



Child Safeguarding: Information Sharing Guidance for Healthcare Professionals working in Police Custody

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Introduction

This guidance applies to all young people under 18, regardless of mental capacity, including those who are 16 and 17 years old.

Safeguarding a child's needs takes priority over any adult's needs.

Everyone under the age of 18 has all of the rights of the *UN Convention on the Rights of the Child (UNCRC)*. For this reason all children and young people in police custody should be seen by a Forensic Physician.

Fears about sharing information must not stand in the way of the paramount professional responsibility to promote the welfare and safety of children.

Serious Case Reviews have repeatedly illustrated how poor information sharing has contributed to the deaths or serious injury of children.¹

The learning point from this repeated failure is that early information sharing is a key to providing effective early help in the face of emerging concerns.

Legislative and regulatory framework

The relevant legal authorities with respect to information sharing and confidentiality in child safeguarding are²:

- The Children Act 2004
- The Children and Social Work Act 2017
- The Data Protection Act 2018
- Working Together 2018
- Information sharing: Advice for practitioner providing safeguarding services HMG 2015
- The common law duty of confidence
- GMC: 0-18 Years: Guidance for All Doctors

When to share information

If you believe that a child or young person (under 18) you see in custody is suffering, or likely to suffer harm*

*Harm is defined as ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another.

(NB being in custody itself may be harmful), then, following your Local Child Safeguarding Partnership procedures you should share your concerns with your local authority children's social services.

You should do this, despite the fact that the police routinely share the details of their contacts with children and young people³ with the local authority.

You should also seriously consider sharing your concern with the police, as the agency with responsibility for the child when in custody, bearing in mind that your concerns may have an impact on whose charge the child may be released into. You should also make it clear that you are sharing information to safeguard the best interests of the child, rather than as part of an evidence gathering process.

This will require the information to be shared proportionately (see below).

It is equally important to be aware that your consultation with an adult may reveal information about a child or children that raises a concern e.g. a detainee whose partner is dependent on drugs and alcohol and who is in sole charge of their three small children.

You have the same child safeguarding responsibility to share concerns that arise from such situations.

Having observed or heard about an issue of concern⁴, you should:

- Consider discussing your concern(s) with a more experienced colleague, such as a local named or designated doctor or nurse for child safeguarding and/or;
- Gather collateral information from other agencies and health disciplines, having used your professional judgement about whether to explain the need to gather this information for an overall assessment of the child, and/or;
- Ensure review of the child or young person at an appropriate date and/or;
- Make a referral to social services. You should familiarise yourself with the procedure for doing this.

Your child safeguarding responsibilities are not varied by any actions that the police may have taken, and they include challenging the police to fulfil their safeguarding duties.



Rules for sharing information

The following rules⁵ for information sharing need to be remembered:

1. The Data Protection Act is not a barrier to sharing information. It provides a framework to ensure that personal information is shared appropriately.
2. Honesty and openness with the child or young person, and their parents is an obligation, unless such openness adds to the risk to the child or young person.
3. Seek advice if you have any doubt, avoiding sharing the child's identity wherever practical. However, you will have to share such details for a social services referral.
4. Share with consent whenever appropriate, but there will be occasions when the needs of the child will mean that you may have to share information without consent of the child or young person, or their parents. Your judgement will have to be based on the facts of the case.
5. Safety and wellbeing of the child or young person should be the basis for your information sharing, bearing in mind the possible risk to siblings or other children that your concerns and/or suspicions might indicate.
6. Information sharing must be necessary, proportionate, relevant, accurate, timely and secure; in other words, ensure that you are sharing necessary information for the purpose of the safeguarding of a child or children, that you are only sharing it with those who need to know, that it is accurate and timely, (as soon as possible usually represents the best interests of the child) and in such a manner as to keep the information secure e.g. by means of dedicated fax or secure email.
7. Make a record of your decisions to share information, with whom, on what grounds and why. This may also apply to decisions not to share, e.g. with parents who are entitled to know, but with whom sharing might increase the imminent risk to the child or young person.

Finally

Information sharing can be a challenging process, but the rules will never prevent you seeking advice from a child safeguarding specialist or defence organisation about what information to share and with whom. It is important that you share even partly formed concerns, and when you do not feel you have enough information to make a formal referral.

GMC Guidance

GMC guidance on sharing information in child safeguarding can be found at the GMC website:

Confidentiality and sharing information
0-18 Years: Guidance for All Doctors

References

1. *Working Together to Safeguard Children* 2018
2. *The London Child Protection Procedures* 5th Edition 2017
3. *Sec 11 Children Act 2004*
4. *When to Suspect Child Maltreatment*, NICE/CG 89 March 2013 Edition
5. *Information Sharing Pocket Guide*,HMG DoE 2008