

## Information Sharing Policy

### Introduction

Achieving for Children works in partnership with organisations to provide services to children, young people and their families, we recognise that effective partnership working requires information to be shared and that equally there is a need to ensure information sharing takes place within a clear framework to protect the rights of service users.

The Information Sharing Policy ensures we share information in way that allows the organisation to operate in an effective and efficient manner while adhering to its statutory obligations.

### Background and context to the Information Sharing Policy

The Information Sharing Policy supports the delivery of the Achieving for Children Information Governance Framework by setting out key principles that guide the way information is shared.

The Information Sharing Policy applies to all information shared by Achieving for Children. Information can be shared internally between service areas, as an established business activity where Achieving for Children works in partnership with other organisations or in response to requests for information that must be considered on a case by case basis i.e. Freedom of Information requests and subject access requests.

In addition to the Information Sharing Policy, relevant procedures and Information Sharing Agreements<sup>1</sup> provide guidance where specific legislation applies or where existing arrangements to share information are in place with partner organisations.

**Sharing personal information** – the Information Classification and Protective Marking Policy sets out a system to identify personal and sensitive information that if compromised could put individuals at harm or risk. A simple explanation of the classification system is included below in Table 1. For a more detailed explanation of

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<sup>1</sup> Achieving for Children has an Overarching Information Sharing Agreement with London Borough of Richmond, London Borough of Merton, Richmond Clinical Commissioning Group, Hounslow and Richmond Community Healthcare NHS Trust, SW London and St Georges Mental Health NHS Trust and Your Healthcare.

what each classification means and how information is classified please refer to the Information Classification and Protective Marking Policy.

Requests for Personal information received from the Police must be submitted using Form 3022.

**Table 1: Classifications of information according to the Information Classification and Protective Marking Policy**

<b>Classification type</b>	<b>Criteria for Classification</b>
Unclassified	Includes information that is not personal or sensitive as defined by the Data Protection Act 1998 and any information which is subject to disclosure under the terms of the Freedom of Information Act.
Protect	Includes information that can be considered personal or sensitive as defined by the Data Protection Act 1998 which could have a low to medium impact if the information is compromised.
Restricted	Includes information that can be considered personal or sensitive as defined by the Data Protection Act 1998 which could have a high impact if the information is compromised.

### **Aim of the Information Sharing policy**

To outline the key principles of information sharing to ensure information is shared effectively and efficiently and statutory obligations are complied with.

### **Objectives of the policy**

To ensure

- employees understand their personal obligations when sharing information;
- employees understand how to share information safely and securely;
- fines for breaches of the Data Protection Act 1988 and the Freedom of Information Act 2000 are avoided; and
- Achieving for Children maintains an effective and efficient service by sharing information with the partner organisations and the public while maintaining the security of its information.

### **Key principles of information sharing**

Key principles of Information Sharing are set out below to guide Achieving for Children employees when sharing information. It is the responsibility of Achieving for

Children employees to ensure they apply these principles when sharing information. For guidance on how to apply these principles refer the flowchart in Appendix 1.

- **Commitment to sharing information** – Achieving for Children recognises that partnership working requires a commitment to sharing personal information in compliance with guidance and legislation. Achieving for Children is committed to ensuring information is shared in accordance with its statutory duties, including the requirements of the Data Protection Act 1998 and the Human Rights Act 1998.
- **Information classification** – Prior to sharing information it should be classified and marked according to the Information Classification and Protective Marking Policy. Information classified as Protect or Restricted is subject to tighter information sharing considerations.
- **Caldicott requirements** – Achieving for Children recognises the requirements that Caldicott Guidance imposes and will ensure that where relevant, information is shared in a manner in accordance with these requirements.
  1. Justify the purpose(s)
  2. Don't use personal confidential data unless it is absolutely necessary
  3. Use the minimum necessary personal confidential data
  4. Access to personal confidential data should be on a strict need-to-know basis.
  5. Everyone with access to personal confidential data should be aware of their responsibilities
  6. Comply with the law
  7. The duty to share information can be as important as the duty to protect patient confidentiality.
- **Duty of confidentiality** – It is generally accepted that most (if not all) information provided by service users is confidential in nature. Achieving for Children accepts this duty of confidentiality and will not disclose such information without the consent of the person concerned, unless there are statutory grounds and an overriding justification for doing so.
- **Consent** – Wherever possible Achieving for Children will seek consent from service users to share personal information. If consent to disclose information is requested, the service user will be made fully aware of the information proposed to be shared and the purposes for which it will be used.

