

Information sharing and confidentiality for practitioners - things to know and issues to consider

Why information sharing matters

It's important to ensure a child or young person understands their personal information will be treated respectfully and confidentially. This provides a safe space for them to be open and honest with the people caring for them.

Establishing this form of trust is fundamental for the provision of safe and effective care.

But when working with children and young people, it's important to keep in mind two essential factors:

- timely information sharing is key to safeguarding and promoting the welfare of children. It enables intervention that crucially tackles problems at an early stage
- if a child is at risk or suffering significant harm, the law supports you to share information without consent.

Case reviews have shown us that a lack of appropriate and timely information sharing is a key issue.

Sharing information will help other professionals who have contact with the family to better understand the risks faced by the child.

You may, for example, have information about issues related to a parent or other **adult which may be impacting negatively on the child's wellbeing. This information will contribute to building a clear picture of the child's life. The better the picture, the more quickly appropriate action can be taken to protect a child.**

Understanding when information should be shared

Every person has a right to privacy under the European Convention on Human Rights (Article 8).

But if you have any worries or doubts about the wellbeing of a child you'll have to decide whether you need to share personal or confidential data. Sharing information appropriately is key to putting in place effective child protection services.

Unless there's a statutory duty or a court order to share information, you'll need to use your professional judgement based on the facts of the case to decide whether to share and what should be shared.

When you're making these decisions, the safety and welfare of the child must be your key consideration.

You must have a clear and legitimate purpose for sharing information.

Share information early on, when you see signs of emerging problems. This means support can be put in place at the time it's most likely to help. **For example, referring a family to other health or children's services where they can get the care and support they need can be effective preventative action.**

Consider the issues objectively and impartially. Make sure your own cultural **background or religious beliefs don't affect your decisions**. If you feel you need more advice about particular religious or cultural practices, you could contact a voluntary organisation that has experience of working with a particular community.

Get help on deciding what to do – talk to your manager or the person in your organisation who has a lead role for safeguarding children. If you work in the NHS you can speak to a Caldicott Guardian. Ensure the outcome of your discussion is recorded.

Never assume someone else will pass on information about a child, a parent or other adult that may be critical to keeping a child safe.

Getting consent

Ask for consent to share confidential information unless:

- asking for consent may increase the risk of significant harm to the child or young person
- a delay in sharing information may increase the risk of harm to the child or young person.

You can get consent either verbally or in writing although it's better to get written consent. This is to avoid any future dispute. A person can withdraw consent at any time.

If a child doesn't have the capacity to understand and make their own decisions, ask a person with parental responsibility.

Be open and honest. Ensure the person you're asking for consent understands what information will be shared and why it needs to be shared. Tell them who will see the information and what they will use it for.

It's important to respect the wishes of a child or any person who doesn't consent to share confidential information.

If you're not given consent to share information, you may still lawfully go ahead if it can be justified to be in the public interest. For example, to:

- protect children from significant harm
- promote the welfare of children.

Always think of the safety and wellbeing of the child first. Always act within the guidelines of your professional code of practice.

If a child or adult refuses to give their consent to share confidential information, **you'll need to make a professional judgement based on what you think will happen if the information is shared, against what you think will happen if it isn't.** Discuss this with your supervisor, manager or the child protection lead.

In England, to find out more about Government guidance see:

- HM Government (2015) [Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers](#). This guide includes a myth busting section that helps to dispel mistaken beliefs that prevent effective information sharing.

In Northern Ireland, see:

- Department of Health, Social Services and Public Safety (DHSSPS) (2012) [Code of practice on protecting the confidentiality of service user information](#) (in particular 'Chapter 5: Decision-making about whether to use or disclose personal information')
- Department of Health, Social Services and Public Safety (DHSSPS) (2003) [Cooperating to safeguard children](#) (see section 8).

In Scotland, see:

- Scottish Government (2014) [National guidance for child protection in Scotland](#) (see 'Information sharing and recording' in 'Part 1- the context for child protection')
- Scottish Government (2014) ['National guidance for child protection in Scotland 2014. Additional notes for practitioners: protecting disabled children from abuse and neglect](#)
- The Scottish Government web page [Information sharing](#).

In Wales, see:

- National Assembly for Wales (2007) [Safeguarding children: working together under the Children Act 2004](#) (Chapter 8 sections 8.31-41 and Chapter 14 'Information sharing')
- [Wales Accord on the Sharing of Personal Information](#). This Government sponsored website provides useful links to legislation information.

If you share information without consent you'll need to explain to the child or adult you're going to do this and why, unless doing this will put the child at risk of significant harm.

What to think about if you're going to share information

It's natural to feel uneasy about sharing information or worried about the extent you can do so. But you can't allow these fears to stand in the way of ensuring the safety and welfare of the child.

Take time to reflect on the case and consider how the information you share will benefit the child.

Check information sharing guidance produced by your own agency.

