GDPR

DSL CONFERENCE 15TH JULY 2019

SUZE KEYNES

Safeguarding

The Data Protection Act 2018 introduced

'safeguarding' as a reason to be able to process sensitive, personal information, even without consent (DPA, Part 2,18; Schedule 8, 4)

http://www.legislation.gov.uk/ukpga/2018/12/pdfs/ukpga_20180012_en.pdf

GDPR

❖GDPR does not prevent, or limit, the sharing of information for the purposes of keeping children safe. Lawful and secure information sharing between schools, Children's Social Care, and other local agencies, is essential for keeping children safe and ensuring they get the support they need.

❖When Designated Safeguarding Leads in schools are considering whether, or not, to share safeguarding information (especially with other agencies) it is considered best practice for them to record who they are sharing that information with and for what reason. If they have taken a decision not to seek consent from the data subject and/or parent/carer that should also be recorded within the safeguarding file.

❖All relevant information can be shared without consent if to gain consent would place a child at risk. Fears about sharing information **must not be allowed** to stand in the way of promoting the welfare and protecting the safety of children. As with all data sharing, appropriate organisational and technical safeguards should still be in place.

Working together to safeguard children statutory guidance (2018) states the following:

❖Effective sharing of information is essential for early identification of need, assessment, and service provision to keep children safe.

❖All professionals responsible for children should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children. You should be alert to sharing important information about any adults with whom that child has contact, which may affect the child's safety or welfare.

❖Information sharing is also essential for the identification of patterns of behaviour when a child has gone missing, when multiple children appear associated to the same context or locations of risk, or in relation to children in the secure estate where there may be multiple local authorities involved in a child's care.

❖Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern. To ensure effective safeguarding arrangements: you should have arrangements in place that set out clearly the processes and the principles for sharing information.

❖**Staff should be particularly alert to the importance of sharing information when a child moves from one school to another, due to the risk that knowledge pertinent to keeping a child safe could be lost.**

❖You should aim to gain consent to share information, but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if you have good reasons to do so, and believe that the sharing the information will enhance the safeguarding of a child in a timely manner. When decisions are made to share or withhold information, you should record who has been given the information and why.

HM Government (2018) *Working together to safeguard children*: A guide to inter-agency working to safeguard and promote the welfare of children, London: The Stationery Office.

Information Sharing

'The centrality of information sharing to effective child safeguarding cannot be stressed enough. Of the 66 serious case review reports reviewed in depth, there was only one where information sharing was not specifically mentioned. All others identified issues ranging from direct failure to identify risk or protect the child to simply identifying information sharing as an area for improvement. In contrast, in over ten years of analysing serious case reviews, **we have not come across a single case where a child has been killed or harmed because a professional has shared information'.**

Sidebotham, P., Brandon, M., Bailey, S., Belderson, P., Dodsworth, J., Garstang, J., Retzer, A., Sorensen, P. and Harrison, E. (2016). *Pathways to harm, pathways to protection: a triennial analysis of serious case reviews 2011 to 2014*. Department for Education.

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