



Sharing safeguarding protocol information

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Introduction

To effectively safeguard and promote the welfare of pupils, it can sometimes be essential for schools to share information with other agencies.

Strengthened data protection requirements under the GDPR and Data Protection Act 2018 (DPA) have raised questions about what information schools can share in relation to safeguarding; however, these laws do not act as barriers to justified information sharing.

This article offers advice for schools to help you decide when and how to share information for safeguarding purposes.

The seven golden rules

The government's 'Information sharing' 2018 guidance provides seven 'golden rules' for sharing information – they are as follows:

1. Remember the **GDPR, DPA and human rights laws** are not barriers to justified sharing, instead they provide a framework to ensure information is shared appropriately.
2. Be **open and honest** with individuals about why, what, how and who their information will, or could be, shared with – unless this would be inappropriate or unsafe to do so.
3. **Seek advice** from other staff members if you are in doubt about sharing information – remember to not disclose identities where possible.
4. Where possible, **seek the consent** of the individual before sharing their information; however, remember **you do not always need consent** to share information. Make sure you have a **lawful basis** to share the information and make the basis clear.
5. Base your decisions about sharing information on **the safety and wellbeing** of the individual and others who may be affected by their actions.
6. Ensure any information sharing is **necessary, proportionate, relevant, adequate, timely and secure**
7. Keep a **record of your decisions** relating to information sharing – where you decide to share information, record what has been shared, who with and for what purpose.

Data protection

The GDPR and DPA do not prevent or limit information sharing for the purpose of keeping children and young people safe.

Safeguarding information will often be considered 'special category data' – i.e. more sensitive than standard personal data. Make sure you understand the processing conditions that allow you to store and share the information you need to safeguard pupils.

Under the DPA, schools can share information without consent for the purpose of "safeguarding of children and individuals at risk". Information can also legally be shared without consent if you are unable to, or cannot reasonably expect to, obtain consent from the individual, or if gaining consent could place a pupil at risk. You can also share relevant personal information if the purpose is to keep a pupil safe from neglect or harm, or if it protects their wellbeing.

What should be shared

When deciding what information should be shared, the most important consideration to make is **whether sharing the information is likely to support the safeguarding and protection of a pupil**.

You should use your professional judgement when deciding what information to share, following the school's policies and seeking advice where necessary. The following should always be considered when deciding what to share:

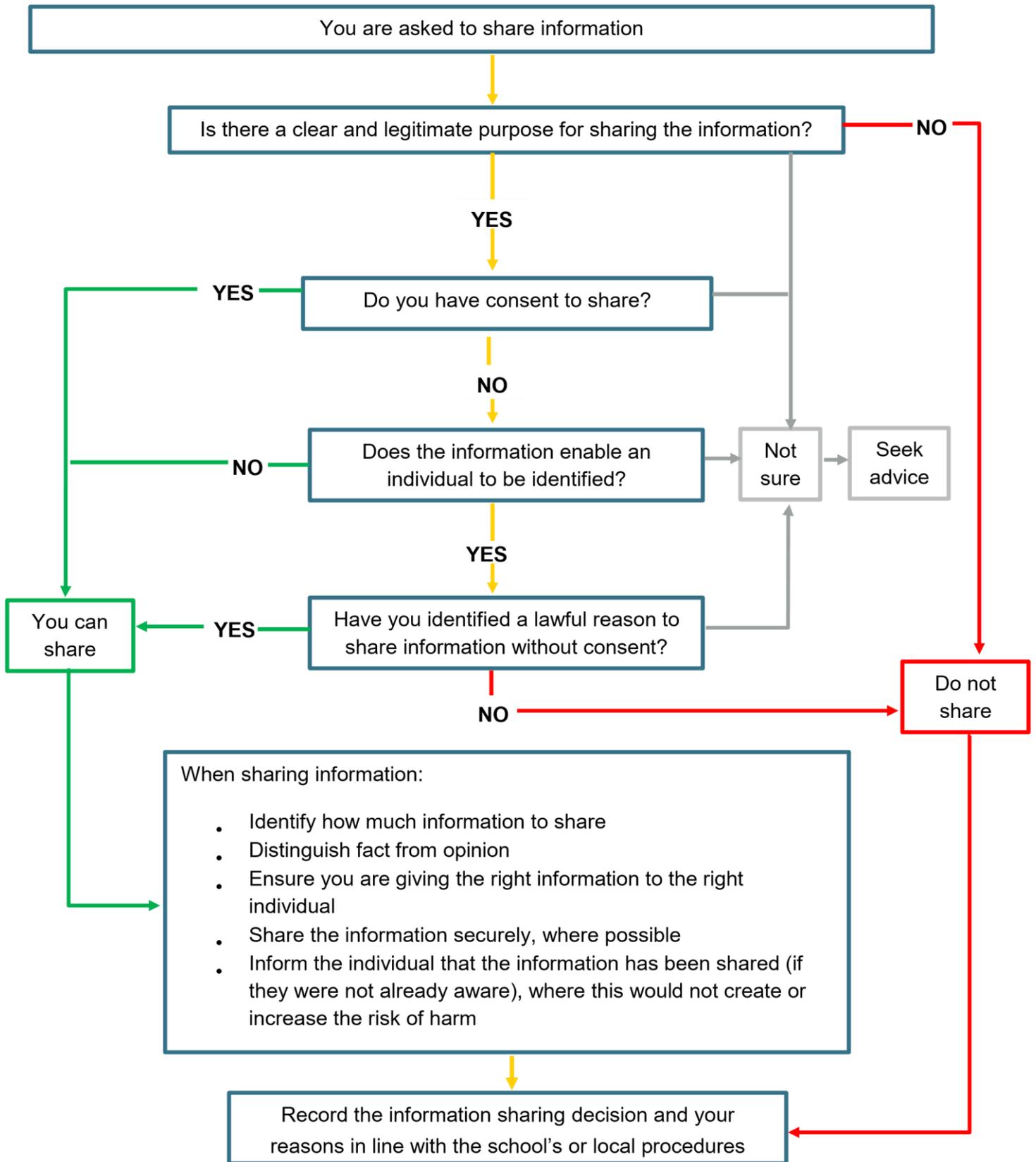
- Do not share more than is **necessary** and only share information **proportionate** to the need and level of risk of the circumstance.
- Only disclose information **relevant** to the **purpose** of the sharing.
- Make sure any information shared is **adequate** – i.e. it is of the right quality, so it can be understood and relied upon.
- Information that is shared should be **accurate** and up-to-date – if the information is historical, this should be explained.
- Information should be shared in a **timely** manner to reduce the risk of missing the opportunity to protect a pupil.
- Information should be shared in a **secure** way wherever possible, and always follow school procedures for doing so.
- All decisions relating to information sharing should be **recorded**, regardless of if the information is shared.
- Information should be kept in line with the school's **retention policy** and not for longer than is necessary.

When and how to share information

In some cases, the decision to share safeguarding information will be clear, e.g. where a pupil discloses abuse and action must be taken to respond. In other cases, indicators of a concern may develop over time, which can make the decision to share information more difficult to judge.

All schools should have clear procedures in place for sharing information both internally and externally. If you have a concern about a pupil's safety or welfare, you should share the information with the LA children's social care, NSPCC and/or the police, in line with your local procedures. If you believe that a crime has been committed or a pupil is at immediate risk, the police should be notified immediately. The security of information that is shared must always be considered and be proportionate to the sensitivity of the information being shared and the circumstances. The flowchart on the next page of this article can be used to inform decisions about when and how to share information related to safeguarding.

Flowchart of when and how to share information



If there are concerns that a pupil is in need, suffering or likely to suffer harm, then follow the relevant procedures without delay.

Bibliography

HM Government (2018) 'Information sharing'