



BOURNEMOUTH AND POOLE SAFEGUARDING ADULTS BOARD

DORSET SAFEGUARDING ADULTS BOARD

PERSONAL INFORMATION SHARING AGREEMENT (PISA)

Date: 24 Nov 2015

The guiding rule is: if you need to share information in order to protect someone from harm or criminal activity, you must do so.

1. Introduction

This Personal Information Sharing Agreement is made under the Dorset Overarching Information Sharing Protocol [here](#) which enables the legal and secure exchange of personal information between partner organisations that have a common obligation or desire to provide services within the community.

An Information Sharing agreement is a protocol that sets out the detail under which information can be exchanged under certain circumstances. Information Sharing protocols are not required before front-line practitioners can share information about an individual. By itself, the lack of an Information Sharing Agreement must never be a reason for not sharing information that could help a practitioner deliver services to an individual.

This PISA is concerned with Safeguarding and the specific information that needs to be shared in order to promote safeguarding.

This PISA is between members of Dorset, Bournemouth and Poole Adult Safeguarding Boards as follows:

Bournemouth Borough Council (including representation from Housing)
Borough of Poole (including representation from Housing)
Dorset Clinical Commissioning Group
Dorset Fire & Rescue
Dorset County Council
Dorset County Hospital NHS Foundation Trust
Dorset HealthCare University NHS Foundation Trust
Dorset Police
Dorset, Devon and Cornwall Community Rehabilitation Company
National Probation Service (Dorset)
NHS England (Wessex Local Area Team)
Poole Hospital NHS Foundation Trust
Royal Bournemouth & Christchurch Hospitals NHS Foundation Trust
South Western Ambulance Service
Voluntary Sector – Bournemouth Churches Houses
Provider sector

In addition the following organisations who are signed up to the Dorset Overarching Information Sharing Protocol

Ability Housing Association
Aster Housing
Big Issue Foundation
Bournemouth Churches Housing Association
Christchurch Borough Council
Crime Reduction Initiative
Dorset Rape Crisis Support Centre
Druglink
East Dorset District Council
East Dorset Housing Association

EDP Drug and Alcohol Services
Essential Drug and Alcohol Services
Magna Housing Association
North Dorset District Council
PAS Supported Housing
Poole Housing Partnership
Purbeck District Council
Purbeck Housing Trust
Raglan Housing Association
Relate Bournemouth, Poole and Christchurch
Relate Dorset and South Wilts
Routes to Roots
Sovereign Housing
Synergy Housing Group
Twelves Company (SARC)
Twynham Housing Association
West Dorset District Council
Weymouth and Portland Borough Council
Weymouth and Portland Housing Ltd

And the following additional organisations who have a relevant part to play in Safeguarding and some Safeguarding Adult Reviews

Care Quality Commission

Coroners Office

Office of the Public Guardian

Professional Regulatory Body

Border Agency

Other housing associations in the Bournemouth, Poole and Dorset Area

Hospitals and local authorities that border the county of Dorset

Private health and social care providers not listed above

Each organisation is obliged to nominate a lead person for information sharing in each organisation.

2. **Purpose of the PISA**

The Dorset Overarching Data Sharing Agreement, which this document sits under details relevant legislation and consent issues. The purpose of this PISA is to ensure that information is shared in an appropriate and timely manner between partnership agencies in relation to both Safeguarding practice and Safeguarding Adult Reviews as follows:

Safeguarding Adult Reviews, Domestic Homicide Reviews (Serious Case Reviews and Serious Case Audits)

The purpose of Safeguarding Adult Reviews is to identify and apply lessons learnt from cases where there is reasonable cause for concern about how the Safeguarding Adults Board, its members or other relevant organisations worked together in any particular case, so as to prevent risks of abuse or neglect arising in the future.

