

What the new safeguarding information-sharing duty means

A short guide for parents
and professionals

England | September 2026



protectandteach.org



Sources: Children Act 2004, ss 16LA–16LB; Children’s Wellbeing and Schools Act 2026; DfE statutory information-sharing guidance and Working Together 2026; ICO safeguarding and data-protection guidance; Protect & Teach CIC policy analysis, September 2026.

Key findings

1. **A new positive duty to share** Professionals could already lawfully share safeguarding information without consent in appropriate circumstances. The important change is that, where the new statutory test is met, relevant information must now be shared.
2. **The duty reaches beyond significant harm** It can apply to safeguarding, promoting welfare, early help, prevention and unmet need, not only established abuse or section 47 child-protection cases.
3. **Parents do not have an absolute veto over lawful sharing** But information-sharing and accepting a voluntary service are different things. Family Help can still generally be declined.
4. **Professional judgment is central** Terms such as “**relevant**”, “**promoting welfare**”, “**may facilitate**” and “**more detrimental**” require practitioners to exercise judgment. That makes training, recording and proportionality especially important.
5. **Fact, allegation and opinion must remain distinct** An allegation does not become corroborated simply because it appears in several agency systems. Its source and status should remain clear.
6. **Corrections need to follow the information** If inaccurate information has already been shared, correcting the originating record may not be enough.
7. **More sharing means more responsibility** Data protection, security, retention, transparency and rectification obligations still apply.

The new duty addresses a genuine safeguarding weakness, but its success will depend on whether organisations share the right information, preserve context and provenance, and correct errors wherever they travel.

WHAT HAS CHANGED?

A new statutory duty to share information

From **30 September 2026**, section 16LA of the Children Act 2004 creates a positive duty to share relevant information in defined safeguarding and welfare circumstances.

Professionals could already lawfully share safeguarding information without consent where the law allowed it.

The important change is this:

- **BEFORE: Relevant safeguarding information could be shared where there was a lawful basis.**
- **NOW: Where the new statutory test is met, relevant information must be shared.**

The duty is wider than child protection

It is not limited to cases where abuse has been established or the significant-harm threshold has been reached.

It can extend across:

- **CLEAR SAFEGUARDING RISK** Known or suspected abuse, violence or serious harm.
- **EMERGING RISK** Several pieces of information which may reveal a developing safeguarding concern.
- **EARLY HELP** Information that may help another service provide support before a problem escalates.
- **PROMOTING WELFARE** Unmet need or wider concerns about a child's wellbeing.

WHAT HAS CHANGED?

HOW THIS COULD WORK

- **A clear safeguarding disclosure** – A child tells a teacher that an adult at home hit them.

The school may need to share that information immediately. Parental consent is not required simply because a parent objects.

- **An emerging risk** – Police know a teenager is associating with older people linked to exploitation. School separately knows the child is increasingly absent.

Neither piece proves exploitation on its own. Together, they may reveal a pattern.

- **A welfare concern** – A child with additional needs becomes increasingly anxious and absent. A parent says they are struggling with routines and appointments.

There is no allegation of abuse, but information could still be shared if it is considered relevant to the child's welfare and may help another service provide appropriate support.

THE QUESTION PROFESSIONALS SHOULD STILL ASK

- **Why does this particular information need to be shared with this particular organisation?**

“Welfare” should not become a reason to share information simply because it may be interesting or potentially useful.

CAN PARENTS REFUSE?

Information-sharing and accepting help are not the same thing

Can a parent stop lawful safeguarding information being shared?

- **NOT NECESSARILY:** Where the statutory duty applies, parental objection does not automatically prevent sharing.

Can a family refuse voluntary Family Help?

- **GENERALLY, YES:** Voluntary support remains voluntary. A family may be unable to stop lawful information-sharing while still being able to decline the service being offered.

Does refusing help automatically create a safeguarding concern?

- **NO:** The underlying circumstances still need to be assessed on their evidence.

