



UK Government

Statutory guidance for the information sharing duty

Government consultation response

September 2026

Contents

Contents	2
Introduction	4
Summary of responses received and the government's response	6
Webinar feedback	6
Main findings from the consultation	6
Summary of government response	7
Question analysis	9
Question 2	9
Question 3	10
Question 4	10
Question 5	11
Question 6	11
Question 7	12
Question 8	12
Question 9	13
Question 10	14
Qualitative analysis	15
Online free text responses	15
Question 11	15
Theme 1: The importance of clear principles to support good information sharing	15
Theme 2: Responses across different sectors	17
Question 12	20
Theme 1: Access to a variety of support resources	21
Theme 2: Multi-agency working culture and training	22
Theme 3: Standardisation, governance and monitoring	22
Question 13	24
Theme 1: Positive equality impacts and protection against disproportionate effects	24
Email responses	25
Theme 1: Clarifying how the duty should be operationalised in practice	26
Theme 2: Inclusivity and equality considerations	28

Government response	29
Clear principles to support good information sharing	29
Operationalising the duty	29
Insight across sectors	30
Data Sharing Agreements	31
Equalities	31
Next steps	33
Annex A: Organisations that responded to the consultation	34
Question 1	34
Annex B: Organisations that participated in the development of guidance and data sharing agreements	36

Introduction

This document sets out the government's response to the consultation on draft statutory guidance for the information sharing duty at section 16LA of the Children Act 2004 as introduced by section 4 of the Children's Wellbeing and Schools Act 2026, alongside the full analysis of consultation responses.

Summary: Purpose of the information sharing duty and statutory guidance

For too long poor information sharing has been identified as a contributory factor to serious child safeguarding incidents. Effective information sharing is essential to safeguarding and promoting the welfare of children, to stop them from falling through the cracks. Where information is not shared in a timely and proportionate way, opportunities to identify need early, provide support, and prevent harm escalating can be missed.

As found in the [Independent Review of Children's Social Care 2022](#), further evidenced by the Department's 2023 Report to Parliament, [Improving multi-agency information sharing](#), difficulty interpreting and applying legislation has hindered effective information sharing, particularly with regard to information which falls below the statutory threshold for action under section 47 of the Children Act 1989.

In response, the Children's Wellbeing and Schools Act introduces a statutory information sharing duty that places a clear legal expectation on relevant organisations to share information relevant to safeguarding and promoting the welfare of children, to improve clarity, confidence and consistency of information sharing across the system.

The draft statutory guidance, as the subject of this consultation, was designed with practitioners and stakeholders to explain how the duty should be applied in practice, to encourage earlier sharing, support practitioners to act with confidence and reinforce that information sharing is a core safeguarding and welfare activity. Critically, it also sought to clarify longstanding misconceptions about the relationship between information sharing, consent, transparency, confidentiality, data protection and statutory thresholds.

The consultation broadly found that the draft statutory guidance met those aims, with some common areas for improvement including greater clarity on consent and on relevance and proportionality. These have been addressed and the final version is published alongside this consultation response.

We would like to acknowledge the invaluable contribution of over 65 practitioners and stakeholders across both the statutory guidance working group and data sharing agreement working group who gave their significant expertise from all sectors to develop draft documents and amendments in light of consultation feedback. Please see 'Annex B: Organisations that participated in the development of the guidance and DSAs' for acknowledgements by organisation.

Given the significance of this guidance, and its role in shaping practice across multiple sectors, the government consulted widely through both online consultation and hosting six webinars, in addition to having co-designed the draft alongside a group of multi-agency practitioners, and other stakeholders including the Information Commissioner's Office (see Annex B). The purpose of this consultation was to better understand whether the draft guidance:

- is clearly understood by those to whom it applies;
- gives practitioners confidence to share information earlier, and appropriately;
- supports lawful, proportionate engagement with children and families;
- can be implemented effectively within existing local arrangements and systems; and
- is likely to lead to meaningful and lasting changes in information sharing culture and practice.

Summary of responses received and the government's response

Webinar feedback

In addition to analysis of the online consultation responses, feedback on draft guidance was gathered across six national webinars, two of which were for a general audience, and the rest specific to each of Health, Local Authorities, Education & Early Years and Policing & Justice. Across these, there were 612 unique attendees. Feedback was broadly consistent with online responses, with attendees calling for:

- Greater clarity on consent to share information, as opposed to consent for voluntary services.
- Support to understand relevance and proportionality
- Recognition of the importance of the voluntary sector, and the inclusion of information sharing advice for non-statutory partners.

Main findings from the consultation

The consultation demonstrated broad support for the draft guidance, with high levels of agreement that it is clear and helpful. Most respondents agreed or strongly agreed that the guidance increases confidence in information sharing (82%) and clearly explains the updated legal framework (81%). Agreement was lower on practical implementation, with around two-thirds agreeing that the guidance helps them understand how to operationalise the duty locally (67%) and that the data sharing agreement template will support implementation (66%). This suggests respondents would welcome additional support on local delivery and implementation.

