



St. Thomas a Becket Nursery School
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Registered Charity No. 1097448

Information / Records Sharing

Responsibility: Nursery Lead / Nursery Manager

Review Cycle: Every three years, or earlier in the event of legislative changes

Date of adoption / last review:	Signed / Role	Date of next review
May/June 2022	Clare Harrison, Nursery Lead	June 2024
June 2024	Clare Harrison, Nursery Lead	June 2026

St Thomas a Becket Nursery Information and Records Sharing Policy

EYFS January 2024

Information and record keeping

3.77 Providers must maintain records, obtain and share relevant information (with parents and carers, other professionals working with the child, the police, social services and Ofsted or their CMA, as appropriate). This is to ensure their setting is safe and efficiently managed, and the needs of all children are met. Providers must enable a regular two-way flow of information with parents and/or carers (and between other providers, if a child is attending more than one setting). If requested, providers should incorporate parents' and/or carers' comments into children's records.

3.78 Records must be easily accessible and available (these may be kept securely off the premises). Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Legislation and, where relevant, the Freedom of Information Act 2000.

3.79 Providers must ensure that all staff understand the need to protect the privacy of the children in their care, as well the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act.

3.80 Records relating to individual children must be retained for a reasonable period of time after they have left the provision.

Information about the child

3.81 Providers must record the following information for each child in their care:

- Full name.
- Date of birth.
- Name and address of every parent and/or carer who is known to the provider.
- Information about any other person who has parental responsibility for the child.
- Which parent(s) and/or carer(s) the child normally lives with.
- Emergency contact details for parents and/or carers.

Information for parents and carers

3.82 Providers must share the following information with parents and/or carers:

- How the EYFS is being delivered in the setting, and how parents and/or carers can access more information.
- The range and type of activities and experiences provided for children, the daily routines of the setting, and how parents and carers can share learning at home.
- How the setting supports children with special educational needs and disabilities.
- Food and drinks provided for children.
- Details of the provider's policies and procedures - making copies available on request. This includes the procedure to be followed in the event of a parent and/or carer failing to collect a child at the appointed time, or in the event of a child going missing at, or away from, the setting.
- How staffing in the setting is organised.
- The name of their child's key person and their role.
- A telephone number for parents and/or carers to contact the provider in an emergency.

Policy Statement

Information sharing is essential for effective safeguarding and promoting the welfare of children and young people. It is a key factor identified in many serious case reviews (SCRs), where poor information sharing has resulted in missed opportunities to take action that keeps children and young people safe. Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government July 2018)

St Thomas a Becket Nursery 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 nursery management team provide 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.*people, parents and carers (HM Government 2015)*

We abide by the guidance on sharing information with relevant services when, as a setting, we have safeguarding concerns. The guidance is found at:

Information sharing advice for safeguarding practitioners - GOV.UK (www.gov.uk)

Please also see our other relevant policies:

Data Protection and Retention

Partnership with Parents

Safeguarding Suite of Policies

Staff Code of Conduct

Whistle Blowing

Cyber and Data Security

Your data security is important to us.

St Thomas a Becket Nursery employ the services of Uniserve South East, an East Sussex Based IT Solutions and Support Provider. Our Service Level Agreement includes

- Cyber security software on our devices
- Full encryption
- Scamming and Phishing intervention and support
- Safe Cloud storage through Microsoft Office licence purchase

We are registered with the Information Commissioner's Office (ICO)

We abide by the guidance of The National Cyber Security Centre (NCSC), which can be found here:

<https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings>

We abide by the guidance of the Data Protection Act 2018 and General Data Protection Regulation 2018 see: <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>.

Please also see our other relevant policies:

Our Safeguarding Suite of Policies

Data Collection, Retention and Protection

Information Sharing Procedures

St Thomas a Becket Nursery procedure is based on the seven golden rules for information sharing as set out in [Information Sharing Advice for practitioners providing safeguarding services for children, young people, parents and carers May 2024 \(HM Government\)](#).

The Seven golden rules for sharing information (including personal information):

1. All children have a right to be protected from abuse and neglect. Protecting a child from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them. The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) provide a framework¹ to support information sharing where practitioners have reason to believe failure to share information may result in the child being at risk of harm

Our nursery policy and procedures on Information Sharing provide guidance to appropriate sharing of information both within the setting, as well as with external agencies. We abide by the statutory guidance in: the [Information Commissioner's Code of Practice for Data Sharing](#) which should be read alongside the [ICO's guide to GDPR](#)

2. When you have a safeguarding concern, wherever it is practicable and safe to do so, engage with the child and/or their carer(s), and explain who you intend to share information with, what information you will be sharing and why. You are not required to inform them, if you have reason to believe that doing so may put the child at increased risk of harm (e.g., because their carer(s) may harm the child, or react violently to anyone seeking to intervene, or because the child might withhold information or withdraw from services).

In our nursery we ensure parents:

- receive information about our need to share information when in the best interests of the child to do so, and that parents 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;
- have information about our Safeguarding Children and Child Protection 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.

