

SUPPORTING CHILDREN AND YOUNG PEOPLE'S WELLBEING

A PRACTITIONER'S GUIDE TO INFORMATION-SHARING, CONFIDENTIALITY, AND CONSENT

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INTRODUCTION

Within Aberdeen City, Aberdeenshire, and Moray, a shared responsibility to support the wellbeing of children and young people applies to those working across all sectors, whether with children, young people, or their families. Wellbeing is at the heart of the *Getting it Right for Every Child* (GIRFEC) approach, with the 8 Wellbeing Indicators used to consider children and young people's wellbeing needs: **Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.**

Most children and young people (including unborn babies), get all the help and support they need from their parents/carers, families, and Universal Services of Health and Education. However, on occasion some children and young people will need extra help to *safeguard, support and promote* their wellbeing, and this may mean it is necessary to share information with others.

In order to ensure consistent practice; partner agencies across Aberdeen City Council, Aberdeenshire Council, Moray Council, Police Scotland and NHS Grampian have co-produced this information-sharing guidance. It is aimed at all practitioners and managers working with children, young people, and families, within the Public, Private and Third Sector (including Adult Services).

This guidance is aligned with current information-sharing legislation, and aims to empower practitioners to share information confidently, and in a way which respects the rights of children and their families. This guidance reflects *General Data Protection Regulations (GDPR)* implemented on 25 May 2018, and will be updated to include any requirements from the *Children and Young People (Information Sharing) (Scotland) Bill* in due course.

This interim guidance provides overarching best practice principles when you are considering information-sharing, and sits alongside other agency-specific guidance. In practice, if you are ever worried or concerned for a child or young person and unsure how to proceed, you should approach your Line Manager/Supervisor for advice within an appropriate timescale. They can access agency-specific legal/information governance/data protection advice where this is required.

If you suspect that a child or young person is at risk of harm, you must follow local Child Protection arrangements immediately.

PURPOSE

This guidance will support you to:

- Positively engage with children, young people, and families; to inform decisions on who and when to share information with, and why
- Be clear about the limits to confidentiality and consent, *and*
- Understand that the law empowers you to share personal/sensitive information if you believe that a child or young person's wellbeing is at risk, or is likely to be at risk if no action is taken.



SHARING INFORMATION TO SUPPORT AND PROTECT CHILDREN AND YOUNG PEOPLE

Identifying when information may need to be shared

If you suspect that a child or young person is at risk of harm, **you must follow local Child Protection procedures immediately**. This guidance looks more closely at information-sharing practice in respect of wellbeing concerns.

If you are concerned about an unborn baby, child, or young person's wellbeing, and believe they require support; you should consider the *5 GIRFEC Questions* (in accordance with the National Practice Model):

1. ***What is getting in the way of this child or young person's wellbeing?***
2. ***Do I have all the information I need to help this child or young person?***
3. ***What can I do now to help this child or young person?***
4. ***What can my agency do to help this child or young person?***
5. ***What additional help, if any, may be needed from others?***

A concern can relate to a single issue or incident, or may arise from a series or pattern of events. The *5 GIRFEC Questions* help you consider whether there is a need to share information in order to develop a more robust assessment and/or plan of intervention to support a child or young person.

Why share information?

A child or young person's wellbeing is of central importance, when making decisions to share information with or about them. Wellbeing is a continuum which ranges from early intervention and prevention, right through to child protection. The reason why information may need to be shared or processed,¹ or particular action taken, should be discussed openly and honestly with children, and where appropriate their families, ensuring their views are sought and recorded.

Information can be shared for many purposes, including:

- Requesting or providing information to help develop an assessment of wellbeing
- Accessing additional support or changing the way support is provided (within your own or another agency)
- Requesting a specific assessment
- Providing or amending targeted intervention as part of a Child's Plan

What information should be shared?

You need to exercise professional judgement, adopt a common-sense approach, and share information on a need-to-know basis.

This means that only information you consider to be **relevant, necessary, proportionate, and lawful** (in line with relevant current legislation) should be shared.

