UK Government

Information Sharing Duty

Statutory guidance for safeguarding organisations and their practitioners

A guide to information sharing in the interests of safeguarding and promoting the welfare of children, pursuant to s16LA of the Children Act 2004

September 2026

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Summary

The Children's Wellbeing and Schools Act introduced an information sharing duty to provide clarity for practitioners on what and when they should share information for the purposes of safeguarding and promoting the welfare of children. Local safeguarding arrangements, practices and procedures, alongside pre-existing statutory responsibilities, then determine how this information should be shared, and with whom. As with all processing of personal data, data protection law determines how to do so appropriately.

This guidance explains what organisations and practitioners must do to comply with the information sharing duty under section 16LA (s16LA) of the Children Act 2004, and what they should do to ensure consistent and effective information sharing to safeguard children and promote their welfare.

Organisations to whom the information sharing duty applies must have regard to this guidance in accordance with s16LA(6) of the Children Act 2004[1]. This document should be complied with, unless exceptional circumstances arise. Regulators and inspectorates may consider compliance when assessing effectiveness.

Legislation this publication refers to

This guidance refers to section 16LA of the Children Act 2004 (s16LA), as amended by the Children's Wellbeing and Schools Act.

Who this publication is for

This guidance applies to organisations in England, within s16LA(4), including:

- Section 11(1) Children Act 2004 organisations (e.g. local authorities, Integrated Care Boards, NHS Trusts, the police, prison and probation services, youth justice services, and youth custody services)[2].
- Designated childcare or education agencies for the purposes of section 16E[3].
- Providers delivering services pursuant to arrangements made by the above for functions relating to safeguarding and promoting welfare. This includes GPs, dentists, and other primary care providers.

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[1] Section 11(4) of the Children Act 2004 requires persons and bodies to which the section 11 duty applies to have regard to any guidance given to them by the Secretary of State. Section 7 LA Social Services Act 1970 requires LAs to act, in their social services function, under the general guidance of the Secretary of State.

[2] Section 11(1) Children Act 2004

[3] Designated childcare or education agencies are listed in 2018 Regulations – The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018

Organisations and practitioners to whom the information sharing duty does not apply may find this guidance helpful for best practice, and for understanding how the statutory safeguarding framework, which they contribute information to, operates.

Main points

The information sharing duty applies to information that may help another relevant person exercise their functions, including assess risk, make a decision, provide support or take action to safeguard and promote the welfare of a child.

Where the information sharing duty applies, organisations must share information with another organisation, or the requestor, if it is considered that sharing may help the recipient's relevant functions, including assess need, make a decision, provide support or take action to safeguard and promote the welfare of a child, including when a child potentially poses a risk to others.

The information sharing duty does not apply in extremely limited circumstances where a practitioner, acting on behalf of their organisation, determine through professional judgement that sharing information would be more detrimental to the child than not sharing – refer to pages 9-11 'Limitation: detriment to the child' for more information.

Relationship with other frameworks

This guidance should be read alongside, and does not replace:

- Working Together to Safeguard Children 2026 and any subsequent iteration.
- Keeping Children Safe in Education 2026 and any subsequent iteration – the statutory safeguarding guidance for all schools and colleges.
- Children's Social Care National Framework 2026 and any subsequent iteration.
- Multi-Agency Public Protection Arrangements.
- Early years foundation stage (EYFS) statutory framework.
- Other sector-specific safeguarding guidance (e.g. health, policing, prisons, probation and youth justice).
- The Data sharing code of practice produced by the Information Commissioner's Office (ICO), and other ICO guidance on sharing information for the purposes of safeguarding.
- Professional standards and codes of practice.

Key terms

Child*:* Anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of

the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection[4].

Organisations and practitioners: for the purposes of this guidance, this is to mean those to whom s16LA(4) applies, as set out under 'Who this publication is for'. It is the organisation that is bound by the statutory information sharing duty – in legislation, these organisations, and the practitioners working on their behalf, are referred to as relevant persons.

Recipient: another organisation or practitioner within s16LA(4) with whom information is shared.

Requestor: an organisation or practitioner within s16LA(4) who requests information from another organisation or practitioner to whom the information sharing duty applies.

Relevant functions: functions of the organisation receiving the information relating to safeguarding and promoting the welfare of a child, including their capacity to assess need.

Safeguarding and promoting welfare: This term is used across children's social care legislation and should be considered to encompass identifying need in order to prevent harm or escalation of needs, promoting the welfare of a child as well as protecting from harm, including where a child potentially poses a risk to others. The ICO 10 step guide to sharing information to safeguard children[5] illustrates, though not exhaustively, what kinds of information should be considered relevant, with *Working together to safeguard children* providing a definition of safeguarding and promoting welfare of children[6]. It can include contextual, partial, historical and pattern-based information.

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[4] Children's social care national framework 2023

[5] 10 step guide to sharing information to safeguard children | Information Commissioner's Office

[6] Working together to safeguard children 2026: a guide to multi-agency working to help, protect and promote the welfare of children

Chapter 1: The information sharing duty

1. Effective information sharing is essential to safeguarding and promoting the welfare of children. Without it, practitioners cannot build a full understanding of a child's circumstances, identify need or concerns before they escalate, or decide what action is needed to keep them safe or promote their welfare, including where they may pose a risk to other children. Information sharing also helps organisations to holistically assess if a child poses a risk to other children.

2. Practitioners have told us that the complexity of legislation can leave them unsure about when they can share information, particularly where concerns relate to a child's welfare or emerging need, rather than harm. This led to confusion about whether a specific statutory threshold – such as child protection enquiries under section 47 of the Children Act 1989 – must be met before information can be shared. To address this the Children's Wellbeing and Schools Act 2026 amended the Children Act 2004 to make clear that there is no requirement for a child to meet a particular statutory threshold before information can be shared. Under the information sharing duty, information must be shared where it is relevant to safeguarding and promoting a child's welfare, including where concerns relate to early help, prevention and unmet need.

16LA Duty to share information

(1) This section applies where a person to whom subsection (4) applies ("the relevant person") –
   a. holds information about a child or information about another individual that relates to the child, and
   b. considers that the information is relevant to safeguarding or promoting the welfare of the child.

(2) The relevant person must ensure that the information is disclosed to another person to whom subsection (4) applies ("the recipient") if and only so far as the relevant person considers that the disclosure may facilitate –
   a. where the recipient is within subsection (4)(a) or (b), the exercise by the recipient of any of its relevant functions, or
   b. where the recipient is within subsection (4)(c), the provision of services by the recipient pursuant to arrangements made by a person within subsection (4)(a) or (b) in connection with the exercise of any of that person's relevant functions.

(3) But the duty imposed by subsection (2) does not apply if the relevant person considers that the disclosure would be more detrimental to the child than not disclosing the information.

(5) The duty imposed by subsection (2) (as qualified by subsection (3)) also applies where a relevant person receives a request for the information from another person to whom subsection (4) applies.