In safeguarding there have been a number of Serious Case reviews in the national media, two of which are shared below regarding incidences where the prevention of sharing information and misunderstandings have contributed to tragic consequences:

- The case of **Holly Wells** and **Jessica Chapman**, who were murdered by their school caretaker, Ian Huntley, demonstrated that misunderstandings about the Data Protection Act can lead to tragic consequences. In this case, information was not shared for fear that the law might be broken. The **Richard Inquiry report** found a lack of effective review of intelligence information by the police, and flawed sharing information between police and social services.
- The serious case review concerning **Steven Hoskin** stated: 'support officers were not seen as professional by social care colleagues ... a support officer made a referral to adult social care and was asked to leave the resultant meeting, even though she was an alerter and had a lot of understanding of the situation ... '

Safeguarding practice

The aim is always to promote the safety and wellbeing of the adult at risk of potential or actual harm.

The purpose is then to:

- facilitate the secure exchange of information, where necessary to ensure the health, well being and safeguarding of Adults across Dorset, Bournemouth and Poole for example to:
 - seek immediate protection for a person through referral to another service;
 - make a referral to agencies who may need to take action against alleged or known perpetrators;
 - provide a framework for the secure and confidential sharing of personal information between partner organisations.

This agreement can include sharing the name of care providers where there are concerns that there is a risk of harm to adults at risk.

3. **Lawful basis for the sharing of personal information**

The principal legislation concerning the protection and use of personal information is listed below and all agencies signed up to the Dorset Overarching Information Sharing Protocol have agreed to comply:

- Data Protection Act 1998;
- Common Law Duty of Confidentiality;
- Human Rights Act 1998.

Appendix two of the Dorset Overarching Information Sharing Agreement identifies some of the relevant legislation that facilitates the lawful sharing of information. This is not an exhaustive list and some further guidance specific to safeguarding is listed below:

Mental Capacity Act 2005 – this Act is concerned with capacity and the sharing of data between agencies

Multi-Agency Risk Assessment Conferences (MARAC's) are regular local meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared between local agencies this is done using the legislation listed above along with the Caldicott Guidelines;

Care Act 2014

In the past, there have been instances where the withholding of information has prevented organisations being fully able to understand what 'went wrong' and so has hindered them identifying, to the best of their ability, the lessons to be applied to prevent or reduce the risks of such cases reoccurring. If someone knows that abuse or neglect is happening they must act upon that knowledge, not wait to be asked for information.

A SAB may request a person to supply information to it or to another person. The person who receives the request **MUST** provide the information provided to the SAB if:

- The request is made in order to enable or assist the SAB to do its job
 - The request is made of a person who is likely to have relevant information and then either
 - The information requested relates to the person to whom the request is made and their functions or activities
 - The information requested has already been supplied to another person subject to an SAB request for information
- Information will only be shared on a 'need to know' basis when it is in the best interests of an adult;
 - Confidentiality must not be confused with secrecy;

- Informed consent should be obtained but, if this is not possible and other adults are at risk of abuse or neglect, it may be necessary to override the requirement;
- It is inappropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other vulnerable people may be at risk;

Where an adult has refused to consent to information being disclosed for these purposes, then practitioners must consider whether there is an overriding public interest that would justify information sharing (e.g. because there is a risk that others are at risk of serious harm) and wherever possible, the appropriate Caldicott Guardian should be involved.

Decisions about who needs to know and what needs to be known should be taken on a case by case basis, within agency policies and the constraints of the legal framework.

Principles of confidentiality designed to safeguard and promote the interests of an adult should not be confused with those designed to protect the management interests of an organisation. These have a legitimate role but **MUST** never be allowed to conflict with the welfare of an adult. If it appears to an employee or person in a similar role that such confidentiality rules may be operating against the interests of the adult then a duty arises to make a full disclosure in the public interest.

Guidance from the Office of the Information Commissioner is appended to this document (Appendix one)

In certain circumstances, it will be necessary to exchange or disclose personal information which will need to be in accordance with the law on confidentiality and the Data Protection Act 1998 where this applies.

Duty of Candour

From October 2014, providers (of health and adult social care registered with the Care Quality Commission) will be required to comply with the duty of candour. Meaning providers must be open and transparent with service users about their care and treatment, including when it goes wrong.