The same findings were reflected in the qualitative free text comments. Respondents commonly noted the guidance provides helpful clarification of the legal basis for information sharing and could support more proactive and earlier information sharing. Respondents requested greater clarity on how the duty will be operationalised in practice, including:

- ensuring the principles of good information sharing are central and clear to both the guidance and its implementation
- providing more detailed and complex examples across different groups and sectors, covering both requests for and sharing of information, to support practitioner decision-making
- access to a range of supporting resources at both local and national levels

- promoting consistency in information-sharing practice, including expectations about how information should be recorded and shared
- setting out approaches to monitoring the impact and outcomes of information sharing, including monitoring impacts on specific groups
- providing clarity on engagement with children, young people, and families around information sharing

Summary of government response

You said that draft guidance would benefit from:

- greater clarity around consent to share information
- further content around the accuracy of information
- further guidance on transparency and engaging with children and families
- support for practitioners to better understand what is considered relevant and proportionate
- inclusion of further example scenarios to illustrate how the duty will apply in practice
- greater clarity sharing information about other individuals connected to a child
- stronger messaging on sharing information across service boundaries
- more reference to children with SEND
- inclusion of information sharing advice for non-statutory organisations
- greater clarity that information can be shared with non-statutory organisations, though this sharing takes place outside of the duty
- further content relevant to operationalising the duty
- inclusion of content on anti-discriminatory practice

Following your feedback, we:

- reworked content on consent to make clear the distinction between consent to share information under data protection law and consent for services, to dispel a common misconception that consent is required to share information in the form of a referral to a service
- improved content on data protection law to include considerations around the accuracy of information

- strengthened guidance for practitioners on navigating transparency with children and families, and the importance of ensuring children and families do not confuse transparency with consent to information sharing.
- further clarified guidance on sharing information about other individuals connected to a child, including reference to adult social care.
- included two further example scenarios in the welfare space, which better illustrate:
 - good practice with regards to transparency
 - considerations to be made when sharing information about children with SEND
 - the importance of thinking about a child's circumstances holistically
 - considerations around accuracy
 - considerations around relevance and proportionality of information
 - sharing information about other individuals connected to a child
- included a dedicated section on sharing information across service boundaries within England, to be clear that the information sharing duty applies.
- are committed to continue to work closely with partners across sectors to ensure the updated guidance reflects stakeholder feedback and supports effective local implementation, and explore what additional materials may be helpful to support practitioners, including resources to aid engagement with children and families and other learning and development products
- included content on anti-discriminatory practice

Question analysis

The consultation was open between 2 June 2026 and 14 July 2026 and received 283 online responses and 19 responses via email correspondence, totalling 302 responses.

The consultation consisted of sixteen questions. This included nine quantitative questions using a Likert scale from strongly agree to strongly disagree, three free-text responses and four questions which included supporting information such as respondent's roles and preferences for handling their responses.

Percentages presented in the findings have been rounded to whole numbers and as such may not add to 100%. Percentages are based on the number who responded to each question described in a note under each table as opposed to the overall total of respondents (283).

Question 1 allowed for multiple response options; many respondents used the 'other' response option to describe their role in more detail. Information on Q1 is presented in Annex A.

Question 2

To what extent do you agree/disagree that the guidance helps you to feel more confident sharing information relevant to safeguarding and promoting the welfare of children?

As shown in table 2, the majority of respondents (82%) agree or strongly agree that the guidance helps them feel more confident with sharing information relevant to safeguarding and promoting the welfare of children. One in ten (10%) feel neutrally, and eight per cent (8%) disagree or strongly disagree.

Table 2: Agreement levels in the guidance supporting confidence with sharing information

Answer	Total	Per cent
Strongly agree	91	33%
Agree	137	49%
Neither agree nor disagree	27	10%
Disagree	11	4%
Strongly disagree	12	4%

Base: 278 respondents

Question 3

To what extent do you agree/disagree that the guidance will support earlier information sharing, where concerns relate to emerging need or prevention, rather than harm?

As shown in table 3, the majority of respondents (80%) agree or strongly agree that the guidance will support earlier information sharing where concerns related to emerging need or prevention, rather than harm. Twelve per cent (12%) feel neutrally, and eight per cent (8%) disagree or strongly disagree.

Table 3: Agreement levels in the guidance supporting earlier information sharing

Answer	Total	Per cent
Strongly agree	86	31%
Agree	136	49%
Neither agree nor disagree	33	12%
Disagree	12	4%
Strongly disagree	10	4%

Base: 277 respondents

Question 4

To what extent do you agree/disagree that the guidance effectively sets out the updated legal framework for information sharing to safeguard and promote the welfare of children?

As shown in table 4, the majority of respondents (81%) agree or strongly agree that the guidance effectively sets out the updated legal framework. Just over one in ten (12%) feel neutrally and eight per cent (8%) disagree or strongly disagree.

Table 4: Agreement levels of the effectiveness of the guidance in setting out the updated legal framework

Answer	Total	Per cent
Strongly agree	77	28%
Agree	147	53%
Neither agree nor disagree	32	12%
Disagree	11	4%
Strongly disagree	11	4%

Base: 278 respondents

Question 5

To what extent do you agree/disagree that the guidance makes clear when and how to consider detriment, and that this should only apply in limited and exceptional circumstances?

As shown in table 5, the majority of respondents (78%) agree or strongly agree the guidance makes clear when and how to consider detriment, and that this should apply in limited and exceptional circumstances. Thirteen per cent (13%) feel neutrally, and just under one in ten disagree or strongly disagree (9%).

Table 5: Agreement levels in the guidance supporting when and how to consider detriment

Answer	Total	Per cent
Strongly agree	66	24%
Agree	149	54%
Neither agree nor disagree	37	13%
Disagree	17	6%
Strongly disagree	9	3%

Base: 278 respondents

Question 6

To what extent do you agree/disagree that the guidance, supplemented by examples, makes clear what kinds of information fall under the information sharing duty, including information held about other individuals connected to a child?

As shown in table 6, the majority of respondents (82%) agree or strongly agree the guidance makes clear what kinds of information fall under the information sharing duty, including information held about other individuals connected to a child. Just under one in ten (9%) feel neutrally and just under one in ten disagree or strongly disagree (9%).

