

Derby and Derbyshire Safeguarding Children Boards' Information Sharing Agreement and Guidance for Practitioners

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Version control

Document to be read in conjunction with the Derby and Derbyshire Safeguarding Children Procedures (NB : this document replaces all other Derby or Derbyshire Safeguarding Children Board Information sharing agreements and guidance)				
Version	Author/s	Signed off by	Date	Review Date
1.	Derbyshire Safeguarding Children Board	DSCB Policy and Procedures Group	November 2014	November 2015
2.	Updated by DSCB Policy Officer	DSCB Policy and Procedures Group	November 2015	November 2018

SECTION 1: Members of the Derby and Derbyshire Safeguarding Children Board are committed to the implementation of the Information Sharing agreement and the practitioner guidelines as set out in this document.

SECTION 2: Derby and Derbyshire Safeguarding Children Boards' Overarching principles for Information Sharing

1. Introduction

Derby and Derbyshire Safeguarding Children Boards' have developed this agreement and guidance as sharing information is vital for early help to ensure that children and young people with low level and emerging needs get the services they require. It is also essential to protect children and young people from suffering harm from abuse or neglect and to prevent them from offending.

Derby and Derbyshire Safeguarding Children Board understands that it is most important that organisations and professionals can demonstrate the need for people to remain confident that their personal information is kept safe and secure, and that practitioners maintain the privacy of the individual, whilst sharing information to deliver better services. It is therefore, important that practitioners can share information appropriately as part of their day to day practice and to do so confidently.

Derby and Derbyshire Safeguarding Children Boards' recognise that it is important for organisations and professionals to remember there can be significant consequence to not sharing information and this has been a feature of serious case reviews over a number of years.

The primary aim of the Information Sharing Agreement is to improve the speed and efficiency of information sharing to improve outcomes for children and young people and to give practitioners clear practical guidance to understand when, why and how to share information legally in line with national and organisational information sharing procedures.

2. Overarching principles for information sharing for member agencies of Derby and Derbyshire Safeguarding Children Boards'

Organisations are responsible for providing a culture of support to ensure that good practice in information sharing is promoted and supported.

Organisations aim to establish:

- A culture that supports information sharing between and within organisations including proactive mechanisms for identifying and resolving potential issues and opportunities for reflective practice.
- A systematic approach to explain to service users when the service is first accessed, how and why information may be shared.
- Clear systems, standards and procedures for ensuring the security of information and for information sharing.
- Infrastructure and systems to support secure information sharing, for example, access to secure email or online information systems.

- Effective supervision and support in developing practitioners and managers professionals' judgement in making these decisions.
- Mechanisms for monitoring and auditing information sharing practice.
- Designated source of impartial advice and support on information sharing issues, and for resolution of any difference of opinion about information sharing.
- There is an established information sharing governance framework so that staff are clear about the organisations position on information sharing.
- Information sharing governance framework must always recognise the importance of professional judgement in information sharing at the front line and should focus on how to improve practice in information sharing within and between agencies.

3. Overarching principles of information sharing for staff

“Seven golden rules to sharing information” (Information Sharing; advice for practitioners providing safeguarding services to children, young people, parents and carers, DfE, 2015)

1. **The Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.**
2. **Be honest and open** with the person and/or their family where appropriate from the outset about why, what, how and with whom information will, or could be shared, and seek agreement unless it is unsafe or inappropriate to do so.
3. **Seek advice** from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. **Share with informed consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is a good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
5. **Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and shared securely.
7. **Keep a record of your decision** and reasons for it – whether it is to share the information or not. If you decide to disclose share, then record what you have shared, with whom and for what purpose.

Organisations and individuals should also be mindful of the revised list of 7 Caldicott principles which underpin information governance across health and social care services. These are outlined in Information: to share or not to share? The Information Governance Review (DH, 2013).

SECTION 3: Information Sharing Guidance for Practitioners

In all situations the overriding consideration as to whether to share information should be the safety and welfare of the child.

Good practice indicates that obtaining parental, or where appropriate the child's consent, should be a first consideration but a lack of consent should never compromise the safety or welfare of a child.

