

The background features a large yellow rectangle in the top-left corner, a dark green rectangle in the bottom-left corner, and a light green horizontal bar at the very bottom. The main content area is white.

INFORMATION SHARING

Nottingham City Partnership Updated December 2016

COURSE OVERVIEW

- ⦿ This training course is based on HM Government Information Sharing Guidance for Practitioners and Managers and has been developed in partnership with Barnardo's.
- ⦿ This course will help you to understand when and how information can be shared legally and professionally, in order to achieve improved outcomes. The contents are based on the guidance for practitioners and managers available on the government website:

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

The guidance is for everyone that works with children, young people and families whether they are employed or volunteers, in the public, private or voluntary sectors. It is for staff working in health, education, schools, social care, youth work, early years, family support, offending and criminal justice, police, advisory & support services, culture & leisure.

COURSE AIMS

Information sharing is essential to enable early intervention and preventative work and for safeguarding and promoting the welfare of individuals. It is a key element in improving outcomes for all.

This course aims to give practitioners and managers clearer guidance on when and how they can share information legally and professionally.

By the end of the course you will:

- ⦿ Understand why information sharing is important
- ⦿ Be able to summarise the seven golden rules for information sharing
- ⦿ Understand the seven golden rules for information sharing
- ⦿ Know how your organisation should support you in information sharing
- ⦿ Be able to consider the practical application of the guidance using a series of case examples for internal reflection. You may also wish to use these examples as the basis for team discussion.

BEFORE YOU START....

- ① The presentation is divided into a series of separate chapters accessible through the menu.
- ① **'Left click' anywhere on screen to advance to the next page**
- ① **Icons at the bottom left of the page will allow you to go back to the previous page or return to the menu.**
- ① As you go through the presentation, think how it translates to your own experience
- ① You can download and print the presentation for reference or use its content to provide information sharing input into other training – Right click on the web link, choose 'save target as', choose destination folder.





MAIN MENU

- ◎ [Why Information Sharing is Important](#)
- ◎ [Seven Golden Rules for Information Sharing](#)
- ◎ [Flowchart of Key Questions](#)
- ◎ [How Organisations Should Support You](#)
- ◎ [Further Case Studies](#)

The course is split into 5 sections. You can complete these sections in any order. Click on a section title to jump to that section.



WHY INFORMATION SHARING IS IMPORTANT

Module 1

1/7

We know that practitioners recognise the importance of information sharing and that there is much good practice. But practitioners also tell us that in some situations they feel constrained from sharing information by their uncertainty about when they can do so lawfully.

This guidance aims to provide clarity on that issue. To feel confident about making information sharing decisions it is important that you:

- ⦿ Understand and apply good practice in sharing information at an early stage as part of preventative or early intervention work
- ⦿ Understand what to do when you judge that a child or young person is at risk of significant harm or an adult is at risk of serious harm.
- ⦿ The rest of this course covers these matters.



INFORMATION SHARING AS PART OF EARLY INTERVENTION & PREVENTION

Module 1

2/7

- ① Sharing Information is essential to enable early intervention to individuals who need additional services to achieve positive outcomes, thus reducing inequalities between disadvantaged individuals and others.
- ① These services could include additional help with learning, specialist health services, help and support to move away from criminal or anti-social behaviours, or support for parents in developing parenting skills.
- ① As local areas move towards integrated services, professional and confident sharing of information is becoming more important to realising the potential of these new arrangements to deliver benefits for all.
- ① Whether integrated working is through specific multi-agency structures or existing services, success for those at risk of poor outcomes depends upon effective partnership working and appropriate information sharing between services.





QUIZ: WHICH STATEMENTS ARE TRUE?

