



Children and Young People (Jersey) Law 2022, Statutory Guidance:

Information Sharing

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Purpose of this toolkit

Context

This toolkit includes activities and exercises to help everyone who is likely to share information about children, young people and families as part of their role, including corporate parents, responsible Ministers, safeguarding partners and relevant providers.

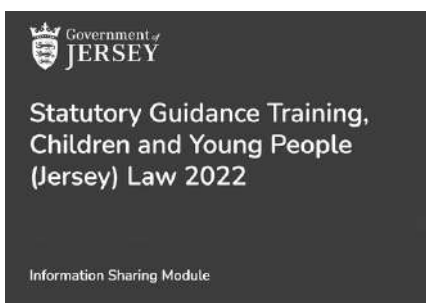
Statutory Guidance has been published to support everyone who works with and/or provides services to children, young people and families to understand their roles and responsibilities under the Children and Young People (Jersey) Law 2022. A series of e-learning training modules and toolkits have also been developed and this toolkit supplements the Information Sharing training module.



"We all must play our part in promoting and supporting the wellbeing and safeguarding the welfare of children and young people in Jersey"

Deputy I. Gardiner, Minister for Children and Education

[Children and Young People \(Jersey\) Law 2022 Statutory Guidance](#)



There is essential training for everyone who is likely to share information about children, young people and families as part of their role

[Statutory Guidance training is available from gov.je](#)

How to use this toolkit

If you are a corporate parent, responsible Minister, safeguarding partner or relevant provider, you must have regard to the information sharing section of the statutory guidance and have completed the e-learning training module.

The activities in this toolkit are designed to help you to apply your knowledge and skills from the online training in your professional role or organisation.

These activities can be completed as a group, or as a paired or individual activity. For further information about how to deliver individual, paired and group training sessions, please refer to the toolkit delivery notes available on [gov.uk](https://www.gov.uk).

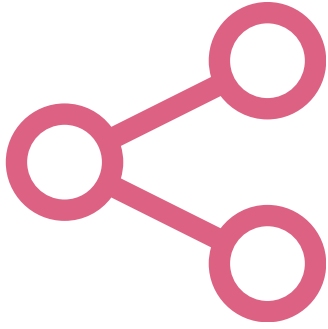
All of the activities can be carried out within your organisation but working through the activities with other agencies and practitioners from other areas is encouraged to enrich the discussion and contribute to a shared understanding.

There are four parts to this toolkit and the learning objectives are listed on the next page.

Learning objectives

The activities and exercises in this toolkit have been designed to achieve the following learning objectives:

Learning Objective	Toolkit Activity	Delivery
1. Use examples to discuss and identify the lawful basis for sharing information to promote and support wellbeing, meet a health or development need, safeguard welfare and fulfil corporate parenting responsibilities	Part A	Group / Pair/ Individual
2. Discuss the role of consent in your practice when sharing information in line with the Law and guidance	Part B	Group / Pair/ Individual
3. Review internal and / or external policies on information sharing, including policies to support decision making and the application of the data protection principles	Part C	Group / Pair/ Individual



Part A

Lawful basis for information sharing

This session is for anyone who is likely to share information about children, young people and families as part of their role.

The session has been designed as a group session, but can also be carried out as a paired or individual exercise.

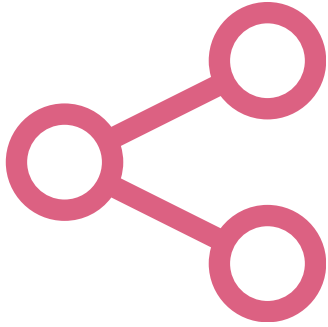
Approximate time required: 90 minutes

Preparation notes

- Ensure you have completed the relevant e-learning and read the statutory guidance related to information sharing.
- Book a room with sufficient space for everyone to participate.
- Invite all the relevant participants, and make sure you have everyone who will need to contribute in the room. Make sure people understand they should complete the relevant e-learning before this session.
- Arrange refreshments for the session.
- Assign someone in the group to type up the actions – ensure they understand their role in the session.

