

## Gagging Orders, Sharing of information and Misinformation.

The following 5 questions were sent to every local authority area within the UK.  
74 of the 207 areas refused to answer any questions.

### Question 1.

Do child social services share paperwork, even historical with other child social services areas for example from Coventry to South Yorkshire and if so under what circumstances.

Should a Local Authority in which a child resides enquire about a child/young person formally open to Essex, a history of involvement will be provided including relevant assessments.

Information sharing can take place between local authorities based upon the Working Together principles where there are safeguarding enquiries being undertaken.

Access is granted with (a) Consent of the Data Subject; (b) to comply with a legal obligation,

Yes if the information is necessary to safeguard and promote the welfare of a child and where necessary consent to share.

LBHF adhere to the practice guidance of Working Together document.

Yes, information is shared between local authorities on request and with the parents request where applicable.

No. We may invite other Local Authorities to come and review our records for individuals but only permissible with the individual's consent or if directed by the Court. May share minutes of meetings and assessments but again with the individual's consent or if directed by a Court. In the spirit of safeguarding, meetings may be attended to share information verbally where consent is dispensed and regulated to this effect.

Yes, but we would check with the referrer if they have consent from parents to share information. However, if it is safeguarding information, Working Together to Safeguard Children Guidance 2018 is clear that the information between agencies should be shared in order to appropriately safeguard the child(ren).

Requests for appropriate information to be shared between local authorities are made where relevant safeguarding concerns are known or suspected. Where this is outside of a child protection plan, this is completed with relevant consent where

appropriate.

Information would be shared in line with proportionality and relevance in line with GDPR principles on a case by case basis.

Proportionate information sharing takes place and depends on the individual circumstances of the case. For example, if child protection concerns were evident, then proportionate information would be shared.

Yes, Children Social Care share paperwork. Where a child is likely to or is suffering significant harm, a local authority may share information with another relevant local authority. Additionally, a local authority may share information when children who are the subjects of a child protection plan move areas.

Please see Working Together for guidance [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682226/Working-Together-to-Safeguard-Children-2018.pdf)

In addition information is shared and set out below is the guidance from the Pan London Child Protection Procedures around sharing of information

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1.5.1  
3 Effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe. Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority children's social care (e.g. they are being supported as a child in need or have a child protection plan).

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1.5.1  
4 Information sharing is also essential for the identification of patterns of behaviour when a child is at risk of going missing or has gone missing, when multiple children appear associated to the same context or locations of risk, or in relation to children in the secure estate where there may be multiple local authorities involved in a child's care.

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1.5.1  
5 It is not necessary to seek permission from parents before sharing information by way of making a referral to another agency. See Information Sharing - S24 onwards - WT 2018 and the Sharing Information Procedure (under revision).

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1.5.1 The Data Protection Act 2018 and General Data Protection Regulations (GDPR)  
6 do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children. To ensure effective safeguarding arrangements:

- Agencies should have arrangements in place that set out clearly the processes and the principles for sharing information. The arrangement should cover how information will be shared within their own organisation/agency and with others who may be involved in a child's life;
- Practitioners should not assume that someone else will pass on information that they think may be critical to keeping a child safe. If a practitioner has concerns about a child's welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with local authority children's social care and/or the police. All practitioners should be particularly alert to the importance of sharing information when a child moves from one local authority into another, due to the risk that knowledge pertinent to keeping a child safe could be lost;
- The GDPR provides a number of bases for sharing personal information. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child provided that there is a lawful basis to process any personal information required. The legal bases that may be appropriate for sharing data in these circumstances could be 'legal obligation' or 'public task' which includes the performance of a task in the public interest or the exercise of official authority. Each of the lawful bases under GDPR has different requirements<sup>14</sup>. In some circumstances, it may be appropriate to obtain consent to share data but it is important to note that the GDPR sets a high standard for consent which is specific, time limited and can be withdrawn (in which case the information would have to be deleted).

. As a statutory service, we share information in line with government guidance Working Together to Safeguard Children. This guidance is publically accessible from this [hyperlink](#) Guidance where detailed guidance is provided on what is shared under which circumstances.