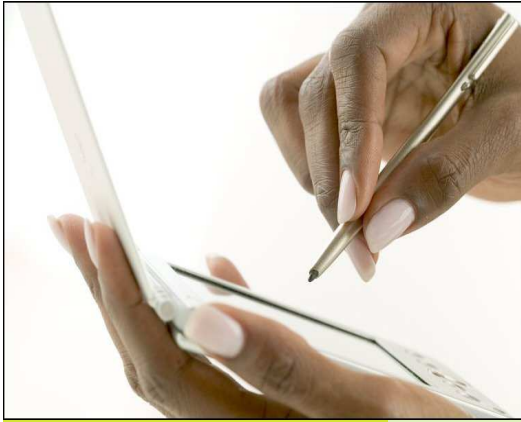
Module 1

3/7

- ⦿ Success for those at risk depends on information sharing between services.
- ⦿ Sharing information enables early intervention and helps positive outcomes
- ⦿ Information does not need to be shared as part of preventative work
- ⦿ Information sharing is vital to safeguarding & promoting welfare.

Show Answer





QUIZ: WHICH STATEMENTS ARE TRUE?

Module 1

3/7

- ⦿ **Success for those at risk depends on information sharing between services.**
- ⦿ **Sharing information enables early intervention and helps positive outcomes**
- ~~⦿ Information does not need to be shared as part of preventative work~~
- ⦿ **Information sharing is vital to safeguarding & promoting welfare.**



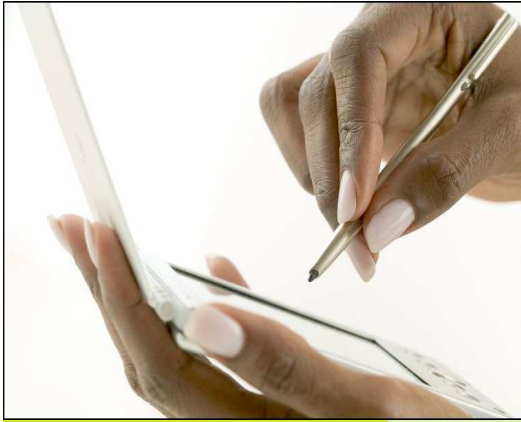
CONCERNS ABOUT SIGNIFICANT OR SERIOUS HARM

Module 1

4/7

- ⦿ It is critical that where you have cause to believe that a child or young person may be suffering, or at risk of suffering, significant harm or an adult may be at risk of suffering serious harm then you should always consider referring your concerns to the appropriate authority, for example, a child protection officer, social care, or the police
- ⦿ Significant harm to children and young people can arise from a number of circumstances – it is not restricted to cases of deliberate abuse or gross neglect.
- ⦿ For example a baby who is severely failing to thrive for no known reason could be suffering significant harm but equally could have an undiagnosed medical condition. If the parents refuse consent to further medical investigation or an assessment, then you may still be justified in sharing information for the purposes of helping ensure that the causes of failure to thrive are correctly identified.
- ⦿ If you are unsure that you have reasonable ‘cause to believe’ do not ignore your concerns. You should always talk to someone to help you decide what to do – a lead person on safeguarding, a Caldicott Guardian, your manager, an experienced and trusted colleague or another practitioner who knows the person. You should protect the identity of the individual wherever possible until you have established a real cause for your belief.





QUIZ - WHY IS INFORMATION SHARING IMPORTANT

Module 1

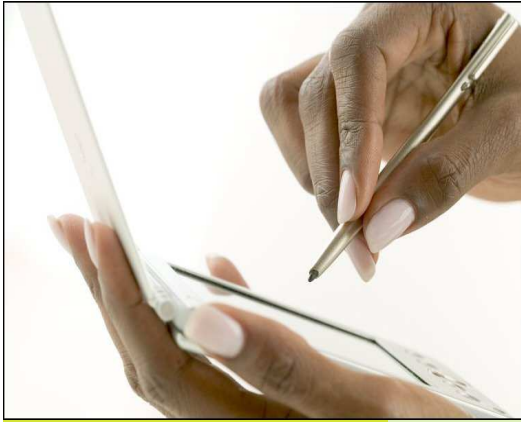
5/7

If you have concerns that a child or young person may be suffering or at risk of suffering significant harm or an adult may be suffering or at risk of suffering serious harm, but are unsure whether these constitute 'a reasonable cause to believe' you should talk to