Table 6: Agreement levels in the guidance making clear what kinds of information fall under the information sharing duty

Answer	Total	Per cent
Strongly agree	67	24%
Agree	162	58%
Neither agree nor disagree	25	9%
Disagree	15	5%
Strongly disagree	11	4%

Base: 280 respondents

Question 7

To what extent do you agree/disagree that the guidance, supplemented by examples, makes clear the role of data protection legislation, including alternative lawful bases to consent?

As shown in table 7, the majority of respondents (77%) agree or strongly agree the guidance makes clear the role of data protection legislation, including alternative lawful bases to consent. Thirteen per cent (13%) feel neutrally, and one in ten disagree or strongly disagree (10%).

Table 7: Agreement levels in guidance making clear the role of data protection legislation including alternative lawful bases to consent

Answer	Total	Per cent
Strongly agree	63	23%
Agree	153	55%
Neither agree nor disagree	35	13%
Disagree	17	6%
Strongly disagree	11	4%

Base: 279 respondents

Question 8

To what extent do you agree/disagree that the guidance makes clear that the common law duty of confidentiality does not apply when sharing information in compliance with the information sharing duty?

As shown in table 8, the majority of respondents (84%) agree or strongly agree the guidance makes clear the common law duty of confidentiality does not apply when sharing information in compliance with the information sharing duty. Just under one in ten feel neutrally (9%) and around one in twelve disagree or strongly disagree (8%).

Table 8: Agreement levels in the guidance making clear the common law duty of confidentiality's relation to the information sharing duty

Answer	Total	Per cent
Strongly agree	79	28%
Agree	155	56%
Neither agree nor disagree	24	9%
Disagree	11	4%
Strongly disagree	10	4%

Base: 279 respondents

Question 9

To what extent do you agree/disagree that the guidance is useful for understanding how the duty is best operationalised on a local level, including how information should flow between organisations at different points in the system?

As shown in table 9, two-thirds (67%) of respondents agree or strongly agree the guidance is useful for understanding how the duty is best operationalised on a local level, including how information should flow between organisations at different points in the system, fifteen per cent (15%) feel neutrally and just under two in ten (18%) disagree or strongly disagree.

Table 9: Agreement levels in usefulness of the guidance for understanding how it is best operationalised on a local level

Answer	Total	Per cent
Strongly agree	43	16%
Agree	142	51%
Neither agree nor disagree	42	15%
Disagree	32	12%
Strongly disagree	18	7%

Base: 277 respondents

Question 10

To what extent do you agree/disagree that the data sharing agreement template will support local implementation of the information sharing duty?

As shown in table 10, two-thirds (66%) of respondents agree or strongly agree the data sharing agreement template will support local implementation of the information sharing duty. Just under two in ten respondents neither agreed nor disagreed (19%) and sixteen percent (16%) disagree or strongly disagree.

Table 10: Agreement levels in the usefulness of the data sharing agreement template for local implementation

Answer	Total	Per cent
Strongly agree	45	16%
Agree	137	49%
Neither agree nor disagree	52	19%
Disagree	25	9%
Strongly disagree	18	7%

Base: 277 respondents

Qualitative analysis

Online free text responses

Respondents also provided free text responses to questions 11, 12 and 13. These responses were read and analysed qualitatively by theme. There was a broad sense of support for the rollout of the duty, and many reflected it would support practitioner confidence, support earlier information sharing and dispel common misconceptions around information sharing. Respondents commonly stressed the importance of principles to support good information sharing practice and quality of information shared. They discussed that the guidance could provide greater clarity in how the duty should be applied in practice in complex decision-making scenarios.

A summary of the key themes arising is presented below for each question. Quotations have been attributed to organisations where consent was provided. Where consent was not provided to attribute to the respondent's organisation, quotations have been attributed only to the relevant sector and contain no identifiable information.

Question 11

Is there anything else you'd like to tell us to improve this guidance and/or Data Sharing Agreement, including any barriers or enablers to effective implementation? (free-text response)

202 respondents provided free text responses to question 11.

Theme 1: The importance of clear principles to support good information sharing

Many respondents noted that the guidance provided helpful clarifications around the legal basis which could support more proactive earlier information sharing. Respondents commonly suggested that the guidance should strongly emphasise and explicitly outline principles to supporting information sharing; for example, defining what necessary and proportionate information sharing means. Many discussed the importance of ensuring accurate information is shared with appropriate contextual information including opportunities to make corrections if information is incorrect.

The following quote demonstrates the importance of clear principles to support information sharing which was common across responses:

“Information sharing should improve safeguarding, but there is also a risk of disproportionate or poorly contextualised information sharing affecting families who already experience structural disadvantage. The guidance should therefore reinforce proportionality, quality of recording, professional curiosity, use of respectful language, and awareness of bias.” (Local authority)

Other principles related to the accuracy of information. Respondents were concerned about the risk of sharing incorrect information and discussed how inaccuracies could be resolved:

“It is vitally important that information is as accurate as possible. I know that information and words can be interpreted differently by people with different experiences. Data/Information can look different depending on who has written, who has read it. Perhaps data/information is recorded and listened to? Different specialties can and do use the same word to mean different things. How is information shared checked for accuracy?” (Member of the public)

Consent

Respondents welcomed the guidance outlining the difference between consent to share information and consent to receive a service. There was a sense that consent from parents/carers is common in current practice and therefore many anticipated a noticeable shift in culture change to move away from this, which may act as a barrier to implementation in the short-term.

The quote shown below demonstrates current consent culture for referrals in LA children’s services teams:

“Often LA children's services team will not accept referrals without consent from a parent, and it is not always [that] there are immediate safeguarding concerns, but rather in those cases where cumulative harm is clear and evidence of a long-term impact, consent is a barrier to information sharing and recording. Guidance more around this would be beneficial. There is still a reactive practice rather than proactive and sharing information and being able to do so is a huge barrier.” (Local authority)

To support understanding, respondents commonly discussed that the guidance could include further examples around consent to support practitioner confidence in applying the guidance in practice. This also included ensuring the difference between consent to share information and consent to receive a service is clear throughout the guidance.

