

NPCC MASH Advice to Police Forces on Information Sharing for Child Safeguarding

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1. Aim

The aim of this guidance is to provide those in policing working within the MASH or similar multi-agency assessment and referral environment, with the confidence to obtain and share information to safeguard the most vulnerable in our society. This should be read in conjunction with the NPCC Data Sharing “Share With Confidence Guidance” (SWC guidance).

It will also provide those partners with whom we share information and rely on us for information, with an understanding of why we are sharing information and what we expect as a result.

2. Effective information sharing

Information sharing in this guidance is defined as the exchange of information which may include data regarding individuals between different organisations in order to keep children, young people and adults safe from harm.

This guidance will be divided into children and adults due to the different legislation in place for both. The guidance for adults will be published separately. To note, anyone aged under 18 is a child for the purposes of this guidance.

The guidance is applicable to those areas that both operate Multi-Agency Safeguarding Hubs (MASH) and those areas that deliver their safeguarding information sharing via different means.

It is not possible to stipulate the method in which information is shared only the means by which to understand the legal gateway. However, all information will be personal and therefore should be shared in a suitably secure manner.

If you are sharing information to safeguard an individual then you do so because you have a *policing purpose* - this is your legal gateway.

3. Information Sharing to Safeguard Children

Effective sharing of information between practitioners, local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe and enable them to achieve the best outcomes. Statutory Learning reviews have highlighted that missed opportunities to record, understand the significance of and share information in a timely manner can have severe consequences for the safety and welfare of children.

Practitioners across all agencies should be proactive in sharing information as **early as possible** to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local agencies.

It should be noted that sharing of information does not just relate to statutory agencies. There are other 3rd parties/sectors with safeguarding responsibilities and the statutory responsibility on police is to work with these local agencies in a whole system approach where children are safeguarded and

their welfare is promoted (e.g. NPCC guidance for pro-active information sharing pathways with Ofsted).

4. Continuum of Safeguarding

Working Together to Safeguard Children 2018 (Working Together) has a statutory footing (additionally Wales has the Wales Safeguarding Procedures and the Social Services and Well-being (Wales) Act 2014) . It defines Safeguarding as:

- Protecting children from maltreatment.
- Preventing impairment of children’s mental and physical health or development.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes.

It therefore encompasses the **whole spectrum** of Safeguarding from those children and families who need **early help** and intervention through to those at risk of or likely to suffer **significant harm**.

Working Together to Safeguard Children provides the statutory basis to share information or request information for safeguarding children. i.e. where the purpose is for the identification of need, assessment and service provision to keep children safe and enable them to achieve the best outcomes, this is not limited to those in need as defined under S17 The Children Act 2004 and at risk of significant harm, S47 The Children Act 1989 but permits the sharing of information of a child and family for the purposes of assessing their needs which includes early identification of early help.

Working Together to Safeguard Children emphasises the point that a child centred approach is fundamental to safeguarding and promoting the welfare of every child. The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement that protects the rights of children and provides a child-centred framework for the development of services to children. The UNCRC was ratified by the UK government in 1991 and this document is cognisant of that fact.

5. Why police will share information

The National Panel Review (2022) section 12.33 states: *“Problems with information sharing have been raised by every national child protection review and inquiry – going back as far as the inquiry into the death of Maria Colwell in 1973. They have also been a central theme in all triennial analysis of serious cases (Sidebotham et al., 2016; Brandon et al., 2020) and in the Panel’s two annual reports (CSPRP, 2020b; CSPRP, 2021c). Time and again we see that different agencies hold pieces of the same puzzle but no one holds all of the pieces or is seeking to put them together. As Eileen Munro summarised in her 2011 review of child protection, ‘abuse and neglect rarely present with a clear, unequivocal picture. It is often the totality of information, the overall pattern of the child’s story, that raises suspicions of possible abuse or neglect.’ (Munro, E. 2011, p.79).”*

Working Together is a statutory document and places a ‘Duty’ on the Chief Officers of Police to ‘make arrangements’ to work together to safeguard and promote the welfare of children, the Children Act of 2004 reinforces the need for agencies to cooperate to improve wellbeing and ensure arrangements to safeguard and promote welfare of children.

