

Information Sharing Protocol

All children have a right to be protected from abuse and neglect. Protecting a child from such harm takes priority over protecting their privacy, or the privacy rights of the person(s) failing to protect them.

You do not need consent to share personal information about a child and/or members of their family if a child is at risk or there is a perceived risk of harm.

Only share relevant and accurate information with individuals or agencies/organisations that have a role in safeguarding the child and/or providing their family with support and only share the information they need to support the provision of their services.

From pages 4 and 5 of 'Information Sharing – Advice for practitioners providing safeguarding services for children, young people, parents and carers' (Department for Education, April 2024)

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Information Sharing Protocol

1. What do we mean by information sharing?

- 1.1 Information sharing in a safeguarding context means the appropriate and secure exchange of personal information, between practitioners and other individuals with a responsibility for children, in order to keep them safe from harm.
- 1.2 This advice relates to sharing case-level information about individual children and, where necessary, information about family members and other people who might – through their actions – put a child at risk of harm.
- 1.3 This includes informal sharing of information between practitioners to develop an accurate understanding of a child or family, and more formal processes of sharing information such as referrals into local authority children's services.

2. Purposes

- 2.1 The purpose of this Information Sharing Protocol is to provide a framework to facilitate the appropriate sharing of information between all the Partner Agencies in order to safeguard and promote the welfare of children across Berkshire and to protect them from harm. This Protocol complements existing Information Sharing Agreements held by each of the statutory partners, an example of which can be found at: [Regional Health and Social Care Information Sharing Agreement](#). Please see Appendix A for guidance when considering data protection issues in practice.
- 2.2 This Information Sharing Protocol recognises that the UK General Data Protection Regulations ("GDPR") and the Data Protection Act 2018 (together, the "Data Protection Legislation") are not barriers to justified information sharing but rather ensure that information sharing is necessary, proportionate, relevant, adequate, accurate, timely and secure. Please see Appendix B for specific data protection guidance.
- 2.3 The Purposes of this Information Sharing Protocol are also:
 - To facilitate the collaboration between Partner Agencies to achieve improved outcomes for vulnerable children. To facilitate the identification and analysis of new safeguarding issues and emerging threats;
 - To facilitate the promotion and embedding of learning;
 - To facilitate the commissioning and publication of Child Safeguarding Practice Reviews;
 - To facilitate Rapid Reviews of cases, local and national Child Safeguarding Practice Reviews, and any other reviews to aid local learning and improvement in safeguarding services; and
 - To enable Multi-Agency Audits to be conducted

3. Who are the 'partner agencies' required to abide by this protocol?

- 3.1 The Lead Safeguarding Partners within each of the Safeguarding Children Partnerships identified above have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children their respective areas.

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- 3.2 The named Statutory Safeguarding Partners for Safeguarding Children Partnerships are specified in each Partnership's Multi-agency Safeguarding Arrangements document:
- Berkshire West Safeguarding Children Partnership Multi Agency Safeguarding Arrangements
 - Bracknell Forest Safeguarding Partnership Multi Agency Safeguarding Arrangements
 - Royal Borough Windsor & Maidenhead Safeguarding Adults Children Partnership - Welcome to the Royal Borough's multi-agency safeguarding partnership
 - Slough Safeguarding Partnership - Welcome to Safeguarding Children and Young People
- 3.3 A wider group of delegated safeguarding partners and relevant agencies across Berkshire are directly engaged with the work of the Safeguarding Children Partnerships through membership of their respective subgroups. These delegated partners and relevant agencies are also specified in the above MASA documents.
- 3.4 This Information Sharing Protocol sets out the principles for using and sharing personal information amongst the all the member organisations of Berkshire's four Safeguarding Children Partnerships.)
- 3.5 To support earlier identification, prevention, and intervention with children in need of support or at risk of harm, Safeguarding Children Partnerships are heavily reliant on all partner agencies sharing a variety of relevant information. Effective and structured sharing of information between partners:
- informs planning,
 - enables trends and patterns of activity to be identified and understood
 - improves the quality of responses to emergencies, and
 - supports effective intervention to support the wellbeing and safety of children, young people, families, and communities.
4. **Information sharing principles of this protocol**
- Nothing is more important than children's welfare;
 - Information sharing is essential for effective safeguarding and promoting the welfare of children and young people.
 - Local Child Safeguarding Practice Reviews (LCSPR's) carried out following the death or serious injury of a child have repeatedly 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
 - The timely and effective sharing of information can improve decision-making and protect the best interests of a child;
 - This Protocol is in harmony with the seven golden rules to sharing information set out in HM Government's Information Sharing Advice to practitioners providing safeguarding services to children, young people, parents and carers April 2024 which are:

