

GDPR and Information Sharing Policy:

Little Oaks Nursery will provide a range of services depending on local need and parental choice. Services offered may not be the same everywhere. Services will cover:

- Information, advice and support to parents
- Referrals to other services, such as Children's Centres
- Referrals to Health Professionals, such as Speech and Language Therapists
- Local authority for funding and eligibility for funding.
- Referrals for child protection and safeguarding concerns.

To provide these functions there will be multi agency involvement and the sharing of information is vital for early intervention to ensure that children and young people with identified needs get access to the services they require. It is also essential to protect children and young people from suffering harm from abuse or neglect and to prevent them from offending. This protocol has been developed in order to support the implementation of the Early Help Assessment (formerly Common Assessment Framework or CAF) and to ensure that government guidelines are followed.

What is information sharing?

Information Sharing should only occur where there is a clear reason for it to happen and legal powers exist that enable agencies involved to do so. The information concerned should be both relevant to and proportional for the purpose concerned. It can take place in a number of ways:

- Disclosure – in which an agency acknowledges that it possesses relevant data. It may make that data accessible to a requesting agency or individual, but retains ownership and responsibility.
- Sharing – in which agencies (usually through establishment of multi-agency teams) pool available data and maintain single, service based records. Ownership and responsibility for the record may also be shared.
- Exchange – in which one agency provides one or more other agencies with relevant data. Ownership and responsibility passes to the new agency, who may add, update or amend the record to meet further requirements.

Each of these approaches needs to be managed appropriately. Failure to do so can create confusion and uncertainty to the front line staff, along with the potential for disproportional/irrelevant exposure of information.

Types of Information

There are three types of information that public sector agencies manage and may share.

The first is **organisational material**: plans, policies, guidelines, and minutes of meetings. This kind of material is generally freely available under the requirements of the Freedom of Information Act, subject to specific exemptions where the material concerned may be considered commercially sensitive or otherwise restricted. An information sharing framework probably does not need to take this kind of material into account as it will be publicly available – although agencies should, and will, be managing the maintenance of and access to this material within their own organisations.

The second type of information is generally **statistical** in nature: aggregated and/or anonymous data, along with general analysis. This type of information is usually disclosed by publication, or exchanged between agencies. Exchange often involves the provision of raw data sets that the receiving agency may combine with other data in order to provide more detailed analysis. This kind of data is generally structured to avoid identification of specific individuals.

If individuals can be identified from the material, then it should be considered as falling within the third category, that of **person – identifiable** information:- any information that may identify a living individual, whether that individual is a service user (i.e. patient, client etc) an employee or any other relevant person; any information that can clearly identify a living individual when combined with any other data: this includes any expressions of opinion about the individual and any indication of the intentions the information partners may have in respect of the individual; aggregate information which may contain information about a group of individuals from which a single individual may be identified.

At the **strategic level**, all agencies will agree a common set of principles, which will underpin the processes by which they share information with each other. This agreement or charter will form an overarching protocol, committing those who sign in to sharing information lawfully and effectively at all levels of their organisation. It defines the general parameters against which all requirements for information sharing will be measured, and outlines the way in which underlying tiers in the model will be managed and monitored. All agencies will sign up to the charter, the principles being ratified and owned at the highest level of their organisations.

The managerial level begins to define a greater level of detail: this will focus on the general purposes for which information is to be shared. These purposes can often be differentiated by the different legal requirements that underpin the power to share. Not all agencies will need to subscribe to all purposes; the involvement required to develop and maintain these protocols will need to include consideration of geography and scope as well as the objectives that they serve. Each group of agencies signing up to a given purpose become a member of an information community – the protocol will then define the type of information to be shared within that community and the purposes for which it can be shared. Any agency can be a member of several communities, but each community has a specific context and objective defined within the relevant protocol. Not all agencies signing the overarching protocol will be members of every information community. Examples of purposes to be covered by these documents might be crime and disorder, social inclusion or protecting the vulnerable.

The operational level consists of detailed specific information sharing agreements between individual agencies within the relevant community. These agreements define the processes by which information will be exchanged, monitored and managed. These agreements identify the routes through which requests for information may be made, the methods of auditing who has had access to what, and the details of the information to be shared. In the event of organisational change, only these detailed agreements would need to be reviewed or amended; where information communities contain several partners who provide the same services but who have different internal structures (e.g. local authorities) these detailed agreements allow for local variation while maintaining the integrity of the information required.

Operational agreements should be owned at the operational level, and be supported by sign up from the relevant unit and team managers responsible for delivering the affected services. They should be reviewed regularly, and monitored for both compliance and performance.

Where data may be provided in anonymous or pre-processed formats, then the agreement should identify any resource costs, fees or other commitments that the participating agencies may have agreed.

