



Confidentiality and Information Sharing Protocol

1. Purpose

To provide a framework within which the Diocese of London^a, statutory bodies and relevant others can share information appropriately in the interests of safeguarding children, young^b people and adults at risk.

To provide a tool to:

- support relevant information being shared appropriately in order to protect children from actual or potential harm
- clarify the principles upon which decisions are made to share information or not, taking account of how and with whom information is shared (internally and with external agencies)
- ensure that information sharing practice reflects legislative and guidance frameworks
- raise awareness of best practice in information sharing to assist implementation of consistent processes and practices in the Diocese of London and its parishes (following the seven golden rules of information sharing listed at appendix 1)
- enable other agencies to share relevant information confidently with the Diocese
- ensure that those who are the subject of the information to be shared understand the processes followed by the bodies which have adopted this protocol
- clarify appropriate routes of communication for all agencies (the Diocese, parishes, statutory agencies and appropriate others) for information sharing

2. Guiding values

2.1 The Diocese of London will share information where they reasonably believe that it is necessary to **share in order to protect or safeguard** a child^c, young person or adult at risk, in accordance with the relevant legislation and guidance.

2.2 **The principles of the Data Protection Act 1998 will be followed** when handling personal information^d, The Act allows for the disclosure of personal information without

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^b A child is a person under the age of 18 years as defined by the Children Act 1989

^c The child's welfare is the paramount consideration in decisions to share information

^d That is: personal information is obtained fairly and lawfully; only disclosed in appropriate circumstances; accurate, relevant and not held for longer than necessary; and kept securely.

consent of the subject **for the purposes of prevention and detection of a crime**, e.g. child protection concern.

- 2.3 **Reports/records regarding alleged abuse shall be kept confidential** and disclosure will be restricted to only those that have authority for dealing with the incident.
- 2.4 **Verbal or written consent from the individual will be sought** before any personal information is shared, unless to do so would be unsafe, might increase the risk to them, causes an unjustified delay or if it would prejudice the prevention, detection, or prosecution of a serious crime. When in doubt advice should always be sought from someone experienced in dealing with these issues, such as the Diocesan Safeguarding Team (DST), NSPCC Helpline, or NSPCC consultancy.
- 2.5 **Consideration will be given as to whether there is sufficient public interest for the information to be shared** (principles of openness, consultation and inclusion).
- 2.6 **No more information will be shared than is necessary for the purpose** for which you are sharing it. It is shared only with those who need to have it, is accurate and up-to-date, in a timely fashion, and shared securely (principle of proportionality).

3. Requirements of this Protocol

- 3.1 The Diocese of London will ensure that people to whom this protocol applies are aware of the protocol and implications for them in order to ensure that its application is transparent
- 3.2 In all cases where information is shared the following information should be recorded: date and time; summary of information shared; who the information was shared with and the rationale for this decision; whether it was shared with or without consent; if sharing without consent, whether the child or family were informed; how the information was shared and any receipt of it having been received.
- 3.3 Where information is shared during the course of a risk assessment or investigation, the outcome will be shared with those to whom the original information was sent.

4. The Type of Information that will be Shared

- 4.1 Information relating to safeguarding/welfare/child protection concerns which meet the threshold for referral to external safeguarding agencies (Police or Children's Social Care) will be shared in all cases
- 4.2 Information which raises safeguarding concerns arising from CRB disclosures and recruitment processes. The threshold that will be applied is that in the organisation's judgement the individual is unsuitable to work with children
- 4.3 Information indicating safeguarding concerns but where no further action is taken by statutory agencies. This may be where prosecution is not possible, or has been unsuccessful; where a referral is 'bounced back' by the Local Authority or the Police as not meeting their threshold but the Diocese of London still has concerns. Or information

relating to poor practice cases (e.g. breach of code of conduct/ethics) involving a perceived risk to children/adults at risk, but not meeting the threshold for referral to external safeguarding agencies, and:

- where the Diocese of London (or a parish within it) has either suspended or excluded the individual, or
- has put in place special arrangements for monitoring to ensure a child's/adult at risk's welfare as a result of its disciplinary process

Different categories and degree of concerns have implications for information sharing. High level concerns meeting the threshold for Police or Children's Social Care action should be managed by those agencies.

5. Process for Information Sharing and Receiving of Information

- 5.1 The decision to share information will be based upon the principles cited in this protocol^e. Where information is shared about an adult thought to be at risk the considerations set out in section 6 below will be respected.
- 5.2 The Diocese of London will identify:
 - who needs to know the information, based on the level of concern and need to know basis. (i.e. person, parish, organisation).
 - where the referral should be made (the appropriate organisation and person/role therein).
- 5.3 Referrals will be made to the statutory agencies in the area in which the child lives. (Parishes should hold information about local statutory agency contact details and should contact the DST for support identifying the appropriate contacts for those living outside of their area. A principle of least delay is of primary importance and local statutory agencies will support with referral through to the appropriate area team(s) where this is necessary).
- 5.4 Concerns about abuse by someone within the Diocese or its parishes will be referred to the statutory agencies where the alleged abuse may have taken place.
- 5.5 The advice of the statutory agencies should be sought for concerns against a person who may work with children in other organisations as to whether and with whom to share information.
- 5.6 Individuals deemed by the Diocese as unsuitable to work with children as an outcome of its recruitment or disciplinary process will be referred to the Independent Safeguarding Authority.
- 5.7 Where there has been statutory agency investigation, and/or where the person who is subject of the investigation is subject to the monitoring of local Multi-Agency Public

^e See Appendix 1 Principles (the seven golden rules) for information sharing and Appendix 2: Flowchart of key principles for information sharing

Protection Arrangements (MAPPAs), the Diocese of London will contribute to the statutory agencies' planning processes where requested^f.

