

## Information Sharing:

# A good practice guide for CYPT employed staff and managers, school staff, and services commissioned to provide services for the CYPT

## De-mystifying Data Protection - and clarifying why we need to share

The Data Protection Act is not a barrier to sharing, rather a framework to ensure that personal information is managed and shared appropriately. Brighton and Hove Children and Young People's Trust needs all staff to understand the delicate balance between preserving confidentiality and the imperative to share when this will help a child or young person achieve the five Every Child Matters outcomes. Post Lord Laming's recent report, it is still true to say that no major enquiry has ever criticised staff for sharing information, rather highlighted how failures to share have contributed to childcare tragedies.

The guidelines that follow are drawn from two sources:

- The HM Government publication: *Information Sharing: Guidance for practitioners and managers*, and
- The Information Commissioner's Office publication: *Framework code of practice for sharing personal information*.

Though both these documents are a useful optional reference for staff wanting to understand the issues in greater depth, it should be clearly understood by all practitioners and managers who are part of the CYPT that the guidelines below **must** be followed. Staff practice that follows these guidelines is good practice and will be fully supported by the CYPT

## Guidelines for staff

1. Whether seeking information or responding to a request from another professional to share information, the desired objective the work is intended to achieve should have been clearly identified and documented. This is what will justify the need for sharing.
2. Always offer the service user the leaflet, *Information Sharing in Brighton and Hove Children and Young People's Trust: what you need to know*. Satisfy yourself that the service user understands the content or not. Providing the leaflet alone is not enough. Cognitive ability, ethnic origin, literacy or mental or emotional wellbeing can all play a part. Record this.
3. Consent to share personally identifiable information should **always** be sought from the subject of that information unless to do so presents an unacceptable risk to a child or young person. Be aware that information to be shared should not **unnecessarily** identify any other individuals. If reference to a third party is necessary for the progression of the work, consider whether anonymising the relevant part will do the job.

4. Defining what constitutes "personal" or "confidential" information is a complex area. Information that is in the public domain or is available from a publicly accessible source is not personal or confidential. Everything else may be. ***If in any doubt, seek further advice from your manager.***
5. Consent must be "informed consent". This means that the service user must understand what will happen to the information they have given. The service users leaflet, *Information Sharing in Brighton and Hove Children and Young People's Trust: what you need to know*, clarifies that CYPT managed services will interpret "consent" as consent to share, on a "need to know" basis, with other CYPT services and our partner organisations. Staff should always give a service user a copy of this leaflet, establish that the meaning is understood, seek consent, and document this process. The question of the mental capacity of the individual to give consent should also be addressed. This may be a question of age or maturity, mental well being or language. There may be occasions when a young person's wish may conflict with that of their parent. Deciding what to do in these circumstances will always be a question of professional judgement and, in any case of doubt or uncertainty, the advice of a manager should be sought and this process, too, documented.
6. There will be circumstances where consent to share is not given. The practitioner then needs to consider whether there is sufficient public interest to share the information against the express request not to. Examples of such circumstances are:
  - When there is evidence or reasonable cause to believe that a child (or an adult) is suffering, or is at risk of suffering, significant harm; or
  - To prevent significant harm to a child or adult, including through the prevention, detection and prosecution of serious crime.

Always seek managerial guidance if you think you need to over-ride the wishes of the person who gave the information. Record the guidance given and the decision made.

7. It is important to share information in a *proper* and *timely* way. This means:
  - only sharing ***what*** is necessary
  - sharing it ***only*** with the person who needs to know
  - distinguishing ***clearly*** what is fact and what is opinion
  - checking that the facts are ***accurate*** and up to date
  - when information is shared, ensuring the identity of the recipient and using secure communication methods
  - understand the limits of any consent given, and ensure that this is understood by the person you are sharing with
  - let the person who gave you the information know how it has been used
  - be careful not to include any personal information relating to another
8. A decision to share should record:

- the decision itself, including any managerial direction given
- the information shared
- the identity of practitioners with whom it has been shared.

Decisions to **not** share or decisions to share against the express wish of the person who gave the information need to be recorded in the same clear way.

"It is important for professionals to trust their feelings when they perceive children to be suffering, and not make assumptions that others have also perceived it and are better placed to act. It is simpler to lift the telephone than to live with the regret of not having done so."

*Executive Summary of the Serious Case Review into the death of Baby Peter*

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