

Information Sharing: Child Protection

Information sharing is an important aspect of safeguarding children and vulnerable people. Serious Case Reviews often record that a failure to share information has been a key factor. It is important however that information is shared legally. What follows is offered as guidance and is not a substitute for legal advice.

The duty to share information arises from:

Children Act 1989

Children Act 2004 Section 11

- Duty to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children

Data Protection Act 1998 Section 29

- Disclose personal information without consent to detect or prevent crime
- Defined category of public interest: The protection of vulnerable members of the community

When children are suffering or may be at risk of suffering significant harm, concerns must always be shared with children's social care or the police.

Schools should make it clear to parents that they have general duty to share information with other agencies where they have safeguarding concerns. However, consent must be sought directly from parents on a case-by-case basis. A general statement does not replace the need to ask for consent when required.

It is good practice that schools should work in partnership with parents and carers. This means that in general schools should share information with other agencies with the parents' knowledge and consent.

When schools feel that a referral should be made to social care, they should seek the consent of the parent. However, the duty to refer overrides this, as the safety of the child is paramount.

Seeking consent is not required, if to do so would:

- place a person at increased risk of harm (usually the child, but also a family member or another person);
- prejudice the prevention, detection or prosecution of a serious crime; or
- lead to an unjustifiable delay in making enquiries.

Recording Consent Decisions

Schools must record the request for consent and the outcome. Where the parent refuses consent or is not asked, the school must record the decision to share information without consent and give the reasons. The social care referral form often has a space for the consent decisions to be recorded.

Seven golden rules for information sharing

([Information Sharing: Guidance for practitioners and managers \(2008\)](#))

- **Remember that the Data Protection Act is not a barrier to sharing information.** It provides a framework to ensure that personal information about living persons is shared appropriately.
- **Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- **Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
- **Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest, for example, protection of a vulnerable child or adult. You will need to base your judgement on the facts of the case.
- **Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- **Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- **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. If you decide not to share, then record why.

Sharing information with other schools

Child Protection information must be transferred as soon as possible to the pupil's new school, but kept separately from the main pupil file. It is important to transfer this information to prevent harm to a child. Parental consent is not required to transfer

this data, since it is held to prevent harm to a child. Where parents object, the fact should be recorded and the reasons to transfer should be noted.

Primary schools do not need to keep copies of any records in the pupil record except if there is an ongoing legal action when the pupil leaves the school. Custody of and responsibility for the records passes to the school the pupil transfers to.

Although it is the duty of the previous school to transfer the data as soon as possible to the new school, occasionally parents may not share the name of the new school. It is important, therefore, that when schools admit children, they should contact the previous school to check whether there are child protection records and to transfer them when they exist. The new school should send a letter to the previous school asking for written confirmation whether there are Child Protection records or not.

Where children go missing, the Local Safeguarding Children Board's policy should be followed.

Sharing child protection information securely by post

(Source: [How to share information securely - GOV.UK](#))

- Confirm the name, department and address of the recipient.
- Seal the information in a double envelope, ensuring the packaging is sufficient to protect the contents during transit.
- Mark the inner envelope 'Private and Confidential – To be opened by Addressee Only'.
- Make sure that there is nothing on the outer envelope that would indicate that it contains personal information.
- Ensure a return address is included on both the outer and inner envelopes in case it has to be returned for some reason.
- When appropriate send the information by recorded delivery or by locally approved courier;
- Ask the recipient to confirm receipt. Enclose a form for them to sign and return.

Retention and Disposal of Child Protection Records

(Source: Information and Records Management Society)

www.safeguardinghandbook.co.uk/recordsmanagement

Child Protection records should be retained by the last school or college that the young person attends. The records should be kept until the person has their 26th birthday and then securely disposed of.

Refusing parental requests for schools to release pupil information

Subject Access Requests

(Source: Information Commissioner's Office)

www.safeguardinghandbook.co.uk/icopupilinfo

In maintained schools, parents have the right to access their child's educational record. In academies, free schools in England, or independent schools, there is no equivalent right of access and it is up to the school will make the decision to give access or not.

All schools can withhold an educational record where the information might cause serious harm to the physical or mental health of the pupil or another individual.

Sources

Information sharing for practitioners and managers (2008) Department for Education
www.safeguardinghandbook.co.uk/infosharing

How to share information securely - GOV.UK
www.safeguardinghandbook.co.uk/securesharing

London MASH Information Sharing Guidance (Useful FAQ section)
www.safeguardinghandbook.co.uk/mashinfosharing

Keeping Children Safe in Education (2014)
www.safeguardinghandbook.co.uk/keepingchildrensafe

Working Together to Safeguard Children (2013)
www.safeguardinghandbook.co.uk/workingtogether

This fact sheet is offered as guidance and does not replace legal advice.

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For more safeguarding information, go to www.safeguardinginschools.co.uk

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