

Appendix 2 – Express Statutory Powers and Duties to Share Information

Any agency or public body

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory function	Duty?
Any agency or public body	There is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm	Social Services	Yes – Section 47 Children Act 1989	
Any organisation employing a person in a child care position	An individual has been found guilty of misconduct (whether or not in the course of his employment) which harmed a child or placed a child at risk of harm	Department of Health	Yes - Protection of Children Act 1999, Section 2	Yes
Any organisation dealing with child care	The organisation wishes to offer a job to a person in a child care capacity	Department of Health	Yes – Protection of Children Act 1999, Section 8	Yes
Any organisation employing a person in a care of vulnerable people position	A person is found to be unsuitable to work with vulnerable adults	Department of Health	Yes – Care Standards Act 2000, Section 82	Yes

More than one designated agency

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Local Housing Authority, Health Authority, Special Health Authority, Primary Care Trust, National Health Service Trust	Social Services request for information re above	Social Services	Yes – Section 47 (9) of Children Act 1989	Yes
Any Health Authority or Local Education Authority	<p>Because a child is being accommodated by them and they are obliged to inform Social Services of this fact.</p> <p>Social Services has to ensure the child's welfare is being adequately safeguarded and promoted</p>	Social Services in area where the child is being accommodated	Children Act 1989, Section 85	Yes

More than one designated agency continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
<p>Police; National Criminal Intelligence Service; National Crime Squad; Customs and Excise or a person providing services to them in connection with the provision of those services; Any person specified, for the purposes specified in relation to that person (eg Asylum Teams within local authorities, Home Office, the National Asylum Support Service and the Refugee Council)</p>	<p>To provide the Secretary of State with any information held for use for immigration purposes, ie for the administration of immigration control; to detect or prevent criminal offences under Immigration Acts; provision of support for asylum seekers and their dependents and any other such purposes as may be specified.</p>	<p>Secretary of State</p>	<p>Immigration and Asylum Act 1999, Section 20</p>	
<p>Any Health Service within NHS and Local Authority</p>	<p>In order for Health to exercise their Health Service functions and for the LA to exercise its functions in order to secure and advance the health and welfare of the people of England and Wales</p>	<p>As above</p>	<p>National Health Service Act 1977, Section 22 * Implied power (see note)</p>	

More than one designated agency continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
<p>Any Local Authority Any Local Education Authority Any Local Housing Authority Any Health Authority</p> <p>(all acting on behalf of the responsible LA)</p>	<p>Because it is felt that the child or young person or family is in need of services to safeguard and promote the welfare of a child or young person.</p> <p>Section 17 of Children's Act states a child is in need if:</p> <p>(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;</p> <p>(b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or</p> <p>(c) he is disabled.</p> <p>"Family" includes any person who has parental responsibility for the child and any other person with whom he has been living.</p>	<p>Other agencies within this partnership who are involved with the child, young person or family and with any other agency that may provide the appropriate services (including voluntary agencies)</p>	<p>Children's Act 1989, Part III:</p> <ul style="list-style-type: none"> • Section 17 (1) (provision of service) <p>This places a general duty on every LA to "a) safeguard and promote the welfare of children within their area who are in need and b) so far is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs"</p> <ul style="list-style-type: none"> • Section 27 (1) (2) and (3) (other agencies acting on behalf of the LA) • Section 17 (5) (voluntary agencies) • Section 17 (10) and (11) (definition of a child in need) <p>Section 2 Local Government Act 2000</p> <p>*Implied power (see note)</p>	

More than one designated agency continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Police Local authority (all services as applicable, eg Housing) National Park Authority Broads Authority Joint Authority Health Probation Youth Offending Team	Have reasonable belief that a child or young person is likely to commit a crime and therefore to prevent crime occurring	Any appropriate agency that can assist the child or young person to prevent them from committing a crime. For example Health, Youth Offending, Voluntary Agency if appropriate.	Crime and Disorder Act 1998 Section 115; Section 17(1); Section 37 and Section 38. The amount of information disclosed must be only be on a need to know basis and the minimum amount of information necessary to fulfil the statutory duty. It can only be relied upon for authorities to work together to prevent/reduce crime. <ul style="list-style-type: none"> • Implied power (see note) 	
Education/Health	To assess a child's SEN	Should seek advice from: Child's parent Head teacher, the teacher who taught the child, the person who the authority are satisfied have experience of teaching children with SEN Medical advice from a fully registered medical practitioner Psychological advice (from Educational Psychologist) Social Services Any other advice which LEA considers appropriate	Section 322 Education Act 1996 Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 3455/2001), Regulation 7(1)	Yes Yes

