



The new information sharing duty

Information for practitioners



Overview of the new duty

- To make it clearer and easier for professionals and agencies to share information about a child, the Children and Welfare Act 2026 introduces a new **statutory information sharing duty**.
- The duty means that designated agencies must share relevant information with other agencies in order to safeguard and promote the welfare of children.
- No statutory threshold needs to be met for the duty to apply so the duty applies to children who need an Early Help service.
- The only exception is where it is thought that sharing the information would be more detrimental to the child's welfare than sharing.
- The duty will be applicable to cases arising **after 30 September 2026**.
- The statutory guidance is available at: [DfE stat guidance template](#)



Description of the new duty

- The new duty requires certain agencies to share information about a child that enables the recipient to carry out their relevant functions in relation to assessing needs, making decisions, providing support and taking action to safeguard and promote the welfare of children.
- Safeguarding and promoting the welfare of children includes identifying need to prevent escalation (Early Help), protection from harm and includes where children pose a risk to others.
- It can include contextual, partial, historical and pattern-based information.
- It can include information about another named individual connected to the child.

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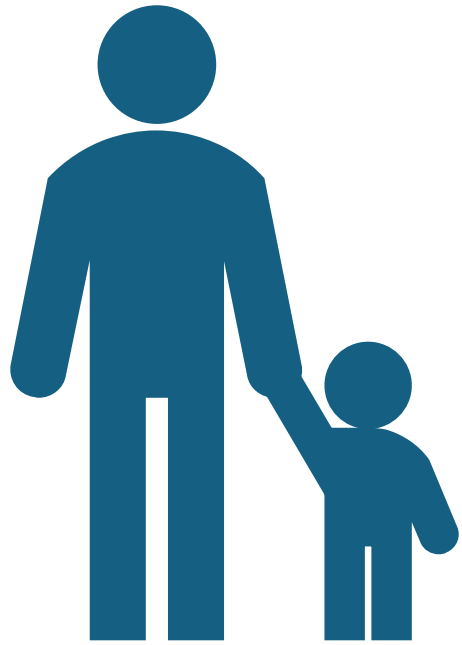
Agencies to whom the duty applies

- Local authorities
- Integrated Care Boards
- NHS trusts
- Police
- Prisons and probation
- Youth Justice Services
- Youth Custody Services
- Designated childcare and education services
- Other providers including GPs



What agencies will need to do

- Agencies need to share information they hold that they consider relevant to safeguarding a child (including information about a third party connected to the child) or where they are asked for information by another agency or practitioner as part of their relevant function.
- The information must be shared as part of that agency's safeguarding duty.
- The common law duty of confidentiality will not apply where the information sharing duty is owed.



