

## Information Sharing and Record Keeping

The setting adheres to all current guidance and legislation including the Data Protection Act 1998 and GDPR (2018) regarding the sharing of information on and with children, parents, families, staff, volunteers and visitors.

"Information sharing is key... it is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all."

*Information Sharing: Guidance for practitioners and managers*

Legislation containing express powers or which imply powers to share are; (this list is not exhaustive)

The Data Protection Act 1998

The Children Act 1989 and 2004

Local Government Act 2000

Education Act 1996 and 2002

Learning and Skills Act 2000

Mental Capacity Act 2005

Children Act 2000

Immigration and Asylum Act 1999

Crime and Disorder Act 1998

Protection of Children Act 1999

National Health Service Act 1977 and 2006

The Health and Social Care Act 2003

Criminal Justice Act 2003

Adoption and Children Act 2002

Working Together for Safeguarding Children 2015

GDPR 2018

The setting recognises the importance of information sharing when appropriate. For example, if a child or young person or adult may be suffering or may be at risk of suffering significant harm, information should be shared with or without consent and concerns referred in line with the Child Protection Policy. No concern should ever be ignored, but advice sought from the setting child protection officer (duty manager), setting SDPS (Senior Designated Person for Safeguarding) or DDPS (Deputy Designated Person for Safeguarding), a colleague or other professionals listed in the Child Protection Policy.

Sharing information to support transitions include a child moving from nursery to nursery or nursery to primary school. Information sharing is important to ensure the child or young person and family receive the support they may require.

### **Consent**

Consent is key to successful information sharing. Even where the Data Protection Act does not demand it, operating with consent is best practice. In line with GDPR in 2018, parents give written consent for sharing data on the application forms.

Consent must be informed and should normally be explicit but can be implied (written is always preferable but can be verbal).

Consent must be willing and not inferred from a non-response.

Consent must be sought again if things change significantly and consent can be withdrawn at any time. If consent is withdrawn at any time, all agencies involved must be informed.

Practitioners must use clear and accessible language. Practitioners must explain there are times when confidentiality cannot be maintained. Practitioners must be aware of relevant legislation.

In some cases practitioners should not seek consent if this is likely or probable to put the child/young person/adult at an increased risk of harm and the Child Protection Policy should be followed.

### **Whose consent should be sought?**

A person, who has the capacity to understand and make their own decisions, may give (or refuse) consent to sharing.

Children aged 12 years or over may generally be expected to have sufficient understanding.

People aged 16 years and over are presumed, in law, to have the capacity to give or withhold their consent to sharing of confidential information.

Practitioners need to assess whether a particular person on a particular occasion has sufficient understanding to consent, or to refuse consent, to the sharing of information.

### **Assessing a person's capacity to consent**

The following criteria should be considered in assessing whether a particular child, young person or adult on a particular occasion has sufficient understanding to consent, or to refuse consent, to sharing of information about them or their children.

- Can the person understand the questions being asked of them'?
- Do they have reasonable understanding of what information might be shared?;
- The main reason or reasons for sharing the information; and
- The implications of sharing that information, and of not sharing it?
- Can they:
  - Appreciate and consider the alternative courses of action open to them;
  - Weigh up one aspect of the situation against another
  - Express a clear personal view on the matter, as distinct from repeating what
  - Someone else thinks they should do;
  - and be reasonably consistent in their view on the matter, or are they constantly changing their mind?

### **Sharing information appropriately and securely**

Practitioners should share information which is necessary for the purpose for which it is being shared and understand the limits of any consent given. Practitioners should distinguish between fact and opinion and share the information only with those who need to know.

Practitioners should check the information is accurate and up to date and share it in a secure way. Practitioners should establish with the recipient whether they intend to pass it on to other people, and ensure they understand the limits of any consent given. Practitioners should inform the person to whom the information relates, and, if different, any other person who provided the information, if safe to do so.

When transferring confidential information/documents including information stored on the setting's authorised electronic devices from the setting for reasons such as Child Protection meetings, Strategy meetings, EHAT meetings, staff/employment matters, nursery matters etc, must never be left unattended. This includes being left unattended in any form of transport and must always be kept in the authorised person's possession. Where possible duplicates of confidential documents/information must be made and used for this purpose and not the originals. Before any such information can leave the setting, the authorised person must:

- record in the setting diary what information/documents/ authorised electronic devices have left the setting
- for what reason
- the date and time it left the setting
- signature of authorised person taking responsibility of safe possession of the confidential information
- upon return of confidential information/documents/ authorised electronic devices this must be recorded back into the setting diary.