Paperwork is shared if we are transferring the responsibility for a child over to another authority. They may also be shared if a request is made by another Local authority, either with consent of the parents or via child protection information sharing frameworks

The sharing / transfer of Children's Services casework files will be determined by a number of factors and will for the most part be case specific. Please refer to the principles for sharing information as per response to question 2.

Answer: Bedford Borough Council shares information with other Local Authorities when it is deemed appropriate.

Yes, significant information is shared between local authority social work teams if necessary and proportionate to do so. Examples would be when a child and their family moves to a new area and there are concerns for the safety and wellbeing of the child or when a child protection investigation has been initiated and it becomes

known that the family have had social work records elsewhere. Historical information would be shared in line with the relevant retention dates for the material. As some reports and information are deleted after a five year period, these could not be shared as they would no longer be available to this service.

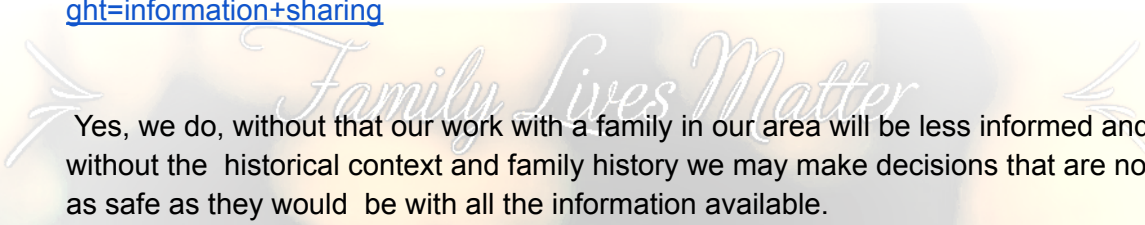
In certain circumstances information is shared across local authority areas in Scotland, for example if a child is subject to a legal order. Any sharing of information is covered by Child Protection and Child Welfare legislation and guidance.

They may in terms of safeguarding children, referring to local information sharing policies and national policies in relation to data protection.

This information is publicly available online – under Section 21 of the FOIA we may provide links to publicly available information rather than re-producing it. Please see the document links below:

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[https://www.proceduresonline.com/dorset/cs/chapters/p\\_confid\\_pol.html?zoom\\_highlight=information+sharing](https://www.proceduresonline.com/dorset/cs/chapters/p_confid_pol.html?zoom_highlight=information+sharing)



Yes, we do, without that our work with a family in our area will be less informed and without the historical context and family history we may make decisions that are not as safe as they would be with all the information available.

Children's Social care receives requests for it to share information regarding children and families it may know from Other Local Authorities or safeguarding agencies throughout the country. We assess each request individually according to our information sharing agreements. Information sharing is dependent on what information is requested, what it is being requested and what the other party intends to do with that information.

Yes, if they request it.

If a child and their family move to an area covered by another local Authority and that child/young person is being supported as a Child in Need or under a Child Protection Plan, this information will be shared with the Local Authority in which the child resides.

When families who have involvement with children's social care move to another area, Local Authorities are required to request a transfer which will ensure relevant information is shared. This is set out in safeguarding procedures.

Information can be shared between agencies for the purposes of safeguarding children. The information shared would depend on the circumstances of the case, any court direction, and the potential risk to the children. Information

sharing between professionals is supported by Working together to Safeguard Children para 24 - 28

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/942454/Working\\_together\\_to\\_safeguard\\_children\\_inter\\_agency\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf)

Where this is relevant to ensure the welfare and safety of a child information will be shared following a discussion with the parents around consent or overriding consent.

Yes, Social Services can and do share information between authorities (including historical information), as with 2 above this is on a case-by-case basis and is on a need to know basis where there are child welfare concerns so is permissible under GDPR

All of our policies, guidance and procedure information is already available in the public domain. If the specific information you have requested exists it will be published at: <http://southwark.proceduresonline.com/> .

Yes – in order to complete assessments and is made pursuant to FPR12.73 and FPR 12.75 and working together 2015 between local authority to local authority.

Yes, for safeguarding and in the best interests of the young person.

The sharing of information between Local Authorities is defined within working together, children's legislation and information sharing agreements.

