

North Wales inter-agency information sharing
protocol for the assessment of children in need
and children in need of protection



A North Wales Multi-agency Protocol

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Inter-Agency Information Sharing Protocol for the Assessment of Children in Need & Children in Need of Protection

INTRODUCTION

North Wales Police and the Local Authorities of North Wales are committed to partnership working and continually look for further opportunities to work together to protect children.

PURPOSE

The purpose of the protocol is to promote inter-agency information sharing for the purpose of assessing and planning for the delivery of services for vulnerable children living within their own families, to promote a satisfactory level of health and development, as defined by Section 17 of The Children Act, 1989. There is a presumption that agencies will work in partnership with families and that, wherever possible, consent to any action or sharing of information will be obtained.

PARTIES

This agreement is between the following parties: -

- North Wales Police.
- The Local Authorities of Ynys Mon, Gwynedd, Conwy, Denbighshire, Flintshire and Wrexham.

POWERS

Information may be shared between agencies in confidence without consent of the family where there are concerns that the child is at risk of significant harm and/or the child's name is registered on the Child Protection Register (see All Wales Child Protection Procedures 2008, P.69, Section 1.4. "Whenever possible, consent should be obtained before sharing personal information with third parties, **but the public interest in child protection always overrides the public interest in maintaining confidentiality or obtaining consent from families. A child's safety is the paramount consideration in weighing these interests.**

PROCESS

This agreement has been formulated to facilitate the exchange of information between partners. It is, however, incumbent on all partners to recognise that any information shared must be justified on the merits of each case.

INFORMATION TO BE SHARED

The information to be shared may relate to:-

- (a) The child;
- (b) The parent;
- (c) Siblings;
- (d) Other members of the household;
- (e) Extended family.

Information may also be shared when taking legal advice (or proceedings) or in taking steps to prevent, investigate or prosecute for criminal offences.

Decisions to disclose information without consent should be documented and the public interest justification stated.

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In the light of Lord Laming`s Report, the definition of a Child Protection concern should be seen in its broadest sense, given that without information sharing pieces of the jigsaw puzzle will not be obtained and an informed decision cannot be made

(1) Children in Need

The consent of a competent child (Fraser/Gillick competent) or parent or person with parental responsibility is required in order to share information concerning a child in need. All information should always be imparted and recorded in a way that differentiates between fact and opinion. When considering what information to share, you should be careful to consider whether any facts in your possession indicate risk, in which case you have a duty to share these.

(2) If you are unsure about any circumstances relating to sharing information, you should consult with your line manager/professional advisor and you may need to seek legal advice.

(4) The Local Authority will co-ordinate multi-agency planning in respect of children in need who meet the criteria for Local Authority services. For the broader group of children in need, the information may be used to refer the child and/or his parent for assistance elsewhere.

(5) Other documents contain detailed guidance on the issue of consent. For further information, please refer to "Safeguarding Children: Working Together Under the Children Act 2004; the All Wales Child Protection Procedures 2008; the Bichard report and, the Carlile Report. It is important to note that there is nothing within any of these documents nor within the Data Protection Act 1998 or the Human Rights Act 1998 and related legislation which should prevent the justifiable and lawful exchange of information for the protection of children or prevention of serious crime and that all those who work with families, whether they work with adults or with children and families have a duty to share information which indicates a risk of significant harm. The welfare of the child must always be the paramount consideration.

(6) Please refer to the attached flow charts.

References

- The Bichard Inquiry Report, The Home Office, 2004
- Carlile Report, *'Too Serious a Thing'* Annex 8
- The Children Act 1989
- The Children Act 2004
- Safeguarding Children: Working Together Under the Children Act 2004
- The Crime & Disorder Act, 2000
- All Wales Child Protection Procedures 2008
- The Data Protection Legislation
- Human Rights Legislation to relevant case law

CONSTRAINTS ON THE USE OF THE INFORMATION

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The information shared must not be disclosed to any third party outside this agreement without the consent of the agency that provided the information. It must be stored securely and retained in accordance with the procedures of the relevant party.

