



haringey strategic partnership

for children & young people

AGENDA ITEM 10

MEETING

**Children and Young People's Strategic Partnership Board
12th June 2006**

TITLE

Information Sharing Protocol

SUMMARY

This paper provides a summary of the strategy for improving information sharing between agencies working with children and young people in Haringey. It introduces the final draft of the Haringey information sharing protocol as amended following an extensive consultation process involving key partners within the CYPSP.

RECOMMENDATIONS

- That the CYPSP is asked to approve the information sharing protocol and recommend its implementation by partners to support practitioners to share information appropriately.
- That CYPSP discusses the protocol in their respective services and inform the chair of the CYPSP, in writing, of their intention to implement the protocol.
- In particular that services represented comment on the proposal to develop a single annual needs assessment for children and young people in Haringey to be available on all websites
- The CYPSP request that partner agencies sign up to this protocol by the end of July 2006 so that it can be implemented in full by 1st September 2006.
- The CYPSP agrees to review the effectiveness of the protocol at the November meeting.

LEAD OFFICER(S)

Jan Doust, Head of South Children's Network and Lead Officer for Safeguarding

Information-sharing

1. Sharing information between practitioners within and across agencies providing services to children and young is vital. It supports early intervention that ensures children and young people with additional needs access the services they need. It is also fundamental to protecting children and young people from suffering harm, abuse or neglect and to prevent them from offending.
2. Improving information sharing practice is a cornerstone of the government's Every Child Matters (ECM) agenda to improve outcomes for children and young people.
3. Although practitioners understand the need for sharing information appropriately, the potential legal constraints and differing protocols that are in place across the range of partner agencies has led to some uncertainty about when and how some types of information are shared.
4. The DfES, following lengthy consultations, issued guidance in March 2006 on when and how practitioners can share information legally and professionally.
5. Government guidance identifies a number of ways in which employers should support practitioners in applying the guidance on information-sharing. These include:
 - a systematic approach within each agency to explaining to children and young people and families when they first access services how and why information may be shared;
 - clear systems, standards and protocols for sharing information;
 - access to training that addresses areas of concern; and
 - provision of advice and support on information sharing issues.
6. The Government is committed to introducing an information sharing index to support the work of Children's Services in all areas of England by the end of 2008. This is intended to support more effective prevention and early intervention through more effective communication between education, health, social care and youth offending services. It will enable easier and quicker contact between professionals in order to share information about children and young people causing concern. Haringey is actively engaging in the development of this initiative and officers will report regularly to the CYPSP on progress.

Haringey's protocol

7. Haringey's protocol is work in progress and will be intrinsic to the implementation of each of the strands of ECM, including the Common Assessment Framework (CAF), Role of the Lead Professional, building the 'team around the child' and underpinned by the workforce development strategy. It is also intrinsic to the achievement of the outcomes in *Changing Lives*.
8. However, in order to enable this work to progress on a secure foundation, there has been extensive consultation involving the agencies within the Children and Young People's Strategic Partnership (CYPSP) on the development of an information-sharing protocol. This protocol is intended to clarify the circumstances within which information can be shared and to set out the expectations of each agency in relation to information sharing.
9. This protocol has been through a number of drafts and has taken account of the legal contexts within which different agencies work and their governance arrangements. Previous drafts have been circulated for consultation. The final draft of the protocol is attached at annex 1.
10. It is proposed that the CYPSP agree that this protocol should be adopted and implemented within each of the agencies within the partnership. Each partner agency is requested to discuss the protocol and to formally sign up to its implementation through notification to the chair of the CYPSP. This will then be used as the basis for taking forward the other key strands of the ECM agenda and the development of inter-agency practice within the Children's Networks.
11. The implementation of the protocol will be supported by a strategy to support staff through any changes in practice that are required. Staff training and development needs within this area will be fully addressed as part of the workforce development strategy and this will be the subject of a further report to the CYPSP.