There is therefore a legal obligation on the police to share information and for our statutory safeguarding partners to be engaged and actively involved in decision making.

Whilst local processes will dictate what happens when information is shared, it is clear, that information from multiple agencies must be collated to make an informed decision on what risk is posed to the child, what action needs to be taken and by whom. Nowhere in the legislation or guidance is there any differentiation along the safeguarding continuum, indeed this would be counterproductive as the whole picture, and therefore risk, can only be accurately determined by having 'all pieces of the puzzle'.

Working Together is clear that *'anyone who has concerns about a child's welfare should make a referral to Local Authority Childrens Social Care and should do so immediately if there is a concern that the child is suffering significant harm or is likely to do so.'* The police will therefore always share information about concerns of a child's welfare with Childrens Social Care. This is known in police language as a referral.

Where police information indicates the threshold of significant harm is or is likely to be met the information will be referred for joint decision making to be made as to how best to protect the child.

In cases where the 'significant harm' threshold is not clearly met the police may request information from partners to assist in determining the appropriate threshold for referral or may refer direct to Childrens Social Care in line with Working Together (and equivalent Welsh Legislation) for this to be achieved. In all cases a referral will be made.

Working Together places a duty on Local Authorities Childrens Social Care to provide feedback to referrers on the decisions they take following a referral. This is particularly important where a referral is made in the belief that the threshold for significant harm is met and there is to be no statutory intervention.

6. The Voice of the Child in information sharing

Consent is not required in law for the sharing of information when this is done for the purpose of safeguarding children and therefore consent **should not** be used. The Data Protection Act (DPA) 2018 and UK General Data Protection Regulation (GDPR – UK GDPR is incorporated into the DPA 2018) states that there is a high standard for consent which is specific, time limited and that consent can be withdrawn which is why it should not be used (Further rationale for why consent is not appropriate in most cases within policing can be seen in the NPCC Data Sharing SWC guidance).

Relying on the consent of parents/carers can mean the "voice of the child" is overridden/obscured/silenced. This cannot be allowed to happen.

It is however, best practice to **engage** with the parent(s)/carer(s) and child (if capable of understanding) and **explain** your intention to share information about them and what may happen with the information. It is important to engage and record their views but **ultimately** the police have a statutory responsibility to share their concerns about the welfare of the child.

Objections from partner agencies concerning consent will **not** prevent information being shared where there is any concern about the welfare of a child. Consent to sharing information and consent to accepting a service are **very different** and must not be treated as the same. Indeed, a reticence to

engage with other agencies or have agencies share information may indicate an increase in risk to the child.

Human Rights Concerns, such as respecting the right to a private and family life would not prevent sharing information where there are safeguarding concerns, neither will the common law duty of confidence. Working Together 2018 specifically notes: *“No – this is not the case. In addition to the DPA 2018 and GDPR, practitioners need to balance the common law duty of confidence and the Human Rights Act 1998 against the effect on individuals or others of not sharing the information”*.

The means by which this information is conveyed to partners will be determined by local arrangements.

7. Building the Picture

When dealing with safeguarding concerns a single incident may clearly give rise to statutory intervention, however the legislation provides for the need to share information so practitioners can build up a picture of the needs of child. Sharing lower-level information about the welfare of children assists in:

- identifying patterns of behaviour which may be a result of child abuse, neglect or other harms
- when a child or young person is at risk of going missing or has gone missing
- when multiple children or young people appear linked to the same risk or
- where there may be multiple partners involved in a child or young person’s care.

Different sections of the child’s life story can be held by separate agencies with each chapter constantly subject to change. This makes it difficult to see the bigger picture and to get a true representation of what life is actually like for that child.

Sharing information across agencies helps to piece together a jigsaw of the child/young person’s life and identify risks early which enables preventative action and timely intervention to be taken by agencies.