I can tell you that under the FOI Act the information is exempt from disclosure under the provisions of section 21. Section 21 sets out that the local authority need not provide information under the FOI Act where the information requested is 'reasonably accessible' by other means. Guidance on information sharing is available on our website:

<https://link.walsall.gov.uk/Local-Authority/Safeguarding/DfE-Home-Office-Guidance-Policy/Information-Sharing>

Yes, dependant on the request will depend on what is shared, if another LA is working with a family and they have written consent to share then information will be shared. If completing a Section 47 (child Protection enquiry) then they can request information without consent. If the information is of high volume then the department will invite the social worker to view the files.

This would depend on the individual circumstances of the case.

Response from a records management perspective –  
Information would be shared between LA's if the

case warrants it ie if there are safeguarding concerns or if the family have moved into another area and they case responsibility has transferred to that area

Effective sharing of information (including historical) between practitioners and local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe. For further information please see: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/942454/Working\\_together\\_to\\_safeguard\\_children\\_inter\\_agency\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf)

Social services will share paperwork if the child is subject to child protection proceedings or if there is a Compulsory Supervision Order (different in England) and the child is moving from one local authority to another.

If the information was concerning a child welfare or protection worry we have a duty to share this with another local authority if they requested this.

In compliance with the Freedom of Information (Scotland) Act 2002 we are required to provide notice that the information requested above is not held under Section 17 – Information not held

Professionals involved in assessing children may share information with one another in situations where there is concern relating to the child's safety or wellbeing in compliance with the UK General Data Protection Regulation

Where a child moves to another area, information and records e.g. child's plans may be shared with that area in order that the child/young person continues to receive the support needed. The child/young person/family would know this was occurring.

Not as standard – only if the child moves to that area, or if another area is undertaking an assessment of a family member, assuming the child/parent has consented to the sharing of this information, or Court has instructed the sharing of this information or there are reasons not to seek consent – such as Child Protection.

In North Lanarkshire support is provided based on an individual assessment of need and risk. If information is shared it would be on a need to know basis such as the information pertaining to Child Protection in line with GDPR.

Case files are shared following formal request by another local authority. The requester has to identify the reason for the request; what is specifically requested; what the information will be used for e.g. assessment of child; when the information is required by; is the child (if over 12 years of age) is aware of the request; and, if the parent(s) are aware of the information being requested.

Information is shared as appropriate and within GDPR. The service has a privacy impact statement which is available online.

In relation to GDPR we have to share in certain circumstances, as instructed by the court, Hearing System. We share what is requested and this may be only reports and assessments or full case file. This depends on the case and who has requested the information. It is in the main only where social work is involved with families and will only be in custody cases if requested by the court to become involved. This is not a regular occurrence.

Yes we share with other authorities in relation to child protection concerns, when a child moves between authorities.

Social Services may share information with partner agencies which is relevant, proportionate and promotes the wellbeing of the child, in keeping with national guidance

If we have concerns for the safety of a child or if the family require support once they have moved we will share information with the local authority area that the child / family have moved into.

Yes, if this is deemed appropriate. Information is shared for many reasons, the main being for safeguarding purposes.

Different local authority Social Services have an obligation to share information with other local authority if they are involved and it is in best interests of the child, for example child protection.

We do share information if this meets the threshold of child protection. Outside of this any information can only be shared with the parents' consent.

It would be for the other Local Authority to visit the Local Authority where the case record is kept if they wished to view it. It should be noted that in Wales, Local Authorities and Health Boards are implementing a single case record system for the whole of Wales.

If a child is deemed to be at risk then local authorities are required to sharing information under safeguarding procedures

It can be but subject to strict DP legislation and guidelines. An example of where information might be shared would be for the purposes of undertaking Child Protection inquiries / assessments.

Yes again, if cases are in court and/or if there is a formal request using the correct pathways.

Question 2.

How often if at all do child social services ignore or use a previous family court judgment against the parent in future involvement? Does this only happen when the family court have ruled someone is guilty of an incident or does it also happen when someone is found innocent in family court? I don't believe there will be statistics on this question but there may be reports or regulations that child social services adhere to that would cover this question.

there are no Family Courts in Scotland and it is not the role of SWS staff working with parents to “hold judgements against” parents – their role is to protect the health, wellbeing and dignity of children with mindful consideration of all relevant factual information. I can think of no way to obtain the information that you have requested.

