

The Statutory Information Sharing Duty

(comes into force on the 30th of September 2026)

Briefing note for Schools and Trusts

The Department for Education's new [Statutory Information Sharing Duty](#), introduced through the Children's Wellbeing and Schools Act 2026 and now contained in section 16LA of the Children Act 2004, is intended to provide greater clarity and confidence around information sharing for safeguarding purposes. It strengthens the expectation that schools and other relevant organisations will share information where doing so may help safeguard and promote the welfare of a child, unless there is a clear and exceptional reason to conclude that sharing would be more detrimental to the child. The guidance indicates that this exception is intended to apply only in limited circumstances and should be supported by professional judgement.

The duty should be read alongside existing safeguarding and data protection legislation and schools should continue to follow local safeguarding arrangements, existing procedures and appropriate security measures when sharing information.

What does this mean for schools?

Information sharing should not be delayed because of uncertainty about data protection. [Working Together to Safeguard Children 2026](#) confirms that the Data Protection Act 2018 and UK GDPR support the sharing of relevant information for safeguarding purposes and should not be viewed as barriers to keeping children safe. It is not necessary to seek consent where there is another appropriate lawful basis for the disclosure.

There is no requirement for a child to meet a particular statutory threshold before information can be shared. The duty applies where information may help another relevant organisation or practitioner:

- assess need or risk
- make decisions
- provide support
- take action to safeguard a child
- promote a child's welfare.

This includes information relevant to:

- early help
- preventative interventions
- emerging concerns
- unmet needs
- situations where a child may pose a risk to others.

Schools should therefore not view the duty as applying only to child protection cases or situations involving significant harm.

Does this mean schools should share entire safeguarding files?

No.

The statutory duty does not create a blanket entitlement for the police, children's social care, or any other safeguarding partner to receive an entire safeguarding file simply because it is requested.

The duty applies to information that may help the recipient exercise their safeguarding functions, and the guidance focuses on sharing information that is relevant to that purpose. Data protection legislation continues to govern how information is shared, including considerations of relevance, necessity, proportionality and appropriate record keeping.

Where a request is made, the school should continue to consider the purpose of the request and whether the information being disclosed is relevant and necessary to support that purpose. In some cases, this may justify sharing the full safeguarding record, whilst in others a chronology, summary, or selected records may be more appropriate.

It is recommended that schools maintain a record of:

- what information was requested
- who made the request and in what capacity
- the lawful basis relied upon
- what information was disclosed
- why that information was considered relevant and necessary
- if information was withheld and if so, the rationale for doing so.

Maintaining an appropriate audit trail will help demonstrate the school's decision making and accountability should the information sharing decision be questioned at a later date.

Lawful basis considerations

Historically, schools often relied on public task for information sharing intended to promote a child's welfare, such as early help activity, whilst child protection related disclosures were more commonly supported by legal obligation.

The new statutory duty brings both safeguarding and promoting the welfare of children within the scope of a legal requirement to share information in the circumstances set out in the guidance.

As a result, where information is being shared specifically in reliance on the new duty, Article 6(1)(c) Legal Obligation is likely to be the appropriate lawful basis.

Schools should remember that not every safeguarding disclosure will necessarily fall under the new duty and should continue to consider the most appropriate lawful basis on a case-by-case basis.

Key takeaway

The Information Sharing Duty reinforces that relevant information should be shared where doing so may help safeguard or promote the welfare of a child. Information sharing is not limited to child protection thresholds and extends to early help, prevention and unmet need. Schools should continue to exercise professional judgement and ensure decisions are proportionate, clearly documented and focused on safeguarding and promoting the welfare of the child.