“It would also really help to see more real-life examples, particularly around lower-level worries, consent, and sharing information about wider family members. That’s where practitioners tend to feel least confident day to day.” (Local authority)

Theme 2: Responses across different sectors

Specific responses relating to different agencies have been outlined below. Common across most sectors were suggestions for more detailed and complex examples to support implementing the guidance in practice and to reduce risks of differing interpretations.

Police

Comments discussed the need for further examples in police contexts and clarity from these examples would help ensure that risks of differences in interpretation of the guidance were reduced. For example, the following quotes discuss the types of examples in police contexts that would be helpful:

“Further clarity would be beneficial in relation to police intelligence, operational sensitivities, the application of the detriment exemption, management of unverified information, cross-border disclosures and the practical implications of increased information-sharing activity on frontline safeguarding systems.” (Metropolitan Police)

“It would also be helpful to include more detailed examples of information-sharing arrangements involving police intelligence, health information, education concerns and contextual safeguarding risks, as these are areas where differences in interpretation can still arise despite the existence of a formal agreement.” (Metropolitan Police)

Comments also considered the levels of information and different geographies in police contexts, for example between police forces and for national police organisations:

“It does not adequately cater for (and is relatively silent on) information sharing where national policing organisations like British Transport Police (BTP) are concerned, who fall outside the local multi-agency structures and to which s.16E and s.16G of the Children Act 2004 does not apply to. The information routes and flows contained in the guidance should include a section that caters for “out of local area” referrals and information sharing that does not fall under local level partnerships or local information sharing processes/agreements.” (British Transport Police)

“There is a question that remains around police information sharing across different areas. The level of information sharing is currently set by police force areas who can choose 1 of 3 levels. Will this new Duty require all police forces in

England to share the same level of information (i.e. the most detailed level), which is what local authorities need for effective safeguarding? This is a regular challenge we face.” (Local authority)

Health agencies

Again, responses from health professionals/organisations discussed that further examples in health contexts would support implementation of the guidance. This included examples which account for the reciprocal nature of sharing information (both receiving and requesting), and how decisions on whether to share information or not should be recorded in health records. Impacts on practice in health contexts were also discussed.

Some respondents also discussed specific concerns for example:

“I would like some guidance for health practitioners whether health professionals can share relevant parental mental health information with other agencies in safeguarding cases or not? There needs to be clear guidelines in relation to this.” (Health practitioner)

“One thing I will say, you will need to do a lot of work with GPs to spread the word and ensure the guidance is being followed.” (Alternative provision)

“Regarding confidentiality I would want legal or GMC advice as I do not [think] this is consistent with good medical practice. There are conflicting statements regarding data protection and confidentiality.” (Health practitioner)

Respondents also raised the implications of translating the guidance into practice, particularly in terms of the potential for increased workload:

“We would also like to see more recognition of the practical impact on general practice.... Our main concern is that there is very little distinction between simply sharing information already held in the medical record and asking practices to carry out additional work, such as completing reports or proformas. There also isn't enough clarity around what falls within existing GP contractual responsibilities, what practices will be expected to do, or what the impact on workload is likely to be.” (Lancashire & Cumbria Consortium of Local Medical Committees)

Education

Discussion around education involved noting the importance of the education sector that schools have established relationships with children and families and are well placed to identify emerging concerns. Comments discussed a need for greater emphasis on education as a key partner in the guidance supported with more examples in these contexts. For example, the following quote below discusses clear expectations on the roles and responsibilities would support implementation in education contexts:

“From our experience as an online education provider working with children and young people across multiple local authorities, consistency in implementation will be key. Clear expectations around roles, responsibilities and response times between education providers, local authorities and partner agencies would reduce variation in practice.”
(Tute education)

Comments also reflected on the current challenges with sharing information in education contexts which may reflect challenges for implementation of the guidance.

“Although not currently statutory partners, information needs to be shared consistently with education settings. At the moment it is patchy or non-existent.” (Educational institution)

“Failure in information sharing is largely due to an ever-changing set of parameters and ...failure to pass on key information to other partners, particularly the education sector.” (Educational institution)

Respondents also discussed how the guidance applies to pupils with SEND with some and emotionally based school avoidance (EBSA) identifying risks that information sharing around SEND could unintentionally lead to these children and families being viewed through a safeguarding lens:

“The guidance should make clear that SEND, Autism, ADHD, anxiety-related school avoidance and EBSA are not safeguarding concerns in themselves. There is a risk that information sharing intended to support children could unintentionally lead to neurodivergent children and families being viewed through a safeguarding lens when the underlying issue is unmet need.”(Member of the public)

Voluntary sector and non-statutory partners

Respondents commonly reflected the guidance should outline how the information sharing duty applies to the voluntary sector which was viewed as having an important role in safeguarding.

