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**Kirklees Child Safeguarding Information Sharing Guidance**

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**1. INTRODUCTION**

The Kirklees Safeguarding Children Partnership (KSCP) is a multi-agency group responsible for coordinating efforts to safeguard children. Effective information sharing is a critical aspect of the KSCP as it allows agencies to work together to identify and respond to child protection concerns. This guidance aims to provide an overview of information sharing for the KSCP.

**2. IMPORTANCE OF INFORMATION SHARING :**

Information sharing is essential for the KSCP to identify and respond to child protection concerns. It enables agencies to work together to develop a comprehensive understanding of a child's situation and the risks they face. Effective information sharing can lead to better-informed decisions and timely intervention to protect children from harm.

**3. LEGAL FRAMEWORK**:

The legal framework for information sharing in the UK is based on the Data Protection Act 2018, General Data Protection Regulation (GDPR), Human Rights Act 1998, and common law duty of confidentiality.

[Data Protection Act 1998 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1998/29/contents)

[Guide to the UK General Data Protection Regulation (UK GDPR) | ICO](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/)

[Human Rights Act 1998 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1998/42/contents)

[Duty of confidentiality — UKCGC](https://www.ukcgc.uk/duty-of-confidentiality) [Section 2: The common law of confidentiality and consent - NHS Digital](https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/a-guide-to-confidentiality-in-health-and-social-care/hscic-guide-to-confidentiality-references/section-2)

It is essential to follow these laws and regulations to protect individuals' rights to privacy and confidentiality while sharing information for safeguarding purposes.

* All practitioners should be confident of the processing conditions under the Data Protection Act 2018 and the GDPR which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data.
* Where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

**4. GUIDELINES FOR INFORMATION SHARING**:

Several guidelines are available to help the KSCP understand how to share information effectively. The most widely used guidelines in the UK are the Information Sharing: Advice for Practitioners Providing Safeguarding Services (2018) and Working Together to Safeguard Children (2018). [Working Together to Safeguard Children 2018 (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf) [Information sharing: advice for practitioners (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1062969/Information_sharing_advice_practitioners_safeguarding_services.pdf)

These guidelines provide a framework for effective information sharing while protecting individuals' privacy and confidentiality.

**5. CHALLENGES IN INFORMATION SHARING**:

Several challenges may arise when sharing information within the KSCP. These include issues of consent, confidentiality, information governance, and communication. The need to maintain confidentiality while sharing information can create tensions between agencies, and there may be a lack of understanding of how to share information effectively.

**6. STRATEGIES TO OVERCOME CHALLENGES**:

To overcome challenges in information sharing, the KSCP develops strategies such as training and awareness-raising to ensure all agencies understand the legal framework and guidelines for information sharing. This will also establish clear protocols and procedures for sharing information and provide guidance on obtaining consent and managing confidentiality.

Developing effective communication channels and information-sharing agreements can also support effective information sharing.

**7. THE WEST YORKSHIRE INFORMATION SHARING AGREEMENT**

This agreement has been agreed and signed by all five West Yorkshire Safeguarding Children’s Partnerships.

<https://westyorkscb.proceduresonline.com/p_info_shar_confid.html?zoom_highlight=information+sharing>

The further information below provides the guidance and principles for sharing information within the Kirklees area and beyond to other Local Authority areas.

Effective sharing of information between practitioners is essential for early identification of need, assessment and service provision to keep children safe.

Previous Serious Case Reviews have highlighted that missed opportunities to record, understand the significance of and share information in a timely manner can have severe consequences for the safety and welfare of children.

Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority children's social care (e.g. they are being supported as a child in need or have a child protection plan).

Practitioners should be alert to sharing important information about any adults with whom that child has contact, which may impact the child's safety or welfare.

Information sharing is also essential for the identification of patterns of behavior when a child has gone missing, when multiple children appear associated to the same context or locations of risk, or in relation to children in the secure estate where there may be multiple local authorities involved in a child's care. It will be for our local safeguarding partners to consider how they will build positive relationships with other local areas to ensure that relevant information is shared in a timely and proportionate way.

**8. GUIDANCE FOR INFORMATION SHARING**

Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern. To ensure effective safeguarding arrangements:

* All organisations and agencies that work to safeguard children and young people in Kirklees should have arrangements in place that set out clearly the processes and the principles for sharing information. The arrangement should cover how information will be shared within their own organisation/agency; and with others who may be involved in a child's life; Practitioners should not assume that someone else will pass on information that they think may be critical to keeping a child safe.
* If a practitioner has concerns about a child's welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with the Local Authority Front Door Service and/or the police. <https://www.kirkleessafeguardingchildren.co.uk/wp-content/uploads/2019/08/2018-05-17-Duty-and-Advice-Contact-Form-1.docx>
* 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; <https://kirkleeschildrenhome.proceduresonline.com/p_leaving_the_home.html>

**9. CONSENT**

* Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared.
* There may be some circumstances where it is not appropriate to seek consent
* Where there is a clear risk of significant harm to a child, or serious harm to adults the decision to share information is clear, as actions must be taken to respond to the disclosure. In other cases, for example, neglect, the indicators may be more subtle and appear over time. In these cases, decisions about what information to share, and when, may be more difficult to judge. Decisions in this area need to be made by, or with the advice of, people with suitable competence in Child Protection work such as named or designated practitioners or senior managers. The information shared should be proportionate
* All practitioners should aim to gain consent to share information, but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. When decisions are made to share or withhold information, practitioners should record who has been given the information and why all practitioners working with children in any context need to consider how to balance children’s rights and wishes in respect of sharing information about them, with their professional responsibility to keep children safe from harm. The NSPCC Gillick and Fraser Guidelines support practitioners to understand when a child may be mature enough to exercise decisions in their own right but highlights consideration of some key issues to bear in mind.

