



**A Practitioner's Guide to
Information Sharing, Confidentiality and
Consent**

**Getting it Right
in Perth and Kinross**
Helping children be the best they can be

What to do if you are worried about a child or young person?

If you are worried or concerned about a child or young person you should contact the Perth and Kinross Child Protection Duty Team or Tayside Police Public Protection Unit:-

Perth and Kinross Child Protection Duty Team - (24 hours)	01738 476768
Tayside Police Public Protection Unit	0300 111 2222
In an Emergency	Call 999

Child Protection – It’s Everyone’s Job

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Introduction

The following generic information and advice is provided here as part of the [Perth and Kinross Getting it Right for Every Child Practitioner Guidance](#) for all practitioners working in and across the public, private and third sectors, in particular for those working within education, health, police and social work.

Most children and young people get all the help and support they need from their parents, carers and families, in addition to the universal services of education and health. However, on some occasions, some children and young people may need further help and support to ensure their needs and rights are met; to ensure their health and well-being is secured; and to ensure they keep themselves safe from harm and/or abuse. The welfare of all children and young people is paramount.

It is **everyone's job** to ensure that children and young people get the **help they need, when they need it**.

Information Sharing, Confidentiality and Consent are key elements of this and it is vitally important that all practitioners have a clear understanding of their critical importance in everyday practice.

The *Getting it Right* approach - [Getting it Right for Every Child \(GIRFEC\) National Practice Model](#) supported by the role of the [Named Person](#) and [Lead Professional](#), provides early universal identification, intervention and support, which is both proportionate and necessary, underpinned by the following child-centred/child-focussed questions for all practitioners:-

1. *What is getting in the way of this child or young person's well-being?*
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? and*
5. *What additional help, if any, may be needed from others?*

Information Sharing

If you are worried about a child or young person; or have concerns about their health and well-being; or are concerned about their care and protection, then when considering the above *five* questions, there will be a need for you to share and/or exchange personal information with other practitioners, services and/or agencies. Such worries and/or concerns could arise from a single event or from a series of events.

Nothing whatsoever in Scottish, UK and/or European Law and/or the Scottish child protection policy environment prevents you from sharing and/or exchanging personal information regarding a child or young person, if you have any of these concerns, no matter how small and/or insignificant you think that worry and/or concern may be.

Doing nothing should not be an option! If your worries and/or concerns are genuine, you should share them with other practitioners, services and/or agencies as soon as possible.

Professional judgement and a common-sense approach should always underpin your practice approach and if you are in any doubt whatsoever, you should seek further help, support and/or guidance from your own Line Manager/Supervisor.

When sharing and/or exchanging personal information, you should observe and consider the following key principles:-

- The welfare, safety, health, well-being, care and protection of a child or young person is paramount and you should adopt an holistic approach in keeping with the GIRFEC [Well-Being Indicators](#); the [My World Triangle](#) and the [Resilience Matrix](#);
- The needs, rights and views of children or young people should be taken into consideration when you are deciding what you need to do next and you should adopt a child-centred and child-focussed approach;
- The personal information you are seeking to share and/or exchange should be clear, accurate, relevant, necessary, proportionate, complete and concise. It should, where necessary, include historic information and information relating to other siblings and/or significant adults within the child or young person's life;
- The personal information you are seeking to share and/or exchange should be shared and/or exchanged on a **need to know basis only** and you should be clear as to the purpose why it is being shared and/or exchanged. It should be shared and/or exchanged quickly and effectively with other trusted practitioners and colleagues;
- The personal information you are seeking to share and/or exchange should be accurately recorded in your case file notes and/or on your service/agency databases and should be kept safe and secure at all times. If certain information is not shared and/or exchanged, then you should also record that and the reason why it was not shared and/or exchanged;
- The confidentiality and consent issues around information sharing should be understood and/or complied with – see next section; and
- The information sharing arrangements of your own service and/or agency should be understood and followed and you should have an understanding of the legal and policy frameworks for information sharing – see next section.

Confidentiality and Consent

Children, young people and their families have a legal right to privacy and all practitioners, services and/or agencies have a duty of confidentiality, governed by several pieces of legislation and policy. You should have an understanding of the legal and policy framework and the need for compliance – see next section.

When seeking to share and/or exchange personal information practitioners should have a clear understanding of the issues around confidentiality and consent and the need to build mutually respectful, trusting relationships, with children and families.

The following key principles around confidentiality and consent should be observed and considered:-

- You should always explain to children, young people and their families that the personal information they have provided you with will be kept safe, secure and confidential and only shared and/or exchanged with other practitioners, services and/or agencies on a **need to know basis only** and with their prior consent;
- You should normally obtain consent before you seek to share and/or exchange personal information and that consent should be **informed and explicit**. You should not assume that consent has been agreed and/or provided;
- You should ensure that children, young people and their families understand what personal information is going to be recorded; how that information is going to be held and stored; what information is going to be shared and/or exchanged; who the information is going to be shared and/or exchanged with; and why that information is going to be shared and/or exchanged;
- You should only seek to share and/or exchange personal information with the consent of the child or young person (depending on their age and maturity – professional judgement) and their family. **In certain circumstances you can still seek to share and/or exchange information, even if consent is refused;**
- **Where you are concerned that seeking consent would increase the risk to a child or young person, or prejudice any subsequent investigation, you may need to share and/or exchange information without their prior consent. In these circumstances this will always override any professional, service and/or agency requirement to keep personal information confidential;**
- **If you take the decision that seeking consent may present a risk or prejudice an investigation, consent should not be sought and this decision and the reasons for it should be recorded appropriately in your case file notes and/or on your service/agency databases; and**

- **If you do decide to share and/or exchange personal information without consent, or where consent has been refused and/or withdrawn, then you should tell the child or young person and their family that you have done so or propose to do so and always explain to them your rationale for doing so.**

Useful Links

As a practitioner, you may find the following useful links helpful:-

[Scottish Government – Getting it Right for Every Child Website](#)

[Perth and Kinross Child Protection Website](#)

[Scottish Government – National Guidance for Child Protection in Scotland 2010](#)

[Perth and Kinross CPC Inter-Agency Child Protection Guidelines 2011](#)

[UN Convention on the Rights of the Child](#)

[Scottish Executive: The Children's Charter](#)

[Scottish Executive: Framework for Standards](#)

Perth and Kinross CPC is also about to publish:-

Information Sharing – Information and Advice for Children and Young People;

Information Sharing – Information and Advice for Parents and Carers;

Information Sharing – Information, Advice and/or Guidance for Practitioners;

Information Sharing – CPC Information Sharing Protocol; and

Information Sharing – Legislative and/or Policy Framework.