When carrying out assessments of family circumstances Social Services would look to consider all information which relates to the family.

In Scotland, we do not have the same family court system as England. Generally these cases are heard by a Sheriff and use Solicitors rather than Social Work. As noted above the Children’s hearing system in relation to children who require compulsory measures of care and the Reporter to the children’s panel would decide on the evidence used to establish any grounds and this would include historical information if that was relevant.

CSC assessments consider a wide range of evidence and holistic information, alongside research and multi-agency information sharing, to come to an informed decision. This also includes the child’s voice, parental reflection and wider observations. This would also consider previous proceedings if relevant and any findings. The Children Act 1989 section 17, section 47, section 20 and section 31 are key.

I am not sure the wording of social services using their history against them regardless of its source is helpful.

An assessment will incorporate significant events in the family history and understand their continued relevance.

Under S12 (1) of the Freedom of Information Act, where the cost of compliance would exceed the costs threshold a public authority is not obliged to comply with a request.

The Freedom of Information Act 2000 applies to recorded information held by the County Council (e.g. emails, documents, data etc). This question does not relate to recorded information so is not covered by the Freedom of Information Act

I don't believe there will be statistics on this question but there may be reports or regulations that child social services adhere to that would cover this question.

We do not hold this information, but in response to your enquiry regarding regulations, statutory children’s services follow government guidance Working Together to Safeguard Children which is publically available here . We draw your attention in particular to point 67 and page 45 with regard to family history.

Social care consider all relevant known family history as well as reviewing current situation.

This data is not something we would be able to report on as we do not hold this.



This is not a request for recorded information held by the council but a question/request for opinion, therefore this will not be considered as part of this response.

All information is taken into account if it relates to a child protection matter.

In compliance with the Freedom of Information (Scotland) Act 2002, we are required to provide notice that the information requested above is not held under Section 17 – Information not held. We do not gather evidence or data in relation to this query.

All Social Work intervention is governed by legislation and professional judgment

When undertaking assessments, the Belfast Health and Social Care Trust Children's Community Social Service will draw upon a range of information, including the availability of any previous assessments. Any evidence of past harm will be an important consideration alongside any capacity to change assessment in helping determine what is in the best interests of the child.

A Court judgement can never be ignored but would only be relied on if relevant to the case at the present time. No reports or regulations are available to answer this question.

Every situation is individually assessed

There are no regulations and no guidance in this area. Every case is considered individually.

Question 3.

Since 2010 how many times have child social services threatened someone with a gagging order and how many times have they actually gone to court to obtain a gagging order against an individual, family or company? these statistics would be per calendar or financial year

A gag order, or anonymity order, is sometimes issued by courts in the United Kingdom to protect privacy, prevent harm to suspects, prisoners, witnesses, victims, or to protect national security.

A gagging order is an injunction issued by the court to restrict or prohibit the public disclosure of private or confidential information on a particular matter

. I am uncertain what your understanding of a “gagging order” is. In our understanding, if a party or parties wished to obtain a legal order preventing the dissemination of information relating to a certain topic in Scotland, they would do so via an interim interdict followed by a reporting ban granted by the relevant court. As such, these orders do not apply to an

individual, family or company – they apply to everybody who might wish to share the information in question. As such, your question is non-applicable and cannot be answered.

North Ayrshire Council does not record the number of times social services threatened someone with a gagging therefore gives notice under Section 17 of the Freedom of Information (Scotland) Act 2002 that this information is not held.

This is a matter that would be dealt with through civil court in Scotland and not something that social work services would necessarily be involved in. This local authority has not threatened anyone with a gagging order.

A gagging order does not exist in law. In care proceedings cases are heard in the family court and are confidential and therefore there are specific regulations about who can disclose what information to a 3<sup>rd</sup> party .

We do not hold this information as we do not collect information in this way.

