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To: Safer and Stronger Communities Group

Date of Meeting: 4<sup>th</sup> March 2010

Subject: Domestic Abuse Executive Group Update

Classification: Unrestricted

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## **Summary:**

**This report provides an update on the progress being made with regard to the issues and concerns highlighted at the Safer and Stronger Communities Group on the 26<sup>th</sup> November 2009, relating to data sharing.**

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## **1.0 INTRODUCTION**

- 1.1 A report was considered by the Safer and Stronger Communities Group at its meeting on the 26<sup>th</sup> November 2009, relating to the current status of Data Sharing Protocols. The report highlighted the current position and considered recommendations designed to ensure that the progress made to date was built upon and that the protocols were embedded within partnership working across the county.
- 1.2 The discussions at the meeting identified areas of concern, with the Safer and Stronger Communities Group feeling that there was a need to review and update the protocols and also work towards one protocol, that embraced the work of all the key agencies. A further piece of work was requested that should include a review risk and focus on the maximisation of benefits to all agencies.

## **2.0 LEGISLATIVE FRAMEWORK**

- 2.1 The principal legislative instruments that control the exchange of information between partners in relation to community safety matters include:
- The Children's Act 1989
  - The Crime and Disorder Act 1998
  - The Data Protection Act 1998
  - The Human Rights Act 1998
  - The Common Law Duty of Confidence
  - The Freedom of Information Act 2000.
- 2.2 Numerous other pieces of legislation place on local authorities, a power or duty to share information in specific circumstances. All information sharing must be conducted in accordance with a relevant legal power or duty.
- 2.3 In particular, the Crime and Disorder Regulations 2007, Prescribed Information Regulations 2007, No: 1831, requires statutory partners to share information they hold in relation to a number of broad subject areas.

### **3.0 BACKGROUND**

- 3.1 The Information Governance Programme Board is a sub-group of the Public Service Board and has recently completed some very helpful work in the area of data sharing protocols and has identified a number of key drivers for change across the county.
- 3.2 The specific drivers identified include:
- (i) The increased frequency of integrated multi agency teams with co-located staff was necessitating clarification of the information sharing procedures for them to follow.
  - (ii) The necessity for protocols and guidance to cover “fast track” sharing of information as opposed to the more lengthy formal procedures to be followed when requesting the information required.
  - (iii) Reported informal sharing of information that can lead to inconsistency of practice. This can mean risks in certain instances and can prevent effective protective steps being taken
  - (iv) Uncertainty as to how aware staff are of the details and the practice requirements included in protocols relating to their own services. Such uncertainty has been shown by “Enquiries” at the national level as a cause of a failure to protect the vulnerable.
  - (v) The publication of national guidance on information sharing which is seen to be of good quality. An example of this is “Information Sharing: Guidance for Practitioners and Managers” published in 2008 by the Department for Children, Schools & Families
  - (vi) The success of Children’s Services in delivering a training programme to several thousand staff working with children to support the implementation of the Common Assessment Framework which is dependent on the sharing of personal data between services
  - (vii) The training planned by the Safer Kent Delivery Group on information sharing for Community Safety staff in the Districts
  - (viii) A review being currently undertaken by Kent Police into the number, which is significant, of protocols which Officers have to be aware of. This is felt to introduce an unhelpful complexity which could mitigate against effective co-operation with other services
  - (ix) The work being done by the Kent & Medway Health Information Service in delivering IG training to integrated teams at Medway Council and Medway PCT. It is necessary to ensure the messages given are consistent with those given in similar KCC training for integrated teams.