Welcome (approx. 5 minutes)

Open the session with a warm welcome and ice-breaker if necessary. Give the purpose of the session and establish any ground-rules you think necessary.



Part A

Lawful basis for information sharing

**Brainstorm: why is sharing information important?
(approx. 10 minutes)**

Sharing information may be necessary to promote and support wellbeing, meet a health or development need, safeguard welfare and fulfil corporate parenting responsibilities.

In the centre of a board or flip chart sheet, write the question:

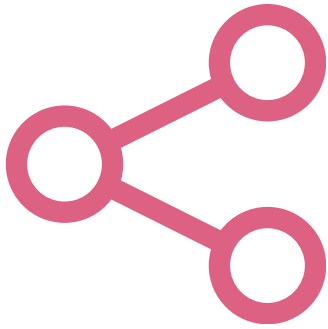
‘Why is sharing information important to promote and support the wellbeing and safeguard the welfare of children and young people?’

Invite the group to add sticky notes to the board or flip chart sheet, responding to this question.

Prompts may include:

- Which agencies might hold information about a child or young person?
- What are the risks of not sharing information?
- Is sharing information always helpful to promote the wellbeing and welfare of children?

Review the responses of the group and ask any follow up questions to support discussion.



Part A

Lawful basis for information sharing

Discussion: What is the lawful basis for sharing information?
(approx. 20 minutes)

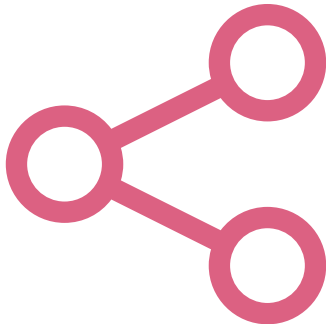
You must have a lawful basis to collect and share personal information.

The lawful basis for information sharing to fulfil duties under the Children and Young People (Jersey) Law 2022 will either be the **consent** of the individual/s concerned or it will be necessary to fulfil a **public function**.

A flowchart is included in the statutory guidance and the Information Sharing e-learning module to help you understand how to share information. This section provides an opportunity to work through the flowchart using real life examples.

Invite the group to agree on three or more examples of when they would consider sharing information about a child, young person and/or their family. Encourage examples that refer to promoting and supporting wellbeing, meeting a health or development need and safeguarding welfare.