- A lead person on child protection
- Your local IT Helpdesk
- An experienced and trusted colleague
- Another practitioner who knows the individual



Show Answer



QUIZ - WHY IS INFORMATION SHARING IMPORTANT

Module 1

6/7

If you have concerns that a child or young person may be suffering or at risk of suffering significant harm or an adult may be suffering or at risk of suffering serious harm, but are unsure whether these constitute 'a reasonable cause to believe' you should talk to

- ⦿ **A lead person on child protection**
- ⦿ ~~Your local IT Helpdesk~~
- ⦿ **An experienced and trusted colleague**
- ⦿ **Another practitioner who knows the individual**

REVIEW OF LEARNING OUTCOMES

Module 1

7/7

In this module you have covered two topics and have:

- ① Learnt that information sharing is essential to enable early intervention and preventative work to help individuals who need additional services to achieve positive outcomes;
- ① Learnt how critical it is that all practitioners make referrals to appropriate authorities where there is reasonable cause to suspect that a child or young person may be at risk of suffering significant harm or adult may be at risk of suffering serious harm.





INFORMATION SHARING - SEVEN GOLDEN RULES

Module 2

1/10

- ① The 'Seven Golden Rules' and the further information in the form of seven key questions in the next module will help support your decision making so you can be more confident that information is being shared legally and professionally.
- ② Colleagues are advised to also consider local processes and specific local working arrangements including the overall requirement to work co-operatively with other agencies to safeguard individuals and improve their welfare.
- ③ This module will take you through each of the Seven golden rules in detail.



INFORMATION SHARING - 7 GOLDEN RULES

Module 2

2/10

The Data Protection Act is not a barrier to sharing information

The Data Protection Act provides a framework to ensure that personal information is shared appropriately. It is NOT a barrier.





INFORMATION SHARING - 7 GOLDEN RULES

Module 2

3/10

Be Open and Honest

Explain to the Person and/or their family at the outset, openly and honestly, about what and how information will, or could be shared and why, seek their agreement.

⦿ Exceptions

The only exceptions to this are where to do so would put a child or young person at risk of significant harm, or an adult at risk of serious harm, or it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.

⦿ Definition of a serious crime

Serious crime means any crime which causes or is likely to cause significant harm to a child or serious harm to an adult.



INFORMATION SHARING - 7 GOLDEN RULES

Module 2

4/10

Seek Advice

You should seek advice when you are in doubt. You should try to do this without disclosing the identity of the person if possible.



INFORMATION SHARING - 7 GOLDEN RULES

Module 2

5/10

Share with consent where appropriate

- ③ You should, where possible, respect the wishes of those who do not consent to share confidential information.
- ③ You may still share information without consent, if in your judgement on the facts of the case, that lack of consent can be overridden in the public interest.





INFORMATION SHARING - 7 GOLDEN RULES

Module 2

6/10

Consider Safety and Well-Being

- ① Always consider the safety and well-being of a person and of others who may be affected by their actions when making decisions on whether to share information about them.



INFORMATION SHARING - 7 GOLDEN RULES

Module 2

7/10

Necessary, proportionate, relevant, accurate, timely and secure

You should ensure that information you share is:

- ⊙ Necessary for the purpose for which you are sharing it.
- ⊙ Shared only with those people who need to have it.
- ⊙ Accurate and up to date.
- ⊙ Shared in a timely fashion.
- ⊙ Shared Securely.



INFORMATION SHARING - 7 GOLDEN RULES

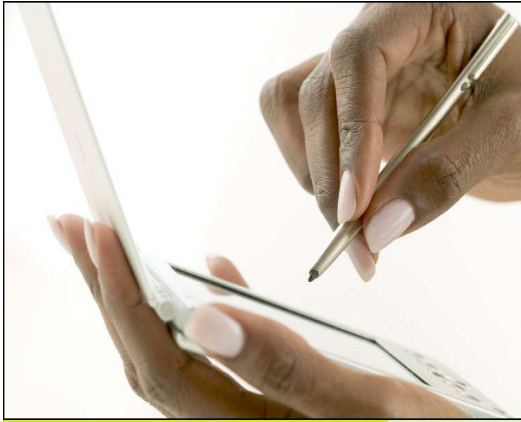
Module 2

8/10

Keep a record

You should always record the reasons for your decision – whether it is to share information or not. If the decision is to share, then record what you have shared, with whom and for what purpose.





