

# Information Commissioner: “Share wellbeing concerns early”



**The Information Commissioner’s Office (ICO) has advised that practitioners’ fears about sharing genuine concerns – without consent – about a child’s or young person’s wellbeing are misplaced.**

In new guidance, Ken Macdonald, Assistant Information Commissioner for Scotland & Northern Ireland said: “Practitioners often ask us whether they can share professional concerns about clients or patients and if so, what level of information may be shared.

“Where consent isn’t appropriate – for example, where an assessment under the SHANARRI principles raises concerns, then the Act provides conditions to allow sharing of this information.”

### All about early intervention

Ken says that the Data Protection Act may have been seen as a barrier to sharing where a practitioner is concerned about a child or young person’s wellbeing, but knows that circumstances have not yet reached the child protection trigger.

However, he says that a risk to wellbeing can be a strong indication that a child or young person could be at risk of harm if the immediate matter is not addressed. “As the Getting it right for every child approach is about early intervention and

prevention, it is very likely that information may need to be shared early on.”

He adds: “While it is important to protect the rights of individuals, it is equally important to ensure that children are protected from risk of harm.”

### Proportionate sharing

Ken Macdonald’s message is clear: “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.”

The key, Ken explains, is to make sure the decision, and the reasoning behind it, is formally recorded.

“It is very important that the practitioner uses all available information before they decide whether or not to share. That’s where experience, professional instinct and even anonymised discussion with colleagues come in,” he continues.

“If there is any doubt about the wellbeing of a child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing.”

- [Read more about the ICO’s advice](#)

# Clarification is welcome



Allan Moffat leads on communications work for the [Getting it right for every child Programme Board](#).

Here, he explains why the Information Commissioner's

guidance is to be welcomed.

“As well as being closely involved in work with the GIRFEC Programme Board, I’m also tasked with making sure Police Scotland understands what Getting it right for every child means – and how everyone in the organisation can play their part.

“The fact that the Commissioner has clarified the issue of when we can share concerns will, I’m sure, be welcomed by many professionals whether they are teachers, health visitors, social workers or the police.

## Professional expertise

“All of us who work with, and on behalf of, children, young people and their families must use our professional expertise and judgement in deciding whether we have a concern about a situation. The GIRFEC approach gives us a set of common tools we can all use so that our decision-making is consistent and always based on the eight indicators of wellbeing. And we can all ask ourselves the same five, key questions:

- What is getting in the way of this child or young person’s wellbeing?
- Do I have all the information I need to help this child or young person?
- What can I do now to help this child or young person?
- What can my agency do to help this child or young person?
- What additional help, if any, may be needed from others?

“GIRFEC is all about early and effective intervention – and of course about putting the child at the centre of that approach.

“The whole point is that everyone takes responsibility for nipping things in the bud. That’s what early intervention is all about.

“By tackling concerns early on – sometimes by doing something relatively simple – it is often possible to avert a more serious issue later on.

“For many years now, we have all been clear that when there is a child protection issue, we share information without consent.

“But we’ll also all have come across situations where we were less certain – and now the Commissioner has made it clear that we can share without consent when we have a concern and believe it is the right thing to do.

“I think this will really empower us to make early intervention more effective, with all the benefits we know go along with that.

“We still need to be timely and proportionate – and we need to protect the rights of individuals – but as the Commissioner says, we must protect our children from risk of harm.

## A reasoned decision

“We will all need to make sure we’ve made a reasoned decision to share without consent, and that there’s a record of this. But this is good practice anyway – and I think we would all want to make sure we had reached a considered decision before we took such a step.

“I’m really keen to hear your views about this – please get in touch via the GIRFEC mailbox – [gettingitrightforeverychild@scotland.gsi.gov.uk](mailto:gettingitrightforeverychild@scotland.gsi.gov.uk) and tell us what you think.”