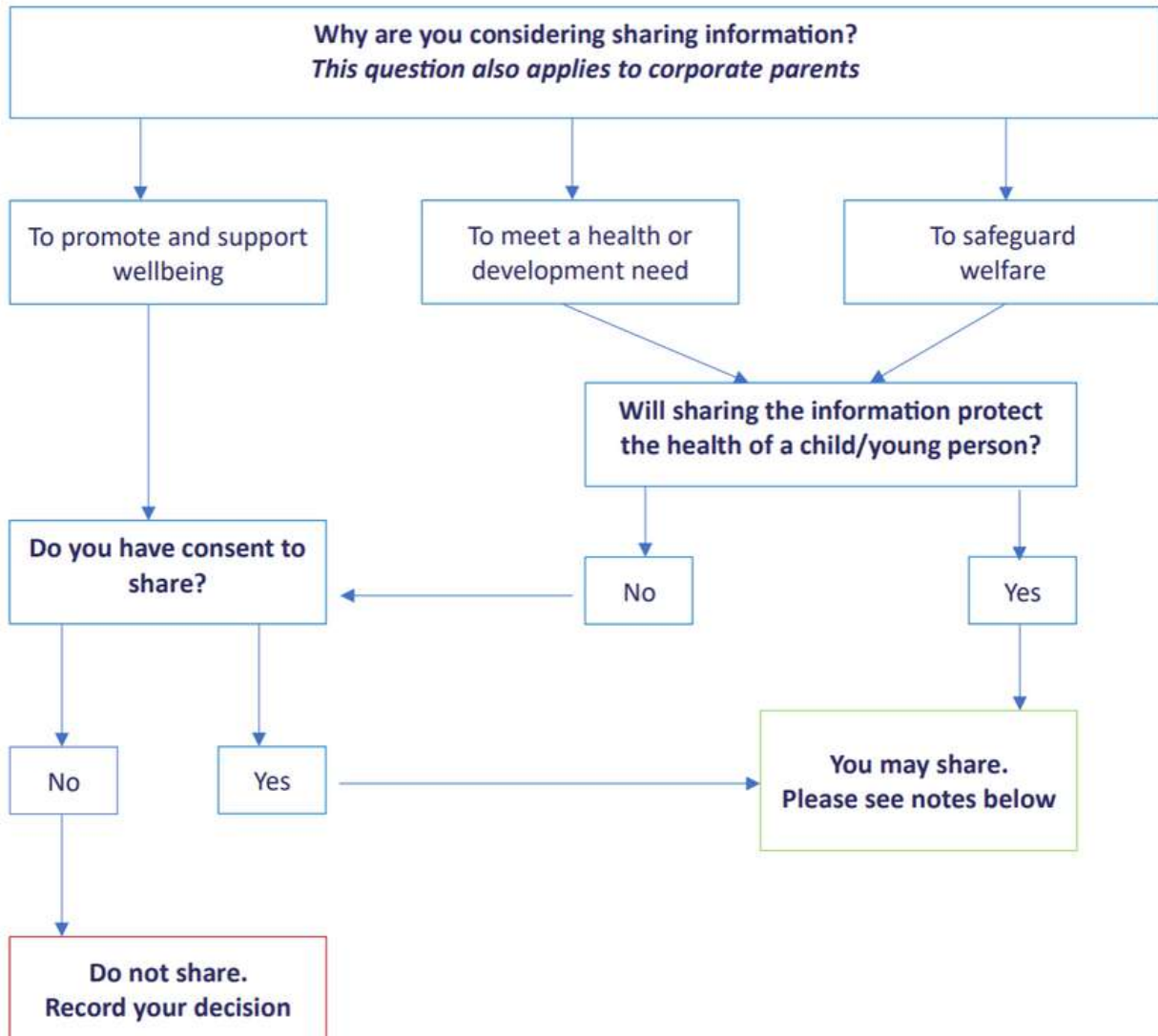
Take each example in turn and apply the flowchart. Refer to the notes below as you work through the examples.



Part A

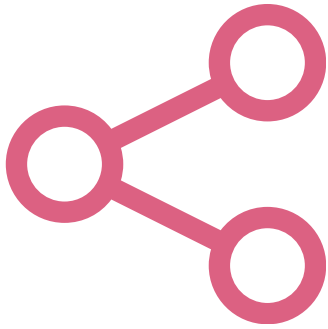
Lawful basis for information sharing

Information sharing flowchart



Before you share:

- Consider the data protection principles
- Consider the individual's right to privacy
- Only share the information necessary for your purpose
- Distinguish fact from opinion
- Ensure that you are giving the right information to the right individual
- Ensure you are sharing the information securely
- Consider how you have engaged with the child/young person and their family and how you will continue to engage to maintain respect for their rights
- Record your decision



Part A

Lawful basis for information sharing

Why are you considering sharing the information?

The sharing of information must support one or more of the following public functions:

1. The promotion and support of wellbeing
2. Meeting a health or development need
3. Safeguarding welfare
4. Corporate parenting – to support 1, 2 or 3.

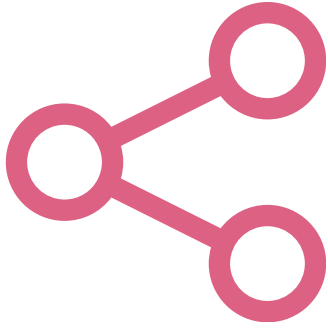
Promoting and supporting wellbeing

Where you are considering whether to share personal information for a function related to the promotion and support of wellbeing, you should use consent as your legal basis.

This means that you must seek the consent of the individual/s whose information is being shared before you share the information. If the individual does not consent to information being shared, you must not share the information.