8. What needs to be shared

Having identified your policing purpose, i.e. safeguarding a child. The information sharing should be completed in a proportionate way and only the information that is necessary to set the overall context of risk and provide a picture of the child’s lived experience. Excessive information should not

be shared if it is not required, however there is a need to be cognisant of the importance of cumulative risk and how if information is not shared this can contribute to raising this risk.

Information should be accurate and fact and opinion should be distinguishable.

“Decision making in the Integrated Front Door reflected management priorities to respond to a high volume of referrals and ensure throughput of cases. This resulted in minimal information gathering, including checking background information. Referrals about Star that would have benefited from a fuller assessment were not recognised.” National Panel Review (2022) section 9.2 in relation to the death of Star Hobson.

“No referral is deemed malicious without a full and thorough multi-agency assessment, including talking with the referrer, and agreement with the appropriate manager.” National Panel Review (2022) recommendation.

9. Case Studies

Case 1

Report relates to mother contacting police and stating her 7 year old son, is "attacking everyone" stating "he throwing stuff around-nearly hit his 3 year old sister". Mother stated she was under the care of early help and has been advised to contact social care about her parenting challenges. With no context around "attacking everyone" and no suggestion of any assault this is being recorded as a CPNCI (child protection non-crime incident) and will be referred to the Early Help Unit, for review, consent is given as mother clearly seeking support”.

Response from Early Help was as follows: “Please can you confirm if parents is aware of this referral being made, and consents to the referral to Early Help/Family Solutions? I can see the report states, “consent is given as mother clearly seeking support”, however the parent(s) cannot consent if they are not aware of the referral being made and are in agreement with this information being shared with Early Help”.

Comment: In this instance the EH system has put an unnecessary block in the way of the referral as whilst consent is not required, in this case it was already clearly given and the referral was absolutely appropriate. However, in order to help prevent the initial blockage the flow of this referral could have been improved with a reference to the engaging and explaining to the mother that the referral will be made to the right support pathway.

Case 2 (3rd sector colleague example)

In 2017 Male C was acquitted following a trial for Sexual Activity with a 15-year-old child. He was a cricket player. He also had convictions for GBH, Battery and possession of an offensive weapon. He was suspended pending an investigation. Male C disappeared from cricket and did not respond to the England Cricket Board, he eventually reappeared playing at a club in summer 2020.

Contact was made with the relevant police force disclosure unit requesting the information with written consent from Male C. Again, the potential proximity to children in cricket was made clear. The request was passed to the local safeguarding hub, who in turn passed it to a local Crime

Management team. This team responded to say that the information needed to be requested via a Disclosure and Barring Service (DBS) check. It was explained that Male C was not in regulated activity. The request was then passed to a local MASH who after a further week provided a 2-sentence explanation of the circumstances of the offence. A request for additional information did not receive a reply.

Comment: The requesting agency in this case is not statutory partner but third sector with no lawful basis to request information, however by gaining male Cs consent they were in a lawful position. This is a third party request which has consent to share information albeit as male C was not coaching children the DBS route was rightly refused. Further exploration and explanation of the risks to children is to be made. If consent had not been given, a decision about using common law police powers would have to be made.

Case 3

Child found in possession of cannabis and discloses father provided. Cannabis cultivation was later located within the family home and dismantled. Stepped up to Children's Social Care – they felt did not meet their threshold and stepped down to Early Help who could not progress due to lack of consent.

Comment: Circumstances where the child is clearly at risk of harm from the criminality his family is exposing him to is clearly within of the intentions of the statutory guidance of Working Together.

It is important to understand the full rationale underpinning such decisions by Children's Social Care, if YOT were involved with the child then the support provided from youth justice services may have been a factor in the Local Authority decision making.

Where the threshold is not met for one service, refusal of Early Help needs consideration for escalation for re-assessment of threshold level as the child is now left without any support.

Case 4

Concerns relating to Father's Suicidal Ideation/Taking of Drugs which are kept in step son's Bedroom/Verbal Arguments between Husband and Wife – Reported as not first incident. Could not be shared with Mental Health due to lack of expressed consent from Father. Police stepped up to Children's Social Care for MASH Assessment – this was refused and stepped down to Early Help and ultimately closed due to lack of consent from Parents for support.

