



Briefing: New Statutory Information Sharing Duty Guidance (September 2026)

Introduction

This briefing summarises the new statutory guidance introduced following the Children's Wellbeing and Schools Act 2026 and highlights the most significant differences from previous safeguarding information-sharing guidance and practice.

The key message is that this guidance represents a substantial shift from a "can share" framework to a "must share" framework for safeguarding and promoting the welfare of children. It is intended to remove longstanding professional uncertainty about when information can be shared and create a clearer statutory expectation across safeguarding agencies.¹

The briefing is intended to support early partnership consideration of the practical, governance and assurance implications for Dorset Safeguarding Children Partnership (DSCP), rather than provide detailed legal advice or replace single-agency information governance arrangements.

Overall, this guidance should be viewed as a significant policy shift. It is not simply updated information-sharing advice; it introduces a new statutory expectation that relevant safeguarding information will normally be shared unless there is a clear and evidenced reason that doing so would be more detrimental to the child.

¹ [Information sharing duty statutory guidance - GOV.UK](https://www.gov.uk/government/consultations/information-sharing-duty-statutory-guidance)

Executive Summary

The guidance introduces a new statutory Information Sharing Duty under section 16LA of the Children Act 2004.

Historically, safeguarding guidance emphasised that practitioners could share information where appropriate and lawful, often relying on professional judgement, the public interest test, and interpretation of data protection rules.

The new guidance establishes that where information is relevant to safeguarding or promoting a child's welfare and may assist another safeguarding organisation to discharge its functions, organisations are under a legal duty to share it, unless sharing would be more detrimental to the child than not sharing.

The guidance repeatedly seeks to challenge what it describes as "misinterpreted barriers" to information sharing, particularly:

- Data protection concerns.
 - Consent requirements.
 - Confidentiality obligations.
 - Fear of complaint.
 - Uncertainty about thresholds.
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What Has Changed?

1. From a Power to Share to a Duty to Share

Previous Position

Under previous statutory guidance, including earlier versions of *Working Together*, practitioners were encouraged to share information where necessary to safeguard children.

The emphasis was generally; Information can be shared lawfully without consent if it is necessary to safeguard a child. The responsibility sat largely with professional judgement regarding whether sharing was justified.

New Position

The guidance now introduces a statutory duty:

Relevant organisations must share information when they consider it relevant to safeguarding or promoting welfare and sharing may help another organisation carry out its safeguarding functions. This moves the starting point from discretionary professional permission to a statutory expectation that relevant information will be shared, unless there is a clear reason not to do so.

This is probably the most significant change within the entire document because it reframes information sharing as an active safeguarding responsibility, rather than something practitioners may choose to do only once concerns have escalated.

Practical Implication

In practical terms, this changes the starting point for professional decision-making. Practitioners are no longer primarily asking:

- "Am I allowed to share this?"

The expectation is that relevant information should be shared unless there is a clear, child-focused reason not to do so. They should instead be asking:

- "Is there a reason why I should **not** share this?"
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2. Removal of Threshold-Based Thinking

Previous Position

Although guidance repeatedly stated information could be shared below statutory thresholds, many practitioners remained cautious and often associated information sharing with:

- Child protection enquiries.
- Significant harm.
- Formal social care involvement.
- Section 17 or Section 47 thresholds.

New Position

The guidance makes explicit that:

- There is no requirement for a child to meet a particular statutory threshold before information can be shared.

The duty applies equally to:

- Early help.
- Emerging concerns.
- Welfare concerns.

- Prevention activity.
- Unmet need.

Practical Implication

This represents a deliberate move towards prevention and earlier intervention. For DSCP partners this aligns strongly with Family Help reforms and the Working Together 2026 emphasis on identifying need early, rather than waiting for concerns to reach statutory intervention thresholds.

3. Welfare Is Elevated Alongside Protection

Previous Position

Information sharing discussions often focused on risk of harm or child protection concerns. While children's welfare was recognised within safeguarding practice, it was often treated as secondary to more immediate concerns about significant harm, statutory thresholds or formal child protection activity.

New Position

The guidance repeatedly stresses safeguarding and promoting welfare, making clear that the duty is not limited to responding to immediate harm but also applies where information may support a fuller understanding of a child's needs and circumstances.

It states information should be shared not only where harm is suspected but also where information may help:

- Assess need.
- Provide support.
- Promote welfare.
- Prevent escalation.

Practical Implication

The threshold for considering information sharing is significantly broader because the duty is not confined to situations where there is an immediate risk of significant harm or an active child protection response.

Practitioners should consider whether information may assist another agency to understand a child's day-to-day welfare, emerging needs, family circumstances, access to support, attendance, presentation, behaviour or wider context.

This means that apparently low-level or partial information may still be relevant if, when combined with information held by other partners, it contributes to a fuller understanding of need, risk, resilience or protective factors.

The practical shift is towards earlier, more preventative sharing, while importantly reminding practitioners that professional judgement, proportionality and a clear record of why the information was considered relevant to safeguarding or promoting welfare will still be required.