¹ the "processing" of personal data means any action taken with personal data including: collecting; recording; organizing; structuring; storage; using; restricting; erasing; destroying; sharing

Unless there is a potential risk of harm or other statutory requirements apply, and you consider that consent is not therefore required; you should always ensure that a child/young person, or parent/carer has agreed to their information being shared. In many situations families will have themselves requested additional support, and understand that their information will need to be shared to allow this additional support to be delivered.

Children have a right to express their views when decisions are being made about their lives, and this principle is central to the UN Convention on the Rights of the Child (UNCRC).

Information-sharing should:

- Help you answer the *5 GIRFEC Questions*
- Clearly identify the child or young person in question
- Relate directly to the wellbeing concern
- Consider [Confidentiality](#)
- Consider [Consent](#)
- Provide historical context where this is relevant to the current situation
- Be informed by a child/young person, and/or parent/carer's views

Legal Justification for sharing wellbeing concerns

When considering whether to share information, you should refer to your agency's specific statutory/legal functions, as these relate to supporting, promoting, or protecting children's wellbeing. This will provide you with a clear legal basis which empowers you to share information where this is necessary to deliver statutory professional duties, or is in the public interest.

How information should be shared

You must always comply with any individual agency information-sharing arrangements in place. These may take the form of policies, procedures, protocols, or guidance. It is your responsibility to know how and where to access these, and your line manager can signpost you to them if necessary.

The following general information-sharing principles apply:

- Record what information you are sharing (or not sharing), and with whom
- Information sharing/processing should be done in a secure manner at all times
- Always verify the identity of a person before you share any information with them
- Do not provide verbal information in circumstances where you could be overheard
- Do not leave information on answering machines or voicemail
- Ensure secure communication policies and guidance for your organisation are followed

Recording information-sharing decisions

When you share information, you must always record that you have done this in agency records (in line with organisational policy/guidance). This recording should detail what information you have shared, with whom, why, and how. Any decisions not to share information should also be recorded, including the justification for not doing so. Decisions made around sharing information must be fully discussed with children and families, ensuring their views are also clearly recorded.



No matter in what format or method information is shared, you must document your justification for doing so accurately. This is both for future reference purposes (for the child, family, or professionals), and to provide evidence of decision-making for quality assurance and audit purposes.

When a child or family member expresses a view that they do not wish their information to be shared; but where you consider it is proportionate, lawful, and necessary to do so - you must record what has been shared, with whom, why this was necessary and consider what legal basis applies.

You should also consider if there is a need for an additional privacy notice to be issued, in accordance with organisational policy.

It is extremely important to ensure your record keeping is **clear, accurate** and **concise**, to evidence transparency and clarity of decision-making, and to minimise any risk of future misunderstanding if records are read retrospectively. Fact should be clearly distinguished from opinion.

You must ensure that all information is stored securely, in line with GDPR requirements.

Sharing information at transition points

Particular consideration should be given to the benefits of sharing information which helps to support families through times of transition. Practitioners should always discuss and agree as far as is possible with children, young people, and parents/carers, what (if any) information would be helpful to share.

Common times of transition families experience include; a change of school or new GP Practice, moving into a different area, changes in Named Person or other professional supporting a child, young person, or parent/carer. Information-sharing should always be guided by the best interests of a child or young person.

When you receive information from others

If you have received information from another agency or service, it is reasonable to seek clarification from them on what the views of the child and family are, and of the legal basis for information-sharing. This can help to inform your own next-steps.

Information-Sharing Summary

Below is a useful summary of key considerations for practitioners when thinking about when to share information, what information to share, who to share with, and how to share information.

<p>When and Why to share</p>	<ul style="list-style-type: none"> • Share information when you are worried or concerned about a child or young person's wellbeing and when the law supports you to do so • When it will help to access extra support for a child or young person and families are in full agreement to share information
<p>What to share</p>	<ul style="list-style-type: none"> • Share information which is necessary, proportionate, lawful and relevant • Share information relating only to your concern - reduce or remove unnecessary data. • Always exercise professional judgement and adopt a common sense approach.
<p>Who to share with</p>	<ul style="list-style-type: none"> • Share information on a 'need-to-know' basis only. • Always verify the identity of a person prior to sharing any information with them.
<p>How to share</p>	<ul style="list-style-type: none"> • Use the method most appropriate to the situation – this may be by telephone, face-to-face, sharing written reports/ assessments, via secure email systems, or registered mail • In a timely, efficient, effective, and secure manner and follow organisational GDPR guidance • Clearly record any action you have taken

Remember advice is always available from your Line Manager/Supervisor, Data Protection Officer, or Agency Legal Advisor.