Local Authority

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Social Services/Local Authority	To compile and maintain a register of disabled children	Health	Children Act 1989 Section 17 (2)	Yes
Social Services (or any other LA service)	There is a need for health or housing provision and Health or Housing can assist with the assessment	Primary Care Trust, Health Authority or Local Housing Authority	Section 47 National Health Service and Community Care Act 1990	Yes
Social Services/Local Authority	To compile and maintain a register of blind; partially sighted; deaf with speech; deaf without speck; hard of hearing; and general classes (those whose primary handicap is neither visual nor auditory)	Health Services	National Assistance Act 1948, Section 29	Yes
Local Authority or LEA	To provide the courts with information relating to home surroundings, school news, health and character of the person (unless they are of the opinion it is not necessary to do so)	The Courts or the Youth Offending Team or Probation acting on behalf of the Courts.	Children and Young Persons Act 1969, Section 9	Yes

Local Authority continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Any Local Authority Department	Because the department has a statutory duty to carry out a particular function, eg	Other agencies (including voluntary agencies) that hold relevant information to enable the LA department to carry out its statutory duty. Without the information they would not be able to carry out the particular function.	Section 111 of the Local Government Act 1972, gives Local Authorities the power “to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of their functions”. *Implied power (see note)	
Any Local Authority Department	Because the local authority considers that with the information it can: a) promote or improve the economic well-being in their area b) promote or improve the social well-being of their area c) promote or improve the environmental well-being of their area	Any other agency who holds relevant information	Section 2 of the Local Government Act 2000, which gives the LA “a power to do anything they consider is likely to achieve any one or more of the objectives” as set out in column 2. So long as there are no restrictions or prohibitions or limitations in other enactments, ie must be compatible with the requirements of the Data Protection Act and the Human Rights Act and, unless the statutory provision clearly authorises disclosure, with the common law duty of confidentiality. *Implied power (see note)	
Social Services Local Authority (any section)	To encourage children and young persons not to commit a crime	Youth Offending Team	Crime and Disorder Act 1998 Section 40(3) and Children’s Act 1989 Schedule 3 *Implied power (see note)	

Local Authority	To encourage children and young persons not to commit a crime	Any relevant agency to act on behalf of the Local Authority to discourage a child or young person from committing a crime	Children's Act 1989 Schedule 3 *Implied power (see note)	
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Social Services

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Social Services	To undertake enquiries in order to decide if action should be taken to safeguard or promote the child's welfare	Any agency who may have information	Yes – Section 47 (1) Children Act 1989	Yes
Social Services	As a result of above enquiries it appears there are matters connected with the child's education which should be investigated	Relevant Education Authority	Yes – Section 47 (5) Children Act 1989	Yes
Social Services	Child ordinarily living in another LA	Social Services of another LA	Yes – Section 47 (12) of Children Act 1989	Yes

Social Services	Because it is believed that a child with a disability is likely to suffer harm but lives or is moving to another LA.	Other LA where child lives or is moving to. When informing the other LA the LA must specify the "harm that they believe he is likely to suffer and (if they can) where the child lives or proposes to live"	Yes, Section 17(2) Children Act 1989. Para 4(3) provides that when informing that other LA they shall specify a) the harm that they believe he is likely to suffer and b) (if they can) where the child lives or proposes to live. Harm means ill treatment or the impairment of health or development. Development means physical, intellectual, emotional, social or behavioural development. Health means physical or mental health. Ill-treatment includes sexual abuse and forms of ill treatment that are not physical.	Yes
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Social Services continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Social Services	Because a Looked after Child is being accommodated at an establishment at which education is provided	The Local Education Authority of the area in which the establishment is located	Children Act 1989, Section 28	Yes