For example, the following quote discussed the role of the voluntary sector and relationships with families:

“The guidance does not appear to give clear or explicit consideration to the role of the voluntary, community and faith sectors in safeguarding information sharing. This is an important omission. Voluntary, community and faith sector organisations may hold significant information about children and families, particularly where they provide trusted community support, youth work, family support, domestic abuse services, advocacy, faith-based activities or other local services.” (Voluntary community faith and social enterprise sector)

Respondents also frequently highlighted the complexities surrounding voluntary sector organisations as they are not covered by the duty. In particular, there was uncertainty about how the guidance applies where such organisations are commissioned by bodies with statutory functions that would benefit from further clarification in the guidance:

“More explicit detail around which voluntary (and other) agencies may be included within the arrangements - i.e. would a voluntary organisation would be included where commissioned or contracted by a local authority, NHS body, or another relevant agency to deliver children's safeguarding or welfare functions.”(Together for children)

Similar to other sectors the need for practical case studies and clearer examples were discussed including practicalities of how to engage with the voluntary sector and request information:

“Overall, the guidance would be strengthened by including practical case studies, clearer examples of when information should be shared, and greater emphasis on collaboration between agencies and voluntary sector organisations. The effectiveness and consistency of the Information Sharing Duty may be limited if the voluntary and community sector is not clearly included or appropriately reflected within local arrangements.” (Local authority)

Question 12

Beyond statutory guidance, what kinds of other support (if any) would be helpful in supporting you to effectively apply the Information Sharing Duty in practice? (free-text response)

182 respondents provided free text responses to question 12.

Theme 1: Access to a variety of support resources

Respondents highlighted the need for a diverse range of support resources at both local and national levels to support effective and consistent implementation of the guidance.

Suggested resources included multi-agency training, videos, webinars, case studies, FAQs, support lines, and national messaging. There was strong demand for sector-specific examples demonstrating how principles such as consent, proportionality, and detriment should be applied in practice, including how decisions were made in complex scenarios. Consideration of the impact on workload, and how this could be supported in practice, was also highlighted. In addition, respondents suggested developing resources for children and families to help explain the duty. The following quote demonstrates an example of respondents' suggestions for a range of materials and sources of support:

“In addition to statutory guidance, practical training and accessible support materials would be helpful. This could include short online training modules, webinars, case studies, frequently asked questions, and clear flowcharts showing when and how information should be shared.

Regular opportunities for multi-agency learning and discussion would also help build confidence and promote consistency across organisations. Access to simple reference tools, template documents, and examples of good practice would support practitioners in applying the Information Sharing Duty effectively in day-to-day situations. Ongoing updates and communications about changes to legislation, policy, or best practice would also be valuable.” (Childcare practitioner)

Respondents also called for shorter, more accessible versions of the guidance, supported by practical tools such as flowcharts, diagrams, and decision-making frameworks and the need to prominently state the central aim of the duty to support practitioner understanding:

“I think a broad statement would help, such as "Always share information if it is in the best interest of a child, to protect their welfare, or protect them from harm". Practitioners get bogged down with "wordy" guidance and often need a bold statement.” (Health practitioner, NHS)

“Confidence may be undermined by the length and complexity of the guidance. Many practitioners will require a more concise summary of the core duty and clearer operational tools to support day-to-day decision-making.” (Safeguarding partnership)

Theme 2: Multi-agency working culture and training

Respondents commonly discussed the importance of the wider multi-agency context in supporting implementation, noting that multi-agency buy-in and training would help ensure the guidance is implemented effectively in practice:

“The success of the Information Sharing Duty will depend not only on legislative clarity, but also on consistent multi-agency implementation supported by practical training, examples and operational tools.”
(Metropolitan Police)

“Cultural change will depend on leadership across safeguarding partnerships, workforce development and training and strong multi-agency relationships and trust. There is a risk that without these, the duty becomes a compliance exercise rather than a meaningful change in behaviour.” (Local authority)

Respondents commonly discussed how consistency in implementation is important and that multi-agency training could foster shared understanding:

“In addition to the guidance, joint multi-agency training would be really important to build a shared understanding and confidence across partners. Having opportunities to work through real scenarios together would help bring the guidance to life and support more consistent decision-making.” (Local authority)

“Clear expectations around roles, responsibilities and response times between education providers, local authorities and partner agencies would reduce variation in practice.” (Tute education)

Some also mentioned it would be helpful to link more closely to Working Together guidance to improve embedding into current practice:

“Helpful guidance that needs to be embedded within working together in order to ensure that it is accessible to parents and the partnership.”
(Sutton Council)

“If the document comes from the DFE, it is unlikely other agencies will see it as relevant for them - it would be better to incorporate into Working Together to Safeguard Children.” (Services for education)

Theme 3: Standardisation, governance and monitoring

Respondents highlighted the importance of consistency in information sharing, suggesting that clear guidance and greater standardisation through templates, protocols, and agreed processes would support effective implementation. This included clarifying

how information should be recorded, the format in which it should be shared, and the level of detail required. Respondents also suggested that IT systems could help facilitate consistent information sharing, alongside governance mechanisms to support oversight, accuracy, and the correction of information where necessary.

For example, the following quote discusses the importance of consistency across agencies:

“There is also a real need for more detailed consistency in how information sharing is approached between agencies. At the moment, different local authorities often make different decisions about what data can or should be shared — for example, which specific data items are included in shared care records. This creates variation in what partner agencies, particularly health, are able to see in different areas, and adds unnecessary complexity and cost to system configuration and integration.” (Case management system provider, System C)

Many respondents also discussed the role of templates and standards including data sharing agreements and template forms for requesting information:

“Templates for information sharing agreements within Multi agency safeguarding hubs which fully incorporates this guidance. ” (Police officer)

“A national standard form which can be submitted, as information sharing across boundaries will be time consuming. This is particularly the case where we are being asked to share information in a specific, lengthy format for multiple organisations for one household.” (Local authority)

Furthermore, respondents highlighted digital infrastructure as a key enabler in supporting effective implementation particularly to be able to share real time information between multiple agencies:

“Investment in infrastructure and digital systems is critical. Many areas face challenges with interoperability and secure communication between agencies. Practical support to improve systems and enable efficient, secure information exchange would be a key enabler.” (Local authority)

“Working alongside system suppliers to make sure their systems can be fully integrated with other agencies without astronomical costs for all parties.” (Local authority)

Governance and monitoring were also highlighted by respondents as important to implementation. For example, the following quote demonstrates the importance of

accountability processes:

“The guidance is unclear on what actions organisations can take if other organisations do not appear to be following guidance. Oversight is mentioned in section 48 but not in detail. It would be helpful to have a mechanism to apply when, for example, a college does not receive safeguarding information from a student's previous education provider.”
(Education organisation, Association of Colleges)

Question 13

Do you have any overall comments about the potential impact, whether positive or negative, of our proposed changes on those who share protected characteristics under the Equality Act 2010? (free-text response)

145 respondents provided free text responses to question 13.

