

When requesting information, explain: what information you need; why you need it; what you will do with the information; who else might be informed if concerns about a child persist.

When you are asked for information, consider: what information you already have permission to share; whether there is a perceived risk to the child which would warrant breaking confidentiality; whether you have relevant information pertinent to risk which could allow others to determine what course of action is necessary to protect the child.

Parents and carers should be involved in decisions about sharing information with other agencies, except where this increases risk.

For more detailed guidance please refer to:

Sharing Information About Children at Risk:
A Guide to Good Practice, Scottish Executive (2003).

Information Sharing Protocol jointly agreed by North Ayrshire, South Ayrshire, East Ayrshire and NHS Ayrshire and Arran.

Information Sharing Guidance

Key Legislation

Data Protection Act 1998

Personal data must not be shared unless:

- the subject gives consent
- to comply with a legal obligation or statutory function
- to protect the rights of the subject
- for the administration of justice
- to perform a function which is in the public interest

European Convention on Human Rights (Article 8)

Everyone has the right to respect for private and family life, home and correspondence. This can only be interfered with in a way which is lawful and necessary, in the interests of:

- national security and public safety
- the prevention of disorder or crime
- the protection of the health, morals and rights of others



Children (Scotland) Act 1995

Places a duty on the police and local authority to share information with the Children's Reporter where the information suggests that a child may require compulsory measures of supervision.

Common Law Duty of Confidentiality

This applies where a person receives information in circumstances where they know, or it can be implied, that the information should be treated as confidential.

The person holding confidential information should not disclose it without consent or unless there is an overriding public reason or legal requirement to disclose it.

Definition of Confidential information:

Information of some sensitivity, which is not already in the public domain or readily available from another public source, and has been shared in a relationship where the person giving the information understood that it would not be shared with others.

Information Sharing Guidance

Guiding Principles

At the beginning of working with families, agencies should always explain their policy on information sharing. Families should be told what information will be held and how it will be stored, as well as the circumstances in which it will be shared with others.

Seek written consent to share information at the earliest opportunity. This should specify exactly what kind of information the individual is consenting to being shared. The individual can withdraw consent at any time. Consent should be reviewed regularly and records updated accordingly.

Workers should generally treat all information they receive in the course of their work as confidential information.

Where workers receive information that gives rise to concern that a child may be at risk of significant harm, this will always override any confidentiality requirement and must be shared immediately.

When asked for information, workers should never refuse solely on the grounds that the information is confidential. Consider the consequences of not sharing information as well as the implications of sharing information.