



# **SEVERN BANKS PRIMARY SCHOOL**

## **Information Sharing Policy**

**Date of Review: April 2021**

**Date of Next Review: April 2023**

**Signed Chair of Governors:**



# WHERE STARS SHINE

## Information Sharing Policy

### Introduction

Information sharing is key to the Government's goal of delivering better, more efficient public services that are co-ordinated around the needs of the individual. 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.

Severnbanks Primary School is committed to creating and maintaining a safe environment for children and recognises its responsibility to safeguard them from poor practice, abuse and bullying.

### General Principles:

- 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.
- A child is defined as anyone under 18. When decisions are taken to share information, the child's welfare is of paramount importance.
- When sharing information, the Severnbanks School will ensure that they clarify which information they are sharing is factual (to the best of our knowledge) and which is an expression of professional opinion.

### The Seven Golden Rules to Sharing Information from the DfE

1. **Remember that the General Data Protection Regulation (GDPR) Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.**
2. **Be open and honest with the individual (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 from other practitioners, or your information governance lead, if you are in any doubt, without disclosing the identity of the person where possible.**
4. **Where possible share information with consent, and, where possible, respect the wishes of those who do not consent to having their GDPR and Data Protection Act**

2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. **You will need to base your judgements on the facts of the case.** When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.

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 not to share, then record what you have shared, with whom and for what purpose.

### **The General Data Protection Regulation (GDPR) and Data Protection Act 2018**

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998.

Practitioners must have due regard to the relevant data protection principles which allow them to share personal information. The GDPR and Data Protection Act 2018 place greater significance on organisations being transparent and accountable in relation to their use of data. All organisations handling personal data need to have comprehensive and proportionate arrangements for collecting, storing, and sharing information.

The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

### **To effectively share information:**

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal
- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent
- information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.

- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

## **The Principles**

The following principles are intended to help professionals working with children, young people, parents and carers share information between organisations.

**The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child.**

## **Necessary and Proportionate**

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the GDPR and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties.

Information must be proportionate to the need and level of risk.

## **Relevant**

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make informed decisions.

## **Adequate**

Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

## **Accurate**

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

## **Timely**

Information should be shared in a timely fashion to reduce the risk of missed opportunities to offer support and protection to a child. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore place a child or young person at increased risk of harm.

Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

## **Secure**

Wherever possible, information should be shared in an appropriate, secure way.

Practitioners must always follow their organisation's policy on security for handling personal information.

## **Record**

Information sharing decisions should be recorded, whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not

to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some rare circumstances, this may be indefinitely, but if this is the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is unnecessary to do so.

### **When and how to share information**

When asked to share information, you should consider the following questions to help you decide if, and when, to share. If the decision is taken to share, you should consider how best to effectively share the information.

#### **When**

|   |  |
|---|--|
| Is there a clear and legitimate purpose for sharing information?          |  |
| Yes - see next question   | No - do not share                          |
| Do you have consent to share?   |  |
| Yes - you can share but should consider how                               | No - see next question                     |
| Does the information enable an individual to be identified?               |  |
| Yes - see next question   | No - you can share but should consider how |
| Have you identified a lawful reason to share information without consent? |  |
| Yes - you can share but should consider how                               | No - do not share                          |

#### **How**

- Identify how much information to share
- Distinguish fact from opinion
- Ensure that you are giving the right information to the right individual
- Ensure where possible that you are sharing the information securely
- Where possible, be transparent with the individual, informing them that that the information has been shared, as long as doing so does not create or increase the risk of harm to the individual.

All information sharing decisions and reasons must be recorded in line with your organisation or local procedures. If at any stage you are unsure about how or when to share information, you should seek advice on this. You should also ensure that the outcome of the discussion is recorded.

### **Useful resources and external organisations**

- The Information Commissioner's Office (ICO) website <https://ico.org.uk/>
- Practice guidance on sharing adult safeguarding information
- Working Together to Safeguard Children (2018)
- Keeping Children Safe in Education (2016)
- What to do if you're worried a child is being abused (2015)
- Other relevant departmental advice and statutory guidance