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We are unable to provide the information, as it is not possible to achieve this within the timescale of 18 hours, i.e., it would take one person more than 18 hours to collate the information. In order to provide this information, it would mean checking 13,007 number of files, each taking minimum of 20 minutes to locate, retrieve and collate the information. This equates to over 4,335 hours, which is over the 18-hour timescale.

Children's social care would not make applications to court for a 'gagging order'.

We do not recognise the term 'gagging order' and hold no information that would assist with your answer.

Unable to answer as information is not collected in a reportable format

For further information on family court proceedings and guidance please see:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/942454/Working\\_together\\_to\\_safeguard\\_children\\_inter\\_agency\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/306282/Statutory\\_guidance\\_on\\_court\\_orders\\_and\\_pre-proceedings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/306282/Statutory_guidance_on_court_orders_and_pre-proceedings.pdf)

Volume 1: statutory guidance about court orders and the roles of the police and the Children and Family Court Advisory and Support Service can be find here:

<https://www.gov.uk/government/publications/children-act-1989-court-orders--2>

Child social services never “threaten” gagging orders and although we do not hold information on the use of anonymity orders, or their equivalent, we would estimate their use to be zero.

This is not something we do.

In compliance with the Freedom of Information (Scotland) Act 2002, we are required to provide notice that the information requested above is not held under Section 17 – Information not held. We do not gather evidence or data in relation to this query.

Each referral is investigated on its own merit. There is no pursuit/investigation of referrers.

Never

This has never been done in this authority

We have never applied for a “gagging order”.

Question 4.

## Family Lives Matter

How often is misinformation passed between different child social services areas and what can the person that misinformation pertains to do about it?

I am unable to answer how often this happens. Further information on examples where this has happened and the persons right of recourse can be obtained from the Information Commissioners Officer.

We are unable to answer the requestor question in the absence of knowing what the requestor determines as “misinformation”. However, where there exists data breaches or where inaccurate information is shared, such matters are, for example, reported by the Trust to the Information Commissioners Office or addressed by the Trusts Complaints procedures.

We do not pass misinformation, only information that is deemed correct at the time. A request for rectification or erasure of information can be made, or a formal complaint.

In Scotland social work records are subject to schedules of retention and any information relating to a child or family that is identified as being incorrect can be amended. Families have access to their case records.

We would not share misinformation.

- Not sure that is something we keep as what is the definition of misinformation - individuals may consider something as misinformation because they do not agree

with it?

We do not record this information. However, if this was to happen, we would inform the Information Governance team and follow GDPR guidance.

A complaint procedure is available for families if they have concerns or this can be raised within proceedings if care proceedings are ongoing.

I think the starting point is knowing what misinformation is, unless challenged and then corrected we have to accept the history on a file. We will have our own understanding and can with the work of a family understand the relevance and accuracy of what may be on historical records but until that work it is not possible from looking through a file what record may fall under the heading of misinformation.

This is subjective. Please can you specify exactly who the misinformation refers to?

Not held / if a data subject believes incorrect information is held, they may submit a Right of Rectification under DPA 2018..

Information is not recorded in this way. However, should someone believe that misinformation has been shared they can use the Council's complaints procedure(s) and refer their concerns to the Information Commissioner's Office (ICO).

We do not keep a record of how often potential errors in the records have been notified to relevant workers. Every time an error is discovered the record is amended to make sure it is accurate.

Misinformation is not sent on purpose under any circumstances.

You can contact the Data Protection team and advise they feel their information has been breached, or make a complaint if they are not satisfied with any response. If an individual believes that incorrect information is recorded about them by organisations, they can exercise their rights under Data Protection legislation to acquire a copy, have the information rectified, erased or restricted

This is impossible to quantify and would require interpretation as to whether information would be classed as misinformation or differing opinions.:

The Council does not knowingly share incorrect information. If a service user believes that information on their file is incorrect they should inform their social worker in the first instance. Alternatively, a formal request for rectification can be submitted to the Information Governance Team.

This data is not collected. The Local authority has a complaints process which can be used to raise any complaints about any information which is seen to be shared inappropriately.

If misinformation is recorded, the person can make a complaint which will be investigated and if found to be misinformation, the record can be updated.

No recorded information is held on mis information

If the service user believes a breach has occurred, then SCC will look at each case individually. The service user can raise a complaint using the below link, if it cannot be resolved by discussing with the team involved.