If the agreement relates to the operation of an integrated, multi agency team, then it should define the general parameters within which the team concerned will use and manage its information requirements. Further agreements may need to be created, detailing the sharing of that information from within the team with each supporting partner agencies. (NB some statutory multi agency groups, e.g. Youth offending teams may have separate status under the Data Protection Act, and should be treated as a separate agency for information sharing purposes).

The Key Principles for Information Sharing

- Safeguarding and promoting the welfare of a child/young person is the prime consideration in all decision making about information sharing.
- Every proposal to share service user identifiable information between organisations must have a defined and justifiable purpose.
- Any service user identifiable information must be accurate, objective and the minimum information required for the stated purpose.
- Article 8 of the European Convention on Human Rights gives everyone the right to respect family life, home and correspondence.
- Authorities can only interfere with this if they are acting lawfully, are pursuing a legitimate aim, (including protection of health and the rights of others) and the action is no more than is needed. Sometimes this may mean a worker has to balance one individual's right against another's (e.g. a child's right against the parents) or the different rights of the one individual (e.g. a young person's right to privacy against their right to protection).
- Access to service user identifiable information will be restricted to a "need to know" basis.

Key Responsibilities on Information Sharing

We ask all parents to complete a registration form when joining the Nursery. This information is used to identify and monitor key users of the Nursery. The form includes a data protection statement and parents are asked to sign this if they agree for us to share their personal information with other agencies i.e. Leeds City Council.

Once permission has been granted, information about the family is entered onto a secure database which is shared by Leeds City Council. This information is used to ensure funding is allocated to all eligible children who attend nursery.

Information is also gathered on an internal database. This Service user identifiable data is not shared with any other agencies until it has been collated and analysed making it statistical evidence.

We do not share any information with other agencies without written consent by the parent or guardian. The exception to this rule is if we believe that withholding information is putting a child, young person or adult at risk from significant harm or if it would undermine the prevention, detection or prosecution of a serious crime. In this instance we are not obliged to seek consent prior to information being shared. This is in accordance with our Child Protection Statement and policy.

If a member of staff has information which they believe may prevent a child or adult from being harmed or prevent a crime from occurring, they must report to the Nursery manager immediately. The Nursery manager will then continue to follow the local safeguarding procedures in place.

Information will only be shared on a need to know basis. This may differ depending on who is sharing the information and how the information is to be used.

Sharing information in different working environments

We recognise that in order to provide a successful and cohesive service for families within our reach area, it will be necessary to work alongside other agencies. These agencies may have different practices, priorities and responsibilities. However, the key connection between all partner agencies is to safeguard and promote the welfare of the children and young people they have contact.

These agencies may include:

- Schools
- Social Care
- The Local Authority
- OFSTED
- Health Visitors and Midwives
- Speech and Language Therapists, Physiotherapists, education psychologists and other specialist workers
- Other children's Nurseries and child care settings.
- Specialist groups and services e.g. Behind closed doors.

If the need arises to share information with another agency steps will be followed to ensure only the key information is shared. Unless there is risk of significant harm to a child or young person, permission will be sought from the parent or guardian before information sharing takes place.

If a member of staff has concerns about a children welfare or development, they have a responsibility to inform the Nursery manager immediately. If there are concerns over a child's development procedures will be put into place to share these concerns with the parents initially and, if permission is granted a referral will be made to a relevant professional i.e. a speech and language therapist.

Practitioners receive safeguarding training which is updated regularly and addresses the issue of information sharing with management and the need for confidentiality.

Confidentiality procedures are also discussed during the induction process with both staff, students and volunteers.

Information which is not confidential may generally be shared for legitimate purposes of preventative work. Where information is confidential, however, and consent is refused, that should be respected,

unless in the practitioner's professional judgement on the fact of the case, the public interest justifies the sharing of information.

Further information to inform decision making

Before deciding whether to share information the following questions must be taken into consideration

- Is there a legitimate purpose for you or your agency to share this information?
- Does the information enable a person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- If consent is refused, or there are good reasons not to seek consent to share confidential information, is there sufficient public interest to share the information?
- If the decision is to share, are you sharing the information in the right way?
- Have you properly recorded your decision?

In most cases information covered by this guidance will be about a named child or young person. It may also identify others, such as a parents or carer. If the information is anonymised, it can lawfully be shared as long as the purpose is legitimate. If, however, the information does allow a person to be identified, it is subject to data protection law and you must be open about what information you might need to share and why and you must also take account of other relevant laws.

What Constitutes as Consent?

Consent must be informed – this means that the person giving consent needs to understand why information needs to 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 is good practice and can be expressed either orally or in writing. At Little Oaks Nursery we prefer to get written consent before sharing information. Consent can legitimately be implied if the context is such that information sharing is intrinsic to the activity, and especially if it has been explained at the outset, for example when conducting a common assessment.

