

Headteacher's of all Portsmouth
Schools

**Children, Families and
Education**
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Dear colleagues

Early Help and Prevention Service - consent from families to share information

Following a number of queries and concerns, I am writing to you to provide reassurance about sharing information with the Early Help & Prevention Service in respect of children and their families.

As you will be aware Portsmouth has an Early Help & Prevention Service which sits within Education as part of the Children, Families and Education Directorate. The team provides practical help and support to families to stop problems escalating and requiring a statutory Intervention.

The Service receives referrals via the MASH and then seeks consent from the family to work with partner agencies to coordinate the best package of support for the family.

Consent is obtained from all families from the start of their engagement with Early Help Services when families have the opportunity to specify which organisations may share their information for Early Help purposes, including schools (a copy of the consent form is attached). Privacy information is provided to families as part of the Portsmouth Early Help Assessment.

As part of the work, the Lead Practitioner will work with schools to provide support to ensure the best outcome for the child. This will involve sharing information as agreed with the family.

Schools will be aware of the need to be transparent with the individual, informing them that the information has been shared. Schools may also provide privacy information at admission, in their schools general privacy notices and to families at the point of referral for Early Help Services. Schools should be assured that, in all cases, essential privacy information is provided to families at the earliest opportunity and as part of the Portsmouth Early Help Assessment.

The council will make clear to schools which legal basis they are relying on when requesting personal information from schools, including where they are relying on consent or are applying the DPA safeguarding exemption.

The DfE information sharing advice for practitioners providing safeguarding services to children, young people, parents and carers July 2018 emphasises that information sharing is

essential for effective safeguarding and promoting the welfare of children and young people.

The DfE guidance sets out seven golden rules, including where possible, to share information with consent and to respect the wishes of those who do not consent to having their information shared

The GDPR and Data Protection Act 2018 (DPA) place duties on organisations and individuals to process personal information fairly and lawfully; they allow for information to be shared, where the failure to do so would cause the safety or well-being of a child to be compromised. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

Sharing on the basis of consent

- Explicit consent is sought from individuals to share their family's information with partner agencies as part of the Portsmouth Early Help Assessment. Where consent has been obtained, the council may request information from schools in respect of the child and their family for the purpose of providing early help services and support.
- The Early Help Assessment clearly explains that information may be gathered by and shared with each of the partner agencies listed, including schools and colleges, subject to the individual's consent.

Sharing information without consent

- The Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent
- Information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk
- Relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.
- Schools may, therefore lawfully share information where it is requested by the council for safeguarding a child and may share relevant personal information about a child and their family when making a referral to Portsmouth Early Help for the purpose of protecting the child's wellbeing
- When sharing or requesting personal information from someone, schools will, of course, need to base their judgement on the facts of the case and should be clear of the basis upon which they are doing so. The flow chart in the DfE Guidance may assist with this.

I hope that this will provide reassurance to schools that the Early Help Service has consent to obtain information from schools, but if you wish to discuss further please do not hesitate to contact me.

Yours sincerely



Mike Stoneman
Deputy Director, Education and Early Help | Children, Families & Education