If a person is unwilling to give consent, information will only be shared in exceptional circumstances and where there are appropriate statutory grounds for doing so. The decision to share information without consent must be approved by the relevant line manager.

Consent must be fully recorded in the record of the person giving consent and the person's record for whom they have given consent (in the case of children). Consent must be explicit and should not be assumed unless agreed by the worker and team manager.

- **“Need to know”** – When information is shared the minimum information consistent with the purpose for sharing will be given.
- **Information that is kept confidential from the service user** –Achieving for Children employees can request that information they supply about a service user is kept confidential from that service user. Such requests must be approved and documented by the relevant line manager.
- **Specific purpose** – Achieving for Children will not misuse information that is disclosed to them for a specific purpose. Information shared with another organisation for a specific purpose will not be used as intelligence for the general use of the organisation.
- **Fact / opinion** – When disclosing information about an individual, Achieving for Children employees will clearly state whether the information being supplied is fact, opinion, or a combination of both.
- **Use of anonymised information where possible** – When sharing information, personal information will be anonymised unless it has been agreed otherwise.
- **Employee awareness** – Achieving for Children will ensure that all employees are aware of and comply with their responsibilities in relation to information sharing.

National guidance on information sharing for practitioners and managers in Children's Services is available [here](#)<sup>2</sup>.

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<sup>2</sup> Department of Education (2008) Information sharing for practitioners and managers, Departmental advice for professionals on when and how to share information about children, young people and families, England.

## Privacy Notices (Fair Processing Notices)

All Achieving for Children service users should be given, or directed to, the Achieving for Children Privacy Notice. This is attached in Appendix 2. This notice details how, when and where Achieving for Children information is shared with other organisations such as central government and partner agencies.

## Non-compliance

Non-compliance with the Information Sharing Policy may lead to disciplinary procedures as set out in the Disciplinary Code of Conduct. Any breach of the Information Sharing Policy or any associated documents will be dealt with in accordance with those procedures.

## Roles and responsibilities for implementing, monitoring and reviewing

This policy will be reviewed after a period of two years by Achieving for Children to judge its effectiveness, or updated sooner in accordance with changes in legislation.

Information Governance Lead	<ul style="list-style-type: none"><li>• Ensuring all Information Sharing Agreements are published on the Achieving for Children website.</li><li>• To develop and manage an information sharing agreement register for Achieving for Children.</li></ul>
Freedom of Information Lead	<ul style="list-style-type: none"><li>• Ensuring all Freedom of Information requests are processed in accordance with the law and the Achieving for Children Freedom of Information Procedure.</li></ul>
Subject Access Request Officer	<ul style="list-style-type: none"><li>• Ensuring all subject access requests are processed in accordance with the law and the Achieving for Children Subject Access Request Procedure.</li></ul>
Senior Information Risk Owner (SIRO) <sup>3</sup>	<ul style="list-style-type: none"><li>• Ensures that any identified risks to data sharing are captured in the directorate and corporate risk register.</li><li>• Agrees all actions which mitigate the risks of sharing data unlawfully</li><li>• Ensures appropriate resources are in place to ensure effective and safe sharing of information.</li></ul>
ICT Information Manager	<ul style="list-style-type: none"><li>• Ensure that secure email arrangements are in place for employees to safely share information with</li></ul>

