Information Sharing

Guidance







Presenters

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Introduction

- The effective sharing of information is essential for keeping children and young people safe and promoting their welfare.
- Data protection law should not be a barrier when it is necessary, proportionate, and justified
- Missed opportunities to record and share information in a timely manner can have severe consequences for the safety and welfare of children and young people.
- London Safeguarding Children Procedures set out guidance on information sharing in full: CP9. Information Sharing Guidance (londonsafeguardingchildrenprocedures.co.uk)
- See also "Myth busting guide to information sharing" in
- https://assets.publishing.service.gov.uk/media/65803fe31c0c2a000d18cf40/Working toget
 her to safeguard children 2023 statutory guidance.pdf



In what circumstances can information be shared?

- Information can be shared to safeguard and promote the welfare of children, as set out in <u>Working Together 2023</u> (the statutory guidance for all organisations and agencies who have functions relating to children).
- "Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks of concerns about the safety and welfare of children."
- Sharing information early helps to ensure that a child or young person receives the right services at the right time
- Practitioners should be alert to the need to share important information about any adults a child or young person has contact that may impact the child or young person's safety or welfare.



Who is responsible for sharing information and how?

- All practitioners, agencies and organisations – must not assume that someone else will pass the information on.
- Local Safeguarding Partners information sharing in timely and proportionate way, with local area and across boundaries.
- Share information securely and record nature of request. In an emergency, do not delay, share timely/proportionate data and record after the event.
- If you are concerned about information sharing practice in your local area then follow the local escalation procedures.
- Your agency's own procedures will enable information sharing, e.g. <u>MET Police</u> <u>information request form (87b)</u>





Remember the 7 Principles of Information Sharing

- Use your judgement if you are unsure, consult with your manager or information/governance/data protection lead.
- Ensure information is:
- Necessary and proportionate to the circumstances
- Relevant to the circumstances
- Adequate and sufficient for its purpose
- Accurate and up to date
- Timely, particularly in an emergency
- © Exchanged securely
- The details of the information shared (or withheld) should be recorded.



The Golden Rules

Remember

- Welfare of the child always more important than confidentiality
- Discuss concerns with the child's carer if it is safe and practicable
- You do not need consent to share information
- Seek advice promptly if you are unsure
- Protect identities of people who might suffer harm
- Only share information with people/organisations that have a role in safeguarding
- Record your reasons for information sharing
- Subjects of information sharing have the right to challenge





Information Sharing

A police Perspective



DUTY TO PROTECT INFORMATION

- You, along with everyone else in your organisation, has a personal responsibility and duty to value, protect and maintain the confidentiality of all information.
- This requirement applies from the moment of receipt/ collection of any information [aka as data] by your organisation and continues throughout the whole of its 'information lifecycle' i.e. the recording, processing, use, storage, disclosure, sharing and movement of the information up to its final disposal.

What is Data? - Personal & Sensitive Data

- Name and contact details
- Age/date of birth
- Ethnic origin, religion
- Criminal information, police information and intelligence, information from the London Fire Brigade, anti-social behaviour (ASB) data
- Educational information
- Health records

- Information on sex life and sexual orientation
- Housing information
- Social services information, referrals and assessments
- Financial information
- Images in photographs, film or CCTV
- Employment information

'Information sharing'

Sometimes referred to as 'data sharing', is the disclosure of information from one or more organisations to another organisation(s) where permitted by law. It can take the form of:

- - a reciprocal exchange of information
 - one or more organisations providing data to a third party or parties
 - several organisations pooling information and making it available to each other
 - several organisations pooling information and making it available to a third party or parties
 - exceptional, one-off disclosures of data in unexpected or emergency situations
 - different parts of the same organisation making information available to each other

Information sharing can be achieved through the sharing of information verbally, in physical or in digital form.

Most sharing by the police and other organisations involve 'personal data' and therefore has to comply with either the Data Protection Act 2018 (DPA) or the General Data Protection Regulation (GDPR) – together known as 'Data Protection legislation'.

