

Information Sharing Protocol for practitioners & managers

1. INTRODUCTION

There is an increasing emphasis on integrated working across services with the aim of delivering more effective intervention at an earlier stage. Information sharing is key to this agenda.

HM Government - 'Information sharing: Guidance for practitioner's and managers - Oct 2008

1.1 Public sector agencies and organisations are able to make differing resource contributions to various initiatives: one of the most vital resources is information. This Protocol provides the framework upon which the exchange of information can be facilitated between the relevant authorities where it is "necessary or expedient" for the purposes of any statute or for the purposes of this agreement, and where the principles of data protection are upheld.

1.2 Agencies are under no obligation to disclose information unless satisfied that the principles of data protection are upheld. Relevant statutes may provide the power to disclose information, but may not impose a duty to disclose, thus control over the disclosure of information remains with the agency which owns the data. Disclosure relies on existing conditions that justify the disclosure of information, on good relations and mutual trust, and the effectiveness of these information sharing arrangements is a reflection of the effectiveness of the partnership as a whole. Where information is shared, agencies should ensure that the information is up-to-date, necessary for the purpose for which it is being shared and shared securely.

1.3 The purpose of this Protocol is to facilitate the exchange of information in order to comply with the statutory duty of local authorities and other agencies to work together.

1.4 The public rightly expect, and the Data Protection Act 1998 requires, that personal information held by statutory agencies will be properly protected. However there is also a public expectation that, there will be an appropriate sharing of information in working in partnerships for specific pieces of work with statutory obligations.

2. Participants

2.1 The participants in this information sharing agreement are represented by the Children's Trust Board:

1. Elected Members representatives
2. Headteacher Associations representatives
3. Trade Union representative
4. School Governor representative
5. NHS Swindon representatives
6. Youth Forum representative
7. Voluntary Sector representative
8. Great Western Hospitals NHS Foundation Trust representative
9. Child and Adolescent Mental Health Services representative

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10. Diocesan representative
11. Learning and Skills Council representative
12. Wiltshire Police representative
13. Swindon Borough Council Children Services representative
14. Swindon Borough Council Adult Services representative
15. Equalities representative
16. Community Safety representative
17. Schools Forum representative
18. Wiltshire Fire & Rescue Service representative
19. Local Safeguarding Children Board representative
20. Jobcentre Plus representative
21. Parent Advisory Group representative
22. Strategic Health representative
23. FE College & 6th Form representative
24. Sure Start Children's Centre representative
25. Wiltshire Probation representative

3. Purpose(s) for this data sharing protocol (including statutory obligations, legislation and guidance that allows data sharing)

The purpose of sharing information between the designated agencies is to:

- (i) Co-operate to improve the well-being of children in the authority's area with the duty for relevant partners of a children's services authority in England to co-operate with the authority in the making of arrangements under this section. (Section 10 (1), (2), (4) & (5) of the Children Act 2004). Also to make arrangements to safeguard and promote welfare of children (Section 11 of the Children Act 2004).
- (ii) Ensure that early intervention and the sharing of information is delivered through the Common Assessment Framework and Team Around the Child.
- (iii) Ensure the provision of appropriate services for children 'in need', or at risk or likely to be at risk of suffering significant harm (Sections 17 (10) and 47 (1) of the Children Act 1989) or who otherwise are considered to be at risk of social or educational exclusion.
- (iv) Obtain assistance for the local authority from other agencies in order for the local authority to perform its functions of providing services to children and families under Part III, Section 27, of the Children Act 1989.
- (v) Promote or improve the economic, social or environmental well being of children and families in need within Swindon. This will include provision of improvements to health and/or educational opportunity as well as the reduction or elimination of risk factors for children within the borough. (Section 2, Local Government Act 2000, Learning & Skills Act 2000).
- (iv) Prevent or reduce crime and identify and apprehend offenders or suspected

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offenders (Section 115, Crime and Disorder Act 1998).

- (v) Co-operate to safeguard children, improve well-being and promote their welfare (statutory guidance under Section 11 of the Children Act 2004).
- (vi) Ensure the safety of vulnerable adults by integrating strategies, policies and services relevant to abuse within all systems and legislation created to safeguard adults (Policy on Protection of Vulnerable Adults from Abuse).
- (vii) ensure that the law and statutory requirements are known and used appropriately so that vulnerable adults receive the protection of the law and access to the judicial process (Policy on Protection of Vulnerable Adults from Abuse).
- (viii) actively work together within the agreed inter-agency framework based on the guidance contained in 'No Secrets' (2000 Department of Health, Home Office).
- (ix) All commissioners or providers of services in the public, voluntary or private sectors, should disseminate information about the multi-agency policy and procedures. Staff should be made aware through internal guidelines of what to do when they suspect or encounter abuse of vulnerable adults (2000 Department of Health, Home Office).

