

Haringey Children's Trust

Children, Young People and Families Information Sharing Protocol

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Document Control

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This protocol became effective on 17th December 2009.

(1) Introduction

Sharing information is vital for safeguarding and promoting the welfare of children and young people and for providing effective and efficient services that are co-ordinated around the needs of a child or young person and their family. In Haringey, we encourage a culture where information is shared with confidence as part of routine service delivery.

We recognise the potential consequences of failing to share information, particularly in relation to known or suspected abuse or neglect, and are committed to ensuring that **the health, safety and well-being of children and young people remains our overriding consideration**. We also recognise that it is important people remain confident their personal data is kept safe and secure and practitioners maintain the privacy rights of the individual.

This Information Sharing Protocol (ISP):

- sets out the commitment of all the partner organisations to sharing information in order to improve outcomes for children, young people and their families;
- outlines the principles and standards of expected conduct and practice of partner organisations and staff who work for them; and
- provides a framework for the legal, secure and confidential sharing of personal information between the partner organisations.

An information sharing guide for practitioners working with children, young people and families accompanies this protocol. This guide forms part of a suite of guidance documents on Integrated Working, alongside guidance on the *Common Assessment Framework* and the *Lead Professional/Team Around the Child*.

It is important to note that information-sharing on a case-by-case basis between front-line practitioners does not depend on the existence of an information sharing protocol between the relevant organisations. Therefore, **the absence of a protocol should not prevent the sharing of information**. Haringey's practitioner guide provides clear advice for practitioners on when and how information can be shared legally and professionally, is based on the Government publication *Information Sharing: Guidance for practitioners and managers* (2008), and is valid whether or not an ISP is in place.

(2) National context

Improving information sharing practice is a cornerstone of the Government *Every Child Matters* strategy to improve outcomes for children. This protocol complements and supports wider policies to improve information sharing across children's services. These include:

- the statutory guidance under the Children Act 2004 (s10 and s11) which makes it clear that effective information sharing supports the duty to co-operate to improve well-being, safeguard and promote children's welfare;
- persistent findings from national inquiries that indicate that failure to share information has resulted in tragic consequences. A key factor in many serious case reviews has been a failure to record information, to share it, to understand the significance of the information shared, and to take appropriate action in relation to known or suspected abuse or neglect;
- the *Common Assessment Framework for children and young people* (CAF); a shared assessment tool used across services to avoid children and families having to tell and retell their story and to help practitioners develop a greater shared understanding of a child's needs;
- the need for a lead professional to coordinate action if more than one service is involved;
- the ContactPoint database, which will help practitioners contact each other more easily and more quickly to support earlier intervention and stop children falling through the net;
- the Caldicott principles, which ensure that confidentiality is not undermined

(3) Governance, Review and Audit

This document belongs to and will be governed under Haringey Children's Trust. The Children's Trust brings together the key agencies and partners in the Borough concerned with services for children and young people. This includes Haringey Council, NHS Haringey, the Police, schools, the Mental Health Trust, Great Ormond Street Hospital, College of North East London, the Learning and Skills Council, voluntary and community organisations. The Chair of the Local Safeguarding Children Board is also a member of the Trust.

It became effective on 17th December 2009 following approval by the Children's Trust Board. It will be reviewed on an annual basis.

Partner organisations may audit compliance with this protocol. Partner organisations agree to assist other Partner organisations during the audit process as long as reasonable notice is given in writing detailing the scope of the audit process.

(4) Principles

Partner organisations of Haringey Children's Trust agree to ensure compliance with the following key principles¹

1. Commitment to sharing information

Partner organisations recognise that sharing personal information is essential for safeguarding and promoting the welfare of children and young people, enabling early intervention and preventative work and for wider public protection.

2. Statutory duties

Partner organisations are fully committed to ensuring that they share information in accordance with their statutory duties including the requirements of the Data Protection Act 1998 and the Human Rights Act 1998.

3. Professional judgement

Partner organisations recognise that decisions to share information on a case-by-case basis that are not clearly covered by statute must always be based on professional judgement about the safety and well-being of the person. We will provide staff with the guidance, training and support to enable them to make these decisions.

4. Caldicott requirements

Partner organisations recognise the requirements that Caldicott imposes on NHS organisations and social care provision. They will ensure that requests for information from these organisations are dealt with in a manner compatible with these requirements.