Purpose of Information Sharing

Information sharing enables early intervention and preventative work to safeguard and promote welfare and for wider public protection. The public need to be confident that their personal information is kept safe and secure. All professionals are responsible for ensuring that we share information appropriately as part of our day-to-day practice and do so confidently, proportionately and lawfully.

Benefits of sharing information – Police Perspective

The lawful sharing of information has a number of benefits:

• It is a two-way process with information flowing both from and to the police service and helps to provide improved public services.

• Increased openness among partner agencies builds confidence and trust in

the police service.

• It allows police and partners to make better informed decisions on how best to protect

the public.

• Formalised processes increase confidence of individual officers and staff to lawfully share information. It increases expertise and professionalism.

Purpose and Benefits

- The Children Act 2024 emphasises the importance of safeguarding children by stating that relevant partner agencies must make sure that functions are discharged with the aim of safeguarding and promoting the welfare of children.
- The Act also states that they must promote co-operation between relevant partner agencies to improve the well-being of children in their area.
- Information necessary for safeguarding decisions in relation to children and young people is held by numerous statutory and non-statutory agencies. Some serious case reviews and inquiries have directly attributed the lack of good information sharing and communication to the subsequent death of an individual.
- To deliver the best safeguarding decisions, decision makers need the full information picture concerning an individual and their circumstances to be available to them. All the information from various agencies needs to be available and accessible in one place; to keep children safe.

Sharing personal and sensitive personal information

Human rights

Article 8 of the European Convention on Human Rights (ECHR) gives a right to respect for private and family life, home and correspondence. It also specifies the circumstances in which a public authority may interfere with that right.

Proportionality

Ensure a fair balance between the protection of an individual's rights and the general interests of society. Sharing personal or sensitive personal information will be proportionate if:

o The purpose justifies it, and o The measures taken are rationally connected to the purpose, and fair, and o The means used are necessary and no more,

o Or the person concerned consents to the information being shared.

Proportionality and necessity

Professionals must weigh up what might happen as a result of the information being shared against what might happen if it is not, and apply their professional judgement.

Although sharing of information can impact on a practitioner's relationship with an individual/family, keeping the child safe must always be the first consideration.

Safeguarding is a "special purpose" under the Data Protection Act and as such you should share if the sharing is necessary for the protection of an individual, under or over 18, who is at risk from neglect or physical, mental or emotional harm.

Justification for sharing information:

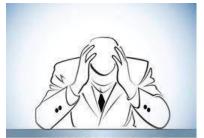
- necessary for the purposes of preventing or detecting crime
- Required by an enactment, rule of law or by the order of a court or tribunal
- Being in the public interest.
- Or that you acted in the reasonable belief that:
 - The person had a legal right to obtain the information
 - The person would have had the consented if they had known about the obtaining or disclosing

Information Sharing - Will I get into trouble?

Can we share information? On what grounds? Will I get into trouble for sharing? What about GDPR or Data Protection?

'LSCP's Core Procedures Ch 9 Information Sharing Guidance' contains all the information that you need to know about the legal basis for sharing information.

'The use of terminology like GDPR, lawful basis, data processing, data controller/processor, special category data and references to the Data Protection Act can give the impression that there are numerous barriers to information sharing. There are not. Information can be shared to safeguard and promote the welfare of children'.



Legal Framework for Information Sharing

All professionals are well placed to identify early when a child's welfare is at risk and when a child may need protection from harm.

Legal Power to Share:

Section 35(2)(b) of the Data Protection Act 2018 and in Schedule 8 Safeguarding of children and of individuals at risk: 4(1) This condition is met if—

(a) the processing is necessary for the purposes of—

(i) protecting an individual from neglect or physical, mental or emotional harm,

(ii) protecting the physical, mental or emotional well-being of an individual, (b) the individual is—

(i) aged under 18, or (ii) aged 18 or over and at risk, (c) the processing is carried out without the consent of the data subject for

of the reasons listed in sub-paragraph (2), and (d) the processing is necessary for reasons of substantial public interest.

Legal Power to Share:

SCHEDULE 8 CONDITIONS FOR SENSITIVE PROCESSING UNDER PART 3 S47 Children Act 1989:

A section 47 enquiry is initiated to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of or likely to be suffering significant harm.