Meeting a health or development need and/or safeguarding welfare

‘Public Functions’ is the your legal basis to share information that is necessary to meeting a health or development need and safeguarding welfare. This also applies to carrying out corporate parenting functions to meet a health or development need or to safeguard welfare.



Part A

Lawful basis for information sharing

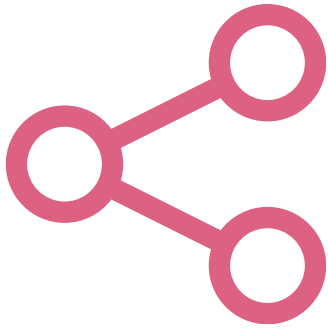
Before sharing information, you must consider if the information you wish to share is necessary to help to meet a child/young person's health or development need or safeguard their welfare.

'Necessary' means that sharing this information is a targeted and proportionate way of achieving your purpose - your underlying task, function and / or power must have a clear basis. If you could perform your tasks in a less intrusive way, this lawful basis does not apply.

If it is necessary to share, check that the sharing of this information will protect the health of the child or young person. For functions related to meeting a health or development need or safeguarding welfare, the answer is likely to be yes.

By asking this question you are making sure that the sharing of information is necessary to achieve a **legitimate aim**, namely the protection of health and this provides a lawful basis for interference with Article 8 of the European Convention on Human Rights (Right to respect for private and family life, home and correspondence).

Please refer to the Information Sharing e-learning module and the statutory guidance for more information on the European Convention on Human Rights.



Part A

Lawful basis for information sharing

**Scenario: Questions to support decision making
(approx. 15 minutes)**

When sharing information, you should be confident in your decision making and be clear on the steps you should follow.

Select an example from the previous discussion of a situation where it might be necessary to share information and, as a group, work through the following questions in relation to the scenario you have chosen:

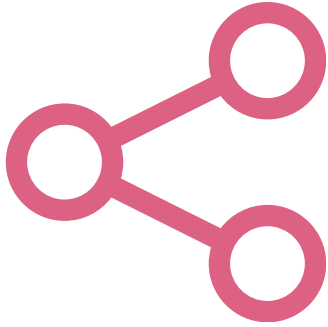
Question 1: Do I have a lawful basis for sharing information?

Question 2: Am I sharing in line with the data protection principles?

Question 3: Is there anything else I need to do before sharing the information?

Question 4: How will I keep a formal record of my decision making?

Refer to the Information Sharing e-learning module and statutory guidance for more information on these questions.



Part A

Lawful basis for information sharing

Reflect (approx. 10 minutes)

Ask the group to reflect on their responses to the discussion, brainstorm and scenario activities.

Use the following prompts:

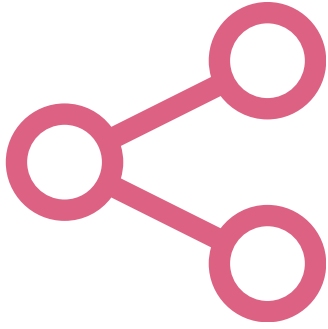
- When working through the scenario activity, were any of the questions difficult to answer? What information would have supported you to answer these questions?
- Are there any tools, resources or training that could support you to share information confidently in your role?

Keep a note of the group's responses, you will revisit these in 'action planning'.

Action planning (approx. 10 minutes)

Take a note of any actions to take forward from the session, including actions that would improve or benefit practice.

Ensure that for every action a timescale is recorded, and the person responsible for taking the action forward is noted.



Part A

Lawful basis for information sharing

Proof of learning (approx. 2 minutes)

Remind people of the objective for this session. Ask the group if they feel they have achieved the objective:

- Use examples to discuss and identify the lawful basis for sharing information to promote and support wellbeing, meet a health or development need, safeguard welfare and fulfil corporate parenting responsibilities.

Close (approx. 5 minutes)

Thank everyone for their contributions and let them know when the next session together is going to be.