(7) A disclosure of information under this section does not breach any obligation of confidence owed by the person making the disclosure.

**selected extract – for full text see* Section 16LA Children Act 2004.

3. The information sharing duty does not replace existing safeguarding procedures. Instead, it makes clear that legislation supports and enables the sharing of information for the purposes of safeguarding and promoting the welfare of children. This means when practitioners share information, they can now do so with confidence, even where practitioners may have previously been concerned that statutory or local thresholds were not met. When a practitioner has information to share, the type of information will determine how it should be shared – for example, whether it should be passed on as a referral or shared with another appropriate agency (see Chapter 4 for more detail).

4. The obligation to share under the information sharing duty, as set out below, applies to scenarios that arise after its commencement on 30 September 2026. Organisations are not required to retrospectively apply the duty to decisions on whether to share information that predates commencement but may choose to do so where need is identified, or there are ongoing concerns that have not previously been shared

When the information sharing duty applies, and what is required

5. The information sharing duty applies to information that may help another relevant person exercise their functions, including assess risk, make a decision, provide support or take action to safeguard and promote the welfare of a child. This information may be about a child, or another named individual connected to a child (see Chapter 2). The information sharing duty applies to both children with known needs, and those with needs being identified for the first time.

6. The duty to share information with others applies where organisations and practitioners:

    - Consider that they hold relevant information;
    - Or receive a request for relevant information from another organisation and practitioner (the requestor).

7. Where the information sharing duty applies, organisations and practitioners must share information with another relevant person, or the requestor, if it is considered that sharing may help the recipient's relevant functions, including assess need, make a decision, provide support or take action to safeguard and promote the welfare of a child. Organisations in scope of the information sharing duty have a safeguarding function that, where relevant to the information held, may be facilitated upon sharing.

8. The common law duty of confidentiality (CLDoC) does not apply to information shared in compliance with the information sharing duty, meaning that confidential patient information can be shared without consent under the CLDoC, and without the need to consider whether sharing is in the overriding public interest – see Chapter 3: 'Common Law Duty of Confidentiality'.

Effective multi-agency information sharing is essential to safeguarding and promoting the welfare of children

It enables the early identification of emerging concerns, supports timely escalation where there is a risk of significant harm, and ensures that no single agency is required to make decisions in isolation.

By sharing relevant information, agencies are better able to make informed, collective decisions—particularly within Family Help, integrated front doors, and Multi Agency Child Protection Teams (MACPTs). Information sharing provides practitioners with a fuller, up-to-date understanding of a child's daily life, family context, strengths, and risks (both to themselves and to others), supporting more accurate- assessments and more effective plans.

Example: sharing information to support a child with SEND and promote their welfare

Scenario
A school SENCO is supporting a 13-year-old pupil with autism and anxiety whose attendance and wellbeing have declined since starting Year 10. During a meeting about attendance, the parent explains they are struggling with their own mental health and finding it difficult to support the child.

Professional judgement
The SENCO and attendance lead consider the wider picture and seek relevant information from the child's speech and language therapist, who confirms the child's difficulties have increased.

Decision
The school judges that early support is needed and shares relevant information with the Family Hub to explore support options. The information sharing duty means the school does not need parental consent to share relevant welfare information where it is lawful and appropriate to do so. However, the SENCO is transparent with the child and parent about what will be shared and why, helping to build trust and ensure the family understands the support being considered.

Outcome
The Family Hub helps the family access a short breaks service for the child, SEND parenting support, and signposting for the parent's mental health needs. Early information sharing enables services to understand need and coordinate support before concerns escalate, while maintaining professional judgement, proportionality, accuracy and transparency.

Limitation: detriment to the child

9. The information sharing duty does not apply in extremely limited circumstances where a practitioner, acting on behalf of their organisation, determine through professional judgement that sharing information would be more detrimental to the child than not sharing. Any decision not to share in order to avoid greater detriment to the child should be rare, and carefully considered, with the welfare of the child central to the judgement.

10. Instances where sharing information may be more detrimental than not sharing would usually relate to at least one of the following:

    - The child being placed at immediate risk of harm by the information being shared;

- Interfering with a police investigation, such that the consequence is likely to be of greater detriment to a child, including placing another child at increased risk of harm – ordinarily this will not be the case; as both police information and police intelligence can and should be shared where it may assist another organisation to safeguard or promote the welfare of children. Relevant insights contained within intelligence can be shared in an appropriate, proportionate or *sanitised* form[7];
- Contravention of the Family Procedure Rules, or order of the Family Court or Family Division of the High Court[8].

11. Information must still be shared if concerns solely relate to:

- **Not having consent from the child/family to share information** – this includes both consent under data protection law (see Chapter 3: 'Consent'), and consent to share information usually bound by the common law duty of confidentiality (see Chapter 3: 'Common Law Duty of Confidentiality').
- **A parent being unhappy, on principle, that information was shared, or fear of criticism or complaint** – the law supports the sharing of information where the information sharing duty applies, and by doing so, practitioners are fulfilling their professional responsibilities.
- **A practitioner feeling unsure or uncomfortable** – in such instances, practitioners should seek prompt advice from their manager, Caldicott Guardian or the organisation's safeguarding lead and refer to the relevant professional standards.
- **Data protection** – A child's safety and welfare is a paramount concern, and information should not usually need to be withheld for data protection purposes. Practitioners may wish to consult their Data Protection Officer and refer to Chapter 3: 'Data protection' for guidance on what is required under data protection and where to go when uncertain about compliance.

12. When assessing detriment, practitioners are encouraged to consider whether it is possible to mitigate adverse consequences that might arise from sharing, so that valuable information can be shared, whilst minimising the chance of causing greater harm. This includes limiting the information shared or providing more general observations, avoiding stigmatising language, identity labels, historical narrative and untested allegations about the child, unless strictly relevant to safeguarding and promoting their welfare as set out earlier.

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[7] NPCC MASH advice to police forces on information sharing for child safeguarding

[8] Family procedure rules Part 12 – proceedings relating to children except parental order proceedings and proceedings for applications in adoption, placement and related proceedings – Justice UK Family procedure rules Part 14 – procedure for applications in adoption, placement and related proceedings – Justice UK

13. Where practitioners are unsure when assessing detriment, they should consider requesting information from other organisations and practitioners in order to better assess need. It is also suggested that practitioners with concerns for a child's safety and welfare should check with a manager, safeguarding lead or Caldicott Guardian if they believe detriment outweighs the benefit of sharing this concern.

Example: Assessing detriment and suitable mitigation when sharing information

A 12-year-old child is being kept hidden from a non-resident parent following concerns of domestic abuse. The child's location is known only to a very small number of professionals and has been deliberately withheld from wider systems to prevent the alleged perpetrators from tracing them.

A practitioner is asked to upload case information, including the child's current whereabouts and contact arrangements, to a shared multi-agency safeguarding system that is accessible to a wide group of professionals across agencies.