- 5.8 Occasionally the Diocese of London may be directed by the local MAPPA or a Court, or given permission by a Court, to share information about an individual where it has determined that the individual poses a significant risk to children (and/or adults at risk) and the Diocese may need to take action to contribute to the management of the risk this individual poses.
- 5.9 The outcome of disciplinary processes would not normally be shared with external agencies by the Diocese of London without the consent of the individual who is subject to this process (for example, for the purposes of providing a reference). Exceptions to this would be guided by the principles cited within this protocol.
- 5.10 Outcomes of disciplinary processes will be shared within the Diocese of London on a need to know basis only both within the Diocese and with external agencies.
- 5.11 When the Diocese of London and/or its parishes are recruiting staff or volunteers to work with children (and/or adults at risk) they may be provided with information that would indicate that an individual may pose an actual or potential risk to children and/or adults at risk or may be unsuitable to work with these groups. The Diocese of London has procedures in place that ensure that consent has been obtained from current/prospective employees/employees to obtain information and to clarify information where necessary.
- 5.12 Where recruitment processes are being applied retrospectively the Diocese of London will have processes in place to determine whether someone remains suitable to work in their current position with children (and/or adults at risk). They will also decide whether relevant information needs to be gathered from or shared with statutory agencies or other organisations.
- 5.13 It is unlawful for the Diocese of London to share the content of CRB disclosures with other organisations, consequently any decisions to share information where there are concerns about the risk an individual may present to children or adults at risk must be directed to the statutory agency from which the information was sourced; (in the majority of cases this will be the Police). A disciplinary decision can, however, be shared where an individual may present a risk to children and/or adults at risk in accordance with the principles cited in this protocol being followed.
- 5.14 All information held regarding complaints about poor practice in the Diocese of London will usually only be shared with the consent of the individual against whom the complaint has been made (e.g. when an individual has consented to a reference being taken up by another organisation. Where statutory agencies are conducting a child protection investigation, however, the Diocese of London will consider the appropriateness and proportionality of sharing the aforementioned information in accordance with the principles cited in this protocol when requested.

^f This will be in line with the Diocese of London Offender Management Protocol
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- 5.15 Information may initially be shared verbally where there is an urgent need in order to enable statutory agencies to act in the public interest. However, this will always be followed up in writing.

6. Information sharing in relation to Adults at Risk

- 6.1 Adults have a right to self determination and to be consulted before any action is taken concerning them or on their behalf. Therefore informed consent for the sharing of information should be obtained from the adult at risk, either in writing or verbally, whenever possible. Full details of the consent should be recorded, i.e. date consent is given, what information can be shared and with whom.
- 6.2 If the adult at risk does not have capacity to consent to the sharing of information, decisions must be taken on a best interest basis and Mental Capacity Act 2005 guidance should be followed.
- 6.3 If an adult at risk withholds consent to the sharing of information regarding safeguarding concerns, wherever possible their views and wishes should be respected. However, if there is an overriding public interest or vital interest or if gaining consent would put the adult at further risk, the duty of care overrides the individual's refusal and information should be shared in accordance with the guidance in this protocol. The need to protect the individual or the wider public outweighs their rights to confidentiality. This would include situations where:
- other people or children could be at risk from the person causing harm
 - it is necessary to prevent crime
 - where there is a high risk to the health and safety of the adult at risk
 - the person lacks capacity to consent.
- 6.4 If the adult at risk has capacity and does not consent to a referral and there are no public or vital interest considerations (as described in 5.3 above), they should be given information about where to get help if they change their mind or if the abuse or neglect continues and they subsequently want support to promote their safety. The referrer must assure themselves that the decision to withhold consent is not made under undue influence, coercion or intimidation.
- 6.5 A safeguarding record must be made of the concern, the adult at risk's decision and of the decision not to refer, with reasons. A record should also be made of what information they were given.

7. Recording, Storage and Disposal of Information

- 7.1 The Diocese of London has:
- a. In place systems for the safe storage of information and clear procedures regarding authorised access to records.
 - b. An 'Access to Records' policy and procedure which covers the records it holds and third party information.

- c. A 'records destruction' procedure which includes destruction of additional copies of information used for a specific purpose (e.g. a disciplinary hearing). Clear timescales will be set for the destruction of records. (Differing as appropriate; e.g. for CRB disclosures, disciplinary decisions and for insurance purposes).
- d. A secure method for record destruction and disposal.

7.2 Information held about different individuals will be recorded separately.

7.3 Written information will be stored securely, either stored away in a locked filing cabinet (with restricted access to that filing cabinet) or held securely electronically.

7.4 All reasonable steps will be taken to ensure secure receipt of information.

7.5 Information will be marked as confidential with a disclaimer included regarding what to do if correspondence is received by someone in error.

7.6 Written communications will clarify the extent to which the information can be shared within the recipient organisation.

7.7 Consent to share information will be sought from the individual to whom the information refers unless:

- This may put children or other parties at risk of harm
- Refusal to consent is unreasonable or not in the public interest
- Consent cannot be obtained
- The Diocese is advised by a statutory agency not to do so, or there is a court order which so directs

7.8 Consent to third party information being passed on will always be sought from the third party except in the circumstances regarding consent previously outlined.

APPENDICES

Appendix 1: Principles (the seven golden rules) for information sharing

The government (HM Government Information Sharing: Guidance for practitioners and managers) has produced a list of 'seven golden rules' to support organisations and their workers when making decisions about when it is appropriate to share information with others, these are:

- 1. Remember that the Data Protection Act 1998 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, the 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 well-being:** Base your information sharing decisions on considerations of the safety and well-being 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.

Appendix 2: Flowchart of key principles for information sharing