<p>Social Services</p>	<p>Because a young person is entitled to leaving care services and Social Services have a duty to keep in contact with such a young and to provide advice and assistance.</p> <p>A young person is eligible if he has been in care for a period of 13 weeks or more since he was 14 (not necessarily continuous) and has left care after 16 but is still under 21 years of age. It does not include children who have received respite care for this period of time of it the young person has returned home.</p>	<p>Any agency who may have any information about the young person which enables the LA to undertake its statutory duty.</p> <p>Most likely to be Health Services but could be any agency (GP registration)</p>	<p>Children Act 1989, Section 23 and Section 24, as amended by Children (Leaving Care) Act 2000, sections 24, 24A to 24D</p>	
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Social Services continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Social Services	Because a young person who is eligible for after care services (see above) is moving to or has moved to another local authority area.	Social Services in the new area	Children Act 1989, Section 24, as amended by Children (Leaving Care) Act 2000, sections Section 24C (1)	Yes
Social Services	Because Social Services has lost contact with an eligible care lever and has to take reasonable steps to locate a young person who they have lost touch with.	Any agency who has this information, most likely Health		
Social Services	<p>Because it is felt that another organisation could assist them to provide support for children in need and or their families.</p> <p>Any authority to whom such a request is made has a duty to co-operate provided that the request is not incompatible with the performance of its own obligations or unduly prejudice the performance of their own functions.</p>	<p>Other local authorities</p> <p>Any local education authority</p> <p>Any local housing authority</p> <p>Any health authority</p>	<p>Children Act 1989, Section 27</p> <p>* Implied power (see note)</p>	

Any Adoption Agency

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Any adoption agency	Because an inquiry is being held under Section 81 of the Children's Act 1989	Anyone who is holding the enquiry	Adoption Agencies Regulations 1983 (SI 1983/1964) Regulation 15 (1) A written record must be kept by the adoption agency of any such disclosure.	Yes
Any adoption agency	For a complaint about the adoption agency to be investigated or consideration given to any representation	Any person appointed by the adoption agency to investigate complaints or consider representations	Adoption Agencies Regulations 1983 (SI 1983/1964) Regulation 15 (1) A written record must be kept by the adoption agency of any such disclosure.	Yes
Any adoption agency	Because it is felt to be in the interests of a child or prospective adopter if information is shared with another adoption agency.	Any other adoption agency	Adoption Agencies Regulations 1983 (SI 1983/1964) Regulation 16 A written record must be kept by the adoption agency of any such disclosure	Yes
Any adoption agency	Because the adoption agency intends to cease to act or exist	To the local authority or other adoption agency, in the same area	Adoption Agencies Regulations 1983 (SI 1983/1964) Regulation 16	Yes

Education : LEA

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Local Education Authority School Agencies or Contractors of teachers	Because a teacher has ceased to be employed because of misconduct or health	General Teaching Council	Yes – Teaching and Higher Education Act 1998, Sections 15 and 15 A	Yes
LEA	Considering making an assessment of SEN. LEA under obligation to send copies of the notice stating they are considering an assessment of SEN	Social Services Health Authority Head Teacher of School pupil registered with (if any) If the child receives education from an early education provider, to the head of SEN in relation to that provider	Education (Special Education Needs) (England) (Consolidation) Regulations 2001 (SI 3455/2001), Regulation 6	Yes
LEA	Requirement to serve list of all children with statements who will be in Year 10 of compulsory education	To Connexions	Education (Special Education Needs) (England) (Consolidation) Regulations 2001 (SI 3455/2001), Regulation 18	Yes
Education LEA request to School	To know details of children registered at school	School to LEA	Section 434 Education Act 1996, Ss (4)	Yes
Education	Social Services request for information re a child's welfare	Social Services	Yes – Section 47 (9) Children Act 1989	Yes

Education : Schools

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
School	Change of Educational Establishment (school higher education)	New school/higher educational establishment (responsible person – eg Headteacher)	Education (Pupil Information) (England) Regulations 2000 SI 2000/297, Regulation 5 plus Regulation 10	Yes
Headteacher	Review of SEN requirement on HT to invite	Rep from LEA Parent Staff who teach the child Any other person the HT considers appropriate Any other person the LEA considers appropriate and who is specified in the notice Where a child is in year 10 of compulsory school age a rep of Connexions	Education (Special Education Needs) (England) (Consolidation) Regulations 2001 (SI 3455/2001), Regulation 18, 20 and 21	
Headteacher	Requirement to give certain information about excluded pupils	LEA	The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 (SI 3179/2002) and Education (Pupil Exclusions and Appeals (maintained schools) (England) Regulations 2002 (SI 3178/2002),	Yes
Headteacher	Because a Headteacher must disclose a pupil's educational record to the parent	Parent	Yes – Education (Pupil Information) (England) Regulations 2000 SI 2000/297, Regulation 5	Yes