Professional judgement: The practitioner considers their duty to share information relevant to safeguarding and promoting the child's welfare. However, they determine that:

- Sharing the information as requested would disclose location-specific details that, if accessed or inadvertently shared, could enable the alleged perpetrators to locate the child.
- This would place the child at an immediate and serious risk of harm, including forced removal or violence.
- The risk arises directly from the content of the information being shared, not from parental objection, lack of consent, or practitioner anxiety.

Decision: The practitioner determines that sharing the specific identifying and location information at that time would be more detrimental to the child than not sharing it.

Mitigating actions:

- The practitioner shares all other relevant safeguarding information necessary to support multiagency decision- making, excluding only the location-specific details.
- Information detailing the child's location and contact arrangements is shared on a strict need-to-know basis with a limited group of professionals directly responsible for safeguarding the child.
    - A clear record is made of what information has not been shared, why, and under what conditions it may be shared in future.
    - The decision is reviewed regularly, and full information is shared as soon as the risk can be safely managed.

Deciding whether to share

14. When deciding what to share in line with the information sharing duty, organisations, and practitioners acting on their behalf, should apply these tests:

    - **Relevance**: Does all of the information considered for sharing have a bearing on safeguarding or promoting the child's welfare? If information has been requested, is there sufficient context to determine relevance?
    - **May facilitate**: Is the recipient covered by the information sharing duty? Could sharing information reasonably help the recipient to safeguard or promote the welfare of the child, including when the child potentially poses a risk to others, through exercising their relevant functions including assess risk, make a decision, provide support or take action to safeguard and promote the welfare of a child?
    - **Detriment**: As set out above – could sharing be of greater detriment to the child than not sharing? Are there any mitigating steps that can be taken to reduce risk?

Sharing information across boundaries within England

15. Under the duty, relevant organisations are required to share concerns relating to a child's safety and welfare across organisation boundaries in England where a child is known to be relocating, to avoid important information being lost. This applies not only to local authorities, but to all safeguarding partners if they deem that information they hold is likely to help the recipient assess need, make a decision, provide support or take action.

16. When sharing across regions, it may be more likely that the organisations involved have not considered a Data Sharing Agreement necessary, as they do not exchange information regularly. It is not necessary to have a Data Sharing Agreement in place to share information under the information sharing duty, and this should not impede sharing.

17. Please see Chapter 5: 'Information sharing in other circumstances' for advice about sharing with services in Scotland, Wales and Northern Ireland.

Anti-discriminatory practice

18. When assessing potential harm, unmet need or risk, practitioners should consider the information they hold through an anti-racist, anti-discriminatory and culturally aware framework, applying knowledge of faith, beliefs and family cultures that can positively and negatively impact on children, whilst maintaining a core focus on the safety and welfare of the child.

Chapter 2: Understanding what to share

19. Each practitioner will hold a unique view of a child and their life, or the lives of individuals connected to them. It is only when these pieces of information are put together that practitioners can fully understand what life is like for a child, to better assess need and risk, using their professional judgement.

20. A proactive approach extends to looking out for patterns where more than one child presents with similar concerns or factors – it is important to consider contextual factors they may have in common to better understand how to safeguard and promote the welfare of each child on an individual level. Where an organisation or practitioner suspect an unknown common factor may be of relevance to the safety and wellbeing of multiple children, efforts should be made to identify what this might be, information shared with other relevant organisations and appropriate action should be taken where necessary[9].

Safeguarding and promoting the welfare of children, as a term, is separate from any local or statutory threshold for services. Where organisations and practitioners hold information relating to safeguarding and promoting welfare and determine that information may help another organisation carry out its relevant functions – including assess need, make a decision, provide support or take action – relevant information MUST be shared.

Sharing information about others connected to a child

21. The information sharing duty applies in the same way, as set out above, to information about any other individual connected to a child where relevant to the child's safety or welfare. Where the terms of the duty are met, information about any individual – a peer or an adult – within a child's life **must** be shared. Relevant information about an individual could include any factor that:

    - May inhibit a caregiver's ability to provide safe and effective care, such as substance misuse, involvement in a coercive or abusive relationship, imprisonment and poor health, mental or physical[10]. Each case should be considered in the context of a range of other factors that may intersect to determine a caregiver's ability to take care of a child – practitioners should use

[9] The duty only requires organisations to share information or fulfil requests across a cohort of children for purposes relating to safeguarding and promoting the welfare of each child on an individual level, and not for other purposes such as for use in predictive analytics or targeted modelling.

[10] It is important to note that the presence of an acute or chronic health condition should not be presumed to be indicative of an inability to give proper care. Equally, practitioners should take a particularly sensitive approach to situations in which a caregiver's inabilility to provide safe and effective care is not through deliberate choice, but factors outside of their control, such as disability or poor health.

professional judgement to determine whether this information is likely to be of relevance; or

- Indicates an individual may pose a risk to a child, such as a history of perpetrating (known or alleged) abuse or violence, substance misuse, involvement in organised crime, signs of radicalisation or being considered a risk to others on grounds of mental health concern. This refers not only to adults, but to other children also.

22. Services providing support to an adult must have processes in place to consider whether there are any children who may be impacted and in need of support. In such cases, or when requested by a parent or the young carer, the authority is under a duty to conduct a young carers' needs assessment. Please see Working Together to Safeguard Children for further information[11].

23. When organisations hold information about an individual with no known connections to a child, the information sharing duty does not require them to determine possible connections. If they are concerned, they should follow usual procedures for reporting concerns about an adult.

24. Where there is concern about another individual, practitioners should consider making parents aware, where safe and practicable, so that the parent can understand how they can support the child. Where organisations do not have powers to do so, they should inform the appropriate organisation that can. Information shared must be fair and limited to what is necessary to safeguard and promote the wellbeing of the child, in line with data protection. Please see Chapter 5: 'Sharing with other recipients' for further information.

Example: Sharing Information about others connected to a child

Scenario: Police are investigating ongoing child exploitation linked to county lines drug trafficking. During the investigation, an officer identifies emerging links between two 17-year-old children known to be associated with the network and a 14-year-old child, who attends the same school. The officer is also aware that:

- The 14-year-old child has had several recent episodes of going missing, unrelated to the current investigation
- There is limited information held by other agencies about their current peer relationships

At this stage, there is no direct evidence that the 14-year-old has been exploited or involved in criminal activity.

[11] Working together to safeguard children 2026 paragraphs 290 – 293.

Professional judgement: The officer considers their duty to share information relevant to safeguarding and promoting the 14-year-old's welfare. They determine that:

- A child's peer relationships can be a significant cause for concern, particularly in cases involving exploitation and organised criminal activity
- Information about other individuals, including older peers, may be highly relevant to a child's safety even where those individuals are the primary focus of an investigation
- Although the information relates to other young people rather than the 14-year-old directly, the relationship between them may increase their exposure to harm
- Sharing this information with relevant safeguarding partners is likely to enable earlier identification of risk and timely provision of support
- The information sharing duty applies as the criteria are met, and consent is not needed to share.

