

Information Sharing

Aim

We recognise that parents have a right to know that the information they share with us will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, 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 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 should never be made as an individual, but with the back-up 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 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

Our procedures are based on the minimum standards from the CSSIW:

Standard 5: Records

Outcome:

“Parents and CSSIW have access as appropriate to a full range of records maintained by the registered person for the smooth running of the setting.”

5.4 Records about individual children are shared with the child’s parent, except where this would place the child’s welfare at risk.

5.6 Records about individual children are kept secure and confidential and are always available for inspection by CSSIW at their request.

Empowering service users, encouraging lifestyle choices

Standard 6: Working in partnership with parents

Outcome:

“Parents are kept fully involved in and informed about their child’s activities, achievement and progress.”

6.6 The policy about privacy and confidentiality will be made available. Any requests by third parties for information will be discussed with parents and information only shared with their consent. An exception can be made where there is a requirement to report concerns about the welfare of safety of the child, for example in relation to child protection.

6.7 If a child is identified as a child in need (Section 17 of the Children Act 1989) the registered person, with parents' permission, gives appropriate information to referring agencies.

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 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 cover this verbally when the child starts and in our nursery registration form.
- Parents sign our registration Form 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 are 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 we have consent to share?
 - Is there a statutory duty or court order requiring us to share the information?
 - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest for us to share information?
 - If the decision is to share, are we 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. Please also see our Child Protection Policy.

Legal framework

Data Protection Act (1998)

Human Rights Act (1998)

Date of Review	Changes Made	Signatures	Date of Next Review
18/05/15	None	A. Ferguson	January 2016
29/04/2016	None	A. Ferguson	April 2017
05/04/2017	None	A. Ferguson	April 2018