

Warwickshire County Council (WCC) Information Sharing

10 Key Principles

A. Context

All practitioners must have due regard for the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, these are outlined in the Government guidance “Information sharing” produced in 2018 which outlines advice for practitioners providing safeguarding services to children, young people, parents and carers

[\(Information sharing advice practitioners safeguarding services.pdf\)](#).

Information sharing is essential for effective safeguarding and planning for support for all children and young people. See page 13 of the Information Sharing Advice to Practitioners document which addresses some of the key Myths around information sharing e.g.

The GDPR and Data Protection Act 2018 are barriers to sharing information

No – the GDPR and Data Protection Act 2018 do not prohibit the collection and sharing of personal information. They provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them. Never assume sharing is prohibited – it is essential to consider this balance in every case. You should always keep a record of what you have shared.

In February 2021 a series of senior colleagues from across WCC which included Local Authority (LA) Education and Social Services, Early Years Providers, Schools, Colleges and Academies convened to co-produce this protocol and establish best practice in relation to information sharing.

The following key principles were agreed to ensure effective sharing of information in a timely manner working within the legal frameworks.

B. Key Principles

Principle 1

Information received by a school should not be used to refuse or delay the admissions of any child or young person (CYP) as this would be an unlawful act unless in accordance with the Admissions Code. Similarly, lack of potentially relevant information would not justify delaying an admission to the school. Information should be used to plan the support for CYP on arrival to the school. See principle 4 & 6 for outline of what information should be prepared for sharing.

Information that is received should be used to plan the support for a child on arrival.

For Early Years Providers or Schools it will be useful to cross reference the information given to the previous provider, with that which is collected by the new provider.

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Principle 2

In the event of phase transfers and in year transfers (for example between primary school and secondary school, from a nursery to a reception class or in the case of 'in-year' transfers, where a child moves from one setting to another, no Early Years Provider/school/academy should remove a child or young person (CYP) from their roll until such time the CYP has been taken on roll at a new Early Years Provider/maintained school/academy. This should occur regardless of location of the new school. Once the CYP has been taken on roll all common transfer files should be transferred within **15 days** of that enrolment for primary and secondary settings or in the case of Early Years providers within **3 days** of that enrolment.

For any children who have left a school but have not been registered at a new setting, deletions from the roll must only take place where allowed by the Education (Pupil Registration) (England) Regulations 2006.

If the **child is not going to be attending a different early years provision**, then the child may be removed from the current organisation's registers. However, any relevant information must be retained by the organisation in line with the statutory framework for the Early Years Foundation Stage (2021) and Working Together to Safeguard Children (2018), or in line with any updated versions, or new documentation.

If a current Provider knows that the child is likely to be attending early years education, elsewhere, but does not know where the child is transferring to, please email eyfunding@warwickshire.gov.uk to notify the LA. If the child begins to claim funding at a new organisation, the LA will then contact the Provider to ensure that records can be transferred.

Attendance at Early Years Education is not compulsory prior to 'Compulsory School Age', providers do not have an automatic right to know parents' plans. However, if you are concerned about a child's safety or well-being the Early Years Child Missing in Education Policy can be used.

The information sharing process is concerned with safeguarding and ensuring the transfer of records from one organisation to another. It is not a facility for providers to seek to determine the location of the new provider to pursue business related matters such as unpaid childcare fees.

For children in receipt of early education funding the process is as follows:

1. Child no longer attends the early education provider and there is no information about why the child is absent or may have left the setting.
2. Please follow the child missing in early education procedures. See Appendix 4
3. Please notify eyfunding@warwickshire.gov.uk The EY funding Team will check to see if the child is in receipt of early education funding.
4. If a child is receiving early education funding at a new early education provider:
 - The Early Years Funding team will ask the new early education provider to check with parent /carer to see if they can contact the previous setting to arrange transfer of records. If the parent/carers agrees the new early education provider will arrange transfer of information.

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- If the parent/carer says no, the new early education provider will contact the Early Years Funding team who will act as an intermediary to transfer information.

For children who are not in receipt of early education funding the process is as follows.

1. Child no longer attends the early education provider and there is no information about why the child is absent or may have left the setting.
2. Please follow the child missing in early education procedures (Appendix 4)

Principle 3 (does not apply to Early Year Providers)

In the event of a CYP leaving a school due to a permanent exclusion, managed move or referral to alternative provision all WCC schools/academies and providers will ensure that a suitably senior staff member of staff (a member of SLT) will comprehensively complete the WCC “Learner Information Form” (LIF) and sign to signify that all the information shared in the LIF is accurate.

The LA will use the LIF to prepare referrals for the Fair Access Protocol (FAP) and Assessment Gateway.

Principle 4

In Warwickshire, Schools, Academies, Alternative Provision and Early Years Providers will use the appropriate form to support referrals (for managed moves, permanent exclusions, Fair Access protocol, early years transfers).

All providers are requested to complete the ‘**Learner Information Form (LIF)**’ attached as Appendix 1 to 3, in line with your sector, for example:

Primary Schools referrals for managed moves, permanent exclusions, fair access protocol admissions – Primary Learner Information Form used. See Appendix 1.

Secondary School referrals for managed moves, permanent exclusions, fair access protocol admissions – Secondary Learner Information Form used. See Appendix 2.