Part B

The role of consent

This session is for anyone who is likely to share information about children, young people and families as part of their role.

The session has been designed as a group session, but can also be carried out as a paired or individual exercise.

Approximate time required: 1 hour

Preparation notes

If you are facilitating the session:

- Ensure you have completed the relevant e-learning and read the statutory guidance related to information sharing.
- Book a room with sufficient space for everyone to participate.
- Invite all the relevant participants, and make sure you have everyone who will need to contribute in the room. Make sure people understand they should complete the relevant e-learning before this session.
- Arrange refreshments for the session.
- Assign someone in the group to type up the actions – ensure they understand their role in the session.

Welcome (approx. 5 minutes)

Open the session with a warm welcome and ice-breaker if necessary. Give the purpose of the session and establish any ground-rules you think necessary.



Part B

The role of consent

Discussion: Circumstances where you might need consent to share information (approx. 15 minutes)

There may be some situations where you wish to share information, but sharing information is not necessary to fulfil your functions in the Law.

In these circumstances, you can't rely on 'public functions' as your lawful basis and you must ensure that you have another lawful basis for sharing information - for example, consent.

Consent is also the lawful basis for information sharing when considering sharing information to promote and support wellbeing.

Invite the group to discuss and share examples of circumstances where you might need to rely on consent as your lawful basis to share information



Part B

The role of consent

Brainstorm: Why is consent not straightforward? (approx. 15 minutes)

Remind the group that, where you have a lawful basis of ‘public functions’ to share information (which means that sharing information is necessary to meet a health or development need or safeguard the welfare of children or young people) you do not need consent to share.

In fact, seeking consent where the reality of the situation is that you consider it necessary to share the information anyway, would be inappropriate.

In the centre of a board or flip chart sheet, write the question:
Why is consent not straightforward?

Invite the group to add sticky notes to the board or flip chart sheet, responding to this question.

Prompts may include:

- What might the effect on a child, young person or family be if they do not give their consent to share, but you share the information anyway because you consider it necessary to promote their wellbeing or safeguard their welfare?
- What are the difficulties in relying on consent as your lawful basis to share, if that consent is later withdrawn?

Review the responses of the group and ask any follow up questions to support discussion.



Part B

The role of consent

Reflect (approx. 10 minutes)

A flowchart is included in the statutory guidance and the Information Sharing e-learning module to help you understand how to share information.

If you have just completed Part A, you will be familiar with the flowchart but invite the group to take a few minutes to review the flowchart and consider the role of consent in the information sharing decision making process.

Remember, consent is the lawful basis for information sharing when considering sharing information to promote and support wellbeing.

Ask the group to reflect on their responses to the discussion and brainstorm activities, and how this flowchart might be used to support decision making and understand the role of consent when sharing information in their role or organisation.

The information sharing flowchart is included in Part A and can be downloaded from the Resources page from the Information Sharing e-learning module.

Keep a note of the group's responses, you will revisit these in 'action planning'.



Part B

The role of consent

Action planning (approx. 10 minutes)

Take a note of any actions to take forward from the session, including actions that would improve or benefit practice.

Ensure that for every action a timescale is recorded, and the person responsible for taking the action forward is noted.

Proof of Learning (approx. 2 minutes)

Remind people of the objective for this session, ask the group if they feel they have achieved it:

- Discuss the role of consent in your practice when sharing information in line with the Law and guidance

Close (approx. 5 minutes)

Thank everyone for their contributions and let them know when the next session together is going to be.



Part C

Policies to support information sharing

This session is for anyone who is likely to share information about children, young people and families as part of their role.

The session has been designed as a group session, but can also be carried out as a paired or individual exercise.

Approximate time required: 90 minutes

Preparation notes

If you are facilitating the session:

- Ensure you have completed the relevant e-learning and read the statutory guidance related to information sharing.
- Book a room with sufficient space for everyone to participate.
- Invite all the relevant participants, and make sure you have everyone who will need to contribute in the room. Make sure people understand they should complete the relevant e-learning before this session.
- Bring relevant internal and external policies and / or guidance to the session or provide online access to them.
- Arrange refreshments for the session.
- Assign someone in the group to type up the actions – ensure they understand their role in the session.



