



Somerset Safeguarding Adults Board Information Sharing Agreement

Parties

All member organisations of the Somerset Safeguarding Adults Board (SSAB).

Purpose

To support the functions of the Safeguarding Adults Board.

This document

This document explains the need to share information to support the functions of the Safeguarding Adults Board in Somerset.

The Agreement is based on that signed up to by the Multi Agency Safeguarding Hubs across Avon & Somerset, and helps to provide a consistent approach to information sharing across the partnership. It has been produced to support Board represented organisations in the decisions they take when sharing information to support the SSAB's functions.

Sharing the right information, at the right time, with the right people, is fundamental to good practice in safeguarding adults. Fears about sharing information cannot be allowed to stand in the way of the need to protect and meet the needs of vulnerable people.

Introduction to the SSAB

Under the Care Act 2014 a local authority must:

- Set up a safeguarding board; the board will share strategic information to improve local safeguarding practice
- Cooperate with each of its relevant partners; each relevant partner must also cooperate with the local authority.

Clause 45 of the Care Act focuses on 'supply of information'. This relates to the responsibilities of others to comply with requests for information from the safeguarding adults board.

Why do we need to share adult safeguarding information?

Organisations need to share safeguarding information with the right people at the right time to:

- Prevent death or serious harm
- Coordinate effective and efficient responses
- Enable early interventions to prevent the escalation of risk
- Prevent abuse and harm that may increase the need for care and support
- Maintain and improve good practice in safeguarding adults
- Reveal patterns of abuse that were previously undetected and could identify others at risk of abuse
- Identify low level concerns that may reveal people at risk of abuse
- Help people to access the right kind of support to reduce risk and promote wellbeing
- Help identify people who may pose a risk to others and, where possible, work to reduce offending behaviour
- Reduce organisational risk and protect reputation.

The seven golden rules to information sharing

1. **Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing**, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. **Be open and honest** with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. **Seek advice** from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. **Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing *so* (*you may need to take advice from your data protection officer*) . Where you have consent, be mindful that an individual would have the expectation that only relevant information would be shared.
5. **Consider safety and well-being**: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, adequate, accurate, timely and secure**: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. **Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Information to be shared

This agreement does not specify what information should be shared for the Purpose because every decision to share information should be made on a case by case basis. Information that is deemed necessary, relevant and proportionate in one case may not be so in another. Each case is likely to be different.

When and how to share information involves a decision making process which is set out in the following section.

When and how to share information

When asked to share information, you should consider the following questions to help you decide if and when to share. If the decision is taken to share, you should consider how best to effectively share the information. A flowchart is attached to this Agreement (Appendix 1).

When to share:

Q1 Is there a clear and legitimate Purpose for sharing information?

- Yes – see next question
- No – do not share

Q2 Does the information enable an individual to be identified – or could it be combined with other available information to enable an individual to be identified?

- Yes – see next question
- No – you can share but should consider how

Q3 Is the information confidential?

- Yes – see next question
- No – you can share but should consider how

Q4 Do you have consent?

- Yes – you can share but should consider how
- No – see next question

Q5 Is there another reason to share information such as to fulfil a public function or to protect the vital interests of the information subject (e.g. for reasons of public protection)?

- Yes – you can share but should consider how
- No – do not share

How to share:

- Identify how much information to share
- Distinguish fact from opinion
- Ensure that you are giving the right information to the right individual
- Ensure where possible that you are sharing the information securely
- Inform the individual that the information has been shared if they were not aware of this, as long as this would not create or increase risk of harm

In all cases:

- All information sharing decisions and reasons must be recorded in line with your organisation or local procedures.
- If at any stage you are unsure about how or when to share information, you should seek advice and ensure that the outcome of the discussion is recorded.
- If there are concerns that a child or vulnerable person is suffering or likely to suffer harm, then follow the relevant procedures without delay.

Legal gateway to share

Each party will have a different statutory basis for holding and processing information it needs to fulfil its legal duties. The following are examples of legal gateways that may typically apply and includes those applicable across children's and adults' services:

- Written Consent
- The Children Act 2004 s10
- The Children Act 2004 s11he Children Act 1989 S47
- The Children Act 1989 s27
- Localism Act 2013 s1
- Local Government Act 1972 s111
- Welfare Reform Act 2012 s131
- Care Act 2014
- Mental Capacity Act 2005
- Common law
- Data Protection Act 1998
- Crime and Disorder Act 1998
- Criminal Justice Act 2003

Information sharing mechanism

Information must only be shared/transmitted by secure means, kept secure, access to it limited to those that need to know, and disposed of securely.

Benefits of the intended sharing

By ensuring all members of the SSAB have the ability, confidence and trust to share information, those who have been subject to, or are likely to be subject to, harm can be identified in a timely manner, which will help protect and meet the needs of vulnerable people.

Retention

The general principle to be applied is that the information should only be kept for as long as is necessary for the Purpose, and in accordance with the member organisations' own retention guidance or policy.

