

# Effective information sharing

The new section 16LA duty effective 30th September 2026

# A **duty** to share information, not **permission** to share

Share early, but share carefully

From 30 September 2026, **section 16LA of the Children Act 2004** introduces a new statutory duty to share information.

**Where an organisation within scope holds information which it considers relevant to safeguarding or promoting a child's welfare, it must share that information with another relevant organisation where it considers that sharing may help that organisation assess need or risk, make a decision, provide support or take action.**

The exception is where sharing would be more detrimental to the child than not sharing.

The new duty is intended to provide greater clarity and confidence about when information should be shared. In particular, **there is no requirement for a child to have reached a particular statutory or local threshold before relevant information can be shared.** Information can be shared to identify emerging need, prevent escalation and promote welfare as well as to respond to established harm.



# Learning aims

- Understand the section 16LA duty from 30 September 2026
- Apply the test for necessary, relevant and proportionate sharing
- Use information to understand a child's relationships, places and wider contexts
- Identify the right route, recipient and follow-up action



# The statutory test

- An organisation in scope holds information relevant to safeguarding or promoting a child's welfare
- Sharing may help another relevant organisation assess need or risk, decide, support or act
- No statutory or local threshold must be reached first
- Consent is not required when the duty applies
- Data protection law continues to apply
- Record the decision and rationale

**Do not share under this duty if sharing would be more detrimental to the child than not sharing**

# Organisations in scope

| Definitely within section 16LA                                                                                                                                                                               | Within scope for specified commissioned functions                                                                                                                                                                                                          | Outside section 16LA                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Local authorities</li><li>• Health bodies</li><li>• Police</li><li>• Justice services, including YJS</li><li>• Designated education and childcare agencies</li></ul> | <ul style="list-style-type: none"><li>• Primary care providers</li><li>• Commissioned voluntary or community organisations</li><li>• Commissioned private providers</li></ul> <p><i>The duty covers the commissioned function, not every activity.</i></p> | <ul style="list-style-type: none"><li>• Uncommissioned charities and community groups</li><li>• Private healthcare outside relevant arrangements</li><li>• Other organisations and individuals</li><li>• Services outside England</li></ul> |

Outside scope does not mean information cannot be shared. Another legal power or basis may apply.

# Relevant and proportionate information

## Share early

- Emerging or partial information may matter when combined with other agencies' knowledge
- Information can support prevention and early help as well as a response to established harm
- The absence of a data-sharing agreement is not, by itself, a reason to withhold relevant information

## Share carefully

- Share what the recipient needs for the safeguarding purpose, not the whole history
- Separate fact, intelligence, allegation and professional opinion
- Avoid unnecessary labels, outdated narrative and untested allegations
- Explain reliability and any limits on use

**More information moving around the system does not, by itself, show that children are safer.**

# A practical sharing decision

1

## **Purpose**

What safeguarding decision or action could this information support?

2

## **Relevance**

Which details help the recipient understand need, risk or context?

3

## **Proportionality**

What can be omitted, summarised or separated from sensitive detail?

4

## **Transparency**

How will the child or family be informed where safe and practicable?

5

## **Action**

Who will receive it, how will receipt be confirmed, and what happens next?



# Building the safeguarding picture

- Where is the harm occurring?
- Who or what is influencing it?
- Are other children affected?
- What needs to change in the context?

Information may concern the child directly or relate to peers, adults, locations, incidents and networks. Several small pieces can reveal a pattern that no organisation can see alone.

# Questions for practitioners

## Practice and decision making

- Are we sharing early, without waiting for a statutory threshold?
- Are we clear that consent is not required when the duty applies, while remaining open with families where safe?
- What is the safeguarding purpose, and what could sharing enable the recipient to understand or do?
- Are we sharing relevant information rather than everything we know?
- Have we considered peers, adults, places and relationships as well as information about the child?
- Could what we know about one child reveal a risk to another child or a wider context?
- Are we waiting for certainty when partial or emerging information may be important?

## Context and follow through

- Have we separated fact, intelligence, allegation and professional opinion?
- Are we avoiding labels and outdated descriptions of the young person?
- If a child may pose a risk, have we considered both the risk they present and what may be happening to them?
- What impact could sharing have on trusted relationships, and can we explain what we are doing?
- Have we recorded the decision and rationale, whether we share or decide not to share?
- Have we followed up rather than assuming that sending information completes our responsibility?
- What will someone do differently as a result of receiving this information?



# Questions for managers and system leaders

## Leadership and local systems

- Do staff understand that the new test creates a duty to share, not simply permission?
- Are we guarding against both under-sharing and over-sharing?
- Do staff distinguish consent to services from the legal basis for safeguarding information sharing?
- Have local protocols and agreements been reviewed for the new duty?
- Do practitioners know the correct routes for urgent concerns, referrals, contextual information and routine sharing?
- Does information flow both ways between schools, police, YJS, Children's Social Care, Family Help, MACE, health and other partners?
- Does MACE help partners understand and change harmful contexts rather than only accumulate information?
- Can information about one child prompt consideration of other children, shared peers, adults, places or patterns?

## Partnerships and assurance

- Are we preventing intelligence from becoming fact and labels from becoming identities?
- Is YJS fully included as both a contributor and recipient of safeguarding information?
- Do schools and colleges understand how KCSIE and the new duty work together?
- Is MACE connected to Family Help, the integrated front door and MACPTs?
- Are we protecting trusted relationships, including the role of youth workers and trusted adults?
- Have we reviewed cross-borough and cross-service information flows?
- Have we planned how information will follow a young person as they approach 18?
- Does audit focus on improved understanding and action rather than the volume shared?



# Four questions for practice

Are we sharing early enough?

Are we sharing only what is relevant and proportionate?

Are we using information to understand the child's contexts as well as the child?

Is what we share leading to something changing to make children safer?