

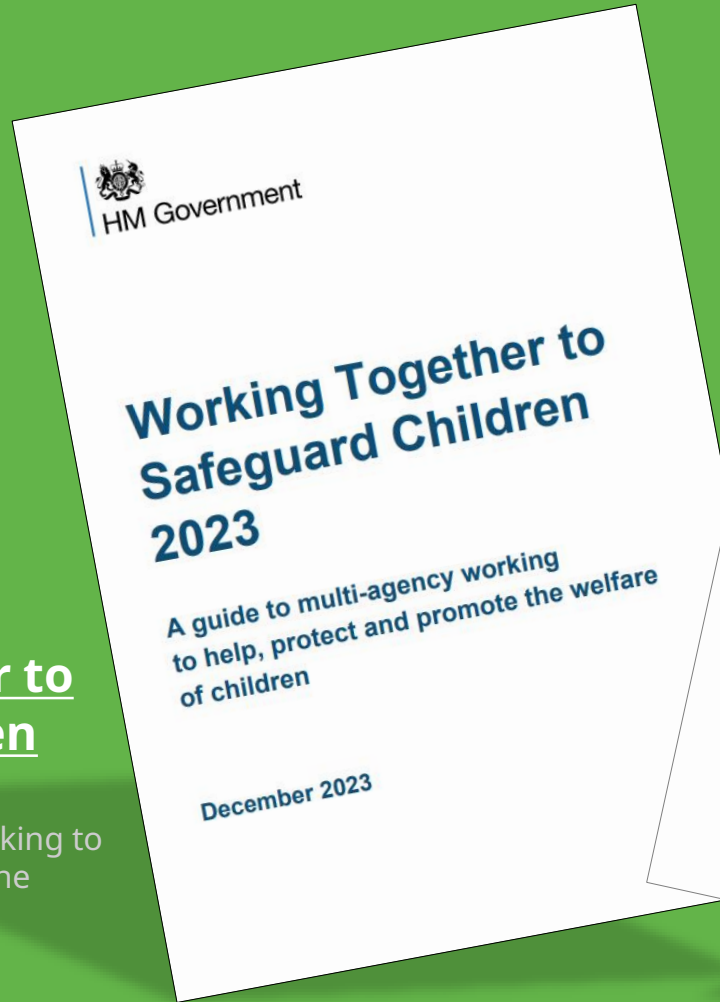
Consent and Information Sharing Briefing



Somerset Safeguarding
Children Partnership

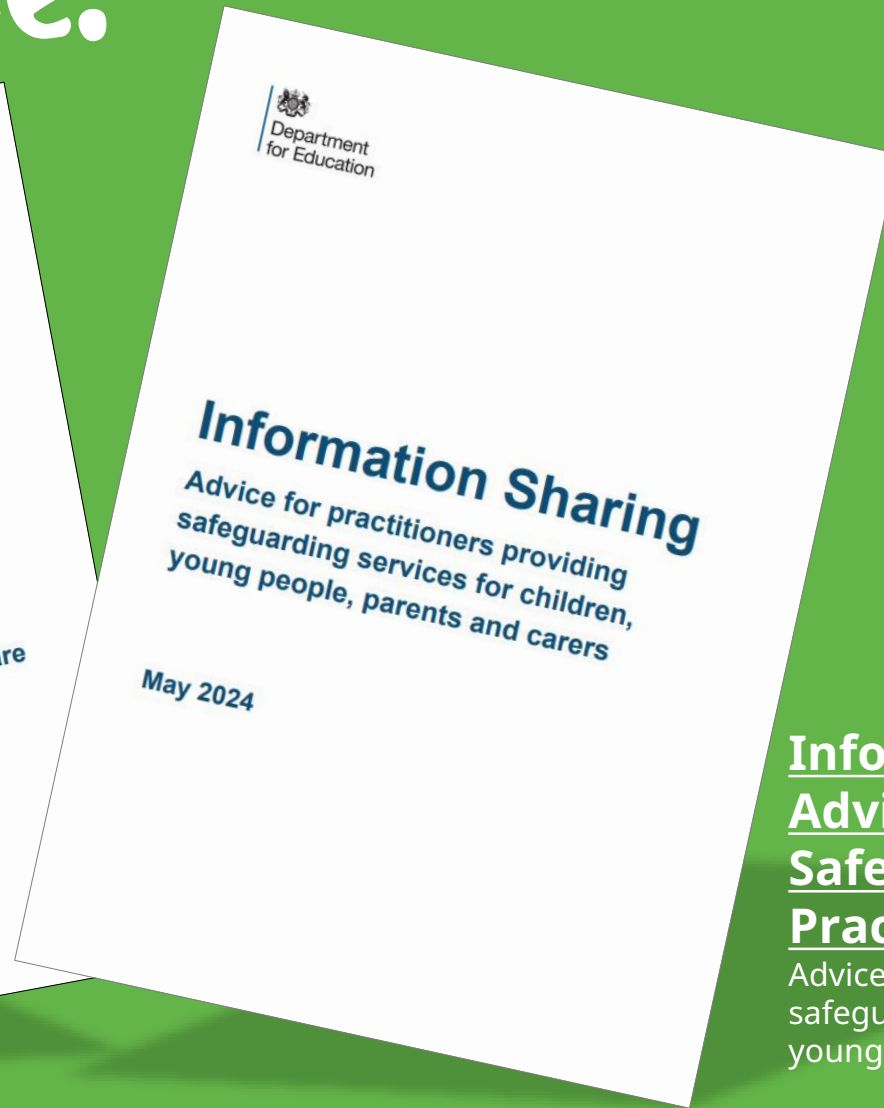


National Guidance:



Working Together to Safeguard Children 2023

A guide to multi-agency working to help, protect and promote the welfare of children



Information Sharing Advice for Safeguarding Practitioners 2024

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

Understanding safeguarding for the purposes of information sharing

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 the risk of harm comes from within the child's family and, or outside (from the wider community), 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.
- ❑ Taking action to enable all children to have the best outcomes.
- ❑ This presentation focuses on the sharing of information where there are safeguarding concerns about a child.