The officer judges that not sharing the information could leave other agencies unaware of a potential emerging risk pattern around the 14-year-old.

Decision: The officer decides, using the National Decision Model, a policing framework, to:

- Share information about the 14-year old's association with the older peers with the school, Youth Justice Service and Children's Social Care under the information sharing duty, and in accordance with the National Intelligence Model, another policing framework.
- Explain the safeguarding context so the school can understand the relevance of the information and respond appropriately
- Share only information that is necessary and proportionate to support safeguarding and welfare assessment

The officer also considers whether it would be appropriate to inform the 14-year-olds parents of the concern, to help them support and protect their child.

Mitigating actions:

- Police share relevant information with the school, Youth Justice Service and Children's Social Care, clearly linking the concern about peer relationships to potential safeguarding and welfare risks.
- The officer assesses whether informing the parent is likely to reduce or increase risk and determines that the parent is a protective factor and there is no indication that sharing the information would place the 14-year-old at further risk.
- The parents are informed in a measured way, sharing only what is necessary to highlight concerns about their safety and the importance of monitoring peer relationships.

- Information is shared lawfully, securely and in line with data protection principles, with a clear record of what information was shared, why it was relevant to the 14-year old's welfare and who it was shared with.

Outcome: As a result of timely information sharing:

- The school becomes more alert to potential indicators of exploitation and increases pastoral support and monitoring.
- The parents are better able to engage with child, set boundaries and seek help.
- Agencies develop a clearer picture of their vulnerabilities and are able to intervene earlier to reduce risk. Potential exploitation is disrupted in a timely manner before it becomes entrenched, preventing harm.

Why the information you hold could be relevant

25. **Schools, education and childcare settings** hold vital information that helps to identify need at the earliest opportunity. Through daily contact, schools and childcare settings are often the first to notice changes in behaviour, attendance, health or presentation that may indicate emerging or escalating vulnerability, harm or unmet welfare needs. Existing arrangements already include the transfer of child protection files, and any other relevant information when a child moves from one school to another and similar should be considered when children move between education phases including early years and post-16 provision.

26. **Police** hold crucial information about perpetrators, incidents, intelligence and community risk that can be essential for identifying and responding to harm affecting children, including when a child potentially poses a risk to others. Information about domestic abuse, missing episodes, criminal and sexual exploitation, parental imprisonment, neglect, neighbourhood risk and wider offending patterns often provides early indicators of vulnerability or harm.

27. **Health services** hold essential information about a child's physical, mental and developmental welfare, as well as key insights into family circumstances that may indicate risk or need. Contacts across primary care, urgent and emergency care, mental health, maternity, community services and tertiary health specialists often reveal early signs of neglect, injury, parental vulnerability or other factors affecting a child's safety and welfare.

28. **Prison and Probation services** hold vital information about adults who pose a risk to children, including details of offending history, licence conditions, risk assessments and patterns of behaviour, as well as cases of parental imprisonment. This information is essential for understanding the circumstances and risks within a child's household or wider network, particularly where there is a history of violence, sexual

offending, domestic abuse or exploitation, or where a parent has been taken to prison.

29. **Local Authorities** hold comprehensive information about children and families through their roles in education, early help, social care (both children and adult), housing and wider community services. This includes insights into a child's developmental needs, family functioning, home conditions, parental vulnerabilities and any previous safeguarding concerns.

30. **Youth Justice Services** hold important information about children at risk of offending or exploitation, as well as insights into the wider family, and peer dynamics that may impact safety and welfare. Their assessments, interventions and multi-agency work often reveal indicators of vulnerability, such as coercion by peers or adults, unmet developmental needs, or risks linked to violence or criminal exploitation.

31. Therefore, it is critical that each organisation, and practitioner on their behalf, is proactive, maintains dialogue across organisations, and takes responsibility for sharing information they hold. Sharing relevant information enables partners to build a more accurate picture of each child's circumstances, to identify risk and need earlier, and provide timely, coordinated support to safeguard and promote the child's welfare.

Example: Building a fuller picture – possible child sexual abuse

Scenario

- A 7-year-old child lives with their mother, who has recently separated from the child's father. During the process of their separation, the child's school received an Operation Encompass notification regarding a police call-out to the family home, though no further action was taken on this occasion as conflict was diffused.
- Without the child's father in the family home, the mother was struggling to balance long working hours with greater caring responsibilities. A family friend offered help with childcare on set evenings of the week.
- Staff at the child's primary school become concerned that the child is increasingly withdrawn and reluctant to go home when collected by a family friend who had recently taken over most after-school pick-ups. The child's mother had informed their teacher that the child has started wetting the bed again after more than a year of continence and complains of recurring stomach aches for which no medical cause has been identified.

Establishing a discourse and building a fuller picture

- The school considers that these behaviours may be linked to anxiety arising from the separation and disruption to routine, they consider that the information sharing duty applies, as a concern relevant to the child's welfare. Staff do not consider sharing this information would be of greater detriment to the child so record their rationale for sharing and proceed with requesting Family Help support through a referral to the Children's Social Care, informing the child's mother in the process.

- The school also shares information about the child's behaviours with the family's GP practice, who feel confident they can share information they hold on both the child and the mother with both the school and Children's Social Care.
- The GP confirms there is no known medical reason for the child's symptoms, and share a disclosure made at a recent appointment with the mother, regarding increased stress related to work and the change to their family circumstances. When asked about her support system, she had noted that a family friend had "stepped up" to provide care for the child whilst she works, carrying out their evening routine most weeknights. This was not initially flagged as a concern, without the wider context provided by the school.
- Together, the GP and school assess that the mother is likely a protective factor, and notify her of the concern in a measured way, sharing that the child could be exhibiting signs of sexual abuse and suggesting she restrict unsupervised access with others for the moment. At the same time, they are open and transparent with the mother about what information they are sharing with Children's Social Care, and why.

Next steps

- The Children's Social Care practitioner considers the information provided by both the school and GP. They contact police colleagues, who share historic concerns relating to the family friend and his interactions with children when he lived in another area. These concerns resulted in a Section 47 investigation but resulted in no further police action at the time.
- The practitioner considers the resultant safeguarding picture and recognises indications of child sexual abuse (Signs and indicators: A template for identifying and recording concerns of child sexual abuse | CSA centre). They record all information received, the rationale for information sharing, and coordinate a multiagency strategy discussion.

Outcome

- The strategy discussion determined that the combination of concerns meet the threshold for a Section 47 investigation. Key factors informing the decision include the child's situational avoidance, behavioural regression, appearing withdrawn, unexplained physical symptoms, increased unsupervised intimate caregiving access, identified family vulnerabilities, and the existence of previous police intelligence regarding the adult most closely associated with the pattern of concerns.
- The investigation is progressed jointly with police. This demonstrates how timely and lawful information sharing between agencies can reveal a safeguarding picture that may not be visible when individual concerns are considered separately, enabling protective action without relying on to child to verbally tell someone what is happening.

