

## Confidentiality

*In all circumstances where alleged abuse of a child or adult who may be vulnerable has been disclosed or observed, that information should be shared in the first instance with the group leader, incumbent or the Parish or Cathedral Safeguarding Officer. This needs to be done, regardless of whether the child or adult has given consent to the information being shared. The Diocesan Safeguarding Adviser should be advised of all concerns and may be consulted at any time in the safeguarding process.*

### **Confidentiality and Information Sharing**

The common law provides that where there is a confidential relationship, the person receiving the confidential information is under a duty not to pass on the information to a third party. But the duty is not absolute and information can be shared without breaching the common law duty if:

- the information is not confidential in nature *or*
- the person to whom the duty is owed has given explicit consent *or*
- sharing is required by a court order or other legal obligation *or*
- there is an overriding public interest in disclosure

### **Consent and Information Sharing : the Public Interest**

Where consent cannot be obtained to the sharing of the information or is refused or where seeking it is likely to undermine the prevention, detection or prosecution of a crime, the question of whether there is a sufficient **public interest** must be judged on the facts of each case. Therefore, where there is a concern about a child or adult who may be vulnerable refusal of consent should not be regarded as necessarily precluding the sharing of confidential information.

***Sharing confidential information without consent will normally be justified in the public interest:***

- when there is evidence that the child is suffering or is at risk of suffering significant harm *or*
- where there is reasonable cause to believe that a child may be suffering or is at risk of significant harm *or*
- to prevent significant harm arising to children and young people or serious harm to adults, including through the prevention, detection and prosecution of serious crime
- where a vulnerable person is judged to be at risk of significant harm or an adult is likely to harm themselves or others

***Where there is a clear risk of significant harm to a child or vulnerable adult the public interest test will almost certainly be satisfied.***

### **Proportionality**

The key factor in deciding whether or not to share confidential information: is the proposed sharing a proportionate response to the need to protect the public interest in question? The amount of confidential information disclosed and the number of people to whom it is disclosed should be no more than is strictly necessary to meet the public interests in protecting the health and wellbeing of a child or adult who may be vulnerable. Weigh up what might happen if the information is shared against what might happen if it is not, and make a decision on a reasonable judgment.