



# **Leeds Safeguarding Adults Board**

**INFORMATION SHARING AGREEMENT  
October 2015**

**(Annex 4 of the Safeguarding Adults Board Constitution)**

**Safeguarding the right of adults at risk of abuse or neglect  
to live free from abuse & neglect**

**“Leeds – A Safe Place for Everyone”**



## Leeds Safeguarding Adults Board (SAB) Information Sharing Agreement (ISA) September 2015

### under the Leeds Inter-Agency Protocol for Sharing Information (2008)

This agreement is written to promote the sharing of **personal data and/or sensitive** personal data, as defined by the Data Protection Act (1998) in the specific context of Adult Safeguarding. It is developed under the umbrella of the Leeds Inter-Agency Protocol for Sharing Information (2008)\*. It describes a). the information which will be shared between the partner organisations listed and b). the arrangements for assisting compliance with relevant legislation and guidance, including the Data Protection Act (1998). See Section 9 of this Agreement for the legal basis under which personal data and/or sensitive personal data can be shared.

*\*The Leeds Inter-Agency Information Sharing Protocol provides the local framework for information sharing. This Information Sharing Agreement has been drafted in accordance with the Leeds Inter-Agency Information Sharing Protocol Operational Procedures section which provides good practice guidelines for sharing information. This is currently under review and this agreement will comply with any changes to the protocol.*

The following statement should guide all information sharing within the Leeds Safeguarding Adults Board (SAB) and among partners involved in responding to safeguarding adults concerns:

**Whenever there is a need to share personal data and/or sensitive personal data to safeguard an adult at risk of abuse or neglect, the specific reasons for sharing the information should be recorded, along with why it is considered relevant. The volume and detail of information shared must always be sufficient but not excessive for the required purpose. Wherever possible, decisions to share information should be made within the context of appropriate support, rather than by staff acting alone.**

Where information is fully anonymised, or is otherwise non-identifiable or wholly statistical in nature it is not necessary to apply this agreement. Care must be taken however to establish that information is fully anonymised, as the obvious fields of person-identifiable data may not be the only positive identifiers within shared material.

### **Background**

The Leeds Safeguarding Adults Board (SAB) recognises the need to provide clear guidance to staff in partner organisations on when and how to share information, in order to both:

- a) prevent abuse or neglect of adults at risk, and
- b) establish facts in order to safeguard and aid the recovery of adults at risk

Information sharing agreements do not in themselves make the sharing of personal data and sensitive personal data legal or ethical. The Data Protection Act (1998) sets out the context in which information may be used legally with this agreement and the over-arching protocol, echoing the legislative framework and promoting best practice and co-operation across partner organisations.

Most recently, the Care Act 2014 set out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. Local authorities have new safeguarding duties.

They must:

- **lead a multi-agency local adult safeguarding system** that seeks to prevent abuse and neglect and stop it quickly when it happens
- **make enquiries, or request others to make them**, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- **establish Safeguarding Adults Boards**, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- **carry out Safeguarding Adults Reviews** when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them
- **arrange for an independent advocate** to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

Any relevant person or organisation must provide information to Safeguarding Adults Boards as requested.

Local Authorities must:

- **Cooperate** with each of its relevant partners in order to protect adults experiencing or at risk of abuse or neglect.

More detailed guidance will be developed, in line with this agreement, if required.

## 1. Parties to the Agreement:

<b>SAB Members</b>
Leeds City Council Adult Social Care
Leeds Clinical Commissioning Groups
West Yorkshire Police
Leeds Community Healthcare NHS Trust
Leeds Teaching Hospitals NHS Trust
Leeds and York Partnership NHS Foundation Trust
Healthwatch Leeds
West Yorkshire Community Rehabilitation Service
National Probation Service (West Yorkshire)
Leeds City Council Housing Services
West Yorkshire Fire and Rescue Service
The Prison Service
Leeds City Council Public Health
Advonet on behalf of Voluntary, Community and Faith Sector organisations