The information sharing duty and mandatory reporting duty

- In this case, neither the information held by the GP or the school would meet the criteria for the mandatory reporting duty once it has commenced.
- The mandatory reporting duty will require those taking part in a regulated activity with children to make a report if they are told about child sexual abuse by a child or an adult involved, witness abuse or see/hear it in the form of images, videos or audio-recordings.
- The mandatory reporting duty will complement and support guidance within *Working together to safeguard children*, and therefore the information sharing duty. This guidance makes clear that information relating to the safety and welfare of a child, when combined with information held by other organisations, may indicate possible child sexual abuse cases that have not been witnessed or disclosed.
- The government will deliver separate guidance on the mandatory reporting duty in due course.

Sharing information where a child poses a risk to others

The information sharing duty extends to information about any other individual connected to a child, provided it is relevant to a child's safety and welfare – therefore, it includes sharing information about a child who potentially poses a risk to another child. Information should not be withheld solely because the child, as the information subject, is not at risk themselves but instead potentially poses a risk to the safety and welfare of others. This extends also to responding to requests for information and in both scenarios (requests and sharing) consent is not required.

Often, children who display harmful behaviour toward other children have unmet support needs and may have been exposed to harm themselves. On this basis, organisations and practitioners should take a holistic approach, sharing information to better safeguard and promote the welfare of all children involved, including the child who may pose a risk to others.

Where information may help another relevant person assess risk and need, make a decision or take action to safeguard and promote the welfare of any child, this information must be shared.

What organisations must do if they hold relevant information

32. To fulfil the organisation's statutory obligations, organisations and practitioners MUST:

- Share information where the criteria of the information sharing duty, as above, are considered to have been met.

- Consider and respond to requests for information from other organisations and practitioners in line with the information sharing duty.
- If documentation, such as a case file, or system access is requested, and this is not deemed necessary and proportionate, consider providing the relevant information extracted from the document or system instead. The information sharing duty requires the sharing of relevant information, not the sharing of documentation where extracted or summarised information would suffice to safeguard and promote the welfare of the child.
- Ensure sharing complies with data protection law – see Chapter 3: 'Data protection'.
- Only use information received under the information sharing duty for the specified purposes. These are likely to be documented by each organisation for accountability purposes, for example in their data sharing agreement and published privacy notices. In relation to the information sharing duty, the purpose should be limited to safeguarding and promoting the welfare of children. If organisations want to process information further for a different purpose, they must only do so if they can comply with data protection laws – for example, if they have a legal basis to do so or the new purpose is compatible with the original purpose. For more information on purpose limitation and documentation, see footnote[12].
- Ensure there are safeguards, access controls and governance in place to restrict access to personal information beyond what is necessary and appropriate.

What organisations should do if they hold relevant information

33. In line with established best practice, organisations and practitioners SHOULD:

- Act promptly and be proactive; avoid unnecessary delay.
- Be able to demonstrate accountability for compliance with the information sharing duty, and with data protection law. Record the decision for sharing, or not sharing, including any rationale pertaining to relevance, the facilitation of another organisation's relevant functions, detriment and anything else they determine necessary to comply with their internal governance, data protection or any other statutory obligations.
- When requesting information, include the necessary and proportionate contextual information for the recipient to determine what should be shared, and why it may facilitate the requestor's relevant functions.

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[12] Regulation (EU) 2016/679 of the European Parliament and of the Council , Principle (b): Purpose limitation | ICO , What is documentation? | ICO

- Inform the child and/or parents/ unless doing so would increase risk or is impracticable. guardians about what information has been shared where appropriate.
- Keep the child's wishes/feelings, if known, under active consideration but recognise that their safety and welfare is paramount.
- Use agreed local pathways to share information, as outlined in their local multi-agency safeguarding arrangements – see Chapter 4.
- Provide acknowledgement and timely feedback to organisations and practitioners from whom they have received information, to inform them of receipt and any decisions taken as a result. Effective multi-agency information sharing should be understood as a dialogue between relevant organisations, and communication of outcomes is important to understand what action has been taken.
- Where safe and practicable, make parents aware of concerns about other individuals in a child's life where it is relevant to the child's safety and welfare. Where organisations do not have powers to do so, they should inform the appropriate organisation that can.

Chapter 3: Misinterpreted barriers to information sharing

Data protection

34. Data protection obligations apply and must be complied with[13] – this does not prevent personal information being shared to safeguard and promote the welfare of children. It provides a framework that enables the sharing of information in a fair, proportionate and lawful way.

35. Law enforcement authorities are required to operate under Part 3 of the Data Protection Act 2018 (DPA 2018) where they process personal data for law enforcement purposes in their capacity as competent authorities, meaning the below may not always be applicable. Organisations may need to move between Part 3 DPA 2018 and Part 2 DPA processing depending on the purpose[14].

36. When identifying a lawful basis[15] under Article 6 UK GDPR in order to share personal information, practitioners may wish to consider:

- Article 6(1)(c) 'Legal obligation': s16LA is a 'legal obligation' to share information when the criteria are met, so this ground is likely to apply to information shared under the information sharing duty.
- Article 6(1)(e) 'Public task': this ground will apply to most public bodies.
- Article 6(1)(ea) 'Recognised legitimate interest' or article 6(1)(f) 'legitimate interests': may be appropriate for voluntary and private organisations.

37. Practitioners are reminded that some forms of personal information are afforded extra protection under data protection laws, but can still be shared for the purposes of complying with the information sharing duty provided a lawful basis is identified and practitioners comply with the relevant additional obligations:

- **Criminal offence data**[16] requires either an organisation to have 'official authority' specified by law (including that of the police) or a DPA 2018 Schedule 1 condition to be met. For example, Schedule 1(18) regarding the safeguarding of children and of individuals at risk may be relevant when sharing information relating to parental imprisonment for safeguarding purposes.

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[13] Data Protection Act 2018

[14] Law enforcement processing: Part 3 DPA 2018; and sharing with competent authorities under the GDPR and Part 2 DPA 2018 | ICO

[15] A guide to lawful basis | ICO

[16] Criminal offence data | Information Commissioner's Office

- **Special category data**[17] requires an Article 9 condition as per UK GDPR to be met. For example, practitioners may wish to consider:
    - Article 9(2)(g): the processing is necessary for reasons of substantial public interest – relying on the condition in Schedule 1(18) of the DPA2018, where the processing is necessary to protect a child from neglect or physical, mental or emotional harm, or to protect their physical, mental or emotional wellbeing.
    - Article 9(2)(h): the processing is necessary for the purpose of health or social care systems and services, which include medical diagnosis and the provision of healthcare or treatment or of social care.