Part C

Internal policy and data protection principles

Welcome (approx. 5 minutes)

Open the session with a warm welcome and ice-breaker if necessary. Give the purpose of the session and establish any ground-rules you think necessary.

Brainstorm 1: The data protection principles (approx. 5 minutes)

The Data Protection (Jersey) Law 2018 sets out six data protection principles for processing personal data.

Invite the group to provide the six data protection principles from the words below. However, don't spend too long on this - it isn't a test! (*Hint - two of the principles include three words.*)

lawful

data

limitation

basis

storage

and

data

fairness

purpose

accuracy

confidentiality

security

integrity

minimisation

transparency

limitation

and



Part C

Internal policy and data protection principles

Check the group's responses against the e-learning module on Information Sharing, or the statutory guidance.

Brainstorm 2: Policies on processing data (approx. 10 minutes)

Draw the six boxes shown below on a flip chart sheet. The boxes can be presented in any order and arrangement.

Lawful basis,
fairness and
transparency

Accuracy

Purpose
limitation

Storage
limitation

Data
minimisation

Data security,
integrity and
confidentiality



Part C

Internal policy and data protection principles

Next, using sticky notes, invite the group to share examples of how they would expect internal or external policies or guidance to support their practice with children, young people and families with respect to sharing information in line with each of the data protection principles.

Prompts may include:

- Where would you find guidance if you are unsure whether you have a lawful basis for sharing information?
- How long should information be kept for? Where is this stated?
- How does your organisation store data?
- Who can access files that include personal or special category data about your service users?
- Is there a protocol to follow before you share information?

Research: Policies on processing data (approx. 20 minutes)

Divide the sticky note responses attached to the six principles between the group and set a timer for 10 minutes. Ask the group to check the responses against internal and external policies available online or as a hard copy.

After 10 minutes, ask each member of the group to share their findings (including where no relevant policy or guidance could be located). Make a record of their findings on the board or flip chart.



Part C

Internal policy and data protection principles

Keep a note of the group's responses, you will revisit these in 'action planning'.

Discussion: Application of policies and guidance (approx. 20 minutes)

Using the sources you have identified in the brainstorm and research activities, invite the group to discuss how you would apply these policies / guidance to answer the following questions:

Spend approximately 5 minutes on each question.

- Does your organisation have a data sharing agreement with [enter an organisation of your choice]? What data can you share if an agreement exists?
- A data sharing agreement between your organisation and [enter an organisation of your choice] does not exist. Can you still share information with them?
- It is necessary for you to share information regarding a child or young person to fulfil a public function (i.e. to safeguard their welfare). Is there a checklist or instructions you can follow?
- In the event that sharing information is not necessary to fulfil a public function, and you do not have consent or any other lawful basis to share information, where do you find guidance on recording this decision?



Part C

Internal policy and data protection principles

Keep a note of the group's responses, you will revisit these in 'action planning'.

Reflect (approx. 10 minutes)

Ask the group to reflect on their responses to the brainstorm, research and discussion activities.

Use the following prompts:

- Are the policies and guidance you identified to support information sharing easy to understand and accessible?
- Are there any further sources of guidance or information that you would find helpful?
- Are there any other policies or guidance (internal or external) that are relevant to sharing information in relation to your work with children, young people and their families?

Keep a note of the group's responses, you will revisit these in 'action planning'.

Action planning (approx. 10 minutes)

Take a note of any actions to take forward from the session, including actions that would improve or benefit practice.



Part C

Internal policy and data protection principles

Ensure that for every action a timescale is recorded, and the person responsible for taking the action forward is noted.