## 2. Information Sharing Purposes:

1. To seek advice about a specific adult safeguarding situation or to establish grounds for an adult safeguarding response.
2. To prevent or detect a crime, or support the prosecution of offenders.
3. To raise a safeguarding adults concern.
4. To safeguard an adult at risk.
5. To make a referral to a partner organisation for immediate action to protect an adult.
6. To establish the potential need for involvement of partner organisations in adult safeguarding work (enquiry, prosecution or protection arrangements).
7. To plan an adult safeguarding enquiry.
8. To initiate and conduct an adult safeguarding enquiry.
9. To make a referral to organisations for the purposes of requesting or amending services to persons at risk of abuse or neglect.
10. To make a referral to organisations for the purposes of requesting or amending services to persons or organisations alleged to have caused harm (also known as "source of risk").
11. To notify the Designated Adult Safeguarding Manager (DASM) about a person in a position of trust who poses a risk to children or adults of abuse or neglect.
12. To make a referral to the Disclosure and Barring Service (DBS) or to provide information to the DBS for the purposes of them coming to a barring decision.
13. To make a referral, or to provide information, to a professional regulator for the purposes of them coming to a decision.
14. To notify the Care Quality Commission who may need to take action relating to a source of risk that is a registered care provider.
15. To notify the Charity Commission who may need to take action relating to an organisation alleged to have caused harm (also known as "source of risk") that is a registered charity.
16. To notify employers who may need to take action about a member of staff, a volunteer or a student (paid or unpaid) who is believed to be a source of risk in the course of their work.
17. To notify service providers of a risk posed by a service user.
18. To inform the development of multi-agency policies and strategies for protecting adults at risk of abuse.
19. To monitor and review adult safeguarding concerns and the impact of adult safeguarding policies and procedures, including both the equalities (race, ethnicity, gender, sexuality, age, disadvantage and disability) impact of the policies and the outcomes for individuals. This may include both quantitative and qualitative information, personal data and sensitive personal data, the personal views of individuals and expressions of relevant professional opinion.
20. To conduct safeguarding adults reviews.
21. To deal with complaints, grievances and professional and administrative malpractice.

### 3. Information to be Shared:

What types of information will be shared?

There are two distinct classifications of data covered by the Data Protection Act (1998): Personal data and sensitive personal data.

Personal data includes data relating to a living individual who can be positively identified from the data, or from the data and other information which is at the disposal of other individuals or is in the public domain. Personal data includes obvious identifiers such as names, addresses, dates of birth, as well as NHS or National Insurance numbers. Facial photographs and CCTV footage are also regarded as personal data, as are descriptions or photographic records of unique scars, tattoos or other markings.

Sensitive personal data includes data relating to racial or ethnic origins, religious beliefs or similar belief systems, political opinions and affiliations, trade union membership, physical or mental health (including disabilities), sexual life, the commission or alleged commission of offences, and criminal proceedings.

Information relating to adult safeguarding may involve a wide range of both personal data and sensitive personal data, in circumstances relating to many types of abuse and neglect (further descriptions can be found within the Care & Support Statutory Guidance – issued under the Care Act 2014 - section 14.17, and local authorities are advised not to limit their view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered):

- Physical abuse
- Domestic violence
- Sexual abuse
- Sexual exploitation
- Psychological abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational abuse
- Neglect and acts of omission
- Self-neglect

It is impossible to cover all potential scenarios in this agreement. The guidance is therefore to:

1. Share as much as, but no more than, is necessary.
2. Always document the reasons for sharing personal data and sensitive personal data.
3. Record why it is believed the data shared is relevant and proportionate.

#### 4. Methods Used for Sharing:

Within the Safeguarding Process, information may be transferred in the following ways:

- Verbally, face to face, in meetings or on the telephone.
- In written communications, (for example, forms, minutes, letters, statements or reports) transferred in hard copy through internal or external mail services.
- Documents transferred on encrypted electronic digital media devices.
- In written information transferred by secure email, or secure file transfer systems.
- Information accessed in situ, via provision of access to organisational databases or records.

When each of these methods is used it is essential to consider the safest way to record and mark the information, and to ensure safe transit and delivery. Information should be appropriately secured in transit, transferred by methods aligned to the best practice specified in the "Protecting Information in Government Report – January 2010".

