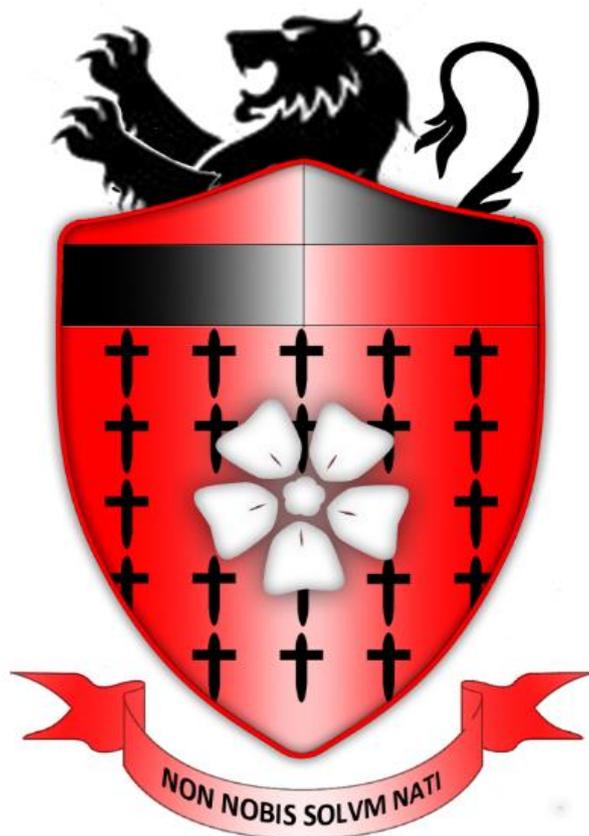


Hornsea School & Language College



Information Sharing Policy

Created by:	Kay Sullivan	
Date Created:	October 2009	
Approved by:	Headteacher: 08.11.17	Governing Body: 08.11.17
Last Reviewed:	Date: August 2017	By: Kay Sullivan
Date of Next Review:	November 2018	

Information Sharing Policy

Introduction

The aim of this policy is to support good practice in information sharing by clarifying how and when information can and should be shared in line with legal and professional obligations. This policy is informed by and based upon the following key documents -

- Information Sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers (DfE March 2015)
- Keeping Children Safe in Education (May 2016)
- Working together to Safeguard Children (March 2015)
- Education and Skills Act 2008
- Education Act 2002
- Children Act 2004
- Data Protection Act 1998
- East Riding Safeguarding Children Board Procedures and Guidance

Information sharing is vital to safeguarding and promoting the welfare of children and young people. A key factor identified in many serious case reviews (SCRs) has been a failure by practitioners to record information, to share it, to understand its significance and then take appropriate action.

At Hornsea School and Language College, we fully accept our responsibility to share information in an appropriate and timely fashion as part of our commitment to safeguarding and ensuring the well-being of pupils. Information sharing, with parents, partner agencies, pupils and staff is a not only a priority, but a key means of ensuring integrated working across services, intervening early to provide support, achieving the 'Help Children Achieve More' agenda (formerly Every Child Matters) and preventing any problems escalating. As such, it is rooted in the 'inclusive' approach to education and pupil well-being that characterises the school community.

In the first instance and wherever possible, school will always seek to consult and obtain appropriate permission for sharing any information or making referrals to partner agencies. Great care is taken within school to ensure that any information shared amongst staff is with consent, is appropriate / proportionate and on a 'need to know' basis, sufficient to facilitate necessary support.

Please also refer to the school Child Protection Policy and Procedures for additional information on the approach to consent and information sharing in the event of safeguarding concerns. Decisions made in relation to any sharing of information will be fully documented as will the reasons for any such decision making and advice received (e.g. Police and Children's Social care)

Aim

This policy is in place to ensure that all members of staff working on the school site are clear about sharing of information and the levels of confidentiality that they can offer to the school community and expect themselves.