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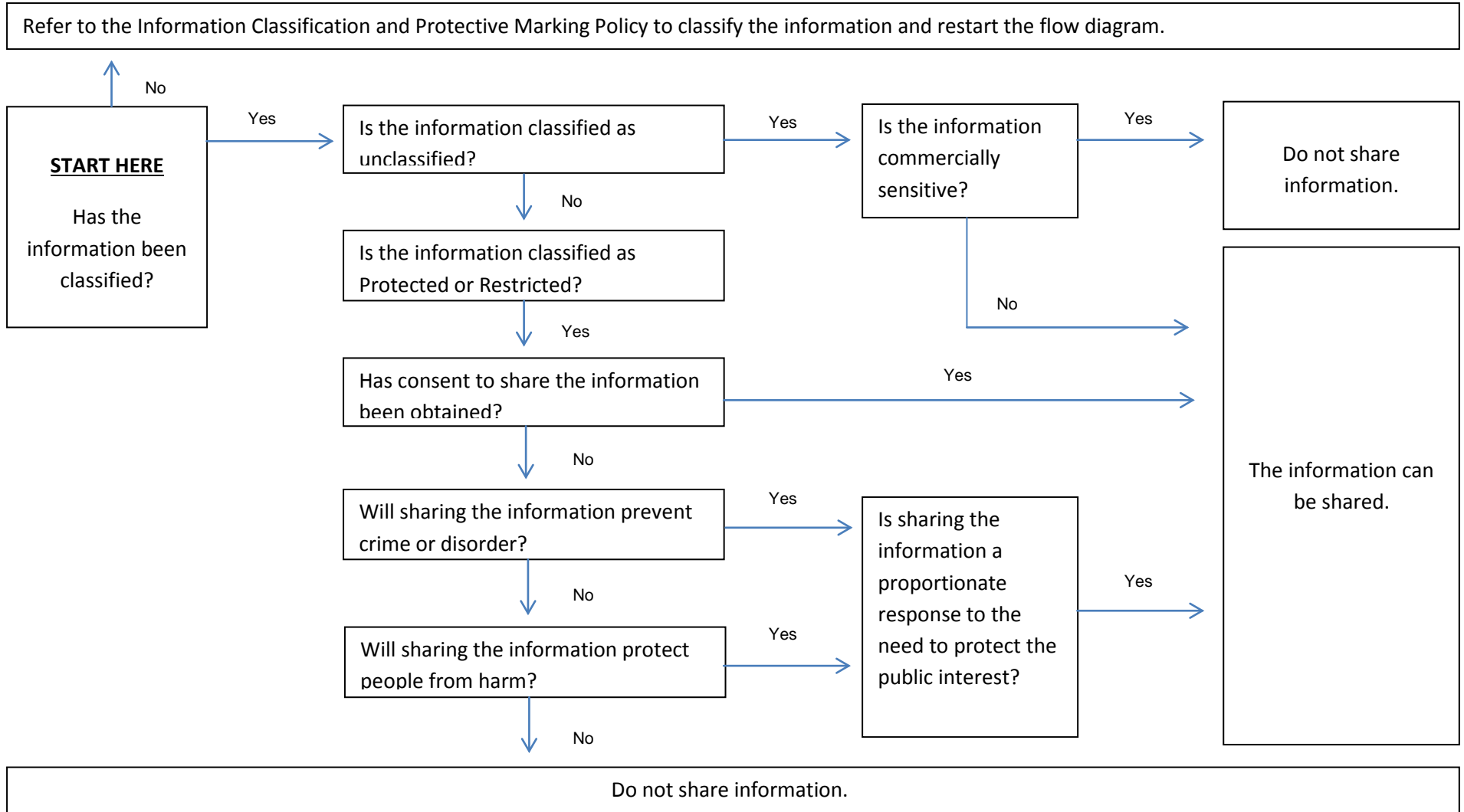
<sup>3</sup> The SIRO is a member of the Achieving for Children Senior Leadership Team, with an understanding how the strategic business goals of the organisation may be impacted by information risks.