1. Verbal conversations and interviews should be recorded in a written statement that is agreed by the information giver. Care must be taken to record and denote information clearly as fact, statement or opinion and to attribute any statement or opinion to the owner. All information should be recorded in such a way that it can be used as evidence in court, should that be required at a later date.
2. Meetings should be recorded in minutes that are agreed by the delegates present.
3. Written communications containing confidential information should be transferred in a sealed envelope and addressed by name to the designated person within each organisation. They should be clearly marked "Private & Confidential – to be opened by the recipient only".
4. When files are transferred on electronic digital media devices, the files should be encrypted to an appropriate standard, with decryption keys / passwords supplied separately.
5. When confidential information is sent by email, it should be sent and received using secure government domain email addresses, to ensure encryption of information in transit. The full list of secure Government email systems are below. They have email addresses ending:
  - .cjsm.net (Criminal and Justice)
  - .gcsx.gov.uk (Local Government/Social Services)
  - .gse.gov.uk (Central Government)
  - .gsi.gov.uk (Central Government including Department of Health)
  - .gsx.gov.uk (Central Government)
  - .hscic.gov.uk (The Health and Social Care Information Centre)
  - .mod.uk (Military)
  - .nhs.net (NHSmail)
  - .pnn.police.uk (Police)
  - .scn.gov.uk (Criminal and Justice)

6. In-transit security is reliant on BOTH the sender AND recipient using one of the email domains listed above. In the absence of this, the SENDER will need to encrypt the content of the email using additional software. This may be achieved by sending an encrypted attachment. Other methods include using the Leeds City Council Mail Express system, or the NHSmail [SECURE] system. In all transfer scenarios, the onus is on the SENDER to ensure that:

- Information is transferred securely
- The chosen method is acceptable to and workable by the recipient
- Information has reached the required recipient

7. In the event that a recipient receives information by an unsecured route, it is incumbent on the recipient to advise the sender and agree a secure route for future transfers of information.

## **5. Need to Know**

Key roles of individuals within the Safeguarding process will govern whether they need to know information about adults at risk, alleged sources of risk, witnesses and other information pertaining to incidents.

In addition to those raising or responding to safeguarding adults concerns, other people who may contribute and receive information include other staff and managers, volunteers, family members, carers and witnesses. These people may be invited to contribute to strategy discussions or meetings, enquiries and case conferences and reviews.

At all times, it is essential to be certain of the reasons why an individual or a meeting needs access to the information, that is, is it necessary for this individual or meeting to know this information in order to conduct the enquiry or to safeguard an adult at risk or witness.

Where an enquiry involves more than one adult at risk, it may be necessary to partition meetings so that contributors can be invited only for specific items, based on their need to know.

## 6. Supporting Documentation:

Leeds Inter-Agency Protocol for Sharing Information (2008), and supporting documentation (updated May 2015) (available on <http://www.this.nhs.uk>)

Department of Health: Care and Support Statutory Guidance – issued under the Care Act 2014 (available on <https://www.gov.uk/Care and Support>)

Safeguarding Adults Multi Agency Policy and Procedure for West Yorkshire and North Yorkshire, 2015.  
(available on [www.leedssafeguardingadults.org.uk](http://www.leedssafeguardingadults.org.uk))

Leeds Mental Capacity Act Policy and Procedure, and Mental Capacity Assessment and Best Interest Decision Recording Tools  
(available on [www.leedssafeguardingadults.org.uk](http://www.leedssafeguardingadults.org.uk))

ICO Data Sharing Code of Practice for Sharing of Personal Data  
(available at <http://www.ico.gov.uk/>)

Safeguarding Adults Board advice line (phone 0113 224 3511) (other useful contacts available on: <http://www.leedssafeguardingadults.org.uk/Pages/UsefulContacts.aspx>)

Protecting Information in Government Report (January 2010)  
(<http://systems.hscic.gov.uk/infogov/links/caboffprotectinfo.pdf>)

Advice is available from each organisation's Data Protection specialist or Caldicott Guardian.

## 7. Information Retention and Disposal:

The Data Protection Act (1998) requires that personal data and sensitive personal data is not retained for longer than necessary. Partner organisations may have their own organisational, legal or procedural requirements for records retention and disposal. These retention schedules should be observed and applied at all times.

Where no such organisational procedure exists, it is essential to keep pertinent information as long as there continues to be a need for protection arrangements, to ensure that protection arrangements are not compromised and equally that such information is securely disposed of when no longer required.

## 8. Staff Development Issues:

Organisational development needs relating to information sharing in the safeguarding adults process form part of the competencies required in operational safeguarding work, based on key roles within the safeguarding process, and the competencies required:

- Level 1: Recognising Safeguarding Adults Concerns
- Level 2: Raising Safeguarding Adults Concerns
- Level 3: Making Enquiries
- Level 4: Safeguarding Adults Coordination, Causing Enquiries to be made and other specialist safeguarding work

As part of each Board Member's contribution to the Learning and Improvement sub-group of the Safeguarding Adults Board, the needs of its workforce are considered and fed into training requirements for both the individual organisation and the partnership as a whole.