QUIZ: INFORMATION SHARING - 7 GOLDEN RULES

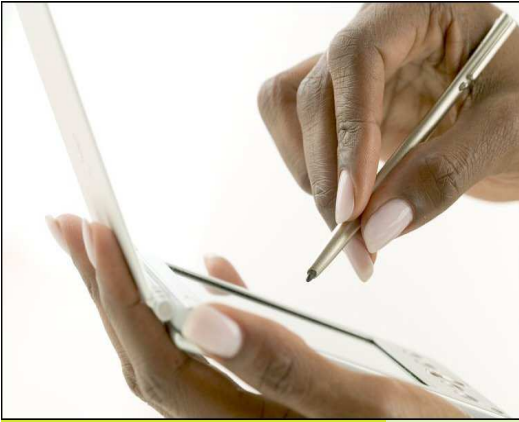
Module 2

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- ⦿ Which statements do you think are true and which false?
- ⦿ In general you don't need to tell people that their information will or could be shared.
- ⦿ You should always record the reasons for sharing or not sharing information.
- ⦿ If you are in doubt about sharing go with your gut instinct.
- ⦿ When deciding to share information, the person's safety and well-being must be the over-riding consideration.
- ⦿ You should, where possible, respect the wishes of the C, YP or families who do not consent to share.
- ⦿ The Data Protection Act is a barrier to Information Sharing.



Show Answer



QUIZ: INFORMATION SHARING - 7 GOLDEN RULES

Module 2

9/10

Which statements do you think are true and which false?

- ~~In general you don't need to tell people that their information will or could be shared.~~
- You should always record the reasons for sharing or not sharing information.**
- ~~If you are in doubt about sharing go with your gut instinct.~~
- When deciding to share information, the person's safety and well-being must be the over-riding consideration.**
- You should, where possible, respect the wishes of the C, YP or families who do not consent to share.**
- ~~The Data Protection Act is a barrier to Information Sharing.~~