How will this improve our joint working

12. Information sharing has been a very complex issue and practitioners have at times felt constrained about what they can and cannot share. Recent government guidance has significantly simplified the situation and has provided an enabling framework within which professional should feel secure about sharing information for the well being of children and young people. This guidance must now be supported by a robust local agreement.
13. As the broad strands of ECM are implemented locally, both through borough-wide services and Children's Networks, staff will increasingly work across agency boundaries and in multi-agency teams. The

information sharing protocol clarifies the arrangements that are in place to enable professionals to share information within and across agency boundaries to support joined up service delivery for children, young people and their families.

Practical steps to support the protocol

14. For 2006-07, the major agencies: Council (including schools), HTPCT, Metropolitan Police, LSC and Conel produced separate needs assessments in which each agency referred to each other. It is suggested that beginning 2007-08, we produce one comprehensive needs assessment for children and young people 0-19 (and up to 24 for those with disabilities). This should be accessible on all our web sites and that we use these findings to support our joint priorities including the *Changing Lives* programme for 07/08. The broad timescales to support this would be:

- June 2006 agreement in principle;
- September 2006 key representatives from each service and specific organisations identified to take the work forward
- November 2006 Individual datasets produced
- December 2006 Single dataset produced for CYPSP consideration and to support the development of the 07/08 *Changing Lives* programme
- March 2007 Single needs assessment for children and young people available for CYPSP approval

(DRAFT 5)



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HARINGEY

Information Sharing Protocol for

Children and Young People

Index:

- 1. Definitions**
- 2. Description, Parties and Document Control**
- 3. Background, purpose, information to be shared, minimum data requirements, and detailed and sensitive information**
- 4. Procedures**
- 5. Review and Audit Procedures**
- 6. Breaches of Protocol**
- 7. Security Procedures**
- 8. Partner Organisations' Procedures**
- 9. Joint Procedures**
- 10. Contractual Agreement**
- 11. Indemnity Agreement**
- 12. Disputes**
- 13. Signatures of Partner Organisations' representatives**

SECTION 1. DEFINITIONS

“Children with Additional needs”

means a child having special needs in the area of health, education, or physical, intellectual, emotional, social, or behavioural development due to: multiple and complex health needs, special sense impairments such as hearing loss, visual impairment or deaf blind, a significant learning disability, a physical disability, a chronic physical illness, Autism (Autistic spectrum disorder) and communication disorders or a significant pre-school delay.

SECTION 2. DESCRIPTIONS, PARTIES & DOCUMENT CONTROL

2.1. Description

This individual protocol is a supplement to the general protocol agreed between those partner organisations detailed in section 2.2 of this protocol, and is intended to specifically to facilitate and govern the sharing of information between agencies working with children and young people aged 0-19 years (25 years for young people with additional needs). It has been devised and agreed by all the signatories who are committed to the wellbeing, education, safeguarding and promotion of the welfare of children.

2.2. Parties to the protocol (the “Partner Organisations”)

Name of Organisation	Main Contact Address	Main Telephone Number
Haringey Council	Civic centre High Road Wood Green London N22 8LE	020 8489 0000
Haringey Teaching Primary Care Trust	Block A1 St Ann’s Hospital St. Ann’s Road Tottenham London N15 3TH	020 8442 6000
Metropolitan Police Service (Haringey Division)	Tottenham Police Station High Road Tottenham London N17	020 8345 0765
Other partner organisations		

2. 3. **Document Control**

Any changes to the document will be agreed by report to the CYPSP.

SECTION 3. BACKGROUND, PURPOSE, INFORMATION TO BE SHARED

Background

- 3.1. The Children Act 2004 and the Government's Change for Children programme are new approaches to the well being of children and young people from 0 to 19 or 0 to 25 for young people with additional needs.
- 3.2. Improved information sharing is central to the Change for Children programme and is intended to support the delivery of effective services and safeguarding and promoting the welfare of children and young people. Persistent findings from national inquiries indicate that failure to share information has resulted in tragic consequences.
- 3.3. The information sharing system must also be delivered in accordance with the Data Protection Act 1998, Human Rights Act 2000 and any other relevant legislation and guidance.

