Herefordshire MASH Information Sharing Guidance

# Introduction

The goal of our MASH (Multi Agency Safeguarding Hub) is to improve safeguarding and to promote the welfare of children and young people through the timely exchange of proportionate and accurate information following an enquiry by any professional or member of the public.

In order to ensure that safeguarding decisions are made with timely, necessary and proportionate interventions and support, decision makers require full information concerning children, their parents, carers and their circumstances to be available to them. Information viewed alone or in silos is unlikely to give the full picture or identify the true risks.

HM Government advice on Information Sharing (March 2015) states that:

***“Sharing information is an intrinsic part of any front-line practitioner’s job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on individuals’ lives. It could ensure that an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death.”***

Practitioners across all agencies should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local agencies.

Poor or non-existent information sharing is a factor repeatedly flagged up as an issue in Serious Case Reviews carried out following the death of, or serious injury to, a child.

There are no barriers to sharing information where there is a safeguarding concern and a child is believed to be at risk of significant harm.

Fears about sharing information **cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect**. No practitioner should assume that someone else will pass on information which may be critical to keeping a child safe.

# 7 Golden Rules

1. GDPR and DPA 2018 is not a barrier to sharing information.
2. Be Open and Honest.
3. Seek Advice.
4. Share with Consent where appropriate.
5. Consider Safety & Wellbeing.
6. Necessary, Proportionate, Relevant, Accurate, Timely and Secure
7. Keep a Record

# Principles of information Sharing and Consent

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Practitioners should use their judgement when making decisions on what information to share and when and should follow organisation procedures or consult with their manager if in doubt. **The most important consideration is whether sharing information is likely to safeguard and protect a child.**

# Necessary and proportionate

When taking decisions about what information to share, you should consider how much information you need to release. The Data Protection Act 1998 requires you to consider the impact of disclosing information on the information subject and any third parties. Any information shared must be proportionate to the need and level of risk.

# Relevant

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make sound decisions.

# Adequate

Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

# Accurate

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

# Timely

Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

# Secure

Information should be shared in the most secure way available.  Practitioners must always follow their organisation’s policy on security for handling personal information.

# Record

Information sharing decisions should be recorded whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. Information should be kept In line with each organisation’s retention policy.

# What Information can I share?

Share the information which is necessary for your purpose. It may not be necessary to give all agencies access to all the information you hold.  Make sure what you provide is up to date, accurate and relevant.

# When and how to share information

When asked to share information, you should consider the following questions to help you decide if and when to share. If the decision is taken to share, you should consider how best to effectively share the information.

# When?

Q: Is there a clear and legitimate purpose for sharing information?

* Yes – see next question
* No – do not share information

Q: Does the information enable an individual to be identified?

* Yes – see next question
* No – you can share but should consider how

Q: Is the information confidential?

* Yes – see next question
* No – you can share but should consider how

Q: Do you have consent?

* Yes – you can share but should consider how
* No – see next question

Q: Is there another reason to share information such as to fulfil a public function or to protect the vital interests of the individual?

* Yes – you can share but should consider how
* No – do not share

# Who?

* Which agencies need to be involved in the sharing?
* Who do we need information about in order to make the decision – child, parent, carer, others? Is it sensitive personal information?  Do we have their consent?

# How?

* Ensure you are giving the right information to the right person, and that it is shared securely.
* Identify how much information to share
* Distinguish fact from opinion
* Inform the individual that the information has been shared if they were not aware of this, as long as this would not create or increase risk of harm

# Consent to Share Information

Check you have consent from all people whose information is to be shared **unless the safeguarding concerns put the child at risk of significant harm or would prevent the child from being harmed.** Ensure information shared is relevant and proportionate.

Agencies should be advised **where possible** to obtain consent before referring a case to the MASH Service. If this happens, individuals will have an understanding and expectation of how their information is going to be used, with whom and why. Where consent has not been obtained, reasons for this will be documented on both the agency and MASH records.

Where sensitive personal information is being shared explicit consent is expected, this may be written e.g. consent form or a clear record of verbal consent obtained stating the date, time and what information is to be held/shared.

In some cases, the work of the MASH might be obstructed if Partners were to seek consent. In such cases the disclosing Partner must consider other lawful basis for processing the information.

The decision whether or not to share information must be recorded by each partner agency.

**Consider the following before sharing information - if in doubt seek advice from a manager**

# Consent

Do you have consent to share this information for this purpose? Consent is particularly important for sensitive personal information. The Privacy Notice (a statement that indicates consent to hold and share information see consent form) relating to the collection of information should identify the purposes for which the information was collected. Does this say it would be shared? Otherwise consent should be obtained wherever possible before sharing information.

# Partial Consent

Where consent has been given to share information with some, but not all, agencies, does this include the agency you want to share it with?  If you do have consent, then the paragraph above applies.  If you do not have consent, then the paragraph below applies.

# Sharing without consent

If you are not seeking consent, the reason must be proportionate and you must weigh up the important legal duty to seek consent and the damage that might be caused by sharing the information. This should be balanced against the type and extent of any harm that might be caused (or not prevented) by seeking consent. It is good practice to obtain consent before sharing information.  If consent is not obtained, the decision should always be reasonable, necessary and proportionate, and should always be recorded together with the rationale.

If the need to share is urgent, and seeking consent will lead to unjustified delay in making enquiries about allegations of significant harm to a child, or if safeguarding is paramount, take immediate action and share the information without consent, but remember to record the reason for the decision.

# Sharing information when consent has been refused

There may be times when consent is sought and refused. **This does not mean that information cannot be shared**. The refusal of consent should be considered in conjunction with other concerns and, if it is considered justifiable, then information can and **MUST** be shared. If professionals consider it justifiable to override the refusal in the interests of the welfare of the child then they can do so. This decision must be proportionate to the harm that may be caused by proceeding without consent.

# Public Interest

It is possible to disclose personal information without consent if this is in the defined category of “Public Interest”. The principles of the DPA [Section 2 above] would still apply in such cases.

The Public Interest Criteria include the:

* Protection of vulnerable members of the community
* Administration of justice
* Maintaining of public safety
* Apprehension of offenders
* Prevention of crime and disorder
* Detection of crime
* Protection of vulnerable members of the community

When judging the public interest, it is necessary to consider the following:

* Is the intended disclosure proportionate to the intended aim?
* What is the vulnerability of those who are at risk?
* What is the impact of disclosure likely to be on the individual to whom the shared information pertains?
* Is there another equally effective means of achieving the same aim?
* Is the disclosure necessary to prevent or detect crime and uphold the rights and freedoms of the public?
* Is it necessary to disclose the information, to protect others?

***The rule of proportionality should be applied to ensure that a fair balance is achieved between the public interest and the rights of the individual’s information.***

**If you need help or support/guidance contact your safeguarding lead or the MASH helpline.**

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