

SLOUGH BOROUGH COUNCIL

REPORT TO: Slough Wellbeing Board **DATE:** 25 March 2015

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WARD(S): All

PART I **FOR ENDORSEMENT**

DEVELOPMENT OF A NEW OVERARCHING INFORMATION SHARING PROTOCOL FOR THE SLOUGH WELLBEING BOARD

1 Purpose of Report

To inform the Slough Wellbeing Board of the changes needed to strengthen its current information sharing arrangements.

2 Recommendation(s)/Proposed Action

The Slough Wellbeing Board is requested to note the contents of this report and endorse the actions that are currently underway to develop a final draft of the proposed multi agency, Overarching Information Sharing Protocol, for members sign off / approval at a later date.

3 The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan

This is an administrative report and as such sets out how the Policy Team intends developing an effective Protocol for use by the Slough Wellbeing Board and its partners, in order to address the priorities of the Slough Joint Wellbeing Strategy in so far as they relate to the sharing of personal information.

4 Other Implications

(a) Financial - There are no financial implications arising from this report.

(b) Risk Management - Slough Wellbeing Board, the council and the other agencies could be open to challenge if they failed to comply with their duties regarding the confidentiality of personal information. The proposed Protocol will provide the framework for all parties to comply with their legal responsibilities.

(c) Human Rights Act and Other Legal Implications – Slough Wellbeing Board, the council and the other agencies need to comply with the Data Protection Act 1998 and other legal restrictions (see section 5 below) regarding the confidentiality of personal information. The proposed Protocol will help to ensure that all parties operate the process in a way that complies with these duties by requiring the agencies to implement and follow appropriate procedures.

(d) Equalities Impact Assessment (EIA) - An EIA is in hand to determine what impact the proposed Overarching Information Protocol will have on the work of the Slough Wellbeing Board, the council and the other agencies identified during the mapping process (see

section 5 below), as well as identifying any options for their elimination and/or mitigation, where necessary.

(e) Workforce - There are no workforce implications arising from this report.

5 **Supporting Information**

- 5.1 Overarching Information Sharing Protocols are high level overarching agreements between a range of public sector providers, which clearly establish the need for information (including data) sharing to support joint working and identify the principles, processes and procedures which organisations will subsequently follow.
- 5.2 The Wellbeing Board does not currently have a common set of principles or general parameters in place to manage the sharing of information between partner organisations. An Overarching Information Sharing Protocol was drawn up by the Wellbeing Board's predecessor, Slough Forward (Slough's then Local Strategic Partnership) in 2008/09 but this has since fallen into abeyance.
- 5.3 Health and Wellbeing Boards and organisations that provide services to the public have a legal responsibility to ensure that their use of data is lawful, properly controlled and that an individual's rights are respected.
- 5.4 The principal laws concerning the protection, disclosure and use of personal information include those listed below:
 - the Data Protection Act 1998
 - the Human Rights Act 1998 (Article 8)
 - the Freedom of Information Act 2000
 - the Common Law Duty of Confidence
 - the Caldicott Principles
- 5.5 A lack of clarity or consistency over what processes and procedures need to be followed could lead to data not being readily available to those who have a genuine need to know in order for them to do their job properly and provide the services required. It could also lead to inconsistencies and duplication across the council, the Wellbeing Board and amongst their key partners/partnerships.
- 5.6 The Policy Team is developing a new Overarching Information Sharing Protocol (based on ICO guidance) for the Wellbeing Board to help remove these inconsistencies, reduce duplication and bring it in line with current legislative requirements by adopting a single, unified and consistent approach to information sharing across the partnership. A diagram showing how the three tier model for Information Sharing will work is attached at Appendix A.
- 5.7 The proposed Protocol will provide the legal framework and common principles and procedures for the sharing of personally identifiable information between relevant partners and agencies. It will be supplemented and activated by Community Information (Tier 2) and Purpose Specific Information Sharing (Tier 3) Agreements for specific areas of service between the partner agencies (as indicated in the diagram at Appendix A) that have signed up to the Protocol, as well as any local service level agreements, contracts or any other formal

agreements that already exist between the partner organisations. The proposed Protocol will:

- increase awareness and understanding of the relevant legislation and in particular compliance with the Data Protection Act 1998;
- guide members and partner organisations (through the provision of detailed guidance) on the practicalities and realities of how to share personal information safely;
- provide a context for the underlying tiers in the information sharing model – by providing a number of templates (and guidance) that can be used to develop Community Information Sharing (Tier two) and Purpose Specific Information Sharing (Tier three) Agreements), in order to enable the Wellbeing Board's PDGs and other key partnerships (such as the Slough Safeguarding Adults Partnership Board), where appropriate to develop and adopt a common and consistent approach to their information sharing activities;¹
- mean that when organisations are faced with future personnel changes or organisational restructuring, only their Purpose Specific Information Sharing (Tier 3) Agreements may need revision;
- encourage the lawful flow of information; and
- support a process which will regularly monitor and review information flows.

5.8 A first draft of the proposed Overarching Information Sharing Protocol has been prepared and will shortly be shared with the council's legal services for comment/endorsement. This is to ensure that it is consistent with current legislative requirements and relevant ICO guidance. Subject to the Wellbeing Board's comments, the Policy Team intends presenting a final draft of the Overarching Information Sharing Protocol (including the templates and guidance described above) to members at the May 2015 meeting for their agreement/endorsement and sign off.

5.9 The Policy Team are also in the process of mapping what Community Information Sharing and/or Purpose Specific Information Sharing Agreements are currently in place amongst the PDGs and other key partnerships in order to enable a wider refresh of these documents to commence once the Overarching Information Sharing Protocol has been signed off by Wellbeing Board members. A report summarising our findings and a draft action plan to help facilitate the process of refreshing/developing these Tier 2 and 3 Agreements, where necessary, will also be presented to the Board at the 13th May 2015 meeting.

5.10 It should however be noted that by design the proposed Protocol will not provide the Wellbeing Board with a 'one size fits all' solution and will, more importantly, still allow room for common sense and the exercising of professional judgement – as the application of the processes and procedures must not be allowed to interrupt the flow of care, or potentially compromise the ability of professionals to intervene swiftly at a time of risk.

¹ Where a PDG and/or other key partnership has already developed a Community Information Agreement (such as the Safer Slough Partnership), they will be invited to:

- 'Test' their Agreement against the relevant guidance and template in the Overarching Information Sharing Protocol in order to ensure consistency of approach; and
- Modify their existing Agreements where appropriate / necessary.

Where a PDG or key partnership does not have a Community Information Sharing and/or Purpose Specific Agreements in place they will be invited to develop one using the relevant guidance and templates contained within the Overarching Information Sharing Protocol.

6 **Comments of Other Committees**

None.

7 **Conclusion**

- Effective information sharing is a key component to the successful functioning of a partnership, but is often made difficult by different organisational approaches.
- The Overarching Information Sharing Protocol proposed at section 5 of this report will provide the Wellbeing Board with a high level, multi-agency framework for the sharing of information for a defined purpose. Adopting this approach will:
 - ensure that information across the partnership is managed and shared on a lawful, 'need to know', and above all, secure basis;
 - ensure partners work together in order to function more effectively and deliver the Wellbeing Board's stated purpose(s);
 - encourage transparency (and confidence) in our collective information governance practices; and
 - aid the documenting of our information sharing decisions and actions to ensure that they are auditable.