	partner organisations and within Achieving for Children, both in house and remotely
Line managers	<ul style="list-style-type: none"> <li>• Ensuring that the Information Sharing Policy is implemented and complied with in the department or service under their control.</li> <li>• Approving requests to share personal information without consent.</li> <li>• Approving requests to keep information about a service user confidential from that service user.</li> </ul>
All employees	<ul style="list-style-type: none"> <li>• All employees should familiarise themselves with the Information Sharing Policy to: <ul style="list-style-type: none"> <li>○ ensure they adhere to the information sharing policy;</li> <li>○ ensure that they share information safely and securely; and</li> <li>○ participate in relevant training and development.</li> </ul> </li> </ul>

This policy will be reviewed after a period of two years by Achieving for Children to judge its effectiveness, or updated sooner in accordance with changes in legislation.

Date created	January 2015
Signed by:	Ian Dodds, Head of Standard and Improvement
Equality Analysis completed (yes/no):	No

Information Sharing Flowchart



## **Achieving for Children Privacy Notice**

Dear service user, parent, relative, partner organisation

This notice is for information only – you do not need to take any action.

As a provider of services for Kingston and Richmond local authorities Achieving for Children (along with other agencies such as schools and early years settings) process information about children and young people in order to help administer education and service provision. In doing so we must comply with the Data Protection Act (1998) and Human Rights Act 1998.

This means (amongst other things) that the data held about children must only be used for specific purposes allowed by law. The following information explains the types of data held, why that data is held, and to whom it may be passed on.

### **Types and use of data**

We (Achieving for Children) hold personal data about individuals, including; children in schools, children in our care / protection or those children in need to whom we provide services. We collect and use data to:

- support children and monitor their progress;
- provide appropriate support and pastoral care;
- assess how well Achieving for Children services, schools, early years settings and councils as a whole are performing;
- monitor progress and develop good practice in the services received;
- carry out specific functions (such as social care and electoral services); and
- support children's/young people's teaching and learning.

This data includes personal characteristics, contact details, details of family and close relations, school curriculum assessment results and attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.



## **Sharing Data and Information**

### Central Government

Information may be shared with other agencies for statistical or research purposes only.

Data is also used and passed on for specific purposes to the following agencies:

- Department for Education (DfE),
- Qualifications and Curriculum Authority (QCA),
- Office for Standards in Education, Children's Services and Skills (Ofsted)
- Department of Health (DH)
- and organisations that require access to data in the Learner Registration System as part of the MIAP (Managing Information Across Partners) programme and youth support services

### Other External Agencies

We may need to pass your information to external organisations and other service providers, but only where it is necessary or to comply with a legal obligation, or where permitted under the Data Protection Act. When disclosing personal data to a third party we will strive to ensure that the third party has sufficient procedures and systems in place to prevent the loss and unlawful use of that data. We have an overarching information sharing protocol agreed with other partners so you can be confident local partners all comply with the same privacy principles.

We may also share information with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud or crime. These third parties include the Audit Commission, the Department for Work and Pensions, other local authorities, HMRC and the police.

In addition to undertaking our own data matching to identify errors and potential frauds, the Audit Commission requires us to participate in data matching to assist in the prevention and/or detection of fraud. Data matching involves comparing records held by one body against the records held by the same or another body to see how far they match. Where a match is found it indicates that there is an inconsistency that requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

The use of data by the Audit Commission in a data matching exercise is carried out under its powers in Part 2A of the Audit Commission Act 1998. It does not require the consent of the individuals concerned

## Single Point of Access (SPA) and Multi Agency Safeguarding Hub (MASH)

Sharing information about individuals with partner organisations is sometimes necessary in order to protect individuals if there are concerns they may be at risk of significant harm and to keep those individuals and the wider public safe.