The police, health practitioners, teachers and school staff and other relevant practitioners should help the local authority in undertaking its enquiries.

Professionals should:

- Help other organisations and agencies understand the reasons for concerns about the child's safety and welfare.
- make available to other practitioners any evidence gathered to inform discussions about the child's welfare

Legal Power to Share:

The Data Protection Act 2018 and General Data Protection Regulations (GDPR):

This legislation does not prevent the sharing of information for the purposes of keeping children safe. 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.

In effect, the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information.

Personal information collected by one organisation/agency can be disclosed to another.

In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners.



Working Together 2023:

Statutory guidance for "all organisations and agencies who have functions relating to children".

It is a guide to inter-agency working to safeguard and promote the welfare of children and it states that 'practitioners 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, whether this is when problems are first emerging, or where a child is already known to local authority children's social care'.

Working Together to Safeguard Children 2023 (publishing.service.gov.uk)

Working Together 2023 continued:

- Applies to all children up to the age of 18 years.
- The police should assist other organisations where there are concerns about the child's welfare, whether or not a crime has been committed.
- Effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe.
- Practitioners 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.
- Information sharing is also essential for the identification of patterns of behaviour.

What is an Information Sharing Agreement (ISA)?

An ISA identifies the statutory or common law basis for sharing personal information, and the extent and nature of the personal information to be shared. An ISA identifies:

- Common standards for processing and handling information.
- The lawful basis for using personal data, to achieve more effective policies and deliver better services while ensuring privacy and confidentiality of personal information

This type of agreement is appropriate whenever the organisations either request or are requested to share information on a regular basis with others.

A structured framework for the sharing of information.

London Multi-Agency Safeguarding Data Sharing Agreement for Safeguarding and Promoting the Welfare of Children

The policy framework for sharing information between agencies in London. The most important consideration is whether sharing information is likely to assist in safeguarding and promoting the welfare of a child; if it does then information can be shared without consent.

This Data Sharing Agreement [DSA] documents how parties will share personal data about children and families for safeguarding purposes.

The key agencies listed are:

- London Borough Councils
- Metropolitan Police Service, British Transport Police & City of London Police
- National Probation Service
- Local health partners

- Department for Work & Pensions (inc Job Centre Plus)
- London Ambulance Service
- Local substance misuse partners
- Local voluntary groups

Ownership of this agreement

- This agreement was drafted by a working group of representatives of the police, health, local authorities and London Councils.
- The local authority representatives worked under the banner of the Information Governance for London Group (IGfL), to draft one agreement that would work for all boroughs. The aim is to reduce the number of versions of sharing agreements that historically differed between boroughs.

Responsibilities of parties involved

All parties confirm that they comply with data protection legislation by:

- having a lawful basis for processing and sharing personal data.
- ensuring data quality.
- storing and sharing information securely, with access management controls.
- having policies and procedures for compliance with data protection legislation
- ensuring that mandatory training is undertaken regularly by their employees to ensure they are clear and up to date on their responsibilities.
- undertaking appropriate data protection due diligence checks with any contractors/data processors they employ
- having written processes for the processing of data to ensure employees use and share personal data in line with data protection law, the data protection principles, and this agreement.

Outside of the London Multi-Agency Safeguarding Data Sharing Agreement

There are multiple other information sharing arrangements. A non-exclusive list is below.

- a) JAR (Joint Agency Response) meetings which are held a day or two after an unexpected child/infant death.
- b) Rapid Review meetings after the death of an infant/child.
- c) CDR (Child Death Review) meetings, sometimes referred to a CDOP meetings.
- d) Multi-agency local Children's Safeguarding Panel meetings for each of your local authorities. These vary in name depending on the local authority.
- e) Domestic Abuse Multi-Agency Risk Assessment Conference (MARAC) and Violence Against Women and Girls (VARG)
- f) MACE Multi-agency Child Exploitation Panel
- g) Prevent
- h) Rescue & Response (County Lines).
- i) MAPPA Multi-Agency Public Protection Arrangements. Public protection involves generally a different level of discussion to other agreements.

