



## Sharing Information and Confidentiality Policy and Procedures

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<b>Date of last review:</b>	November 2018	<b>Date of next review:</b>	November 2021
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### Policy review dates and changes

Review date	By whom	Summary of changes made	Date implemented

<b>Signed</b>		<b>Designation</b>	Chair of Governors
<b>Name</b>	Janet Hall	<b>Date</b>	Nov 2018

## 1. Introduction

Information sharing is key to RSDD's goal of more efficiently delivering better education that is coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding, promoting welfare and protection of students. Information sharing is a vital element in improving outcomes for all. RSDD [procedure is based on the GDPR \(2018\) principles](#), understanding that it is important that students and families remain confident that their personal information is kept safe and secure and that staff maintain the privacy rights of the individual, whilst sharing information to deliver better services. It is therefore important that staff can share information appropriately as part of their day-to-day practice and do so confidently. It is important to remember there can be significant consequences to not sharing information as there can be to sharing information. Staff must use their professional judgement to decide whether to share or not, and what information is appropriate to share.

Derby and Derbyshire Safeguarding Children Board understands that it is most important that organisations and professionals can demonstrate the need for people to remain confident that their personal information is kept safe and secure, and that practitioners maintain the privacy of the individual, whilst sharing information to deliver better services. It is therefore, important that practitioners can share information appropriately as part of their day to day practice and to do so confidently.

This guide is part of the school's policies and procedures and should be used in conjunction with the Data Protection Act 2018. It aims to support good practice in information sharing by offering clarity on when and how information can be shared legally and professionally, in order to achieve improved outcomes. This guidance is for teachers and staff who have to make decisions about information sharing on a student-by-student basis. It is also for managers and advisors who support these staff in their decision making and for others with responsibility for information governance. This guide presents a summary of the key decision making considerations which are detailed in "[Working Together to Safeguard Children 2018](#)". It is not designed to be read as a standalone document, rather to be a helpful tool in reminding them of the key messages on information sharing and the detailed messages contained in government legislation guidance.

The primary aim of the Sharing Information Policy and Procedures is to improve the speed and efficiency of information sharing to improve outcomes for children and young people and to give practitioners clear practical guidance to understand when, why and how to share information legally in line with national and organisational information sharing procedures.

It is most important that people remain confident that their personal information is kept safe and secure and that practitioners maintain the privacy of the individual, whilst sharing information to deliver better services.

There is an increasing emphasis on integrated working across services with the aim of delivering more effective intervention at an earlier stage. Early intervention aims to prevent problems escalating and increase the chances of achieving positive outcomes.

### Data Protection Act 2018

- [The Data Protection Act 2018](#) and [General Data Protection Regulations \(GDPR\) 2018](#) is not a barrier to sharing information but provides a framework to ensure that personal information is shared appropriately.
- Data protection law reinforces common sense rules of information handling. It is there to ensure personal information is managed in a sensible way.
- It helps us strike a balance between the many benefits of organisations sharing information, and maintaining and strengthening safeguards and privacy of the individual.

- It also helps us balance the need to preserve a trusted relationship between school and students, families and other professionals with the need to share information to benefit and improve the life chances of the students and protect them.

## 2. Aims

We aim to establish:

- A culture that supports information sharing between and within organisations including proactive mechanisms for identifying and resolving potential issues and opportunities for reflective practice.
- A systematic approach to explain to service users when the service is first accessed, how and why information may be shared.
- Clear systems, standards and procedures for ensuring the security of information and for information sharing.
- Infrastructure and systems to support secure information sharing, for example, access to secure email or online information systems.
- Effective supervision and support in developing practitioners and managers professionals' judgement in making these decisions.
- Mechanisms for monitoring and auditing information sharing practice.
- Designated source of impartial advice and support on information sharing issues, and for resolution of any difference of opinion about information sharing.
- There is an established information sharing governance framework so that staff are clear about the organisations position on information sharing.
- Information sharing governance framework must always recognise the importance of professional judgement in information sharing at the front line and should focus on how to improve practice in information sharing within and between agencies.

## 3. When information will be shared

“Seven golden rules to sharing information” (Information Sharing; advice for practitioners providing safeguarding services to children, young people, parents and carers, DfE, 2018)

- I. The General Data Protection Regulations (GDPR), Data Protection Act 2018 and [Human Rights Act 1998](#); are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
- II. Be honest and open 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 agreement unless it is unsafe or inappropriate to do so.
- III. 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.
- IV. 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 a 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 of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
- V. 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.
- VI. 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 shared securely.
- VII. Keep a record of your decision and reasons for it – whether it is to share the information or not. If you decide to disclose share, then record what you have shared, with whom and for what purpose.

