



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 Safeguarding Children Board

Signatories

See appendix

96 separate organisations that deliver services to children and young people in Buckinghamshire; as of December 2013.

For an up to date list please contact lwormell@buckscc.gov.uk

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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.....

Choose between the Core and Virtual groups

Core group Y/N

Virtual group Y/N

Please make a copy for your records and forward the original to Liza Wormell, Programme Manager, Children's Partnerships, 4th floor, New County Offices, 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. More detailed agreements can be drawn up between individual agencies or groups of agencies for specific purposes.

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 supersede 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:-

<http://www.education.gov.uk/childrenandyoungpeople/strategy/integratedworking/a0072915/information-sharing>

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.

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.

It is the responsibility of individual signatories to this Code to ensure that they are properly registered with the Information Commissioner.

An underlying principle of the Code is that the agency receiving the request to disclose information will always retain ownership of the information it discloses to another signatory. A recipient of such information must therefore obtain the consent of the original information owner before making further disclosure to another party.

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.

Nominated Representatives fall into one of two groups. The Core* group is made up of those agencies that are represented on the Children and Young People's Trust Board or that are a key health agency. Any other signatory may be part of this group if they wish. The Core group reviews the Code. All other signatories are part of the Virtual* group and there is no requirement to participate though attendance at training events is recommended.

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. An up to date list of these Representatives and contact details is available on request.

* Terms of reference are available for each group.

5 Responsibilities

The Buckinghamshire County Council officer shall be responsible for organising a training event once a year for all signatories and for supporting the Core group which may meet as necessary, to discuss the working of the Code of Practice, and to disseminate examples of good practice.

Issues that cannot be resolved will be dealt with under the Conflict Resolution or Non Compliance procedures (March 2012) When there is learning to be disseminated as a result of issues reported, the parties will be anonymous.

The Nominated Representatives shall ensure that any problems encountered by staff are recorded and should audit this on a regular basis, but at least annually, to identify any such problems. Lessons learned should be shared, but will be anonymous.

6 Monitoring and Review Procedures

The Core group will monitor and review the use of the Code and share any issues if appropriate.

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:-

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 Core group Representatives will monitor these improvements.

Reviews will be carried out as follows:

There will an annual learning opportunity and report

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

Each agency will deal with complaints in accordance with their own procedures, and action taken to inform learning and improve practice.

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

Any inappropriate disclosure of information by any employee must be investigated under internal procedures.

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

8.2 Breaches reported by a member of staff will fall under the Non – Compliance Procedure

8.3 Breaches reported by members of the public will probably present as a Complaint and must be routed through the Non-Compliance procedure

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.

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

8.4 The process for challenging a decision not to share information will be the Conflict Resolution procedure

All alleged breaches of the Code will be analysed as part of the learning process.

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.

Bear in mind that from the age of about twelve years old children may be competent to make their own decisions on giving consent and having information shared.

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

<https://www.education.gov.uk/publications/eOrderingDownload/6840-DfES-IFChildAbuse.pdf>

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