



KING EDWARD VI
SHELDON HEATH ACADEMY

CHILD PROTECTION AND SAFEGUARDING – SHARING INFORMATION GUIDANCE

1. Sharing Information

Sharing information is an intrinsic part of any frontline practitioners' job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. It could ensure that an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death. Poor or non-existent information sharing is a factor repeatedly flagged up as an issue in Serious Case Reviews carried out following the death of, or serious injury to, a child.

Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect. No practitioner should assume that someone else will pass on information which may be critical to keeping a child safe. Skilled practitioners are in the best position to use their professional judgement about when to share information with colleagues working at the Academy, as well as with those working within other organisations, in order to provide effective early help and to keep children safe from harm.

2. Being alert to signs of abuse and neglect and taking action

All practitioners should be alert to the signs and triggers of child abuse and neglect. Abuse (emotional, physical and sexual) and neglect can present in many different forms. Indicators of abuse and neglect may be difficult to spot. Children may disclose abuse, in which case the decision to share information is clear. In other cases, for example, neglect, the indicators may be more subtle and appear over time. In these cases, decisions about what information to share, and when, will be more difficult to judge. Everyone should be aware of the potential for children to be sexually exploited for money, power or status and individuals should adopt an open and inquiring mind to what could be underlying reasons for behaviour changes in children of all ages. If a practitioner has concerns about a child's welfare, or believes they are at risk of harm, they should share the information with the local authority children's social care and/or the police, in line with local procedures. Security of information sharing must always be considered and should be proportionate to the sensitivity of the information and the circumstances. If it is thought that a crime has been committed and/or a child is at immediate risk, the police should be notified without delay.

Legislative framework

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 places 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 or vulnerable adult being placed at risk of harm. Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.

The Academy has arrangements in place which set out clearly the processes and the principles for sharing information internally. In addition, these arrangements also 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 (LSCB). The Academy is also part of the local Multi-Agency Safeguarding Hub. In all these settings, 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.

3. The seven golden rules to sharing information

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

4. 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 and should follow 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.

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.

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.

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.

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.

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

Secure: Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow the Academy’s policy on security for handling personal information.

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 Academy 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. In line with the Academy’s retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.

5. When and how to share information

When asked to share information, you should consider the following questions to help you decide if and when to share. If the decision is taken to share, you should consider how best to effectively share the information. A flowchart follows the text.

When

	YES	NO
Is there a clear and legitimate purpose for sharing information?	see next question	do not share
Does the information enable an individual to be identified?	see next question	you can share but should consider how
Is the information confidential?	see next question	you can share but should consider how

Do you have consent?	you can share but should consider how	see next question
Is there another reason to share information such as to fulfil a public function or to protect the vital interests of the information subject?	you can share but should consider how	do not share