Purpose

- 3.4. The purpose of this protocol is to clarify the information sharing arrangements about children, young people and their families between the different agencies that might be involved and is governed by the conditions stated and agreed in the general protocol.
- 3.5. This individual protocol has been written to ensure that partner organisations use well established, transparent information sharing systems that place the child, young person and their parent/guardian/carer (PGC) at the centre of how information about them is shared.
- 3.6. Information about children, young people and families needs to be shared to:
 - provide professionals with background information on their clients;
 - reduce the need for information to be repeated to different professionals;
 - to provide professionals with all relevant and up to date information to assist decision making in meeting all statutory duties in respect of promotion of the welfare of children;

- enable professionals to keep track of their interventions and the status of their contact with their clients;
- ensure that their clients can be traced;
- identify children, young people and families who have not benefited from service support in the past;
- reduce duplication of data collection across partner agencies
- improve the consistency and accuracy of management information; and
- ensure that children and young people are adequately safeguarded.

Information to be shared

- 3.7. The information that may be shared amongst the partner organisations are categorised into three levels, namely;
- a) aggregate and management information, which shall be used mainly for planning and monitoring purposes;
 - b) minimum Data Requirements, which shall be needed to identify a child or young person;
 - c) detailed and sensitive information, which shall be needed to provide comprehensive support to a child or young person.

Minimum Data Requirements

- 3.8. Only the minimum information that is needed to help the child, young person, family and ensure that the child/young person is safeguarded will be requested. The data shared with other agencies will be limited on a "need to know" basis. The information to be shared will include:
- a) the originating organisation and lead professional/key contact who must be notified if data is found to be inaccurate;
 - b) the minimum data required to uniquely identify an individual and enable professionals to co-ordinate service provision to a child/young person/family is as follows:
 - forename(s) and Surname of child/young person/family (including aliases)
 - address including post code
 - phone number
 - date of Birth
 - gender
 - ethnic origin
 - current status (in under 5's provision, school, college etc)

- NHS number.

Detailed and sensitive information

3.9 The detailed and sensitive information needed to provide comprehensive support shall include:

- name of lead professional/key contact;
- type of contact;
- date of contact;
- duration of contact;
- names of persons in contact with child/young person/family;
- special Educational Needs statement (if any);
- level of support and social circumstances;
- relevant health information;
- legal status (i.e. LAC/offending); and
- additional relevant information in the form of case notes.

SECTION 4. PROCEDURES

4.1 Partner organisations must ensure they have an up to date Data Protection Notification in accordance with the Data Protection Act 1998 for the purpose identified in Section 1 of that Act.

4.2 Partner organisations must ensure the annual Data Protection Act 1998 Notification is reviewed and completed.

4.3 All partner organisations must ensure the child/young person or guardian is informed that information will be shared with partner organisations named in this document in Section 2.

4.4 Where detailed and sensitive information about a child/young person is to be shared, explicit consent of the child/young person (if the child/young person is competent to give consent) or of those holding legal parental responsibility for him/her must be obtained. In the absence of such consent such sensitive information may be shared provided it comes within the “protection of vital interests” justifications in Schedules 2 and 3 of the Data Protection Act 1998. (see Appendix C of the General Protocol)

4.5 Detailed and sensitive information may be disclosed without consent applies if:

- Disclosure is necessary to protect the child/young person from risk of significant harm or from harming someone else
- The child/young person needs urgent medical treatment

- The Home Office has requested information under Section 129 of the Nationality, Immigration and Asylum Act 2002)
 - A Partner Organisation is ordered to give information as part of a legal proceeding. This can be by order of the Court or if information is requested by the police to enable them to pursue an investigation (*This will only be provided on receipt of a Section 29.3 form*).
- 4.6 All situations where it may be necessary to breach client confidentiality must be referred to a designated manager unless exceptional circumstances apply e.g. where there is a need for urgent medical treatment.
- 4.7 The reasons for breaching client confidentiality must be fully recorded and clearly referenced to the evidence and information on which the decision is based. This must include details of any third parties and full details of all the information/evidence they have been given.
- 4.8 Partner organisations must not use or disclose any information for any other purpose than that identified in Section 1 of the Data Protection Act 1998 and in their Data Protection Notification, or identified in this Protocol.

