Safeguarding Adults: sharing information

* The law does not prevent the sharing of sensitive, personal information **within** organisations. If the information is confidential, but there is a safeguarding concern, sharing may be justified.
* The law does not prevent the sharing of sensitive, personal information **between** organisations where the public interest served outweighs the public interest served by protecting confidentiality – for example, where a serious crime may be prevented.
* Information can be shared lawfully within the parameters of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).
* There should be a local agreement or protocol in place setting out the processes and principles for sharing information between organisations. This is currently being developed in Havering.
* An individual employee cannot give a personal assurance of confidentiality.
* Frontline staff and volunteers should always report safeguarding concerns in accordance with their organisation’s policy – this is usually to their line manager in the first instance, except in emergency situations.
* It is good practice to try to gain the person’s consent to share information.
* As long as it does not increase risk, practitioners should inform the person if they need to share their information without consent.
* Organisational policies should have clear routes for escalation where a member of staff feels a manager has not responded appropriately to a safeguarding concern.
* All organisations **must** have a whistleblowing policy.
* The management interests of an organisation should not override the need to share information to safeguard adults at risk of abuse.
* All staff, in all partner agencies, should understand the importance of sharing safeguarding information and the potential risks of not sharing it.
* All staff should understand who safeguarding applies to and how to report a concern.
* The six safeguarding principles should underpin all safeguarding practice, including information-sharing. [The Six Safeguarding Principles - Havering Safeguarding Adults Board (safeguardinghavering.org.uk)](https://safeguardinghavering.org.uk/adultsboard/home/professionals/the-six-safeguarding-principles/)

Seven golden rules for information-sharing

1. **Remember that the General Data Protection Regulation (GDPR) is not a barrier to sharing information**but provides a framework to ensure that personal information about living persons is shared appropriately.
2. **Be open and honest**with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be, shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. **Seek advice**if you are in any doubt, without disclosing the identity of the person where possible.
4. **Share with consent where appropriate**and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. **Consider safety and wellbeing:**base your information-sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, accurate, timely and secure:**ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely.
7. **Keep a record**of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

**What to do if the person does not consent?**

If a person refuses intervention to support them with a safeguarding concern, or requests that information about them is not shared with other safeguarding partners, their wishes should be respected. However, there are a number of circumstances where the practitioner can reasonably override such a decision, including:

* the person lacks the mental capacity to make that decision – this must be properly explored and recorded in line with the [**Mental Capacity Act**](https://www.scie.org.uk/safeguarding/adults/practice/sharing-information#mentalcapacityact)
* other people are, or may be, at risk, including children
* sharing the information could prevent a crime
* the alleged abuser has care and support needs and may also be at risk
* [**a serious crime has been committed**](https://www.scie.org.uk/safeguarding/adults/practice/questions#police-become-involved)
* staff are implicated
* the person has the mental capacity to make that decision but they may be under duress or being coerced
* the risk is unreasonably high and meets the criteria for a [**multi-agency risk assessment conference referral**](https://safelives.org.uk/practice-support/resources-marac-meetings/resources-people-referring)
* a court order or other legal authority has requested the information.

If none of the above apply and the decision is not to share safeguarding information with other safeguarding partners, or not to intervene to safeguard the person:

* support the person to weigh up the risks and benefits of different options
* ensure they are aware of the level of risk and possible outcomes
* offer to arrange for them to have an advocate or peer supporter
* offer support for them to build confidence and self-esteem if necessary
* agree on and record the level of risk the person is taking
* record the reasons for not intervening or sharing information
* regularly review the situation
* try to build trust and use gentle persuasion to enable the person to better protect themselves.

If it is necessary to share information outside the organisation:

* explore the reasons for the person’s objections – what are they worried about?
* explain the concern and why you think it is important to share the information
* tell the person who you would like to share the information with and why
* explain the benefits, to them or others, of sharing information – could they access better help and support?
* discuss the consequences of not sharing the information – could someone come to harm?
* reassure them that the information will not be shared with anyone who does not need to know
* reassure them that they are not alone and that support is available to them.

If the person cannot be persuaded to give their consent then, unless it is considered dangerous to do so, it should be explained to them that the information will be shared without consent. The reasons should be given and recorded. The safeguarding principle of proportionality should underpin decisions about sharing information without consent, and decisions should be on a case-by-case basis.

If it is not clear that information should be shared outside the organisation, a conversation can be had with safeguarding partners in the police or local authority without disclosing the identity of the person in the first instance. They can then advise on whether full disclosure is necessary without the consent of the person concerned.

It is very important that the risk of sharing information is also considered. In some cases, such as domestic abuse or hate crime, it is possible that sharing information could increase the risk to the individual. Safeguarding partners need to work jointly to provide advice, support and protection to the individual in order to minimise the possibility of worsening the relationship or triggering retribution from the abuser.

**Further Information**

Information Sharing for Community Safety:  guidance and practice advice Home Office

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97842/guidance.pdf>

Guide to the General Data Protection Regulation  (GDPR)

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>