Comment: As per previous example, when consent is expressly refused in such cases this should be considered as a potential red flag and not as a barrier to information sharing. Once again escalation is appropriate here, consent not required, there are multiple factors effecting the child. It is important that the information sharing is in order to gather more information to better inform decisions.

Case 5

Where there is an unborn baby, the mother's records are reviewed. There is disagreement by many Information Governance leads in health organisations around reviewing the primary Care (GP) records for fathers as standard. This is because (1) midwives do not deliver direct care to fathers, (2) gaining father's consent is not always possible and (3) there is a question around justification for reviewing records and/or obtaining safeguarding information if there are no known safeguarding concerns reported by mother – i.e. no trigger.

Comment:

This was a concern which the National Child Safeguarding Practice Review Panel picked up on in the 'Myth of Invisible Men' report which also picked up on the National Maternity Review. The introduction of the National Maternity Review states "Our vision for maternity services across England is for them to become safer, more personalised, kinder, professional and more family friendly; where every woman has access to information to enable her to make decisions about her care; and where she and her baby can access support that is centred around their individual needs and circumstances." The report defines Safer care as: 'Safer care, with professionals working together across boundaries to ensure rapid referral, and access to the right care in the right place; leadership for a safety culture within and across organisations; and investigation, honesty and learning when things go wrong.'

This can be read in context of the provision of care in its wider context and the report is focused on child, mother and families of which father is a part, estranged or present in addition to the role of maternity services and midwives which is defined by the NHS as to provide care to women and their families before, during and after birth. Health is one of the three statutory agencies with a duty "to make arrangements to work together across institutional and agency constraints, to safeguard and promote the welfare of children" (Working Together 2018). Therefore, the trigger itself in cases such as this is the notification of a possible new birth and the health role to 'promote the welfare' of that child which cannot be done without information being shared. If there is no concern raised, then the sharing stops within the health family.

10. What needs to happen once information is shared

Each Safeguarding Partnership will have procedures setting out how information is to be managed. The police have a statutory responsibility to be part of decision making where there is believed to be significant harm or a risk of such harm through Strategy Meetings and will be the lead agency in any alleged criminal behaviour.

Whilst the police have a statutory responsibility to co-operate with other agencies to improve the welfare of children each force is autonomous and therefore will have different services to offer in

respect of providing early help and there is no statutory responsibility on the police to provide such services beyond referral to appropriate agencies.

“Decisions not to proceed following a referral are based on a review of previous history, background checks and a chronology of prior concerns” National Panel Review (2022) Bradford Local safeguarding Review.

The National Review into the murders of Arthur Labinjo-Hughes and Star Hobson found in *Arthur and Star’s cases three main information sharing issues: a lack of timely and appropriate information sharing; limited information seeking; and evidence not being pieced together and considered in the round.*

Arthur and Star’s stories also highlight the behavioural biases that can impact upon information sharing within and between agencies, which need to be addressed. This includes:

- *Diffusion of responsibility - the tendency for people in groups to fail to act on the assumption that someone else is responsible, an issue identified as a frequent contributor to children’s deaths or serious injuries (Brandon et al., 2009). In Solihull, the police did not share photographs with the MASH because they knew that children’s social care had made a home visit and assumed that issues were ‘in hand’.*
- *Source bias - the tendency to interpret information depending on its source not substance, for example, the view in Star’s case that family members’ referrals were malicious.*
- *Confirmation bias - the tendency to dismiss evidence which does not support your initial position. Practitioners’ perceptions of Arthur’s father as a protective factor in his life and their impression from the home visit impacted upon how photographs provided to the MASH later on were perceived.*
- *Risk aversion - preference for more certain outcomes even when more uncertain outcomes could be of greater benefit, for example, practitioners’ reluctance to share information with Arthur’s family without his father’s consent, potentially due to concerns that UK GDPR laws would be violated.*