REVIEW OF LEARNING OUTCOMES

Module 2

10/10

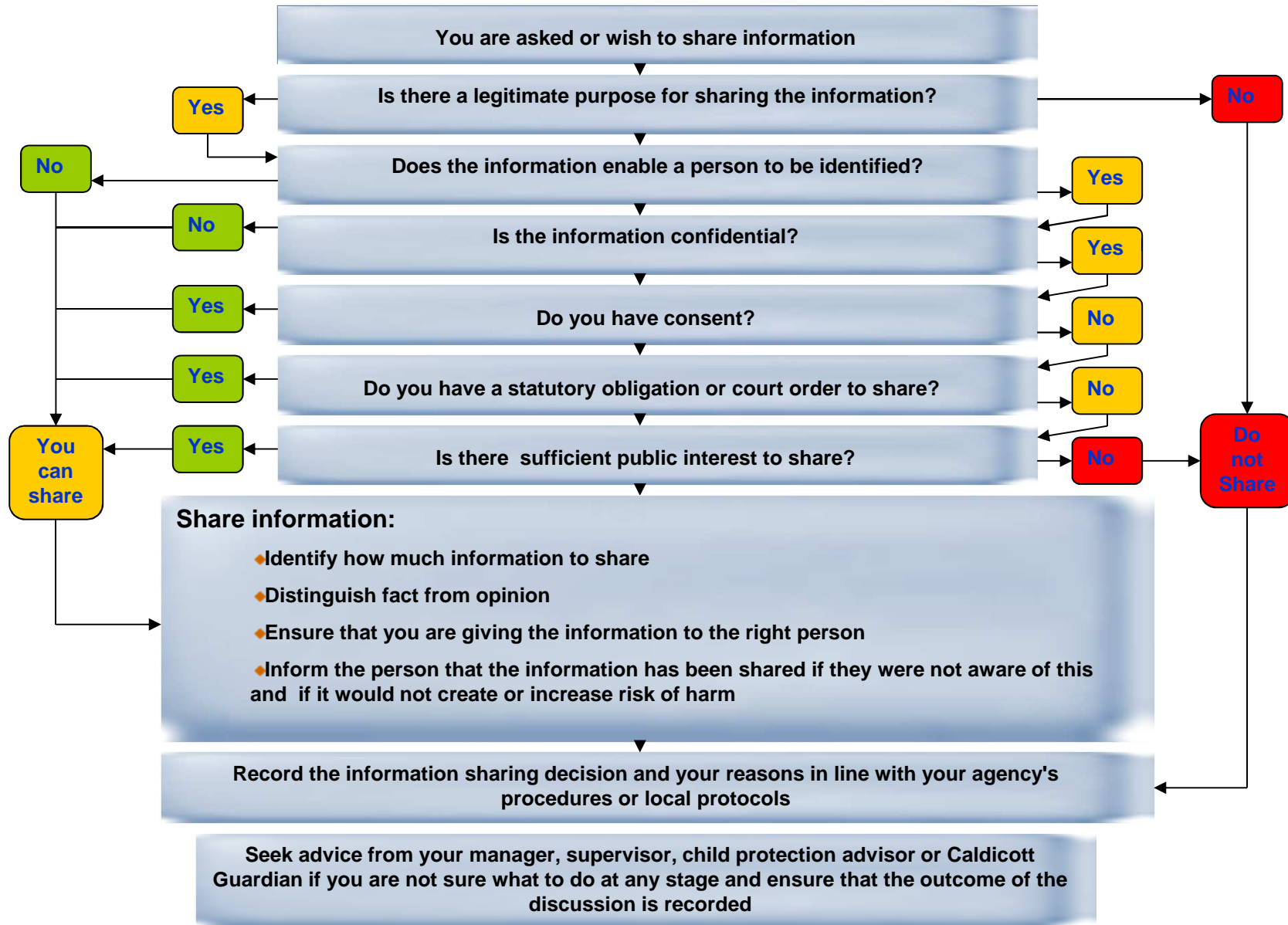
In this module you have learnt the seven golden rules for information sharing.

These are summarised below:

1. The Data Protection Act is not a barrier to sharing information.
2. Be open and honest with the person at the outset about what and how information will or could be shared and seek agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice when in doubt.
4. Share with consent where appropriate. Respect the wishes where consent isn't given unless in your judgement on the facts of the case there is sufficient need to over-ride this.
5. Always consider safety and well-being when making decisions to share.
6. Ensure information you share is necessary, proportionate, relevant, accurate, timely and secure.
7. Always keep a record of the reasons for your decisions to share or not share.



Information Sharing Flowchart – Click on Blue Boxes for More Information





CONFIDENTIALITY

Module 3

1/6

In deciding whether there is a need to share information you need to consider your legal obligations including:

- a) Whether the information is confidential; and
- b) If it is confidential, whether there is sufficient public interest to justify sharing.

Not all information is confidential. Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood that it would not be shared with others.

For example, a teacher may know that one of her pupils has a parent who misuses drugs. That information is of some sensitivity, but may not be confidential if it is widely known or it has been shared with the teacher in circumstances where the person understood it would be shared with others. If however it is shared with the teacher by the pupil in a counselling session, for example, it could be confidential depending on whether there was public interest sufficient to share it.

Confidence is only breached where the sharing of confidential information is not authorised by the person who provided it or to whom it relates. If the information was provided on the understanding that it would be shared with a limited range of people for limited purposes, then sharing in accordance with that understanding will not be a breach of confidence. Similarly, there will not be a breach of confidence where there is explicit consent to the sharing.