4. Significant Change Regarding Consent

Previous Position

Many practitioners continued to seek consent as the starting point for information sharing unless immediate safeguarding concerns existed. In practice, this often reflected a cautious approach to balancing engagement with families, data protection requirements and concern about sharing information without explicit permission.

New Position

The guidance repeatedly states:

- Consent is not required to share information under the information sharing duty.

It goes further by suggesting repeatedly seeking consent where information will be shared anyway is poor practice because it presents families with a "false choice." The emphasis is therefore on being honest and transparent about what will happen, rather than implying that families can prevent sharing where the statutory duty applies.

The guidance promotes:

- Transparency with families.
- Explaining sharing.
- Not seeking permission where permission is not required.

Practical Implication

This is a stronger position than previous guidance and will require training across agencies, particularly where existing practice has treated consent as the default starting point. The key practice change is not to remove engagement with families, but to be clearer with parents, carers and children about when information will be shared as a statutory safeguarding responsibility rather than presented as a matter of parental or carer choice.

Many practitioners will need support to distinguish between:

- Consent to share information.
- Consent to receive services.
- Transparency and engagement.

Practice Implication

- Whilst the Information Sharing Duty means that consent is not required to share information for safeguarding and promoting welfare purposes where the statutory conditions are met, practitioners must continue to work openly and transparently with children, young people and families wherever it is safe and appropriate to do so.
- The duty relates to the sharing of information. It does **not** remove the need to seek consent for services, assessments and interventions where consent is otherwise required, nor does it give agencies powers to compel family engagement outside existing statutory frameworks.
- Practitioners should continue to explain why information is being shared, how it will be used, and seek to maintain trusting relationships with families whilst fulfilling their safeguarding responsibilities.

5. Fundamental Change Regarding Confidential Information

Previous Position

When sharing confidential information, especially health information, practitioners frequently had to consider a range of overlapping legal, ethical and professional obligations. This often meant that confidential information was approached more cautiously, particularly where practitioners were uncertain about whether the safeguarding justification was sufficient.

- Consent.
- Public interest tests.
- Common Law Duty of Confidentiality.

New Position

The guidance states that where section 16LA applies:

- Confidential information can be shared without consent.

It further states that there is no need to decide whether sharing can be justified in the overriding public interest, because the statutory duty itself provides the basis for sharing where the relevant conditions are met. This reduces reliance on case-by-case public interest arguments, while still requiring practitioners to consider relevance, proportionality and whether sharing would be more detrimental to the child than not sharing.

Practical Implication

This is a major shift for health partners, GPs, CAMHS and other clinical services, where professional cultures and local processes have often placed significant weight on confidentiality, consent and public interest justification.

It creates much greater legal certainty around safeguarding-related information sharing, but partners will still need to be clear on how the duty should be applied in practice. This will need to include how relevance, proportionality, recording, family transparency and the detriment test

should be handled consistently across agencies, including whether sharing information would be more detrimental to the safety and welfare of the child than not sharing.

6. Information About Adults Must Be Considered

Previous Position

Information sharing often focused principally on the child, with less consistent attention to information about adults or wider family members unless this was already clearly linked to an immediate safeguarding concern.

New Position

The guidance explicitly states that information concerning:

- Parents.
- Carers.
- Siblings.
- Peers.
- Other adults connected to a child

must be shared if relevant to safeguarding or welfare. This recognises that information about adults and wider family networks can be directly relevant where it affects a child's lived experience, care arrangements, stability, safety or access to support.

Examples include:

- Mental health concerns.
- Domestic abuse.
- Imprisonment.
- Substance misuse.
- Exploitation.
- Criminality.

Practical Implication

This places greater emphasis on contextual safeguarding and whole-family understanding, recognising that information about adults, siblings, peers or wider networks may be relevant where it helps practitioners understand the child's lived experience, risks, protective factors or support needs. This also aligns well with Families First Partnership Programme activity around "think whole family", as it reinforces the importance of understanding the child in the context of their family relationships, adult needs and wider support network.

7. Child Welfare Includes Children Who Pose Risks

Previous Position

Information sharing discussions traditionally focused on protecting a child from harm, and practice could sometimes separate the needs of a child causing harm from the safeguarding needs of other children affected by their behaviour.

New Position

The guidance explicitly extends the duty to situations where:

- A child potentially poses a risk to another child.

The duty still applies because safeguarding and welfare considerations remain relevant for all children involved, including both the child who may pose a risk and any child who may be affected by that behaviour. This is important because behaviour that presents risk to others may also indicate unmet need, trauma, exploitation, harmful experiences or other safeguarding concerns for the child displaying the behaviour.

Practical Implication

This requires practitioners to consider information sharing through both a safeguarding and welfare lens, recognising that one child's behaviour may create risk for others while also indicating unmet need, vulnerability or safeguarding concerns for that child. This is particularly relevant for:

- Harmful sexual behaviour.
- Youth violence.
- Exploitation.
- Peer-on-peer abuse.