11. Appendix

Legal Gateways

Some of the confusion and issues with sharing information stem from a lack of confidence in relation to exactly which legislation permits lawful information sharing. The below should assist with creating a culture of confidence. We continually see review after review where information sharing between agencies has not happened, this has to change. *Remember - no practitioner has ever been disciplined nor removed from a professional register for information and data sharing to protect children or young people from harm.*

Sharing information is very important for safeguarding. Data Protection law is there to enable you to share information which may contain data, safely and robustly for an identified policing purpose, where necessary and proportionate it is not a barrier to information sharing. Other legislation that allows information sharing for safeguarding of children and adults at risk is listed below:

Legal Obligation e.g. to comply with the following legislation/legal gateway (please note this is not an exhaustive list):

- **The Children Act 1989**
 - Section 7 report relating to the welfare of a child (usually undertaken via CAFCASS)
 - Section 17 assessment (child in need).
 - Section 31 (Care & Supervision) and pre-proceedings Public Law Outline.
 - Section 37 (Powers of the Court in certain family proceedings).
 - Section 47 (Local Authority's duty to investigate)
- **Crime & Disorder Act 1998** – Section 115 allows the police, local authorities, health authorities, providers of probation services and other relevant agencies to share information about any person for a purpose linked to any provision under the Crime & Disorder Act, including where it is necessary for crime reduction. Crime reduction will include crime prevention and is particularly applicable to those referrals that sit at Early Help thresholds.
- **The Children Act 2004**
 - Section 10 provides the mechanism for information to be obtained in order to safeguard and promote the wellbeing of children.
 - Section 11 places duties on a range of organisations and individuals to make arrangements for ensuring that their functions and any services that they contract out to others are discharged with regard to the need to safeguard and promote the welfare of children

Article 6 UK GDPR

Public Task e.g. to perform a task in the public interest or exercise official authority

Vital Interest e.g. essential for someone's life where individual at high risk.

Legitimate interest e.g. ask for alternative next of kin details

12. Additional Information

- **Working Together to Safeguard Children 2018** – [Statutory framework](#): legislation relevant to safeguarding and promoting the welfare of child.
- **Social Services and Well-being (Wales) Act 2014** – this includes non-statutory guidance documents for practitioners such as Working Together to Safeguard People Information Sharing to Safeguard Children.
- **Information Commissioner's Office (ICO) Guide to Data Protection** - This guide is for data protection officers and others who have day-to-day responsibility for data protection. It is aimed at small and medium-sized organisations, but it may be useful for larger organisations too. The guide covers the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR).

Information Commissioner's Office Business Advice Service (BAS) contact details:
icocasework@ico.org.uk Tel:0303 123 1113 [live chat service](#)

<https://ico.org.uk/for-organisations/data-sharing-information-hub/sharing-data-to-safeguard-children-dppc-2022-session-faqs/>

- **Data Sharing Code of Practice** - This code demonstrates that the legal framework is an enabler to responsible information and data sharing and busts some of the myths that currently exist.
- **Data Sharing Information Hub** - The ICO's data sharing information hub provides clear guidance and practical tools for organisations and businesses on how to share data lawfully, while protecting people's personal information.
- **NPCC Data Sharing Share with Confidence Guidance**
- **UK General Data Protection Regulation (UK GDPR)** – which came into force on 25 May 2018
- **Data Protection Act 2018** - The Data Protection Act 2018 sets out the data protection framework in the UK, alongside UK GDPR. It sits alongside and supplements the UK GDPR - for example by providing exemptions. It also sets out separate data protection rules for law enforcement authorities, extends data protection to some other areas such as national security and defence, and sets out the Information Commissioner's functions and powers.
- **Keeping Children Safe in Education (2021)** – Statutory guidance from the DfE which provides guidance on what schools and colleges in England must have regards to when carrying out their safeguarding duties and promoting the welfare of children. The document highlights that staff working in schools and colleges should not assume that a colleague or another professional will take action and share information that might be critical to keeping children safe. Staff should be mindful that early information sharing is vital for the effective identification, assessment and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children's social care.