

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 reason 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 procedure is based on the seven golden rules for information sharing as set out in Information Sharing: Guidance for Practitioners and Managers (DCSF 2008).

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 provide guidance to appropriate sharing of information both within the setting as well as with external agencies.
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.*

In our setting we ensure parents:

- Receive information about our Information Sharing Policy and that they sign our Registration Form to say that they 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 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
3. *Seek advice if you are in any doubt, without disclosing the identity of the person where possible.*
- Our staff discuss concerns about a child routinely in supervision and any action are recorded in the child's file on Family.
 - Our Safeguarding Policy sets out the duty of all members of our staff to refer concerns to our manager or deputy, as designated person, who will contact children's social care for advice where they have doubts or are unsure.
 - Our manager seeks advice if they need to share information without consent to disclose.
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.*
- 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.

- Our manager is conversant with this and is able to advise staff accordingly.
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.*

In our setting we:

- Record concerns and discuss these with our designated person and/or designated officer from the management team for child protection matters;
 - Record decisions made and the reason why information will be shared and to whom; and
 - Follow the procedures for reporting concerns and record keeping as set out in our Safeguarding Policy.
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.*
- Our safeguarding Policy sets 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 reason for it - whether it is to share information or not. If you decide to share, then record what you have shared and for what purpose.*
- Where information is shared, we record the reason for doing so on Family; where it is decided that information is not to be shared that is recorded too.

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 see 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.
- 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 consider the following questions when we need to share:
 - Is there a legitimate purpose to us sharing the information?
 - Does this 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 Policy.

Legal Framework

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

Further guidance

- Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

This policy was adopted in March 2024

It will be reviewed annually or as required

Last updated 18.03.24

Signed by Chair of Trustees:

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Signed by Club Manager:

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