Requesting Information from Police: 87B Requests for Information updated-87b-v7.docx

The 87B is a form used by CSC to request police information about individuals who are involved in children's lives. It can be used to ask for information about individuals who have come to notice of CSC in the following settings:

- S.47 Child Protection Referral.
- Inter-Agency Risk Management (MAPPA).
- Initial Assessment to justify S.47.
- Children's Social Care carrying out Child In Need Assessment under S.17
- Child is subject of Child Protection Plan
- Children's Social Care faces any unforeseen or sudden occurrence that requires an immediate response from the MPS for an urgent placement of a child with family member or friend.

The request for police information should be proportionate however consent is no longer needed from the subject prior to requesting or sharing information. (Ref: Working Together 2018 page 19)

87B Requests for Information: Process

- 1. Form 87B must be endorsed/signed by the person requesting and by their Manager.
- 2. The Referral's Detective Sergeant reviews the request and if it is considered proportionate and fits one of the categories above, it is allocated for research to be completed.
- 3. Each 87B is given a URN Unique Reference Number
- 4. The research is completed on an 87C which is signed by the person conducting the research.
- 5. The Referrals Desk DS reviews the 87C.
- 6. They must ensure that information to be disclosed is transposed onto the 87D
- 7. The completed Form 87D is signed by the Referral's Desk DS and sent securely back to CSC.

There are situations when CSC may incorrectly request information via an 87B. Examples of this might be:

- 1. An 87B is received requesting police information for a foster placement being considered by CSC for more than 60 days in advance. This should be a DBS check by CSC rather than an 87B request.
- An 87B is received requesting information for Family Court. This should go through DLS

87B – common errors

Form 87B

RESTRICTED

METROPOLITAN POLICE TOTAL POLICING CHILD PROTECTION INQUIRY - INFORMATION REQUEST Child's Name Police URN Address Date of Birth Originator Name/Position Borough Tel. No. Secure Email Subject Requiring Checks (USE ONE FORM PER SUBJECT) Female 🔲 Full Name Date of Birth Place of Birtl Nationality Relationship Address Reason for Information Request (as per London Safeguarding Children Procedures V.7 2022) (a) S.47 Child Protection Referral. nter-Agency Risk Management (MAPPA). (c) Initial Assessment to justify S.47. Children's Social Care carrying out Child In Need Assessment under S.17. Please provide a rationale as to why the request is proportionate and necessary and include the reason why this request cannot be made via a DBS check (up to 60 day response) or via a request to the Directorate of Legal Services (up to 15 day response). Child is subject to a Child Protection Plan. Please provide a rationale as to why the request is proportionate and necessary and include the reason why this request cannot be made via a DBS check (up to 60 day response) or via a request to the Directorate of Legal Services (up to 15 day response). Children's Social Care faces any unforeseen or sudden occurrence that requires an immediate response from the MPS for an urgent placement of a child with family member or friend information for the purposes of keeping children safe. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child provided that there is a lawful basis to process any personal information required. The legal bases that may be appropriate for sharing data in these circumstances could be 'legal obligation' or 'public task' which includes the performance of a task in the interest or the exercise of official authority Detailed rationale for your request. (MUST BE COMPLETED)

Use one Form Per Subject – this refers to the person you are requesting information on. Don't try to squeeze two or more people onto one form

Subject Requiring Checks – please provide as much information as possible. Researchers will do their best, but without sufficient details we can't ensure that it's 100% accurate and may not be able to share it with partners

Reason for Information Request – please ensure the reason selected is accurate, especially if you select (f) they truly have to be unforeseen or sudden. Not simply because other routes (e.g. DLS or DBS) weren't attempted in time.

Detailed rationale for your request – This is where you explain why you require the checks. This is especially important if you selected (f) – explain what occurred that makes this unforeseen or sudden. Or provide details of your attempts to obtain information by other means.

