

## CONFIDENTIALITY AND INFORMATION SHARING

### Confidentiality

There is a statutory duty for a teacher or worker to pass on confidential information, for example to Social Services, in circumstances where the child appears in need of immediate protection. Section 175 of The Education Act 2002 places the duty of education professionals, to 'safeguard and promote the welfare of children' on a statutory footing. There is also a duty for agencies such as Local Education Authorities, Health Services Housing etc to co-operate with enquiries where there is a reasonable cause to suspect that a child is in need, suffering or likely to suffer significant harm, provided it is compatible with its other duties (Children Act 1989, Sections 27 and 28).

All staff working within Rotunda should be clear that they cannot offer absolute guarantees of confidentiality, as disclosure may be necessary to protect children from 'significant harm'.

Should there be cause for concern; further dialogue with the young person should then take place. During this, the member of staff would aim to gather appropriate information to decide the next course of action. Confidentiality must be explained to the young person before this discussion takes place.

No referrals or interventions, beyond information and advice, will be made following an informal process, i.e. observing behaviour or a chat, before confidentiality has been explained.

The essence of a confidential relationship is openness and agreement about what, if anything will happen to sensitive information, not in the public domain, disclosed between two people. The process of clarifying and, where options are possible, negotiating what will happen to information defines the nature of the confidential relationship.

Each service must ensure that confidentiality is addressed with the child or young person before the process of identification is embarked upon. Confidentiality must be fully explained, including potential breaches to this relationship, and the child or young person's understanding of the explanation checked, before proceeding with the screening. Confidentiality should be explained in a young person centred way. Where the process is formal, the recording of the young person's understanding of confidentiality is good practice. Information and advice can be provided to a child or young person in confidence irrespective of their age and without parental consent. This does not mean that if child protection concerns arise that these should not be addressed. The fact, however, that a child or young person has approached someone for advice and information should not be disclosed without their consent.

Once clarity, and preferably agreement, is reached, this confidentiality is binding and should not be broken, however, information may be passed on against the wishes of the child or young person when it is considered unavoidable, and where a moral or professional duty warrants it, for example;

Where there is a child protection issue, where the life of a person is at risk and in rare circumstances, prevention of terrorism.

**Information Sharing**

Professionals may need to share information with parents/carers/ colleagues and other professionals to create a coordinated, holistic package of care to meet the best interests of the child, young person and/or vulnerable adult.

Information sharing within a multi-disciplinary team is most commonly viewed as confidential to the team rather than to an individual within that team.

Due however to the confidential relationship that exists between a service giving advice and the young person, any information should only be shared, between agencies, different professionals, parents and cares with consent from the young person and then on a 'need to know' basis. The only exceptions are when child protection issues or acts of terrorism become apparent. These will then take precedence, although even in this case attempts should be made to gain consent to share information. Failure to obtain consent however should not delay the implementation of child protection procedures.

It should be noted that, particularly in the wake of the Victoria Climbié enquiry, information sharing remains at the heart of effective child protection systems. Data Protection and Human Rights legislation does not act as a barrier to information sharing around child protection.

Anonymous, non-attributable information may be shared for research and monitoring purposes, but again consent should be obtained for this.

**Rotunda Policy Review Record**

<b>Reviewed by:</b>	<b>Approval date:</b>	<b>Review frequency:</b>	<b>Review date:</b>	<b>Signed:</b>
Maxine Ennis	18 <sup>th</sup> January 2024	Annual	18 <sup>th</sup> January 2025	