Theme 1: Positive equality impacts and protection against disproportionate effects

Respondents commonly viewed the guidance as having the potential for positive impacts broadly, and for those who share protected characteristics if implemented effectively in practice.

“The Information Sharing Duty has the potential to support positive equality impacts by enabling earlier identification of need and more coordinated support for children and families who might otherwise be missed. This may particularly benefit children with disabilities, communication needs, neurodivergence, experience of neglect or domestic abuse, children moving between areas, and children whose needs are less visible to any single agency.” (Unspecified role)

Whilst respondents were mainly positive about the potential impact of the duty on improving outcomes for children, they considered potential risks to children for those who share protected characteristics under the Equality Act 2010. They also considered potential impacts as being broader across groups of children who face disproportionate scrutiny or are over-represented within safeguarding systems, for example socio-economically disadvantaged families were commonly noted.

“There is a risk of disproportionate impact if unconscious bias, assumptions or structural inequalities influence decision-making. Any increase in information sharing should therefore be accompanied by robust training, oversight and consideration of equality impacts, to reduce the risk of disproportionate scrutiny, escalation or intervention for children and families who are already over-represented within safeguarding systems.” (Health practitioner)

To reduce risk of negative impacts for children who share protected characteristics respondents and more broadly across groups, respondents discussed what effective implementation would involve. This included principles of proportionality, accuracy of information, anti-discriminatory practice and considering the individual circumstances of the child:

“The guidance should emphasise the importance of professional curiosity, cultural humility and anti-discriminatory practice. Information sharing decisions should always be informed by an understanding of an individual's lived experience and should avoid assumptions or stereotypes based on protected characteristics.” (Waltham Forest council)

“The final guidance should therefore include clearer expectations on proportionality, anti-discriminatory practice, avoiding stigmatising language, distinguishing fact from opinion, accessible explanations for children and families, and local partnership monitoring of disproportionality and impact. Safeguarding partners should be encouraged to use local data and scrutiny arrangements to understand whether the duty is improving equity of access to help and protection or creating unintended disproportionate impacts for some groups.” (Voluntary community faith and social enterprise sector)

“Decisions should always be based on the individual circumstances of the child, not on assumptions associated with disability, neurodivergence, specialist educational provision or previous involvement with children's services.” (Health practitioner)

Email responses

19 responses provided by email. The majority of these were from organisations with a few responses from individuals. The format of email responses varied with some following the structure of the questionnaire whilst others provided a broad summary of their reflections on the guidance.

Respondents broadly agreed with the proposals outlined in document. Key themes are described below.

Theme 1: Clarifying how the duty should be operationalised in practice

Similar to the online responses, there were recommendations that the guidance should include greater clarity on how it could be applied to practice in order to aid practitioner decision making. This included a number of different elements of clarification.

Clarifications of terminology in the guidance

Responses discussed the need for clarity of terminology in the guidance for example, terms such as relevant, proportionate, emerging need, harm, detriment, safeguarding or promoting welfare, and explanations of legal principles in plain language to support practitioner interpretation of the guidance.

“Define the term ‘relevant’ The term ‘relevant’ is used throughout the guidance but not defined. In practice, our research suggests that some professionals appear to consider ‘relevance’ to mean any information about a young person but not how that information is relevant to making safeguarding actions happen.” (Durham global centre for contextual safeguarding programme)

Actioning and responding to information sharing: The reciprocal nature of information sharing and importance of feedback loops

Respondents discussed the practicalities of what information is shared and that contextual information is provided in the request and response. The need for feedback loops and sharing outcomes from referrals and decisions was highlighted as important to increase confidence and accountability across organisations.

“The guidance has an emphasis on the importance of the context for the information request being shared, but it’s equally important that the context of the response is provided too. So, in situations where services have had intermittent involvement over a number of years with a family, greater clarity on the level of detail to be provided in return would be helpful to include for the benefit of individual practitioners in their daily work. This should improve quality too.” (The association of directors of children’s services)

“The guidance should make clear that the quality of information shared is critical to getting children the right support at the right time, and should emphasise the importance of sharing outcomes from referrals and decision making by children’s social care.”(Ofsted)

Support for complex real-world scenarios

Common across responses was a desire for more complex case studies to better reflect the complex scenarios and decision-making contexts they see in practice. Suggestions included:

- scenarios where criminal proceedings run in parallel with safeguarding processes
- where the application of the duty is less clearly defined and there is a need to exercise careful judgement
- neglect, domestic abuse, parental conflict and contextual safeguarding
- cumulative vulnerability rather than immediate harm, SEND, attendance and Emotionally based school avoidance
- Mental health and young carers
- Examples of decisions in schools and colleges around proportionality and professional judgement.

“However, further clarity would be beneficial in more complex scenarios, including:

- situations where criminal proceedings are running in parallel with safeguarding processes; and
- where the application of the duty is less clearly defined, and there is a need to exercise careful judgment.” (The Child Safeguarding Practice Review Panel).

