

# Information Sharing & Confidentiality

**Information sharing is vital to safeguarding and promoting the welfare of children and young people and many serious case reviews have identified failures to record, share & understand information and act appropriately.**

Sharing information between practitioners, agencies, the child or young person and their families, is essential to:

- Multi-agency working
- Co-ordinating offers of early help
- Reducing the risk of harm
- Assisting with public protection

**Governing bodies should ensure that their education setting has safeguarding arrangements which:**

- Reflect the procedures & practice of the local authority & Sheffield Safeguarding Children Board (SSCB)
- Supply information requested by the SSCB, e.g. via Schoolpoint365, Sheffield Safeguarding Children Service area.
- Understand local assessment protocols & the SSCB's Thresholds of Need Guidance
- Support and contribute to child protection plans
- Allow access for children's social care from any local authority to consider whether to conduct a section 17 or a section 47 assessment
- Inform pupils/students and their families, through a leaflet, website or prospectus, about how they store & use information in all systems they use

Everyone needs to be confident that their personal information is kept safe and secure, and shared carefully, sensitively and appropriately.

In all situations except where a child/young person may be at risk of significant harm, information can only be shared with their (if appropriate) and/or their parents' or carers' consent.

## Does Data Protection & Human Rights legislation stop me sharing information?

- If information collection and sharing is to take place with implied or explicit consent, providing the individuals are clearly informed about the purpose of the sharing, there should be no breach of 'duty of confidence' or breach of the Human Rights Act 1998
- If the information is confidential, and consent is not gained, then you need to be satisfied that there are grounds to override the 'duty of confidence' or that public interest would justify disclosure of the information
- Confidential health information carries a higher threshold, but it should still be possible to proceed where the circumstances are serious enough (see 'duty of confidence' below)
- If sharing information is required by a court order, other legal obligation or statutory exemption, then it must be shared
- The Data Protection Act 1998 provides a framework to ensure that personal information about a living individual is shared appropriately, balancing the rights of the person the information is about and the need to share information about them.

### 'Public interest' includes:

- Protecting a person from harm
- Promoting a person's welfare

'Duty of confidence' is a legal duty for health staff to protect personal information they see during their work. It can be disclosed if:

- Anonymised
- Required by law, under a court order
- Is in the public or child's interest
- For the protection of the public interest
- Preventing and/or detecting serious crime

## Do I always need consent to share?

- You should always seek consent and be open and honest with the individual and their family, where appropriate, about **Why, what, how and with whom, their information will be shared?**
- Without consent, or explicit consent, you can share personal information if it is necessary to fulfil a public function, or to protect the vital interests of the individual where, for example, consent cannot be given
- If it is unsafe or inappropriate to seek consent, i.e. where there are concerns that a child or young person is suffering, or likely to suffer significant harm, you do not need to obtain consent.



## Principles:

Use your judgement and organisational procedures when deciding what information to share and when, and consult your manager if in doubt. The most important consideration is whether sharing information is likely to safeguard and protect a child or young person.

### Necessary and proportionate:

The amount of information shared should be proportionate to the need and level of risk

### Relevant:

Only share information that is relevant to the purpose, and only share with those who need it

### Adequate:

Information should be adequate for its purpose and of the right quality to ensure that it can be understood and relied upon

### Accurate:

Information should be accurate, up to date and clearly distinguish between fact and opinion. If historical then this should be explained.

### Timely:

Share sufficient information in a timely manner, particularly if it's urgent. Do not seek consent if it could cause delays and potential further harm.

### Secure:

Share appropriately and securely. Always follow your organisation's policy on security for handling **any** personal information.

### Record:

Always record whether or not you decided to share, why, who you shared with, who you discussed your decision with, and the organisational procedures you followed.

The [General Data Protection Regulations](#) due to be published in 2018, build on the requirements of the Data Protection Act and will reflect the progress of digital technology and use of social media platforms.

