



Solihull
Safeguarding
Children Partnership

Consent and Information Sharing Briefing

April 2024

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. 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, in order to keep them safe from harm.

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 (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.

Under data protection law, you must have a valid lawful basis in order to share personal information. You must identify at least one lawful basis under Article 6 of the UK GDPR for sharing. There are six lawful bases for sharing information set out in Article 6 of the UK GDPR.

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.g. when exercising statutory duties in relation to children under the Children Acts of 1989 and 2004 and other related legislation).

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.

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 (Working Together 2023)

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.

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.

Why consent is not usually the most appropriate lawful basis in a safeguarding context

- Consent should not be seen as the default basis for sharing information in a child safeguarding context, as it's unlikely to be appropriate in most cases.
- Using consent as a lawful basis means an individual has given agreement for personal information about themselves, or their child's personal information, to be shared or processed for a purpose where they have a clear choice about its use. It also means that the individual is able to withdraw their consent at any time (in which case the information would need to be deleted)
- These conditions are unlikely to be present in situations where practitioners are often under a professional duty to record information

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.

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 make decisions, can be different depending on the context and how people are used to working within a particular environment

- **“consent”** as a lawful basis to share information, as defined by data protection legislation (and relevant for the purpose of this Advice), is different to the general meaning of consent – such as the giving of permission. As already discussed, this is not usually the appropriate legal basis for sharing information to safeguard children
- **“consent”** or “agreement” to receive a service, such as a parent’s agreement to engage with services under section 17 of the Children Act 1989. The meaning of 'consent' in this context is the general sense of the word and is separate from the meaning of 'consent' as a lawful basis under data protection law. It may be necessary to share information even if the threshold for service intervention (for example, under s.17 of the Children Act 1989) has not been reached or where a person does not agree to the provision of particular services
- **“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

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.

Informing a family that you are sharing information

Being **upfront, transparent and honest with children and families.**

- This is generally good practice, whenever it is safe to do so.
- This does not equate to obtaining “consent” from individuals to share their information (or information about their child) for data protection purposes, but this practice does promote engagement and collaboration.
- Trusted relationships are at the heart of working with children and families. It is always good practice to work in partnership with children and families, communicating effectively and listening well, so that you have sufficient information to understand and be able to meet their needs. This openness is also important when deciding whether to share 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.

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.

Effective communication

Effective information sharing relies upon the successful passing of information from one person to another. To be successful there needs to be effective communication to ensure that whatever one person wants to say to someone, is done in a way that it can be clearly understood by the person receiving it, otherwise the very purpose of the communication would be defeated.

Consider carefully the method you chose to use for effective communication, what method will be most effective to ensure you know the person has:

Received the information you wish to share?

Understands the purpose you have shared the information for?

Knows what you expect to happen once the information has been shared?

Is able to communicate back to you their understanding?

How this factors in to any existing information / knowledge they have?

What the agreed outcome will be of this communication?

All decisions to share or not share information should always be recorded with the rational of what was/ was not shared with who, how, and when.

Being Offered or Seeking Help

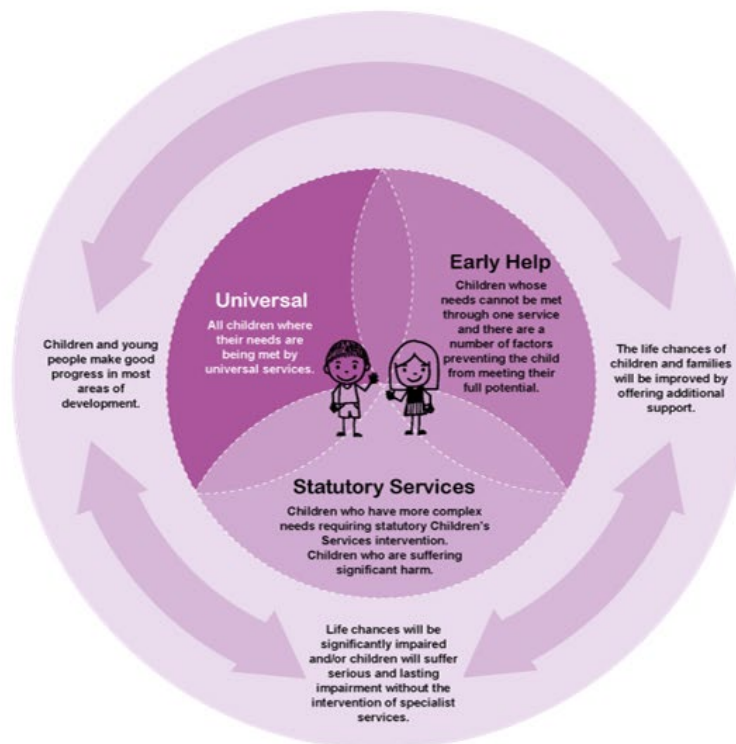
- “No single practitioner can have a full picture of a child’s needs and circumstances so effective sharing of information between practitioners, local organisations and agencies is essential for early identification of need, assessment, and service provision to keep children safe”
- “Rapid reviews and child safeguarding practice reviews have highlighted that missed opportunities to record, understand the significance of, and share information in a timely manner can have severe consequences for children.”(Working Together 2023)
- Parents are more likely to seek support and engage with plans for change if they can access this from someone they know, trust and believe; it is therefore important that whoever has this role shares information and coordinates with other professionals and organisations involved with the child and family.