Check your Local Safeguarding Children Board (LSCB) or Multi Agency Safeguarding Hub (MASH) guidance on information sharing.

Respect and support other agencies and professionals need to maintain good relationships with the child or family.

What information needs to be shared?

You may need to share information about a child or about a parent or other adult in order to protect the child. Decide what is appropriate to share and who it will be shared with.

Identify how much information to share. Think about the purpose for sharing information and share only what you judge is relevant and necessary to fulfil this.

Use language that is clear and precise. Be aware that different agencies use different terminology or may have a different understanding of particular terms.

Be clear about what is factual in the information and what is based on professional opinion or reports from other people.

What to do when sharing information

Make sure all your decisions on information sharing keep the safety and wellbeing of the child and anyone else who may be affected as your first consideration.

Ensure the information you're sharing for the purpose of protecting a child is relevant to that purpose and is accurate, unbiased and up-to-date.

It's important to follow properly worked-out information-sharing protocols. These should be implemented between all the agencies and professionals involved.

Share information securely and only with the relevant staff in the organisation who need to have it.

Understand the limits of any consent given and ensure those receiving the information understand this too (for example, in relation to any intention to pass the information on to others).

Keep a written record of your decision to share information and the reasons why.

Keep a record of who you have shared information with, what the information **was, and why it was shared. Always work in accordance with your organisation's** procedures for recording information.

In England, look at page 12 of the guide HM Government (2015) [Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers](#) to see a flow chart of the process of sharing information.

In Northern Ireland, see the flow chart on pages 30-32 DHSSPS (2012) [Code of practice on protecting the confidentiality of service user information](#)

In Scotland, [chapter 3: Information sharing](#) in Scottish Government (2013) [Getting our priorities right](#) includes a flow chart summarising key considerations when sharing information.

In Wales, see chapter 14: Information sharing in National Assembly for Wales (2007) [Safeguarding children: working together under the Children Act 2004](#).

Who to share information with and how to share it

It's important to remember that good information sharing isn't just about what you share. The safety and wellbeing of the child may be at stake and may depend on the way you share information and who you share it with.

Sharing information effectively includes:

- formal face-to-face strategy meetings where ideas can be thoroughly explored
- developing shared plans
- putting in place a shared record for a child receiving services from several agencies

NSPCC

- effective information sharing between teams in the same agency
- sharing information across geographical borders, including efficient transfer of the child's records if they move to a different location.

Section 15 of **Information Commissioner's Office (ICO) (2011) [Data sharing code of practice](#)** provides handy checklists for the overall process of data sharing and Section 10 of the same guide lists 6 key things to avoid.

References and further reading

APS Group Scotland (2012) Working with children and adults who may be at risk of self-harm practice guidance on information sharing, protection and confidentiality.

<http://www.gov.scot/Resource/0040/00406619.pdf>

Department of Health, Social Services and Public Safety (DHSSPS) (2003) Cooperating to safeguard children.

http://www.dhsspsni.gov.uk/index/hss/child_care/child_protection/child_protection_publications.htm

Department of Health, Social Services and Public Safety (DHSSPS) (2012) Code of practice on protecting the confidentiality of service user information.

<http://www.dhsspsni.gov.uk/index/publications/publications-search.htm?pubtitle=confidentiality&class=All>

General Medical Council (2012) Protecting children and young people: the responsibilities of all doctors.

http://www.gmc-uk.org/guidance/ethical_guidance/13257.asp

Health and Social Care Information Centre (2013) A guide to confidentiality in health and social care: treating confidential information with respect

<http://www.hscic.gov.uk/media/12822/Guide-to-confidentiality-in-health-and-social-care/pdf/HSCIC-guide-to-confidentiality.pdf>

HM Government (2015) Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf

HM Government (2015) Working together to safeguard children.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf

Information Commissioner's Office (ICO) (2011) Data sharing code of practice.

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-sharing/>

National Assembly for Wales (2007) Safeguarding children: working together under the Children Act 2004.

<http://wales.gov.uk/topics/health/publications/socialcare/circular/nafwc1207/?lang=en>

Scottish Government (2013) 'Getting our priorities right'.

<http://www.gov.scot/Publications/2013/04/2305/6>

Scottish Government (2014) National guidance for child protection in Scotland

<http://www.gov.scot/Publications/2014/05/3052/downloads>



Wales, A. and Hill, L. (2011) Roundtable report: finding the balance: children's right to confidentiality in an age of information sharing. Glasgow: NSPCC/Childline Offices.

<http://www.togetherscotland.org.uk/pdfs/Finding%20the%20Balance%20Children's%20right%20to%20confidentiality%202011%20Final.pdf>

Contact the NSPCC Information Service with any questions about child protection or related topics:

Tel: 0808 800 5000 | Email: help@nspcc.org.uk | Twitter: @NSPCCpro

Copyright © 2015 NSPCC Information Service - All rights reserved.

EVERY CHILDHOOD IS WORTH FIGHTING FOR