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# Myth busting in information sharing in multiagency safeguarding work

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# Information sharing in multiagency safeguarding work

**Why are we here?**

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## This is why...

**It is disappointing that information sharing continues to feature as a theme in reports such as this, that there continues to be a lack of understanding regarding when information can be shared, and also, that when agencies are in receipt of relevant information, that the “dots” are often not joined. Such matters give rise to the risk of a child being harmed, or the risk of harm increasing.**

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# The next couple of hours

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# The next couple of hours

## Session approach

- Proactive, positive session
- Remove barriers
- Answer your questions



# The next couple of hours

## Session admin

- Cameras and microphones
- NOT recording
- Polls, breakouts and discussions
- Questions and challenge:
  - Chat box
  - Emojis
  - Unmute and ask!



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# 1. Why we might fear information sharing

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# Why we might fear information sharing

## Differing approach: safeguarding -v- data protection

Everyone's  
responsibility

Positive,  
confident

All eyes  
on me

Nervous,  
unsure

Proactive  
approach

Not sure?  
We act

Reactive

Not sure?  
Don't share



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# Why we might fear information sharing

## Feeding the fear

1. Talked about in the negative
2. A focus on error and punishment, not the good and the benefits
3. Treated as a shield not a facilitator
4. “Must not share unless...”
5. Fear of error (and punishment?) outweighs power of sharing

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# Why we might fear information sharing

## Everyday example – the humble car!

Focus on the negative and the punishment:

- Over 1,600 road collision deaths in 2023
- 75% fatalities were men
- If you cause death whilst driving - potential life imprisonment
- Takes almost 100 metres to stop your car
- Seatbelts and airbags can kill you

Why would you ever  
get in a car?!?!

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# Why we might fear information sharing

## Typical data protection/information sharing training openers

1. What is the maximum fine the ICO can impose?
2. Might an individual make a complaint to your organisation if they believe you have misused their personal data?
3. Can your organisation be sued if information is shared unlawfully?
4. Can those things result in negative press stories?
5. Can those things result in disciplinary action for you?

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# Why we might fear information sharing

## Early reflection point:

1. Does your *usual* training do this?
2. Do your policies and procedures take a similar tone?

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# 2. Our own experiences

# Poll

## Confidence levels!

- How confident are you when it comes to information sharing with other agencies?
  - 1-5
  - 1 = not confident
  - 5 = very confident



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# Our own experiences

## Let's talk barriers and blockers

Time for some interaction!

- What are your barriers and blockers to information sharing?

