

Key Principles of Information Sharing When Safeguarding Children Practice Guidance



1. Scope

The purpose of this guidance is to clearly set out the processes and principles for information-sharing in Dudley Children’s Services. This is to support practitioners working with children, young people, parents, and carers when making decisions about sharing personal information, and to ensure there are effective safeguarding arrangements in place. These processes and principles apply to all staff when sharing information within Dudley Children’s Services, and when sharing information between other organisations and agencies.

This guidance has been developed using Working Together to Safeguard Children (2018); Information Sharing – Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents, and Carers (2018), the General Data Protection Regulation (GDPR), and the Data Protection Act (2018).

2. Introduction

Effective sharing of information between practitioners, local organisations and agencies is essential for the early identification of need, assessment, and service provision to keep children safe (Working Together to Safeguard Children, 2018). Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to Children’s Services.



Keeping children safe from harm requires practitioners and others to share information about;

- ✚ A child's health and development and any exposure to possible harm;
- ✚ A parent who may need help, or may not be able to care for a child adequately and safely; and;
- ✚ Those who may pose a risk of harm to a child.

Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children, which must always be the paramount concern. The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child.

3. Working Together to Safeguard Children 2018

Working Together to Safeguard Children (2018) sets out the following key principles:





All practitioners should aim to gain consent to share information, but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. When decisions are made to share information, practitioners should record who has been given the information and why.



Practitioners must have due regard to the relevant data protection principles which allow them to share personal information, as provided for in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). All practitioners should be confident of the processing conditions under the Data Protection Act 2018 and the GDPR which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'.



Where practitioners need to share 'special category personal data', they should be aware that the Data Protection Act 2018 contains '*safeguarding of children and individuals at risk*' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.



4. The General Data Protection Regulation (GDPR) and the Data Protection Act 2018



The General Data Protection Regulation (GDPR) and Data Protection Act 2018 place greater significance on the need for organisations to be transparent and accountable in relation to their use of data. All organisations handling personal data must ensure they have comprehensive and proportionate arrangements for collecting, storing, and sharing information in place. This also includes arrangements informing service users about the information they will collect and how this may be shared.

The GDPR and Data Protection Act 2018 does not prevent or limit the sharing of information for the purposes of keeping children and young people safe.

To effectively share information:

- All practitioners should be confident of the processing conditions which allow them to store, and share, the information that they need to carry out their safeguarding role. **Information which is relevant to safeguarding will often be data which is considered ‘special category personal data’, meaning it is sensitive and personal.**
- Where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes ‘safeguarding of children and individuals at risk’ as one of conditions that allows practitioners to share information **without consent.**



- Information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- Relevant personal information can also be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

The Data Protection Act 2018 sets out the lawful grounds for processing of special category personal data – including without consent if the circumstances justify it – where it is in the substantial public interest to safeguard children and individuals at risk.

Further details are set out in **SCHEDULE 8 Section 35(5) of the Data Protection Act 2018**, which states:

1. 4 (1) This condition is met if—
 - a. **The processing is necessary for the purposes of:**
 - i. Protecting an individual from neglect or physical, mental or emotional harm; or
 - ii. Protecting the physical, mental or emotional well-being of an individual.

b. The individual is:



- i. Aged under 18; or
- ii. Aged 18 or over and at risk.

Schedule 8 only applies when Part 3 of the Data Protection 2018 is relevant, and that is when the processing is for “Law Enforcement” purposes.



5. The Seven Golden Rules for Information Sharing



Remember that the General Data Protection Regulation, Data Protection Act 2018 and human rights laws 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 or your information governance lead if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible. Please be aware that for some organisations, information sharing agreements are required. Further information about can be found on Dudley Council’s Intranet: <https://connect.dudley.gov.uk/support/Pages/Information-Governance/Information-Sharing.aspx>.





Where possible share with consent and, where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful reason to do so, such as where safety may be at risk. You will need to base your judgment on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not 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 wellbeing of the individual and others who may be affected by their actions.



Necessary, proportionate, relevant, 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 people 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.

6. Principles



Necessary and proportionate

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the GDPR and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject, and any third parties, **including anonymous referrers**. *Information 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 informed 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 missed opportunities to offer support and protection to a child. 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 place a child or young person at increased risk of harm. 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.

