



HM Government

# Information sharing

**Advice for practitioners providing  
safeguarding services to children, young  
people, parents and carers**

**March 2015**

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## Summary

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.

## About this government advice

This HM Government advice is non-statutory, and has been produced to support practitioners in the decisions they take when sharing information to reduce the risk of harm to children and young people.

This guidance does not deal in detail with arrangements for bulk or pre-agreed sharing of personal information between IT systems or organisations other than to explain their role in effective information governance.

This guidance supersedes the HM Government *Information sharing: guidance for practitioners and managers* published in March 2008.

## Who is this advice for?

This advice is for all frontline practitioners and senior managers working with children, young people, parents and carers who have to make decisions about sharing personal information on a case by case basis. It might also be helpful for practitioners working with adults who are responsible for children who may be in need.

## 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 an 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, 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).
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.

## 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.

Professor Munro's review of child protection concluded the need to move towards a child protection system with less central prescription and interference, where we place greater trust in, and responsibility on, skilled practitioners at the frontline.<sup>1</sup> Those skilled practitioners are in the best position to use their professional judgement about when to share information with colleagues working within the same organisation, as well as with those working within other organisations, in order to provide effective early help and to keep children safe from harm.

Lord Laming emphasised that the safety and welfare of children is of paramount importance and highlighted the importance of practitioners feeling confident about when and how information can be legally shared.<sup>2</sup> He recommended that all staff in every service, from frontline practitioners to managers in statutory services and the voluntary sector should understand the circumstances in which they may lawfully share information, and that it is in the public interest to prioritise the safety and welfare of children.

## 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.<sup>3</sup> 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

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<sup>1</sup> [The Munro review of child protection: final report – a child centred system](#)

<sup>2</sup> [The Protection of Children in England: a progress plan](#)

<sup>3</sup> [What to do if you're worried a child is being abused](#)

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, NSPCC 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

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;<sup>4</sup>
- youth offending teams; and
- 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, Citizenship 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).

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<sup>4</sup> The duty under section 11 of the Children Act 2004 will apply to Community Rehabilitation Companies via contractual arrangements entered into by these bodies with the Secretary of State under Section 3 of the Offender Management Act 2007.

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.

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 (LSCB). 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 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 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.**

### 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 their organisation'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 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. In line with each organisation's own 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.

## 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

Is there a clear and legitimate purpose for sharing information?

- Yes – see next question
- No – do not share

Does the information enable an individual to be identified?

- Yes – see next question
- No – you can share but should consider how

Is the information confidential?

- Yes – see next question
- No – you can share but should consider how

Do you have consent?

- Yes – you can share but should consider how
- No – 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?