If the above is not followed disciplinary action may be taken. In the event that any confidential information/documents are misplaced or lost, this must be reported immediately to one of the named persons for Information Sharing: **Leah Braddon and Caroline Paternotte-Chilton**

### **Seven Golden Rules**

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.
2. Be open and honest with the person (and/or their 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.
3. Seek advice if you are in doubt, without disclosing the identity of the person where possible.
4. Share with 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, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.

5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. Necessary, proportionate, relevant, 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 people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely.
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.

The Seven Golden Rules as above are displayed in and around the nursery so they are visible to staff, parents and families. This policy along with all other policies are made easily accessible to all parents, carers and families. If a child attends any other setting/s whilst attending this setting, we seek permission from the child's parent/carer to share information with the other setting/s termly in the child's progress and development with us. If permission is granted we send the others setting/s a copy of the child's termly progress report.

#### **Requests for information from children's services**

If an outside agency contacts the setting via telephone requesting information about a child, this policy should be used as a reference as to whether or not information can be shared.

If a social worker telephones the nursery to request information, no information should be given in the first instance. The duty manager/child protection officer for the setting must record all information from the caller and state as part of the nursery procedure, they will telephone the person back using the main switchboard numbers as detailed in the Child Protection Policy to authenticate the caller before information can be shared. The SDPS or DDPS for the setting must be informed of this request immediately.

As seen on the setting Application Form, information given on the form is confidential however access is given to staff and other Early Years Professionals only on a need to know basis and we adhere to the Data Protection Act 1998.

For further guidance please see [www.ecm.gov.uk/infonationsharing](http://www.ecm.gov.uk/infonationsharing)

#### **Record Keeping**

For clarification and detail on how we record and store information relating to child protection matters, please see the Child Protection Policy of which this policy is inter-related with.

We keep data about the children that attend our nursery and their parents in order to administer and manage our nursery. The data includes names and addresses, assessments and some sensitive information (for example information about medical conditions or ethnic origin). The nursery may use non-traceable extracts from the information for statistical purposes. We do not transfer parents/carers information to third parties unless we either have legal consent or are legally obliged to do so. As seen in our terms and conditions, as part of parents/carers agreement with the setting they are agreeing that the nursery can share

information on them and their family with its partner agencies. We keep all personal data in accordance with the Data Protection Act 1988.

All information on children, parents, carers and families is securely stored in a lockable filing cabinet. Such records are kept confidential and only shared if and when appropriate as detailed above in the Seven Golden Rules or given to staff or other Early Years Professionals on a need to know basis. Information on staff and volunteers are stored securely with limited access in line with the Data Protection Act 1998.

All and any child protection records and information must be;

- Legible and recorded in a clear format
- Factual, detailed and accurate
- Maintained in chronological order
- Identify what action is to be taken and why
- Are countersigned by the SDPS
- Are stored securely
- Are subject to restricted access
- Are maintained in individual, confidential files separate to other records on the child.

A child's general file must carry a symbol alerting practitioners to the existence of child protection files that need to be transferred when a child leaves the organisation. This symbol will be the **capital initials CPI** clearly marked after the child's name.

Records of each child's progress and development is kept at the setting and added to on a regular basis. These records are shared with the child's parents/carers at least twice per year. These records are handed to the child's parents/carers when they leave nursery.

Each term every child's progress and development is documented and assessed. Each child will have a termly written progress report entered into their Learning Diary and each group is analysed to identify any potential areas that are below or above the expected level, both as a cohort and individually. This data is analysed by the senior nursery nurses, setting E YP and manager and will inform future planning to ensure children are progressing in all areas of the EYFS. For further clarification please see our Early Years Policy.

The setting will retain records and information required for possible future use as defined by current guidance and legislation. This is detailed below;

Children's registers	3 years
Medication books	3 years
Accident books	24 years
Existing Injury forms	24 years
Records of individual children	3 years after a child has left nursery

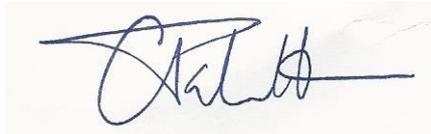
Complaints Records	3 years from date of the complaint or from inspection to inspection
Child Protection Records	24 years

The named persons responsible for information sharing for the setting are:

**Leah Braddon and Caroline Paternotte-Chilton**

**This policy was adopted at a meeting between John Chilton and Caroline Paternotte-Chilton held on: January 14th 2018**

**Signed on behalf of the nursery**

A handwritten signature in blue ink, appearing to read 'Leah Braddon', is written over a light blue rectangular background.

**To be reviewed in the next 12 months.**

Appendix 1 is a copy of the application form and shows the seeking of permissions./consents from parents.