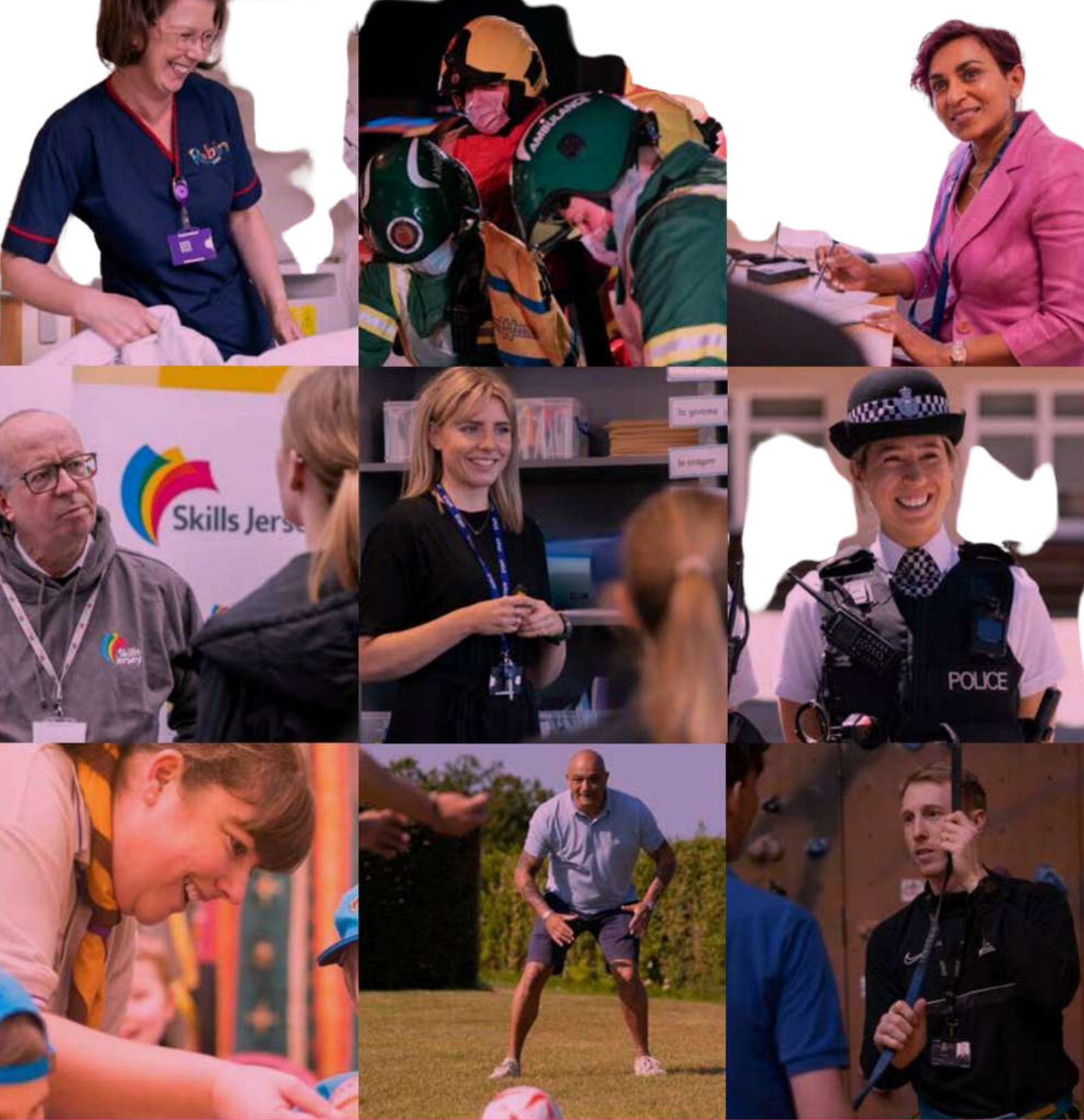
Proof of Learning (approx. 2 minutes)

Remind people of the objective for this session, ask the group if they feel they have achieved it:

- Review internal and / or external policies on information sharing, including policies to support decision making and the application of the data protection principles

Close (approx. 5 minutes)

Thank everyone for their contributions and let them know when the next session together is going to be.



For additional training information
and resources visit gov.je