By sharing information, agencies will be able to identify children considered to be 'in need' or at risk of social or educational exclusion at an early stage of concern and provide effective multi-agency intervention in order to promote their health and well-being. Nominated representatives from the agencies which are signatories to this protocol will be engaging in regular multi-agency case discussions in order to secure services for identified children, young people, and their families.

Relevant legislation:

- Children Act 1989 (Sections 17, 27 and 47)
- Children Act 2004 (Sections 10, 11 & 12)
- Local Government Act 2000 (Section 2)
- Crime and Disorder Act 1998 (Section 115)
- Data Protection Act 1998 (Part IV).
- Learning & Skills Act 2000
- Mental Capacity Act: 2005 Code of Practice (DCA, 2007)

Relevant guidance:

- Policy on Protection of Vulnerable Adults from Abuse
- 'No Secrets' (2000 Department of Health, Home Office)
- Information Sharing: Guidance for practitioners and managers (2008 HM Government)
- The NHS Confidentiality Code of Practice (November 2003)

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4. Depersonalised data

4.1 The Data Protection Act places no restrictions on the disclosure of data which does not identify individuals. If depersonalised data can be used for information sharing purposes there will be no data protection implications, however parties should take care that data that has been “depersonalised” could not become attributable to an individual using information that may be already held or obtained by other means (e.g. Unique identifier obtained from another list).

5. Personal data

5.1 Any disclosure of personal information must have regard to both common and statute law, for example defamation, the common law duty of confidence and the Data Protection principles.

6. Data Protection

6.1 It is the responsibility of all parties to this Protocol to ensure that they are properly registered to exchange information as required under the Data Protection Act 1998. The Data Protection principles require that:

- Personal data shall be processed fairly and lawfully.
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or purpose.
- Personal data shall be adequate, relevant and **not excessive** in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Security measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction or damage to personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

6.2 These principles must be adhered to by all participants of this information sharing protocol.

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6.3 The extent of any personal information disclosed will be limited to that which is relevant to the purpose or purposes for which the information was requested and shared only with appropriate agencies.

6.4 A record will be kept of all requests from and disclosures to other parties to this Protocol of personal information, together with the reason(s) for both the request(s) and disclosure(s). Any request for personal information whose purpose is the prevention or detection of crimes will also specify as clearly as possible how failure to disclose such information would prejudice this purpose.

6.5 Personal data will not be kept for longer than is necessary for the purpose for which it was provided: after which it will be destroyed by the parties to this Protocol, other than the data originator who will review and weed the data in accordance with agreed policy.

7. Designated Officer

7.1 In order to ensure compliance with the Data Protection Act, the participants to this Protocol, shall nominate a designated officer to whom all requests and from whom all disclosures of personal information will be made. This person should be a senior officer in the relevant department or service, who may obtain advice on a case-by-case basis from their organisation's Data Protection officer if needed.

7.2 Disclosure requests, disclosure decisions and the details of the personal information, which has been disclosed, will be in writing, and the designated officer will maintain a record. The identity of the data originator must also be recorded against the relevant data.

7.3 No secondary use or other use may be made unless the consent of the disclosing party to that secondary use is sought and obtained.

7.4 Information discovered to be inaccurate will be advised to the data originator who will be responsible for correcting the data. The data originator will then advise any other recipients of that data.

7.5 Records should be kept in such a way that they could be subject to audit.

7.6 Decisions on disclosures reached at meetings must be minuted.

7.7 The designated officer will ensure that appropriate security arrangements are in place within their respective organisations to prevent unauthorised access to and disclosure of personal data.

7.8 A list of designated officers who assume responsibility for data protection, security and confidentiality issues, and compliance with legislation within their respective agencies will be made available to partner agencies as a matter of routine.

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8. Consent and Disclosures

- 8.1 When disclosing personal information, many of the data protection issues surrounding disclosure can be avoided if the consent of the individual concerned has been sought and obtained.
- 8.2 A recipient of personal information must obtain the consent of the data originator before making a secondary disclosure to another party to this Protocol or where there is a pressing need to disclose information, as set out in the Information Sharing Code of Practice 2006, page 8, section 8. For the purpose of this requirement, each local authority department will be treated as a separate agency.
- 8.3 Personal information can only be released without the consent of the person concerned where there is an overriding public interest or justification. Further information regarding the circumstances of where a practitioner should not seek consent can be found in the 'Information Sharing: Guidance for practitioners and managers' (page 21, www.teachernet.gov.uk/_doc/13023/isgpm.pdf)
- 8.4 Prior to disclosing personal information about an individual, the Designated Officer should check the individual's file/record in order to ascertain:-
- a) That consent to disclose has been given, and
 - b) the consent is applicable for the current situation, and
 - c) any restrictions that have been applied.