ROLES AND RESPONSIBILITIES UNDER THIS AGREEMENT

Disclosure from North Wales Police will be supervised by The Detective Sergeant Public Protection Unit in each division who will also be responsible for the timely review and appropriate action of disclosures to the police from partner agencies.

Disclosure from Local Authorities will be supervised as appropriate by the relevant Senior Social Worker/Decision Maker for that Authority who will also be responsible for the timely review and appropriate action of disclosures to that authority from partner agencies.

SPECIFIC PROCEDURES

Nothing in this protocol effects the provisions of other agreements to exchange information required for purposes other than the Assessment of Children in Need & Children in Need of Protection. Where information is received by one of the parties to this agreement that a child is at risk of significant harm and/or the child's name is registered on the Child Protection Register information may be shared between agencies in confidence without consent of the family.

REVIEW, RETENTION AND DISPOSAL

Partners to this agreement undertake that personal data shared will only be used for the assessment of whether a child is in need or in need of protection. The recipient of the information is required to keep it securely stored and will dispose of it when it is no longer of use for this purpose.

Files containing information from partner sources will be reviewed in line with force and Local Authority policy.

The recipient will not release the information to any third party outside this agreement without obtaining the express authority of the partner who provided the information.

REVIEW OF THE INFORMATION SHARING AGREEMENT

The ISA will be reviewed six months after its implementation and biennially thereafter. The nominated holder of this agreement is Conwy Social Services.

SECURITY AND DATA MANAGEMENT

Each party to this agreement must be aware of and adhere to the security principles contained within this document.

Each party undertakes to ensure that the Detective Sergeant Public Protection Unit in each police division and Senior Social Worker/Decision Maker designated by the relevant Local Authority will collect, process, store, and disclose all information held by them within the terms of this agreement, and the relevant legislation. All parties agree that these designated persons will ensure that all information held by their agency is accurate & up to date, adequate, relevant & not excessive.

Each party agrees to apply appropriate security measures, commensurate with the requirements of principle 7 of the Data Protection Act 1998 to the data e.g. make accidental compromise, loss or damage unlikely during storage, handling, use, processing, communication, transmission or transport; deter deliberate compromise or opportunist attack, and promote discretion in order to avoid unauthorised access.

Records will be maintained of the information shared by partner agencies so that it will be possible to ascertain when data was shared and with whom.

Each designated person will be responsible for ensuring that they and any other staff within their agency who have access to shared information are aware of their responsibilities in relation to the appropriate use of information and the security measures required for its safe storage and use. The

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designated person will ensure that no unauthorised personnel have access to information shared by partner agencies.

All parties agree to comply with reasonable requirements concerning storage, access or use.

All access to shared data will be audited and monitored as necessary by the designated person.

Each party will dispose securely of all information held.

Each party agrees that, where information is deliberately or accidentally disclosed to individuals or organisations who are not part of this process or otherwise have no justification for access to the information or where the security of the information is otherwise compromised, the matter will be reported to the Data Owner of that information. Partners to this agreement will co-operate with the Data Owner to investigate the circumstances and to take the necessary measures to secure the information from further loss or disclosure.