SECTION 5. REVIEW AND AUDIT PROCEDURES

- 5.1 The individual protocol will be reviewed by the partner organisations six months from the contract completion date and annually thereafter.
- 5.2 The individual protocol review is to be undertaken jointly by officers agreed by the partner organisations unless agreed by the partner organisation for a single partner organisation to undertake the review.
- 5.3 The review findings must be reported, in writing, at the next meeting of partner organisations or one calendar month after the review whichever is sooner.
- 5.4 The partner organisation must discuss the review, approve any resulting actions and approve an implementation plan.
- 5.5 Partner organisations must agree to action the implementation plan within the approved time scale.
- 5.6 Partner organisations will be subject to audit by internal and or external organisations as part of their statutory requirements.
- 5.7 This individual protocol will be subject to audit by any partner organisation.

- 5.8 A partner organisation may request assistance from the other partner organisations to assist the internal and or external auditing body process.
- 5.9 Partner organisations agree to assist other partner organisations during the audit process as long as one months notice is given in writing detailing the scope of the audit process.
- 5.10 Partner organisations agree to share extracts from draft reports with any partner organisation that is named in the said reports.
- 5.11 Partner organisations agree to respond to draft audit reports within the agreed time scale with said partner organisation.
- 5.12 Partner organisation agrees to report any audit report findings that impact on this individual protocol to the next partner organisation meeting.
- 5.13 In the event of any disagreements regarding the audit report, legal advice will be sought and all attempts should be made to resolve issues swiftly with the parties concerned.
- 5.14 Any complaints relating to the audit reports will be dealt with through the normal departmental complaints procedure.

SECTION 6. BREACHES OF PROTOCOL

- 6.1 Partner organisations are required to report any breaches of this individual protocol to the other partner organisations within five (5) working days of the breach having been identified.
- 6.2 The partner organisation in breach of the individual protocol must prepare and distribute a report with details of the breach and any resulting actions taken within ten (10) working days of the breach.
- 6.3 A meeting of the partner organisations must be held within twenty (20) working days of the breach to discuss the reported breach and agree any action and or sanctions to be imposed upon the partner organisation in breach.
- 6.4 The partner organisation in breach must present their report, including any subsequent action taken and then withdraw from the meeting to allow the remaining partner organisations to consider the report and any resulting agreed actions and the imposition of sanctions upon the partner organisation in breach.
- 6.5 The partner organisation in breach will be recalled to the meeting to be verbally informed of the agreed action and or sanction being imposed upon it by the other partner organisations.

- 6.6 The agreed action and/or sanction(s) imposed by the partner organisations must be recorded in the minutes of the partner organisations meeting and circulated within five (5) working days from said meeting.

SECTION 7. SECURITY PROCEDURES

- 7.1 The security procedures detailed in the appendices are summary documents only, in order to ensure the security and integrity of each partner organisation.
- 7.2 Partner organisations agree to grant access to view security documents (see 6.4 below) that relate only to this individual protocol following a request in writing from partner organisations.
- 7.3 Partner organisations shall not share any information to which this individual protocol relates with any persons other than those in the other partner organisations.
- 7.4 Each partner organisation shall supply a summary security document detailing all the required information highlighted above and shall be attached as an appendix to this agreement.

SECTION 8. PARTNER ORGANISATIONS' PROCEDURES

- 8.1 Partner organisations agree to share local procedures that relate specifically to this protocol.
- 8.2 Partner organisations agree to develop and implement joint procedures where appropriate.
- 8.3 Partner organisations should designate one or more senior manager with responsibility for overseeing and implementing the protocol.