Understanding Thresholds for intervention

Right Help, Right Time, Right Response

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Response to Need



This guidance is produced by Solihull Safeguarding Children's Partnership and sets out the local criteria for action in a way that is transparent, accessible and easily understood. The Full document provides practical examples to help inform your professional judgement.

Consent for intervention

While the legal duty to safeguard and promote the wellbeing of Children supports agencies to share information, it does not support intervention into family life without consent, unless a child is suffering or likely to suffer **significant harm** (Section 47 of the Children Act 1989).

Consent is needed if:

- A referral is being made to any organisations for the delivery of an intervention e.g.:
- The needs identified cannot be met by existing services and further support is needed from a service not currently involved with the family.
- The needs of the child meet the criteria for a Child in Need under Section 17 of the Children Act 1989

Remember, consent is not being sought for information sharing, it is being sought because the family need to agree for other services to intervene in their family life unless a child is suffering or likely to suffer Significant Harm.

The need for coordinated help

- When children and families need extra support, they should be able to get early help in a coordinated way, through agencies that already know completing an assessment.
- This will ensure:
- Information is accurately shared
- The family do not have to repeat their story time and time again
- They are not unnecessarily referred to other services

Practitioners can discuss concerns they may have about a child and family with Children's Services to seek advice.

- This information sharing can be done by calling 0121 788 4300
proportionate lawful information sharing does not require consent, unless an intervention is being sought.

1-3 of the Seven Golden Rule of Information Sharing

- 1. All children have a right to be protected from abuse and neglect.** Protecting a child from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them. The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) provide a framework¹ to support information sharing where practitioners have reason to believe failure to share information may result in the child being at risk of harm.
- 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.** You are not required to inform them, if you have reason to believe that doing so may put the child at increased risk of harm (e.g., because their carer(s) may harm the child, or react violently to anyone seeking to intervene, or because the child might withhold information or withdraw from services).
- 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.** You need a lawful basis³ to share information under data protection law, but when you intend to share information as part of action to safeguard a child at possible risk of harm, consent may not be an appropriate basis for sharing. It is good practice to ensure transparency about your decisions and seek to work cooperatively with a child and their carer(s) wherever possible. This means you should consider any objection the child or their carers may have to proposed information sharing, but you should consider overriding their objections if you believe sharing the information is necessary to protect the child from harm.

4-7 of the Seven Golden Rule of Information Sharing

- 4. Seek advice promptly whenever you are uncertain or do not fully understand how the legal framework supports information sharing in a particular case.** Do not leave a child at risk of harm because you have concerns you might be criticised for sharing information. Instead, find out who in your organisation/agency can provide advice about what information to share and with whom. This may be your manager/supervisor, the designated safeguarding children professional, the data protection/information governance lead (e.g., Data Protection Officer⁵), Caldicott Guardian, or relevant policy or legal team. If you work for a small charity or voluntary organisation, follow the NSPCC's safeguarding guidance.
- 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** (e.g., the child, a carer, a neighbour, or a colleague) who might suffer harm if their details became known to an abuser or one of their associates.
- 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.** Sharing information with a third party rarely requires you to share an entire record or case-file – you must only share information that is necessary, proportionate for the intended purpose, relevant, adequate and accurate.
- 7. Record the reasons for your information sharing decision, irrespective of whether or not you decide to share information.** When another practitioner or organisation requests information from you, and you decide not to share it, be prepared to explain why you chose not to do so. Be willing to reconsider your decision if the requestor shares new information that might cause you to regard information you hold in a new light. When recording any decision, clearly set out the rationale and be prepared to explain your reasons if you are asked.

Further information

Further guidance can be found in:

[Working Together 2023](#)

[Information Sharing Advice for practitioners providing safeguarding services for children, young people, parents and carers](#)