

Policy Briefing

WAKEFIELD & DISTRICT safeguarding children board

Information Sharing & Child Protection

Professionals often feel confused or concerned when they are asked to provide information to a Children's Social Care Department. Usually, this concern centres around the Data Protection Act and whether or not the professional has to obtain the consent of a parent before the information can be shared. However when conducting such enquiries and assessments, it is of crucial importance that the Children's Social Care Department are in receipt of all the relevant information to enable them to take action necessary to protect the child from abuse or neglect. This will, at times, include information that specifically relates to the parents or carers such as medical history, disability, substance misuse issues etc.

Recently, the Wakefield and District Safeguarding Children Board have been informed of a number of occasions in which attempts to protect children from significant harm have been obstructed or delayed by a professional's reluctance to share relevant information.

Sharing information with Children's Social Care when they are discharging their legal duty to safeguard children is enshrined in legislation, statutory guidance, and in inter-agency safeguarding procedures.

For example:

Section 27 of the Children Act 1989 requires organisations to assist the Local Authority in exercising their duty to safeguard and promote the welfare of children who may be in need.

Section 47 of the Children Act 1989 requires local authorities to make child protection enquiries if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, and requires other organisations to assist them with those enquiries if asked to do so.

"Information Sharing: Guidance for practitioners and managers" was published by the DCSF in 2008, and provides a detailed framework for the sharing of information in cases of child welfare concern. In short, there are a number of key rules that should be observed by agencies:

- In cases where Family Services are investigating or assessing child welfare concerns under S47 of the Children Act 1989, information should be shared with them (it is always good practice to record that the information has been shared).

- Although it is usually good practice to seek the consent of the family before sharing information, in cases of child welfare concern, Family Services will often be required to conduct investigations, including information gathering, without the knowledge of the family, therefore it would not be appropriate for you to seek consent from the family before sharing your information.
- Although sharing information with Family Services without consent may not sit comfortably with some professionals, there is a clear legislative and procedural precedent set, in cases where a child may be suffering or at risk of suffering, significant harm. See Section 1.1.8 of the West Yorkshire Interagency Safeguarding Children procedures for further details.
- Sharing information without consent is justified if it is in the “public interest”. In law, the protection of children is considered to be in the public interest. Therefore, sharing of information without consent is again justified and expected.
- Please do not allow uncertainty about the law to interfere with the process of protecting a child from abuse or neglect.

Further information and guidance on information sharing can be found in:

- **West Yorkshire Interagency Safeguarding Children Procedures – Section 1.1.8**

These procedures can be accessed online at www.proceduresonline.com/westyorksrb

- www.everychildmatters.gov.uk/informationsharing

- **Children Act 1989**

- **Children Act 2004**

In addition, you can contact a named or designated safeguarding professional within your agency, or can contact the Wakefield and District Safeguarding Children Board on 01924 302625