



Information Sharing

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

May 2024

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Introduction

About this advice

This HM Government advice outlines the importance of sharing information about children, young people and their families in order to safeguard children. It should be read

- support organisations to develop processes, policies and training for their practitioners based on this guide

The advice aims to promote and enable improved information sharing, to:

- identify, assess and respond to risks or concerns about the safety and welfare of children and young people in a timely and effective way
- join up “pieces of the jigsaw” for practitioners, so a true picture of what is happening in a child’s life can be understood
- assist children and families to receive support from across local agencies or organisations that meets their needs
- strengthen joined up working between practitioners and agencies or organisations, by removing perceived barriers to information sharing through a collective understanding about when and how information can be lawfully shared in the interests of a child

Who is this advice for?

This advice is for:

- all individuals who are directly involved in safeguarding children, including frontline practitioners, managers and senior leaders
- individuals and organisations that work with children, parents, carers and families, in sectors such as social care, education, health, justice and voluntary

It is vital to join up adult and children’s services for the purposes of safeguarding. Therefore, this advice may also be helpful for practitioners working with vulnerable adults and adults who could pose a risk to children.

Understanding “safeguarding”

For the purposes of this advice, we are drawing on the definition set out in Working Together to Safeguard Children 2023 as follows:

- providing help and support to meet the needs of children as soon as problems emerge
- protecting children from maltreatment, whether that is within or outside the home, including online
- preventing impairment of children’s mental and physical health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children

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Why data protection legislation does not prevent information sharing

Data protection legislation (the Data Protection Act 2018 (the DPA 2018) and UK General Data Protection Regulation (UK GDPR)) **does not** prevent the sharing of information for the purposes of safeguarding children, when it is necessary, proportionate and justified to do so. In fact, data protection legislation provides a framework which enables information sharing in that context. The first and most important consideration is always whether sharing information is likely to support the safeguarding of a child.

The ICO's *A 10 step guide to sharing information to safeguard children* summarises data protection considerations when sharing personal information for child safeguarding purposes.¹¹

Understanding the term 'lawful basis'

Under data protection law, you must have a valid lawful basis¹² in order to share personal information. You must identify at least one lawful basis under Article 6 of the UK GDPR for sharing. You can use the Information Commissioner's Office's (ICO) Lawful Basis Interactive Tool¹³, the ICO's 10 step guide or refer to the definitions in Annex A of this guidance for more help on this.

The lawful bases which are most relevant for practitioners working with children

There are six lawful bases¹⁴ for sharing information set out in Article 6 of the UK GDPR. No single basis is 'better' or more important than the others and the basis most appropriate to use will depend on the type of organisation you work for, your purpose for sharing and the nature of your relationship with the individual whose information you are sharing. Where there is an expectation on the part of the child or family that the common law duty of confidentiality applies, practitioners will need to consider the lawful basis for setting this aside, prior to making the decision about sharing information.

If you work in a public sector organisation, it is likely that "public task" or "legal obligation" will be the most appropriate lawful basis for you to use when sharing information to safeguard or protect the welfare of a child (e inshing ilmte

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If you work with children and their families within the voluntary or private sectors, where your task, function or power does not have a clear basis in law, it is likely that the lawful basis of using “legitimate interests” may be more appropriate. (Refer to ‘Step 8: Share information using the right lawful basis’ of the ICO ten step guide for more information.)

Where the information to be shared is “special category data¹⁵” it will also be necessary to find a condition for processing the information under Article 9¹⁶

information with other people, agencies or organisations about the children and families you are working with. If they have a choice about whether and how their information is shared or used, you should make this clear to them.

_____ns about a child's safety or welfare, and you are considering contacting support services about providing them or their parent(s) or carer(s) with _____cific support; being upfront, transparent, and honest about your concerns can(i) ET/Artifac w(onr)-3

situations you will usually need to gain consent from the child, their parent or carer to share confidential information.

If you are not sure if there is a concern for the child's safety or welfare, you should exercise your professional curiosity to find out as much as possible about the child to determine risk, before deciding on the most appropriate approach. If you are not able to determine an accurate understanding of a possible risk without sharing concerns with others, you should share the relevant information with those who need to know.

Practitioners should consider guidance from their professional regulator, agency or organisation as appropriate, or speak with their manager or supervisor, designated safeguarding children professional or information governance lead for detail on any specific confidentiality requirements. This is in addition to considering data protection requirements. Further information about the common law duty can be found in the NHS Transformation Directorate guidance 'Use and share information with confidence.'¹⁸

How the Human Rights Act 1998 affects information sharing

The Human Rights Act 1998 incorporates certain rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) into domestic law. Human rights concerns, especially in light of the right to respect for a person's privacy and family life (Article 8¹⁹ of the ECHR), can sometimes be seen as a barrier to sharing information. However, where sharing of personal information is necessary to protect a child from harm, is proportionate and complies with data protection legislation, the sharing of that information is also likely to comply with the Human Rights Act.

