents have information about our Safeguarding Policy.
- We ensure parents have information about the circumstances when information will be shared with external agencies, for example with regard to any special needs to the child may have or in the 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.
- Practitioners are encouraged to seek advice from the Designated Safeguarding Lead or Nursery Manager where they have doubts or are unsure about the safety and well-being of a child
 - The Nursery Manager will seek advice from the Surrey Multi-Agency Safeguarding Hub (MASH) on 0300 470 910 where they have doubts or are unsure about the safety and well-being of a child
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 on the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
- Guidelines for consent are part of this procedure
 - The manager is conversant with this and is able to advise staff accordingly
5. Consider safety and well-being: Base information sharing decisions on considerations of safety and well-being of the individual and others who may be affected by their actions.
- Concerns of safety and well-being are recorded and discussed with the settings Designated Safeguarding Lead. Decision making is recorded in line with our Record Keeping Policy.

- The Nursery Manager will contact the Surrey Childrens – Single Point of Access (C-SPA) on 0300 470 910 or in an emergency 999 where they have doubts or are unsure about the safety and well-being of a child
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 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. 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.
- Provision for this is set out in our Record Keeping Procedure



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 new joiner information.
- Parents sign a form at registration to say they understand this.
- Copies of forms parents sign are given to them.
- 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 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 you properly recorded your decision?

All the undertaking 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.

Information Commission Office and Data Protection Officer

Little Rays Daycare limited is registered as a Data Controller with the Information Commissioners Office under registration reference C1461032

Our Data Protection officer is Mairead Cheeseman.

Linked Policies and Forms

Confidentiality and Client Access to Records Policy

Data Protection Policy, Certificate and Registration Details

Information Sharing Policy



Record Keeping Policy

Registration of Children Policy

Safeguarding Children and Child Protection Policy

Social Media Policy

Registration Form **Legal**

Framework

- Data Protection Act 1998
- General Data Protection Regulation (EU) 2016/679
- Human Rights Act 1998 **Further Guidance**
- Information Sharing: Practitioners' Guide (HMG 2015)
<https://www.gov.uk/government/publications/safeguarding-practitionersinformation-sharing-advice>
- Surrey Safeguarding Children's Board Procedures <http://surreyscb.procedures.org.uk/> (April 2018)

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