9. Subject Access

- 9.1 Under Data Protection legislation, individuals have a right of access to any information held about themselves. This right may be denied in certain limited circumstances, which include where access would prejudice the prevention and detection of crime.
- 9.2 If an organisation party to this protocol receives a subject access request the organisations code of practice/ procedures for dealing should be followed.

10. Complaints

- 10.1 Complaints about the disclosure of information under this Protocol, or breaches of the Protocol should be dealt with under established procedures relevant to each agency.

11. Agreement

- 11.1 Where a disclosing agency provides information to a requesting agency which is inaccurate, and the requesting agency incurs liability, cost or expense as a result of its reliance upon the information provided, the disclosing agency shall indemnify the requesting agency against any such liability, cost or expense reasonably incurred, provided that this indemnity shall not apply:

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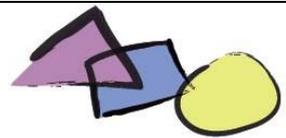
- where the disclosing agency did not know, and acting reasonably, had no reason to know, that the information provided was inaccurate;
- unless the requesting agency notifies the disclosing agency as soon as practicable of any action, claim or demand to which it considers this indemnity may apply, permits the disclosing agency to deal with the action, claim or demand by settlement or otherwise and renders all reasonable assistance in so doing.

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12. Signatories

12.1 This Protocol will be signed by members of the Children's Trust Board. Its adoption should be minuted and any subsequent variation should also be minuted and other partners notified as soon as practicable.

Agency	Name	Signature
1. Elected Members representatives	Cllr David Renard	<i>Signatures not included for web version</i>
	Cllr Garry Perkins	<i>Signatures not included for web version</i>
	Cllr Fay Howard	<i>Signatures not included for web version</i>
2. Headteacher Associations representatives	SASH – Clive Zimmerman	<i>Signatures not included for web version</i>
	SAPH – Jo Garton	<i>Signatures not included for web version</i>
	ASSSH – Zoe Latimer	<i>Signatures not included for web version</i>
3. School Governor representative	Valerie Johnstone	<i>Signatures not included for web version</i>
4. NHS Swindon representative	Deb Bignell	<i>Signatures not included for web version</i>
	Jan Trethewey	<i>Signatures not included for web version</i>
5. Youth Forum representative	Johanna Bryant	<i>Signatures not included for web version</i>
6. Voluntary Sector representative	Johanna Bryant	<i>Signatures not included for web version</i>
7. Great Western Hospitals NHS Foundation Trust representative	Sue Rowley	<i>Signatures not included for web version</i>
8. Child and Adolescent Mental Health Services representative	Teresa Harding	<i>Signatures not included for web version</i>
9. Diocesan representative	Peter Wells	<i>Signatures not included for web version</i>
10. Wiltshire Police representative	Chief Supt Paul Howlett	<i>Signatures not included for web version</i>
11. Swindon Borough Council Children Services representative	John Gilbert	<i>Signatures not included for web version</i>
12. Swindon Borough Council Adult Services representative	Ted Wilson	<i>Signatures not included for web version</i>
13. Equalities representative	Paul Gregory	<i>Signatures not included for web version</i>
14. Community Safety representative	Richard Palusinski	<i>Signatures not included for web version</i>
15. Schools Forum representative	Lauren Connor	<i>Signatures not included for web version</i>



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16. Wiltshire Fire & Rescue Service representative	John Popowicz	<i>Signatures not included for web version</i>
17. Local Safeguarding Children Board representative	Mike Howard	<i>Signatures not included for web version</i>
18. Jobcentre Plus representative	Jill Annal	<i>Signatures not included for web version</i>
19. General Practitioner representative	Liz Mearns	<i>Signatures not included for web version</i>
20. Parent Advisory Group representative	Doug Morris	<i>Signatures not included for web version</i>
21. Probation Services representative	Lynne Wootton	<i>Signatures not included for web version</i>
22. Swindon College representative	Andrew Miller	<i>Signatures not included for web version</i>
23. New College representative	Graham Taylor	<i>Signatures not included for web version</i>
24. Sure Start Children's Centre representative	Kate Rowe / Jane Parker	<i>Signatures not included for web version</i>