2.

3. You do not need consent to share personal information about a child and/or members of their family if a child is at risk or there is a perceived risk of harm. You need a lawful basis to share information under data protection law, but when you intend to share information as part of action to safeguard a child at possible risk of harm, consent may not be an appropriate basis for sharing. It is good practice to ensure transparency about your decisions and seek to work cooperatively with a child and their carer(s) wherever possible. This means you should consider any objection the child or their carers may have to proposed information sharing, but you should consider overriding their objections if you believe sharing the information is necessary to protect the child from harm.

- Our staff discuss concerns about a child routinely in supervision and any actions are recorded in the child's file.
- Our manager routinely seeks advice and support from the Nursery Lead about possible significant harm.
- Our Safeguarding Children and Child Protection Policy sets out the duty of all members of our staff to refer concerns to our Nursery Manager or Nursery Lead, as Designated Safeguarding Leads, who will contact children's social care for advice where they have doubts or are unsure.

- We seek advice if we need to share information without consent to disclose.

4. Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case. Do not leave a child at risk of harm because you have concerns you might be criticised for sharing information. Instead, find out who in your organisation/agency can provide advice about what information to share and with whom. This may be your manager/supervisor, the designated safeguarding children professional, the data protection/information governance lead (e.g., Data Protection Officer), Caldicott Guardian, or relevant policy or legal team. If you work for a small charity or voluntary organisation, follow the NSPCC's safeguarding guidance.

- We base decisions to share information without consent on judgements about the facts of the case and whether it is 'in the public interest'.
- Our guidelines for consent are part of this procedure and our manager is conversant with this and she is able to advise staff accordingly.
- The Nursery Lead is the Data Protection Officer from whom advice can be sought if in doubt.

5. When sharing information, ensure you and the person or agency/organisation that receives the information take steps to protect the identities of any individuals (e.g., the child, a carer, a neighbour, or a colleague) who might suffer harm if their details became known to an abuser or one of their associates.

We will:

- record concerns and discuss these with our Designated Safeguarding Lead for child protection matters;
- record decisions made and the reasons why information will be shared and to whom; and
- follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Children and Child Protection Policy.

6. Only share relevant and accurate information with individuals or agencies/organisations that have a role in safeguarding the child and/or providing their family with support, and only share the information they need to support the provision of their services. Sharing information with a third party rarely requires you to share an entire record or case-file – you must only share information that is necessary, proportionate for the intended purpose, relevant, adequate and accurate.

- Our Safeguarding Children and Child Protection Policy and Children's Records Policy set out how and where information should be recorded and what information should be shared with another agency when making a referral.
- Where information is shared, we record 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.

7. Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information. When another practitioner or organisation requests information from you, and you decide not to share it, be prepared to explain why you chose not to do so. Be willing to reconsider your

decision if the requestor shares new information that might cause you to regard information you hold in a new light. When recording any decision, clearly set out the rationale and be prepared to explain your reasons if you are asked.

We also follow the guidance on information sharing from the **Local Safeguarding Partnership** (The East Sussex Safeguarding Children Partnership (ESSCP) replaces the Local Safeguarding Children Board (LSCB). The Children and Social Work Act 2017 created new duties for police, health and the local authority to make arrangements to safeguard and promote the welfare of children in their area).

Pan East Sussex guidance is found here:

<https://www.esscp.org.uk/>

Consent

When parents choose our setting for their child, they will share information about themselves and their families. This information is regarded as confidential. Parents have a right to be informed that we will seek their consent to share information in most cases, as well as the kinds of circumstances when we may not seek their consent, or may override their refusal to give consent. We inform them 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 prospectus.
- Parents sign our Registration Form at registration to confirm that they understand this.
- We ask 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.
- We give parents copies of the forms they sign.
- We consider the following questions when we assess the need to share:
 - Is there a legitimate purpose to us 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 for us 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?
- Consent must be *informed* - that is the person giving consent needs to understand why information will be shared, what will be shared, who will see information, the purpose of sharing it and the implications for them of sharing that information.
- 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 our service or it has been explained and agreed at the outset.
- We explain our Information Sharing Policy to parents.

Separated parents

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

All the undertakings above are subject to our paramount commitment, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection Policy.

Legal framework

- Data Protection Act (1998)
- General Data Protection Regulations
- Human Rights Act (1998)

Further guidance

- Information sharing advice for safeguarding practitioners: Guidance on information sharing for people who provide safeguarding services to children, young people, parents and carers.

https://assets.publishing.service.gov.uk/media/66320b06c084007696fca731/Info_sharing_advice_content_May_2024.pdf

- What to do if you're worried a child is being abused: Advice for practitioners (HM Government 2015)

https://assets.publishing.service.gov.uk/media/5a80597640f0b62302692fa1/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf

- Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children (HM Government 2023)

https://assets.publishing.service.gov.uk/media/65cb4349a7ded0000c79e4e1/Working_together_to_safeguard_children_2023_-_statutory_guidance.pdf