Sharing Information with the Police:

- The public interest is best served when other organisations co-operate with the police. However, any decisions to disclose personal or confidential information must be taken on a case-by-case basis. The following should help in the event that you are asked for information by the police:
- Read and understand your local policy and procedures which should set out how requests for information from the police should be dealt with.
- Be aware of, and abide by, the advice on public interest disclosures provided by your professional regulator.
- Know who deals with requests from the police in your organisation, who
 you can ask for advice and who should authorise the disclosure of
 information to the police.
- Know what to do if these people are unavailable (for example, you are working out of hours). If a decision really cannot wait because someone is at imminent risk of serious harm, use your professional judgement.
- You must record your reasons irrespective of whether or not you share information.

When you must provide information to the police.

Where there is a legal duty to disclose, this means you MUST provide the necessary and relevant information. You should make sure that any disclosure is required by law and, if necessary, ask the police to confirm the statutory or other legal basis they are relying upon

Common examples include:

- Prevention of Terrorism Act (1989) and Terrorism Act (2000).
- The Road Traffic Act (1988).
- The Female Genital Mutilation Act (2003) (for further information click here)

Police sometimes have court orders to obtain information from organisations or individuals and you must comply with court orders.

You should always seek advice from your Information Governance manager, senior managers, Data Protection Officer (DPO) and/or legal advisors where a court order has been served.

When you need to decide whether to provide information to the police

- In some cases, the law provides permission for you to disclose information, but you are not obliged to do so.
- Generally, a disclosure can be made in the public interest to assist the police in preventing or detecting a serious crime or to prevent serious harm to another person.



General points to consider when responding to any request

Ask the police to provide further information, if required, to assist you in ensuring any disclosure you make is necessary and proportionate.

Consider whether it is appropriate to seek explicit consent from the individual before disclosing information to the police.

It should be done only where it is lawful to do so and should not be carried out purely as a matter of routine – each case should be viewed individually;

It may be carried out when enabled by statute or common law;

It must be accurate, judged on its own merits and its relevance should be explained.

Only provide information that is necessary and relevant for the specific enquiry

Document what was requested, by whom, what was given and obtain a signature from the requester.

Where time permits or you are not sure what to do, you should seek advice. You should check your organisation's policy to understand the agreed processes.

Transfer of information to the police

If it is appropriate for you to respond to the police, this should be in writing. In an emergency or urgent situation, a verbal response may be provided but this should be followed up in writing as soon as possible.

London Safeguarding Children Procedures:

The London Safeguarding Children Procedures states that:

- "No practitioner has ever been disciplined nor removed from a professional register for data sharing to safeguard and promote the welfare of children or young people"1:4
- Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing information where there are safeguarding concerns 2:5.
- For further reading click here: <u>London Safeguarding Children</u> Procedures

Information Sharing - A school's perspective

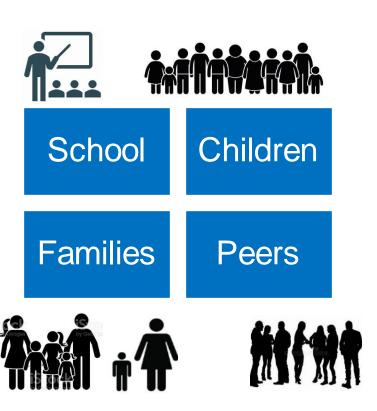
Catherine Goodwin

Head of Pastoral Development / DSL West Lea Special School



The School Context

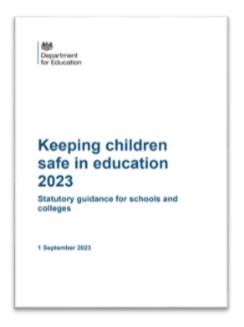
Education







Statutory Guidance





56. Staff should not assume a colleague, or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children's social care (such as a child in need or a child with a protection plan).



Creating a culture of Safeguarding which leads to Information Sharing

- Before consideration is given to information sharing it is important to reflect on how you educate stakeholders on safeguarding issues
- How you ensure the focus remains on being alert to safeguarding concerns
- Creating a network of support



Creating a network of support



Contextual Safeguarding Hub

Borough DSL Network

Virtual School





Community safety



Enfield's Prevent programme

Early Help Family Hub

Youth justice service:

Cheviots children's disability service

SAFE (Service for Adolescents and Families in Enfield)





Creating a culture for information sharing with school staff

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Keeping children safe in education 2023

Safeguarding and promoting the welfare of children is everyone's responsibility.
 Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.

