CHILDREN'S COMMISSIONER

The Children's Commissioner's response to the Department for Education's consultation on new Information Sharing Guidance

July 2026

Introduction

The Children's Commissioner has long called for better information sharing across the services which work most closely with children. When information about a child's safety or welfare is not shared effectively, they can fall through the gaps due to a lack of knowledge sharing between children's services. This can have disastrous consequences, as we have seen through the tragic cases of Victoria Climbé, Star Hobson, Arthur Labinjo-Hughes and Sara Sharif.

A lack of knowledge and data sharing across services is something that came to light during the Commissioner's work on the independent Family Review. Time and again, children and families across the country told her that they wanted the services they access to talk to each other. Often, this is because they don't want to have to repeat their stories – which can be both frustrating and distressing. It was clear that a lack of data sharing leaves families feeling unclear about what professionals do and do not know and can make it harder to access the support they need.

More recently, respondents to the Children's Commissioner's surveys The Big Ambition and her current The Big Future have made similar points:

> *"Link all the schools and clubs together so that they all talk to each other properly and can help young people better." – Parent of boy, 4, The Big Ambition*
>
> *"Make sure that everybody is looked after and get to know the child" – girl, 13, The Big Future*
>
> *"look more into kids/teens learning and life at home and find out what they need help with and how they can help." – boy, 13, The Big Future*

Too often, the potential benefits of data sharing are going unrealised because it isn't happening. Recent research shows that there is limited linking of health, educational and social care data on children by local authorities in England.[1] Indeed, fewer than half of local authorities reported that they were linking data on all children in the local authority area.

[1] https://www.centreforyounglives.org.uk/news-centre/experts-call-for-national-connected-data-model-to-transform-childrens-services-and-boost-uk-economy

Data sharing shouldn't only be seen as a safeguarding issue. Secure, planned and routine sharing of data on groups of children can improve services by better understanding user needs and journeys through health, education and other services. The Commissioner therefore welcomes this step towards a sharing-first approach, which connects information more readily to ensure children receive the high quality joined-up care they deserve.

Summary of the proposals

The consultation seeks views on proposed new statutory guidance titled *'Information Sharing Duty: statutory guidance for safeguarding organisations and their practitioners'*. This would replace the existing non-statutory guidance, '*Information sharing advice for safeguarding practitioners*', and is designed to implement the information sharing duty outlined in the Children's Wellbeing and Schools Act.

The proposed guidance sets out that information should be shared not only where there are concerns about significant harm, but also where it may support early help and prevention. The new duty seeks to remove ambiguity by establishing that information relevant to safeguarding and promoting welfare should be shared whenever it may assist another agency's safeguarding functions. In particular, the guidance intends to:

- reinforce that information sharing is a core safeguarding and welfare activity
- encourage earlier and more proactive sharing, including where concerns relate to emerging need or prevention rather than harm; and
- support practitioners to act with confidence, knowing that the law enables and requires relevant information to be shared where it may help other organisations safeguard or promote a child's welfare.
- Clarify that effective multi-agency information sharing should be understood as a dialogue between relevant agencies, and hence the acknowledgement of information received, and communication of outcomes is important to understand what action has been taken.

The consultation is accompanied by a non-statutory framework entitled *Multi-Agency Information Sharing: Tier 1 Data Sharing Agreement (DSA)*, which serves as a guide to safeguarding organisations in setting up data sharing agreements.

The consultation is a series of closed questions asking respondents to choose across the spectrum from Strongly Agree to Strongly Disagree. Question 11 is a free text question which gives the opportunity to add broad comments, and question 12 seeks views on what other support may be needed in order to apply the information sharing duty.

Questions and responses

Q1) To help us analyse our responses, could you please tell us in what capacity you are responding to this consultation. As a..

Other: The Children's Commissioner for England

Q2) To what extent do you agree/disagree that the guidance helps you to feel more confident sharing information relevant to safeguarding and promoting the welfare of children?

N/A – not responding as a practitioner

Q3) To what extent do you agree/disagree that the guidance will support earlier information sharing, where concerns relate to emerging need or prevention, rather than harm?

Agree

Q4) To what extent do you agree/disagree that the guidance effectively sets out the updated legal framework for information sharing to safeguard and promote the welfare of children?

Agree

Q5) To what extent do you agree/disagree that the guidance makes clear when and how to consider detriment, and that this should only apply in limited and exceptional circumstances?

Agree

Q6) To what extent do you agree/disagree that the guidance, supplemented by examples, makes clear what kinds of information fall under the information sharing duty, including information held about other individuals connected to a child?