You may also find it helpful to refer to [Appendix A: Multi-Agency Information-Sharing Flowchart](#)



CONFIDENTIALITY

All practitioners working in the Public, Private and Third Sector in Scotland are subject to professional codes of practice, and must abide by these.

In the context of professional working relationships, confidential information is that which is of a sensitive and/or personally identifiable nature, and is neither lawfully in the public domain nor readily available from other public sources.

Confidentiality is not an absolute right

It is important to be aware of the limitations and constraints of confidentiality - there is no absolute duty of confidentiality, and this should always be clearly explained to those who are accessing services. Circumstances which could lawfully justify the sharing of confidential information are:

- Where an individual to whom that information relates has explicitly consented
- Where disclosure is in the public interest or public task (e.g. where a person has a communicable disease, to protect a child and/or others from harm, or for the prevention of crime or disorder), **or**
- Where there is a legal duty to do so (e.g. professional statutory requirement, or Court Order).

Considerations when deciding to share information given in confidence

In deciding whether to share information provided to you in a confidential situation, you should first consider the legal justification for breaching that confidence (e.g. is it in the public interest to share this information, or is there a legal duty you must comply with?)

You should then consider what harm which might result from you failing to disclose or share that information, balanced against any potential harm from overruling a person's right to confidentiality.

Sharing information in the public interest or in compliance with a legal obligation (for example to protect a child) is a defense to any accusation of breach of confidentiality.

Sharing of information should always be ***necessary, proportionate, relevant, and lawful.***

This means that you should share no further than the minimum necessary to achieve the objective of protecting a child or young person's wellbeing, and that you must ensure any information you share is done so in accordance with the principles of the Data Protection Act 2018, GDPR, and any other relevant legislation.

It is essential you record all decision-making within agency records.



CONSENT

Views of Children, Young People, Parents, and Carers

Taking into account their age and maturity, The *Children (Scotland) Act 1995* & the *Children and Young People (Scotland) Act 2014*, outline that practitioners '*where reasonably practicable*' should always seek out and listen to the views of a child or young person when sharing information about them. Even when we are not asking for consent to share a child or young person's information, we should ensure efforts are made to listen to their views.

Article 12 of the UNCRC says that all children and young people should have their opinions taken into account when decisions are being made about their lives. Practitioners should draw on professional skills, expertise, and knowledge, to find creative ways in which to support children and young people to express their views.

An example of when it might not be '*reasonably practicable*' would be for example, when a child has absconded and is missing. A particular focus should be placed on ensuring efforts are made by practitioners to obtain the views of younger children, those with communication difficulties, or those who by virtue of vulnerability or disadvantage find it more difficult to express their views.

This principle also applies to ensuring the views of parents/carers are sought and taken account of (except where doing so would be either detrimental to a child's wellbeing, or contrary to a child/young person's views).

A person who has parental rights and responsibilities in relation to a child has responsibility to act as that child's legal representative. Where required, practitioners should seek line management/supervisor advice where the views of a parent/carer and child/young person are in conflict.

What is meant by consent?

Consent must be:

- **Freely given:** If an individual has no real choice over whether information will be shared, consent will be invalid. An individual can withdraw their consent at any time.
- **Specific and informed:** This means the individual (child/young person and where appropriate parent/carer) must understand what is being asked of them. Information should be provided about any possible consequences of not sharing information.
- **Explicit and unambiguous** - the individual must positively give consent to their information being shared, by a clear statement or affirmative action – consent cannot be assumed. It is essential to record the granting of consent (when and why it was supplied) in both hard copy and/or electronic case files for future reference. Details of any refused or withdrawn consent should also be recorded; as should any subsequent review of the need for consent.

When should I ask for consent?

The need for explicit consent should be considered before any information has been shared. Consent should only be sought when the individual has a genuine choice over how their information/data will be used, and there is a difference between having a discussion where you advise and explain to an individual that you intend to share their information, and asking for their consent to do so.