Sharing confidential information without consent in the public interest is normally justified;

- Where there is evidence that the child is suffering or is likely to suffer significant harm.
- Where there is reasonable cause to believe that a child may be suffering or is likely to suffer significant harm.
- 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.

Sharing information as part of preventative services;

- Obtaining consent should be the first consideration.
- Where this is not possible the key factor in deciding whether to share confidential information without consent is proportionality, i.e. whether in your judgement, the proposed sharing is a proportionate response putting the child's safety and welfare as the overriding consideration.
- In making the decision you must weigh up what might happen if the information is shared against what might happen if it is not, make a decision based on reasonable judgement and record it.
- If you are not sure about whether you should share information or not seek advice from your line manager, or safeguarding lead, In addition advice may need to be sought from agency information governance leads/records management leads or legal teams.

Sharing information in the case of sexual activity of under 16 year olds

- Assessment of the sexual activity of all children and young people under 16 years of age should include the recommendations recommended by Bichard.
- All children under the age of 13 years of age must be referred to social care and/or police in line with child protection procedures.
- Where there are concerns of sexual exploitation it is important to share information about the child/young person and sexual partner/partners.

Whose consent should be sought?

The following criteria should be used to assess whether a particular child has sufficient understanding to give or refuse consent, however, children aged 12 or over may generally be expected to have sufficient understanding (Frazer competent).

- Can the child understand the question being asked of them?
- Does the child have a reasonable understanding of:

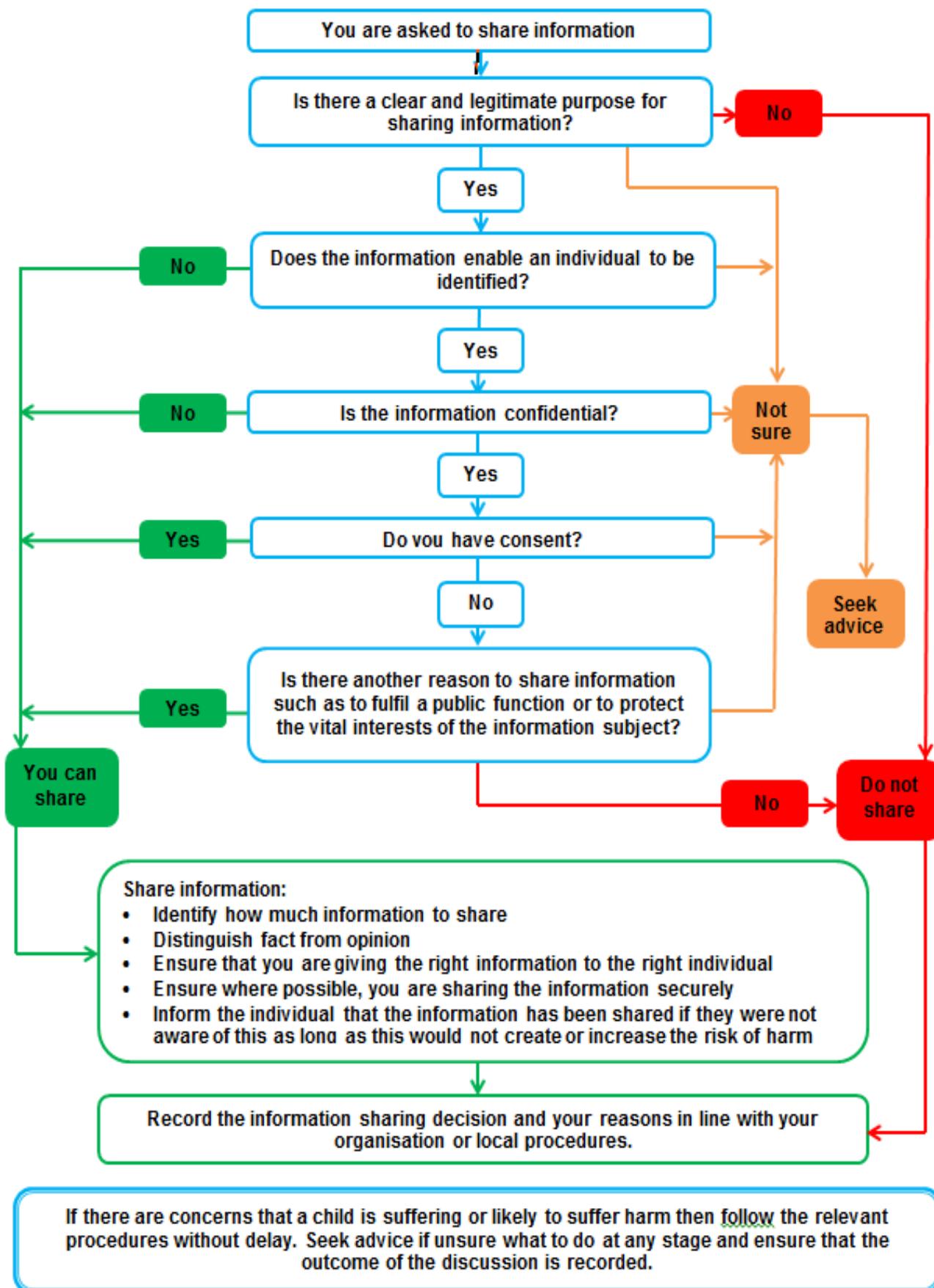
- What information might be shared?
- The main reason for sharing the information?
- The implications of sharing or not sharing the information?
- Can the child or young person:
 - Appreciate and consider alternative courses of action?
 - Weigh up one aspect of the situation against another?
 - Express a clear personal view on the matter, as distinct from repeating what someone else thinks they should do?
 - Be reasonable consistent in their view?

