



21 May 2021

Dear Colleague

INFORMATION SHARING

The protection of children, young people and adults at risk, remains “**everyone’s responsibility and everyone’s job.**” This continues to cut across all aspects of private life and professional business. We all continue to have a duty, individually and collectively, to protect vulnerable people in our communities.

On many occasions, this has and will require staff to seek and exchange personal information about individuals. We are however aware that questions of privacy and confidentiality can and sometimes do get in the way of ensuring the safety of children, young people and adults at risk. We wish to re-emphasise and continue to clarify the position and reinforce the importance of sharing and exchanging information where the protection of these client groups is concerned.

Children, young people and adults at risk always have a right to privacy and the utmost care should be taken when handling personal information. We continue to endorse the need for a sensitive and lawful approach when working in partnership with children, young people and adults at risk, together with their families and carers.

Where you have a concern about a child, young person or adult at risk of harm or you are made aware of such a concern you have a responsibility to decide whether to share and exchange relevant information with other professionals. You should do so without delay and with confidence, following your own agency/service procedures.

All staff should be aware that their own agency will support them if they have shared personal information in these circumstances using their professional judgement.

Reviews have highlighted misconceptions about information sharing. We remind you that existing legislation does not prevent you from sharing and/or exchanging relevant information where you believe there are concerns about the protection of children, young people and adults at risk. In addition, you are lawfully able to share confidential information where disclosure is necessary to protect the individual or another third party. This extends to all practitioners working with adults who may be self-harming or neglecting themselves.

We would wish to firstly highlight information from the Information Commissioner’s office, that states:

“It is very important that the practitioner uses all available information before they decide whether or not to share. Experience, professional instinct and other available information will all help with the decision making process as will anonymised



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discussions with colleagues about the case. If there is any doubt about the wellbeing of the child and the decision is to share, the Data protection Act should not be viewed as a barrier to proportionate sharing

Where a practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the Act in such circumstances."

Dr Ken Macdonald
Assistant Commissioner Scotland & Northern Ireland
Information Commissioner's office

Furthermore, we would again draw your attention to the Scottish Government's *Sharing Information About Children at Risk: A Guide to Good Practice (2003)* which states:-

"If there is reasonable concern that a child may be at risk of harm this will always override a professional or agency requirement to keep information confidential. All professionals and service providers have a responsibility to act to make sure that a child whose safety or welfare may be at risk is protected from harm".

And the National Guidance for Child Protection 2014 which states:

"Harm" means the ill treatment or the impairment of the health or development of the child, including, for example, impairment suffered as a result of seeing or hearing the ill treatment of another. In this context "development" can mean physical, intellectual, emotional, social or behavioural development and "health" can mean physical or mental health. ". "

The Adult Support and Protection (Scotland) Act 2007 places a duty on those agencies named in the Act to:

"Co-operate with the council making inquiries about adults thought to be at risk of harm and each other. This may include the examination of records."

Harm – Section 53 states harm includes all harmful conduct and includes:

- Conduct which causes physical harm;
- Conduct which causes psychological harm (for example by causing fear, alarm or distress);
- Unlawful conduct which appropriates or adversely affects property, rights or interests (for example theft, fraud, embezzlement or extortion); or
- Conduct which causes self-harm.

Risk of harm – Section 3(2) makes clear that an adult is at risk of harm if: Another person's conduct is causing (or is likely to cause) the adult harm; or



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The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

It is important that we continue to be open and transparent and make people aware that we will share information when we suspect there is a risk of harm. It is also important that you record any decision to share or not to share information and your reasons for doing so.

We hope this will confirm our ongoing support and provide confidence in decision making and sharing relevant information. In doing so, you will add to the protection of children, young people and adults at risk in Dumfries and Galloway and improve the quality of life for the most vulnerable in our community.

For further advice and guidance we would encourage you to speak directly with your supervisor / manager or your organisation's Data Protection expert as follows:

Dumfries and Galloway Council dataprotection@dumgal.gov.uk

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