As your organisational role and relationship with an individual develops, or where an individual's circumstances change; you should review whether any consent you have been given remains adequate. A common sense approach should be adopted, and options to consent separately to different types of information-sharing should be available wherever possible.

How should I ask for and obtain consent?

In most cases, children, young people and families are happy to share their information, in order to help improve a child or young person's wellbeing, or access support. Children, young people and families are central to decision-making, and should be actively involved in discussions about the benefits of sharing information, and any consequences of not sharing.

Where you decide it is appropriate and/or necessary to seek consent to share information, you should make sure that consent is given on a **specific and informed basis** by explaining and gaining agreement on:

- The purposes for which that information is to be shared
- What information is going to be shared, *and*
- With whom it will be shared

Practitioners should ensure any information being shared is proportionate and relevant to the wellbeing need. In order to lawfully share information where a child or young person is not immediately or likely to be at risk, explicit consent must be gained and this is best achieved by taking decisions together in discussion with children and families, and carefully recording those decisions.

You should obtain consent from a child/young person (and where appropriate their parent/carer), and document in agency records who has consented, what specific information the individual has consented to share, when, and how they consented.

Who can give consent for information-sharing?

Children under the age of 12:

Where the child or young person is under the age of 12, consent for information-sharing should be sought from a parent/carer. However, the child still has a right to be kept informed, to have an opportunity to express their view, and to participate in any decision-making process as far as they are able. In circumstances where you consider a child or young person under 12 has the capacity to provide informed consent, and where there is difficulty in their relationship with their parents/carers, then a request by the child/young person that consent not be sought from their parents/carers, should be respected wherever possible.



Children aged 12 to 15:

Children and young people from the age of 12 onwards are presumed to have legal capacity to provide informed consent, and to make decisions in their own right. Children and young people aged 12 to 15 are presumed to have a sufficient level of understanding as to the nature of consent and its consequences. Practitioners should ensure that where applicable, consent is directly sought from children aged 12 to 15 where possible. If this is not the case, or you are in any doubt; advice should be sought from your Line Manager/Supervisor.

Young People aged 16 to 18:

Parental Rights and Responsibilities largely cease when a child becomes 16. The exception to this is a parent/carer's responsibility to continue to provide guidance to their child from age 16 to 18. In these circumstances, you should seek to keep a young person's parent/carer/ guardian involved in issues which affect their child or young person's wellbeing; but only to the extent that this is compatible with the rights and autonomous choices of the young person.

Who has Parental Rights and Responsibilities?

- A child's mother (*whether she is married to the father or not*)
- A child's father if:
 - a) he is married to the mother (either when the child is conceived or afterwards)
 - b) he is not married to the mother but the mother has agreed he should have parental rights and responsibilities (and this is registered in the Books of Council and Session)
 - c) he is not married to the mother but the Sheriff Court or Court of Session has made an order giving him parental responsibilities and parental rights
 - d) the child is born after 4 May 2006 and his name is on the child's birth certificate
- A guardian who has been properly appointed (*for example in the event of a parent's death*)

In the event of separation or divorce, both parents will continue to have parental rights and responsibilities. Certain parental rights (such as the right to residence or contact) may in some family situations be limited or specified by the decision of a Court Order or Children's Hearing Supervision Order.

Parental Rights and Responsibilities can only be removed by order of the Sheriff Court or the Court of Session.

Other adults can hold full or specific Parental Rights and Responsibilities, if these have been awarded by a court.

What if there are concerns about capacity?

If a child/young person (or their parent/carer) cannot give consent to share information (for example they lack capacity) you should ask yourself the following questions:

- Does the child/young person (or where appropriate parent/carer) understand the nature of consent and its consequences?
- Could information be explained or presented in a way that's easier for them to understand (for example, by using simple language or visual aids)?
- Have different communication methods been explored, or could anyone help with communication, such as a family member, carer, or supporting professional?
- Is it necessary to share this information?
- Will failure to share this information mean that assistance and support will not be provided?
- Will the child *or young person be at risk*?