Somewhat agree

Q7) To what extent do you agree/disagree that the guidance, supplemented by examples, makes clear the role of data protection legislation, including alternative lawful bases to consent?

Agree

Q8) To what extent do you agree/disagree that the guidance makes clear that the common law duty of confidentiality does not apply when sharing information in compliance with the information sharing duty?

Strongly agree

Q9) To what extent do you agree/disagree that the guidance is useful for understanding how the duty is best operationalised on a local level, including how information should flow between organisations at different points in the system?

Agree

Q10) To what extent do you agree/disagree that the data sharing agreement template will support local implementation of the information sharing duty?

Agree

Q11) Is there anything else you'd like to tell us to improve this guidance and/or Data Sharing Agreement, including any barriers or enablers to effective implementation?

The Commissioner welcomes this step towards a more proactive approach to information sharing which will allow practitioners to identify opportunities to support and protect children more readily. However, for this to be truly effective, the guidance must be accompanied by appropriate tools and resources for practitioners including comprehensive training on how to use the guidance and on GDPR and clear lines of accountability for upholding the guidance across organisations.

The worked examples regarding detriment are useful and make clear that decisions regarding information sharing must be child centred. Concerns that sharing information could cause detriment to a child, their family or the practitioners they work with can be a driver of hesitation to share information, and so it is essential that implementation of the guidance is designed around a culture change which gives professionals the confidence to share information. This should include ensuring that organisations have the correct mechanisms set up to facilitate professionals seeking advice from more senior colleagues, and to consider requesting information from other organisations and practitioners in order to better assess need, as set out in paragraph 12 of the draft guidance. The section on sharing information in emergencies (page 21) would benefit from additionally referencing vital interest.

The extension of a proactive approach in looking for patterns when multiple children access one service is very welcome and will contribute to ensuring institutional risks are better accounted for. The types of information held about adults connected to a child may differ to the information organisations are used to holding about children. Therefore, further worked examples would be useful within this section to help guide more proactive thinking about what constitutes a connected adult and how to cascade information appropriately both to the adults around the child and to other professionals working with the child.

Clarity could be added to the section relating to the risk of a child causing harm outside of the context of the harm occurring to another child. The guidance should make clearer how professionals should share information when they are concerned that a child may cause harm either in general or to a specific individual. This applies to both ensuring that the child about whom there are concerns is supported and to preventing harm to others.

Confusion around consent has historically been an additional barrier to information sharing between professionals. Chapter 3's emphasis on consent, including examples, is therefore welcome. As with determining detriment, a change in culture and clear training will be essential here to ensure that all professionals working with children are comfortable and confident in applying information sharing and consent laws. We recommend that this section is expanded slightly to explain what special category data is (rather than just linking out to this), and to directly address the sharing of ethnicity data, as uncertainty around sharing this has been a key challenge across the sector. Additionally, it

would be helpful to more specifically address the circumstances in which consent should be obtained from parents to make a referral.

Each local area will have different cohort needs with regard to information sharing. While Chapter 4 sets out useful guidance for informing practice, worked examples across different types of local area (for example, a densely populated urban area and a coastal area) would be useful alongside the data sharing agreement framework to help local authorities work through some of the practical challenges regarding information sharing.

It would be useful for the guidance to add further clarity as to how practitioners should share information across different local authorities- in particular as the data sharing agreement focuses on setting up systems at a local level.

Q12) Beyond statutory guidance, what kinds of other support (if any) would be helpful in supporting you to effectively apply the Information Sharing Duty in practice?

Any change to practice across children's services must be led by culture change throughout the organisation, clear, effective and regular training and enough capacity for professionals to have time to proactively consider whether they should share information to help promote a child's welfare, to seek advice from colleagues and to action their decisions. The Department for Education can help services find this capacity by providing tools and resources once centrally, avoiding duplication of effort locally.

Organisations must take steps to ensure that more junior team members do not fear negative repercussions for sharing information in good faith that it is relevant to protecting or promoting the welfare of a child, and they must be given adequate training to confidently apply the framework in their daily practice.

The commitment to produce materials for distribution among children and families is welcome. It is essential that these materials are high quality, age appropriate, and available in common languages (to be determined relevant to local areas) to ensure that children and their families are able to understand the process accurately.

It is welcome that the guidance cautions against creating additional administrative burden for frontline practitioners. However, for this to truly be realised, systems must be put in place to ensure

that information is shared effectively and securely across services. The implementation of a national consistent child identifier would support professionals across services in ensuring effective data matching for children, both within their local systems and when sharing with other local authority areas.



11th Floor, 64 Victoria Street
London, SW1E 6QP

www.childrenscommissioner.gov.uk
@childrenscommissioner
@ChildrensComm