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# Our own experiences

FEAR

Let's talk barriers and blockers

*"data protection"*

*"confidentiality"*

I need to check with my line manager

I don't have consent

I've been told before that I cannot share in these circumstances

The law doesn't say I can

The law doesn't allow it

Our policy doesn't allow it

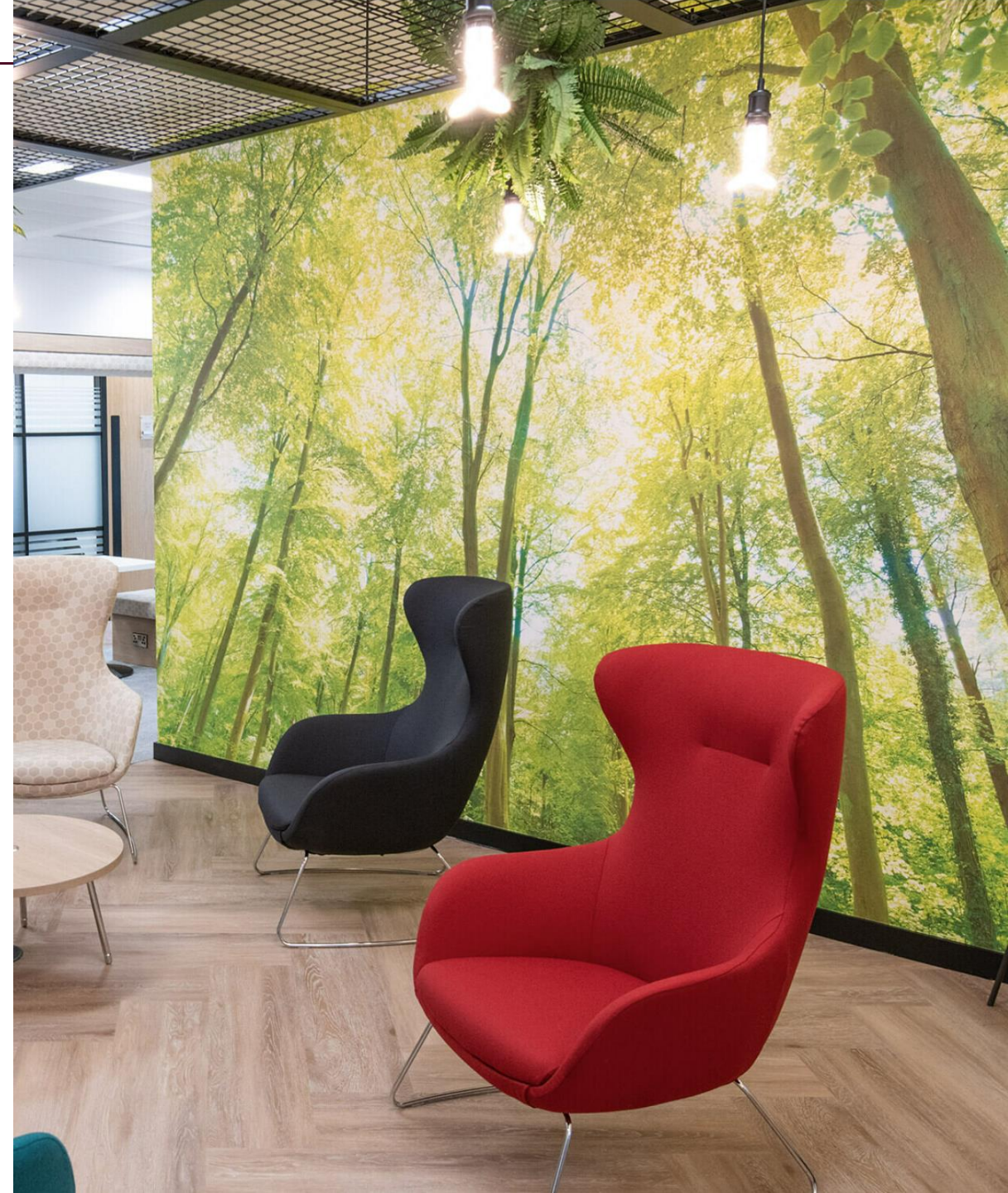


# Breakout

## Barriers and blockers

Discuss and share your barriers and blockers:

1. If 'fear' is one of them, what is the fear?
2. What are the impacts of these barriers and blockers?



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# 3. The fix: removing the fear

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# The fix: removing the fear

## Going back to basics

1. What does the law say?
2. What does guidance say?
3. What fines or other action has there been for inappropriate oversharing?

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# The fix: removing the fear

## Going back to basics: what the law says

### The six lawful bases for sharing personal data:

1. Necessary for performance of a **task carried out in the public interest** or in the exercise of official authority vested in the controller
2. Necessary to comply with a **legal obligation**
3. Necessary to protect the **vital interests** of a data subject or another person

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# The fix: removing the fear

## Going back to basics: what the law says

### The six lawful bases for sharing personal data:

4. Necessary for the purposes of **legitimate interests**
5. Necessary for **performance of a contract** with data subject or to enter into contract
6. The data subject **consents**

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# The fix: removing the fear

## Going back to basics: what the law says

### So which lawful basis should we rely on?

- Can only rely on one – and you cannot have two bites of the cherry
- Start with public task. Ask yourself:
  - Does public task apply?
- Consent is your last port or call...

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# The fix: removing the fear

## Going back to basics: what the law says

### Why is consent our last port of call?

- We do not control it
- Can be withdrawn as easily as it is given

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# The fix: removing the fear

## Going back to basics: what the law says

### What if consent is the only option?

- Then we rely on it!



