

Buckinghamshire **Children and Young People's** Trust



Working together to reach your goals

Buckinghamshire Multi-Agency Information Sharing for Children, Young People & Families – Code of Practice for sharing personal information

An agreement between all those involved in delivering services to children and families to share the information necessary to provide the best outcome for every service user

**Buckinghamshire Children and Young People's
Trust Board**

Signatories

Amersham & Wycombe College
Aylesbury College
Aylesbury Women's Aid
Buckinghamshire County Council
Buckinghamshire Fire and Rescue
Buckingham and Winslow Young Carers Youth Club
Carers Bucks
Central and South Bucks Crossroads
Connexions Buckinghamshire
District Councils
 Aylesbury Vale District Council
 Chiltern District Council
 South Bucks District Council
 Wycombe District Council
Drug and Alcohol Action Team (DAAT)
Health Trusts
 Buckinghamshire Hospitals NHS Trust
 Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust
 Buckinghamshire PCT
 South Central Ambulance Service NHS Trust
Longridge
Marlow Opportunity Playgroup
National Probation Service, Thames Valley Area
Registered Social landlords
 Bromford Housing Association
 HPCHA
 L & Q Beacon Housing
 Midsummer Housing
 Paradigm Housing
 Sovereign Housing Association
 Vale of Aylesbury Housing Trust
Serco Leisure
Nexus Community
Thames Valley Adventure Playground
Thames Valley Police
Thomley Activity Centre
Wycombe Women's Aid
Youth Offending Service (YOS)

CONTENTS

1	General Purpose of the Code of Practice.....	5
2	Links to policy and guidance	5
3	Conditions for sharing information	6
4	Nominated Representatives	6
5	Responsibilities	6
6	Monitoring and review procedures.....	7
7	Agents and Sub-contractors	7
8	Complaints, breaches and decisions not to share	7
9	Informed Consent.....	9

BUCKINGHAMSHIRE MULTI-AGENCY INFORMATION SHARING CODE OF PRACTICE

By signing, you are agreeing:

- to subscribe to the principles contained in the code
- to work to the procedures identified within the code
- to supply information within the bounds of this code
- to fully implement the code within your agency, ensuring all staff know of its existence and to support their attendance at any training event required
- to contribute to the development of trust and confidence between the signatory agencies by working within the framework of the code
- to the terms of reference for the Nominated Representatives

Signature.....
.....

Name.....
.....

Organisation.....
.....

Date.....
.....

Name and email address of your Nominated Representative.....

Please make a copy for your records and forward the original to the Integrated Processes Manager, Room 14, Old County Hall, Aylesbury, HP20 1UA .

1 General Purpose of the Code of Practice

The purpose of this Code of Practice is to outline the principles and practice which govern the sharing of information between agencies, for the purposes of identifying, safeguarding and promoting the welfare and protection of all children and young people. Signing up to this code establishes an organisation's intentions and commitment to information sharing and to promote good practice. This code of practice sits below the overarching Buckinghamshire Information Sharing Protocol. There are individual procedures which govern the seeking and recording of informed consent and the steps to be taken to share securely. Individual agencies use their own consent forms.

The code of practice is based on "HM Government Information Sharing Guidance for Practitioners and Managers" published by the Department for Children, Schools and Families and Local Government in October 2008. This guidance has been endorsed by 25 major national agencies involved in delivering services to children, young people and their families. It includes the Seven Golden Rules for Information Sharing which supersedes the 8 principles, and the seven key questions which inform decision making. This guidance is supported by a suite of documents including a pocket guide, case examples, training materials and further guidance on legal issues. All these documents are available at:-

www.everychildmatters.gov.uk/informationsharing

This guidance was adopted as the basis for Buckinghamshire's Code of Practice at the Children and Young People's Trust Board in March 2009.

2 Links to Policy and Guidance

Each agency must comply with the Data Protection Act 1998, the Human Rights Act 1998 and the common law duty of confidentiality.

Guidance on the legal framework is found at

<http://www.everychildmatters.gov.uk/files/E6691EFED9B2C84412CA719D4EE9354B.pdf>

Information Sharing – Further Guidance on Legal Matters (February 2009)

The guidance document section 1.19, 1.20 and 1.21 outlines the policies which support information sharing.

In addition, consideration should be given to the six Caldicott Principles which apply to the handling of patient-identifiable information -

- justify the purpose(s) of every proposed use or transfer
- don't use it unless it is absolutely necessary, and
- use the minimum necessary
- access to it should be on a strict need-to-know basis
- everyone with access to it should be aware of their responsibilities, and

- understand and comply with the law.

3 Conditions for Sharing Information

All agencies should be clear with their service users when they start to engage with them, about what information might be shared and with whom.

There must be a legitimate purpose.

Seek consent, but be aware that in some circumstances a lack of consent can be overridden in the public interest.

Decisions must be made on the basis of the safety and well-being of the child or young person.

The key factors to bear in mind are that the sharing is necessary, it is proportionate to the need, the information is relevant and accurate and that the recipient needs to know the information.

Requests and responses to requests should be sent by a secure method agreed between the services.

The organisation providing the information decides how the information is shared. In many instances this will be verbal but email, fax and written media are acceptable to some services.

Information will be exchanged and stored in compliance with the required security standards. (see Information Commissioner's Office website :- "Your legal obligations, and DPA 1998, Schedule 1, the 7th Data Protection principle)

Decisions to share or not should be recorded.

4 Nominated Representatives

Each agency shall have a Nominated Representative* for the purpose of this Code of Practice to perform management functions in relation to sharing of personal information.

Each Nominated Representative will work to local standards.

The Buckinghamshire County Council officer responsible for Information Sharing will take overarching responsibility for the operation of the Code of Practice. A list of these Representatives and contact details will be appended to this Code of Practice.

