

APPENDICES TO THE LEEDS SAFEGUARDING CHILDREN BOARD GOVERNANCE DOCUMENT

JULY 2010

CONTENTS

| | |
|----------------|---|
| Appendix (i) | Scope of the Role of Local Safeguarding Children Boards |
| Appendix (ii) | Leeds Safeguarding Children Board Code of Conduct |
| Appendix (iii) | Membership of the Leeds Safeguarding Children Board – July 2010 |
| Appendix (iv) | Role Specifications for Members of the Leeds Safeguarding Children Board |
| Appendix (v) | Role and Person Specification for Chair of the Leeds Safeguarding Children Board |
| Appendix (vi) | Groups accountable to the Leeds Safeguarding Children Board (to add) |
| Appendix (vii) | Leeds Inter-Agency Protocol for Sharing Information |

Appendix (i) – Scope of the Role of Local Safeguarding Children Boards

1.1 The scope of LSCBs' role includes safeguarding and promoting the welfare of children in three broad areas of activity.

First, activity that affects all children and aims to identify and prevent maltreatment, or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care. For example:

- mechanisms to identify abuse and neglect wherever they may occur
- work to increase understanding of safeguarding children issues in the professional and wider community, promoting the message that safeguarding is everybody's responsibility
- work to ensure that organisations working or in contact with children operate recruitment and human resources practices that take account of the need to safeguard and promote the welfare of children
- monitoring the effectiveness of organisations' implementation of their duties under s11 Children Act 2004
- ensuring that children know who they can contact when they have concerns about their own or others' safety and welfare
- ensuring that adults (including those who are harming children) know who they can contact about a child or young person.

1.2 The second area of activity is proactive work that aims to target particular groups. For example:

- developing/evaluating thresholds and procedures for work with children and families where a child has been identified as 'in need' under the Children Act 1989 but where the child is not suffering, or at risk of suffering, significant harm
- work to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population – e.g. children living away from home, children who have run away from home, children in custody, or disabled children.

1.3 The third area is responsive work to protect children who are suffering, or at risk of suffering harm including:

- children abused and neglected within families, including those harmed:
 - in the context of domestic violence
 - as a consequence of the impact of substance misuse
- children abused outside families by adults known to them
- children abused and neglected by professional carers, within

institutional settings, or anywhere else where children are cared for away from home

- children abused by strangers
- children abused by other young people
- young perpetrators of abuse
- children abused through prostitution.

1.4 Where particular children are the subject of interventions, then that safeguarding work should aim to help them to achieve all five “Every Child Matters” outcomes,¹ to have optimum life chances. It is within the remit of LSCBs to check the extent to which this has been achieved as part of their monitoring and evaluation work.

¹ Stay Safe, Be Healthy, Enjoy and Achieve, Make a Positive Contribution and Achieve Economic well-being

Appendix (ii) Leeds Safeguarding Children Board Code of Conduct

1. Introduction

- 1.1 Public service values are and must be at the heart of the Leeds Safeguarding Children Board (LSCB). LSCB therefore commits itself and its members to ethical, professional and lawful conduct, including proper use of authority and appropriate decorum when acting as LSCB members.
- 1.2 The code applies to all LSCB members and is supplemented by professional, agency and Directorate/Service requirements or guidance regarding standards of conduct in particular areas of work.
- 1.4 In agreeing to the code LSCB members agree to:
 - apply the Nolan principles of public life (See Section 3)
 - uphold the law and act responsibility on behalf of their organisations and/or the people they represent
 - fulfil their responsibilities as outlined in the LSCB Member Role Specification
 - demonstrate high standards of behaviour, declaring any personal interests they have in matters under discussion.

2. Breach of Code

- 2.1 This code forms part of the LSCB Constitution and any breach of this code constitutes a breach of the Constitution
- 2.2 Failure to observe the standards set out in this code will be regarded as serious. Should concern arise that any member has breached the code or any other part of the Constitution, the LSCB Chair will make representation to the relevant agency at Chief Executive level or equivalent.
- 2.3 Where the LSCB Chair fails to comply with the code or any other part of the Constitution, the Director of Children's Services shall take appropriate action.

3. Standards in Public Life

- 3.1 All persons covered by this code must observe the following Principles of Standards in Public Life as set out by the Nolan Committee:

a) Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

b) Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

c) Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for awards or benefits

holders of public office should make choices on merit.

d) Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

e) Openness

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

f) Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

g) Leadership

Holders of public office should promote and support these principles by leadership and example.

4. Member Responsibilities

4.1 LSCB members will take steps to co-operate with the Board and with the Chair in relation to their responsibilities under the Code of Conduct in order to secure the achievement of the objectives, and facilitate the performance of the functions, of LSCB.

4.2 Members will:

- treat each other with respect, dignity and equality of esteem
- be open with information about their performance insofar as it relates to their functions and role in LSCB and provide LSCB with early information about relevant problems
- co-operate to agree projects, protocols or arrangements as may be required.

4.3 All members have individual responsibility and are personally liable for their own conduct and compliance. In this regard, members must:

- a) Observe the Seven Principles of Standards in Public Life (See paragraph 3.1)
- b) Comply with this code and all other parts of the LSCB Constitution
- c) Act in good faith and in the overall interest of LSCB and in a way that preserves public confidence in LSCB
- d) Not use their position with LSCB to promote improperly or inappropriately their private interests (including business, area, sectorial or other interest) or to confer on or secure an advantage or disadvantage for connected persons, firms, businesses or other organisations
- e) Not misuse information gained in the course of their role as LSCB

member

- f) Not disclose information given to them in confidence without the consent of the person authorised to give it, or unless they are required by law to do so
- g) Always ensure that confidential material, including material about individuals, is handled in accordance with the law.

5. Conduct of Meetings

- 5.1 All meetings will follow an agenda agreed with the LSCB Chair and circulated one week in advance. Meetings will be conducted by the LSCB Chair with remarks being directed through the Chair and in line with the principles of good conduct outlined below.

Good Conduct at Meetings

- 5.2 All members agree to respect each other by:
- giving colleagues space to think or express opinions
 - listening actively to each other
 - exploring actively each other's ideas
 - contributing ideas
 - challenging issues, not individuals
 - taking confidentiality seriously
 - respecting timetables
 - being mutually supportive of colleagues
 - respecting and supporting majority decisions of LSCB
 - recognising the authority vested in LSCB
 - using inclusive language and refraining from discriminatory behaviour or remarks which would offend anyone present or not present
 - ensuring attendance at meetings, tendering apologies or sending their nominated deputy as appropriate
 - using plain English
 - not using mobile telephones or electronic communications equipment in meetings.²

6. Conduct of Business

- 6.1 The Board and its sub groups are responsible for the conduct of LSCB business. In particular, the Board is responsible for the overall conduct and oversight of LSCB business.

² In exceptional circumstances (e.g. when on call) agreement should be reached with the Chair regarding acceptable usage.

6.2 Members agree to:

- prepare for meetings, ensuring that all minutes and associated papers are read prior to meetings and subsequent comments or contributions are informed to maximise the opportunities for resolution or actions within LSCB meetings
- progress any actions agreed at previous meetings within timescales determined by LSCB
- accept shared responsibility for the satisfactory completion and implementation of the LSCB business plan.

7. Conflicts of Interest

- 7.1 Neither the Chair nor any member shall put themselves in a position whereby their duty and responsibility to LSCB conflict with private interests. Any member identifying such a conflict will declare an interest. The LSCB Chair will then consider whether they should be excluded from participating in the item concerned.
- 7.2 Members are required to provide information about personal involvement in any organisation which may be in conflict with the interests of LSCB.

Appendix (iii) Membership of the Leeds Safeguarding Children Board – July 2010

| Primary representative | Organisation/ Sector | Deputy representative |
|--|--|--|
| Jane Held | Independent Chair of the Leeds Safeguarding Children Board | |
| Dennis Holmes | Adult Safeguarding Board | John Lennon |
| Amandip Johal | CAFCASS | Pam Jones |
| Dr Sharon Yellin | Chair of Child Death Overview Panel (CDOP) | |
| Cllr Judith Blake (Lead Executive Member for Children's Services) | Leeds City Council | |
| Eleanor Brazil (Director of Children's Services) | | Sarah Sinclair (Deputy Director of Children's Services) |
| Jackie Wilson (Chief Officer, Children and Young People's Social Care) | | Gail Faulkner (Interim Head of Service – South, Children and Young People's Social Care) |
| Sally Threlfall (Chief Officer, Early Years and Integrated Youth Support Service) | | |
| Bridget Emery (Head of Housing Strategy and Solutions) | | |
| Philomena Corrigan (Director of Commissioning) | | NHS Leeds |
| Sam Prince (Acting Managing Director, Community Healthcare) | Amanda Thomas (Medical Director, Community Healthcare) | |
| Dr Chris Buller (Named Doctor and Consultant Psychiatrist, Leeds Partnership Foundation Trust) | Michele Moran (Director of Service Delivery & Chief Nurse, Deputy Chief Executive, Leeds Partnership Foundation Trust) | |
| Jill Asbury (Divisional Nurse Manager, Women's Children's Head Neck and Dental Division) | | |
| Angela Maguire (Assistant | NSPCC | |

| | | |
|--|---|--|
| Director) | | Services Manager) |
| Marcus Beacham (Head of Business Development) | Safer Leeds Partnership | |
| Martin Fleetwood (Chair of Headteacher Forum) | Schools | |
| Sally Boulton (Chair of Primary Headteacher Forum) | | |
| Toni C Johnston (Assistant Director, Barnardo's Yorkshire) | Voluntary, Community and Faith Sector (Leeds Voice) | Carol Young (Director, Genesis) |
| Chief Supt Gerry Broadbent (Divisional Commander) | West Yorkshire Police | Supt Simon Whitehead (Chief Officer, Community Safety) |
| Kevin Ball (Operations Manager) | West Yorkshire Probation | Debbie Addleston (DIP Probation Manager) |
| Mick Mills | Wetherby Young Offender Institution | Caroline Senior (Safeguarding Manager) |
| Maggie Smith (Deputy Head of Service) | Youth Offending Service | Jim Hopkinson (Head of Service) |

Appendix (iv) Role Specification for Members of the Leeds Safeguarding Children Board

ROLE SPECIFICATION OF LSCB MEMBERS

In support of the work of the LSCB members should have the authority within their agency/ organisation to:

- agree proposals for the commitment of resources, including personnel, in support of the work of LSCB and its sub-groups
- speak for, make decisions and commit resources on behalf of that organisation
- commit their agency/organisation on policy and practice matters
- promote and enhance effective working relationships within their agency/organisation, the LSCB as a corporate body and agency representatives on the LSCB
- influence and advocate change within their own agency/organisation and LSCB.

In support of the work of the LSCB, members should:

- 1 Have knowledge and experience of safeguarding issues within their agency/organisation.
- 2 Have knowledge of the work of partner agencies.
- 3 Have knowledge of appropriate legislation.
- 4 Maintain up-to-date knowledge of safeguarding issues, undertaking personal training/development as required.
- 5 Have knowledge and experience of committee work to enable them to contribute successfully to the work of LSCB.
- 6 Be able to bring independence to the role and challenge organisations (including their own) when necessary.
- 7 Provide statutory inter-agency leadership and governance at a strategic and operational level.
- 8 Have the strategic lead or local responsibility for safeguarding issues within their agency/organisation and be the identifiable individual whom the LSCB holds accountable for their agency/organisation's safeguarding arrangements.
- 9 Communicate decisions of, and issues arising from the work of, LSCB back to their agency/organisation
- 10 Ensuring their agency/organisation commits sufficient resources to support LSCB core business including:
 - ensuring that representatives from their agency/organisation attend and contribute to sub-groups and/or working groups as required
 - the Serious Case Review process - including nominating

representatives for the Serious Case Review Panel and Overview Panels and the provision of their agency/organisation's Individual Management Review

- the Leeds Child Death Overview Panel
 - policy/procedure development work
 - development and delivery of the LSCB learning and development programme
 - performance management/quality assurance
 - allegations management.
- 11 Making objective assessments and offering constructive challenge in relation to the effectiveness of safeguarding activity of LSCB partners, including their own.
- 12 Ensuring robust single and inter-agency child protection/safeguarding procedures are developed and maintained.³
- 13 Monitoring and evaluating the implementation of single and inter-agency child protection/safeguarding procedures within their agency/organisation.
- 14 Supporting any audit undertaken of:
- the effectiveness of LSCB as a body
 - safeguarding practice (single agency and inter-agency).
- 15 Promoting and supporting participation in the LSCB learning and development programme.
- 16 Each nominated representative and deputy shall undergo an enhanced CRB check prior to taking up the position, unless the nominated representative has been granted equivalent clearance by the internal operations of the member organisation they represent. The CRB checks should be updated every three years (or 4 years for Elected Members). The LSCB Secretariat will maintain a list of CRB checks.
- 17 LSCB members are accountable to the LSCB Chair for fulfilling their responsibilities towards the LSCB, as described in points 1-16 above, and for fulfilling their responsibilities regarding safeguarding within their own organisations, as described in points 19-31 below.
- 18 Some LSCB members are representing their sector rather than a partner organisation, and it is therefore not possible for them to make decisions on behalf of the sector, agree the commitment of resources or commit the sector on policy and practice matters within LSCB meetings. In these instances, the LSCB member should use the feedback mechanisms within

³ As specified in S11 Children Act 2004 and S175 and 157 Education Act 2002 (for schools).

their sector outside of the meeting in order to agree decisions on behalf of the sector, including the commitment of resources and commitment to policy and practice matters. In addition, the LSCB member will be expected to consult with colleagues in order to represent the viewpoints and interests of their sector effectively during LSCB meetings

In support of their own agency/ organisation's contribution to safeguarding, members are required to:

- 19 Hold managers within their agency/organisation to account for that agency/organisation's contribution to safeguarding.⁴
- 20 Be in a position to ensure effective implementation of policies and priorities agreed by LSCB within their own agency/organisation.
- 21 Have the ability to influence policy and priority setting within their agency/organisation.
- 22 Ensure the effective dissemination of all information, decisions and communications on behalf of LSCB within their agency/organisation.
- 23 Be the conduit by which their agency/organisation is consulted on particular issues.
- 24 Request their agency/organisation's agreement to commit resources i.e.:-
 - to ensure that services aimed at safeguarding are adequately resourced.
 - To ensure that appropriate resources are available in order to carry out effective safeguarding work within their own agency/ organisation
- 25 Act as safeguarding champion within their agency/organisation
- 26 Represent their agency/organisation's views and reporting any key strategic or operational developments/issues directly to LSCB where there are implications for the effective delivery of children's services.
- 27 Ensure that the work of LSCB impacts on the strategic and operational planning, decision making and activity of their agency/organisation.
- 28 Hold their agency/organisation to account in terms of its safeguarding performance and to oversee any necessary changes in practice.
- 29 Ensure their agency/organisation's compliance with S11 Children Act 2004 and S175 and 157 Education Act 2002 (for schools) including:
 - all staff are trained in child protection and safeguarding to an appropriate level
 - their agency/organisation is aware of and complies with the Leeds Information Sharing Protocol

⁴ As specified in S11 Children Act 2004 and S175 and 157 Education Act 2002 (for schools).

- their agency/organisation operates safe recruitment procedures.
- 30 Have an overview of performance management and quality assurance regarding safeguarding within their agency/organisation and providing information on activity as required.
- 31 Identify any safeguarding learning and development needs within their agency and drawing these to the attention of LSCB.

Appendix (v) Role and Person Specifications for the Chair of the Leeds Safeguarding Children Board

ROLE SPECIFICATION FOR LSCB CHAIR

FUNCTION OF ROLE

- 1 To provide leadership to Leeds Safeguarding Children Board (LSCB), ensuring that it discharges its functions effectively in accordance with its governance document, legislation, regulations and guidance.
- 2 To ensure that LSCB co-ordinates and monitors the effectiveness of services for children across the Partnership
- 3 To ensure that LSCB provides appropriate challenge to Children's Trust partners, through the Trust Board, on their success in ensuring children and young people are kept safe

ACCOUNTABILITY

- 1 The LSCB Chair is accountable to the Local Authority via the Director of Children's Services for the effectiveness of his/her work as chair.
- 2 The LSCB Chair will:-
 - discharge any power delegated to the Chair from the Board
 - provide a strong and independent voice for the LSCB
 - ensure LSCB fulfils its statutory obligations as set out in the Children Act 2004, Apprenticeships, Skills, Children and Learning Act 2009, the Local Safeguarding Children Board Regulations 2006 and Working Together 2006/2010
 - meet with the Director of Children's Services (DCS), the Executive (Lead) Member and the Children's Services Advsor (Government Office) at least quarterly
 - bring any areas of concern to the Director of Children's Services, Executive (Lead) member or Leeds City Council Chief Executive as appropriate.

MAIN AREAS OF RESPONSIBILITY

- 1 To chair meetings of LSCB ensuring that they are conducted in accordance with the constitution and to:
 - agree LSCB meeting agendas, the preparation of any associated papers, ensuring distribution one week in advance of each meeting
 - agree the minutes of chaired meetings and ensure distribution to LSCB members⁵ and other parties as specified within the governance document
 - ensure that decisions and actions from LSCB meetings are progressed as required.
- 2 To ensure that Serious Case Reviews are undertaken in accordance with regulations and guidance within agreed timescales and that lessons are disseminated effectively.

⁵ Within 14 days of each meeting

- 3 To ensure that Childhood Deaths are reviewed in accordance with regulations and guidance
- 5 To be a member of the Children's Trust Board, advising on safeguarding matters and identifying issues that need to be addressed by the Children's Trust Board.
- 6 To ensure that LSCB contributes effectively to the Children and Young People's Plan
- 7 To ensure the voices and experiences of children, young people and their families inform the work of LSCB.
- 8 To facilitate a resolution and response to complaints in relation to any aspect of the Board's work and to provide independent arbitration as necessary when conflicts of interest arise within LSCB.
- 9 To refer any complaints about the operation of the published Leeds (West Yorkshire) Child Protection Procedures to the Performance Management Sub Group.
- 10 To review the membership of the Board and its various sub-groups to ensure that members are representative of the community and that members work in accordance with the Role Specification of LSCB Members.
- 11 To ensure the production of the LSCB Annual Report on the effectiveness of safeguarding in Leeds and LSCB Business Plan, ensuring publication and monitoring of objectives
- 12 To ensure the implementation of an effective performance management framework
- 13 To be responsible, in conjunction with the LSCB Manager, for the management of the LSCB budget, including securing contributions from partner agencies; overseeing the allocation of LSCB resources (financial and human) and ensuring they are utilised to meet LSCB's objectives.
- 14 To ensure LSCB partners and members act in accordance with the governance document and Code of Conduct and to ensure they are held to account with regard to their agency/organisations' safeguarding arrangements.
- 15 To ensure the development of LSCB sub-groups/working group work plans and scrutinise delivery against agreed objectives.
- 16 To contribute, when required, to LSCB events and to represent LSCB at national and regional meetings.
- 17 To represent LSCB in public statements and in interviews with the media, as appropriate.

PERSON SPECIFICATION FOR LSCB CHAIR

PROFESSIONAL – SKILLS, KNOWLEDGE AND EXPERIENCE

- 1 Working knowledge and experience of safeguarding legislation (Children Acts 1989 and 2004) Apprenticeships, Skills, Children and Learning Act 2009, regulations (including The Local Safeguarding Children Boards Regulations 2006) and government guidance relevant to this role (including Working Together to Safeguard Children 2006/2010).

- 2 Knowledge and experience of policy, practice and research and its application within the Every Child Matters framework.
- 3 Excellent written and verbal communication skills, including the ability to speak in public and represent LSCB effectively at national or local fora and at media events.
- 4 Experience of effective chairing of complex professional multi-agency meetings at a senior level.
- 5 Ability and willingness to identify and challenge constructively unsatisfactory performance at individual and organisational level
- 6 Ability to think objectively at a strategic level.
- 7 Skills in negotiating, sufficient to assist in resolving conflict between agencies.
- 8 Experience at a senior level in the field of child protection in the public or voluntary sector
- 9 Recognised professional qualification in social care, health, education or legal discipline of a standard to command professional respect.

PERSONAL QUALITIES

- 1 Organisational abilities which ensure the smooth operation of LSCB, including appropriate delegation to LSCB members and the staff team.
- 2 Positive, assertive leadership style which commands professional respect.
- 3 Self-motivated and able to work independently.
- 4 Commitment to high standards of integrity and confidentiality.
- 5 Commitment to service development and improvement.
- 6 Commitment to challenging oppression and discrimination and a respect for diversity.
- 7 Commitment to improving outcomes for children, demonstrable through previous or current professional or voluntary activities.

OTHER

- 1 Willingness to travel outside Leeds in order to attend meetings, conferences etc
- 2 An appropriate level of ICT skills.

Appendix (vi) Groups accountable to the Leeds Safeguarding Children Board (to add)

Appendix (vii) Leeds Inter-Agency Protocol for Sharing Information

This document can be found at <http://www.leeds.nhs.uk/About-us/Information-sharing.htm>.

The text of the main document is reproduced below. Please access the electronic version for the appendices.

Background and summary

Why do we need to share information?

Government policy places a strong emphasis on the need to share relevant personal information across organisational and professional boundaries, in order to ensure effective co-ordination and integration of services. This is made clear in a number of documents including the NHS Plan, "Information for Health", "Every Child Matters" and the National Service Frameworks.

The Bichard Inquiry in the wake of the Soham murders, and Lord Laming's Report into the Victoria Climbié tragedy also contained specific recommendations for information sharing. Much of the information that needs to be shared involves personal details about service users and their needs.

The Government has also emphasised the importance of security and confidentiality in relation to personal information, and has strengthened the legislation and guidance in this area, in particular through the 1998 Data Protection Act, Caldicott guidance and Confidentiality NHS Code of Practice (2003).

Current practice in relation to information sharing may vary considerably. Some staff may be reluctant to share any personal information about service users because of uncertainties about current legislation and guidance. This can lead to serious difficulties in ensuring that services are properly co-ordinated. Other staff may be unaware of the implications of recent changes and may be continuing to share information on the basis of informal arrangements. These arrangements may not comply with guidance or the law and this can leave individuals, and the organisations they work for, at risk of possible legal action.

The Caldicott report recommended that organisations should draw up and implement protocols in order to protect patients' confidentiality as well as facilitate the transfer of information between practice organisations on a need to know basis for justifiable purposes.

Health and social care organisations in Leeds recognised the need to provide a clear framework to help facilitate the sharing of information and responded by establishing an inter-agency steering group who developed a protocol.

What is the Protocol?

The Protocol is an over-arching framework for sharing information between health, social care and other agencies in Leeds. It focuses on requirements for sharing personal information about service users.

The Protocol:

- Clarifies the legal background on information sharing
- Outlines the principles that need to underpin the process
- Provides practical guidance on how to share information in a series of supporting Procedures
- Provides a framework within which organisations can develop Information Sharing Agreements (ISAs) or Access Agreements for specific areas of service
- Includes arrangements for monitoring and reviewing the use of the Protocol and for responding to breaches.

The Protocol is not contractually binding but is to be used to set good practice standards that the parties need to meet in order to fulfil any duty of care which exists in relation to the sharing of personal information.

What are the benefits of the Protocol?

The Protocol provides the following benefits.

Helping to promote information sharing

The Protocol will help to remove barriers to effective information sharing and will assist in ensuring that service users receive integrated services which is a key principle of Government policy.

Helping to ensure compliance with legislation and guidance

The 1998 Data Protection Act stipulates that organisations must satisfy themselves that the agencies they share information with have the necessary procedures in place to comply with the Act's requirements. It would not be practical for organisations to carry out such checks each time they wished to share information. Signatories to the protocol confirm that they will comply with these procedures **whenever information is shared** and that they will abide by the monitoring arrangements within the Protocol.

The Protocol includes detailed procedural guidance to assist organisations in complying with legislation and guidance and in particular to:

- help to ensure that consent to share personal information is obtained from the service user wherever this is necessary
- help ensure that information is shared where there is a requirement to do so
- help ensure that partner organisations have appropriate procedures in place to ensure compliance with legislation

The Protocol includes detailed procedural guidance on consent issues to assist staff in complying with legal requirements.

Raising awareness

The Protocol raises awareness of the key information sharing issues and provides detailed procedural guidance. This will help organisations to ensure that staff are aware of these key issues and have confidence in the process of sharing information with others.

Avoiding the need to “re-invent the wheel”

The Protocol contains comprehensive details that are relevant to all information sharing arrangements. This means that there is no need to keep “re-inventing the wheel” when drafting specific ISAs or Access Agreements. Signatories agree to ensure that all agreements established between partner agencies are consistent with the Protocol. As a consequence individual agreements can be relatively brief documents which focus on the specific types of information to be shared and any additional requirements that are felt to be necessary .

Access Agreements

There will be situations when an Access Agreement will be more appropriate rather than an ISA. For example, where individuals are involved in cross organisational projects or services and need access to another organisation’s system, then an Access Agreement should be used rather than an ISA.

In order to ensure effective safeguards are in place Access Agreements will include clear terms of access, usage and sharing, limitations as well as enforceable actions and personal accountability if those terms are breached:

- What security arrangements need to be in place to enable access to occur,
- What are the responsibilities of the staff involved and their manager with respect to Data Protection requirements
- What level of training may be required for staff either in information governance, such as Tiger, or IT related,
- Which policies need to be in place and agreed to,
- What will happen if confidentiality/ the agreement is breached e.g disciplinary action.

Access Agreements do not include information about costs, equipment or maintenance, if required these should form part of a contract or Service Level Agreement.

The phrase ‘ISA’ in the Protocol and its associated documents is a generic term which may refer to either an ISA or Access Agreement.

An example of an Access Agreement can be found in Appendix 4.

The Information Sharing Protocol

Section 1 – Introduction

1.1 Scope

This Protocol is an agreement between the agencies detailed in section 1.2 to govern the sharing of personal information about service users and facilitate the development of information sharing agreements. (It does not relate to the sharing of personal information about staff.)

The Protocol:

- Focuses primarily on the sharing of “personal” and “sensitive” information about people using health, social care and associated services commissioned by the partner agencies listed in Section 1.2. (Definitions of the terms “personal data” and “sensitive data” which are used in the Data Protection Act 1998 are given in Procedure A5.)
- The Protocol also refers to “private” information in relation to the Human Rights Act 1998 and “confidential” information.
- Covers the sharing of information for any of the purposes listed in section 2.1 and comprises the common principles and procedures to be adopted wherever and whenever these organisations share information for these purposes.
- Provides the framework for information sharing in Leeds. It will be activated through Information Sharing Agreements (ISAs) for specific areas of service between partner agencies. Each ISA will set out the detailed arrangements relevant to that particular application. All ISAs will need to be fully compliant and consistent with this Protocol. An example of an ISA is included as Appendix 3.

1.2 Parties to the Protocol

The following organisations are parties to the Protocol

- Leeds Teaching Hospitals Trust
- Leeds Partnerships NHS Foundation Trust
- NHS Leeds (Leeds Primary Care Trust)
- Leeds City Council
- Education Leeds
- West Yorkshire Police

The following organisations are members of the Steering Group and support the aims and objectives of the protocol:

- YAS
- NHS Direct
- Leeds VOICE

- Advocacy Network Leeds
- Leeds Careers

1.3 Purpose of the Protocol

The purpose of the Protocol is to provide a framework for the secure and confidential sharing of information between organisations. This will enable organisations to meet their responsibilities to protect, support and care for individuals and communities in accordance with government expectations as detailed in documents such as the NHS Plan and the National Service Frameworks.

The Protocol informs managers and operational staff of the reasons why personal information about service users may need to be shared and how this sharing will be managed.

The Protocol:

- Sets out the principles which underpin the sharing of information between the parties detailed in section 1.2
- Defines the specific purposes for which these organisations have agreed to share information to meet their responsibilities to protect, support and care for communities and individuals.
- Describes the roles and structures which will support the exchange of information between parties to the Protocol
- Describes the procedures which will ensure that information is disclosed in line with statutory responsibilities
- Describes the arrangements which have been agreed for exchanging information.
- Describes the security procedures necessary to ensure that the confidentiality of information exchanged is maintained.
- Sets out the responsibilities of organisations to implement internal arrangements to meet the requirements of the Protocol.
- Describes how the Protocol will be implemented, monitored and reviewed

Section 2 – Principles

2.1 Purposes for which information may be shared

This Protocol applies to the sharing of information between agencies for the following purposes:

- Improving the health and social care of people
- Protecting people and communities
- Prevention and detection of crime
- Supporting people in need
- Investigating complaints
- Managing & planning services

- Commissioning and contracting services
- Developing inter-agency strategies
- Performance management and audit
- Research relating to clinical or social care objectives

2.2 Key legislation and guidance

Details of the key legislation and guidance affecting the sharing and disclosure of information are set out in Appendix 1.

2.3 Principles governing the sharing of information

A number of safeguards are necessary in order to ensure a balance between maintaining confidentiality and sharing information appropriately.

The key principles governing the sharing of information are detailed in the Data Protection Act 1998 and the Caldicott Report. The Human Rights Act and the common law “duty of confidentiality”, Confidentiality NHS Code of Practice (2003) are also relevant in this context. (See Appendix 1 for further details.)

The sharing of information by organisations under the Protocol will be based on the following principles:

1. Commitment to sharing information

Partner organisations recognise that multi-agency initiatives require a commitment to sharing personal information about service users in compliance with guidance and legislation.

2. Statutory duties

Partner organisations are fully committed to ensuring that they share information in accordance with their statutory duties including the requirements of the of the Data Protection Act 1998 and the Human Rights Act 1998. (See Appendix 1)

3. Caldicott requirements

All organisations recognise the requirements that Caldicott imposes on NHS organisations and Social Services Departments. They will ensure that requests for information from these organisations are dealt with in a manner compatible with these requirements. (See Appendix 1)

4. Duty of confidentiality

It is generally accepted that most (if not all) information provided by service users is confidential in nature. All organisations which are party to this protocol accept this duty of confidentiality and will not disclose such information without the consent of the person concerned, unless there are statutory grounds and an overriding justification for so doing. In requesting release and disclosure of information from partner organisations, all staff will respect this responsibility.

5. Consent

Wherever possible organisations will seek consent from the service user to share personal information. Where consent to disclose information is requested, the service user will be made fully aware of the information it is proposed to share and the purposes for which it will be used.

If a person is unwilling to give consent, information will only be shared in exceptional circumstances and where there are appropriate statutory grounds for doing so.

6. Sharing without consent

Organisations will put procedures in place to ensure that decisions to share personal information without consent have been fully considered and comply with the requirements of the relevant legislation. Such decisions will be appropriately recorded for audit purposes. All relevant staff will be provided with training in these procedures.

7. “Need to know”

Where it is agreed necessary for information to be shared, this will be done on a “need-to-know” basis only i.e. the minimum information consistent with the purpose for sharing will be given.

8. Information kept confidential from the service user

Where professionals request that information supplied by them be kept confidential from the service user, the outcome of this request and the reasons for taking the decision will be recorded. Such decisions will only be taken on statutory grounds

9. Specific purpose

Partners will not abuse information that is disclosed to them under the specific purposes set out in the protocol. Information shared with a member of another organisation for a specific purpose will not be regarded by that organisation as intelligence for the general use of the organisation.

10. Fact / opinion

When disclosing information about an individual, professionals will clearly state whether the information being supplied is fact, opinion, or a combination of the two.

11. Use of anonymised information where possible

Personal information will only be disclosed where the purpose for which it has been agreed to share clearly requires that this is necessary. For all other purposes, information about individual cases will be anonymised.

12. Access to information

People will be fully informed about the information that is recorded about them. They will be able to gain access to information held about them and to correct any factual errors that may have been made. If an organisation

has statutory grounds for restricting a person's access to information about them, they will be told that such information is held and the grounds on which it is restricted. Where opinion about a service user is recorded and they feel the opinion is based on incorrect factual information, they will be given the opportunity to correct the factual error and record their disagreement with the recorded opinion.

13. Complaints procedures

Partners are committed to having procedures in place to address complaints relating to the disclosure of information. Service users will be provided with information about these procedures.

14. Staff awareness

Partner organisations will ensure that all relevant staff are aware of and comply with their responsibilities in relation to:

- the Protocol
- the confidentiality of information about service users
- the commitment to share information in accordance with guidance and Legislation

15. Disciplinary action

Partner organisations will ensure that contracts of employment and policies include reference to the issue of disciplinary action should staff disclose personal information on a basis which cannot be justified on statutory grounds.

Section 3 - Operational Procedures

3.1 Adoption of procedures

A key aspect of the Protocol is the adoption by partners of a common standard for procedures for the sharing of information. This is intended to give organisations confidence that when they share information (under Information Sharing Agreements) partner agencies will be operating to a common standard that complies with relevant legislation and guidance. (It is acknowledged that partner organisations may already have procedures in place which meet these standards and will want to use these.)

Partner organisations are committed to sharing information on the basis of these procedures and will provide evidence of this, as required, through the monitoring process.

The procedures are detailed in a supporting document – “Operational Procedures Governing the Sharing of Information between Agencies in Leeds”.

The document defines the detailed responsibilities and arrangements which organisations should put in place when establishing an information-sharing agreement (ISA) for a specific area of service. Individual ISAs are likely to include some additional procedures in order to meet particular needs arising within specific service areas. An example of an ISA is included as Appendix 3.

The areas to be governed by common procedures are listed in the following section.

3.2 Summary of Procedures

The procedures are detailed in three sections – “Sharing Personal Information”, “Access and Security Procedures” and “Managing the Protocol”.

| Procedure Reference | Name of Procedure |
|----------------------------|---|
| Section A | Sharing personal information |
| A1 | Obtaining consent |
| A2 | Establishing fitness to give consent |
| A3 | Recording consent |
| A4 | Checking for consent when sharing information |
| A5 | Sharing information without consent |
| A6 | Contact details for staff with specific roles |
| A7 | Guidance for staff |
| Section B | Access and security procedures |
| B1 | Access and security |
| B2 | Transfer of information by fax |
| B3 | Transfer of information by email or disc |
| B4 | Transfer of information verbally |
| B5 | Transfer of information by post |
| B6 | Use of personal information for additional purposes |
| B7 | Determining access to personal information: the “need to know” |
| B8 | Restrictions on the use of statistical and anonymised information |
| Section C | Managing the protocol |
| C1 | Approval and adoption |
| C2 | Dissemination |
| C3 | Confirming adoption of standard procedures |
| C4 | Monitoring and review |
| C5 | Reporting breaches |

Section 4 – Implementation of the protocol

4.1 Structures and responsibilities

The key areas of responsibility in relation to the protocol are summarised below.

| Organisation | Responsibility |
|---|--|
| Information Sharing Steering Group | <ul style="list-style-type: none"> • Dissemination arrangements • Training arrangements • Monitoring process • Review process • Monitoring compliance • Adjudicating on breaches • Approval of major amendments to the Protocol documents |
| Lead members of the Information Sharing Steering Group | <ul style="list-style-type: none"> • Implementation within organisations • Monitoring implementation |
| Head of Information Governance, NHS Leeds has responsibility for Pan Leeds Information Sharing Agreements | <ul style="list-style-type: none"> • Dissemination • Ensuring preparation of training materials • Liaison with partners re training programmes • Carrying out monitoring and review processes • Supporting partners in drafting ISAs |
| Responsible to be confirmed following first review | <ul style="list-style-type: none"> • Adjudicating on breaches • Approval of major amendments |

4.2 Disseminating the Protocol

The Protocol will be made available to the NHS Leeds Library Service and to other appropriate organisations on request. All partners will make copies available to service users, carers and members of the public. An explanatory information sheet will be available.

The documents will be available on the following websites:

www.leedspct.nhs.uk/infoshare
www.leeds.gov.uk
www.educationleeds.co.uk

Training materials will be made available to support training programmes. These will focus primarily on the needs of managers and the needs of operational staff who are involved in sharing information. It is envisaged that where possible, training will be carried out on an inter-agency basis. An overview of the protocol will be available for inclusion in staff induction programmes.

As and when the protocol is amended (following review) programmes will be arranged to inform staff of agreed changes.

Further details of arrangements for dissemination are given in Procedure C2.

4.3 Monitoring arrangements

Arrangements for monitoring the use and the effectiveness of the Protocol are detailed in procedure C4.

The Information Sharing Steering Group will be responsible for overseeing the monitoring and review process. Monitoring will be carried out in a number of ways:

1. Complaints received by organisations relating to information disclosure will be analysed to determine whether they relate to a breakdown or an inadequacy of the protocol.
2. Where individual ISAs specify the provision of statistics and reports, lead members will be asked to confirm receipt of these.
3. All reported breaches of the protocol will be followed up in accordance with Procedure C5.

4.4 Review arrangements

The Review process will be carried out in accordance with Procedure C4.

1. Reviews will be carried out annually unless legislative changes require more immediate action.
2. One month prior to the review date, all parties to the protocol will be asked to submit feedback on the use of the protocol and put forward proposals for amendments and for addressing any problems that may have arisen. Appropriate advice will be obtained in relation to any proposed major changes.
3. Head of Information Governance, NHS Leeds will co-ordinate the review process.

Section 5 – Adoption of the protocol

The parties to the protocol agree that the procedures detailed in the document provide a secure framework for the sharing of information between their respective organisations in compliance with their statutory and professional responsibilities.

The partner organisations agree to:

- Facilitate the sharing of information wherever such sharing is lawful
- Implement the Protocol within each organisation
- Ensure staff adhere to the procedures and arrangements set out in the Protocol.
- Provide evidence, when requested, that agreed procedures and arrangements have been implemented
- Ensure that all agreements established between partner agencies for the sharing of information are consistent with the Protocol