¹⁸ [Use and share information with confidence - NHS Transformation Directorate \(england.nhs.uk\)](#)

¹⁹ [Article 8 of the European Convention of Human Rights sets out the right to respect for private and family life.](#)

Effective Information Sharing: Your Responsibilities

Information sharing responsibilities

Everyone must take responsibility for sharing information in order to keep children safe from harm, they must not assume someone else will pass on information.

It is for local safeguarding partners²⁰ to consider how they will build positive relationships with other local agencies

Decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. If you have concerns about a child, it is important to act on those concerns.

The most important consideration is whether the sharing of information is likely to support the safeguarding of a child

The importance of providing feedback to agencies or organisations about the information they have shared

When attempting to safeguard a child, practitioners should act in accordance with local procedures and, unless there is a sound reason not to, they should provide timely feedback²¹ on decisions taken following information being shared, to 'close the loop' with the professional who shared the information. Feedback can help encourage dialogue and develop a better understanding of when and what to share. A lack of feedback can contribute to a hesitancy to share information in the future.

Sharing information across agencies helps to piece together the “jigsaw pieces” of the child’s life and identify risks early

The justification for sharing information to safeguard a child

Sharing information for safeguarding purposes can be justified solely based on preventing harm to a child. The sharing of this information is not dependant on any thresholds for intervention. For example, it is not necessary for a formal process under section 17 or section 47 of the Children Act 1989 to be invoked in order for information to be shared, provided that the sharing is necessary for organisations and agencies to safeguard a child at possible risk of harm. It is only through sharing information that agencies or organisations and practitioners build a richer picture of the day-to-day life of the child and family they are working with.

Have confidence to share information – trust your instincts and act on your training, experience and risk assessment skills. Seek guidance if in doubt

²¹ Feedback on referrals to the local authority children's social care is outlined at Page 58, para 151 of [Working Together 2023](#)

Sharing information, including personal information, with other agencies or organisations

It's essential to plan ahead and have systems and procedures in place for sharing personal information, and for the management of that information. Know in advance which agencies or organisations you are able to share safeguarding information with and what they can do with the information. Seek advice whenever you are uncertain.

Data Sharing Agreements (DSA)

It is good practice for agencies or organisations to have in place DSAs²² with agencies or organisations with which they will be sharing information regularly. DSAs are also known as information sharing agreements (ISAs) or protocols.

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Any information which you think could safeguard a child should be shared with relevant agencies or organisations

Who to contact if you are unsure whether to share information

Practitioners should use their judgement when making decisions about what information to share, and the agency or organisation you work for should have policies and processes in place to ensure the safe and effective sharing of personal information for safeguarding purposes.

When in doubt about a decision to share personal information, seek advice. This could be from your manager or supervisor, agency or organisation's designated safeguarding children professional, the data protection or information governance lead (e.g., Data Protection Officer), Caldicott Guardian, professional regulator (if applicable) or your organisation's relevant policy or legal team.

Informing the people whose information you have shared

If it is safe to be transparent, be as open and honest as possible with the individual (and, or their family) from the outset and seek to work cooperatively with them. You should try to engage with the child and, or their carer(s), and explain who you intend to share information with, what information you will be sharing and why.

However, it is not always safe or appropriate to notify individuals that you intend to share their personal information. For example, you should not notify individuals if you have reason to believe that doing so may put the child at increased risk of harm. Likewise, in urgent cases, where a child is at immediate risk of harm, the priority is to share information quickly to protect the child, regardless of whether the relevant individual(s) have been informed.

While you do not have to rely upon consent as the lawful basis for sharing information, you must make information sharing decisions on a case-by-case basis. Where a child or their carer objects you should consider their objection but still share information if you believe it is necessary to protect the child from harm.

Sharing information in an urgent or emergency situation

Urgent or emergency situations can arise that you may not have envisaged, and you may have to deal with them on the spot. In an emergency where you consider there is a risk of harm to a child, you should go ahead and share information as is necessary and proportionate. Delays in sharing information may increase the risk of harm to the child. You must always document the action you took after the event if you cannot do it at the time, including recording a clear rationale for your decision. For further information see

the ICO Statutory Data Sharing Code of Practice²⁴ which contains guidance on sharing in an urgent situation or in an emergency.

The benefits of sharing information early

Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety of children, whether this is when problems are first emerging (e.g. persistent school absences), or where a child is already known to local authority children's social care (e.g. they are being supported as a child in need or have a child protection plan).

In some circumstances, it may be possible to consider and refer the family to a range of early help and support they could access in the local area to address evolving concerns and before there is an impact on the child's overall safety. However, where a referral to these services is not necessary to protect a child from harm, you should generally seek the family's consent before doing so.

Sharing and acting on that information early, helps to ensure that a child and their family, receive the right services at the right time and helps to prevent a risk or need from becoming more acute. You or your agency or organisation may hold the key information in the jigsaw that confirms or corroborates the safeguarding risk.

Practitioners should be proactive in sharing their concerns about new or evolving risks impacting on a child's safety. Who you share information with should be guided by your local safeguarding arrangements and procedures. It is important and necessary to ensure information shared is relevant, timely, of sufficient quality and accurate.