* Terms of reference are available

5 Responsibilities

The Buckinghamshire County Council officer shall be responsible for organising a meeting between all the Nominated Representatives, annually, and as necessary, to discuss the working of the Code of Practice, to compile an annual report and to disseminate examples of good practice.

Any disputes or disagreements between parties shall be resolved by discussion between their Nominated Representatives. Issues that cannot be resolved will be referred to the Nominated Representatives group.

The Nominated Representatives shall ensure that any problems encountered by staff are recorded and an audit will be carried out on a regular basis, but at least annually to

identify any such problems. The findings will be addressed during the annual meeting to show how the Code can be improved.

6 Monitoring and Review Procedures

Agencies will participate in the monitoring of the use of this Code of Practice in order to improve it, and the processes underlying it.

Nominated Representatives, with the BCC officer, will be responsible for carrying out the monitoring and review process.

Monitoring will be carried out in a number of ways – these are:-

Following adoption of the Code, Nominated Representatives will provide confirmation that procedures have been implemented within their organisation in accordance with the Code.

Complaints received by organisations relating to information disclosure will be analysed to improve practice.

All reported breaches of the Code will be followed up in accordance with the Breach Procedure – Section 8.

Agencies will record improvements in information sharing between each other, for example where information was not readily available before but where professionals now feel able to share. The Nominated Representatives will monitor these improvements.

Reviews will be carried out as follows:

The BCC officer and the Nominated Representatives will carry out Reviews annually, unless legislative changes require more immediate action.

One month prior to the review date, all parties to the Code will be asked to submit feedback on the use of the Code and procedures and put forward proposals for addressing any problems that may have arisen and for any amendments that may be felt necessary.

The BCC officer will co-ordinate reviews, consult on recommended changes and implement agreed changes.

7 Agents and Sub-contractors

Each agency shall ensure that its commissioning arrangements comply with the provisions of this Code. Services which are commissioned or funded should be independent signatories to the Code.

8 Complaints, breaches and decisions not to share

8.1 Complaints

In the event of a complaint being received by any agency included in this Code about the use or disclosure of personal information, all appropriate agencies must be advised as soon as practicably possible and in any event within seven working days.

Each agency will deal with the complaint in accordance with their own procedures, the results of which will be advised to all other agencies and any necessary action to amend the Code will be taken.

Each agency will be accountable for any misuse of the information supplied to it and the consequences of such misuse by its employees, servants or agents.

Any disclosure of information by any employee, which is done in bad faith or for motives of personal gain, may lead to internal disciplinary action and / or criminal proceedings.

Each agency will be responsible for establishing a process to ensure it is informed about complaints received within their organisation that relate to information disclosure.

8.2 Breaches reported by a member of staff

If a member of staff of one of the partner agencies becomes aware of a possible breach of the Code (whether this arises within their own or a partner organisation) they must discuss this with their Nominated Representative or other appropriate person in line with their organisation's procedures.

8.3 Breaches reported by members of the public

8.3.1 All service users who provide personal information to partner organisations must be given details of how that information may be used. They must also be made aware of their rights in relation to information disclosure and be given details of how to make a complaint.

8.3.2 If an organisation receives a complaint about information disclosure from a service user this should be investigated in accordance with the organisation's complaints policy. However, in order to be able to monitor adherence to the Code, as effectively as possible and to consider remedial action where appropriate, it is important that information on all breaches is collated. Procedures should therefore be put in place within each organisation to ensure that details of complaints relating to the inappropriate disclosure of information (and the outcomes) are passed to their Nominated Representative. A report will be made to the Children and Young People's Local Delivery Outcome Group about procedural breaches after the annual meeting.

8.3.3. Any implications arising from breaches, particularly if these are persistent will be considered by the Nominated Representatives.

8.4 Process for requesting reconsideration of a decision not to share information

8.4.1 It is expected that this procedure will only be implemented in exceptional circumstances

8.4.2 Any agency may report a refusal to share via their Nominated Representative in writing either by email or letter. If that Nominated Representative supports the request it will go to the BCC officer who will convene a group of three other Nominated Representatives from the list in the Guidance Handbook to consider the grounds. This will take place within 10 working days.

8.4.3 A report will be made to a person nominated by the Chief Executive in the agency in which the decision not to share has been made. They will be required to re-examine the original decision and respond to the report within 5 working days.

8.4.4 The report will not contain details that identify the child, young person or family.

8.4.5 The Annual Report will record incidences where sharing did not take place and the reasons why.

All alleged breaches of the Code will be analysed as part of the formal review of the Code.

9 Informed Consent

Consent should be sought unless there are over riding reasons to dispense with it. Many of the data protection issues surrounding disclosure can be avoided if the consent of the individual or the parent / carer (whichever applies) has been sought and obtained.

There are some clear circumstances in which professionals have a duty to share information in order to protect a child or young person from risk or significant harm. Additionally, it is increasingly recognised in practice that a failure to share information, even at the level of a “niggling concern”¹ may have serious consequences for the welfare of a child, if not considered together with the concerns of others.

Practitioners are often concerned about the possible legal or ethical restrictions on information sharing and about the impact of disclosure on their relationship with their client.

This Code emphasises the importance of seeking consent to information sharing whenever possible.

Where consent is withheld the guidance emphasises how decisions may be made about sharing information through specific legal powers and application of principles such as proportionality (See Appendix 3 of the “What To Do If You’re Worried A Child Is Being Abused” 2006

<http://www.everychildmatters.gov.uk/files/34C39F24E7EF47FBA9139FA01C7B0370.pdf>

¹ DoH What to do if you’re worried that a child is being abused
2. Terms of reference are available