

SAFEGUARDING

INFORMATION SHARING POLICY

I. GENERAL

- I.1. It is important to ensure a learner understands that their personal information will be treated respectfully and confidentially.
- I.2. This provides a safe space for them to be open and honest with the people working with them. Establishing this form of trust is fundamental for the provision of safe and effective care. But when working with learners, particularly young people and vulnerable adults, it's important to keep in mind two essential factors:
 - I.2.1. Timely information sharing is key to safeguarding and promoting the welfare of our learners. It enables intervention that crucially tackles problems at an early stage
 - I.2.2. If a young person or a vulnerable adult and is at risk or suffering significant harm, the law supports you to share information without consent
- I.3. Key organisations who have a duty under section 11 of the Education Act 2004 to have arrangements in place to safeguard and promote the welfare of learners are:
 - I.3.1. the local authority
 - I.3.2. NHS England
 - I.3.3. clinical commissioning groups
 - I.3.4. NHS Trusts, NHS Foundation Trusts
 - I.3.5. the local policing bodies
 - I.3.6. British Transport Police Authority
 - I.3.7. Prisons
 - I.3.8. National Probation Service and Community Rehabilitation Companies;
 - I.3.9. All 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, and FE Revision 2017

2. PROCEDURES

- 2.1. Our procedure is based on the seven golden rules for information sharing:
 - 2.1.1. Remember that the 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.
 - 2.1.2. 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.
 - 2.1.3. 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.

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- 2.1.4. 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 an individual might not expect information to be shared.
- 2.1.5. 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.
- 2.1.6. Necessary, proportionate, relevant, adequate, 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 individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
- 2.1.7. 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.

3. CONSENT

- 3.1. You can get consent either verbally or in writing although it's better to get written consent. This is to avoid any future dispute. A person can withdraw consent at any time.
- 3.2. Tell them who will see the information and what they will use it for. It's important to respect the wishes of a learner who does not consent to share confidential information.
- 3.3. If you are not given consent to share information, you may still lawfully go ahead if it can be justified to be in the public interest. For example, to:
 - 3.3.1. protect learners from significant harm
 - 3.3.2. promote the welfare of learners. Always think of the safety and wellbeing of the learner first. Always act within the guidelines of your professional code of practice.

4. THE PRINCIPLES OF SHARING INFORMATION

- 4.1. **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.
- 4.2. **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.
- 4.3. **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.
- 4.4. **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.
- 4.5. **Timely** Information should be shared in a timely fashion to reduce the risk of harm. 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 harm to a learner. Staff should

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

- 4.6. **Secure** Wherever possible, information should be shared in an appropriate, secure way. Staff must always follow MRG Services UK Ltd policy on security for handling personal information.
- 4.7. **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.

5. SEEKING ADVICE

- 5.1. We seek advice if we are in any doubt, without disclosing the identity of the person where possible.
- 5.2. Our staff discuss concerns about a learner routinely during review and any actions are recorded on the learners file.
- 5.3. The Safeguarding Lead is available for staff for advice regarding Information Sharing and concerns.

6. TRANSFER OF RECORDS TO ANOTHER ESTABLISHMENT

- 6.1. When learners leave MRG Services UK Ltd to move to another education provider, we share appropriate information with the receiving establishment at transfer.
- 6.2. Confidential records are shared where there have been safeguarding concerns according to the process required by our Local Safeguarding Children and Adult Boards.
- 6.3. The procedure guides this process and determines what information we can and cannot share with a receiving establishment.

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