4. Type of personal information that will be routinely shared

The type of personal information that will be routinely shared under this agreement is sensitive personal data as defined in the Data Protection Act 1998 ([section 2](#))

In addition specific personal data relevant to Safeguarding Adult Reviews (Serious Case Audits and Serious Case Reviews or Domestic Homicide Reviews). For example in the case of a Serious Case Review in Surrey

<https://www.SCIE.org.uk/publications/guides/guide53/frontline-housing/sharing-information>

states 'there was a lack of history relating to [them] that meant that the risk inherent in placing them together in a supported housing setting were not fully appreciated' and...'there was considerable concern amongst members of the SCR panel that an individual could potentially have a serious mental health and forensic history and pose a threat to the community, but that housing might know little or nothing about this'

5. **How personal information will be shared**

Appendix 9 of the Overarching agreement details of Safe Haven procedures for the secure handling of personal information.

Verbal or written information will be requested and shared at safeguarding discussions, meetings or as requested as part of an action or protection plan arising from the safeguarding meeting/discussion. It will also include information that is requested or supplied by email or other electronic forms of communication. A record of all requests for information, meetings, and discussions will be maintained to facilitate an audit trail. Information can also be shared under any processes that are included with the Bournemouth, Dorset and Poole Safeguarding Adults Multi Agency Policy and Procedures.

Emails must always be sent using a confidential system such as, such as .pnn, .gsi, .cjsm etc

It is each organisations responsibility to ensure they have appropriate procedures/policies in place for staff to be aware of their individual requirements.

When considering what information should be recorded the following questions are a guide:

- What information do staff need to know in order to provide a high quality response to the adult concerned
- What information do staff need to know in order to keep adults safe under the services duty to protect them
- What information is not necessary
- What is the basis for any decision to share (or not) information with a third party?

It is the responsibility of individuals identified within each organisation to maintain accurate documentation outlining why information has been shared.

Protective Marking System

The Protective Marking System and Asset Control comprises five markings in descending order of sensitivity they are: top secret, secret, confidential restricted and protected. All government agencies and departments should be using the Protective Marking Scheme to classify all documents/assets produced. (Government Security Classifications April 2014)

6. Restrictions on the use of shared personal information

Information would be restricted by any Partner if deemed not to be in the best interest of the adult at Risk and must not be disclosed to any unauthorised 3rd parties.

Breaches of confidentiality

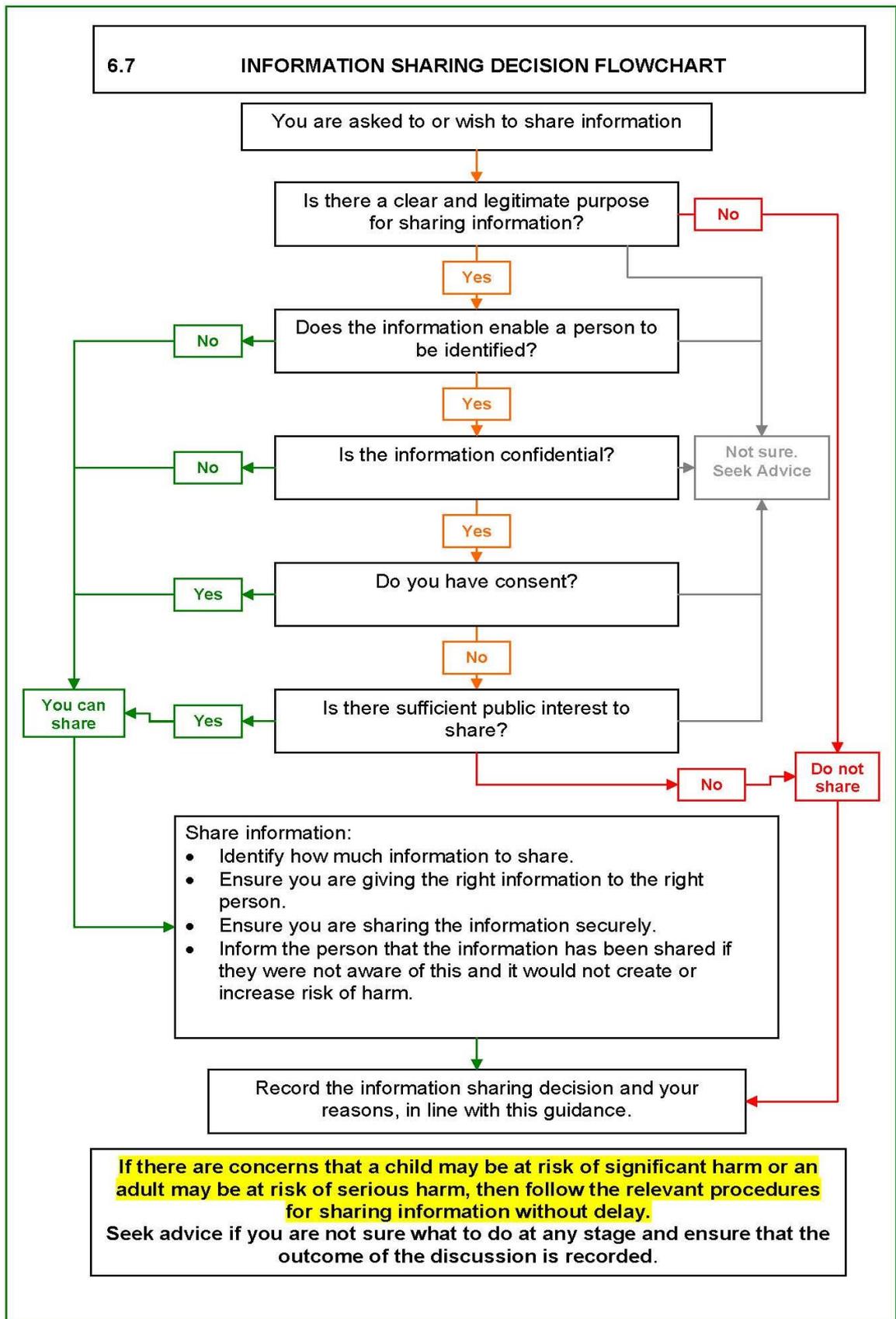
Any breaches will be managed by the partner agency's Information Governance Policy and Data Protection Act and reported to the Caldicott Guardian/Data Protection Officer.

7. Review of PISA

Within 1 year of agreement or sooner if necessary. Thereafter two yearly or as the need arises. The agreement made herein however, remains in force irrespective of whether the agreement is officially reviewed.

8. Termination of PISA by an organisation

Termination must be in writing to the Chair of the Safeguarding Adults Board, with a minimum notice of three months.



Data sharing checklists

These two checklists provide a handy step by step guide through the process of deciding whether to share personal data. One is for systematic data sharing, the other is for one off requests.

The checklists are designed to be used alongside the full code and highlight the relevant considerations to ensure that the sharing complies with the law and meets individuals' expectations.

Data sharing checklist – systematic data sharing

Scenario: You want to enter into an agreement to share personal data on an ongoing basis

Is the sharing justified?

Key points to consider:

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

Do you have the power to share?

Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share

It is good practice to have a data sharing agreement in place. As well as considering the key points above, your data sharing agreement should cover the following issues:

- What information needs to be shared.
- The organisations that will be involved.
- What you need to tell people about the data sharing and how you will communicate that information.
- Measures to ensure adequate security is in place to protect the data.
- What arrangements need to be in place to provide individuals with access to their personal data if they request it.
- Agreed common retention periods for the data.
- Processes to ensure secure deletion takes place.

Data sharing checklist – one off requests

Scenario: You are asked to share personal data relating to an individual in 'one off' circumstances

Is the sharing justified?

Key points to consider:

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

Do you have the power to share?

Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share

Key points to consider:

- What information do you need to share?
 - Only share what is necessary.
 - Distinguish fact from opinion.
- How should the information be shared?
 - Information must be shared securely.
 - Ensure you are giving information to the right person.
- Consider whether it is appropriate/safe to inform the individual that you have shared their information.

Record your decision

Record your data sharing decision and your reasoning – whether or not you shared the information.

If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

