

Getting it right for every child (GIRFEC) Guide for information sharing



Easy Read version

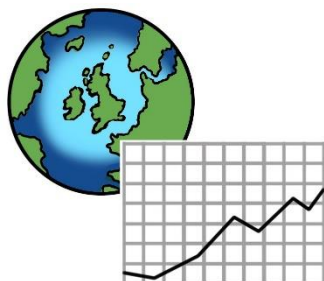
Introduction



GIRFEC (Getting it right for every child) is based on the United Nations Convention on the Rights of the Child (UNCRC). This is a global agreement to protect children.



It gives Scotland a plan to support and protect the wellbeing of children and young people. A Child/young person is an individual who is not yet 18 years old.



Getting it right for every child is based on evidence. It is based on rights. However we need to do more to protect the rights of children in Scotland.



Sharing information at the right time is important.

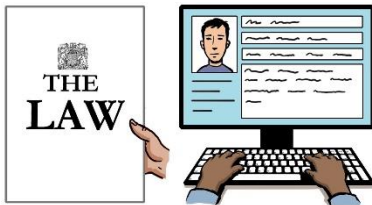


This guidance is for staff and services that work with children and families.



This document is about personal information. It explains:

- when you can share information
- what needs to be thought about
- why it is important to involve children and families.



Data protection laws make sure personal information is treated in the correct way.

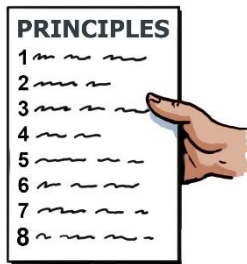


These laws do not stop information being shared if it prevents harm. These laws make sure sharing can be fair and respects rights.



Services should have policies to help staff to work with these laws. Staff should know when they should share information and get further advice.

Building relationships

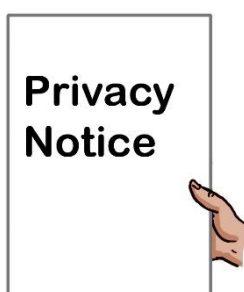


GIRFEC has key principles:

- Place the child and family at the centre of work
- Work in partnership with families
- Understand wellbeing as being about all areas of life
- Value diversity and no discrimination
- Tackle inequality
- Offer support earlier
- Services work in partnership both locally and nationally

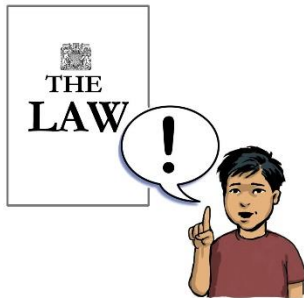


Being clear when sharing information is key to working in partnership with families. If possible they must be told what information the organisation need.

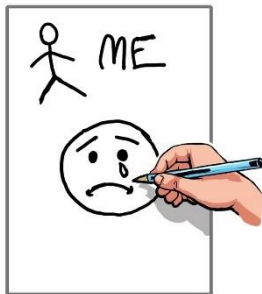


This is usually in a Privacy Notice. This is provided when the service collects personal information. However if a child is at risk the service can share information without telling the child and family.

Rights of the child



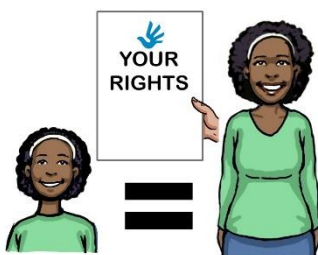
The UN Convention on the Rights of the Child (UNCRC) is to become law. It says that children have the right to speak about matters that affect them. Staff should let children form their own views.



Non-verbal forms of communication can also be used. This can include play, body language, facial expressions, and drawing and painting.



Children and young people with additional support needs have more rights to make sure they are involved.



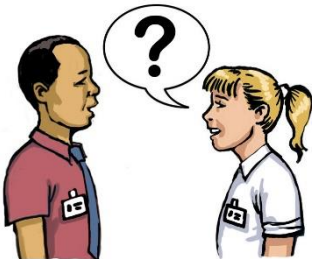
Children and young people have the same rights as adults over their personal information.

Staff Experience



Skilled staff should know when they need to share information. Staff should not over share information.

Seeking advice



Staff should get advice if they have doubts about sharing information.



They should record who they got advice from and what the advice was. They should record if information was shared.

Recording decisions and reasons



If staff share information with another service, they should record the decision and the reasons.

The following should be recorded:



- what information you share, and who with
- your reasons
- any views on information sharing
- if the person has not been informed and the reasons for this
- why you think it is correct to share information
- if the law says you should share information
- if the decision is not to share the information, then record the reasons.

