

LSCB Practice Note: Making a referral and seeking consent

As a result of the Learning arising from a Serious Case review in Cambridgeshire, the LSCB would like to remind practitioners about when it is and when it is not appropriate to inform families that they think a referral to MASH is appropriate action to take for the child and family. Working Together 2015 re-affirmed the generic "Information Sharing: Advice for Practitioners providing safeguarding services to vulnerable children and young people" (2015). This guidance supports appropriate practice in this area which in turn supports working in partnership with families. The full guidance can be found here:

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

The guidance contains - The **Seven Golden Rules of Information Sharing**:

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living person is shared appropriately;
2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so;
3. Seek advice if you are in any doubt, without disclosing the identity of the person where possible;
4. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared;
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions;
6. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely;
7. Keep a record of your decision and the reasons for it - whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

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When to refer without consent:

Paragraph 4 above is particularly relevant to sharing information with consent within the context of making referrals. **Remember to use the support and advice of the safeguarding leads** within your organisation if you are struggling with the issue of consent from the family prior to making a referral. The idea of public interest i.e. the prevention of/ protection from significant harm to a child should be considered. Should you remain concerned and are unable to consult with your safeguarding lead you may contact MASH on 0345 045 1362 and request a 'Professional Consultation' with a Social Worker; a Social Worker will make contact with you by the end of the next working day.

Where there is a clear likelihood of a child suffering Significant Harm, the public interest test will almost certainly be satisfied. However there will be other cases where practitioners will be justified in sharing some confidential information in order to make decisions on sharing further information or taking action - the information shared should be proportionate.

Circumstances in which sharing confidential information in making a referral without consent will **normally** be justified in the public interest:

- **When there is evidence** that the child is suffering or is likely to suffer Significant Harm; or
- **There is reasonable cause to believe** that a child may be suffering or is likely to suffer Significant Harm; or
- **To prevent Significant Harm** arising to children and young people or **serious harm** to adults, including through the prevention, detection and prosecution of serious crime.

When consent should be sought:

In all other cases, making a referral should be considered as accessing help and support for children and families. Help and support from services will be most effective if practitioner and services work in partnership with families to secure the best outcomes for their children.

Other relevant guidance and policy

[What to do if you're worried that a child is being abused: Advice for Practitioners \(DfE, March 2015\)](#)

[Cambridgeshire Escalation Policy - Resolution of Professional Disagreements in Safeguarding Work \(May 2014\)](#)