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- ☐ The Data Protection Legislation and human rights laws are not barriers to justified information sharing but a framework to ensure it is shared appropriately.
- ☐ 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;
- ☐ Seek advice where in any doubt about sharing the information concerned.
- ☐ Most information sharing will be underpinned by legislation and a legal requirement that either requires or permits the sharing. If possible and providing it does not prejudice safeguarding matters, families will be kept informed of any information sharing. In the event that consent to share information is sought, it should only be asked for if the person has a choice to say yes or no.
- ☐ Consider safety and wellbeing: base information-sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.
- ☐ Necessary, proportionate, relevant, accurate, timely and secure: ensure that the information shared is necessary for the purpose for which it is shared, 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 and
- ☐ Keep a record of the decision and the reasons for it – whether it is to share information or not. If information is shared, then record what was shared, with whom and for what purpose.

5. Legislative Framework for Sharing Information

5.1 This Information Sharing Protocol is underpinned by the following legislation, statutory and policy guidance:

- The Children and Social Work Act 2017, under which the local authority, the Chief Officer of Police for an area, any part of which falls within the local authority area and a clinical commissioning group for an area, any part of which falls within the local authority area health have an equal and shared duty to work together (in partnership with other relevant agencies) to make arrangements to safeguard and promote the welfare of all children in a local area
- The Children Act 2004, sections 11, 16E and 20 (Joint Targeted Area Inspections)
- The Care Act 2014 (including statutory guidance to the Care Act 2014) which requires the establishment of a Safeguarding Adults Board (SAB) comprising the local authority, the Integrated Care Boards in the local authority's area and the Chief Officer of Police in the local authority's area, to assure itself that local safeguarding arrangements and partners act to help and protect adults in the locality
- The Data Protection Act 2018
- The UK General Data Protection Regulations

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- Crime and Disorder Act 1998, section 115
- The Human Rights Act 1998
- The Criminal Justice Act 2003, section 325
- Domestic Violence, Crime and Victims Act 2004
- Working Together to Safeguard Children statutory guidance 2023
- Information Sharing Advice to practitioners providing safeguarding services to children, young people, parents and carers (April 2024)

5.2 The Partner Agencies have a range of statutory duties between them and typically, will be able to lawfully share personal data based on (but not limited to) the legal gateways set out above.

6. Monitoring and reviewing

6.1 Each Partner Agency shall ensure that its lead officer or Single Point of Contact maintains oversight of this Information Sharing Protocol

6.2 The content of this Information Sharing Protocol will be reviewed initially after six months and thereafter annually by the Partner Agencies to ensure compliance with legislation and to review its' effectiveness.