38. When sharing personal information pursuant to s16LA you must comply with data protection principles – please find the comprehensive list on the ICO's website[18]. They include:

- **Data minimisation**: limiting sharing to what is necessary, and with whom, to achieve compliance with s16LA.
- **Accountability**: having appropriate measures in place and keeping records to demonstrate your compliance. It is recommended to have a data sharing agreement in place – see Chapter 4 for guidance and Annex A for an updated multi-agency data sharing agreement template.
- **Accuracy**: taking all reasonable steps to: (1) ensure personal data held is not incorrect or misleading as to any matter of fact (2) correct or erase personal data that is incorrect or misleading. When sharing matters of opinion, it must be made clear that it is an opinion, rather than a matter of fact.
- **Security**: having appropriate technical and organisational measures to protect personal information (for which, having a data sharing agreement may help).
- **Transparency**: organisations need to be clear, accurate and transparent with each other and data subjects about the lawful basis being used and the circumstances in which information may be shared, usually though data sharing agreements or privacy notices.

39. For information on data protection law, organisations and practitioners should refer to the Information Commissioner's Office (ICO) Data sharing code, relevant guidance, and its lawful basis interactive guidance tool[19]. For specific advice, seek advice from a

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[17] Special category data | Information Commissioner's Office

[18] A guide to the data protection principles | Information Commissioner's Office

[19] Data sharing: a code of practice | Information Commissioner's Office
10 step guide to sharing information to safeguard children | Information Commissioner's Office
Lawful basis interactive guidance tool | Information Commissioner's Office
A guide to lawful basis | Information Commissioner's Office

manager, data protection officer or information governance lead – health and social care practitioners may seek advice from a Caldicott Guardian[20].

Sharing information in emergency or urgent cases

The Information Commissioner's Office encourages organisations to plan for emergencies and urgent cases in which information needs to be shared immediately. Data protection law allows practitioners to share necessary and proportionate information rapidly under circumstances in which not sharing information is likely to be more harmful. In an emergency or urgent case, practitioners may not be able to follow the usual processes – practitioners should take a proportionate approach, and document their decision-making[1].

Consent and maintaining trusted relationships with families

40. "Consent", as a term, has various meanings depending on the context and how practitioners work within a particular environment. Where different meanings and expectations are conflated and confused, this can function as a barrier to appropriate information sharing.

41. In discussions around information sharing, the most likely meaning of 'consent' we refer to is consent as a lawful basis for processing personal information under data protection law.

- Consent is not required to share information under data protection law. It is just one of seven lawful bases to process information – organisations are only required to identify one applicable lawful basis to share, and it is likely that public task, legal obligation or recognised legitimate interests will be more appropriate for safeguarding and welfare purposes. Please see Chapter 3: 'Data Protection' for further information.
- Although consent is one of the lawful bases, it is highly unlikely to be the most appropriate choice when sharing information under the duty because there is often an imbalance of power between parties, meaning consent may not be freely given, and consent may be withdrawn later, necessitating data erasure. Importantly, in cases of suspected maltreatment, exploitation, abuse or neglect, seeking consent from a suspected perpetrator, or another person closely connected, is likely to undermine prospective safeguarding efforts, and could increase risk of harm.
- This applies to any information sharing to safeguard and promote the welfare of a child, whether under the information sharing duty, or not – data protection law allows for this, as above. The information sharing duty reinforces this message, by

[20] Roles and responsibilities of a Caldicott Guardian

making clear that the law enables and requires the sharing of information relevant to safeguarding and promoting the welfare of a child, including where consent to share and/or make a referral has not been sought or obtained.

42. Consent as a lawful basis to process information under data protection law is often confused with, but is separate from:

- **Consent for services or consent to receive medical treatment:**
  Whilst children and families must agree to the provision of voluntary services such as Family Help, or consent to receive medical treatment, information sharing is a separate consideration. Following information, consent to services or medical treatment will be separately obtained by the organisation offering the service. Information can still be shared where a threshold for service intervention has not been met, and where families have not agreed to the provision of particular services, because consent is not required to share information.

- **Consent to share confidential information under the Common Law Duty of Confidentiality**:
  Where the terms of the information sharing duty are met, confidential information can be shared without obtaining consent. Please see Chapter 3: 'Common Law Duty of Confidentiality' for further information.

- **Transparency with children and families:**
  Transparency with children and families does not require obtaining consent to share information. Where public task or legal obligation, is the lawful basis, any discussion with parents or children should avoid implying that their agreement is what determines whether information is shared, and practitioners should avoid seeking consent if they intend to share information in any case.

Practising transparency with children and families

43. Effective engagement of children and families is critically important, particularly where accessing support will be consent based, though consent is not required to share information under the information sharing duty. All practitioners have a role in supporting this engagement, and where safe to do so, should be open and transparent about why information is shared, what might be shared and how it will be used. Building understanding and trust supports better outcomes and helps families to participate meaningfully in support and intervention.

44. Practitioners should exercise professional judgement in deciding when and how to inform families, taking account of any risks that transparency itself may pose,

including the risk of harm or intimidation[21]. Decisions should be proportionate, clearly recorded, and focused on the best interests of the child.

45. Government will produce materials for distribution among children and families to cover both consent and confidentiality – these are intended to explain an organisation's obligation under the information sharing duty in an engaging and accessible manner.

Practice box: Explaining information sharing to children and families

When explaining information sharing, practitioners should:

- **Explain the purpose of sharing**
  Make clear that information is shared to safeguard and promote the welfare of the child, including to protect them from harm or to ensure they receive the right support. Explanations should be proportionate, accessible and tailored to the child's age, understanding and circumstances.
- **Describe what information will be shared and with whom**
  Explain that information will be shared only with professionals and organisations who need to know in order to help safeguard the child, and not more widely than necessary. Explain that information is limited to what is necessary in the circumstances and is not the entirety of the information by default.
- **Be clear about limits to confidentiality**
  Explain that while practitioners aim to be open and respectful, information cannot always be kept confidential if it relates to a child's safety or welfare.
- **Avoid presenting sharing as optional where it is not**
  Seeking consent and proceeding to share information using a different lawful basis upon consent being refused is misleading and presents the individual with a false choice – organisations must consider the most appropriate lawful basis from the beginning. Practitioners should explain what will happen rather than seeking permission where consent is not required or would be inappropriate for safeguarding purposes.
- **Acknowledge feelings and concerns**
  Listen to and acknowledge any worries raised by children or parents, even where information must still be shared.

[21] Where transparency has not been deemed appropriate, or safe, it may be helpful to make this clear to the recipient of the information, particularly in the cases where a referral is made to a service. This will enable them to navigate the situation appropriately, with the knowledge that the family is not yet aware that information has been shared.

Common Law Duty of Confidentiality

46. Previously, practitioners had to judge whether disclosure of confidential information (or 'confidential patient information') was legally required, justified in the overriding public interest or required consent. The information sharing duty creates a legal requirement to share information relevant to safeguarding and promoting the welfare of a child, reducing uncertainty and negating the need to determine overriding public interest or seek consent.

47. Confidential information can be shared without consent for the purposes of safeguarding and promoting welfare, provided the criteria in s16LA – as explained in this guidance – and data protection requirements are met. This applies to information about the child, alongside information about any other individual connected to a child, provided it is relevant to the child's safety and welfare.