Connexions and Further Education

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
<p>Connexions; Community, foundation and voluntary schools; Community or foundation special schools; CTCs, city colleges for technology or the arts; Academics; Pupil Referral Units; Further Education Institutes; Those in receipt of funding from the Learning Skills Council</p>	<p>To help a young person take part in further education or training. Information covered: Name and address of a young person</p> <p>Name and address of parent of a young person Information in the institution's possession about a young person</p>	<p>From any or all of the following:</p> <p>Local Authority Health Authority Chief Officer of Police Police Authority Probation Committee Youth Offending Team Primary Care Trust</p>	<p>Section 117(1) Learning and Skills Act 2000</p> <p>Note – a parent (if the pupil has not attained 16) or a pupil (if 16 or over) can instruct the relevant institution not to provide the information described in s117 (1)(b) (s117 (2)). Otherwise this information can be shared without consent.</p>	<p>Yes</p>
<p>Any person or body (see above) involved in the provision of further education or training</p>	<p>To help a young person take part in further education or training.</p>	<p>Local Authority Strategic Health Authority Learning and Skills Council A Chief Officer of Police Local Probation Board Youth Offending Team Primary Care Trust</p>	<p>Section 120 Learning and Skills Act 2000</p>	
<p>Connexions</p>	<p>To support young people to obtain appropriate benefits under the Social Security Contributions Act 1992, or the Social Security Administration Act 1992</p>	<p>Benefits Agency Job Centre Plus</p>	<p>Section 119 (1) Learning and Skills Act 2000</p>	

Health

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Any Health Service within NHS	To provide a comprehensive health service in England and Wales to improve the physical and mental health of the population and to prevent and diagnose and treat illness	Other NHS practitioners working within the health service and practitioners from other agencies, eg social services, who are carrying out health service functions that would otherwise be carried out by the NHS.	National Health Service Act 1977, Section 2	
Health Service	A child or young person has physical or mental health problems which require extra services	Any agency that can provide appropriate health services (could be voluntary agency such as Scope?)	National Health Service Act 1977, Section 1	

Voluntary Organisation

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Voluntary Organisation	As above	Social Services in new area	As above, Section 24C (2)	

Secretary of State

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Secretary of State	For the prevention, detection, investigation of prosecution of criminal offences; safeguarding national security; such other purposes as may be specified	A chief officer of police	Immigration and Asylum Act 1999, Section 21	
Secretary of State	National Criminal Intelligence Service (NCIS) purposes, ie for any functions of the NCIS mentioned in S 2 of the Police Act 1997, ie to gather, store and analyse information to provide criminal intelligence, to provide criminal intelligence to police forces in Great Britainthe National Crime Squad and other law enforcement agencies; to act in support of such police forces, the National Crime Squad and other law enforcement agencies carrying out their criminal intelligence activities.	The Director General of the National Criminal Intelligence Services	Immigration and Asylum Act 1999, Section 21	

Secretary of State continued

Agency	Why do you want to share/request information?	Who do you want to share with or request from?	Statutory Function	Duty?
Secretary of State	NCS purposes, ie any functions of the NCS mention in section 48 of the Police Act 1997	The Director General of the National Crime Squad	Immigration and Asylum Act 1999, Section 21	
Secretary of State	For any customs purposes, ie Criminal offences; Conduct which would incur a non-criminal penalty under any Act; The assessment or determination of non-criminal; Checking the accuracy of information provided for Customs and Excise matters; Legal proceedings; Safeguarding national security	The Commissioners of Customs and Excise, or a person providing services to them	Immigration and Asylum Act 1999, Section 21	
Secretary of State	NCIS purposes, ie for any functions of the NCIS mentioned in S 2 of the Police Act 1997	The Director General of the National Criminal Intelligence Services	Immigration and Asylum Act 1999, Section 21	
Secretary of State	In order for the body or person to carry out the services they have been authorised or are obliged to do	Asylum Teams within local authorities, Home Office, the National Asylum Support Service and the Refugee Council	Immigration and Asylum Act 1999, Section 21	