6.3 Any changes to this Information Sharing Protocol must be agreed in writing by all the Partner Agencies.

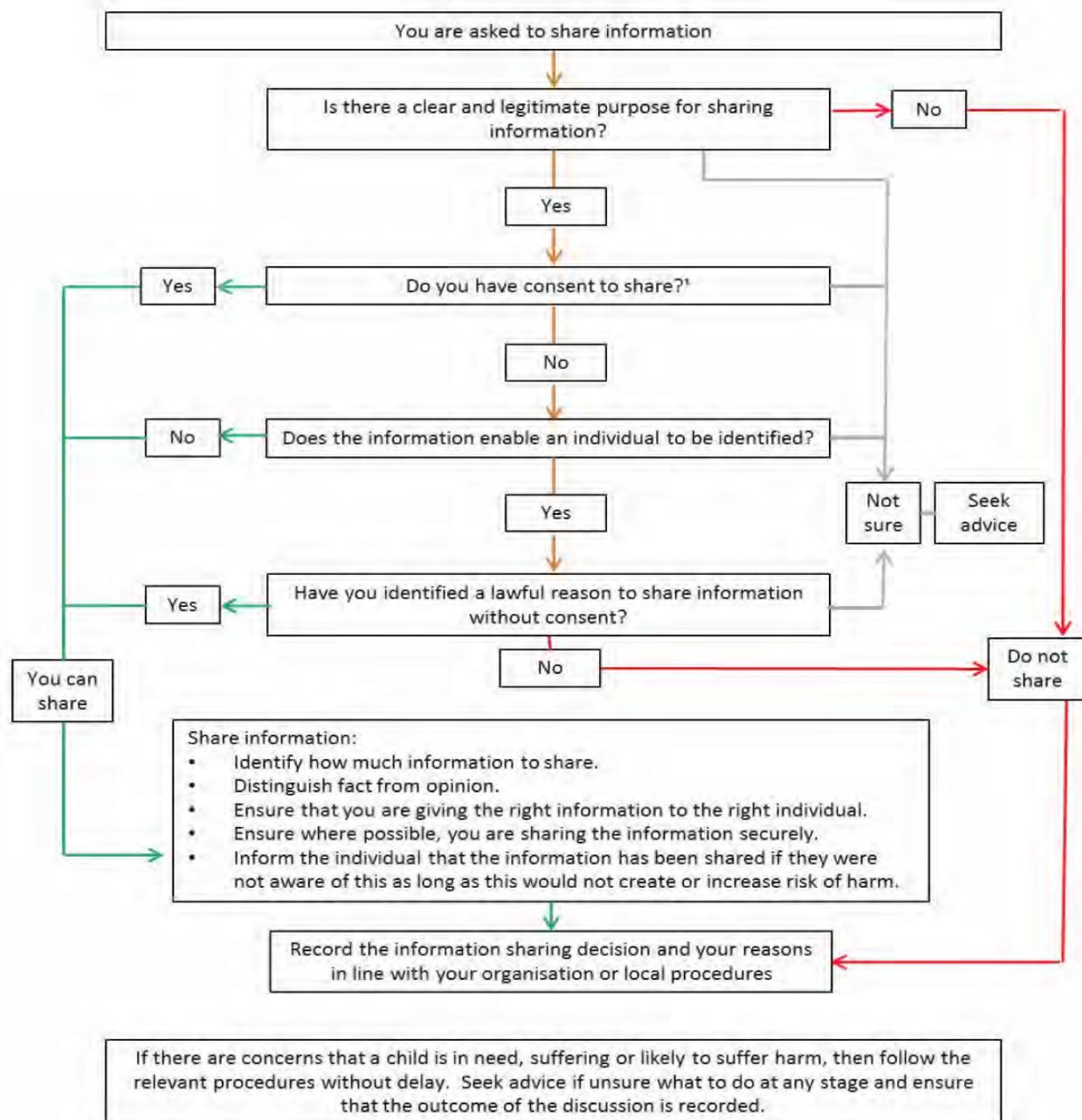
6.4 If one partner agency has declined to share information that another partner agency feels is necessary for the safety of a child, the matter should be escalated, at pace, to the Lead Safeguarding Partners for a decision.

6.5 Each Partner Agency undertakes and agrees to pursue a positive approach towards resolving any dispute which maintains a strong working relationship between the Partner Agencies. Each Partner Agency's Single Point of Contact or lead officer will use all reasonable endeavours to identify a mutually acceptable solution.

6.6 Each Partner Agency will keep each of the other Partner Agencies fully indemnified against any and all costs, expenses and claims arising out of any breach of this agreement.

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APPENDIX A: Flowchart for when and how to share information



1: Consent must be unambiguous, freely given and may be withdrawn at any time

This flowchart is taken from HM Government Information Sharing - Advice for practitioners providing safeguarding services to children, young people, parents and carers - July 2018.

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APPENDIX B – DATA PROTECTION

- 1.1 This Information Sharing Protocol sets out the framework for the sharing of personal data between the Partner Agencies as controllers (within the meaning of the Data Protection Legislation). The Partner Agencies acknowledge that each Partner Agency will regularly disclose to another Partner Agency or the other Partner Agencies personal data for the Purpose of this Information Sharing Agreement ("Shared Personal Data").
- 1.2 Each Partner Agency shall comply with all the obligations imposed on a controller under the Data Protection Legislation.
- 1.3 Each Partner Agency shall:
 - process Shared Personal Data fairly, lawfully and transparently
 - process the Shared Personal Data only for the Purpose of this Information Sharing Agreement
 - ensure that personal data to be shared is accurate and up to date.
 - ensure that it has in place appropriate technical and organisational measures to protect against unauthorised or unlawful processing of Shared Personal Data and against accidental loss or destruction of, or damage to, Shared Personal Data. Without limitation to this clause, this shall include ensuring that any information shared via email is shared in an encrypted attachment, shared between secure email domains or shared using an encrypted email service.
 - ensure that individuals are informed about the collection and use of their personal data and are provided with the privacy information required by the Data Protection Legislation.
 - respect its obligations to comply with data subject access requests under the Data Protection Legislation and information requests under the Freedom of Information Act 2000 (or Environmental Information Regulations 2004 as applicable) and provide reasonable assistance to each other Partner Agency to comply with their obligations.
 - will not share information with any country outside of the EEA without ensuring the rules on international transfers or personal data contained in Data Protection legislation are adhered to.
 - notify the other Partner Agencies without undue delay on becoming aware of any breach of the Data Protection Legislation and provide reasonable assistance to each other Partner Agency as is necessary to facilitate the handling of any personal data breach in an expeditious and compliant manner;
 - provide the other Partner Agencies with contact details of at least one employee as a single point of contact ("SPoC") and responsible manager for all issues arising out of the Data Protection Legislation.
 - keep a record of what Shared Personal Data has been shared, with which Partner Agency (Agencies) and the reasons or Purpose why it was shared and keep a record of decisions not to share information and the reasons why it was not shared; and

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- keep the Shared Personal Data for no longer than is necessary for the Purpose or that Partner Agency's statutory functions.

- 1.4 The Partner Agencies acknowledge that the Shared Personal Data will regularly be special category data within the meaning of the Data Protection Legislation. Special category data will be shared only where there is an additional special category condition within the meaning of the Data Protection Legislation. That special category condition is likely to be:
- 1.4.1 the explicit consent of the data subject has been obtained where possible and appropriate. It may not be appropriate to seek consent where the information needs to be shared to prevent harm.
 - 1.4.2 the sharing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.
 - (a) Explicit consent
 - (b) Employment, social security and social protection (if authorised by law) (c) Vital interests
 - (d) Not-for-profit bodies
 - (e) Made public by the data subject
 - (f) Legal claims or judicial acts
 - (g) Reasons of substantial public interest (with a basis in law)
 - (h) Health or social care (with a basis in law)
 - (i) Public health (with a basis in law)
 - (j) Archiving, research and statistics (with a basis in law)
 - 1.4.3 the processing is necessary for the establishment, exercise or defence of legal claims; or
 - 1.4.4 the processing is necessary for reasons of substantial public interest.