CONSENT

Module 3

2/6

The code of practice to the Mental Capacity Act 2005 defines the term 'a person who lacks capacity' as a person who lacks capacity to make a particular decision or take a particular action for themselves at the time the decision or action needs to be taken.

A person who is suffering from a mental disorder or impairment does not necessarily lack the capacity to give or withhold consent. If you consider that an adult may not have the capacity to give 'informed consent' you must follow the code of practice.





IS THERE SUFFICIENT PUBLIC INTEREST TO SHARE?

Module 3

3/6

Even where the sharing of information is not authorised, you may lawfully share it if this can be justified in the public interest. Seeking consent should be the first option, if appropriate. Where consent cannot be obtained to the sharing of the information or is refused, or where seeking it is likely to undermine the prevention, detection or prosecution of a crime, the question of whether there is a sufficient public interest must be judged by the practitioner on the facts of each case.

Therefore where you have a concern about an individual, you should not regard refusal of consent as necessarily precluding the sharing of confidential information.

A public interest can arise in a wide range of circumstances, for example, to protect children or other people from harm, to promote welfare or to prevent crime & disorder. There are also public interests, which in some circumstances may weigh against sharing, including public interest in maintaining public confidence in the confidentiality of certain services. The key factors in deciding whether or not to share confidential information are necessity and proportionality, i.e. whether the proposed sharing is a proportionate response to the need to protect the public interest in question.

In making the decision you must weigh up what might happen if the information is shared against what might happen if it is not, and make a decision based on a professional judgement.





IS THERE SUFFICIENT PUBLIC INTEREST TO SHARE?

Module 3

4/6

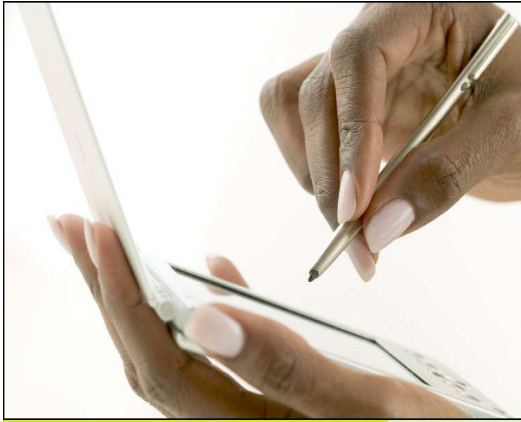
It is not possible to give guidance to cover every circumstance in which sharing of confidential information without consent will be justified. Practitioners must make a judgement on the facts of the individual case. Where there is a risk of significant harm to a child, or serious harm to adults, the public interest test will almost certainly be satisfied.

However there will be other cases where practitioners will be justified in sharing some confidential information in order to make decisions on sharing further information or taking action – the information shared should be proportionate.

It is possible however to identify some circumstances in which sharing confidential information without consent will **normally** be justified in the public interest. These are:

- ⊙ **When there is evidence** that the child is suffering or is at risk of suffering significant harm; or
- ⊙ Where there is **reasonable cause to believe** that a child may be suffering or at risk of significant harm; or
- ⊙ **To prevent significant harm** arising to children and young people or serious harm to adults, including through the prevention, detection and prosecution of serious crime.





QUIZ: TRUE OR FALSE

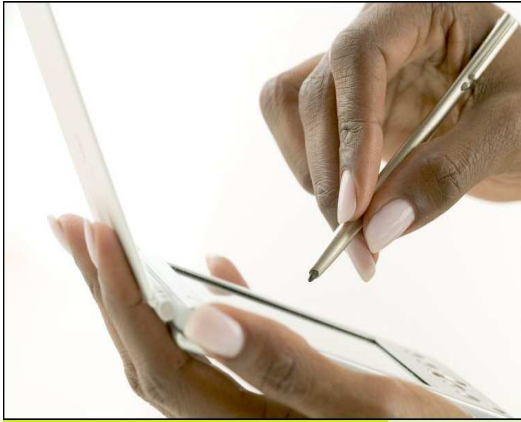
Module 3

5/6

- ⦿ During a counselling session a service user tells you that their parent is using drugs. This information could be shared without sufficient public interest.
- ⦿ Confidence is breached when sharing is not authorised by the person to whom it relates.
- ⦿ Without consent you can still share even if the information is not in the public interest.
- ⦿ Sharing information without consent is justified to prevent significant harm.
- ⦿ All information given to you is confidential and shouldn't be shared.
- ⦿ During a counselling session a service user tells you that their parent is using drugs. This information could be made public if there was sufficient public interest.



