

Sharing of information between practitioners and organisations is essential for effective identification, assessment, risk management and service provision. Often it is only when information is shared that it becomes clear a child may be at risk of significant harm, however practitioners are often concerned about sharing information and uncertain about when they can do.

A key factor in many Serious Case Reviews has been a failure to record information, share it, understand the significance of the information shared, and failure to take appropriate action in relation to known or suspected abuse or neglect.

The decisions about how much information to share, with whom and when, can have a profound impact on individuals' lives. Information sharing helps to ensure that an individual receives the right services at the right time and prevents a need from becoming more acute and difficult to meet.

### **The General Data Protection Regulations (GDPR)**

The GDPR states that 'legal obligation' (processing to comply with the law) and 'public task' (In the public interest or exercising official authority) are relied on as the primary basis for processing information to establish whether or not there is a need to safeguard the welfare of a child.

If you can show you are exercising official authority, there is no additional public interest test, but you must be able to demonstrate that the processing is 'necessary' for that purpose.

This means that, whilst fit is good practice that families are informed when personal data is being shared or processed, their consent will not be required.

There are 6 main responsibilities for everyone:

- Personal data should be processed fairly, lawfully and in a transparent manner.
- Data should be obtained for specified and lawful purposes and not further processed in a manner that is incompatible with those purposes.
- The data should be adequate, relevant and not excessive.
- The data should be accurate and where necessary kept up to date.
- Data should not be kept for longer than necessary.
- Data should be kept secure.

**ALL** staff have a responsibility to comply with the principles and are responsible for the data being collected and how it's used.



## **One Minute Guide**

### **Information Sharing**

**August 2021**

### **Keeping Children Safe in Education (2019)**

"No single practitioner can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action"

Staff should not assume a colleague, or another professional will take action and share information that might be critical in keeping children safe.

### **The Data Protection Act 2018**

Information sharing must satisfy at least one condition in Article 6 of the Data Protection Act 2018 in relation to personal data:

1. The data subject has given consent to the processing of their data for one or more specific purpose.
- Or, processing is necessary for:**
2. The performance of a contract.
  3. Compliance with legal obligation.
  4. The protection of the vital interests of the data subject or of another.
  5. The performance of a task carried out in the public interest or in the exercise of official authority
  6. The purpose of the legitimate interests, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

The Act sets out 7 principles of information sharing:  
Necessary and Proportionate, Relevant, Adequate, Accurate, Timely, Secure, Record

### Information Sharing Myth-Busting

- The GDPR and Data Protection Act 2018 **DO NOT** prohibit the collection and sharing of personal information.

They provide a framework to ensure that personal information is shared appropriately, balancing the rights of the information subject and possible needs to share information about them.

- You **DO NOT** necessarily need the consent of the information subject to share their personal information.

Where possible, seek explicit and freely given consent and be open and honest as to why, what, how and with whom, their information will be shared.

However, in some circumstances it is not appropriate to seek consent, either because the individual cannot give consent, it is not reasonable to obtain consent, or in your judgement, that lack of consent can be overridden in the public interest and wellbeing of the child.

- Personal information collected by one organisation **CAN BE** disclosed to another organisation, unless the information is to be used for an incompatible purpose.

Consider which processing condition in the Data Protection Act 2018 is most appropriate for use in the circumstances of the case.

- The common law duty of confidence and the Human Rights Act 1998 **DOES NOT** prevent the sharing of personal information.

Practitioners need to balance these duties and rights against the effect on children or individuals at risk if they do not share the information. Consider whether the objective can be achieved by limiting the amount of information shared.

- IT Systems are **NOT** a barrier to effective information sharing.

IT systems are most valuable when practitioners use the data that has been shared to make more informed decisions about how to support and safeguard a child, however reliance should not impact professional judgment.

- You **DO NOT** need consent to start an EH Assessment or record information on the Early Help Module (EHM), but you **DO NEED** consent to engage a family in Early Help and refer to a family hub or any other service. They should be given a "What is early help?" leaflet.

### —Practice Tips

- Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
- 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.
- When sharing information, consider safety and well-being of the person and others who may be affected by their actions
- For an Early Help assessment to be effective, it should be undertaken with the agreement and involvement of the child and their parents or carers.
- Only seek consent when you will honour and abide by their decision, as openly proceeding against a family's wishes may affect engagement.

### The Information Sharing Agreement (ISA)

There are underpinning Information Sharing Agreements. Should you have any concerns, speak to your manager about what Information Sharing Agreements that are in place.

### Key Contacts and Further Information

- [Coventry Safeguarding Children Partnership](#)
- [Coventry City Council Information Sharing](#)
- [Information Sharing Guidance](#)
- [West Midlands Regional Sharing Information Procedures](#)
- [West Midlands Information Sharing and Confidentiality Procedures](#)
- [GDPR One Minute Guide](#)
- [Data Protection Act 2018](#)
- [Information Commissioners Office guide to UK GDPR](#)
- [Information Sharing: <https://westmids-coventry.trixonline.co.uk/chapter/information-sharing>](https://westmids-coventry.trixonline.co.uk/chapter/information-sharing)