* [Gillick competence and Fraser guidelines | NSPCC Learning](https://learning.nspcc.org.uk/child-protection-system/gillick-competence-fraser-guidelines)



**10. CONTEXT INFORMATION**

Information relating to context, locations, perpetrators etc should also be shared. Information sharing allows for a full spectrum of intelligence to be gathered thereby assisting in the targeting of risky behaviors but also understanding of the threat within our communities and services. If a practitioner, Community or a Voluntary organisation has information or intelligence to share with the agencies that does not relate to a particular child or individual they should pass this information through the West Yorkshire Police information sharing portal. <https://www.westyorkshire.police.uk/report-it>

This will allow the Police to report upon trends, patterns or hotspots that will assist with mapping and profiling that allow for action to be taken in those identified areas and can be reported back to the Exploitation Operational and Strategic groups.

All agencies should raise awareness with members of general public to share any information they wish to the authorities by using the Crime stoppers portal which is an independent charity that helps to solve crimes. Crime stoppers have an anonymous 24/7 phone number 0800 555 111 that anyone can pass information through. Crime stoppers should only be used where details of a child are not known. Safeguarding concerns relating to an identifiable child need to be submitted via the processes outlined above.

**11. FRONT DOOR & MACE INFORMATION SHARING PROCESS**

The process for sharing information relating to children and young people who are at risk of child exploitation should be directed to the Front door Service who will assess the need for further action including the Risk and Vulnerability team screening process and or MACE meeting to take place and manage those concerns. Information regarding this process can be found here:

<https://www.kirkleessafeguardingchildren.co.uk/wp-content/uploads/2019/08/2018-05-17-Duty-and-Advice-Contact-Form-1.docx>

<https://www.kirkleessafeguardingchildren.co.uk/wp-content/uploads/2019/12/Single-Point-of-Contact-MACE-process.docx>

The MACE process does not replace or override current safeguarding procedures. Cases involving children who are at immediate risk should not wait for the MACE process.

**12. CP-IS**

The Child Protection-Information Sharing (CP-IS) programme assists information sharing between the local authority and health. CP-IS identifies and safeguards unborn babies and children who are subject to a local authority Child Protection Plan when attending unscheduled healthcare settings across England.

<https://digital.nhs.uk/services/child-protection-information-sharing-project>

When a child is known to social services and is a Looked After Child or on a Child Protection Plan, basic information about that plan is shared securely with the NHS. If that child attends an NHS unscheduled care setting, such as an emergency department or a minor injury unit:

* The health team is alerted that they are on a plan and has access to the contact details for the social care team
* The social care team is automatically notified that the child has attended, AND
* Both parties can see details of the child's previous 25 visits to unscheduled care settings in England

**13. MYTH-BUSTING GUIDE TO INFORMATION SHARING**

Sharing information enables practitioners and agencies to identify and provide appropriate services that safeguard and promote the welfare of children. Below are common myths that may hinder effective information sharing.

**Data protection legislation is a barrier to sharing information**

No - the Data Protection Act 2018 and GDPR do not prohibit the collection and sharing of personal information, but rather provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them.

**Consent is always needed to share personal information**

No - you do not necessarily need consent to share personal information. Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given. There may be some circumstances where it is not appropriate to seek consent, because the individual cannot give consent, or it is not reasonable to obtain consent, or because to gain consent would put a child's or young person's safety at risk.

**Personal information collected by one organisation/agency cannot be disclosed to another**

No - this is not the case, unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners.

**The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information**

No - this is not the case. In addition to the Data Protection Act 2018 and GDPR, practitioners need to balance the common law duty of confidence and the Human Rights Act 1998 against the effect on individuals or others of not sharing the information.

**IT Systems are often a barrier to effective information sharing**

No - IT systems, such as the Child Protection Information Sharing project (CP-IS), can be useful for information sharing. IT systems are most valuable when practitioners use the shared data to make more informed decisions about how to support and safeguard a child.

Practitioners looking to share information should consider which processing condition in the Data Protection Act 2018 is most appropriate for use in the particular circumstances of the case.

<https://www.kirkleessafeguardingchildren.co.uk/wp-content/uploads/2019/07/2018-04-04-Flowchart-of-when-and-how-to-share-information.pdf>



   

  

**14. Conclusion**:

In conclusion, effective information sharing is crucial for the KSCP to identify and respond to child protection concerns. It requires a balance between the need to share information to protect children and the need to protect individuals' privacy and confidentiality. Following the legal framework and guidelines for information sharing can help to overcome challenges and ensure that information is shared effectively. Strategies such as training, awareness-raising, and clear protocols and procedures can support effective information sharing.