The policy was developed following recommendations contained in the documents noted above that encourage the development of a clear policy framework and guidance for practice. The policy is also good practice because:

- A clear, explicit and well publicised Information Sharing policy ensures good practice throughout the school which staff, (including professionals from external agencies), parents/carers and pupils can easily understand. The school needs to be clear about the

boundaries of respective legal and professional roles and responsibilities e.g. Child Protection/safeguarding procedures. Different professionals can offer varying levels of confidentiality in different circumstances and depending upon agency setting (e.g. Health). Sometimes parents/carers and families may wish to disclose information confidentially to the school. The school needs to be clear about its position with regard to limitations and obligations.

Who does the policy apply to?

- All teaching and non-teaching staff employed by the school.
- All visiting staff working with young people on the school site during the school day.
- Depending on their contractual arrangements, staff from external agencies delivering services on the school site

All school staff members: Confidentiality and pupils

NB This applies to both teaching and non teaching members of staff, visiting staff and outside agencies

- We recognise that there are occasions when pupils are worried about something and feel that they cannot talk about it to their parents/carers. This can result in enormous stress for the individual which may impact on their education and health. Some pupils may feel that they can turn to teachers and other staff members for support and we want to be as helpful as we can whilst recognising that there may be some potential difficulties in being supportive.
- When talking with pupils, it is important to be aware of maintaining professional boundaries. Whilst being supportive, distancing techniques should be used when appropriate and pupils encouraged or supported to access the targeted support services offered on the school site by school based professionals or agency partners
- **Unconditional confidentiality cannot be offered when a pupil first begins to talk about something where confidentiality may become an issue.**
- Pupils should be warned that if there is a child protection/safeguarding issue where the pupil, or others, are likely to be at risk of significant harm, staff **are under a duty to inform the School's Child Protection Coordinator (Chris Hamling) who may have to involve other agencies.** Please refer to the school's Child Protection Policy and procedures/ for further advice on this aspect). It is important that each member of staff deals with this sensitively and explains to the pupil that they must inform the appropriate people who can help the child, but that they will only tell those who need to know in order to help.
- In all cases where it is felt that confidentiality with the pupil has to be broken, the pupil must be informed, (unless there is a good reason not to inform them e.g. risk of harm) and reassured that their best interests will be maintained.
- In talking with pupils, staff should explore whether or not the student can discuss their difficulty with their parents/carers support in doing this should be offered where appropriate.
- Pupils should be made aware of the specialist targeted services that are available on the school site or in the school community e.g. School Nurse, Youth and Family Support service and GP.

The seven golden rules to sharing information:

1. Remember that the Data Protection Act 1998 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 if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.

4. Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that any 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 individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, 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 individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles)
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The Principles

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Practitioners should use their judgement when making decisions on what information to share and when you should follow organisation procedures or consult with their manager if in doubt. The most important consideration is whether sharing information is likely to safeguard and protect a child.

1. Necessary and proportionate: When taking decisions about what information to share, you should consider how much information you need to release. The Data Protection Act 1998 requires you to consider the impact of disclosing information on the information subject and any third parties. Any information shared must be proportionate to the need and level of risk.
2. 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 sound decisions.
3. Adequate: Information should be adequate for its purpose.

Legislative framework

Keeping Children Safe in Education (May 2016) states 'Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.'

No single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action'.

Inter agency Working

As stated in section 59 of Keeping Children Safe in Education (May 2016) 'Governing bodies and proprietors should ensure that school or college contributes to inter-agency working in line with statutory guidance Working Together to Safeguard children. Schools and colleges should work with social care, the police, health service and other services to promote the welfare of children and protect them from harm. This includes providing a co-ordinated offer of early help when additional needs to children are identified and contributing to inter-agency plans to provide additional support to children subject to children protection plans. All schools and colleges should allow access for children's social care from the host local authority and, where appropriate, from a

placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.

Governing bodies and proprietors of all schools and colleges should ensure that their safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the LSCB. This should include understanding and reflecting local protocols for assessment and the LSCBs threshold document along with supplying information as requested by the LSCB.

As part of meeting a child's needs it is important for governing bodies and proprietors to recognise the importance of information sharing between professionals and local agencies.

Key organisations who have a duty under section 11 of the Children Act 2004 to have arrangements in place to safeguard and promote the welfare of children are:

- The local authority
- NHS England
- Clinical, commissioning groups
- NHS Trusts, NHS Foundation Trusts
- The local policing body
- British Transport Police Authority
- Prisons
- National Probation Service and Community Rehabilitation Companies
- Youth Offending Teams
- Bodies within the education and/or voluntary sectors, and any individual to the extent that they are providing services in pursuance of section 74 of the Education and Skills Act 2008

There are also a number of other similar duties which apply to other organisations. For example, section 175 of the Education Act 2002 which applies to local authority education functions and to governing bodies of maintained schools and further education institutions, and section 55 of the Borders, Citizenships and Immigration Act 2009 which applies to the immigration, asylum, nationality and customs functions of the Secretary of State (in practice discharged by UK Visas and Immigration, Immigration Enforcement and the Border Force, which are part of the Home Office.

Where there are concerns about the safety of a child, the sharing of information in a timely and effective manner between organisations can reduce the risk of harm. Whilst the Data Protection Act 1998 place duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm. Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

Although inter-agency working and information sharing are vital in identifying and tackling all forms of abuse, it is clear they are especially important to identify and prevent child sexual exploitation.

All organisations should have arrangements in place which set out clearly the processes and the principles for sharing information internally. In addition, these arrangements should cover sharing information with other organisations and practitioners, including third party providers to which local authorities have chosen to delegate children's social care functions, and the Local Safeguarding Children Board. One approach to aid effective information sharing is the use of Multi-Agency Safeguarding Hubs, where teams may be co-located physically or locally. In these settings, it is important that accountability is defined to ensure that teams know who is responsible for making decisions and that actions taken are in the best interest of the child.

Every LSCB should play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing. This should include ensuring that a culture of appropriate information sharing is developed and supported as necessary by multi-agency training.

In addition, the LSCB can require an individual or body to comply with a request for information, as outlined in section 14B of the Children Act 2004. This can only take place when the information requested is for the purpose of enabling or assisting the LSCB to perform its functions. Any request for information about individuals should be necessary and proportionate to the reason for the request. LSCBs should be mindful of the burden of requests and should explain why the information is needed.

The above guidance and directive is reinforced further in Working Together to Safeguard Children (March 2015), stating 'Effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision.

Early sharing of information is the key to providing effective early help where there are emerging problems. At the other end of the continuum, sharing information can be essential to put in place effective child protection services. Serious case reviews (SCRs) have shown how poor information sharing has contributed to the deaths or serious injuries of children.

Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children. To ensure effective safeguarding arrangements:

- All organisations should have arrangements in place which set out clearly the processes and the principles for sharing information between each other, with other professionals and with the LSCB; and
- No professional should assume that someone else will pass on information which they think may be critical to keeping a child safe. If a professional has concerns about a child's welfare and believes that they are suffering or likely to suffer harm, they should share the information with local authority children's social care.

The school nurse and school based health service: Confidentiality and pupils

The government has recognised that for some young people, unless they are able to speak to someone confidentially away from their family, their health and well-being can be at great risk.

Health services (including doctors, our school nurse and health drop-in) can offer confidential health services (including contraception) to pupils under the age of 16 providing they follow the established guidance and protocols in relation to Fraser Guidelines which require:

- The young person understands the advice and has sufficient maturity to appreciate what is involved in terms of moral, legal, social and emotional implications for themselves.
- They cannot be persuaded to tell their parents/carers, or allow them to be informed.
- (If appropriate) they are likely to begin or continue having sex.
- The young person's physical or mental health is likely to suffer unless they receive advice or treatment.
- It is in the young person's best interests to give advice or treatment.

The requirement to offer a confidential service is within the professional Code of Practice for school nurses and other health service staff. The government has also signed up to international legislation and charters which entitle young people to access health services. However, health professionals like everyone else, must inform appropriate services if they become aware of a child protection/ safeguarding issue in discussions with a young person.

NB Onsite services are requested to be very clear in their publicity about the levels of confidentiality offered e.g. Youth and Family Support Service or school based health service will be able to offer more confidentiality than will be offered by school staff.