SECTION 9. JOINT PROCEDURES

- Local Safeguarding Children Board and child protection procedures and protocols, including specific agreements to share child protection registration information where it promotes the best interests of the child:
- Caldicott Guardian Agreement;
- North London Connexions Data Sharing Protocol;
- Safer Communities Protocol;
- YOS – Section 115 of the Crime and Disorder Act;
- YOS Information Sharing Protocol with Secondary Schools and PSC, Connexions, Parent Agencies;
- Connexions Protocol;
- Looked After Children Protocols – Education, Social Services, Health; and
- Behaviour Improvement Programme Information Sharing Protocols.

SECTION 10. CONTRACTUAL AGREEMENT

The parties to this individual protocol accept that the procedures and processes identified in this document will provide a secure framework for the sharing of child protection/safeguarding information between partner organisations.

As such they agree to:

- i. implement and adhere to the procedures and structures set out in the general protocol; and
- ii. implement and adhere to the procedures and structures set out in this individual protocol.

SECTION 11. INDEMNITY AGREEMENT

11.1 The partner organisations shall fully indemnify and keep indemnified each other and each partner organisation's employees or agents against, claims, demands, proceedings, costs, charges and expenses in respect of, or arising out of any use (such use shall include but shall not be limited to the mere holding and storage) of any information subject to the general and individual protocols which would not have arisen but for some act, omission or negligence on the part of the partner organisations, their agents, servants, employees or sub-contractors ("Indemnity Events") provided always that:

- (a) In the event that any partner organisation experiences an Indemnity Event ("the Suffering Partner"), it shall immediately notify in writing the partner organisation(s) whose act, omission or negligence is alleged to have led or contributed to the Indemnity Event(s) ("the Alleged Contributor"), and the Council (provided the Council is neither the Suffering Partner nor an Alleged Contributor), providing them with full details of the Indemnity Event(s) (such details shall include but shall not be limited to all documentation relating to the Indemnity Event(s));
- (b) Within four days of receiving such notice, the Alleged Contributor shall respond to the Suffering Partner in writing;
- (c) The Suffering Partner and Alleged Contributor(s) shall liaise with each other and fully co-operate in order to address the consequences of the Indemnity Event(s) and agree the response to any third party claimant;
- (d) The Suffering Partner shall use its best endeavours to mitigate any loss that it suffers as a result of the Indemnity Event(s);
- (e) The liability of the Suffering Partner in respect of the Indemnity Event(s) shall be apportioned between the Suffering Partner and the Alleged Contributor in such a manner as is just and equitable;
- (f) The Suffering Partner and Alleged Contributor shall make such payments to each other to effect such apportionment of liabilities; and
- (g) In the event that the Suffering Partner and Alleged Contributor are unable to agree a just and equitable apportionment the procedure in Section 3.211 shall apply.

11.2 Each partner organisation shall ensure that they maintain policies of insurance in respect of all potential liabilities arising from or connected with Indemnity Events.

SECTION 12. DISPUTES

12.1 In the event of a dispute between any organisations and departments, as noted in Section 10 above, the Suffering Partner and Alleged Contributor shall refer the matter to the Data Protection Officer/ Caldecott Guardian of the Suffering Partner and the Alleged Contributor who shall use all reasonable endeavours to resolve the dispute.

12.2 In the event that a dispute remains unresolved within a reasonable period of time with regard to the nature of the dispute and having followed the procedure in Section 18.1, the representative of the Suffering Partner (who must be of at least Director status) and the Alleged Contributor shall refer the matter to such body or person to act as a mediator as they may agree and in default of such agreement by the Centre for Effective Dispute Resolution.

SECTION 13. SIGNATURES OF PARTNER ORGANISATIONS

Organisation	Address	Registration Number	Name of signatory	Title	Signature	Date
Haringey Council						
Haringey Teaching Primary Care Trust						
Metropolitan Police Service (Haringey Division)						