

getting
it right
for every child
in Moray

SHARING INFORMATION

INFORMATION FOR PROFESSIONALS

What information can I share about a child/young person?

You should only share information which is relevant to effectively assess and plan for intervention with a child/young person. As a practitioner, you have a responsibility to make a professional judgement about which information is and isn't relevant to share, for the best interests of the child. If you have a concern about the child's immediate safety, or if you believe a child is at risk of harm, then it is your responsibility and duty to pass this on to the agency best placed to act on this, i.e. social services or the police, in most instances. It is vital you record the sharing of all information appropriately, in line with your own agency's procedures. (For concerns around child protection, always refer to the Moray Child Protection Procedures and your own agency's procedures).

Who should I share information with?

You should share information only with those with whom it is relevant to do so. These will be professionals or those from the child's familial network who are, or are likely to become, involved in supporting the child/young person.

How should I share information?

Information must always be shared securely – this means that all reasonable steps have been taken to prevent information being shared with someone who does not have a right to receive it. Information can be shared by the following methods:

- Verbally – always ensure you know who you are speaking to when sharing someone's sensitive information and never leave this information on a voicemail or answer machine
- In writing – always mark correspondence containing sensitive information 'personal and confidential' and address it to a named person.
- Electronically – it is good practice not to send an email containing sensitive information unless you can be sure that the systems used are secure
- By fax – as this is not a secure method, it is good practice not to use this, however, if this is the only means available, you should telephone the recipient to alert them of the fax to ensure they are able to receive it personally and securely

Each service should have a service specific protocol relating to how information should be shared.

Regardless of the method, all information sharing should be recorded appropriately.

Do I need consent? What type?

It is a legal requirement to seek appropriate consent in most instances. In the situation concerning child protection, you do not need to seek consent to share

information if you believe that the risk to the child may be greater if you do so. Please refer to Moray's Child Protection Procedures for further guidance.

When is a child/young person able to give consent?

You have a responsibility to use your professional judgement, based on knowledge of the child, about the child's level of ability and understanding of the consequences of sharing information. If you are unsure of this, seek appropriate support from a colleague or a children's rights worker who can advocate on the child's behalf.

What happens if the child/young person does not give consent?

In accordance with the Children (Scotland) Act 1995, the best interests of the child are paramount. As a professional, you must ensure the child is given the right information to be able to make an informed choice about whether or not he/she gives consent. If you judge that the child is able to make an informed choice and he/she chooses to withhold consent – or agrees to share certain but not all information with some but not all parties – then their views must be taken into account. If you judge that the child is not able to make an informed choice, then you must seek the consent of the legal representative, where it is safe and appropriate to do so. If you decide that neither the child nor parent is able to make an informed choice about the issue of consent, then you must record your decision in line with your agency's procedures.

Do I have to inform the child/parent if I share information without consent?

It is a local authority requirement to work in partnership with children or young people and their families, and it is good practice to keep them informed at all times, unless it would cause undue risk of harm to the child to do so. For further information refer to the 'Sharing Information Without Consent' Forms and associated guidance.

Where is the legal basis for information sharing?

Pan Grampian's Information Sharing Protocol is informed and underpinned by the Data Protection Act 1998, the Human Rights Act 1998, the common law duty of confidentiality and the Caldicott Principles.

Where can I get more information?

Practitioners should contact their line manager and refer to the Pan Grampian Information Sharing Protocol. The Moray Council's Legal Services can give advice and guidance to practitioners around information sharing, consent and confidentiality.

What are the key points to remember?

- **Share only information which is relevant to support a child/young person**
- **Share only with those who are, or will be, involved in the support**
- **Always seek informed consent from the child/young person where you judge it appropriate and, if not, seek consent from the parent/legal representative if doing so will not cause risk of harm**
- **Always share information by the most secure method**
- **Always record where information has been shared (or not) and the circumstances around this**
- **As circumstances change, always re-visit the issue of consent**
- **Use your professional judgement and, if in doubt, seek further advice**

For further information, refer to the 2005 Pan Grampian Information Sharing Protocol and Practitioners' Guidance in the LIAP Procedures.