Information sharing with consent



Staff should be open and clear if the children and family have a say over the decision to share.



It is important children and families do not feel pressure to share their information.

Consent



Consent is when people agree to their information being shared.

The individual must understand consent. This can be difficult and people should not feel under pressure to agree.

Sharing Information without consent



There are times where information can be shared without consent. This may be if a child is at risk.

Information sharing for child protection



Child protection is the process if there are concerns that a child may be at risk of harm from abuse or neglect. The situation is assessed and a plan is made.



Where there is a child protection case, information should be shared with Police or Social Work as soon as possible.



It is the role of Police, Social Work and health staff to think about if there is a risk of harm. This includes considering and planning how to speak with the child and family.

Staff with child protection concerns may share information to:



- find out if there is risk of harm
- find out the level of risk of harm
- protect a child at risk of harm
- find out if a child is being harmed
- find out the level of harm
- protect a child who is being harmed



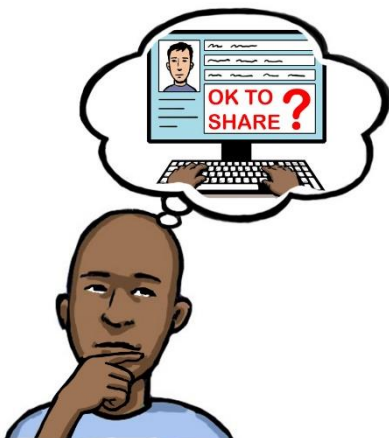
If there is a child protection concern, information can be shared without consent.



The needs, feelings, views and wishes of the child should be taken into account and recorded. They may also need additional support to understand and communicate.



It is important to be clear with children and families so they know what information is to be shared. However sometimes it may not be suitable to tell them.



If there is a child protection concern and a decision is made not to share information, you must think about:

- What are the reasons to not share information?
- What harm could happen if this information is not shared?
- What are the possible risks if information is not shared? How serious could those risks be?

Reasons for not sharing should be recorded.



Children still have the right to voice views on matters that affect them.



Information shared must only be what is needed for a child protection reason.

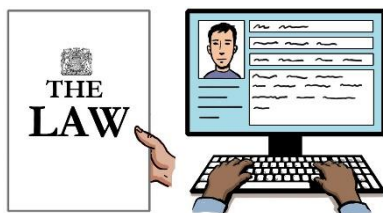


People should not be put under pressure to consent to sharing information. They should be told and involved so they understand what is happening and why.



They should also be told what information about them is being shared.

Lawful reasons for sharing information



Under data protection law, you must have a lawful reason to share information.

Public Task



Public task means there is a law that says something is needed for the good of the public or is a public service.



Your task, function or power must have a clear reason in law. The action must be needed. The lawful basis does not apply if staff could do the task in a different way.

How to decide if sharing information is needed?



Where information sharing is needed to deliver a service, children and families should be informed before they agree to use the service.



It can be clear if sharing information is needed. Make sure that any information you share is:



- clear so that staff are not sharing more information than needed
- balanced and fair with the aim of protecting the child's safety.

Staff should take into account:



- If information is sensitive
- the purpose of sharing
- whether there is a way to share that affects the person's privacy less



Staff must also think about the person's private and family life.



Organisations should make sure children and families are given information.



Human Rights give everyone the right to respect for their private and family life. Sharing personal information is against this right. Services are only allowed to go against this right if it is lawful and fair.

There is 2-part test that needs to be passed.

Part 1 of the test: Is it lawful?



- Could sharing the information protect the wellbeing of the child or young person?
- Can staff share this in a way that meets with data protection laws?
- Have staff met other relevant laws?

Part 2 of the test: Is going against this right needed?



The action is needed for a valid reason, like

- to stop a crime or disorder
- public safety
- protect health or morals
- the financial wellbeing of the country
- protect the rights and freedoms of others
- national security.



Balanced and fair



Even if sharing information is needed for a valid aim it can only be done if it is balanced and fair.



Staff should not share more information than they need to.



Staff should record their actions and the reasons for them.

Confidentiality



If someone trusts staff with personal information and they expect it to stay private, the law says staff should keep it private.



Sometimes there is a good reason for staff to share confidential information. There may also be a legal reason to share such as:

- where there is a serious reason
- where there is a legal reason
- where there is a court order



Third Sector and Independent Organisations



Third sector and independent organisations can share information if they provide a service for public services. They must share information following the rules explained here.



Organisations should have child and adult protection policies. If they have concerns they should share information.