## 9. Legal Basis for Sharing:

While it is regarded as good practice for staff and volunteers to seek consent from individuals before sharing their personal data and/or sensitive personal data – sharing information to safeguard adults at risk, or to cooperate with other individuals or organisations that are working to protect adults at risk, is a Local Authority duty under sections (6), (7) & (45) of the Care Act 2014.

Furthermore, the principles guiding the sharing of information to safeguard adults at risk are described in more detail within section 3 of the Leeds Inter-Agency Protocol for Sharing Information (2008) (see link in Supporting Documentation above).

### Legal basis:

Schedule 2 (5)(b) of the Data Protection Act 1998 “for the exercise of any functions conferred on any person by or under any enactment”

Schedule 3 (7)(1)(b) of the Data Protection Act 1998 “for the exercise of any functions conferred on any person by or under any enactment”

Under Part 1 of the Care Act 2014, Local Authorities have a statutory duty to:

- cooperate with other persons in the exercise of functions relating to adults with needs for care and support, and to carers (Sections 6 & 7)
- notify receiving LA when an adult receiving care and support moves (Section 37)
- comply with request for information by Safeguarding Adults Board to enable or assist the SAB to exercise its functions. This could include information about individuals (Section 45 – See part 10 of this agreement for further guidance)
- Involvement of independent advocate in assessments, plans etc. (Section 67)
- Involvement of independent advocate in Safeguarding (Section 68)

It is necessary for Leeds City Council Adult Social Care to share the personal information outlined within this agreement in order that the Authority to fulfil its statutory duties under the Care Act 2014. Statutory guidance is available on all parts of this Act.

### General guidance:

If consent is obtained, where appropriate, it should be recorded using approved consent documentation and/or information systems. Where it is not possible to obtain consent, this could be because:

- the individual does not have the mental capacity to consent
- it may not be safe to seek consent
- it may not be possible to seek consent for some other reason

In cases where it has not been possible to seek or obtain consent, staff or volunteers should always record the justification for sharing the information, and how this decision was arrived at.

If the individual does not have the mental capacity to consent, staff or volunteers should record this using their agency’s Mental Capacity Assessment recording tool, and record their decisions to share information using their agency’s Best Interests Decision recording tool.

For further advice on justifiable grounds for sharing information, contact your organisation’s Data Protection specialist or Caldicott Guardian.

### **Other relevant legislation and guidance**

Criminal Justice Act 2003  
Criminal Procedures and Investigations Act 1996  
Civil Contingencies Act 2004  
Regulation of Investigatory Powers Act 2000  
Homelessness Act 2002  
Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012  
Mental Capacity Act 2005  
Local Government Act 2000  
Mental Health Act 1983 (as amended in 2007)  
Common Law Duty of Confidentiality

### **10. Reluctance to share information (applying Section 45):**

In the event that an organisation declines to share information considered necessary to enable the Board to exercise its functions, consideration should be given to whether the concern warrants the Board exercising Section 45 of the Care Act.

A 'Supply of Information' request made by the Board, under Section 45 of the Act, must be complied with by the recipient organisation, unless it would be 'incompatible with their own duties or have an adverse effect on the exercise of their functions'.

Such supply of information requests may concern, but are not necessarily limited to, Safeguarding Adults Reviews and the undertaking of safeguarding enquiries.

Requests for the Board to exercise Section 45 must be made in writing to the Chair of the Safeguarding Adults Board by the organisation's Board Member or Deputy, detailing how the relevant criteria is met.

Wherever practicable, the Chair of the Board will seek the views of statutory members of the Board, before reaching a decision as to whether to exercise Section 45. This may not always be possible for example, where such a delay would place an individual at further risk.

## 11. Organisational Data Protection Contacts

Contact details for staff who can provide advice/support in relation to this Information Sharing Agreement:

Organisation	Lead Officer	Contact details
Leeds City Council Head of Safeguarding Adults	Hilary Paxton	<a href="mailto:hilary.paxton@leeds.gov.uk">hilary.paxton@leeds.gov.uk</a>
Leeds City Council Adult Social Care	Louise Whitworth	<a href="mailto:Louise.WhitworthWoodhead@leeds.gov.uk">Louise.WhitworthWoodhead@leeds.gov.uk</a>
Leeds City Council Children's Services	Nicola Palmer	<a href="mailto:Nicola.Palmer@leeds.gov.uk">Nicola.Palmer@leeds.gov.uk</a>
Leeds Clinical Commissioning Groups	Paul Crompton	<a href="mailto:p.crompton@nhs.net">p.crompton@nhs.net</a> (Leeds South and East)
	Laura Parsons	<a href="mailto:laura.parsons2@nhs.net">laura.parsons2@nhs.net</a> (Leeds West)
	Stephen Gregg	<a href="mailto:stephen.gregg@nhs.net">stephen.gregg@nhs.net</a> (Leeds North)
West Yorkshire Police	Supt Sam Millar	<a href="mailto:samantha.millar@westyorkshire.pnn.police.uk">samantha.millar@westyorkshire.pnn.police.uk</a>
Leeds Community Healthcare NHS Trust	Darren Rigg	<a href="mailto:Darren.Rigg@nhs.net">Darren.Rigg@nhs.net</a>
Leeds Teaching Hospitals NHS Trust	Johnny Chagger	<a href="mailto:johnny.chagger@nhs.net">johnny.chagger@nhs.net</a>
Leeds and York Partnership NHS Foundation Trust	Carl Starbuck	Carl.Starbuck@nhs.net
Healthwatch Leeds	Tanya Matilainen	<a href="mailto:tanya@healthwatchleeds.co.uk">tanya@healthwatchleeds.co.uk</a>
West Yorkshire Community Rehabilitation Service	Sandra Chatter	<a href="mailto:sandra.chatter@west-yorkshire.probation.gsi.gov.uk">sandra.chatter@west-yorkshire.probation.gsi.gov.uk</a>
National Probation Service (NE) - West Yorkshire	Andrew Chandler	<a href="mailto:Andrew.Chandler@probation.gsi.gov.uk">Andrew.Chandler@probation.gsi.gov.uk</a>
Leeds City Council Housing Services	Lorna Kelly	<a href="mailto:Lorna.Kelly@leeds.gov.uk">Lorna.Kelly@leeds.gov.uk</a>
West Yorkshire Fire and Rescue Service	Allan Darby	<a href="mailto:Allan.darby@westyorksfire.gov.uk">Allan.darby@westyorksfire.gov.uk</a>
The Prison Service	Andrew Dickinson – HMP Wealstun	<a href="mailto:andrew.dickinson@hmps.gsi.gov.uk">andrew.dickinson@hmps.gsi.gov.uk</a>
Leeds City Council Public Health	Nichola Stephens	<a href="mailto:Nichola.Stephens@leeds.gov.uk">Nichola.Stephens@leeds.gov.uk</a>
Advonet on behalf of Voluntary, Community and Faith Sector organisations	Philip Bramson	<a href="mailto:Philip.Bramson@advonet.org.uk">Philip.Bramson@advonet.org.uk</a>
	Katie Whitham	<a href="mailto:Katie.Whitham@advonet.org.uk">Katie.Whitham@advonet.org.uk</a>

## 12. Access Agreements

Where information is to be shared via granting inter-organisational access to systems operated by partner organisations, the 'owning' organisation of the system will draft and agree an Access Agreement with the partner organisation to govern the activities of partner staff using the system.

A template for this purpose can be found in the Leeds Inter-Agency Protocol for Sharing Information.

**13. Discipline**

Although this agreement seeks to promote the sharing of information between partner organisations, use of the information shared should never exceed the purposes or intentions of the original reason for sharing.

Where allegations are made that information has been used inappropriately, or that the confidentiality of subjects has been breached, partner organisations will co-operate in a full and frank enquiry of these allegations.

In the event that any wilful misconduct is substantiated which resulted in a breach of subject confidentiality, this will be regarded as an act of serious or gross misconduct and acted upon accordingly.

**14. Performance of this Agreement**

Should any member of staff or volunteer working for a partner organisation feel that the letter and spirit of this agreement is not being honoured, or that barriers to legitimate sharing of information are being raised, this should be communicated to their organisation’s representative on the Leeds Safeguarding Adults Board, who will in turn follow this up with their counterparts and Data Protection leads in the Member organisation.

**Approved by (Signatory Name):** .....

**Signature:** .....

**For (Member Organisation):** .....

**Date:** .....

**Once signed, this document should be sent to the Leeds Safeguarding Adults Board Support Team. Copies should be retained by the named person above and be made available for inspection. A copy should also be sent to the Data Protection Officer/ Caldicott Guardian of each partner organisation, if this is a different person.**

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