### Useful web links/resources:

- [Information sharing advice for safeguarding practitioners](#)
- [Data sharing code of practice, ICO](#)
- [Data Protection for the Education Sector, ICO](#)

## Seven golden rules:

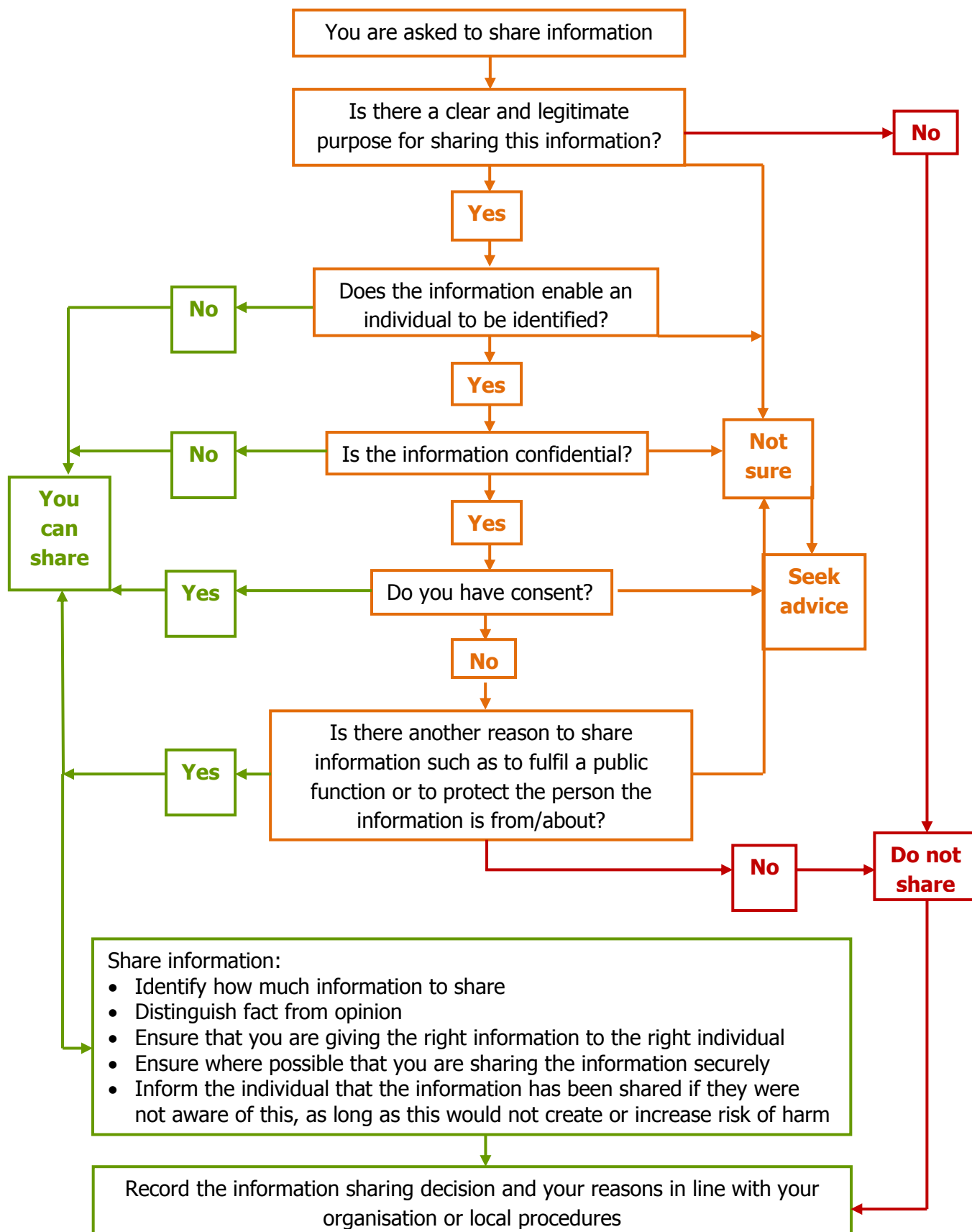
1. Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately
2. Be open and honest with the individual (and/or their family where appropriate) 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
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

*Taken from: 'Information sharing advice for safeguarding practitioners', DFE 2015*



# Flowchart of when and how to share information

Adapted from: Information sharing advice for safeguarding practitioners, DFE 2015



**If there are concerns that a child or young person is suffering or likely to suffer harm, follow the relevant procedures without delay. Seek advice if unsure what to do at any stage & ensure that the outcome of any discussion is recorded.**