LAL briening Notes 6 may 2022 Shout Outs Safeguarding

Contextual Safeguarding – please pass on to a member of the Safeguarding team if students mention concerns of issues happening outside of school such as concerns about safety in their local area. We can work with local partners such as the police, social care and Community Safety department to pass these concerns on









Practical advice for

schools and colleges



Embedding Safeguarding through the curriculum

Online Safety - Across the curriculum

Online Safety is delivered from Ks1 to Ks5 once a half term every year.

Content is based on KCSIE 4 C's risks: content, contact, conduct and contract

Year 7 Summer 1	Year 8 Spring 1 & Summer 2	Year 9 Spring 2
What can we do to stay safe online? Online safety	What do you know about the internet? What can you do to protect yourself online?	How can you communicate safely online?
Privacy settings, online security, protecting yourself online, posting online, sharing images (inc the law).	Digital literacy Online safety, digital literacy, media reliability, and gambling hooks. Online safety Privacy settings, online security (inc secure passwords), protecting yourself online, posting online, protecting private information and accounts (inc money).	Online safety Similarities & differences communicating in person and online, online peer on peer abuse.



Supporting students to stay safe

Phone Numbers Asking for help Phone Number Name You can also go into a shop or public building Police 999 Ambulance and ask for help. Fire Brigade Some shops display the CHIPS sign and can help you if you are lost or do not feel safe. If you feel unsafe when travelling speak to a member of staff at the station, bus driver or an adult such as a parent with a child. Always call 999 in an emergency

Comic Strip Conversations





Supporting students to sequence the different parts of an incident







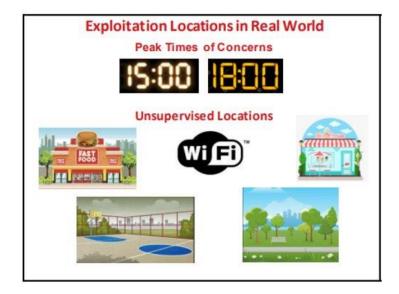




Creating a culture for information sharing with parents











Receiving and utilising confidential information





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Procedures in relation to information sharing

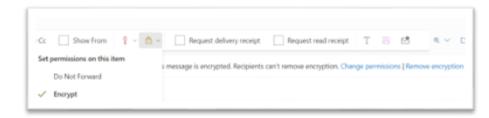
- Training for front line staff e.g. admin team
- Verifying requests for information
- Transfer of Safeguarding files





Sharing Confidential Information

- Using Egress or encryption on emails to ensure information is transferred securely
- Recording details of any information on Safeguarding data base.
- Ensuring Safeguarding files are transferred to new school within 5 days







Example –

Issue Anti-social behaviour occurring at night outside Cyprus Rd Site.





Solution:

Involved Safer School's Officer who liaised with Safer Neighbourhoods team, who organised extra patrols of the area.

The street lighting was fixed which increased visibility in the area.



Re-cap

- Information Sharing is essential for keeping children and young people safe and promoting their welfare.
- Data protection law should not be a barrier when it is necessary, proportionate, and justified
- As practitioners, agencies and organisations, you are responsible for sharing information and must not assume that someone else will pass the information on.
- Remember the 7 principles of information sharing
- Remember the Golden Rules of information sharing
- **Use your judgement** when sharing information if you are unsure consult with your manager or information governance lead.
- If you have concerns about information sharing practice, follow the escalation processes in your local area.

 ENFIELD

Further Resources

- London Child Safeguarding Procedures, Chapter 9
- Working Together to Safeguard Children
- Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers
- The Information Commissioner's Office (ICO) Website
- Practice Guidance on Sharing Adult Safeguarding Information
- Escalation-and-Resolution-Protocol-Childrens.pdf (enfield.gov.uk)

If you have any further questions about the role of information sharing in safeguarding and promoting the welfare of children and young people, speak to your local safeguarding children partnership **Safeguarding Enfield**

