



DAHA information sharing guide for housing professionals

Sharing information must not be feared!

Fears cannot be allowed to stand in the way of the need to safeguard and promote the welfare adults and children living with domestic abuse.

Every practitioner must take responsibility for sharing information they hold that is critical to keeping a survivor safe and must not assume that someone else will pass it on.

Skilled housing practitioners are in the best position to use their professional judgement about when to share information both within their own organisation and with those working within other organisations, in order to provide effective early interventions, to improve their safety, and to keep families safe from harm.



Summary

Information sharing is a fundamental part of a frontline practitioner's job; this includes the role of housing professionals.

It is at the core of accurate risk assessment and safeguarding and will allow you to identify the individual needs of the entire family in a domestic abuse situation.

The decisions you make about how much information to share, with whom, and when, can have a profound impact on victim/survivors' lives because it helps ensure that they receive the right services at the right time, as well as preventing a need or risk from becoming more critical and difficult to meet.

Lack of information sharing is often cited as a key factor in DHRs (domestic homicide reviews), SARs (serious adult reviews), and SCRs (serious case reviews), where it has resulted in missed opportunities to take action.

Where there are concerns about the safety of a child or adult at risk, the sharing of information between organisations in a timely manner can improve the decisions made about the person at risk with their best interests at the forefront.

The GDPR and Data Protection Act 2018 must not be seen as barriers to sharing information where the failure to do so would cause the safety or wellbeing of an adult or child to be compromised.

Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns. All organisations should have arrangements in place clearly set out in their information sharing policies and procedures.



The 7 golden rules of information sharing

1. Remember that GDPR, the Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information is shared appropriately.
2. Be open and honest with the victim/survivor (and/or their family where appropriate) from the outset about why, what, how, and with whom information will be shared, and seek their agreement unless it is unsafe or inappropriate to do so.
3. If you are in any doubt about sharing the information concerned, seek advice from other practitioners or your information governance lead without disclosing the identity of the victim/survivor where possible.
4. Where possible, share information with consent. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so i.e. where safety may be at risk.
5. Base your information sharing decisions on considerations of the safety and wellbeing of the victim/survivor and others who may be affected by their actions.
6. Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals 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 you share the information or not. If you decide to share then record what you have shared, with whom, and for what purpose.



The principles of information sharing

Three key principles when considering whether to share information:

- Will it support effective safeguarding and promote the welfare of children, young people and adults who are at risk of harm?
- Will it aid accurate risk assessments?
- Will it inform decisions about suitable services that can be offered to reduce risk, promote the welfare and improve the lives of both the victim/survivor and whole family?

The principles set out above are intended to empower practitioners working with families to share information within and between organisations.

Practitioners should use their professional judgement when making decisions about what information to share and should follow their organisation's policies and procedures or consult with their manager or information/data protection officer if in doubt.

'This case has highlighted that potentially, there may be information that is not known to other services, such as the police, but is relevant to establishing whether there are concerns about the household that are relevant to assessing risk to children and vulnerable adults.'

From the DHR of Sinead Wooding, published March 2020



The purpose of information sharing

No single agency or individual can see a complete picture of the life of a family or individual within that family but may have insights that are crucial to their safety and wellbeing.

A victim of abuse – adult or child – who is identified to be at high risk of serious harm or homicide requires a coordinated, multiagency response with everyone sharing relevant information to develop an action plan that addresses the risk to and/or posed by all parties.

The purpose of sharing information is to accurately assess risk and identify needs in order to safeguard and improve the lives of victims and any children that are affected by the abuse. This



means that information must be shared as soon as concerns are identified in order to build the full picture, allowing high risks and needs to be dealt with before they become so complex that they are difficult to meet.

Similarly housing professionals can expect to have information shared with them by other agencies where it will help them conduct an accurate risk assessment or understand and meet the needs of victim/survivors, families and their staff.

If you are met with resistance to share information you should:

- Explain in writing why you need this particular information and what you intend to do with it;
- Request that they respond in writing with reasoning for not sharing information (please note that it is not sufficient if they simply cite a blanket policy of 'GDPR prevents us sharing this information without consent');
- Escalate your request to senior managers and to local strategic governance groups where necessary;
- Remind them that you are working collaboratively with them as part of the Coordinated Community Response to domestic abuse.



The lawful basis for sharing information

There are six options for lawful basis to share information and the relevant one will depend on the purpose for which you are sharing. There are also specific additional conditions for processing especially sensitive types information. For more information, see the [ICO website](#).

You must be clear, open and honest with people from the start about how you will use and share their personal information. No single basis is 'better' or more important than the others.

You must determine your lawful basis before you begin sharing and processing information, and you should document it in writing.

You should have sight of your Local Information Sharing Policy and MARAC Operating Policy which will detail the purpose for sharing information and the lawful basis. The privacy notice should include your lawful basis for processing as well as the purposes of the processing.

A word about consent...

GDPR sets a high standard for consent. But actually, you often won't need it...



Consent means offering victim/survivors real choice and control. Genuine consent should put victim/survivors in charge, build trust and engagement, and enhance your professional relationship.

If you have assessed a victim/survivor of abuse to be at high risk of serious harm or homicide (i.e. meeting the MARAC threshold) then you will have grounds for sharing information in law. This means that the victim/survivor does not have choice and is not in control of information sharing.

In this case, asking for consent is misleading and inherently unfair. For transparency we suggest you record your decision-making process.



What information should be shared?

Necessary and proportionate information

Not every bit of information held by practitioners needs to or should be shared. When making decisions about what information to share, you should consider how much information you need to provide; this is a key element of the GDPR and Data Protection Act 2018.

You should consider the impact of disclosing information on the person whom the information relates to, as well as any third parties. Information must be proportionate to the need and level of risk.

It is possible to lawfully share information regardless of risk level identified because information sharing is necessary to make an accurate risk assessment. Consider who needs to know the information and how much information is adequate for them to achieve that purpose.

You should not ask for more than is necessary to support your assessment of risk. Your local Privacy Impact Assessments/Information sharing protocols should support you in your decision making.

Relevant information

Only information that is relevant to the purpose should be shared with those who need it. This allows others to do their job effectively and make informed decisions.

Adequate information

Information should be adequate for its purpose and should be of the right quality to ensure that it can be understood and relied upon.



Accurate information

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be clearly stated.



When should information be shared?

Information should be shared in a timely fashion in order to reduce the risk of missed opportunities to offer support and protection to those who may be at risk.

Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore place someone at increased risk of harm.

Practitioners should ensure that enough information is shared, as well as considering the urgency with which to share it.



How should information be recorded, retained and stored?

Recording information

Every decision to share or not to share information should be recorded.

If the decision is to share, justification should be cited including what information has been shared and with whom, and how sharing it fits with organisational procedures.

If the decision is not to share, it is good practice to record the reasons for this decision.

Securing information

Wherever possible, information should be shared in an appropriate, secure way.

Housing professionals must always follow their organisation's policy on security for handling and storing personal information.