8. Data Protection Is Explicitly Reframed

Previous Position

Data protection was often perceived as a restriction on sharing, particularly where practitioners were uncertain about lawful bases, proportionality or the risk of breaching confidentiality.

New Position

The guidance directly identifies data protection as a commonly misunderstood barrier.

It states:

- Data protection does not prevent information sharing for safeguarding and welfare purposes. It provides the framework for doing so lawfully. https://gloucestershirecc-my.sharepoint.com/personal/dave_jones_gloucestershire_gov_uk/Documents

The guidance explicitly points practitioners towards legal obligation and public task grounds under UK GDPR. This is intended to give practitioners and organisations greater confidence that data protection law supports proportionate safeguarding information sharing where the statutory conditions are met, rather than acting as a reason to avoid sharing.

Practical Implication

Information Governance leads across the Partnership will need to be proactive in ensuring a consistent interpretation of the revised information sharing guidance. They may wish to work collaboratively so that any briefings issued to their respective workforces are aligned and consistent, and so that the safeguarding implications of the revised guidance are reflected promptly in single-agency training on data protection, information governance, information management and information sharing in the context of safeguarding and children's welfare.

9. The "Detriment Test" Creates the Main Exception

Previous Position

Professional judgement involved balancing numerous legal considerations, including consent, confidentiality, data protection and public interest arguments, which could lead to cautious or inconsistent decision-making across agencies.

New Position

The new guidance creates one principal exception:

- Information does not need to be shared if:
 - Sharing would be more detrimental to the child than not sharing.

Examples are deliberately limited and include:

- Immediate risk created by disclosure.
- Certain court restrictions.
- Serious interference with police investigations.

It expressly states lack of consent, fear of complaint, practitioner anxiety and data protection concerns are not reasons to withhold information. This is important because the detriment test is intended to be a specific safeguarding assessment about the impact on the child, not a general route for agencies to avoid sharing because the decision feels difficult, contested or uncomfortable.

10. Implications for Dorset Safeguarding Children Partnership

The guidance is likely to require review of:

1. Local Multi-Agency Information Sharing Agreements

The guidance explicitly states safeguarding partnerships should revise existing Data Sharing Agreements to reflect the new duty. For DSCP, this is likely to require a review of local multi-agency information sharing arrangements to ensure they describe the statutory duty to share, the role of professional judgement, expectations around recording and proportionality, and how partners should manage any uncertainty or disagreement about sharing.

2. Review and Audit Arrangements

DSCP will need to take particular care when undertaking rapid reviews, Local Child Safeguarding Practice Reviews, multi-agency safeguarding audits and other partnership learning reviews that consider practice before and after implementation of the revised guidance in September 2026. Findings and recommendations should be grounded in the information sharing expectations that applied at the relevant time, while also identifying where future practice now needs to meet the clearer statutory duty to share relevant safeguarding and welfare information.

This distinction will be important to avoid retrospective judgement based only on the new framework, or conversely, recommendations that fail to reflect the stronger post-implementation expectations. Review terms of reference, analysis, findings and recommendations should therefore be explicit about whether the practice being examined occurred before or after the revised statutory guidance came into effect.

3. Practitioner Training

Training will need to help practitioners understand that this is not simply a technical change to information-sharing rules, but a shift in the expected starting point for safeguarding practice. Particular emphasis will be needed on:

- Consent versus transparency.
- Early help information sharing.
- Sharing information about adults connected to children.
- Sharing where needs are emerging rather than meeting thresholds.
- The detriment test.

4. Family Help Arrangements

The guidance strongly supports Family Help and integrated front door models by encouraging earlier and more proactive sharing. This should help partners build a fuller picture of children's needs, family circumstances and emerging risks at an earlier stage, supporting more timely decision-making and reducing reliance on information only being shared once concerns have escalated.

5. Governance and Assurance

DSCP may wish to seek assurance that the revised duty is being implemented consistently across the partnership, rather than relying solely on the existence of updated MASA policies or guidance. This assurance should consider whether:

- Partner policies are updated.
 - Information governance guidance is aligned.
 - Frontline staff understand the duty.
 - Local escalation routes exist and are proportionate where agencies dispute whether information should be shared.
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11. Key Strengths

- Provides significantly greater legal clarity.
- Removes longstanding confusion regarding consent.
- Supports earlier help and prevention.
- Aligns closely with Working Together 2026 and Family Help reforms.
- Strengthens whole-family and contextual safeguarding approaches.

12. Key Concerns

- Risk of over-sharing if practitioners interpret "relevant" too broadly.
- Potential increase in referrals and information flows without corresponding capacity.
- Different partner agencies may continue to interpret proportionality inconsistently.

13. Potential Blind Spots

- Limited detail on dispute management between agencies.
- Limited guidance on managing high-volume information sharing.
- Potential tension between safeguarding expectations and established health confidentiality cultures.

14. Questions Still Needing Answers

- How will regulators inspect compliance?
- How will agencies evidence application of the detriment test?
- What national training materials will accompany implementation?

Dorset Safeguarding Children Partnership

25 September 2026