

What if a person does not want you to share their information?

Frontline workers and volunteers should always share safeguarding concerns in line with their organisation's policy, usually with their line manager or safeguarding lead in the first instance, except in emergency situations. As long as it does not increase the risk to the individual, the volunteer or member of staff should explain to them that it is their duty to share their concern with their manager – this could be the activity leader or Parish Safeguarding Co-ordinator.

Parish Safeguarding Co-ordinators will need to seek advice from the Bishop's Safeguarding Adviser to make decisions about sharing information with external agencies, including the police and local authority. Individuals may not give their consent to the sharing of safeguarding information for a number of reasons. For example, they may be frightened of reprisals, they may fear losing control, they may not trust social services or other partners or they may fear that their relationship with the abuser will be damaged. Reassurance and appropriate support along with gentle persuasion may help to change their view on whether it is best to share information.

If a person refuses intervention to support them with a safeguarding concern, or requests that information about them is not shared with other safeguarding partners, their wishes should be respected. However, there are a number of circumstances where the practitioner can reasonably override such a decision, including:

- the person lacks the mental capacity to make that decision – this must be properly explored and recorded in line with the Mental Capacity Act
- other people are, or may be, at risk, including children
- sharing the information could prevent a crime
- the alleged abuser has care and support needs and may also be at risk
- a serious crime has been committed
- staff are implicated
- the person has the mental capacity to make that decision but they may be under duress or being coerced
- the risk is unreasonably high and meets the criteria for a multi-agency risk assessment conference referral
- a court order or other legal authority has requested the information.

If none of the above apply and the decision is not to share safeguarding information with other safeguarding partners, or not to intervene to safeguard the person:

- support the person to weigh up the risks and benefits of different options
- ensure they are aware of the level of risk and possible outcomes

- offer to arrange for them to have an advocate or peer supporter
- offer support for them to build confidence and self-esteem if necessary
- agree on and record the level of risk the person is taking
- record the reasons for not intervening or sharing information
- regularly review the situation
- try to build trust and use gentle persuasion to enable the person to better protect themselves.

If it is necessary to share information outside the organisation:

- explore the reasons for the person's objections – what are they worried about?
- explain the concern and why you think it is important to share the information
- tell the person who you would like to share the information with and why
- explain the benefits, to them or others, of sharing information – could they access better help and support?
- discuss the consequences of not sharing the information – could someone come to harm?
- reassure them that the information will not be shared with anyone who does not need to know
- reassure them that they are not alone and that support is available to them.

If the person cannot be persuaded to give their consent then, unless it is considered dangerous to do so, it should be explained to them that the information will be shared without consent. The reasons should be given and recorded. The safeguarding principle of proportionality should underpin decisions about sharing information without consent, and decisions should be on a case-by-case basis.

If it is not clear that information should be shared outside the organisation, a conversation can be had with safeguarding partners in the police or local authority without disclosing the identity of the person in the first instance. They can then advise on whether full disclosure is necessary without the consent of the person concerned.

It is very important that the risk of sharing information is also considered. In some cases, such as domestic violence or hate crime, it is possible that sharing information could increase the risk to the individual. Safeguarding partners need to work jointly to provide advice, support and protection to the individual in order to minimise the possibility of worsening the relationship or triggering retribution from the abuser.

Domestic abuse cases should be assessed following the CAADA-DASH risk assessment and referred to a multi-agency risk assessment conference where appropriate. Cases of domestic abuse should also be referred to local specialist domestic abuse services.

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ALWAYS share concerns with the Parish Safeguarding Co-ordinator and/or Bishop's Safeguarding Adviser, even if you do not have consent. You may share the situation and anonymise details about the individual initially until you have reached agreement about whether there is a need to share without consent - record your reasons for sharing or not sharing. If unsure always consult the Bishop's Safeguarding Adviser before sharing with other organisations outside of your own parish.

Case Study – Mrs Tweedy

Mrs Tweedy is 83 and needs some help at home with shopping and cleaning. She has a son who abuses alcohol. Mrs Tweedy complains to the pastoral visitor, Terry, that she is short of money for the week's shopping because her son took cash from her purse during a recent visit. This has happened before and Mrs Tweedy doesn't like it but she doesn't want to get her son into trouble – she says he has enough problems.

Terry explains to Mrs Tweedy that now she knows about this she really should let her Parish Safeguarding Co-ordinator know. Mrs Tweedy isn't happy about this; she doesn't want anyone to talk to her son as he may become angry and threaten her. She is clear that she doesn't want the police or social services involved. Mrs Tweedy has the mental capacity to make a decision about this. Terry reassures her that she just needs to tell her Parish Safeguarding Co-ordinator and that nobody else will be told at this stage. Mrs Tweedy says she wishes she'd never mentioned it and appears quite angry.

Terry discusses her concern with her Parish Safeguarding Co-ordinator, Eddie, in line with her church's safeguarding policy. Eddie, arranges to visit Mrs Tweedy to discuss the situation. Again Mrs Tweedy is clear that she does not want the police or social services involved with her family affairs. Eddie explains that he is worried about Mrs Tweedy's safety. Mrs Tweedy replies that she's far safer if they just leave her to deal with it; her son could become violent if they intervene.

Mrs Tweedy is making a clear decision about her son taking money but Eddie is concerned about the threat of violence. He decides to explore with Mrs Tweedy why she thinks that her son might be violent. Mrs Tweedy says he loses his temper when he doesn't get what he wants – usually this is alcohol or money for alcohol. Eddie says this isn't acceptable, she should not have to be in fear of her son, and that if they inform social services perhaps some support for her son can be arranged. Mrs Tweedy says the violence is usually shouting and hitting the wall and that her son has never assaulted her. She says she can cope with this but she does wish there were some help for her son.

She agrees:

- that Eddie can make initial enquiries with social services about support for her son, but that he won't be contacted directly about this
- that she will let Eddie know if she thinks the threat of violence has increased.

Eddie talks to social services, who already know about Mrs Tweedy's son, who lives alone, and his problems. They have found it difficult to engage with him, but while they acknowledge that there is some risk to Mrs Tweedy, they do not believe he poses a significant risk to others. The housing officer has frequent contact with him so they can arrange a joint visit, to appear routine, so there will be no indication that Mrs Tweedy has raised a concern. Then they can explore how best to help him.

Eddie feeds this back to Mrs Tweedy. She is happy with this approach and asks for an update once they've talked to her son.

Learning points

- It is better to work with people, be flexible and offer help to find the best outcome for them.
- People can often be persuaded to accept help or intervention if they know that they can remain in control of decision-making and care will be taken to maintain relationships.