Where you have judged a child is not competent to consent a person with parental responsibility should be asked to consent on their behalf. Where there is difference of opinion you should always act in the best interests of the child even where this means overriding refusal to consent.

Recording Decisions

You should record your decision and the reasons for it whether or not you decide to share information. If the decision is to share, you should record what information was shared and with whom; this includes when information is shared by email.

SECTION 4: Flowchart of when and how to share information



Taken from Information Sharing; advice for practitioners providing safeguarding services to children, young people, parents and carers (2015) HM Government, page 12

SECTION 5: INFORMATION SHARING AGREEMENT BETWEEN AGENCIES/ SERVICES

(This information sharing agreement can be used between providers and services as a guide to promote a memorandum of understanding for information sharing)

1. Introduction and Legal Context

This service specific information sharing agreement forms a second tier agreement under the overarching Derby and Derbyshire Safeguarding Children Boards' Information Sharing Agreement.

The general principles underpinning the sharing of personal information follow the Data Protection and Caldicott principles on obtaining and using personal information and are detailed in the overarching agreement.

The agreement will be **reviewed annually** and any partner can request changes.

2. Objectives and Defined Purpose

The primary objectives of this protocol are to improve the speed and efficiency of information sharing between members of Derby and Derbyshire Safeguarding Children Board to ensure children and young people receive the services they need. This is supported by the following; The Children Act 1989 and 2004 Sections 10 and 11 and Working Together to Safeguard Children (2015).

The protocol takes into account the effect of relevant legislation, guidance, plus common law, upon the way in which information is shared and used.

3. Data Retention, Review and Disposal

The flow of personal information shared under this agreement will be reviewed and retained in accordance with recipient's records management policies and disposed of confidentially and securely after this time.

4. Data Quality

The quality of the data making up the information to be shared must comply with National Information Governance Standards.

5. Complaints and Breaches

All complaints or breaches relative to this agreement will be notified to the information governance team of the relevant organisation in accordance with their respective policy and procedures.

6. Subject Access Requests

Each organisation party to this agreement will maintain subject access requests procedures which comply with the Data Protection Act 1998.

7. Signatories

- All information received will only be used for the purposes defined and listed in the agreement.
- Information received under this agreement will not be disclosed to another agency without the agreement of the agency that provided the information.

Agency	Nominated Officer	Signature	Date