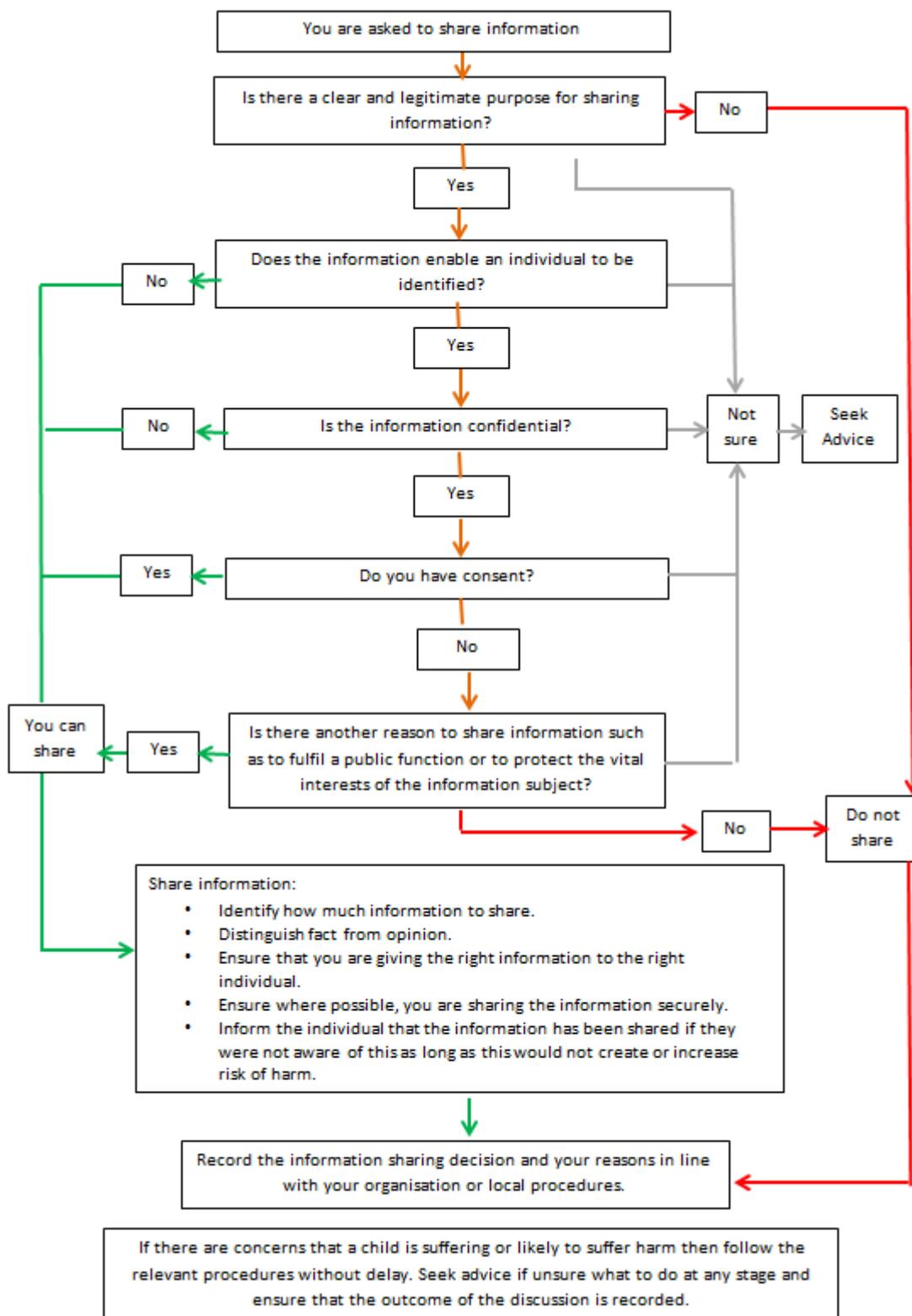
How

- Identify how much information to share
- Distinguish fact from opinion
- Ensure that you are giving the right information to the right individual
- Ensure where possible that you are sharing the information securely

Inform the individual that the information has been shared if they were not aware of this, as long as this would not create or increase risk of harm

All information sharing decisions and reasons must be recorded in line with the Academy's or local procedures. If at any stage there is doubt on how or when to share information, advice is sought as appropriate and the outcome of the discussion is recorded. If there are concerns that a child is suffering or likely to suffer harm, then the relevant procedures are followed without delay.

6. Flowchart of when and how to share information



7. Myth-busting guide

Sharing of information between practitioners and organisations is essential for effective identification, assessment, risk management and service provision. Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children and young people at risk of abuse or neglect. Below are common myths that can act as a barrier to sharing information effectively:

The Data Protection Act 1998 is a barrier to sharing information

No - the Data Protection Act 1998 does not prohibit the collection and sharing of personal information. It does, however, provide a framework to ensure that personal information about a living individual is shared appropriately. In particular, the Act balances the rights of the information subject (the individual whom the information is about) and the need to share information about them. Never assume sharing is prohibited – it is essential to consider this balance in every case. The Information Commissioner has published a statutory code of practice on information sharing to help organisations adopt good practice.

Consent is always needed to share personal information

You do not necessarily need the consent of the information subject to share their personal information. Wherever possible, you should seek consent or be open and honest with the individual (and/or their family, where appropriate) from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on and they have a genuine choice about this. Consent in relation to personal information does not need to be explicit – it can be implied where to do so would be reasonable, i.e. a referral to a provider or another service. More stringent rules apply to sensitive personal information, when, if consent is necessary then it should be explicit. But even without consent, or explicit consent, it is still possible to share personal information if it is necessary in order to carry out your role, or to protect the vital interests of the individual where, for example, consent cannot be given.

Also, if it is unsafe or inappropriate to do so, i.e. where there are concerns that a child is suffering, or is likely to suffer significant harm, you would not need to seek consent. A record of what has been shared should be kept.

Personal information collected by one organisation cannot be disclosed to another organisation

This is not the case, unless the information is to be used for a purpose incompatible with the purpose that it was originally collected for. In the case of a child at risk of significant harm, it is difficult to foresee circumstances where sharing personal information with other practitioners would be incompatible with the purpose for which it was originally collected.

The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information

No - this is not the case. In addition to considering the Data Protection Act 1998 local responders need to balance the common law duty of confidence and the rights within the Human Rights Act 1998 against the effect on individuals or others of not sharing the information.

If information collection and sharing is to take place with the consent (implied or explicit) of the individuals involved, providing they are clearly informed about the purpose of the sharing, there should be no breach of confidentiality or breach of the Human Rights Act 1998. If the information is confidential, and the consent of the information subject is not gained, then the responder needs to satisfy themselves that there are grounds to override the duty of confidentiality in these circumstances. This can be because it is overwhelmingly in the information subject's interests for this information to be disclosed. It is also possible that an overriding public interest would justify disclosure of the information (or that sharing is required by a court order, other legal obligation or statutory exemption).

To overcome the common law duty of confidence, the public interest threshold is not necessarily difficult to meet – particularly in emergency situations. Confidential health information carries a higher threshold, but it should still be possible to proceed where the circumstances are serious enough. As is the case for all personal information processing, initial thought needs to be given as to whether the objective can be achieved by limiting the amount of information shared – does all of the personal information need to be shared to achieve the objective?

IT Systems are often a barrier to effective information sharing

Professional judgment is the most essential aspect of multi-agency work, which could be put at risk if organisations rely too heavily on IT systems. There are also issues around compatibility across organisations along with practitioners who may not have the knowledge/understanding of how to use them. Evidence from the Munro review is clear that IT systems will not be fully effective unless individuals from organisations co-operate around meeting the needs of the individual child.