Transparency with children and young people and families

Respondents also discussed the guidance could clarify what transparency with CYP and families looks like in practice when sharing information. For example, how CYP and families are informed when information is gathered, shared and consulted about decision making processes:

“The guidance includes very little reference to obtaining the views of a young person about the sharing of information about them (beyond paragraph 27). While the guidance properly recognises, both as a matter of common sense and of Data Protection law, that the young person’s consent cannot be a pre-requisite for information sharing, this does not obviate the importance, where appropriate, of engaging the young person in decision making about the sharing of information about them and obtaining their views about it.” (The Association of Lawyers for Children)

“The draft guidance be updated to integrate clearer references to the importance of partnership working with children and families. This should include guidance to practitioners about how partnership working operates in the context of information sharing.

The statutory guidance should set out that it is good practice for practitioners to share details of where or how families might seek out information and independent advice from advice organisations about the privacy rights and information sharing. We also note that when transparency about families’ information being shared is mentioned in the draft guidance, it is predominantly with reference to practitioners telling parents about information sharing post that information having been shared. For example, paragraph 38 refers only to it being best practice to ‘inform children and parents where information has been shared.’ This may serve to limit practitioner understanding and approaches to partnership working in the context of information sharing.”
(Family Rights Group)

Theme 2: Inclusivity and equality considerations

In line with online responses, email responses considered the impact of the guidance for on a range of groups who share protected characteristics under the equality Act 2010, for example SEND and ethnicity. Some other groups were also identified as benefitting from more explicit references in the guidance:

- **Unborn children:** The Child Safeguarding Review Panel explicitly requested greater attention to unborn children within the guidance and examples.
- **Adopted children:** The Royal College of Paediatrics and Child Health noted that the guidance and data sharing arrangements should explicitly address adopted children and the continuity of health records following adoption.
- **Friendships and peers:** Durham University's Global Centre for Contextual Safeguarding requested more guidance on information sharing relating to peers and friendship network and notifying parents/carers if their children have been discussed at multi-agency meetings due to their friendships when those children are not open to statutory services.
- **Asylum seeking children:** Amongst other groups, the Care Quality Commission noted the guidance should consider asylum seeking children.

Government response

Respondents to this consultation are broadly supportive of draft statutory guidance for the information sharing duty and we would like to take the opportunity once again to thank all those who contributed to the drafting and iteration of the guidance as well as those that took time to respond to the consultation. Through extensive multi-agency input, and that of other key stakeholders including the Information Commissioner's Office, respondents to this consultation largely indicated that the guidance provides helpful clarification on the updated legal framework surrounding information sharing, and that the duty and its associated guidance is likely to support more proactive, earlier sharing to safeguard and promote the welfare of children.

Clear principles to support good information sharing

Respondents to the consultation told us that draft statutory guidance would benefit from greater clarity on principles for effective information sharing. As a result, we have:

- improved content on data protection law to include considerations around accuracy, as this was flagged as a recurring concern across responses.
- reworked content on consent to make clear the distinction between consent to share information under data protection law and consent for services, to dispel a common misconception that consent is required to share information in the form of a referral to a service; instead, we emphasise the particular importance of transparency, in order to build trust and increase the likelihood of a family agreeing to support.
- strengthened guidance for practitioners on navigating transparency with children and families, and the importance of ensuring children and families do not confuse transparency with consent to information sharing.
- strengthened messaging throughout to clarify the principles of the duty itself and set expectations for what good application should look like.
- included two case studies in the welfare space in order to support practitioner understanding of relevance and proportionality.

Operationalising the duty

We note that respondents indicated a lower level of agreement on draft guidance supporting effective operationalisation and implementation of the duty, and this was expanded upon through free text responses. We recognise that supporting sectors to embed the information sharing duty meaningfully and effectively, to shift information sharing culture, without creating undue burdens, goes beyond the provision of statutory guidance.

We are continuing to work closely with partners across sectors to ensure the updated guidance reflects stakeholder feedback and supports effective local implementation. Alongside the guidance, we are exploring what additional materials may be helpful to support practitioners, including resources to aid engagement with children and families and other learning and development products. Feedback from respondents is helping to inform these considerations. In parallel, we are progressing wider reforms to improve digital systems and reduce the administrative burden associated with record keeping, information management and information sharing.

Within the draft guidance we have included two further example scenarios, in response to calls for more case studies to support practitioner understanding of how the information sharing duty applies in practice.

- One of these relates to early indicators of child sexual abuse, to raise awareness, clarify how the information sharing duty will interface with the mandatory reporting duty in practice, and better illustrate how the sharing of emerging welfare concerns, and ongoing discourse between agencies reveals the bigger picture.
- The other relates to children with SEND, to illustrate how the duty should operate in the welfare space in practice, speak to the importance of transparency about information sharing, particularly in ensuring information held and shared is accurate and make clear that a child's individual circumstances should be considered holistically in assessing need, harm and risk, rather than considering SEND a welfare concern in and of itself.

The government intends to keep the statutory guidance and wider implementation support under review as the duty is implemented. We will continue to consider feedback, identify areas where further clarity may be helpful, and update supporting materials as appropriate. We will also continue to engage with sector leads, regulators, inspectorates and professional bodies to understand emerging issues and support effective implementation.

Insight across sectors

Many respondents across sectors put forward issues and nuances they found to be of particular relevance to their sector, and in response, we have included the following:

- Health: greater clarity around sharing information about others, as this is less frequently done in practice at present.
- Policing: further guidance on 'detriment', accuracy of information and sharing across service boundaries.
- Education: more reference to children with SEND in the form of an example scenario.

