

Information Sharing - Guidance for Derbyshire Early Years and Childcare settings

Information and, or data sharing is essential for effective safeguarding and promoting the welfare of children and young people. Information sharing is essential for identifying patterns of behaviour, or circumstances in a child's life that may be evidence that they are at risk of harm or are being harmed and need some form of support or protection.

All practitioners must understand the circumstances in which you can legally retain and share personal information, and that you need to share information to protect vulnerable children. (You may have an information sharing policy which is part of your safeguarding policy, and if so, this should be reviewed regularly with staff).

No practitioner should ever assume that someone else will pass on information about a concern about the safety or wellbeing of a child and they should always follow the setting's safeguarding policy if they have any concerns.

The seven golden rules to sharing information (including personal information):

- 1. All children have a right to be protected from abuse and neglect. Protecting a child from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them.** The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) provide a framework to support information sharing where practitioners have reason to believe failure to share information may result in the child being at risk of harm.
- 2. When you have a safeguarding concern, wherever it is practicable and safe to do so, engage with the child and, or their carer(s), and explain who you intend to share information with, what information you will be sharing and why.** You are not required to inform them, if you have reason to believe that doing so may put the child at increased risk of harm (e.g., because their carer(s) may harm the child, or react violently to anyone seeking to intervene, or because the child might withhold information or withdraw from services).
- 3. You do not need consent to share personal information about a child and, or members of their family if a child is at risk, or there is a perceived risk of harm.** You need a lawful basis to share information under data protection law, but when you intend to share information as part of action to safeguard a child at possible risk of harm, consent may not be an appropriate basis for sharing. It is good practice to ensure transparency about your decisions and seek to work cooperatively with a child and their carer(s) wherever possible.
- 4. Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case.** Do not leave a child at risk of harm because you have concerns you might be criticised for sharing information. Instead, find out who in your organisation can provide advice about what information to share and with whom. This may be your

manager or supervisor, the designated safeguarding children professional, the data protection or information governance lead (e.g., Data Protection Officer), Caldicott Guardian, or relevant policy or legal team. If you work for a small charity or voluntary organisation, follow the NSPCC's safeguarding guidance.

5. **When sharing information, ensure you and the person or agency or organisation that receives the information take steps to protect the identities of any individuals (e.g., the child, a carer, a neighbour, or a colleague) who might suffer harm if their details became known to an abuser or one of their associates.**
6. **Only share relevant and accurate information with individuals or agencies or organisations that have a role in safeguarding the child and, or providing their family with support, and only share the information they need to support the provision of their services.** Sharing information with a third party rarely requires you to share an entire record or case-file – you must only share information that is necessary, proportionate for the intended purpose, relevant, adequate and accurate.
7. **Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information.** When another practitioner or organisation requests information from you, and you decide not to share it, be prepared to explain why you chose not to do so. Be willing to reconsider your decision if the requestor shares new information that might cause you to regard information you hold in a new light. When recording any decision, clearly set out the rationale and be prepared to explain your reasons if you are asked.

When and how to share information

The General Data Protection Requirements (GDPR) 2018

The EU-wide legislation determines how people's personal data is processed and kept safe, and the legal rights individuals have in relation to their own data. It provides a framework to ensure that personal information about a living individual is shared appropriately and within the law. Most early years settings should be registered with the ICO.

Any concern regarding confidentiality must never be used as a justification for withholding information when it would be in the child's best interest to share it.

The GDPR 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent. Information can also 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.

The sharing of personal information must be necessary, fair and proportionate, only sharing the personal information that is adequate, relevant and limited to what is necessary to protect a child from harm.

Please also read the DfE document Information Sharing - [Information sharing advice for safeguarding practitioners - GOV.UK](#)

A Data Sharing Agreement (DSA)

It is good practice for agencies or organisations to have in place DSA with agencies or organisations with which they will be sharing information regularly. DSAs are also known as information sharing agreements (ISAs) or protocols. The DSA provides a framework to help you meet the requirements of the data protection principles. It usually covers:

- who you are sharing information with
- what the purpose and reason for sharing the data is
- contact details for the data protection officer of the organisation involved in the data sharing
- whether you are sharing data with another controller of data
- what types of data you are intending to share (data specification)
- what is the lawful basis for sharing
- is there any special category data, sensitive data or criminal offence data?
- procedures for compliance with access and individual rights
- information governance arrangements
- further details including key legislation and other legal provisions, and consent forms for data sharing

You should review your data sharing arrangements on a regular basis; and particularly when a change in circumstances or in the rationale for the data sharing arises. You should update your data sharing agreement to reflect any changes. If there is a significant complaint, or a security breach, this should be a trigger for you to review the arrangement.

Where to report concerns about a child's safety

If a practitioner has concerns about a child's safety, they should share the information with local authority children's services in line with local procedures. Concerns about any child, including children who may already have a social worker, should be shared. Every organisation or agency should have clear guidance on how and when to do this. Reporting concerns through a multi-agency referral for social care intervention may not always be the most suitable course of action.

Security of information must always be considered and should be proportionate to the sensitivity of the information being shared and the circumstances of the concern.

See Derbyshire County Council's Information Sharing Agreement, between the local authority and Derbyshire schools and academies (published on Derbyshire SchoolsNet).

Useful resources and advice

Multi-agency public protection arrangements (MAPPA): Guidance (GOV.UK)

Children missing education (GOV.UK)

The Information Commissioner's Office (ICO) website

National Police Chief's Council (NPCC) Data sharing- share with confidence guidance 2023

Safeguarding Data Sharing Agreement (DSA)

ICO Data Sharing Hub

ICO Data sharing code of practice

ICO Guide to Data Protection

ICO Guidance: Children and the UK GDPR

Working Together to Safeguard Children 2024 (GOV.UK)

Keeping children safe in education (GOV.UK)

Eight Caldicott Principles (GOV.UK)

The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018 (Legislation.gov.uk)

The Non-Maintained Special Schools (England) regulations 2015 (GOV.UK)

Information regarding GDPR (2018)

- Childcare Organisations and insurance companies such as Coram PACEY, Morton Mitchel, Childcare.co.uk, NDNA, PSLA etc. have all issued guidance on GDPR and provide legal advice. We also have provided guidance on the Derbyshire SchoolsNet website.
- Data protection Toolkit - The Department for Education has issued a Data Protection toolkit for schools. This toolkit is to help schools develop policies and processes for data management, from collecting and handling the data through to the ability to respond quickly and appropriately to data breaches. General Safeguarding information and guidance
- What to do if you're worried a child is being abused (2015) (GOV.UK)
- Derby and Derbyshire Safeguarding Children Partnership (DDSCP)