- Early Year provider transfers – Early Years Learner Information Form. See Appendix 3.

The LIF is designed to share all key information in compliance with data protection rules.

The appropriate LIF should be completed comprehensively by a suitably senior member of staff (a member of SLT / the key person) and signed, to signify that all the information shared in the LIF is accurate to the best of the setting’s knowledge.

Principle 5

In the event of a situation whereby there is a police investigation ongoing and professionals are not allowed to share details, we would expect that the SLT member would state that there is an ongoing police investigation in the “Relevant personal or home circumstances” section of the

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primary and secondary school LIF and in the “*any additional comments to support this Learner Information Form*” for Early Years, without breaching confidentiality. For example: ‘*ongoing police investigation since XX/XX/XX*’.

Principle 6:

All relevant **additional files** that supplement the LIF will be transferred within **5 working days** of notification to the new school/ early years provider once the new educational provision has been identified.

In relation to CYP starting in reception, **Early Years providers** will be required to transfer all additional files at least **5 days prior to** the child starting in reception

Additional files should include, where applicable:

- Learner Information form
- Learner Passport Learning journal
- CPOMS/ Child Protection files / Green Forms
- Early Help (EH) pathway
- SEN Individual Education Plan (IEP) and Reviews,
- Educational Psychologist (EP) reports,
- IDS 0-5 Team assessments
- Attendance records
- Behaviour/ Reward Log
- Wider Assessment records

Note: LA officers will not hold individual pupil files, this will be the duty of the previous school/provider to hold and transfer when requested. Once a new school has been identified the LA officers will notify the previous school/s/provider and remind them to transfer all files within the required timeline.

Principle 7: (does not apply to Early Year Providers)

In relation to CYP who are new to the county and the Fair Access Protocol has been triggered, an LA admissions officer will contact up to two previous schools where appropriate to request the information outlined in Principle 6 to be prepared for transfer within 5 working days of a new school/academy being identified via the FAP and Assessment Gateway. With referrals from out of county, Local Authority Officers will work with the other Local Authority to prepare a LIF where appropriate and will liaise with relevant stakeholders to ensure smooth transition of files.

Note: LA officers will not hold individual pupil files, this will be the duty of the previous school/provider to hold and transfer when requested. Once a new school has been identified LA officers will notify the previous school/s, provider/s and remind them to transfer all files within the required timeline.

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Principle 8

1. Movement between Early Years organisations during the year: 'In-Year' transitions:

If a child moves from one organisation to another, the **Learner Information Form (LIF)** and any other relevant **additional files** that supplement the LIF must be transferred within **3 working days** to the new School/ Early Years Provider.

If a Provider does not know where the child is transferring to, please email eyfunding@warwickshire.gov.uk to notify the LA. If the child begins to claim funding at a new organisation, the LA will then contact the previous Provider to ensure that records can be transferred

2. Planned Transition: In relation to children starting in a different nursery or a reception class at the start of a new term or academic year.

Reason for Transfer	LIF	Additional Files
1. <i>In- Year: Child transfers mid-year / at an unusual transfer point</i>	Transfer within 3 working days of child starting at the new provider	Transfer within 3 working days of child starting at the new provider
2. <i>Child transfers / finishes at the end of a school term: Autumn, Spring, Summer with a break between one provider and another. e.g. summer term transfer from private day nursery to reception class</i>	Send the LIF to the new provider during the last week of the term	Transfer at the end of the term with the LIF OR Transfer within 3 working days of the new term starting
3. <i>Child transfers / finishes at the end of a school holiday period with no break between one provider and another.</i>	Transfer within 3 working days of child starting at the new provider	Transfer within 3 working days of child starting at the new provider

Additional files: There will be a range of additional material to transfer. **Additional files** should include where applicable:

- CPOMs/ Child Protection files / green safeguarding forms
- Early Help(EH) pathway documentation
- SEN Individual Education Plan (IEP) to include Educational Psychologist (EP) and IDS 0-5 Team assessments
- Attendance records
- Wider assessment records
- 2-Year check

2-year check: The check should be completed by the setting that the child spends the most time in. It is a **statutory requirement** for the provider to share the progress check with the parent/s.

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There is an expectation that the parents will share it with the health visitor, ideally to coincide with the Healthy Child Programme two-year-review.

Principle 9

All Early Years Providers / Schools should prepare a check list of all files that they are transferring to a new Early Years Provider / school for their records. This list should be sent to the receiving Early Years Provider or school for signing off that they have received the listed files and return to the sending early years provider / schools. **See Appendix 5 for File Transfer Record.**

Primary/Secondary/ P16 settings:

All schools/academies/ Early Years Providers are required to prepare a list of all files that they are transferring to a new school for their records. This list should be sent to the receiving school for signing off that they have received the listed files and return to the sending schools. **See Appendix 5 for File Transfer Record.**

Principle 10

All schools/academies and education settings are required to ensure all information relevant to CYP who are supported by an EHC Plan is transferred appropriately in line with the phased transfer process as outlined in 8.22 in the SEND Code of Practice.

For CYP subject to an EHC Plan any sensitive information and personal information shared should be proportionate and relevant to the purpose for which it is being shared and on a need-to-know basis.