Where a child or young person (or if appropriate, their parent/carer) is deemed not to have capacity, you should also record the following in the child or young person's case file notes and/or electronic file:

- Why the decision was made
- Who was involved in making that decision
- The purpose of sharing that specific information; **and**
- What information was shared, with whom, on what date

Lack of capacity should never be presumed just because a person has a particular health condition or disability, for example mental health problems, or learning disabilities. In certain specific circumstances, a child/young person, or their parent/carer may be entitled to independent advocacy.

What if there is a request made to not share all/some information?

Where a request is made by a child, young person, or parent/carer that information is not shared with others; practitioners should at that point consider whether sharing that information is to **support** a child or young person, or if it is needed to **protect a child or young person from harm/likely harm or significant adversity**.

When sharing information would **support** a child or young person, practitioners should explain any implications of not sharing it. This could mean that a service cannot be accessed, or increased support may not be available for a child/young person. These discussions should be clearly recorded in a child's records, with the situation and any wellbeing needs reconsidered within an agreed timeframe.

Any professional must do their best to meet a child or young person's wellbeing needs within their service capacity. However, when the situation is reviewed and if concerns still exist, consideration should be given to sharing information appropriately, as detailed above.

It can be helpful to ask yourself the following questions, as an aid to professional judgement and decision-making:

- *What are my reasons for deciding not to share this information?*
- *What harm could result if I do not share this information?*
- *What are the implications for the child/young person, and for me and/or my service/agency/organisation if I decide not to share this information?*
- *Do I need to discuss whether or not to share this information with my Line Manager/Supervisor?*

Where information-sharing is necessary to **protect** a child or young person from harm or likely harm, Child Protection procedures must be followed immediately, and there is no requirement to seek consent. Any decisions to share, or not share information, must be clearly recorded as per organisational policy.

What if consent is withdrawn?

Children, young people (and where appropriate parent/carers) should be advised of their right to withdraw consent to information-sharing at any time, and given an explanation of how they can do so. It is important to discuss with families any implications of withdrawing that consent, for example, the loss of a particular support or service.

Where a child/young person, or parent/carer has withdrawn consent, practitioners should reassess any wellbeing needs, to inform ongoing decision-making around the child or young person's need for support, and future information-sharing.

In these circumstances, you should:

- Fully explain and discuss the consequences of withdrawing consent with the family
- Consult with your Line Manager/Supervisor if appropriate
- Record that consent has been withdrawn in agency records
- Advise other involved practitioners/Services/Agencies that consent to share information with them has been withdrawn

A child/young person (and if appropriate parent/carer) cannot withdraw consent retrospectively. However, if incorrect information has been shared or recorded, the child/young person has a right to ask for this to be corrected. The receiving practitioner/service/agency should be notified accordingly and the information should be corrected within agency records.

Under the Data Protection Act 2018 there is a '*Right to Erasure*' for data subjects (sometimes referred to as the '*Right to be Forgotten*'). This means that an individual can request the deletion or removal of their personal data from systems, where there is no compelling reason for it being kept. Any such requests should be managed in liaison with information governance or organisational legal teams, and relevant individuals informed of how this will impact on any service delivery. (In most cases public authorities only keep information to provide services, with some data kept to meet other legal requirements).



Consent to share information is not required where:

- *There is a risk to a child/ young person which may if not addressed, lead to significant harm*
- *When a child/young person is believed to have been abused or to be at risk of harm or exploitation*
- *When there is evidence of serious public harm or risk of harm to others*
- *Where there is evidence of a serious health risk to the child or young person*
- *For the prevention, detection or prosecution of crime*
- *When instructed to do so by the Court; and*
- *Where there is a statutory requirement (for example where information is required by a Children's Reporter as part of their investigation of a child/young person referred to them).*

In such circumstances, the child/young person and/or parents/carers, should be informed of the intention to share information and the reasons for this decision; unless to do so would further expose the child or young person to risk, or prejudice legal proceedings. Even when consent is not being requested, it is really important to involve families in discussions as far as is possible, and to make sure their views are sought and recorded.

SHARING INFORMATION PRE-BIRTH

Occasionally, you may be worried or concerned about the wellbeing of an unborn child. The sharing of information about unborn children can present additional challenges. Babies are one of the most vulnerable age-groups, and need the right support to have the best start in life.

