

Safeguarding and Welfare Requirement: Information and Records

Information Sharing

Policy statement

Our setting recognises that families have the right to expect that personal information shared with us will be treated confidentially and used appropriately. At the same time, we have a legal duty to share information when necessary to safeguard children, prevent harm, or ensure their right to high-quality early education.

We share, store, and process information in line with:

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Human Rights Act 1998
- EYFS Statutory Framework (2024)
- Working Together to Safeguard Children (2023/24)
- Bromley Safeguarding Children Partnership (BSCP) guidance
- Ofsted expectations for 2025

Parents receive a Privacy Notice at registration which explains how personal data is used, stored, and shared.

Principles of Data Processing (UK GDPR)

We follow the six principles of UK GDPR, ensuring personal data is:

1. Lawful, fair, and transparent.
2. Collected for clear, explicit and legitimate purposes.
3. Adequate, relevant, and limited to what is necessary.
4. Accurate and up to date.
5. Kept for no longer than necessary, in line with retention schedules.
6. Handled securely, with appropriate technical and organisational safeguards.

When We Must Share Information Without Consent

We are obliged to share confidential information without consent when, in our professional judgement, it is in the public interest to do so, including when:

- a child or adult may be at risk of significant harm;
- a crime may have been or may be committed;
- failure to share could put someone at greater risk;
- there is a legal requirement, court order, or statutory obligation.

These decisions are never made by a single member of staff. They are supported by the Designated Safeguarding Lead (DSL) and senior leadership.

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Information Sharing Procedures

Our procedures follow:

- UK GDPR
- the seven golden rules of information sharing (HM Government)
- Bromley Safeguarding Children Partnership (BSCP) guidance

Being Open and Honest

We ensure parents/carers:

- receive our Privacy Notice and Information Sharing Policy at registration;
- understand when information may be shared and why;
- are informed of the circumstances when consent is not required, particularly safeguarding;
- are provided with our Safeguarding and Child Protection Policy and information on SEND, transition, and external support services.

We explain what information may be shared, with whom, and for what purpose unless doing so would place a child at risk.

Seeking Advice

If staff are unsure about sharing information:

- they consult the DSL and/or senior leadership;
- they may seek advice from Bromley Early Years Safeguarding, without disclosing a child's identity where possible;
- we follow the referral guidance in our Safeguarding and Child Protection Policy.

All advice and decisions are recorded.

Sharing with or Without Consent

We share information with consent where possible and appropriate.

However, we may share without consent if:

- a child is, or may be, at risk of abuse or neglect;
- a crime may be prevented or detected;
- obtaining consent could place someone at risk;
- consent has been refused but there is sufficient public-interest justification.

All decisions are:

- based on professional judgement,
- proportionate and necessary,
- clearly recorded with reasons,
- overseen by the DSL/Manager.

Considering Safety and Well-Being

Decisions are always made with the child's safety, welfare and rights at the forefront. Staff must:

- record concerns promptly;
- discuss concerns with the DSL;

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- record reasons for sharing or not sharing information;
- follow reporting pathways exactly as set out in our Safeguarding and Child Protection Policy.

Ensuring Information Is Necessary, Proportionate and Secure

We ensure that information shared is:

- relevant and limited to what is required;
- accurate and up to date;
- shared only with individuals or agencies who need to know;
- transferred securely (encrypted email, secure portals, or sealed documents).

Our Children's Records Policy outlines how information is recorded, stored, and retained.

Recording Decisions

In every instance we record:

- what was shared / not shared;
- with whom;
- why the decision was made;
- the advice obtained and by whom;
- any follow-up actions.

These records are stored confidentially as part of the child's safeguarding file.

Consent

How We Manage Consent

We inform parents that:

- we normally seek their consent before sharing information;
- consent can be written, verbal, or implied depending on context;
- consent can be withdrawn at any time;
- there are circumstances where we must override consent to safeguard a child.

Parents provide written consent for:

- sharing SEND information,
- transitioning information to schools/next settings,
- multi-agency support where appropriate.

Parents receive copies of any consent forms they sign.

- Assessing the Need to Share

We consider:

1. Is there a legitimate purpose for sharing?
2. Is the information personal/confidential?
3. Do we have consent where required?
4. Is there a statutory duty or court order requiring sharing?

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5. Is there sufficient public interest to share without consent?
6. Are we sharing the right information, in the right way?
7. Have we recorded the decision accurately?

Separated Parents

- Consent needs normally to be obtained from one parent, usually the parent the child lives with.
- Where parents disagree, the child's safety and well-being remain paramount.
- For looked-after children, we also consult the Local Authority as the corporate parent.

Safeguarding Priority

All actions and procedures in this policy are subject to our overriding duty to safeguard and promote the welfare of children.

See also: Safeguarding and Child Protection Policy.

Legal Framework

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Human Rights Act 1998
- Children Act 1989 & 2004
- Working Together to Safeguard Children (2023/24)
- EYFS Statutory Framework (2024)

Further Guidance

- Information Sharing: Advice for Practitioners (HM Gov.)
- What to Do If You're Worried a Child Is Being Abused (HM Gov.)
- Working Together to Safeguard Children (HM Gov.)
- London Borough of Bromley Safeguarding Children Partnership Procedures