Understanding safeguarding for the purposes of information sharing

A concern could be based on:

- ❑ An established risk (e.g. where there is evidence that a child has suffered harm).
- ❑ Or a suspected or potential risk (e.g. where it is reasonable for a practitioner to believe that information sharing is necessary to protect a child from harm that may happen without intervention).



It may be that the risk of harm to a child can only be identified and understood through the early sharing of concerns between practitioners and agencies or organisations who may hold relevant information about the child and can support action to safeguard the child.

Understanding information sharing and its importance

Information sharing in a safeguarding context means the appropriate and secure exchange of personal information between practitioners and other individuals with a responsibility for children, to keep them safe from harm and promote their wellbeing.

Information sharing is essential for identifying patterns of behaviour, or circumstances in a child's life that may be evidence that they are at risk of harm or are being harmed and need some form of support or protection.

This includes but is not limited to:

- Child abuse, neglect or exploitation.
- Situations where timely supportive intervention could prevent concerns about a child's wellbeing from escalating.
- When a child is at risk of going missing or has gone missing.
- When multiple children appear linked to the same risk.
- Where there may be multiple local authorities and agencies or organisations involved in the care of a child's care.



Understanding what is meant by the lawful basis for sharing information

Data protection legislation provides a framework which enables information sharing where it is necessary, proportionate, and justified to do so. It does not prevent the sharing of information for the purposes of safeguarding children and promoting their wellbeing.

The first and most important consideration is always whether sharing information is likely to support the safeguarding or promote the wellbeing of a child.

Under data protection law, you must have a valid lawful basis to share personal information:

- There are six lawful bases for sharing personal information and nine for sharing of special category information - see [A guide to lawful basis \(ICO\)](#)



Understanding what is meant by the lawful basis for 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.

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.

For details see: [Information Sharing Advice for Safeguarding Practitioners 2024](#)

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.



Responsibility to share and seek information

- ❑ Practitioners should not assume that someone else will pass on information that they think may be critical to keep a child safe.
- ❑ All practitioners should be particularly alert to the importance of sharing information when a child moves from one local authority into another, due to the risk that knowledge pertinent to keeping a child safe could be lost.
- ❑ 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.
- ❑ **Consent should not be seen as the default basis for sharing information in a child safeguarding context, as it is unlikely to be appropriate in most cases.**

All decisions to share or not share information should always be recorded with the rationale of what was/ was not shared with who, how, and when in line with your own organisations' guidance.



The complexities of consent and why it causes confusion

The meaning attached to the term “consent”, and the expectations that it sets for how people to make decisions will be differ depending on the context and situation.

The use and meaning of consent for the **processing of personal information** including the sharing of, is different to the general meaning of consent – such as the giving of permission.

Consent or agreement to receive a service:

- ❑ It is important for families to understand what it means for them to receive a service from organisations, what that looks like and the implications of not receiving it. It is their choice to “consent” or “agree” to receive that service; consent to a service does not have an impact on the lawful basis used by professionals for the sharing of their information.
- ❑ Where families do not consent or engage with a service, information sharing may still take place because the processing is being done under a different lawful basis which is likely to be public task or legitimate interest.

There are scenarios where obtaining family consent to engage is not required because it meets the threshold of Section.47 (Child Protection).

Consent to receive medical treatment - there are specific meanings of implied and explicit consent for health purposes. Health practitioners should refer to their regulator’s guidance or NHS advice.

Informing a family that you are sharing information

Being upfront, transparent and honest with children and families

- ❑ Working Together to Safeguard Children (2023) and the Information Sharing Guidance (2024) are clear that good professional practice involves **being open, transparent and honest with children and families** and **trusted relationships are at the heart of working with children and families**.
- ❑ It is important to ensure that the family you are working with understands what information is being shared, who it is being shared with, and why. This practice promotes engagement and collaboration.
- ❑ There will be some circumstances where informing a family about the information being shared could put a young person at risk. Where this is the case there are exemptions that allow for you to share the information without informing the young person / their family. This decision should always be recorded with the rationale of what was / was not shared with who, how, when, and the lawful basis for sharing.

The Seven Golden Rules of Information Sharing



1

All children have a right to be protected from abuse and neglect.

2

When you have a safeguarding concern, wherever it is practicable and safe to do so, 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.

3

You do not need consent to share personal information about a child and/or members of their family if a child is at risk or there is a perceived risk of harm.

4

Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case.

5

When sharing information, ensure you and the person or agency/organisation that receives the information take steps to protect the identities of any individuals.

6

Only share relevant and accurate information with individuals or agencies/organisations that have a role in safeguarding the child and/or providing their family with support, and only share the information they need to support the provision of their services.

7

Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information.

For more guidance
and resources on
information sharing
and consent in
Somerset, please visit
the SSCP website:

www.somerset safeguarding children.org.uk





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