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Confidentiality and information sharing

Confidentiality must be maintained at all times when an allegation has been made and is being investigated. Organisations should only tell individuals who need to know and can help in managing the concerns. If parents/guardians are not implicated in the concern ensure they are made aware at the earliest opportunity.

Consider the best method of communication to maintain confidentiality and be mindful of the environment. For example, who else is around you, can you make a phone call without others overhearing your conversation?

If breached, confidentiality can put the child in danger either by further inappropriate action of an individual(s) involved or other individuals who hear about the concern through rumours. Ultimately, any investigation to safeguard that child may be impeded by misinformation or rumours.

Information sharing is essential for effective safeguarding and promoting the welfare of children. It is a key factor identified in many serious case reviews, where poor information sharing has resulted in missed opportunities to take action that keeps children safe. See reacting to concerns on page 22 of Wavepower 2020-2023.

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the General Data Protection Regulation (GDPR) and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties. Information must be proportionate to the need and level of risk.

The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child. There will be incidents where to share information with a person (or their parent/guardian) suspected of a criminal offence may compromise an investigation, and longer-term protection of children. Please seek advice from the Child Safeguarding Team in such cases.

The HM Government document entitled “Advice for practitioners providing safeguarding services to children, young people, parents and carers” July 2018 provides non-statutory advice to support practitioners in the decisions they take to share information, which reduces the risk of harm to children and young people and promotes their wellbeing.

The seven golden rules to sharing information are as follows:

- 1) Remember that the GDPR and Data Protection Act 2018 are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
- 2) Be open and honest with the individual (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.

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- 3) Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
- 4) Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
- 5) Consider safety and wellbeing: base your information sharing decisions on considerations of the safety and wellbeing of the individual and others who may be affected by their actions.
- 6) Necessary, proportionate, relevant, adequate, 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 individuals who need to have it, is accurate and up to date, is shared in a timely fashion and is shared securely.
- 7) 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.

The full document can be accessed at
[gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice)