

SLOUGH BOROUGH COUNCIL

REPORT TO: Slough Wellbeing Board

DATE: 25th January 2018

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WARD(S): All

PART I

FOR COMMENT & CONSIDERATION

REFRESHED OVERARCHING INFORMATION SHARING PROTOCOL

1. Purpose of Report

- 1.1 To recommend that the Slough Wellbeing Board adopts a refreshed multiagency Overarching Information Sharing Protocol to strengthen and improve its current information sharing arrangements.

2. Recommendation(s)/Proposed Action

- 2.1 The Slough Wellbeing Board is requested to:

- a) Adopt the refreshed Overarching Information Sharing Protocol at Appendix A;
- b) Note the work undertaken to review the Board's other Protocols; and
- c) Agree to a further review of these documents in 12 month's time.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

- 3.1 The Wellbeing Board's Overarching Information Sharing Protocol relates to all aspects of its Joint Wellbeing Strategy and the council's Five Year Plan 2017 - 2021, in so far as they relate to the sharing of personal information, as set out below.

4. Other Implications

- a) Financial - There are no financial implications resulting from the recommendation of this report.
- b) Risk Management - Slough Wellbeing Board, the council and other organisations and agencies could be open to challenge if they fail to comply with their duties regarding the confidentiality of personal information. The refreshed Protocol sets out the *principles* for sharing personal and/or sensitive information lawfully (when there is a clear and legitimate reason to do so).
- c) Human Rights Act and other legal implications - Slough Wellbeing Board, the council and other organisations and agencies are required to comply with the following legislation concerning the protection and use of personal information:

- The Human Rights Act 1998 (Article 8) (HRA)
 - The Data Protection Act 1998 (DPA)
 - The Freedom of Information Act 2000 (FOIA)
 - The Common Law Duty of Confidentiality
- d) The refreshed Protocol will ensure that Wellbeing Board members comply with these duties by requiring them to implement and follow appropriate principles and procedures when dealing with personal information.
- e) Equalities Impact Assessment (EIA) – An EIA is not required for the suggested Protocol.

5. Summary

This report provides members with an opportunity to review the Board's:

- 1) *Overarching Information Sharing Protocol;*
- 2) *Safeguarding People Protocol; and*
- 3) *Protocol for relations between Slough Wellbeing Board, Healthwatch Slough and Health Scrutiny Panel*

and consider next steps.

6. Supporting information

6.1 Overarching Information Sharing Protocol

The Board approved its current Information Sharing Protocol (setting out the **principles** members agreed to follow when sharing individual's personal data in September 2016, with a request that this documentation should be reviewed, and where necessary updated, annually. The Protocol also includes a generic Information Sharing Agreement Template (ISA) and Guidance for colleagues to use when developing an individual information sharing agreement to sit under the Protocol.

Each of these documents have been reviewed and a number of minor changes have been made to the Protocol. A copy of the refreshed Protocol is attached at Appendix A and subject to any final comments from members it will be published on the council's website at <http://www.slough.gov.uk/council/strategies-plans-and-policies/slough-joint-wellbeing-strategy.aspx> immediately after the meeting.

6.2 Impact of the Core Agreement Berkshire Provision of Care Information Sharing Agreement 2020 on the Wellbeing Board's Protocol

An individual Information sharing agreement, known as the 'Core Agreement Berkshire Provision of Care Information Sharing Agreement 2020' is currently being rolled out across Berkshire. This document sets out the specific terms and conditions under which the providers of health and social care information may make individuals personal / confidential information available for the delivery of care.

We anticipate that a number of the organisations currently comprising the Slough Wellbeing Board, and with a specific health and social care focus (including Slough Borough Council); will be invited to sign up to this agreement in due course. However, as the Core Agreement is based on the same legislative requirements and information sharing principles as those set out in the Wellbeing Board's Information Sharing Protocol, we understand that no changes are required to the Board's Protocol or agreed way of working and it can effectively run concurrent to (i.e. alongside) it.

We will, however, keep this situation under review and if any changes are subsequently needed to the Board's Protocol, members will be notified.

6.3 Other Protocols

The Wellbeing Board has two other Protocols which are published on the council's website at <http://www.slough.gov.uk/council/strategies-plans-and-policies/slough-joint-wellbeing-strategy.aspx>:

1) Safeguarding People Protocol

This document sets out the roles and responsibilities of the Slough Wellbeing Board, Slough Local Safeguarding Children's Board, Slough Adults Safeguarding Board, Safer Slough Partnership, the Preventing Violent Extremism Group and the Joint Parenting Panel and the inter relationships between each in terms of safeguarding the people of Slough.

2) Protocol for relations between Slough Wellbeing Board, Healthwatch Slough and Health Scrutiny Panel

This document sets out the roles and statutory responsibilities of the Slough Wellbeing Board, Healthwatch Slough and the council's Health Scrutiny Panel and provides a framework for handling key issues and information between them in light of their individual functions.

Both of these Protocols were approved by the Board in November 2017 (and with an annual review date). While a review of both of these documents has found that no amendments are required to either at the present time, we would recommend that increased opportunities for each of the named Board's and Partnerships to operate by these terms should be sought through 2018/19.

6.4 Since their introduction, these Protocols have been used as follows:

- a) To encourage the regular and timely flow of information between each of the named partnerships;
- b) To encourage the organisations and individuals who arrange for the provision of health and social care services in the area, and who have positions the named partnerships, to work in a more integrated, joined up and collaborative way (ie CCG, Healthwatch Slough, the Council);

- c) To identify opportunities for more collaborative working (particularly on issues such as the STP), between the Health Scrutiny Panel and Wellbeing Board (the Joint STP workshop held in 2017);
- d) To help coordinate the discussion of various cross cutting themes and issues (such as the Wellbeing Boards 'protecting vulnerable children' priority) amongst the various partnerships with responsibilities towards this group (i.e. the Safer Slough Partnership, Slough's Joint Parenting Panel and the Local Children's Safeguarding Board);
- e) To ensure various statutory functions are effectively carried out (i.e. it is a statutory function of the health and wellbeing boards to receive the annual reports of the Adults Safeguarding and Local Children's Safeguarding Boards and ensure that any strategic issues arising from these discussions, inform the future work of the Wellbeing Board);
- f) To inform and support the recommissioning of the Slough Healthwatch contract in 2017.

7. Comments of other Committees

The outcome of these reviews will be shared with the lead officers for each of the Boards and Partnerships listed in section 6.3 shortly.

8. Conclusion

8.1 Sharing information and data is vital to:

- Ensure residents receive appropriate services, care and treatments;
- Prevent the harm or neglect of vulnerable people;
- Deliver our statutory functions; and
- Deliver services in a more effective and efficient way.

8.2 The refreshed Protocol sets out the Board's shared ethos and ambitions in this area to ensure that these happen across the broader partnership in a safe, lawful and efficient way.

9. Appendices

A – Refreshed Slough Wellbeing Board's Overarching Information Sharing Protocol

10. Background papers

- '1' 28 September 2017 - Report to the Slough Wellbeing Board about its refreshed Overarching Information Sharing Protocol
- '2' 15 July 2016 – Report to the Slough Wellbeing Board about its Overarching Information Sharing Protocol

**Appendix A: Slough Wellbeing Board's
Overarching Information Sharing Protocol
2018**

Date created: September 2016
Version number: 2
Date last reviewed: January 2018
Date of next review: January 2019

Slough Wellbeing Board's Overarching Information Sharing Protocol 2018

1. Background

This Protocol is a high level agreement between a number of public sector organisations in Slough (listed in section 2 below). It has been created by the Slough Wellbeing Board and aims to facilitate more effective data sharing across organisational boundaries in Slough, where this is needed to improve service delivery and resident outcomes and to support safeguarding, when it is appropriate and legal to do so.

It sets out the common **principles** and standards that need to be observed and which help ensure that any information that is shared is managed consistently and securely. It also commits all those who sign up to it to share information lawfully, ethically and effectively at all levels within their organisation.

This Protocol helps to ensure that each participating organisation understands and complies with their obligations in this area. It is based on a flowchart of key **principles** for information sharing (taken from the Information Commissioner's Information Sharing: Practitioner's Guide (HM Government 2006) and builds on information sharing best practice in other Local Authority areas).

A copy of this flow chart is included at Appendix 1 to this Protocol.

Throughout the Protocol and the flow diagram the terms data and information are synonymous.

2. Scope

The following organisations are included in this Protocol:

- Slough Borough Council
- Slough Children's Services Trust
- Slough Council for Voluntary Service
- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Public Health Berkshire
- Slough Healthwatch
- Clinical Commissioning Group Slough

Other organisations will be invited to sign up to this Protocol as and where appropriate.

3. Aims

This Protocol aims to:

- a) Improve outcomes in service delivery and people's health and wellbeing.

- b) Bring about a greater understanding of, and compliance with, public sector data sharing principles and legislation.
- c) Establish efficient and reliable processes to enable information to be shared more quickly and securely, while respect the rights of individuals and the need to protect the security of their information.
- d) Encourage the wide scale use of Information Sharing Agreements (ISAs) that clearly and transparently set out the specific purposes of the data sharing activity to be undertaken and the responsibilities of each participating organisation.
- e) Manage risks more effectively and provide assurance for staff and service users alike.
- f) Protect partner organisations from allegations of the wrongful use of data.
- g) Monitor and review the information that flows between participating organisations.

4. Information covered by this Protocol

This Protocol covers the sharing of personal, sensitive personal and business sensitive data only. It covers all electronic and manual information including audio and visual information.

5. Purposes for which information may be shared

This Protocol applies to the sharing of information between the organisations listed in section 2 above and for the following purposes:

- a) Improving the well being and life opportunities through educational, health and social care opportunities
- b) Protecting people and communities
- c) Supporting people in need
- d) Reducing crime
- e) Reducing violence
- f) Detecting crime
- g) Preventing health inequalities
- h) Providing seamless provision of children and young people's services
- i) Enabling service users to access universal and specialist services
- j) Enabling staff to meet statutory duties across organisations
- k) Safeguarding children, young people, parents and carers¹
- l) Safeguarding adults²
- m) Improving data integrity and information quality
- n) Investigating complaints
- o) Managing and planning services
- p) Commissioning and contracting services
- q) Developing inter agency strategies

¹ Separate government guidance for children safeguarding practitioners is available at www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice

² Separate government guidance for adult safeguarding practitioners is available at www.scie.org.uk/care-act-2014/safeguarding-adults/sharing-information/ 4

- r) Performance management and audit
- s) Research relating to clinical, educational or social care objectives

6. How we will work together

Each of the parties covered by this Protocol share a common interest in improving the health and wellbeing of people living in the borough and in reducing health inequalities.

The next section sets out the common information sharing **principles** we will all follow to achieve the best possible outcomes for people in Slough:

Key Principles

- a) We will follow the flowchart of key principles for information sharing, set out in the Information Commissioner's Information Sharing: Practitioners Guide (HM Government 2016).
- b) We will also adhere to the "Fair Processing" and "Best Practice" standards included in the Information Commissioner's Data Sharing Code of Practice and related checklists³.
- c) We will only share information in a manner that is compatible with the requirements of the Data Protection Act 1998, the Human Rights Act 1998 (Article 8), the common duty of confidentiality, the Freedom of Information Act (2001) and any other specific statute⁴, set of principles⁵ or guidance that authorises or restricts disclosure.
- d) We will encourage the wide scale use of Information Sharing Agreements (ISAs) that set out the specific purposes of the data sharing activity to be undertaken and the responsibilities of each participating organisation.
- e) We will ensure that where other 'Protocols' and /or information sharing agreements already exist,⁶ this Protocol (and any associated service level agreement created in support of it) will run concurrently with them. However, when these documents expire, we would expect them to be reviewed and where necessary brought into line with this Protocol at the earliest opportunity in order to maintain a consistent approach.
- f) We will seek the consent of individuals to use their data wherever possible, unless there is a proper legal reason to prevent us for doing so.
- g) We will ensure that any information that is shared is necessary for the purpose for which it has been requested, that it is shared only with those people who need it, that it is accurate and up-to-date and is shared in a timely fashion.
- h) We will not keep the information for longer than it is needed.

³ www.ico.gov.uk/for_organisations/data_protection/topic_guides/data_sharing.aspx

⁴ Such as The Children Act (1989), The Children Act (2004), Civil Contingencies Act (2004), Police Act (1996), Crime and Disorder Act (1998), Local Government Act (2000) and The Gender Recognition Act (2004)

⁵ Such as Caldicott Principles - All statutory Health and Social Care organisations /providers must have a Caldicott Guardian who, for the purposes of information sharing, will be the Designated Officer. Other organisations must nominate a Designated Officer.

⁶ This includes the **Core Agreement Berkshire Provision of Care Information Sharing Agreement 2020** currently being rolled out across Berkshire.

- i) We will only share information that is complete (but not excessive), accurate and up-to-date so that it can be easily used for the purposes for which it is required
- j) We will provide training and guidance for staff who have to handle or share information so that they are aware of, and comply with, their respective responsibilities and obligations to maintain the security and confidentiality of personal information and that they undertake their duties confidently, efficiently and lawfully.
- k) We will ensure that our employees abide by the rules and policies on the protection and use of personal and/or sensitive personal information.
- l) We will ensure that any contracts we enter into with external service providers include a condition that they will abide by our respective rules and policies concerning the protection and use of personal and/or sensitive personal information.
- m) We will request proof of identity, or take steps to validate the authorisation of another, before disclosing any information requested under this Protocol.
- n) We will ensure that adequate security measures are in place to protect any information that is shared under this Protocol.
- o) We will ensure that any decisions we take about whether to share information or not and the reasoning behind these are recorded. If we do decide to share information we will record exactly what data is shared, with whom and for what purpose.
- p) We will use this Protocol in conjunction with local service level agreements and any other formal agreements between partner organisations, as well as existing Information Sharing Agreements (ISAs) where appropriate.
- q) We will investigate all complaints about an information disclosure from service users (or their representatives) in accordance with our respective complaints procedures.
- r) All violations of privacy or breaches of confidentiality that are a disciplinary matter could lead to dismissal, and potentially, criminal proceedings.
- s) We will share good practice and resources in order to help us develop and improve in this area. This could include policies and practices, including those identified by other authorities, public sector organisations or localities.
- t) We will regularly monitor the effectiveness of this Protocol and any associated documents and update its contents when appropriate.

7. Review arrangements

This Protocol will be reviewed on an annual basis to determine its effectiveness, unless new legislation or national guidance necessitates an earlier review.

Members may also request an extraordinary review of this Protocol at any time should they consider it necessary.

Appendix 1: Flow chart of key principles for sharing information (reproduced from Information Sharing: Practitioners guide (HM Government 2006))

The paragraph numbers below refer to those in the Practitioners guide not this Protocol

