Children's Wellbeing and Schools Act 2026

Changes to legislation:
There are currently no known outstanding effects for the Children's Wellbeing and Schools Act 2026, Section 4. ?

4 Information sharing and consistent identifiers

After section 16L of the Children Act 2004 (safeguarding partners for local authority areas) insert—

"*Continuity of information for safeguarding and welfare purposes*

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.

(4) This subsection applies to—

(a) a person listed in section 11(1) (persons and bodies under a duty to make arrangements to safeguard and promote welfare),

(b) a person who is a designated childcare or education agency for the purposes of section 16E (local arrangements for safeguarding and promoting welfare of children), and

(c) a person who provides services pursuant to arrangements made by a person within paragraph (a) or (b) in connection with the exercise of any of that person's relevant functions.

(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.

(6) The relevant person must, in discharging any duty imposed on it by this section, have regard to guidance issued by the Secretary of State.

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

(8) This section does not permit the relevant person to do anything which is prohibited by Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(9) In this section, "relevant function" means a function relating to safeguarding or promoting the welfare of children.

16LB Information standards

(1) The Secretary of State may prepare an information standard.

(2) For the purposes of this section, "an information standard" is a standard in relation to the processing of information for the purposes of safeguarding or promoting the welfare of children.

(3) An information standard must specify to whom it applies.

(4) An information standard may only apply to one or more persons falling within section 16LA(4).

(5) A person to whom an information standard applies must have regard to the standard when processing information for the purposes of safeguarding or promoting the welfare of children.

(6) For the purposes of subsection (1), the Secretary of State may adopt all or part of any other information standard prepared or published under any other enactment or for a different purpose from the purpose mentioned in subsection (2).

(7) The Secretary of State may revise an information standard from time to time.

(8) The Secretary of State must publish the current version of each information standard prepared under this section.

(9) Before publishing an information standard under this section, the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate.

(10) In this section, "processing" has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).

16LC Consistent identifiers for children

(1) The Secretary of State may by regulations make provision for or in connection with—

(a)

specifying a description of consistent identifier for the purposes of this section;

(b) requiring or authorising the disclosure of the consistent identifier to a designated person for the purpose of enabling the designated person to comply with subsection (5).

(2) A disclosure required or authorised by the regulations does not breach any obligation of confidence owed by the person disclosing the identifier.

(3) "Consistent identifier" means any identifier (such as, for example, a number or code used for identification purposes) that—

(a) relates to a child, and

(b) forms part of a set of similar identifiers that is of general application.

(4) Subsection (5) applies if—

(a) a designated person (see subsection (10)) processes information about a child, and

(b) the child is one to whom a consistent identifier of the description specified under subsection (1) relates.

(5) If this subsection applies the designated person must include the consistent identifier in the information processed (but this is subject to subsections (6) to (8)).

(6) Subsection (5) applies only so far as the designated person considers that the inclusion of the consistent identifier is likely to facilitate the exercise by any person of a function of that person that relates to safeguarding or promoting the welfare of children.

(7) Subsection (5) does not apply if the designated person considers that including the consistent identifier in the information processed would be more detrimental to the child than not including it.

(8) The designated person need not comply with subsection (5) if—

(a) it does not know the consistent identifier, and

(b) it reasonably considers that finding it out would cause unreasonable delay to the processing of the information.

(9) A designated person's compliance with subsection (5) does not breach any obligation of confidence owed by the designated person.

(10) In this section "designated person" means a person designated for the purposes of this section in regulations made by the Secretary of State.

(11) A person may be designated as mentioned in subsection (10) only if the person is—

(a) a person listed in section 11(1) (persons and bodies under a duty to make arrangements to safeguard and promote welfare), or

(b) a person who is a designated childcare or education agency for the purposes of section 16E (local arrangements for safeguarding and promoting welfare of children).

(12) A designated person must, in discharging any duty imposed on it by this section, have regard to guidance issued by the Secretary of State.

(13) Where a person (a "service provider") provides services pursuant to arrangements made by a designated person in connection with the exercise of any function of the designated person that relates to safeguarding or promoting the welfare of children, this section applies to the service provider as it applies to the designated person.

(14) The reference in subsection (6) to the inclusion of a consistent identifier being likely to facilitate the exercise of a function is to it being likely to

facilitate that exercise directly (rather than by means of a trial, study, audit or any other indirect means).

(15) In this section, "processes", "processed" and "processing" are to be read in accordance with the meaning of "processing" in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).

16LD Consistent identifiers for children: code of practice

(1) The Secretary of State may issue a code of practice for—

(a) persons who are designated persons within the meaning of section 16LC(10) for the purposes of the duty in section 16LC(5), and

(b) persons who are service providers within the meaning of section 16LC(13).

(2) Those persons must have regard to the code of practice when discharging their duties under section 16LC.

(3) The Secretary of State may revise the code from time to time.

(4) The Secretary of State must publish the current version of the code.

(5) Before publishing the code, the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate."

Commencement Information

I1 **S. 4 in force at Royal Assent for specified purposes, see s. 78(1)(a)(5)**

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