

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 for group and school-based providers (effective 1 September 2026)
 - Working Together to Safeguard Children (2026)
 - Bromley Safeguarding Children Partnership (BSCP) guidance
 - Current Ofsted early years requirements and inspection arrangements (September 2026)
- Parents receive a Privacy Notice at registration which explains how personal data is used, stored, and shared.

This policy has been reviewed against the EYFS statutory framework effective 1 September 2026, Working Together to Safeguard Children 2026, the Data (Use and Access) Act 2025, current UK GDPR/Data Protection Act 2018 requirements, and current Bromley Safeguarding Children Partnership procedures.

The Children's Wellbeing and Schools Act 2026 introduces a new statutory information-sharing duty for relevant safeguarding organisations. Government material states that the duty is due to commence on 30 September 2026. Until commencement, the setting follows the law and statutory guidance currently in force; from commencement, it will apply the new duty and final statutory guidance to the extent that the setting and its practitioners fall within scope. The policy will be reviewed promptly when the final guidance is published or the duty commences.

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.

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6. Handled securely, with appropriate technical and organisational safeguards.

When We Must Share Information Without Consent

Safeguarding information sharing is not limited to situations where significant harm is already established. Working Together 2026 expects practitioners to be proactive in sharing information as early as possible to identify emerging need, assess risk, provide help and protect children. Information about adults connected to a child may also need to be shared where it affects the child's safety or welfare.

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.

Where practicable, staff consult the Designated Safeguarding Lead (DSL) or Manager.

However, consultation must never delay necessary or urgent information sharing to safeguard a child. Any member of staff may share relevant information where this is necessary and lawful, and must record the decision and inform the DSL as soon as possible.

Information Sharing Procedures

Our procedures follow:

- UK GDPR
- current Department for Education information-sharing guidance and Working Together to Safeguard Children 2026
- 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

Staff must not assume that data protection law prevents safeguarding information sharing. UK GDPR and the Data Protection Act 2018 provide a framework for lawful sharing. The safety and

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welfare of the child is the primary consideration, alongside necessity, proportionality and secure handling.

If staff are unsure about sharing information:

- they consult the DSL and/or senior leadership;
- they may seek advice from the DSL/Manager, BSCP, Bromley Children and Families Hub or the setting's data-protection adviser, using anonymised information where appropriate;
- we follow the referral guidance in our Safeguarding and Child Protection Policy.

All advice and decisions are recorded.

Sharing with or Without Consent

Consent is one possible lawful basis for sharing, but it is not always required and should not be treated as the default basis for safeguarding information sharing. Staff identify and record the appropriate lawful basis under UK GDPR/Data Protection Act 2018 and any relevant safeguarding power or duty.

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 where practicable, without delaying urgent safeguarding action.

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;
- 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

Before sharing, staff consider the purpose, lawful basis, recipient, minimum information required, accuracy, urgency and safest practical method. After sharing, they record what was shared, why, with whom, when, and any follow-up required. Where a decision is made not to share, the reasons are also recorded and kept under review.

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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 using an appropriately secure method, such as an approved secure portal, secure/encrypted email where appropriate, or securely handled paper records.

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

Recording Decisions

Records should distinguish fact, professional opinion and information supplied by another person or agency. Safeguarding records are kept sufficiently clear and contextual to allow another authorised practitioner to understand the concern, decision-making and action taken.

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

Consent and lawful basis

For safeguarding purposes, staff do not seek consent where doing so could place a child or another person at increased risk, prejudice the prevention/detection of crime, cause unjustified delay, or undermine a safeguarding response. Where parents are not informed about sharing, the reason is recorded.

How We Manage Consent

We inform parents that:

- we normally seek their consent before sharing information;
- where consent is relied upon, it must be informed, specific, freely given and capable of being evidenced;
- withdrawal of consent does not prevent sharing where another lawful basis, safeguarding duty or legal requirement applies;
- there are circumstances where we must override consent to safeguard a child.

Where consent is the appropriate basis, the setting records it clearly. SEND, transition and multi-agency information may also be shared without consent where another lawful basis or safeguarding duty applies; staff do not allow uncertainty about consent to prevent necessary safeguarding information sharing.

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- sharing SEND information where consent is the appropriate basis, while recognising that another lawful basis may apply;
- sharing transition information lawfully and securely, including essential safeguarding information where required;
- multi-agency support where appropriate, without allowing uncertainty about consent to delay necessary safeguarding action.

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?
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

Court orders, domestic abuse, coercive control and risks arising from family conflict are considered before disclosing addresses, contact details or other information that could increase risk. Staff seek safeguarding or legal advice where necessary.

- Parental responsibility, court orders and restrictions on disclosure are checked where relevant. Information is not automatically withheld from, or disclosed to, a parent solely because parents are separated.
- Where parents disagree, staff seek management, safeguarding or legal advice where needed and prioritise the child's safety and welfare.
- For looked-after children, information is shared in accordance with the child's care arrangements, parental responsibility and the local authority's statutory role.

Safeguarding Priority

Bromley safeguarding route

Where information indicates that a child may need help or protection, staff follow the setting's Safeguarding and Child Protection Policy and current Bromley referral pathway. The Bromley Children and Families Hub can be contacted on 020 8461 7373 / 7379 during office hours, with out-of-hours emergencies through 0300 303 8671. Call 999 where there is immediate danger. Current BSCP procedures and the London Safeguarding Children Procedures must be followed. All actions and procedures in this policy are subject to our overriding duty to safeguard and promote the welfare of children.

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See also: Safeguarding and Child Protection Policy.

Legal Framework

- Data (Use and Access) Act 2025
- Children's Wellbeing and Schools Act 2026 - information-sharing provisions (commencement/final statutory guidance to be applied when in force)
 - UK General Data Protection Regulation (UK GDPR)
 - Data Protection Act 2018
 - Human Rights Act 1998
 - Children Act 1989 & 2004
 - Working Together to Safeguard Children (2026)
 - EYFS Statutory Framework for group and school-based providers (effective 1 September 2026)

Further Guidance

- Working Together to Safeguard Children 2026
- ICO guidance on data sharing, lawful bases and children's information
- BSCP current policies/procedures and London Safeguarding Children Procedures
Policy updated: September 2026. Review: September 2027, or sooner following statutory/guidance changes, a serious incident, learning review or material change in local procedures.
 - Current Department for Education information-sharing guidance for safeguarding practitioners (and the forthcoming statutory Information Sharing Duty guidance when it takes effect)
 - Current GOV.UK guidance on responding to concerns that a child is being abused or neglected
 - Working Together to Safeguard Children 2026 (DfE)
 - Bromley Safeguarding Children Partnership (BSCP) policies and procedures and the current London Safeguarding Children Procedures