### **4.0 PROGRESS TO DATE**

- 4.1 The work of the Information Governance Programme Board (IGPB) and the highlighting of the key issues to the Public Services Board on the 1<sup>st</sup> February 2010 provides a platform from which a clear work programme can be supported. The (IGPB) work programme will address the identification of best practice, propose revision and simplification of the current Three Tier Protocols, with supporting guidance to ensure understanding across partnerships. Lastly the revised protocols will be supported by a comprehensive training product that will ensure a consistent understanding across partnerships.
- 4.2 The Public Services Board agreed the following detailed work plan for the Information Governance Programme Board:

- (i) The development of a core set of principles and practice guidance which would be relevant for all information sharing protocols at Tier 3 so:
  - a. facilitating an understanding across the staff in different services of the practice requirements each one is required to follow. Agency specific requirements can “top and tail” the protocols
  - b. reducing the number of protocols which may be required and mitigate against the tendencies for services to develop a range of bi-lateral protocols
- (ii) The establishing of a training specification for information sharing practice supported by practice guidance which can be commonly used by all agencies and services covered by protocols included in the three Tier Model. This should reduce unnecessary duplication of work for trainers in agencies and partnerships while assisting a consistency of message about practice being given to professionals working in the public and third sectors in the county.

4.3 In order to achieve this it was suggested that the Board undertake the following activities:

- (i) The completion of an audit of all existing protocols so that it is clear which are in place and their relevance to current practice enabling recommendations to be made as to changes which can be usefully made. Convey findings and recommendations for change by June 2010 to protocols at Tier 3 to the agencies concerned
- (ii) Complete a review of the current overarching protocol and supporting guidance at Tier 1 and report back on the findings and any proposed revisions to the next meeting of the Public Services Board. This will take account of the work currently being completed on a similar protocol by South East Coast NHS
- (iii) Work with the Safer & Stronger Communities Group, the Kent Children’s Trust Executive Board and the Public Health Board to review the Tier 2 protocols which relate to their partnership responsibilities, “Safer Communities”, “Children & Young People” and “Adult Services”. This will necessitate specific arrangements being made with each of the partnerships and the outcomes from these discussions can be reported to the next meeting of the Public Services Board
- (iv) Establishment of a core training specification which reflects the requirements included in Tier 2 protocols by April 2010, to be shared with all key partnership groupings and services in the third sector for approval. Advantage will be taken of the specifications which are already in place
- (v) The development of guidance on the core requirements of any information sharing protocol at Tier 3 and supporting guidance. The outcomes from this work will be used by members of the IGB to review and revise the protocols which are the responsibilities of their own services

## **5.0 SUMMARY**

5.1 The work of the Information Governance Programme Board dovetails with the concerns expressed by the Safer and Stronger Communities Group on the 26<sup>th</sup> November 2009.

5.2 The Information Governance Programme Board is an existing group with multi agency membership drawn from a diverse range of services including Adult Social

Care, Children's Services, Health and the Police and it includes representation from Medway Council who will be consulted throughout the proposed work programme. Its overarching purpose has been and remains ensuring the effective implementation of Information Governance into health, social and community services in Kent and Medway. This entails using written protocols and guidance (i.e. the three Tier Model) to enable the duties and powers included in legislation on information sharing to be understood and implemented in practice.

- 5.3 The Managing Director of Kent Adult Social Services has expressed a willingness to take on a lead role with the Information Governance Programme Board and to drive forward the work programme.
- 5.4 The key issues for the Safer and Stronger Communities Group are the volume of work to be completed, together with the associated required resources and the associated timescales. There is some urgency associated with this work as concern is being expressed across community safety partnerships that the current protocols are in need of urgent updating and that there is a need for a common understanding across partnership professionals relating to information sharing.
- 5.5 It is therefore proposed that the work programme of the Information Governance Programme Board should be supported by the Safer and Stronger Communities Group as a key priority and that partners should fully engage with this work programme as the delivery vehicle for updating the current data sharing protocols. Given the high priority associated with this work and the timescales involved consideration may be given to providing resources to support this important activity areas in liaison with the Chair of the Information Governance Programme Board.

## **6 Recommendations**

- (i) That the Safer and Stronger Communities Group supports the work of the Information Governance Programme Board in reviewing and updating the data sharing protocols.
- (ii) That the Safer and Stronger Communities Group considers in consultation with the Chair of the Information Governance Programme Board supporting the work programme with a resource allocation.
- (iii) That the Safer and Stronger Communities Group receives regular updates detailing the progress being made on the work programme.

### **For further information:**

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