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# The fix: removing the fear

## Going back to basics: what the law says

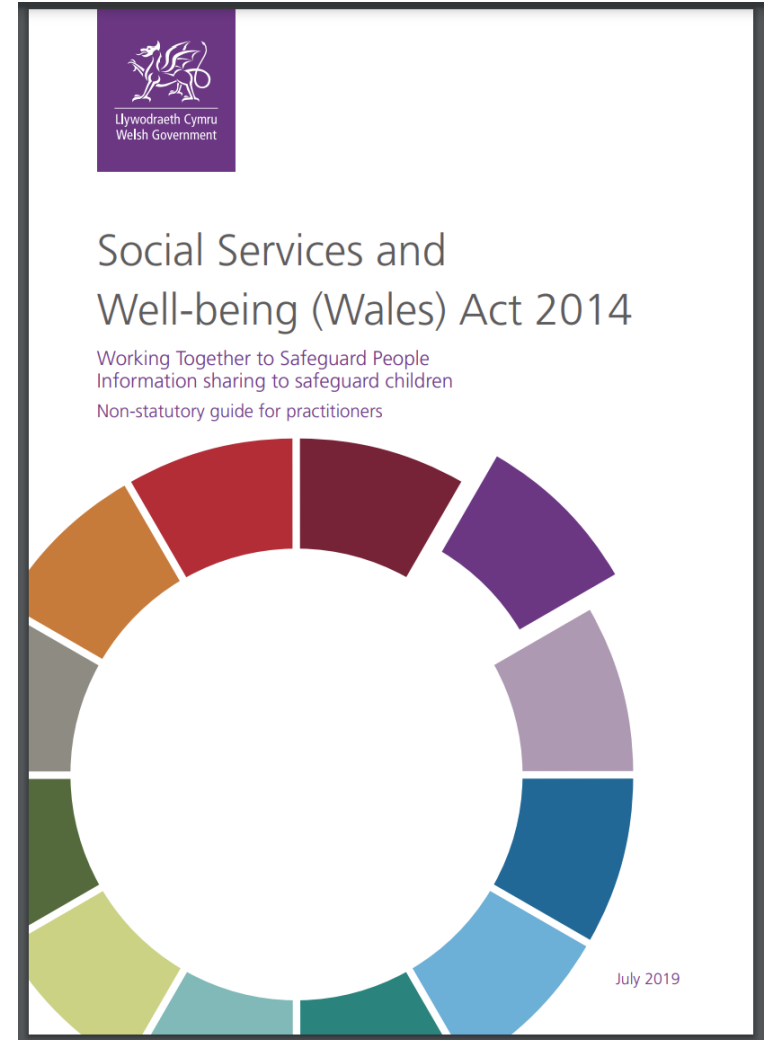
**Whichever basis we rely upon, work with the individual**

- Work with them
- Inform them
- Explain what will now happen and when

# The fix: removing the fear

## Going back to basics: what guidance says

- Working together to safeguard people: Information sharing non statutory guidance
- Designed for information sharing involving children
  - principles and non-child specific content applies equally to sharing adult personal data



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# The fix: removing the fear

## Going back to basics: what guidance says

Information sharing is central to good safeguarding practice.

The data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so.

One of the specific circumstances which provides for information sharing is in order to prevent abuse or serious harm to others.

**A key theme emerging from Child Practice Reviews is the need for better multi-agency communication and information sharing.** When information is not shared in a timely and effective way decisions about how to respond may be ill informed and this can lead to poor safeguarding practice and **leave children at risk of significant harm.**

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# The fix: removing the fear

## Going back to basics: what guidance says

- Seven golden rules:
  - GDPR, Data Protection Act and human rights laws are no barrier to sharing
  - Be open and honest from the outset
  - Seek advice when needed
  - Consider safety and wellbeing: base information sharing decisions on safety and wellbeing of the individual and others who may be affected by their actions
  - Share only what is necessary for the purpose for which you are sharing it

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# The fix: removing the fear

## Going back to basics: fines and other action for inappropriate oversharing

- Information Commissioner's Office – fine and reprimands
- Other professional regulators, reviewers, and frameworks

So why the fear?