Agency/organisational vulnerable pregnancy protocol/pre-birth guidance should be referred to where applicable.

Practitioners caring for a pregnant woman should always consider if an unborn child may be at risk, or its future wellbeing is potentially at risk of being harmed by an adult's health, behavior or lifestyle. Where you have a worry or concern about an unborn child's development, or how a mother's health is impacting on the future wellbeing of the child when born, you should share this information.

Early sharing of information prior to the birth of a child, helps to ensure planning during pregnancy is effective, and informs supportive and protective planning from the moment of birth. It is helpful to discuss these benefits with families. In pre-birth circumstances, you should seek the views of the parents-to-be when making decisions about sharing information, unless this would increase any risks to the unborn child.

If a decision is taken to share information about an unborn child, the pregnant woman & her partner (if appropriate) should always be informed. The reasons for this decision should be clearly recorded within agency records, with any recipient of information also informed.

DATA PROTECTION ACT 2018

The *Data Protection Act 2018* controls how personal information is used by organisations, businesses or the government and is the UK's implementation of the *General Data Protection Regulations (or GDPR)*.

Everyone responsible for using personal data has to follow rules called, 'data protection principles' and it is an organisational requirement to provide Data Protection training to employees. **If you have not completed GDPR training, please advise your line manager/supervisor immediately.**

Information Commissioner's Office

Advice from the (UK) Information Commissioner's Office (ICO) has clarified what had been a misconception regarding the *Data Protection Act 2018*, and lawful processing.

The ICO have advised that;

'Where a Practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm; proportionate sharing of information is unlikely to constitute a breach of the Act in such circumstances.'

If we are to get it right for every child and young person, we need to intervene early to support their wellbeing.

To achieve this we need to work in a way which changes the emphasis from crisis management to early identification, intervention and support.

Often this will involve proportionate sharing of personal information, and in some cases very sensitive personal information.

Under the Data Protection Act, the lawful conditions for processing personal data are:

Consent	informed, consent for processing data for a specific purpose
Contract	Processing needed for a contract with an individual
Legal obligation	Processing needed in order to comply with the law
Public task	Processing needed to perform a task in the public interest or for one's official functions (and the task has a clear basis in law)
Vital interests	Processing needed to protect someone's life
Legitimate interests	Processing needed for legitimate interests (but not for public authorities performing official tasks)

“Sensitive” information relates to information about an individual’s:

- Race
- Ethnic background
- Biometrics (where used for identification)
- Religious or Philosophical beliefs
- Trade union membership
- Genetics
- Political Beliefs
- Health
- Sex life or orientation

For the processing of sensitive information, an additional condition for processing is required as well as those listed above. Those conditions are:

Consent	With the person's explicit informed consent
Legal Obligation	Carrying out legal obligations relating to employment
Protect Vital interests	To protect vital interests of person or another person where the person is legally or physically unable to give consent
Legal proceedings	In connection with legal proceedings, obtaining legal advice or defending legal rights and for the administration of justice
Medical purposes	the provision of health or social care or treatment or the management of health or social care systems and services
Public health	protecting against serious threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,
Archiving	necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

Referring to this guidance helps practitioners to think about key information-sharing considerations, and inform decision-making which meets these legal obligations.

AGENCY RECORDING

All decision-making associated with sharing, or **not sharing** information, must be clearly documented within agency records to ensure accountable, transparent practice. It is important that the basis/justification for sharing/not sharing information is also recorded within a child, young person or parent/carer's records, with a copy of any relevant privacy notices which have been issued.

Recording should include any information-sharing discussions practitioners have had with a child, young person (and where appropriate parent/carer/guardian), including the detail of conversations to advise families about information-sharing decisions that have been made.

In general, if it can be evidenced that requirements of the Data Protection Act 2018, Human Rights Act 1998 and Children and Young People (Scotland) Act 2014 have been taken into consideration when deciding whether to share, seek and/or exchange information, then practitioners can be reassured that requirements in respect of confidentiality and other statutory obligations are also highly likely to have been met.

CHILD PROTECTION

Child Protection is part of the continuum of assessment and intervention to support children and young people through GIRFEC. The first and most important wellbeing indicator in these cases is Safe.

