

Health and Wellbeing Board – Supplementary agenda no. 1

A meeting of the Health and Wellbeing Board will be held on:

Date: 12 March 2015

Time: 4.00pm

Venue: Meeting Room 2, Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

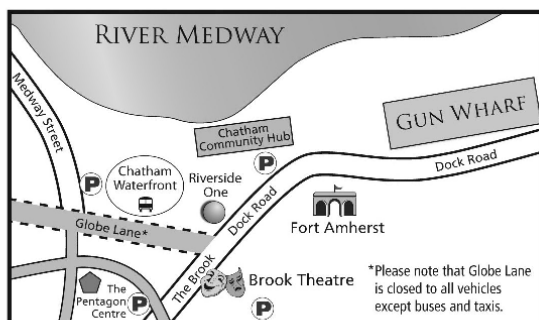
Items

- 14 Sharing information effectively for the protection of children (Pages 3 - 8)**

This report advises the Board of a letter received from 5 Secretaries of State on a joint commitment to share information effectively for the protection of children and invites comments from Members.

For further information please contact Steve Platt, Democratic Services Officer on Telephone: 01634 332011 or Email: democratic.services@medway.gov.uk

Date: 11 March 2015



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HEALTH AND WELLBEING BOARD

12 MARCH 2015

SHARING INFORMATION EFFECTIVELY FOR THE PROTECTION OF CHILDREN

Report from: Barbara Peacock, Director
Children and Adult Services

Author: Barbara Peacock, Director of Children and Adult
Services

Summary

This report advises the Board of a letter received from 5 Secretaries of State on a joint commitment to share information effectively for the protection of children and invites comments from Members.

1. Budget and Policy Framework

- 1.1. The Health and Social Care Act 2012 places a duty on local authorities to establish a Health and Wellbeing Board (HWB) for its area. The HWB has a statutory duty to encourage providers of health or social care services to work in an integrated manner to advance the health and wellbeing of people in Medway.
- 1.2 This item concerns a letter signed by five Secretaries of State, received since the publication of the agenda, on effective information sharing for the protection of children. Following consultation with the Chairman, it was agreed that it is important for the Board to decide how best to take this matter forward given that the next Board meeting is not for some time.

2. Background

- 2.1 The joint letter, attached at Appendix 1, from the Secretaries of State for Health, Education, Communities and Local Government, the Justice Secretary and the Home Secretary is addressed to the Chief Executive of Local Authorities, Directors of Children's Services, Police and Crime Commissioners, Local Safeguarding Children's Boards, Health and Wellbeing Boards and GPs. It highlights the importance of sharing personal information effectively for the protection of children and sets out an initiative to improve this. Local agencies are encouraged to commit to five principles for multi-agency working.

2.2 This letter was presented to the Medway Safeguarding Children's Board on 27 February 2015 and it was noted that this report was to be reported at the Health and Wellbeing Board.

2.3 It is the intention of Cllr O'Brien, Lead Member Children's Services, to ensure this letter and its contents are brought to the attention of the Leader and the Cabinet.

3. Risk management

3.1 There is a risk of failure to comply with the statutory duty to protect children.

4. Financial and Legal implications

4.1 There are no direct financial and legal implications arising from the report. However, the Council has a duty to work with partners to ensure that children in Medway are protected from harm. Whilst there are no immediate legal implications arising from the report, any failure to implement effective information sharing strategies, which leads to the failure to protect children, could give rise to potential judicial review/claims for damages from the child concerned.

5. Recommendations

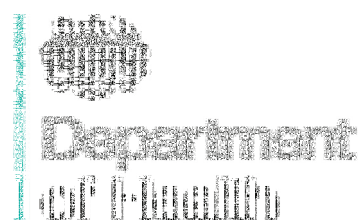
5.1 The Board is asked to consider how it can best support the Secretaries of State to achieve the aims of this initiative.

Lead officer contact

Barbara Peacock, Director Children and Adult Services

Background papers

None



3 March 2015

To the Chief Executives of local authorities, Directors of Children's Services, Police and Crime Commissioners, Local Safeguarding Children's Boards, Health and Wellbeing Boards and GPs.

Our joint commitment to share information effectively for the protection of children

Today we have issued the Government's response to the chronic failures to protect children from sexual exploitation in Rotherham, which were the subject of recent reports by Alexis Jay and Louise Casey. The findings of these reports show that organised child sexual exploitation had been happening on a massive scale, over many years. This complete dereliction of duty in safeguarding vulnerable children is shocking. But it is not unique to Rotherham. We must use the tragedies experienced here and elsewhere across the country as opportunities to transform our processes, our ways of working and our cultures to tackle this threat. A key factor in this is sharing information. This letter sets out how and when personal information should be shared.

We all know that decisions to share information, with whom and when, can have a profound impact on a child's life. These decisions enable action to disrupt and deter offenders early on, to protect children from risk and support them to recover from the harm they may have suffered. These decisions can even mean the difference between life and death.