Show Answer



QUIZ: TRUE OR FALSE

Module 3

5/6

- ⦿ **During a counselling session a service user tells you that their parent is using drugs. This information could be shared without sufficient public interest. FALSE**
- ⦿ **Confidence is breached when sharing is not authorised by the person to whom it relates. TRUE**
- ⦿ **Without consent you can still share even if the information is not in the public interest. FALSE**
- ⦿ **Sharing information without consent is justified to prevent significant harm. TRUE**
- ⦿ **All information given to you is confidential and shouldn't be shared. FALSE**
- ⦿ **During a counselling session a service user tells you that their parent is using drugs. This information could be made public if there was sufficient public interest. TRUE**

REVIEW OF LEARNING OUTCOMES

Module 3

6/6

In this module you have worked through the key principles of information sharing and learnt how the application of seven key questions can help you make an informed decision.

There is further guidance on legal issues available at:

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

The remainder of this course will cover how organisations can support information sharing and will present you with a series of case studies that demonstrate information sharing in practice. Further case studies are available via the above website.





HOW ORGANISATIONS SHOULD SUPPORT PRACTITIONERS

Module 4

1/3

As a practitioner, you need to understand your organisation's position and commitment to information sharing.

To apply the practice it is important that you employers have established:

- ⦿ A culture that supports information sharing between organisations;
- ⦿ A systematic approach to explain to service users when they first access the service why and in what circumstances information will be shared with other agencies;
- ⦿ Clear systems, standards and procedures for sharing information. These may derive from the organisations information sharing governance, any local procedures in place, or from their professional code of conduct.
- ⦿ Infrastructure and systems to support secure information sharing;
- ⦿ Effective supervision and support in developing practitioners' and managers' professional judgement in making decisions;
- ⦿ Mechanisms for monitoring and auditing information sharing practice;
- ⦿ A designated source of impartial advice and support on information sharing issues and for resolution of any conflicts about sharing information.





INFORMATION SHARING PROTOCOLS

Module 4

2/3

- ⦿ An information sharing protocol (ISP) is a signed agreement between two or more organisations or bodies, in relation to specified information sharing activity and/or arrangements for the routine of bulk sharing of personal information.
- ⦿ **Information sharing protocols are not a legal requirement and are not required before frontline practitioners can share personal information.**
- ⦿ By itself, the lack of an ISP must never be a reason for not sharing information that could help a practitioner deliver services to a person.

'An information sharing protocol is not a useful tool for managing the ad hoc information sharing which all practitioners find necessary. Most importantly it is not intended to be a substitute for the professional judgement which an experienced practitioner will use in those cases and should not be used to replace that judgement.'

Information Commissioner's Office.



FURTHER CASE STUDIES

Module 4

3/3

Example Case Studies are available for download here:

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>



IS THERE A CLEAR AND LEGITIMATE PURPOSE FOR SHARING INFORMATION

- ③ Any sharing of information must comply with the law relating to confidentiality, data protection and human rights.
- ③ Establishing a clear and legitimate purpose for information sharing is an important part of meeting those requirements.
- ③ Individual Agencies may have developed specific guidelines and processes for sharing information. You will need to be guided by your agency's policies and procedures and where applicable, by your professional code.
- ③ **If you have a statutory duty or court order** you must share the information, unless in the case of a court order, your organisation is prepared to challenge and is likely to seek legal advice.