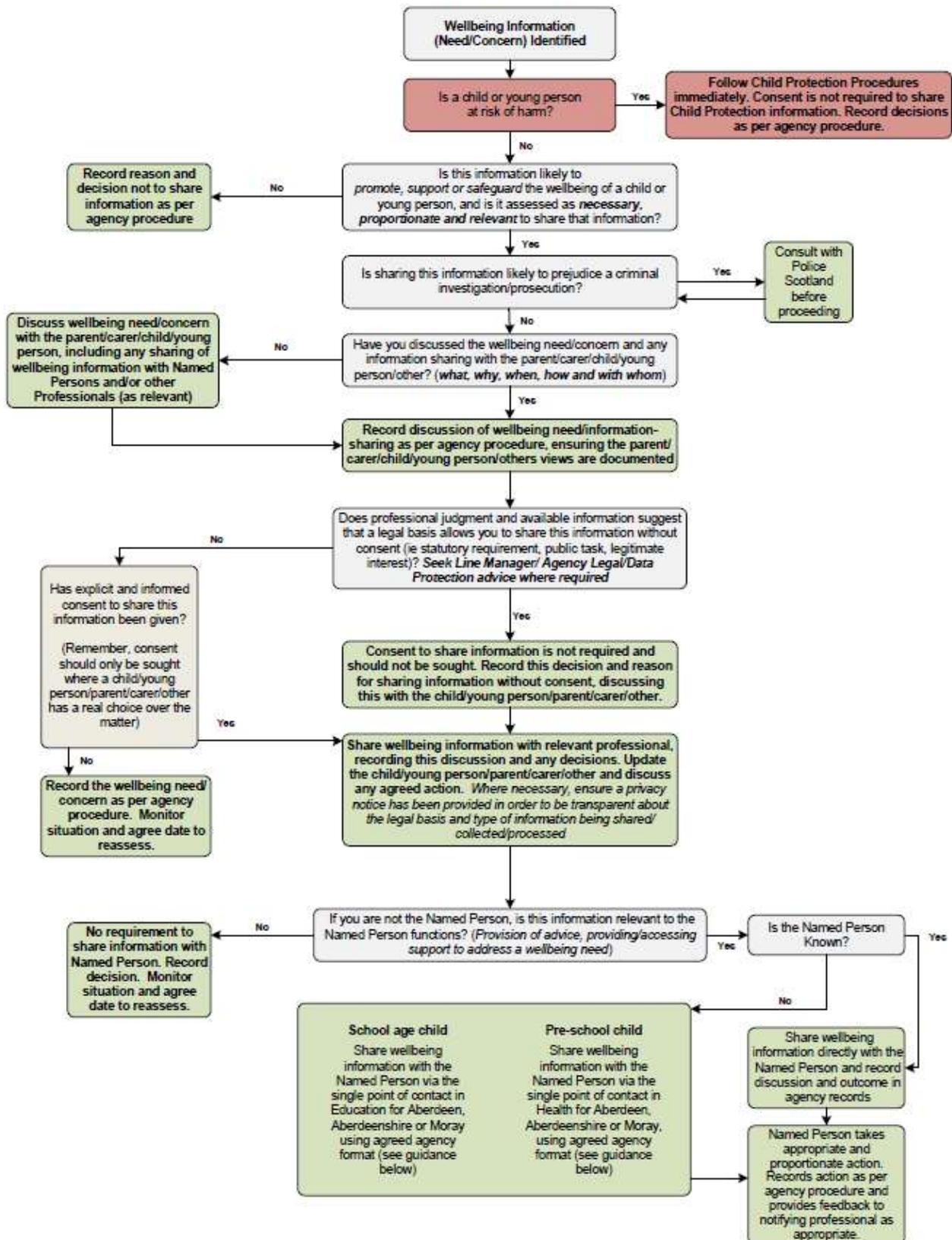
In such cases, where information will be shared, **consent should not be sought**, as to do so would give the subject (child or young person and/or their parents/carers) a false belief that they can control the decision, which they cannot.

Practitioners are advised to seek advice from Police or Children's Services Social Work before proceeding in these circumstances.