48. Organisations and practitioners may also request confidential information from other organisations. Requests should include enough contextual information for the recipient to determine if the information sharing duty applies and decide what information is appropriate to share, to enable them to share with confidence.

49. Where risk to the child, or need, is less obvious and practitioners are hesitant to share particularly sensitive information, they may wish to ask for additional information from the requestor or request additional information about the child from other organisations and practitioners to better determine the significance of the information they're considering sharing.

Example: Sharing confidential information under the information sharing duty

Scenario: A 14 year old child lives alone with one parent and has not previously been known to Children's Social Care. During a routine GP appointment for the child, their parent discloses an increase in stress and difficulty managing their personal circumstances, and is acting erratically. The GP is concerned about this disclosure, and how the parent presents in the appointment, so checks CP-IS to find there is no Child Protection flag.

As the parent is registered to the same GP practice, the child's GP can see that the parent is known to adult mental health services for emotional dysregulation and alcohol use. The GP considers the sensitivity of sharing emerging concerns of this nature but knows that where the significance of information is unclear, additional information should be sought to better inform their judgement. The GP considers what information is proportionate contextual information to share with adult mental health services, to enable the practitioner to determine what should be shared with the GP to facilitate the GP's relevant functions. On this basis, the GP reaches out to share their observation with practitioners at the adult mental health service, who, in turn, report that the parent had recently missed several appointments.

Professional judgement: Having shared information that is necessary and proportionate to the enquiry, the GP, in consultation with the adult mental health practitioner, determine there is sufficient cause for concern to go on to consider their duty to share further detailed information relevant to safeguarding and promoting the child's welfare. They determine that:

- Information about the parent's deteriorating mental health and alcohol use is relevant to the child's safety and welfare, and consider the information held to be indicative of emerging need and possibly escalating risk.
- Although the information is confidential, including health information relating to an adult, it is directly relevant to the child's welfare.
- Under the information sharing duty, there is a legal requirement to share relevant information for safeguarding and welfare purposes, provided the statutory criteria and data protection requirements are met, including a legal basis (article 6) and a condition to process special category data (article 9).
- In terms of considering the common law duty of confidentiality, consent from the parent is not required, and there is no need to decide whether sharing can be justified in the overriding public interest.
- The professionals also consider whether the risk to the child is immediately obvious. While there is no single piece of information that clearly indicates significant harm, they recognise that the information may be significant when viewed alongside information held by other agencies.

Decision: The practitioners determine that:

- Relevant confidential information should be shared with Children's Social Care under the information sharing duty, to the Family Help Front Door.
- Information shared should be limited to what is necessary and proportionate to support assessment of child's welfare.
- In this case that it is safe and most appropriate to be transparent with the parent and child that this information will be shared in the form of a Family Help referral, to increase the likelihood that the family choose to engage with the resulting support offer.

Mitigating actions:

- Information is shared with Children's Social Care for the purpose of safeguarding and promoting the welfare of the child. The adult mental health service shares relevant information about the parent's recent missed appointments and indicators of emerging need or possible escalating risk to the child's safety and welfare. The GP shares observations about household stress.

- Information is shared securely, lawfully and in accordance with data protection principles, with a clear record of what has been shared and why.
- As further information is received, agencies continue to review the level of risk and need, and whether additional information sharing or safeguarding action is required.

Outcome

By sharing information lawfully and without delay: Children's Social Care is made aware of the child's circumstances, and Family Help support is offered to the family to address emerging risk and need, alongside designating the child a young carer so that they can be better supported themselves. Potential escalation of harm is identified and addressed at an early stage.

The right to respect for private and family life

50. Children's rights are always important, including the right to respect for private and family life, which may be relevant to considerations around information sharing, as well as the right to be kept safe.

51. In order to keep children safe and respect private and family life as far as possible, the information sharing duty has been designed so that, where the criteria are met, any interference with privacy is necessary and proportionate to safeguard and promote the welfare of children.

Chapter 4: Practical application and information flows

Agreeing local protocols

52. To best implement the duty at a local level, organisations and practitioners need to agree how it will work in practical terms to ensure information is able to flow between the relevant parts of the system at the right time, in a proportionate way to avoid overwhelming organisations and practitioners or creating unnecessary burdens.

53. Under section 16E of the Children Act 2004 the statutory safeguarding partners are required to make local arrangements to work together for the purpose of safeguarding and promoting welfare of children in their area. Safeguarding partners may include relevant agencies in these local arrangements. The safeguarding partners, and any relevant agencies included, are required to act in accordance with such local arrangements[22]. If relevant agencies use service providers to carry out any part of the local arrangements, the relevant agency should flow down their obligations to ensure compliance with section 16E and section 16G of the Children Act 2004. The purpose of the local arrangements is to ensure that, at a local level, organisations and agencies are clear about how they will work together to safeguard all children and promote their welfare. The contents of the local arrangements will be different for each local area to reflect local needs and services. Further guidance on multi-agency safeguarding arrangements can be found in Chapter 2 of Working Together to safeguard children.

54. Each multi agency safeguarding partnership (Partnership) must have published their arrangements and should have a data sharing agreement (DSA) sitting alongside that to help ensure that all partners and relevant agencies in the partnership are clear on what, when and how information is shared between themselves[23]. Partnerships will need to revisit those data sharing agreements and revise them to take account of this duty and review them regularly. To support partnerships in doing that, a template DSA is available at annex A. An overarching Data Protection Impact Assessment is likely to be required prior to a Partnership agreeing a DSA, to assess risks in the proposal adequately.

Information flows

55. The right information needs to be in the right place at the right time, so that practitioners are able to make well informed decisions based on the fullest possible picture of what life is like for the child. For that to happen, the partnership's DSA needs to set out what information is to be shared, between which partners, at what point and through what mechanism. That needs to cover the full range of statutory

[22] Section 16G Children Act 2004

[23] Data sharing agreements | Information Commissioner's Office

safeguarding partners and relevant agencies, and also the full breadth of the children's social care system, from early help through to child protection to support new multi-agency child protection teams, as well as where children are formally looked after by the local authority.

56. In getting information to the right place, consideration needs to be given to:

- **Range**: Every relevant agency locally needs to be included, though as they all interact in different ways and frequencies with children and families, it can be appropriate to have varied arrangements for different types of organisations.
- **Breadth of system**: Ensuring information sharing can support all parts of safeguarding and promoting the welfare of children in appropriate ways, ranging from early help through to child protection as well as those children looked after by the local authority.
- **Routes**: As the information shared may be used in different ways, different routes or mechanisms may be needed depending on the nature of the information being shared. Formal referrals, for example for a formal assessment, may be shared through a different route to Family Help referrals and again for smaller, more contextual pieces of information. Identifying different routes would help partnerships to manage information more effectively. It is critical that partnerships have mutually established the best route for sharing urgent information, where there is an immediate threat.
- **Awareness**: Each organisation needs to be aware what local arrangements are in place so that they can feed information to the right places through the right routes, as well as know who to contact if the information needs to go to another area. This helps prevent overwhelm where parts of the system are provided with the wrong type of information.
- **Oversight**: Where the wrong routes or mechanisms are used, agreed processes are not followed, or similar, there should be feedback loops and dialogue to reduce the likelihood of the issue recurring, amend processes or escalate where needed. This should include clear incident management arrangements.
- **Security**: Mechanisms used to share information need to have appropriate security measures, including compliance with data protection by design and default.