5. Duty of confidentiality

All organisations which are party to this protocol recognise the importance of the legal duty of confidentiality, and will not disclose information to which this duty applies without the consent of the person concerned, unless there are statutory grounds or an overriding public interest justification for so doing. In requesting release and disclosure of information from partner organisations, all staff will respect this responsibility.

6. Consent

Organisations will seek consent from the service user to share personal information unless to do so would create or increase risk of harm. Where consent to disclose information is requested, the service user will be made fully aware of the information it is proposed to share and the purposes for which it will be used. If a person is unwilling to give consent, information will only be shared where there are appropriate statutory or public interest grounds for doing so.

¹ These principles are adapted from Islington Information Sharing Protocol

7. The voice of children and young people

Partner organisations will ensure that staff explain the issues relating to the sharing of personal information to children and young people in a way that is suitable for their age, language and likely understanding. Where a child or young person is judged not to have the capacity to understand and make their own decisions, and hence to consent to the sharing of personal information, their views will still be sought as far as possible.

8. Sharing without consent

Organisations will ensure that decisions to share personal information without consent are fully considered and comply with the requirements of the relevant legislation. All relevant staff will be provided with training to enable them to share information appropriately, legally and professionally.

9. “Need to know”

Where it is agreed necessary for information to be shared, this will be done on a “need-to-know” basis only i.e. the minimum information consistent with the purpose for sharing will be given.

10. Specific purpose

Partners will not abuse information that is disclosed to them. Information shared with a member of another organisation for a specific purpose will not be regarded by that organisation as intelligence for the general use of the organisation.

11. Fact / opinion

When disclosing information about an individual, professionals will clearly state whether the information being supplied is fact, opinion, or a combination of the two.

12. Use of anonymised information where possible

Personal information will only be disclosed where the purpose for which it has been agreed to share clearly requires that this is necessary. For all other purposes, information about individual cases will be anonymised.

13. Access to information

People will be fully informed about the information that is recorded about them. They will be able to gain access to information held about them and to correct any factual errors that may have been made. If an organisation has statutory grounds for restricting a person's access to information about them, they will be told that such information is held and the grounds on which it is restricted. Where opinion about a service user is recorded and they feel the opinion is based on incorrect factual information, they will be given the opportunity to correct the factual error and record their disagreement with the recorded opinion.

14. Security

Partner organisations will implement measures to ensure the secure storage, access and transfer of all personal information retained within their manual

and/or electronic systems. We will have in place appropriate measures to investigate and deal with the inappropriate or unauthorised access to, or use of, personal information whether intentional or inadvertent.

15.Complaints procedures

Partners are committed to having procedures in place to address complaints relating to the disclosure of information. Service users will be provided with information about these procedures.

16.Information-sharing between adults' and children's services

We will ensure that services for adults and services for children share information with each other in line with this guidance, including at the point of transition from childrens' to adults' services.

17.Staff awareness

Partner organisations will ensure that all relevant staff are aware of and comply with their responsibilities in relation to:

- (a) this protocol
- (b) the confidentiality of information about service users
- (c) the commitment to share information in accordance with guidance and legislation

Appendix A – Key Legislation

The legal framework within which information sharing takes place is complex and overlapping and there is no single source of law that regulates public sector information sharing. The following is a list of the main pieces of legislation relating to information sharing. For further information, please see the HM Government publication *Information Sharing: further guidance on legal issues* (2008).

- Data Protection Act 1998
- European Convention on Human Rights (given effect via the Human Rights Act 1998)
- Common Law Duty of Confidentiality
- Children Act 1989
- Children Act 2004
- Education Act 2002
- Education Act 1996
- Learning and Skills Act 2000
- Education (SEN) Regulations 2001
- Children (Leaving Care) Act 2000
- Mental Capacity Act 2005
- Immigration and Asylum Act 1999
- Local Government Act 2000
- Criminal Justice Act 2003
- Crime and Disorder Act 1998
- National Health Service Act 1977
- National Health Service Act 2006
- Adoption and Children Act 2002
- National Health Service and Community Care Act 1990
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000
- Access to Health Records Act 1990
- Community Care (Delayed Discharges) Act 2003
- National Health Service and Community Care Act 1990
- Health and Social Care Act 2001
- Health Act 1999
- NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000
- The NHS (Venereal Diseases) Regulations 1974 and NHS Trusts (Venereal Diseases) Regulations 1991
- The Abortion Regulations 1991
- The Human Fertilisation and Embryology Act 1990
- *Working Together to Safeguard Children* (HMG, 2006)
- Education and Inspections Act 2006
- Child Health Promotion Programme (DH, 2008)