Partner agencies included in the Achieving for Children MASH include:

- Social Care
- Metropolitan Police
- Health
- Probation
- Education and schools
- Housing
- Child and Adolescent Mental Health Services
- Youth Offending.

Information will be processed within the MASH under strict protocols in accordance with the Data Protection Act 1998 and other relevant legislation. Information will be held securely by Achieving for Children and will only be used and shared on a strict need to know basis with limited partners, for the purposes of keeping children or young people safe or ensuring they get the best services they need. Personal information may also be shared if there is a lawful reason to do so such as for crime prevention or detection purposes or where it is in the interest of maintaining public safety. The parent / carer will normally be informed at the time the enquiry is made unless this could place the child or someone else at further risk or undermine a police investigation.

Personal information held in the MASH will be deleted when it is no longer needed for these purposes, in accordance with formal record retention policies.

All these are data controllers and are subject to the same legal constraints. Other disclosures may be made as required by law.

### Sharing information with our partner councils

We will use information about you for the provision of services and specifically for the following:

- all law enforcement, regulation and licensing, criminal prosecutions and court proceedings which we are obliged to undertake;

- all financial transactions to and from us including payments, grants, invoices and benefits; and
- where monies are due or outstanding we reserve the right to use all the available information at its disposal to protect public funds.

We may also check information you have provided, or information about you that someone else has provided, with information already held by us. We may also receive information about you from certain third parties, or provide them information in order to:

- prevent or detect fraud or crime;
- to protect public funds; and
- to ensure the information is correct.

### How we communicate

Wherever possible we use secure means to communicate our information. This is usually through the use of systems and databases that have very limited access and high levels of security to ensure the risk of data loss is minimised.

Where we send information it is usually sent using secured data connections within Achieving for Children and between partners. When we email information to external partners we use secure email processes wherever possible that encrypt information.

With the advent of new technologies methods of communication such as email and text messaging is becoming more widespread. Traditionally we have used the normal postal service to send information to our clients and service users. This may change in future. If you have a preference to receive your communications from us in alternative ways please liaise with your Achieving for Children worker or school.

We also provide Achieving for Children information in a variety of formats to assist users who have difficulty reading or for whom English is not their first language.

Whilst Achieving for Children has a presence on Social Media we will never process, publish or communicate sensitive or personal information using these forums and would not enter into personal communications with any parties using these methods.

### **Data rights and access**

As a data subject (or the parent or carer of a data subject), you have certain rights under the Data Protection Act, including a general right to be given access to personal data held by any data controller.

The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. If you are a parent of a child younger than 12, you would normally be expected to make a request on their behalf.

For children and young people aged 13 years and over, a school is legally required to pass on certain information to us as the provider of youth support services in their area. School must provide the name and address of the pupil and their parents and any further information relevant to the support services' role. In addition, dates of birth of pupils are supplied.

Parents of children up to the age of 16 can ask that no information beyond their children's name, address and date of birth (along with their own name and address) is passed to us. This right transfers to the pupil on their 16th birthday. You will need to inform the school if this is what you wish.

#### Accessing your data

For more information please contact your (or your child's) Social Worker or Case Worker or their school who will be able to give you more information.

If you wish to access your personal data, or that of your child, then please contact the relevant organisation in writing:

#### Resident or user of services in the Royal Borough of Kingston

Karen Fenwick  
Complaints and Information Access Officer  
Strategic Business  
Royal Borough of Kingston upon Thames  
Guildhall  
Kingston upon Thames  
KT1 1EU  
[Karen.fenwick@kingston.gov.uk](mailto:Karen.fenwick@kingston.gov.uk)

#### Resident or user of services in the London Borough of Richmond

Shirley Davies  
Business Support Team Leader  
Achieving for Children  
44 York Street  
Twickenham  
TW1 3BZ  
[foi@achievingforchildren.org.uk](mailto:foi@achievingforchildren.org.uk)