

## Practitioners Summary – Key Practice Points

### ***Information Sharing***

- The [wellbeing](#) of children and young people is *everyone's job and everyone's responsibility*;
- Doing nothing is not an option;
- Keep your focus on the [wellbeing](#) of the child or young person;
- Ask yourself the *five key GIRFEC Questions* – if the answer is no or you do not know – find out;
- Adopt a common sense approach;
- Use your professional judgment, knowledge and skills – gut feelings;
- Do not delay unnecessarily – act quickly;
- Seek help and support in doing so – Line Manager/Supervisor or Trusted Colleague or the [Child Protection Duty Team](#);
- Share what you consider only to be necessary, legitimate, appropriate and proportionate – on a need-to-know basis only;
- Always share your worry or concern with the child or young person's [Named Person](#);
- Consider the alternatives and/or implications of not sharing information;
- Follow your own service/agency information sharing guidance; and
- Always record your decision and the reasons for it.

### ***Confidentiality***

- Confidentiality does not prevent you from sharing a worry or concern about a child or young person's [wellbeing](#) – it actually empowers you to do so;
- Confidentiality is not an absolute right – never promise that;
- Be aware of the constraints and limitations of confidentiality;
- Keep in mind your duty of care and the [Common Law and Statutory Obligations of Confidence](#);

- Acting in the public interest can be a defence to an accusation of breach of confidence – but this must be justified (See Appendices 2 & 3);
- [\(UK\) Information Commissioner's Office \(ICO\) Letter of Advice 2013 – Information Sharing](#);
- [Scottish Government GIRFEC Programme Board Letter of Advice 2013 – Information Sharing](#); and
- [Scottish Government GIRFEC Bulletin Issue 1 2013 – Information Sharing](#).

## **Consent**

- Do not seek consent in situations where you are likely to share information in any case – [wellbeing](#) of a child or young person;
- Consent can be difficult and it should only be sought when the individual has a real choice over the matter;
- Consent should be informed and explicit – implied consent is not enough;
- Children and young people, subject to their age and developmental capacity, can provide consent, if consent is necessary; and
- Consent must always be recorded.

## **Legislation**

- Legislation does not prevent you from sharing information – it empowers you (See Appendices 1 to 3);
- Personal Information is defined as Personal Data per [Part I Section 1 of the Data Protection Act 1998](#);
- Sensitive Personal Information is defined as Sensitive Personal Data per [Part I Section 2 of the Data Protection Act 1998](#);
- [Schedule 2](#) and [Schedule 3](#) of the [Data Protection Act 1998](#) describes clearly in what circumstances you can share information;
- [\(UK\) Information Commissioner's Office \(ICO\) Letter of Advice 2013 – Information Sharing](#);
- [Scottish Government GIRFEC Programme Board Letter of Advice 2013 – Information Sharing](#);

- [Scottish Government GIRFEC Bulletin Issue 1 2013 – Information Sharing](#);
- Legislation provides you with a legal framework within which information can be shared;
- Legislation helps you to weigh up the benefits and risks; and
- Legislation is based upon common sense principles.

## **Methods**

- Share and exchange information in a working relationship – built on mutual trust and respect;
- Record the reasons why you are sharing information and/or not sharing information;
- Keep all information safe and secure at all times;
- Always identify the person you will be communicating with;
- Do not give verbal information where you can be overheard;
- Do not leave information on answering machines or voicemail;
- Be aware of your service/agency's e-mail policy – always use secure e-mail; and
- Do not use fax if at all possible. If you have to and there is no alternative, make sure the recipient is standing by to collect the fax and follow *safe haven principles*<sup>1</sup>.

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<sup>1</sup> **Safe Haven** is a term used to explain an agreed set of arrangements that are in place in an organisation to ensure person identifiable information (e.g. clients and staff information) can be communicated safely and securely. Safe Haven Principles act as a safeguard for confidential information which enters or leaves an organisation, whether this is by facsimile (fax), verbal communication or other means, for example, email.