SHOULD THERE BE ANY CONCERN THAT THE CHILD OR YOUNG PERSON MAY BE AT RISK, IT IS ESSENTIAL THAT LOCAL CHILD PROTECTION PROCEDURES ARE FOLLOWED IMMEDIATELY.



APPENDIX A: MULTI-AGENCY INFORMATION-SHARING FLOWCHART



For more information, please visit

Aberdeen City: <https://www.aberdeengettingitright.org.uk/for-practitioners/>

Aberdeenshire: <http://www.girfec-aberdeenshire.org/practitioners/girfec-approach-toolkit/>

Moray: http://www.moray.gov.uk/moray_standard/page_56873.html

APPENDIX B: PRACTITIONERS SUMMARY - KEY PRACTICE POINTS

Information Sharing

- ❖ The wellbeing of children and young people is everyone's job and everyone's responsibility; doing nothing is not an option.
- ❖ Always consider the views of the child/young person and family and involve them in any decision to share information, (unless it is not in the child's best interests to do so).
- ❖ Keep your focus on the child or young person's wellbeing.
- ❖ Ask yourself the five GIRFEC questions - if you do not know something - find out.
- ❖ Adopt a common sense approach: use your professional judgment, knowledge and skills, and listen to your gut feelings.
- ❖ Do not delay unnecessarily - act quickly.
- ❖ Remember, advice and help is available to support you with information-sharing decisions.
- ❖ Only share what you consider to be on a need-to-know basis: make sure information is *proportionate, necessary, relevant, and lawful*.
- ❖ Always consider the implications/potential consequences of not sharing information.
- ❖ Remember that consent to share information is specific - where consent has been provided this must be revisited for any further information-sharing.
- ❖ Ensure your own service/agency information-sharing guidance and procedures are followed.
- ❖ Always record information-sharing decisions and include the reason/justification for these.

Confidentiality

- ❖ Confidentiality does not prevent you from sharing a worry or concern about a child or young person's wellbeing - it actually empowers you to do so.
- ❖ Confidentiality is not an absolute right - never promise this to a service user/client.
- ❖ Be aware of the constraints and limitations of confidentiality - Keep in mind your duty of care.
- ❖ Acting in the public interest can be a defense to any accusation of breach of confidence - but this must be clearly justified/evidenced.

Consent

- ❖ Do not seek consent in situations where you intend to share information in any case - Consent should only be sought when an individual has real choice in this matter.
- ❖ Consent should be informed and explicit - implied or assumed consent is not enough.
- ❖ If consent is necessary children and young people, subject to their age and developmental capacity, can withhold or provide consent.
- ❖ Consent must always be clearly recorded in agency records.



APPENDIX C: USEFUL INFORMATION / GUIDANCE

Further useful information can be found by following the electronic links below:

Key Legislative Framework

- [The Social Work \(Scotland\) Act 1968](#)
- [The Age of Legal Capacity \(Scotland\) Act 1991](#)
- [The Children \(Scotland\) Act 1995](#)
- [The Human Rights Act 1998](#)
- [The Data Protection Act 2018](#)
- [The Freedom of Information \(Scotland\) Act 2002](#)
- [The Children and Young People \(Scotland\) Act 2014](#)
- [The Children and Young People \(Information Sharing\) \(Scotland\) Bill 2017](#)

Key Policy Framework

- [UN Convention on the Rights of the Child](#)
- [Getting it Right for Every Child](#)
- [Common Law and Statutory Obligations of Confidence](#)
- [National Guidance on Child Protection in Scotland \(May 2014\)](#)
- [The Caldicott Guardian - Principles into Practice - Caldicott Guardians](#)

Other Useful Links

- [Aberdeen City GIRFEC Guidance](#)
- [Aberdeenshire GIRFEC Guidance](#)
- [Moray GIRFEC Guidance](#)
- Memorandum of Understanding 2011: Grampian Data Sharing Partnership (under review)
- Information-Sharing Agreement 2019: Grampian Data Sharing Partnership (under development)
- [National GIRFEC Practice Development Panel](#)
- [Information Commissioner's Officer Scotland – Children and GDPR](#)
- [Scottish Government \(2010\) National Guidance: Under-Age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns](#)