Deciding on whether to share

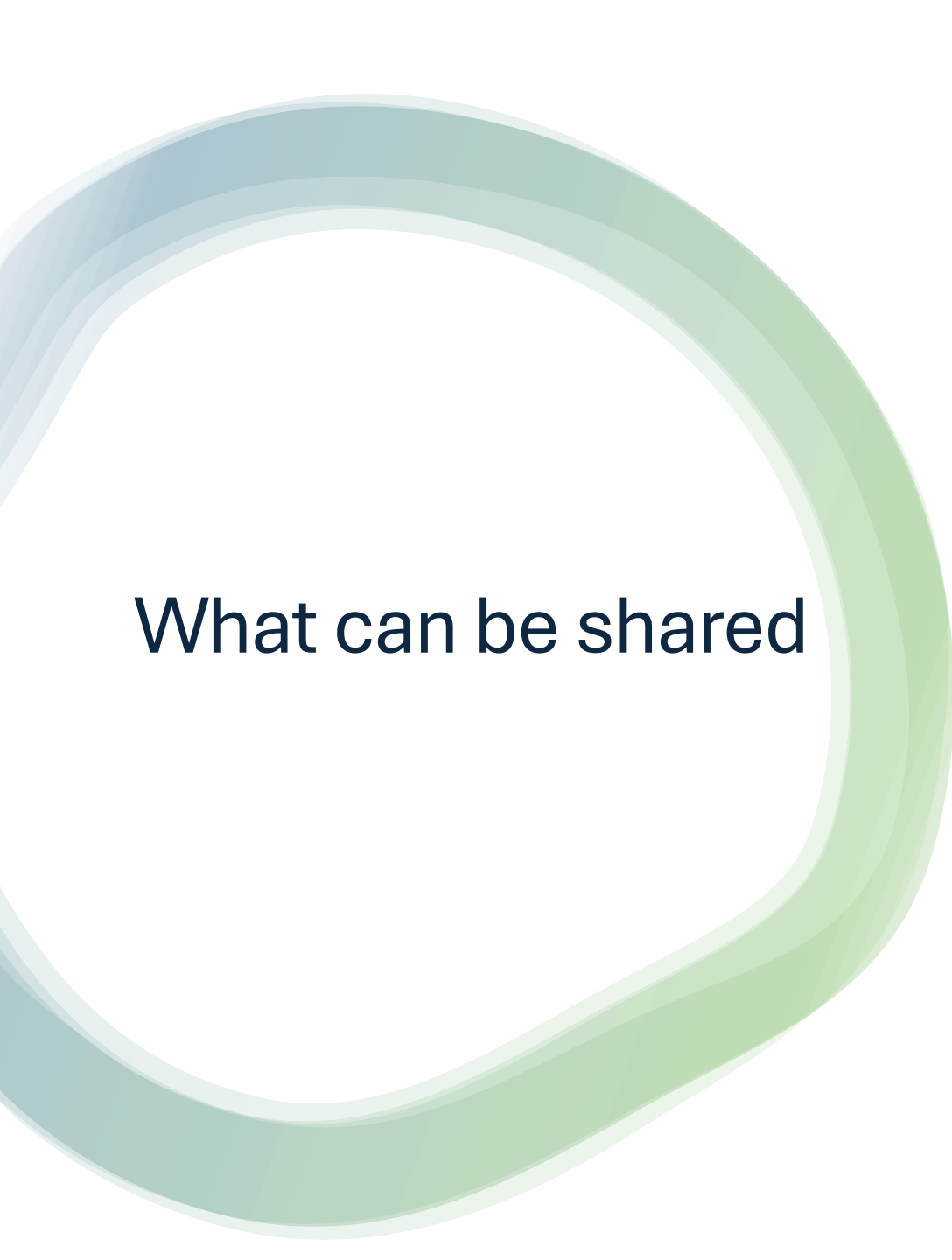
- Professionals should consider the following:
- Is the information relevant; does it have a bearing on the child's safety and welfare?
- Can the recipient use the information to safeguard and promote the child's welfare as part of their function?
- Detriment – could sharing the information be more detrimental to the child than sharing it?



The detriment test

The information sharing duty **will not apply** where sharing the information may be more detrimental to the child than sharing the information. When deciding this, agencies should consider:

- Would the child be placed at immediate risk of harm by sharing the information?
- Would sharing the information interfere with a police operation?
- Would it be contravening a Family Procedure Rule or order of the Family Court?
- Can risk be mitigated, for example by limiting what information is disclosed or using generalisations?
- Is more information needed from the requestor to better decide on the risks involved?



What can be shared

- Information on patterns where multiple children are accessing a service with similar concerns or similar contexts/connections
- Information about a care giver where issues may inhibit parenting capacity ie; substance use
- Information about individuals who may pose a risk to children ie; known offenders, involvement in organised crime; **this includes children who pose a risk to others**
- Concerns about individuals where practitioners are considering sharing this with parents to enable them to safeguard and support their child



Rules for information sharing

- The Data Protection Act 2018 still provides the framework when requesting or sharing information
- Information should be relevant, necessary and proportionate and should enable the recipient in carrying out their relevant functions
- It should be used only for the purpose of safeguarding and promoting the welfare of children
- Agencies need to ensure that there are safeguards in place in relation to accessing personal information held on their systems that is restricted only to those practitioners who need to know
- Agencies should record what information was shared, with whom and the rationale for doing so; a record should also be made when information is **not** shared stating why
- Parents should be informed when information is being shared unless this would increase risk or be impractical
- Records should only be kept for as long as they are needed



Consent and working with families

- Consent is not required to share information in order to safeguard children; there is a legal basis to share under the Children Act 2004
- However, where it is safe to do so, it is best practice to inform parents that information will be shared and to help them understand what information, who it will be shared with and why
- When working with families, professionals should facilitate honest, open discussions about information sharing to support trusting relationships with families