Where an individual believes misinformation has been shared with any other person or organisation the Council has its own complaints process.

We do not hold a record which would cover the area in which you question.

The amount of information that is passed between services would depend on the individual circumstances of the case.

We would never knowingly pass misinformation and would hope that we did not receive misinformation, if this came to our attention we would take very seriously and address immediately. If a person was concerned about that misinformation had been shared about them we would suggest that they addressed this directly with the service which they are working or via a complaints procedure.

In accordance with Section 17(1)(b) of the Freedom of Information (Scotland) Act 2002, Dumfries and Galloway Council can confirm we do not hold the information requested. This could only be commented on on a case by case basis.

We would never pass on misinformation if we were aware of this. A person is always welcome to bring to our attention if there is misinformation about them.

We do not record instances of misinformation being passed between different child social services.

No studies have been undertaken therefore the Council is unable to comment on this question.

We do not collect this information. If it comes to light in this authority, firstly person can submit a formal complaint in relation to breach of data and a complaint can also be raised with Information Commission.

Social Services may share information with partner agencies which is relevant, proportionate and promotes the wellbeing of the child, in keeping with national guidance. Individuals have a right to access information that is recorded about them or a child for whom they hold parental rights and responsibilities and may wish to record his/her disagreement to the information held.

Data is not held in respect of how often information is passed between different child social service areas. If a person believes there is an error if the information that has

been shared they should address this with the service who shared the information as there will be a complaints procedure in place.

Section 1(1) of the Freedom of Information Act states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request, and if that is the case, to have that information 'communicated' to him. Therefore, I am informing you that for purpose of Section 1 FOIA 2000, the Council holds no information relevant to your request.

Not clear what is meant by misinformation.

The Child Care department would only disclose relevant information that is contained within the child's file, therefore, only relevant information about the child is shared. If however, there was a mistake made the person would be directed to the complaints procedure/department. Of course, if wrong information were to be shared about a third party accidentally data breach protocol would be initiated.

We do not hold this information as a corporate record

These are not valid requests for recorded information under the Act. If I have interpreted your question correctly, you have asked me to quantify firstly how often factually inaccurate personal data is shared across the United Kingdom by all child social work services and secondly, what an individual whom said personal data relates to can "do about it" (which I have interpreted as meaning can correct the information in question).

A Local Authority is duty bound to record any information it receives in relation to a child or adult it is working with. The issue of whether this information is considered 'misinformation' has to be proven through appropriate evidence. If any person has evidence of misinformation being shared then they should raise it with the organisation concerned so that enquiries can be made.

We are not aware of misinformation being shared

Not able to answer - would require speculation. Challenge could be via a complaint route, or via data protection.

To assess if misinformation has ever been provided, we would need to manually check every record pertaining to the sharing of information. This would equate to thousands of records and would exceed 18hrs. Section 12 of the Freedom of Information Act states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit of either 18 hours and/or £450.

Question 5.

Under what circumstance (if this happens) do child social services admit sharing or stating misinformation about a parent and what can the parent do to ensure this does not happen again in the future

This is not a valid request for recorded information, but a request for an explanation of SWS practice based on the loaded premise that SWS staff routinely share “misinformation” about a parent. Based on the context of your question as it is written, it would appear that by misinformation, you are not merely referring to inaccurate information, but false information that is being maliciously transmitted.

If a social worker has inappropriately shared information, attempts would be made to redress this to the satisfaction of the individual. If any learning has been identified from the sharing of misinformation, we will endeavour to make improvements in our service delivery.

If it is deemed to be a breach of data, this would be investigated by our Data Protection Officer.

Where a parent considers that information has been misused in any way, they can make a formal complaint to the Council or to professional standards bodies e.g. SSSC or Care Inspectorate for consideration. Any factual inaccuracies will be corrected and any differences in relation to opinion will be noted.

Social work does not knowingly share incorrect information and follows the principles of GDPR.