- Voluntary sector: advice for non-statutory organisations, to replace content within the non-statutory information sharing guidance that this guidance is to replace and clarified that information may still be shared with these organisations, but that this sharing takes place outside of the duty.
- Justice: greater detail in advice on information sharing during family court proceedings. At this time, we are unable to go further on this point, as officials review with the Family Procedure Rule Committee how far current rules are working. We will keep this under review.

Sector specific practical considerations and technical points currently covered in other Government publications, such as frameworks and guidance, will be updated at the next opportunity.

Data Sharing Agreements

As an annex to statutory guidance, we asked respondents to provide feedback on our draft Data Sharing Agreement template, particularly the degree to which it will support local implementation. The government notes that respondents indicated a lower level of agreement on the template than the main body of draft statutory guidance and appreciates that a Data Sharing Agreement template is not replicable in its entirety, rather it is a prompt for local consideration, discussion, decision-making and the setting of expectations around information sharing and appropriate information flows.

In response to the consultation feedback and the wider engagement feedback, we are publishing templates for Tier 1 and Tier 2 Data Sharing Agreements. Tier 1 provides a starting point for developing or reviewing existing strategic Data Sharing Agreements for key safeguarding partners. It has the same status as the statutory guidance and organisations in scope of the duty must have regard to it. Tier 2 provides a starting point for specifically themed operational data sharing and is published as an additional document outside of statutory guidance. The templates have been designed to be read and used alongside one another. In line with the consultation responses, we have clarified the roles and responsibilities of individual organisations, and that development (or absence) of Data Sharing Agreements should not delay sharing of data. We heard from some consultation respondents that further, specific, example Tier 2 Data Sharing Agreements would be welcomed. Conversely others felt such agreements need to be developed and owned locally. We will explore this pending further feedback on these templates.

Equalities

The government is pleased that respondents felt the guidance has the potential to have a positive impact on equalities, and for those who share protected characteristics if implemented effectively in practice. However, we note that respondents also identify a

risk of disproportionate impact on families already subject to disproportionate scrutiny and over-representation within safeguarding systems, if unconscious bias and the influence of structural inequalities are left unchecked. Adapted from *Working together to safeguard children 2026*, we have included a section on anti-discriminatory practice, to emphasise the importance of considering the role of bias in decision-making processes, and the need to consider each child's individual circumstances holistically. We intend to monitor the impact of the information sharing duty, and this guidance on equalities during implementation as part of multi-agency information sharing activities.

Next steps

We have amended the draft statutory guidance in response to the consultation and webinar feedback, with input from the practitioner and stakeholder working group. The final guidance is published alongside this consultation response document.

We are continuing to work closely with partners across sectors to ensure the updated guidance reflects stakeholder feedback and supports effective local implementation. Alongside the guidance, we are exploring what additional materials may be helpful to support practitioners, including resources to aid engagement with children and families and other learning and development products. Feedback from respondents is helping to inform these considerations.

Annex A: Organisations that responded to the consultation

Question 1

To help us analyse our responses, could you please tell us in what capacity you are responding to this consultation? Select all that apply

Table 1: Online respondents

Answer	Total no respondents
Educational institution (e.g. early years setting, school, alternative provision setting, college, university)	63
Health practitioner	53
Local authority – other	32
Local authority practice leader	24
Police officer or staff	14
Member of the public	12
Voluntary, community and charity worker	12
Social worker	8
Director of Children's Services	3
Residential children's home worker	3
Academic	2
Youth worker	2
Independent Domestic Violence Advisor	1
Probation officer	1
Social work team member	1
Youth justice worker	1
Prefer not to say	1
Other	50

Base: 283 all respondents

In addition to online responses 19 responses were received via email. These included responses from key stakeholders such as:

- Association of Directors of Children's Services (ADCS)
- Association of Lawyers for Children (ALC)
- Association of School and College Leaders (ASCL)
- Care Quality Commission (CQC)
- Family Rights Group (FRG)
- Information Governance Enabling Network for Greater Manchester (IGEN)
- Global Centre of Contextual Safeguarding, Durham University
- National Association of Head Teachers (NAHT)
- National Police Chief's Council (NPCC)
- Ofsted
- Royal College of Paediatrics and Child Health (RCPCH)
- The Association of Safeguarding Partners (TASP)
- The Children's Safeguarding Practice Review Panel (CSPRP)

Annex B: Organisations that participated in the development of guidance and data sharing agreements

With particular thanks to the following organisations for their participation in our working group with whom the guidance was co-designed, whose expertise was invaluable to considerations around the application of the information sharing duty across sectors:

- Action for Children
- Association of Child Protection Practitioners
- Association of Directors for Children's Services (ADCS)
- Barnardos
- British Association of Social Workers
- British Medical Association (BMA)
- Carers Trust
- College of Policing
- General Medical Council (GMC)
- Information Commissioner's Office (ICO)
- London Office of Technology and Innovation (LOTI)
- National Children's Bureau
- National Police Chief's Council and their National Data and Analytics Office (NPCC and NDAO)
- Office of the National Data Guardian (NDG)
- Operation Encompass
- Royal College of Nursing (RCN)
- Royal College of Paediatrics and Child Health (RCPCH)
- Royal College of General Practitioners
- Social Work England
- UK Caldicott Guardian's Council (UKCGC)

- Women's Aid
- Alongside various individual practitioners from Local Authorities, Health, Policing and Education.

We extend our thanks to the following organisations for their participation in the Data Sharing Agreements Working Group. We greatly value their input in supporting the development and refinement of these agreements, ensuring they are informed by a broad range of perspectives and practical experience.

- Health, Policing and Education representatives
- Information Commissioner's Office (ICO)
- Local Government Association (LGA)
- London Office of Technology and Innovation (LOTI)
- National Police Chief's Council (NPCC)
- NHS England
- Alongside data protection experts from Local Authorities -including Somerset.



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