57. Optimising use of systems and digital assets accordingly can address some of the practical challenges to information sharing, It is important that organisations ensure their digital infrastructure is fit for purpose, to reduce the logistical barriers to effective multi-agency working, and support practitioners understanding of what digital information is available and how to access it appropriately.

Strategic and routine sharing for safeguarding and welfare

58. Safeguarding and promoting the welfare of children requires effective and timely information sharing, including, where appropriate, the regular and routine sharing of specific categories of information between safeguarding partners.

59. Where safeguarding partners have agreed, at a strategic level, that certain safeguarding and welfare information is necessary to fulfil their functions, that information may be shared on a regular basis, rather than only in response to individual incidents or referrals. This may include, for example, information about school attendance or patterns of absence including risk of becoming NEET, where partners have identified this as relevant to identifying need, risk or emerging harm.

60. Such arrangements may be supported through local information sharing agreements, protocols or system-based data flows. Where information is to be shared in this way, safeguarding partners must comply with data protection laws.

61. Practitioners and organisations should consider how such strategic agreements support consistent, timely and joined-up responses, enabling partners to identify concerns early, provide support, and prevent escalation. Decisions and rationales for regular sharing arrangements should be documented and kept under review.

Chapter 5: Information sharing in other circumstances

The following sections are non-statutory advice for sharing information outside of the information sharing duty –this is also important, though processes differ:

Sharing with other recipients

62. The information sharing duty only covers sharing between organisations and practitioners to whom it applies, even where the information is relevant to safeguarding and promoting the welfare of a child. It may be necessary to share information with other organisations, practitioners, professionals or individuals – practitioners should consider alternative legal powers or duties that enable them to do so and must pay due regard to CLDoC where applicable, referring to profession-specific guidance.

63. **Sharing with other organisations e.g. charities, private healthcare providers, community-based groups**:

- Organisations and practitioners are encouraged to consider the necessity of sharing information, relevant to a child's safety and welfare, with a recipient who does not have a statutory safeguarding function. Where it is deemed necessary, information can be shared with other organisations, outside of the duty, so long as data protection law and CLDoC (if applicable) are accounted for[24].

- In most cases it will be more appropriate to seek relevant information instead, where it is thought they may have insight, and encourage other organisations to be forthcoming with information they hold, to ensure the appropriate provision of support. Safeguarding partners may require any person, organisation or agency to provide specified information to enable or assist local safeguarding partnerships to carry out their functions to safeguard and promote the welfare of children in their area[25].

- Organisations outside of the scope of the duty are strongly encouraged to feed information relevant to the safety and welfare of children through to statutory safeguarding partners, both proactively and in response to a request. The sharing of this information is not dependant on any thresholds for intervention provided it is necessary and proportionate to the safeguarding of a child at possible risk of harm. To comply with data protection law, follow the steps set out in Chapter 3: Data

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[24] As a part of their data protection considerations, when organisations decide to share with those outside of the duty e.g. smaller charities and community based groups, it is important that they determine whether the recipient is likely to have the appropriate security infrastructure to manage sensitive personal data appropriately and are following data protection principles appropriately.

[25] Section 16H Children Act 2004

Protection, noting that the lawful basis 'public task' applies to the public sector only. For voluntary or private sectors, it is likely that the lawful bases 'recognised legitimate interests' or 'legitimate interests' may be appropriate.

64. **Sharing with safeguarding organisations in the devolved administrations**: Where necessary, organisations and practitioners should share concerns relevant to safeguarding and promoting the welfare of a child across borders to services in Scotland, Wales or Northern Ireland. This falls outside of the remit of the information sharing duty because safeguarding organisations in the devolved administrations are not encompassed by the duty, but can be shared ordinarily, provided an appropriate lawful basis is identified under data protection, e.g. public task.

65. **Sharing with parents**: In the context of a child-centred approach as set out in *Working Together to Safeguard Children 2026*, all practitioners should work in partnership with families as far as possible whilst keeping the wishes of the child and what is in their best interest central to decision making and that should carry across to information sharing.

As well as sharing information with other practitioners, either under the information sharing duty or otherwise, where there is concern about another individual, practitioners should also consider whether it is safe and practicable to make parents aware of the nature of the concerns. Where organisations do not have powers to do so, they should inform the appropriate organisation that can. This supports the parent to better understand how they can support their child.

Where practitioners make parents/guardians aware, they must follow data protection law and consider what information is provided so that they share only what is necessary and proportionate to safeguard and promote the wellbeing of the child[26]. In doing so, practitioners need to:

- recognise and work with parents who are unwilling or unable to engage with services such as those experiencing abusive behaviour.

- consider the most appropriate means of sharing necessary and proportionate information, including through the Child Sex Offender Disclosure Scheme (also known as Sarah's Law) which, despite the name, covers all types of offending behaviours relevant to child protection[27].

- understand that it will not always be appropriate to share with parents, this could be due to whom the concerns relate to or where needs are not yet identified.

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[26] A guide to the data protection principles | ICO

[27] Child Sex Offender Disclosure Scheme

During pregnancy

66. Whilst the information sharing duty only applies from birth up to the age of 18 and the legal position remains that the rights of the child begin at birth, it is important that harm and need are considered from the earliest opportunity. Relevant information about unborn children should be shared in accordance with the guidance provided in Working Together to Safeguard Children.

Transitions into adulthood

67. For many children, once they turn 18 information will be retained by agencies in line with their usual retention periods. Information sharing processes for those over 18 will vary from those for children, and the information sharing duty will not apply, therefore organisations that work with children and young adults, such as schools, should develop a clear understanding of the respective routes for sharing information for each group.

68. Some children, particularly those with special educational needs and disabilities, or care leavers, may continue to receive support from organisations. Others would transition from Children's Services to Adult Services, in line with Local Authorities' duty under the Children and Families Act 2014 and the Care Act 2014 to ensure a safe transition from Children's to Adult Services.

69. Organisations should ensure they prepare for this transition accordingly, particularly where proxy access may be appropriate or where support will move to other organisations, such as adult services, who would benefit from early knowledge of individuals needs and their support packages in order to ensure continuity of support and prompt assessments.

Other requirements to share

70. Whilst the information sharing duty provides a clear legal duty to share information relevant to safeguarding and promoting the welfare of children, organisations may also have other obligations to share information such as the Mandatory Reporting Duty included in the *Crime and Policing Act* 2026, once it has commenced and come into effect. Such obligations are intended to address different problems and also need to be met.

71. Organisations should ensure they are clear on respective requirements, through respective pieces of statutory guidance, so that they are meeting all their legal obligations.

UK Government

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