‘Misinformation’ is a subjective term and therefore impossible to define and quantify. However, Services for Children, Young People & Families values the accuracy of information held within its systems on individuals and families. Where a person believes that information which has been passed to our service is inaccurate, we will seek to establish whether the information is correct by liaising with the local authority to ask for source information. We will record in reports that the person has stated that the information is incorrect but as it is not information that has been created by us, we are unable to amend or change it unless or until the providing agency provides us with a corrected version.

The complaints procedure, both informally and formally, can be used – or if within proceedings this can be raised by the party raising the query. Suggest direct to Working Together 2018 (with 2020 amends) document on gov.uk website.

This depends on what you mean by misinformation.

If there are factual inaccuracies these can be challenged and amended.

If it is a matter of opinion that is different

This is subjective

Should a parent believe that Children's Services has holds or has shared incorrect personal information, there are data subject rights available to them within the UK GDPR. The Council will rectify incorrect personal information pursuant to Art 16 GDPR should it be appropriate to do so.

Not within scope of the FOIA / if a data subject believes incorrect information is held, they may submit a Right of Rectification under DPA 2018

The Freedom of Information Act 2000 applies to recorded information held by the County Council (e.g. emails, documents, data etc). This question does not relate to recorded information so is not covered by the Freedom of Information Act 2000.

We do not record this information in a reportable format. If this had occurred it would be recorded on an individual's case file, however, we'd have to trawl through all care records from 2010 onwards. Section 12 of the Act allows a public authority to refuse a request for information where the cost of dealing with it would exceed the appropriate limit, which for local government is set at £450 (equivalent to 18 hours of work).

The Council does not knowingly share incorrect information. If a service user believes that information on their file is incorrect they should inform their social worker in the first instance. Alternatively, a formal request for rectification can be submitted to the Information Governance Team.

We do not share misinformation. If information we have recorded in good faith is found to be inaccurate, and this is brought to our attention, we will take steps to address the inaccuracy.

Parents will usually be informed of the need to share information where necessary and their views will be sort

Officers of the council are required to act in accordance with the Data Protection Act and General Data Protection Regulation. These include requirements to ensure records are accurate and information only shared with third parties where it is appropriate to do so. Where a data subject (or a person responsible for that data subject if the latter is a child) is of the opinion that information recorded concerning them is inaccurate, there are rights within data protection legislation to ask for the record to be corrected. Similarly, a data subject or their representative may report a breach of their data protection rights if they believe information has been shared inappropriately. The data subject or their representative may also approach the Information Commissioner and request their intervention. Should a record be found to be inaccurate, if it had been passed to another authority, as in your example, both sets of records would be amended. We do not hold statistics to answer your question regarding frequency since 2010

If misinformation is inappropriately shared, then this will be rectified and addressed as relevant to the specifics of the situation. This would be part of the Corporate Complaints



process.

The Council complies with the Data Protection Act 2018, and is the registered 'controller' of 'personal data'. City of York council have arrangements in place that set out clearly the processes and the principles for sharing information. Every person has

- the right to be informed on how our personal data will be processed,
- the right to access your personal data (subject access request)
- the right to rectification of your personal data if inaccurate and/or have it erased

If a person wants to express their legal rights then they can contact our information governance / data protection officer to investigate.

If a family has had a data breach by children's services they will be informed as soon as we know.

In compliance with the Freedom of Information (Scotland) Act 2002, we are required to provide notice that the information requested above is not held under Section 17 – Information not held. We do not gather evidence or data in relation to this query.

This is not a request for 'recorded information' and we cannot provide an opinion or explanation in relation to professional assessment that is specific to individual cases, therefore under S17 of the Freedom of Information (Scotland) Act 2002 we advise that we hold no information in relation to their requests.

Where a data breach may have occurred or where inaccurate information has been shared there are several different remedies including a report to the Information Commissioner's Office, Trust Complaints procedures, recourse via the Public Ombudsman's Office.

Information or 'misinformation' is never shared intentionally. All information is considered confidential unless there is a safeguarding matter that warrants sharing. If an individual believes there is misinformation being held they have a duty to report it and provide the relevant evidence to support their view.

If a parent believes misinformation has been shared they can make a formal complaint

If information is inappropriately shared we would use Information Governance to advise and take action

No extra explanation is needed, the questions and answers speak for themselves.