Organisations and individuals should also be mindful of the revised list of 7 Caldicott principles which underpin information governance across health and social care services. These are outlined in [Information Sharing - Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#)

### **The Welfare of the Child is the First Consideration**

- All children have the right to protection from abuse
- All staff have a responsibility to keep children safe
- All concerns will be taken seriously and managed accordingly
- Confidentiality will be upheld in line with legislation and government guidance
- When decisions are taken to share information, the child's welfare is of paramount importance
- When sharing information, RSDD will ensure that there is clarity of information that is factual
- Information will always be supported with a written report
- Where written information has been shared during the course of an investigation, outcomes will be shared with those to whom the information was originally sent

### **Key Points**

- Information will be shared when the school deems it necessary to protect a child
- The school will explain at the outset what information could, or will, be shared and seek agreement, except where doing so puts the child or others at risk of harm
- RSDD will share no more information than is necessary for the specific purpose of sharing that relevant information
- Records will be kept of decisions to share, or not share, information and reasons for this decision
- Information that is shared will be up to date and accurate, shared only with those with a need to see it and shared securely
- Copies of Child Protection Records will be passed on to the next organisation when a pupil leaves

### **Government Guidance and Legislation**

This policy takes into account

- [The Children Act 1989 & 2004](#)
- [The statutory guidance Keeping Children Safe in Education \(DfE 2018\)](#)
- [The statutory guidance Working Together to Safeguard Children \(HMG, 2018\)](#) which sets out how organisations and individuals should work together to safeguard and promote the welfare of children
- [Information sharing: Guidance for Practitioners and Managers \(2015\)](#)
- [What to do if you are worried a child is being abused \(HMG, 2015\)](#)
- [Derby City Safeguarding Children Board policies, procedures, protocols and guidance.](#)
- [Human Rights Act 1998; Article 8](#); Respect for your private and family life.

### **Process for information Sharing and for Receiving Information**

RSDD will decide which information needs to be shared, based on the level of concern and on a 'need to know' basis. A member of the RSDD Safeguarding Team will make the referral in conjunction with governors. Where concerns are about a child within their family, RSDD will refer to the statutory agencies in the area where the child lives as well as Derby City.

We consider the following questions when we need to share

- 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, is there 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, is the right information being shared in the right way?

### **Recording, Storage and Disposal of Information**

- Information about different individuals will be recorded separately
- Written information, in whatever form, will be stored securely in accordance with data protection legislation
- All reasonable steps will be taken to ensure safe receipt of information
- Written communication will clarify to what extent information should be shared within the school
- Information is safely stored and only available to authorised individuals.
- Additional copies of information for a specific purpose, such as a disciplinary hearing, will be shredded after use.

### **Consent**

- Consent must be 'informed'. This means that the person giving consent needs to understand why information needs to be shared, what will be shared, who will see their information, the purpose to which it will be put and the implications of sharing that information.
- Consent can be 'explicit' or 'implicit'. Obtaining explicit consent for information sharing is best practice and ideally should be obtained at the start of the involvement, when working with the individual or family to agree what support is required. It can be expressed either verbally or in writing, although written consent is preferable since that reduces the scope for subsequent dispute. Implicit consent can also be valid in many circumstances. Consent can legitimately be implied if the context is such that information sharing is intrinsic to the activity

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

Can the child or young person understand the question being asked of them?

Do they have a 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 pupils

- 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?
- Be reasonably consistent in their view on the matter, or are they constantly changing their mind?

In most cases, where a child cannot consent or where you have judged that they are not competent to consent, a person with parental responsibility should be asked to consent on behalf of the child.

If a child or young person is judged not to have the capacity to make decisions, their views should still be sought as far as possible.

Where parental consent is required, the consent of one such person is sufficient. In situations where family members are in conflict RSDD will consider carefully whose consent should be sought. If the parents are separated, the consent would usually be sought from the parent with whom the child resides.

If a care order is in force, the local authority will share parental responsibility with parent(s) and practitioners should liaise with them about questions of consent.

There will be some circumstances where RSDD will not seek consent from the individual or their family, or inform them that the information will be shared. For example, if doing so would

- Place a person (the individual, family member, yourself or a third party) at increased risk of significant harm if a child, or serious harm if an adult
- Prejudice the prevention, detection or prosecution of a serious crime
- Lead to an unjustified delay in making enquiries about allegations of significant harm to a child, or serious harm to an adult.

#### **See also**

- Safeguarding policy
- GDPR Policy

**SECTION 4: Flowchart of when and how to share information**