There can be no justification for failing to share information that will allow action to be taken to protect children. We know that skilled frontline staff can be hesitant and uncertain as to when and how they should be sharing information with other agencies. There can be many reasons for that, including a blame culture, bureaucracy and a fear of being challenged. Professional staff need to be able to

make these crucial decisions on a day to day basis. They need clarity and simple guidelines about when and how personal information should be shared.

An overview of the existing legislation and guidance on information sharing is annexed to this letter, together with a summary of our package of cross-Government information sharing guidance which will be published by the end of March 2015. The golden thread throughout all of this is that the duty to safeguard children must be paramount. Let's be absolutely clear - a teenager at risk of child sexual exploitation is a child at risk of significant harm. Nothing should stand in the way of sharing information in relation to child sexual abuse, even where there are issues with consent. The updates we are making to the Working Together to Safeguard Children guidance will be clear on everyone's responsibility in this regard. We will also publish a myth busting guide to help professionals take informed decisions.

Of course, failures to share information are not just due to legal barriers. We, as Secretaries of State, are clear on the need for genuinely integrated multi-agency approaches to underpin information sharing. Local processes or models must ensure that the right input from the right agencies is reflected and considered as part of risk assessments at the right time and in the right way, with jointly agreed and executed actions.

Every agency should commit to this approach. Local areas should consider the following principles for multi-agency working¹:

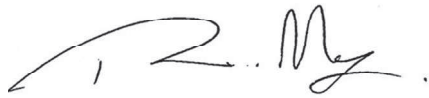
- **Integrated working (e.g. co-location)** – Close collaboration in multi-agency working is essential in developing 'real time' risk assessments to enhance decision making. A truly integrated approach helps to break down cultural barriers, leading to greater understanding and mutual respect among different agencies.
- **Joint risk assessments** – these ensure clear and sufficient information about particular cases and joint plans for individual interventions.
- **A victim focused approach** – the needs of the victim must be at the forefront of our approach not systems and processes.
- **Good leadership & clear governance** – strong leadership can often bind different organisations together to develop a shared culture.
- **Frequent review of operations** – to continue to drive improvement of service.

We know that there have been persistent and complex barriers to the effective sharing of information over the course of many years. We also appreciate that implementing the changes outlined in this letter will require sustained efforts at the local level. But it can and must be achieved. As leaders, you are responsible for developing a culture where the interests of the child are put first through championing the appropriate sharing of information and dealing robustly with staff who block, hinder or fail to share.

¹ Further detail on best practice arrangements can be found in the Multi Agency Working and Information Sharing Project Final Report, July 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304441/MASH.pdf

We understand that the Information Commissioner is today welcoming our initiative. This is a joint commitment. If there is anything more we can do to support you in achieving the goals set out in this letter please do not hesitate to tell us.

Sincerely

A handwritten signature in black ink, appearing to read 'Theresa May'.

THERESA MAY

A handwritten signature in black ink, appearing to read 'Nicky Morgan'.

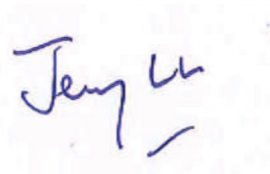
NICKY MORGAN

A handwritten signature in black ink, appearing to read 'Eric Pickles'.

ERIC PICKLES

A handwritten signature in black ink, appearing to read 'Chris Grayling'.

CHRIS GRAYLING

A handwritten signature in blue ink, appearing to read 'Jeremy Hunt'.

JEREMY HUNT

ANNEX

A summary of existing legislation and guidance on information sharing

- The Data Protection Act is the foundation of good information sharing practice. It places duties on organisations and individuals to process personal information fairly and lawfully. The Act is not a barrier to information sharing where a child is at risk.
- The seven Caldicott principles² build on this, setting out the approach to the handling of information to protect patient confidentiality. In order to provide effective care for children, information often needs to be shared beyond the normal boundaries of health and social care services. The seventh Caldicott principle makes clear that the duty to share information can be as important as the duty to protect patient confidentiality.
- The Information Commissioner's Office Data Sharing Code of Practice explains how the Data Protection Act 1998 (DPA) applies to the sharing of personal data. It provides helpful checklists for data sharing and advice on privacy impact assessments and data sharing agreements.
- In addition, we are streamlining and simplifying our approach to information sharing. By the end of March 2015, we will publish a comprehensive package of information sharing guidance. The package will include:
 - Her Majesty's Government '*Working Together to Safeguard Children*' statutory guidance which spells out the legislative requirements and expectations on individual services to safeguard and promote the welfare of children; and provides a clear framework for Local Safeguarding Children Boards (LSCBs) to monitor the effectiveness of local services.
 - *Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers* specifically for all frontline practitioners and senior managers working in child and/or family services who have to make decisions about sharing personal information on a case by case basis. This simplifies current legislation and guidance into six overarching principles, and dispels common information sharing myths.

² The term Caldicott refers to a review commissioned by the Chief Medical Officer in 1997 on the sharing of patient information in respect of confidentiality. The subsequent Caldicott report recommended key principles for effective sharing and access to patient information.