CAN A LIVING PERSON BE IDENTIFIED

- ⊙ In most cases the information you have will be about an identifiable living individual. It may also identify others i.e. child, partner, parent or carer.
- ⊙ Anonymised information can be lawfully shared as long as the purpose is legitimate.
- ⊙ If however, the information does allow a living person to be identified, it is subject to the data protection law and you must be open about what information you might need to share and why.
- ⊙ In some situations it may not be appropriate to inform a person that information is being shared or seek consent to this sharing, for example, if it is likely to hamper the prevention or investigation of a serious crime or put a child at risk of significant harm or an adult at risk of serious harm.



IS THE INFORMATION CONFIDENTIAL

Confidential Information is:

- ⊙ Personal information of a private/sensitive nature;
- ⊙ Information that is not already lawfully in the public domain or readily available from another public source and
- ⊙ Information that has been shared in circumstances where the person giving the information could reasonably expect that it would not be shared with others.
- ⊙ Where a formal confidential relationship exists, i.e. social worker and client, doctor and patient, all information shared within this relationship needs to be treated as confidential.
- ⊙ In an informal conversation a pupil may tell a teacher a whole range of information but only asks the teacher to treat specific information confidentially. In this circumstance only the information specific to the pupil's request would be considered confidential.
- ⊙ Sometimes people may not state that the information they give you is confidential, but may assume that personal information will be treated as so. You should check whether the information is or is not confidential.
- ⊙ Public bodies that hold private or sensitive information for the purposes of carrying out their functions may also owe a duty of confidentiality, as people have provided information on the understanding that it will be used for these purposes. In some cases the body may have a statutory obligation to maintain confidentiality, e.g. in relation to case files of looked after children.



WHAT CONSTITUTES CONSENT

Consent must be 'informed' i.e. the person giving consent needs to understand why information needs to be shared, who will see their information, the purpose to which it will be put and the implications of sharing that information.

Whose consent should be sought – children or young people?

A child or young person who has capacity to understand and make their own decision, may give (or refuse) consent to sharing. Children aged 12 or over may generally be expected to have sufficient understanding.

Where a child cannot consent or where they are not competent, a person with parental responsibility should be asked to consent on behalf of the child. Where parental consent is required, one parent is sufficient. If there is a conflict you will need to consider which parent's consent should be sought.

Always act in accordance with your professional code of practice and the best interests of the child, even where that means over-riding refusal to consent.

Whose consent should be sought – Adults?

All people aged 16 or over are presumed to have capacity to give or withhold their consent to sharing confidential information.

When not to seek consent

Where to do so would:

- ⊙ Place a child or young person at increased risk of significant harm; or
- ⊙ Place an adult at risk of serious harm; or
- ⊙ Prejudice the prevention and detection of a serious crime; or
- ⊙ Lead to unjustified delay in making enquiries about allegations of significant harm to a child or serious harm to an adult.



IS THERE SUFFICIENT PUBLIC INTEREST TO SHARE?

Even if consent is refused that does not preclude you from sharing information if you have reason to believe that this is in the public interest.

A public interest can arise in a range of circumstances, e.g. to protect children from significant harm, to protect adults from serious harm, to promote the welfare of children or to prevent crime and disorder.

In making the decision you must weigh up what might happen if the information is shared against what might happen if it is not, and make the decision on professional judgement.

If you decide to share confidential information without consent, you should explain to the person that you intend to share the information and why, unless it is inappropriate to do so (see points under ['when not to seek consent'](#)).



SHARE INFORMATION APPROPRIATELY

This means:

- ⦿ Share only the information which is necessary for the purpose;
- ⦿ Understand the limits of consent which has been given;
- ⦿ Distinguish clearly between fact and opinion;
- ⦿ Share the information only with the people who need to know;
- ⦿ Check that the information is accurate and up to date;
- ⦿ Share it in a secure way;
- ⦿ Establish with the recipient whether they intend to pass it on to other people, and ensure they understand the limits of consent given;
- ⦿ Inform the person to whom the information relates, and, if different, any other person who provided the information, if you have not already done so and it is safe to do so.



RECORDED PROPERLY

You should record your decision and the reasons for it, whether or not you decide to share information.

If the decision is to share, record what you are sharing and with whom.