It is often necessary to share small pieces of information regularly and proactively so that practitioners can build a picture of what is happening in a child's life

Practitioners should also be alert to the potential need to share important information about any adults with whom that child has contact, where it is reasonable to believe that their actions or neglect may cause harm to a child. Data protection law does not prevent you from doing that, when it's necessary, fair and proportionate, and provides a framework to help you to do so²⁵.

While it is essential to ensure that there is a lawful basis in data protection law for sharing information about adults related to or linked to the child, as stated earlier consent is unlikely to be the appropriate one to use. It's also important to note that it will not be appropriate to inform those adults if doing so will increase the risk of a child suffering harm.

²⁴ [Data sharing: a code of practice | ICO](#)

²⁵ See pages 5-8 of this advice for more detail on data protection law.

Information seeking

Practitioners should be proactive and should seek out relevant information from other practitioners and agencies or organisations to build an accurate picture of a child and family's life. Effective information seeking enables pieces of information to be shared, gathered, and triangulated across agencies or organisations working with a child and family.

Practitioners should be professionally curious about the information they hold, and the information other practitioners may hold about a child. This may involve checking with agencies to build a fuller understanding of a family's context or the risks of harm. You should be responsive to practitioners seeking information and share relevant information with practitioners when it supports the safeguarding of a child.

Being alert to different forms of abuse and neglect and taking action

All practitioners should be alert to the signs and triggers of abuse and neglect. Children may be vulnerable to neglect, abuse or exploitation from within their family and, or from individuals or peers they come across in their day-to-day lives. Sharing small pieces of information can help to build a fuller picture over time or can help to fill gaps in information to form a better understanding of the child or family's life. Abuse and neglect can take a variety of different forms, including but not limited to:

- sexual abuse
- physical abuse
- emotional abuse
- neglect (i.e., a child might be left hungry or dirty, or without proper clothing, shelter, supervision,

Protection Act 2018 sets out six key principles which are your main responsibilities when processing personal information for the law enforcement purposes. The principles are broadly the same as those in the UK GDPR and are compatible.

The rights of individuals

You should always check your local data protection policies and procedures or contact your Data Protection lead if an individual has asked you to delete their data.

The UK GDPR gives individuals specific rights over their personal data (or information). In summary an individual's rights are:

- the right to access personal data held about them (the right of subject access)
- the right to be informed about how and why their data is used – a Privacy Notice details privacy information
- the right to have data rectified, erased or restricted
- the right to object
- the right to portability of data; and
- the right not to be subject to a decision based solely on automated processing

Further information can be found on the ICO's website³¹ and you should seek legal advice

Data protection definitions

	<p>a) an identifier such as a name, an identification number, location data or an online identifier; or</p> <p>b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.</p>
Practitioner	An individual working with children and young people who makes decisions about sharing personal data on a case-by-case basis. In this guidance, this includes individuals working in any type of organisation or business.

Privacy
Notice or
Privacy
Information

You must provide information to individuals to tell them what is happening to their data and what you plan to do with it. This is information which outlines your purposes for processing someone's personal data, your retention periods for that personal data, and who it will be shared with. However, there are some circumstances in which you don't have to do this. Please see detailed guidance on the ICO website:

The Children's Commissioner's Office has published a child friendly

- data concerning a person's **sexual orientation**

In order to share special category data, you need a lawful basis under Article 6 and must also be able to identify a condition for processing under Article 9 of the UK GDPR. Some of the conditions for processing also require you to meet additional conditions, as supplemented by s.10 and Schedule 1 to the Data Protection Act 2018. Safeguarding of children and individuals at risk is one of the substantial public interest conditions under which sharing of special category data may be authorised under Article 9. Guidance to help you is on the ICO website³⁹.

Annex B: Useful resources and advice

- Multi-agency public protection arrangements (MAPPA): Guidance - GOV.UK (www.gov.uk)
- Children missing education - GOV.UK (www.gov.uk)
- The Information Commissioner's Office (ICO) website
- National Police Chief's Council (NPCC) Data sharing- share with confidence guidance 2023
- Safeguarding Data Sharing Agreement Guidance
- Safeguarding Data Sharing Agreement (DSA)
- ICO Data Sharing Hub
- Data sharing code of practice
- ICO Guide to Data Protection
- ICO Guidance: Children and the UK GDPR
- NHSX Information guidance hub - For health and social care professionals
- NHS Digital - Data Security and Information governance hub
- Working Together to Safeguard Children 2023
- Keeping children safe in education
- Eight Caldicott Principles
- The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018
- The Non-Maintained Special Schools (England) regulations 2015
- The NHS Confidentiality Code of Practice 2003
- Confidentiality: NHS Code of Practice – Supplementary Guidance on Public interest Disclosures
- Protecting children and young people: The responsibilities of all doctors - ethical guidance summary - GMC (gmc-uk.org)
- Use and share information with confidence - NHS Transformation Directorate (england.nhs.uk)



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