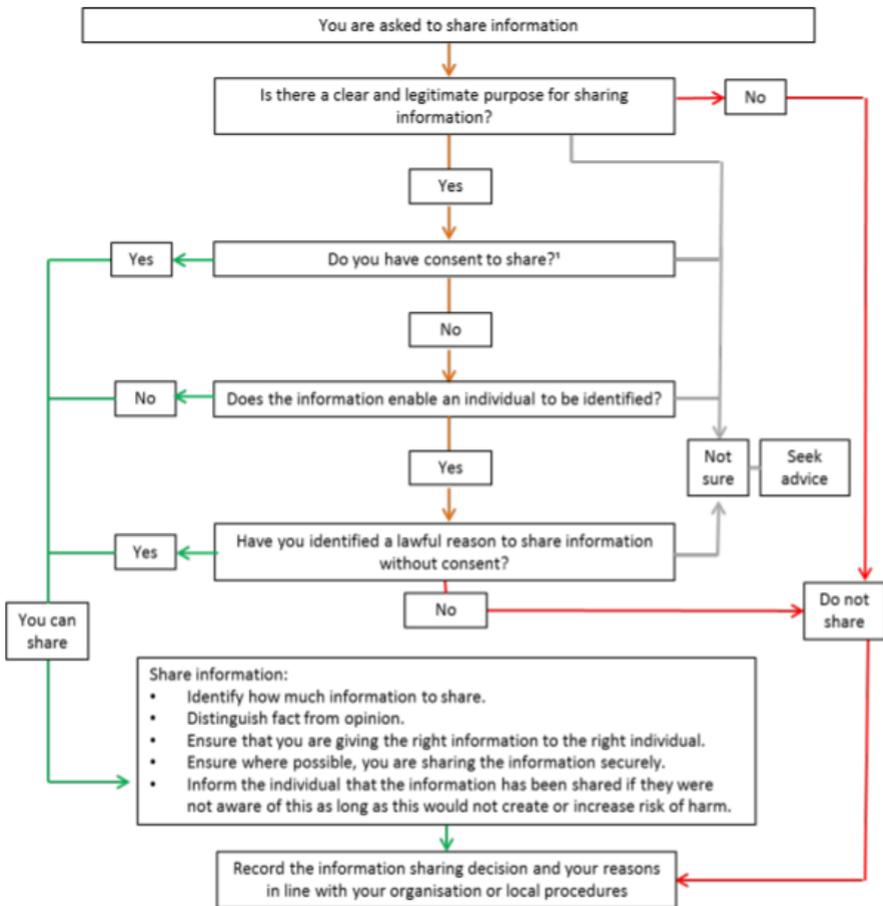
Record

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 rare circumstances, this may be indefinitely, but if this is the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is unnecessary to do so.



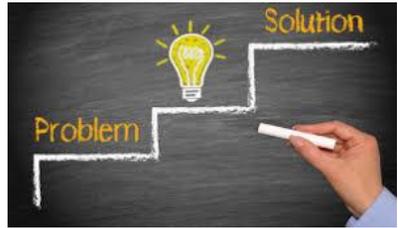
7. Flowchart of when and how to share information



If there are concerns that a child is in need, or suffering or likely to suffer significant harm, then follow the relevant procedures without delay. Seek advice if unsure what to do at any stage, and ensure the outcome of this discussion is recorded.

8. Resolution and Escalations

An escalation is a process of formally challenging a decision made by another professional, group or organisation. Escalation procedures ensure that all professionals have a quick and straightforward means of resolving professional differences in order to safeguard the welfare of children and young people.



In cases where there are disagreements regarding the sharing of information, the [Dudley Safeguarding Resolution and Escalation Protocol](#) should be referred to which outlines the actions required to support with the dispute. Where professionals consider that the decision-making of other professionals is placing children at risk of harm, they must be assertive, act swiftly, and ensure that they challenge any relevant professionals in line with the protocol.



9. Further Information

- **Dudley Safeguarding People Partnership - Resolution and Escalation Protocol (2020).**
<https://safeguarding.dudley.gov.uk/safeguarding/child/work-with-children-young-people/safeguarding-children-procedures/>
- **Information sharing - Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers (2018).**
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf
- **Working Together to Safeguard Children; A guide to inter-agency working to safeguard and promote the welfare of children (2018).**
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf
- **The Information Commissioner's Office (ICO) website;**
<https://ico.org.uk/>
- **The General Data Protection Regulation.EU website;**
<https://gdpr.eu/what-is-gdpr/>