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# The fix: removing the fear

## Law, guidance and regulators

- The law supports sharing and provides a framework for it
- Guidance does the same
- Regulators have not fined or otherwise reprimanded agencies for over-sharing

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# 4. The fix: learning to improve

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# The fix: learning to improve

## Learning from practice reviews

It is disappointing that information sharing continues to feature as a theme in reports such as this, that there continues to be a lack of understanding regarding when information can be shared, and also, that when agencies are in receipt of relevant information, that the “dots” are often not joined. Such matters give rise to the risk of a child being harmed, or the risk of harm increasing.



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# The fix: learning to improve

## Learning from practice reviews

There are a number of examples in this case of a lack of understanding of when information can be shared between agencies. Practitioners need to be aware that they are able to share information, including without consent, if the purpose of sharing the information is to protect the child from neglect or physical, mental or emotional harm, or to protect their physical, mental or emotional well-being.

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# The fix: learning to improve

## Learning from practice reviews

The health visitor was told, however, by a professional within the child assessment team, that information could not be shared “due to confidentiality”. There is no record of what was meant by that or that this was escalated by the health visitor to their team manager.

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# The fix: learning to improve

## Learning from practice reviews

Such decisions are based on the individual facts of the case and practitioners should have the confidence to exercise their professional judgement. The General Data Protection Regulation (GDPR)<sup>29</sup> and the Data Protection Act 2018...allows for the sharing of information for the purposes of keeping children safe, and “data protection issues” should not automatically be used as a reason for not sharing.

Moreover, if in any doubt (in a particular case), practitioners should seek advice from their information governance lead, as opposed to withholding potentially important information from others.

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# The fix: learning to improve

## Learning from practice reviews

### Eight learning points:

1. Practitioners need to be aware that they can share information
2. Including without consent
3. *“due to confidentiality”*
4. No record of what this (*“due to confidentiality”*) meant, or if it was escalated

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# The fix: learning to improve

## Learning from practice reviews

### Eight learning points:

5. Practitioners should have the confidence to exercise their professional judgment
6. [law] allows for the sharing of information for the purposes of keeping children safe
7. “*data protection issues*” should not automatically be used as a reason for not sharing
8. Seek advice

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# The fix: learning to improve

## Learning from practice reviews

Reviews are consistent:

1. Have the confidence to exercise your professional judgment - you *can* share information
2. ..and you can do so without consent
3. Should not use data protection or confidentiality as a shield
4. Seek advice

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# 5. The fix: a positive mindset

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# The fix: a positive mindset

## What you *can* do, not what you cannot

1. I will always think “who else needs to know this?”
2. I will share this information (appropriately), unless the law tells me I cannot
3. I am a professional so when determining whether I will share, I will use my professional judgment
4. When needed, I will seek advice
5. I will frame that request for advice to seek a positive outcome



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# The fix: a positive mindset