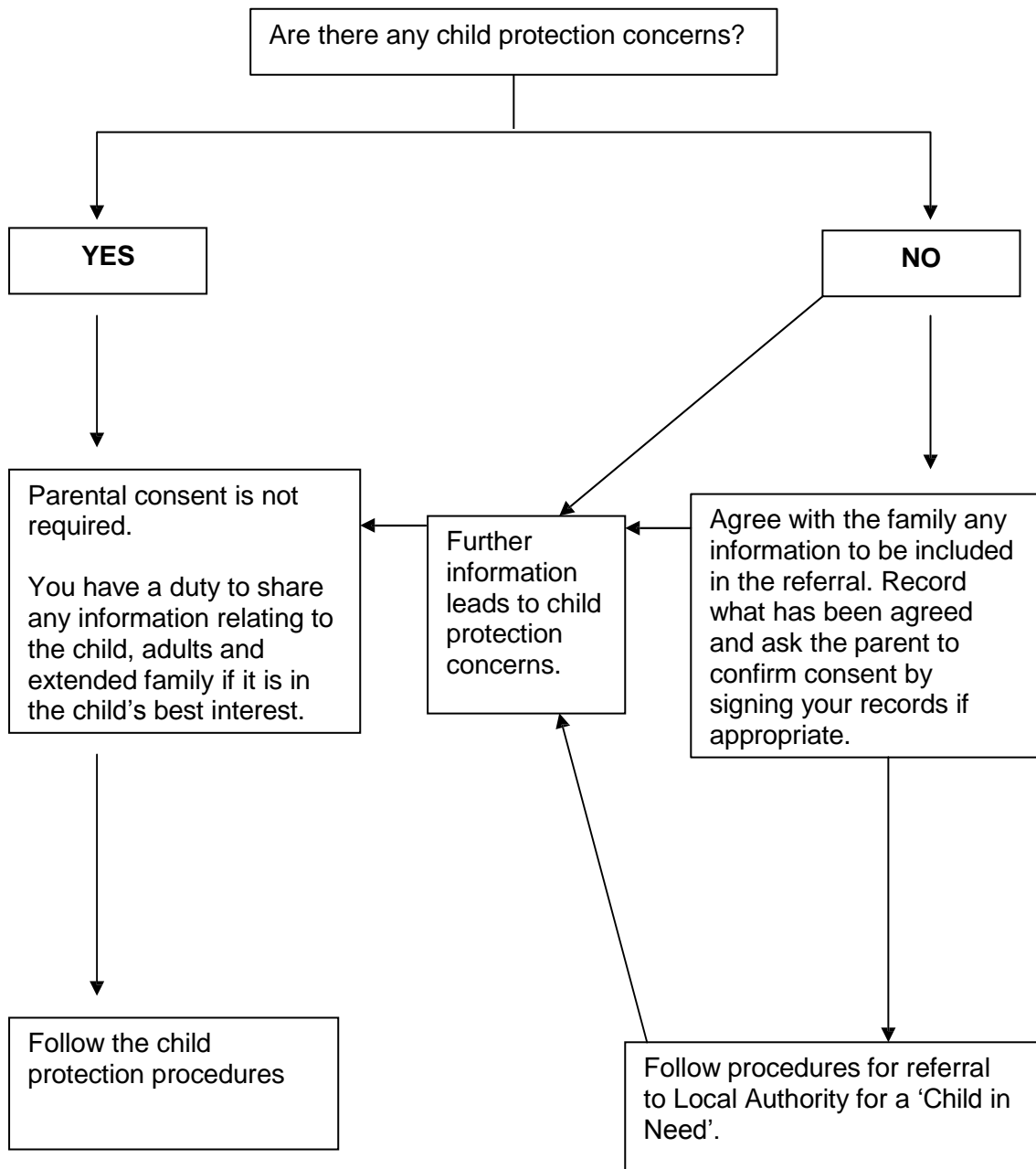
INDEMNITY

Relevant Local Authorities as receivers of police information will accept total liability for a breach of this Information Sharing Agreement should legal proceedings be served in relation to the breach.

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MAKING A REFERRAL TO CHILDREN'S/SOCIAL SERVICES

CONSENT TO SHARE INFORMATION



NOTE:

Parental consent can only be given if the parent has Parental Responsibility.

REQUEST FOR INFORMATION FROM CHILDREN'S/SOCIAL SERVICES

Ask who is making the request and what the information is to be used for.
Record this information in your records.

CHILD PROTECTION

Parental consent is not required
You must share all information relating to the child, adults in the household and extended family, which is relevant to the welfare of the child/children.

Follow the Child Protection Procedure

CHILD IN NEED

Does the Local Authority have the parent's permission to contact you?

YES

NO

The Local Authority must gain consent from the parent before you can give any information unless the child is subject to s31 Care order when the local Authority have the power to provide consent.

Contact the parent by telephone or in person and agree what information can be given to the Local Authority. Record in your records what has been agreed and specify if the consent was given in person or over the telephone. Parents may give written consent by signing your records if applicable.

NOTE:

If necessary confirm the identity of the enquirer by using the phone back system. Never disclose information if you are unsure of the persons identity.

Requests for information from solicitors should be made in writing.