Families may decline support because they:

- already have appropriate help;
- disagree with the proposed intervention;
- believe another service would be more suitable;
- have previously had poor experiences with services;
- or prefer another way of managing the difficulty.

CAN PARENTS REFUSE?

CONTEXT MATTERS

An accurate record might say:

“Family Help offered. Parent declined because the family already receives private counselling and support.”

That is not the same as:

“Parent refuses support.”

And it is not automatically:

“Family has a history of non-engagement.”

Why this matters

As information is summarised and passed between organisations, meaning can gradually change.

For example:

- **Original note:** “Parent declined Family Help because the child already has private counselling.”
↓
- **Summary:** “Family declined Family Help.”
↓
- **Later summary:** “Previous support declined.”
↓
- **Later characterisation:** “History of reluctance to engage with services.”

A voluntary service remains genuinely voluntary **only if declining it is not automatically treated as evidence of safeguarding failure.**

FACT, ALLEGATION OR OPINION?

Information quality matters as much as information-sharing

Safeguarding records often contain information at very different evidential stages.

Those differences should remain visible when information moves between organisations.

- **FACT** "The child was absent from school on 18 September."
- **REPORTED BY THE CHILD** "The child said X struck them."
- **THIRD-PARTY ALLEGATION** "The neighbour alleges that X struck the child."
- **PROFESSIONAL OPINION** "In my professional opinion, the explanation does not fit the injury."
- **LATER FINDING** "The subsequent investigation established..."

One allegation copied into several systems is still one allegation

If school records an allegation, sends it to social care, social care refers to it in a health record, and another professional later reads it, several organisations may now hold the same information.

That does not mean several independent sources have confirmed it.

The source should stay visible.

FACT, ALLEGATION OR OPINION?

Professionals should be able to identify:

- who originally provided the information;
- what was directly observed;
- what was reported second-hand;
- whether it was verified;
- whether it was disputed;
- and what happened afterwards.

If information is wrong

Parents and children retain data-protection rights, although some rights can be restricted where disclosure would itself create safeguarding risk.

Where appropriate, families can ask:

- What information is being held?
- Where did it come from?
- Is it fact, allegation or professional opinion?
- Who has it been shared with?
- Has it been corrected or updated?
- If it was shared before correction, were recipients informed?
- How long will it be retained?
- How can inaccurate information be challenged?

Corrections need to follow the information

- If inaccurate information has already been shared, correcting the original record may not be enough.
- The aim should be to ensure that the **corrected version reaches the places where the inaccurate information has already travelled.**

WHAT GOOD PRACTICE LOOKS LIKE

For professionals

- 1. Share what is relevant – not everything available** The duty does not justify circulating whole files “just in case”.
- 2. Preserve the source** Record where information came from.
- 3. Preserve the status** Keep fact, allegation, reported information and professional opinion distinct.
- 4. Preserve the context** Do not allow summarisation to change the meaning.
- 5. Record why information was shared** The decision should be capable of explanation and review.
- 6. Correct errors wherever they have travelled** A correction in one system may not be enough.
- 7. Be transparent where it is safe to do so** Transparency is different from consent, but it helps families understand what is happening and identify errors earlier.



WHAT GOOD PRACTICE LOOKS LIKE

For parents

You can reasonably ask:

- **WHAT?** What information is being held?
- **WHERE FROM?** Who supplied it?
- **WHAT TYPE?** Is it fact, allegation or professional opinion?
- **WHY?** Why was it considered relevant?
- **WHO?** Who has received it?
- **HOW LONG?** How long will it be retained?
- **WHAT IF IT IS WRONG?** How can it be corrected, and will recipients of the original information be told?



WHAT GOOD PRACTICE LOOKS LIKE

THE PRINCIPLE TO REMEMBER

Good safeguarding is not maximum secrecy or maximum sharing.

It is the right information, shared with the right person, for a clear safeguarding or welfare purpose, at the right time, with its source, context and evidential status preserved.

That is the standard the full Protect & Teach analysis says the new duty should ultimately be judged against.

Read the full Protect & Teach Policy Analysis at protectandteach.org

