

Cumbria Safeguarding Adults Board Information Sharing Guidance



Contents

1. Introduction	1
1. What does the legislation say?	1
1. Why do we need to share adult safeguarding information?	2
2. When should I share information?	2
3. Do I need consent to share?	2
4. Can I share information with family friends or carers?	2
5. What are the golden rules for information sharing?	3
6. Acknowledgments	3
7. Information Sharing Flowchart	4

1. Introduction

In Cumbria, an information sharing agreement has been agreed by statutory partner organisations. This guidance is intended to summarise key elements of information sharing when working with adults at risk of abuse or neglect. It also aims to increase understanding of the basic principles of information sharing relating to safeguarding practice.

Sharing the right information, at the right time, with the right people, is fundamental to good practice in safeguarding adults but is often highlighted as a difficult area of practice. The Care Act 2014 emphasises the need to empower people, to balance choice and control for individuals against preventing harm and reducing risk, and to respond proportionately to safeguarding concerns.

2. What does the legislation say?

Information sharing for those working in safeguarding adults is linked to a number of different pieces of legislation. Click the links below for a summary of key elements of information sharing from Social Care Institute for Excellence (SCIE).

Local Authority responsibilities for sharing information under the Care Act 2014

The common law duty of Confidentiality – Caldicott Principles

The Human Rights Act 1998

The Data Protection Act 1998 & the General Data Protection Regulation (GDPR)

The Crime & Disorder Act 1998

The Mental Capacity Act 2005

Whilst sharing information between organisations is part of day-to-day safeguarding practice it is not covered in the Care Act because it is already covered in the common law duty of confidentiality, the Data Protection Act 2018, the General Data Protection Regulation (GDPR), the Human Rights Act and the Crime and Disorder Act. The Mental Capacity Act is also relevant when working with adults with care and support needs, practitioners should be able to assess whether someone has the mental capacity to make a decision concerning risk, safety or sharing information.

3. Why do we need to share adult safeguarding information?

Organisations need to share safeguarding information with the right people at the right time to:

- Prevent death or serious harm
- Coordinate effective and efficient responses
- Enable early interventions to prevent the escalation of risk
- Prevent abuse and harm that may increase the need for care and support
- Maintain and improve good practice in safeguarding adults
- Reveal patterns of abuse that were previously undetected and that could identify others at risk of abuse
- Identify low-level concerns that may reveal people at risk of abuse
- Help people to access the right kind of support to reduce risk and promote wellbeing
- Help identify people who may pose a risk to others and, where possible, work to reduce offending behaviour
- Reduce organisational risk and protect reputation.

4. When should I share information?

There are only a limited number of circumstances where it would be acceptable not to share information pertinent to safeguarding with relevant safeguarding partners. These would be where the person involved has the mental capacity to make the decision and does not want their information shared **and**:

- Nobody else is at risk
- No serious crime has been or may be committed
- The alleged abuser has no care and support needs
- No staff are implicated
- No coercion or duress is suspected
- The public interest served by disclosure does not outweigh the public interest served by protecting confidentiality
- The risk is not high enough to warrant a multi-agency risk assessment conference referral
- No other legal authority has requested the information.

5. Do I need consent to share?

Frontline staff and managers can be over-cautious about sharing personal information, particularly if it is against the wishes of the individual concerned. They may also be mistaken about needing hard evidence or consent to share information. The risk of sharing information is often perceived as higher than it actually is. It is important that staff consider the risks of not sharing safeguarding information when making decisions.

Raise awareness about responsibilities to share information, profession or work role-specific guidance may help and encourage the consideration of the risks of not sharing information.

6. Can I share information with family, friends or carers?

It is good practice, unless there are clear reasons for not doing so, to work with the carers, family and friends of an individual to help them to get the care and support they need. Sharing information with these people should always be with the consent of the individual. If the person lacks the mental capacity to make a decision about sharing information with key people, then the Mental Capacity Act should be followed to ensure each decision to share information is in the person's best interests. Decisions and reasoning should always be recorded.

7. What are the 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.

8. Acknowledgments

This guidance has been developed and adapted with information from the Social Care Institute of Excellence (SCIE). You can find further information and resources **here**.

9. Information sharing flowchart

Key questions for information sharing