Dealing with conflict or complaints

If there is continued reluctance from one partner to share information on a safeguarding concern, the matter should be referred to the Board. The Board can then consider whether the concern warrants a request, under Clause 45 of the Care Act, for the 'supply of information'. The reluctant party would only have grounds for refusal if it would be 'incompatible with their own duties or have an adverse effect on the exercise of their functions'. In the event of a complaint relating to the disclosure of the use of individuals personal information that has been supplied under this Agreement, all parties will provide cooperation and assistance to resolve it.

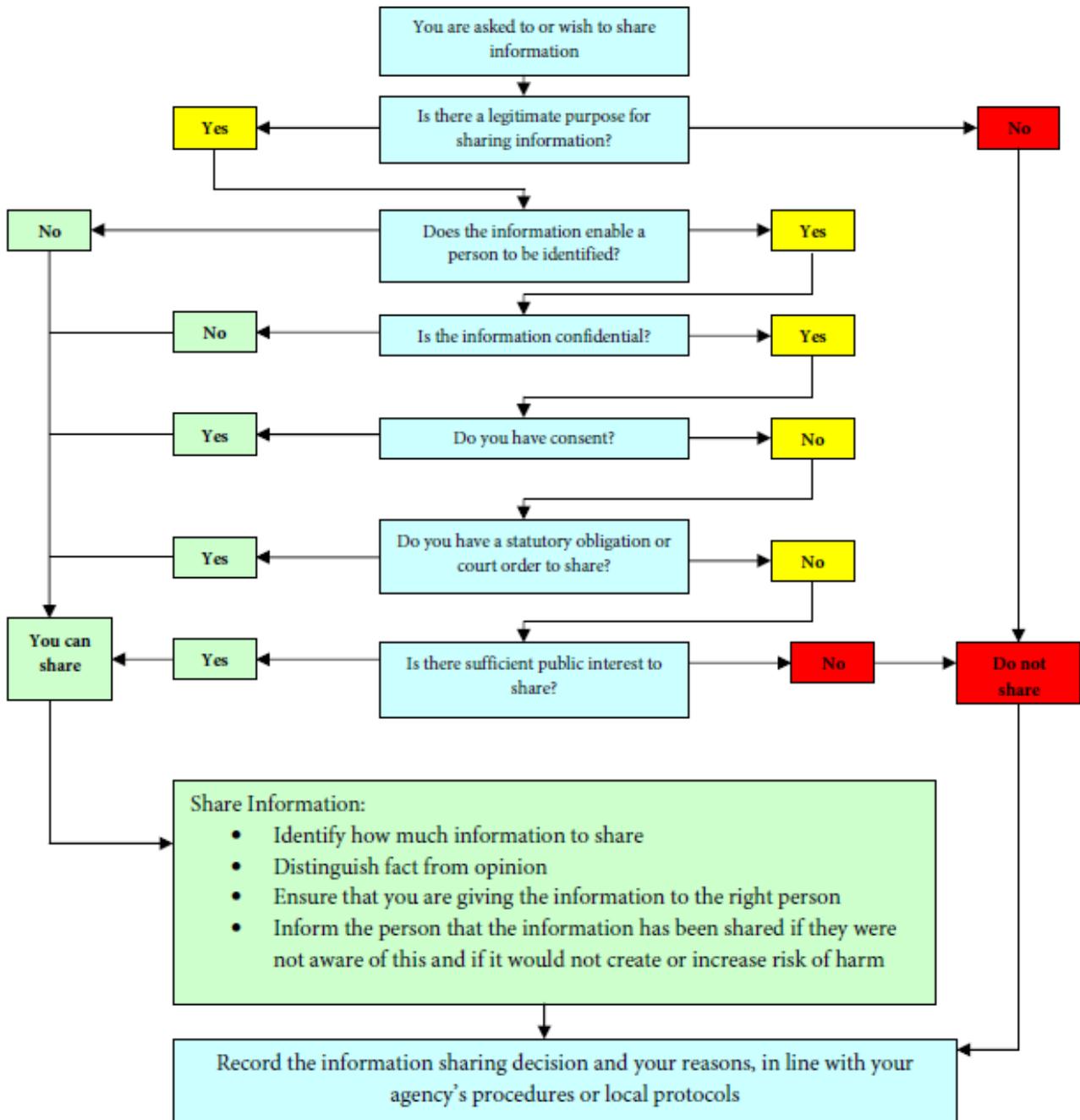
Review date

This agreement will be reviewed annually from date of sign off to establish if the sharing remains necessary, still operates as intended and has, or is, achieving the intended benefits. This will also provide the opportunity to review the effective adherence to this Agreement, though any issues will be raised and addressed as they arise.

Signatories:

By signing this document I accept that the organisation I represent will be bound by any conditions imposed in this document:

Flow chart of when and how to share information



References

1. [SCIE 2015 Adult safeguarding: sharing information](#)
2. Avon & Somerset Multi Agency Safeguarding Hub (MASH) Information Sharing Agreement (Tier 2) Final Version, Dec 2015