

Tees Valley Sport Partnership Information Sharing Guidance

To what type of information or in what circumstances would this protocol apply?

Information may come to light as a result of:

- A positive CRB disclosure during a recruitment/selection process
- Reports of an allegation or suspicion of abuse
- Reports of alleged poor practice
- Other (eg. anonymous report of past concerns)

Sharing information with other bodies (other than with Social Services or Police where abuse is suspected) should be considered only when it is believed the individual has access to children, young people or vulnerable adults through involvement with those bodies or organisations.

What are the principles of this protocol?

- The welfare of children is the primary concern
- There is a responsibility to share information about safeguarding concerns where these may be relevant to other children
- The rights to confidentiality for all parties involved (including the victim and the accused individual) must also be considered

The key relevant areas of legislation are the common law duty of confidence, the Data Protection Act and the Human Rights Act. Despite widespread misunderstanding, specific allowances are made in both Acts to permit information sharing where the safety/welfare of children is concerned.

Alleged or possible abuse

All child protection policies should clearly require any concerns about alleged or potential abuse to be referred to Social Services or the Police. Information that the individual under investigation is believed to be involved with or have access to children and young people through other organisations or bodies should be passed to the statutory services with the initial referral, or should be passed on later if information subsequently comes to light. Decisions about information-sharing in these circumstances should be led by the statutory services.

It is the responsibility of the Social Services and Police to follow up this information with those organisations or bodies. It is potentially damaging to any ongoing investigation for a third party to contact these organisations without the permission of the statutory agencies, as this could impact on any investigation, for example by alerting the person concerned.

Poor practice

In the context of this protocol, poor practice is concerning behaviour that contravenes standards of behaviour identified by the employing or deploying organisation and/or those of the relevant NGB. It does not include concerns that meet the threshold for referral to the statutory services and where those agencies undertake an investigation or further action. It may include circumstances where a referral has been made to Social Services or Police, but they have indicated that the referral information does not reach their threshold for taking any further action.

What are the questions to ask?

Before sharing information with another organisation, the following questions will help inform effective decision-making:

Do I need to share this information in the interests of the child(ren) concerned, or other children who may be affected?

If the answer is 'NO', stop here!

The baseline which will trigger a decision to share information should be the threshold at which your organisation will initiate a formal disciplinary process. If the matter is clearly at the low end of poor practice concerns, it may be appropriate to deal with the situation 'in-house' without invoking the disciplinary process, (although if there is any doubt, advice in principle – if necessary without passing on names or other details - should be sought from the relevant NGB or CPSU).

Who is this information relevant to?

There is a need to establish which organisations you think may need to know this information. This judgement should be based on an understanding, belief or indication that the individual has responsibility for, or access to children, young people or perhaps vulnerable adults in the course of position they may hold in another organisation eg. in a local authority, sports club or other context.

Who do I speak to?

Once you have identified other organisations which need to be informed, you need to establish who to speak to about the actual allegations/incident. This should be the 'Designated Person' with regard to Child Protection matters in the first instance. In cases of poor practice (rather than of suspected abuse) care should be taken to ensure transparency about your actions with the individual concerned.

What information do I disclose?

It may be advisable to discuss the matters of concern without naming the individual in the first instance to ensure that the response you receive from the other organisation is in line with the response you are expecting – there is a degree of trust involved in how they will handle the information, and you may want to gauge their response before disclosing sensitive information.

Recording your actions

It is important to record any actions you take in relation to matters of poor practice and suspected abuse. Where a decision has been made to share information with another organisation, you should record the rationale behind this decision, together with details about what information was shared, with whom and when. Agreement should be sought about ensuring that relevant information (for example about the outcome of disciplinary processes) will be communicated between the organisations.

What is the process to follow?

The flowchart below attempts to capture the key actions / decision points. It is not intended to replace or alter the 'reporting' flowcharts which are included in policies – **it deals specifically with the decision-making process regarding information-sharing.**

(See the Flowchart below)