- Yes – you can share but should consider how
- No – do not share

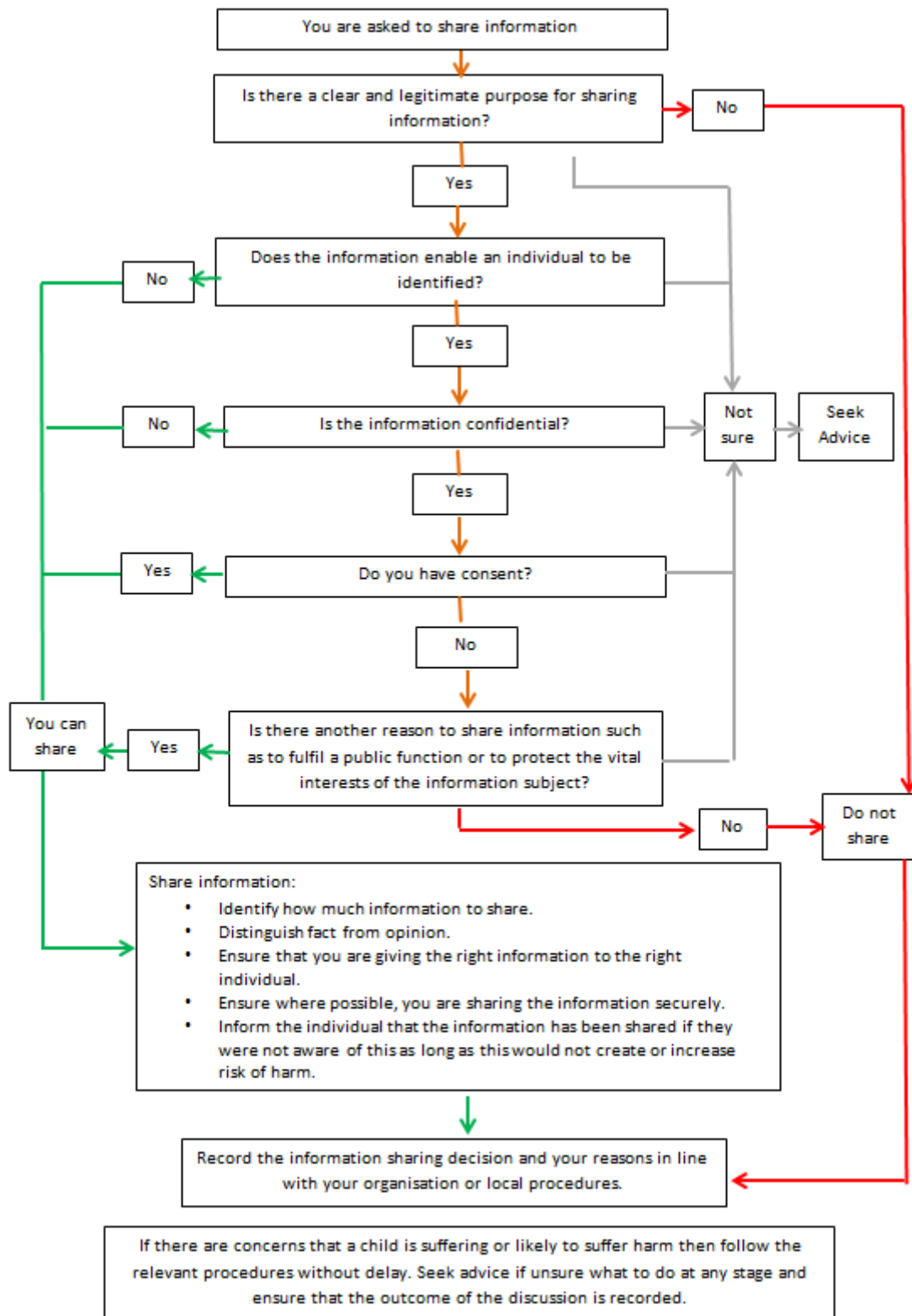
### How

- 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 your organisation or local procedures. If at any stage you are unsure about how or when to share information, you should seek advice and ensure that the outcome of the discussion is recorded. If there are concerns that a child is suffering or likely to suffer harm, then follow the relevant procedures without delay.

# Flowchart of when and how to share information



## 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.

## Useful resources and external organisations

- [ICO Data Sharing Code of Practice and checklists](#)
- [Centre of Excellence on Information Sharing](#)
- [Practice guidance on sharing adult safeguarding information](#)

## Other relevant departmental advice and statutory guidance

- [Working Together to Safeguard Children \(2015\)](#)
- [Keeping Children Safe in Education \(2015\)](#)
- [What to do if you're worried a child is being abused \(2015\)](#)

## Other relevant legislation

Section 14B Supply of information requested by LSCBs

*(1) If a Local Safeguarding Children Board established under section 13 requests a person or body to supply information specified in the request to—*

*(a) the Board, or*

*(b) another person or body specified in the request,*

*the request must be complied with if the first and second conditions are met and either the third or the fourth condition is met.*

*(2) The first condition is that the request is made for the purpose of enabling or assisting the Board to perform its functions.*

*(3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.*

*(4) The third condition is that the information relates to—*

*(a) the person or body to whom the request is made,*

*(b) a function or activity of that person or body, or*

*(c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.*

*(5) The fourth condition is that the information—*

*(a) is information requested by the Board from a person or body to whom information was supplied in compliance with another request under this section, and*

*(b) is the same as, or is derived from, information so supplied.*

*(6) The information may be used by the Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to perform its functions.*

*(7) A Local Safeguarding Children Board must have regard to any guidance given to it by the Secretary of State in connection with the exercise of its functions under this section.*





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