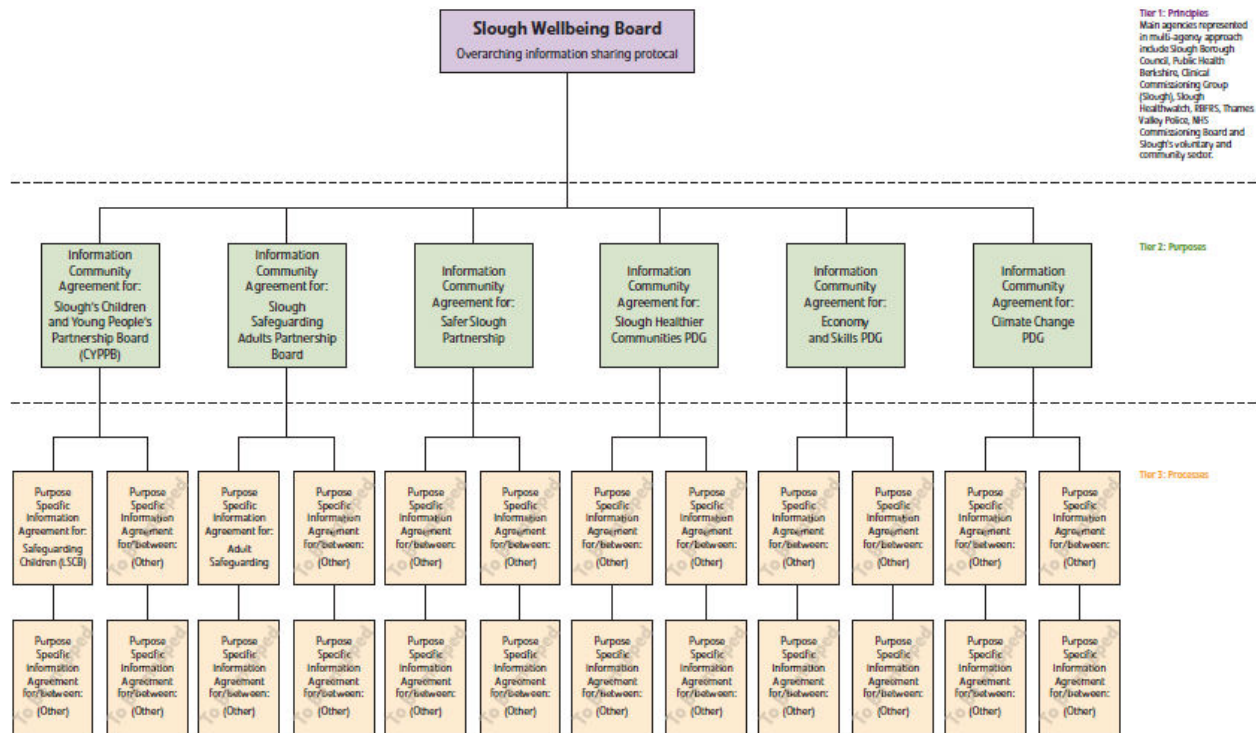
8 **Appendices attached**

A - Diagram showing a three tier model for Information Sharing

9 **Background Papers**

1. LSP Overarching Information Sharing protocol - Available on request from the Policy team.
2. Information sharing guidance for practitioners and managers
3. Information sharing pocket guide
4. Information sharing golden rules
5. Information sharing flow chart of key questions

Appendix A: 3 tier model for information sharing



Notes: Tier Structure

Tier 1 - Overarching Information Sharing Protocol

- This Protocol is a high level policy document common to all organisations and agencies delivering health, social and community services, across Slough.
- It describes a common set of **principles** and defines the general parameters within which the signatory organisations will share information with each other.
- This document establishes ownership and transparent agreement to the spirit of information sharing in the best interests of service users and their families and carers and commits those who sign it to share information lawfully, ethically and effectively at all levels of their organisation or agency.
- This Protocol also provides the context for the underlying tiers in the model.
- **Overarching Information Sharing Protocols are usually signed by Chief Executives (or equivalent) and by their Caldicott Guardians (or Designated Officers).**

Tier 2 - Information Community Agreements

- These Agreements are high level agreements common to organisations and agencies delivering health, social and community services.
- They satisfy the Tier Two level of the Model and focus on the collective **purpose** underlying the sharing of information with the 'information community' and describe common contexts and shared objectives between agencies delivering services of a similar scope.
- They reference the relevant underpinning legislation and the associated duties and powers that enable legally justifiable exchanges of information within the same information community.
- They also provide context for a supporting set of individual purpose specific information sharing arrangements (Tier 3) that determine at a detailed level, how personal information can be shared amongst organisations within the same information community.
- **Information Community Agreements are usually signed by Service Directors or the equivalent functional leads.**

Tier 3 - Purpose Specific Information Sharing Agreements

- These Agreements are the lowest level of the three tier model.
- They are aimed at an organisations "operational management/practitioner" level and define the relevant **processes** which support the information sharing between two or more organisations or agencies for a specified purpose.
- These documents capture:
 - What information is to be shared
 - What it is being shared (for what purpose)
 - Who it is being shared with (between organisations and agencies)
 - When it is being shared (the times and frequency etc)
 - How it is being shared (format)
- **Purpose Specific Information Sharing Agreements are usually signed by Heads of relevant services who have the devolved local and/or operational responsibility for delivery.**