## Don't forget the why

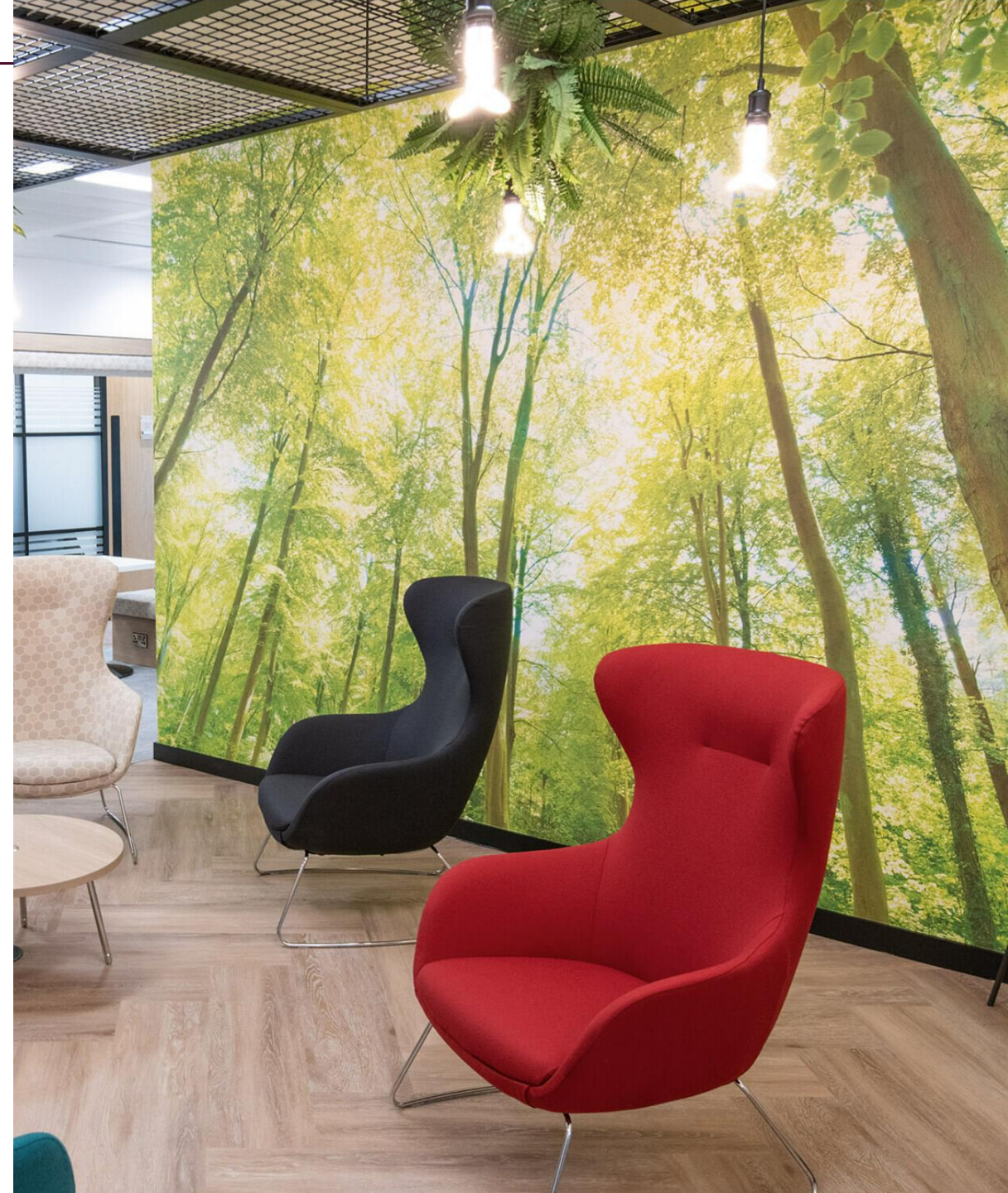
When sharing, always think:

1. What do they need to know?
  2. What do I want them to do now?
  3. When do I need them to do it?
- Be open and honest with the individual

# Breakout

## Removing barriers and blockers

1. What will you now do differently to help remove barriers and blockers
2. How will you influence change?
3. Who do you need to support this change in approach?



# Poll

## Confidence levels!

- How confident are you *now* when it comes to information sharing with other agencies?
  - 1-5
  - 1 = not confident
  - 5 = very confident



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# 6. Myth busting, final questions and close

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# Myth busting, final questions and close

## Myth busting!

GDPR and the Data Protection Act 2018  
are a barrier to information sharing

**FALSE**

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# Myth busting, final questions and close

Myth busting!

Consent is always needed to share personal data

**FALSE**

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# Myth busting, final questions and close

## Myth busting!

The personal data you collect cannot be shared with any other agencies

**FALSE**

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# Myth busting, final questions and close

## Myth busting!


The law, the legal duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information

**FALSE**



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# Myth busting, final questions and close



Avoid a  
negative  
focus

- 
- Fines and complaints must not be the focus
  - Data protection is a facilitator not a shield
  - Remove the fear



Practice  
Reviews

- 
- None say “*share less*”
  - They promote appropriate information sharing
  - None has criticised oversharing...



Pro-active  
starting  
point

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- “*I will share unless I cannot*”
  - Start by managing barriers and blockers
  - No fines/action for oversharing...

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# Questions and next time...

- Any final questions or comments?



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