

South Warwickshire



NHS Foundation Trust



Warwickshire
County Council

**SHARING OF INFORMATION PROTOCOL
FOR SPECIFIC INFORMATION
RELATING TO SCHOOL AGE CHILDREN**

Between

**Warwickshire County Council
(Referred to as WCC)**

And

**South Warwickshire Foundation Trust
(Referred to as SWFT)**

June 2013

CONTENTS

1. Introduction
2. Scope
3. Aims and Objectives
4. Legal Framework
5. Information covered by this Protocol
6. Purposes of sharing information
7. Restrictions on use of information
8. Organisational responsibilities
9. Requests for Information
10. Review arrangements
11. Signatories

1. Introduction

This Sharing Protocol has established a framework for providing and sharing information securely between partner organisations involved in providing educational access and health services to school age children.

1. South Warwickshire NHS Foundation Trust (SWFT) and Warwickshire County Council (WCC) are committed to working together to support the health and well-being of its patients and citizens and education of children.
2. This agreement outlines the need for SWFT and WCC to have clear channels of communication between the partner organisations with regard to informing children and parents/carers of the children.

2. Scope

This protocol covers the data relating to SWFT's child health database and WCC's school/child admission database and ancillary data and systems feeding in and out of the databases, referred to as the "child systems".

This Protocol relates to all staff having access to this data within both South Warwickshire Foundation Trust and Warwickshire County Council.

This Protocol therefore defines the access to and use of the data held on the child systems and the agreed ways of operating to safeguard confidentiality and to detail the purposes and access procedures for this data set.

3. Types of information to be shared

3.1 SWFT and WCC will share:

- Names and date of birth details
- Address/home/care details
- Family details/Parental Responsibility/Carers
- Name and address of school attended
- EPN (unique school number)
- NHS Number

3.2 Why information will be shared

- To validate information and check personal contact details for child and parent/carers held and school attending.
- To share significant information and/or events relating to school-age children in order to provide a service to promote and protect the health and well-being of children and access to education and learning.

3.3. Client Consent

- Consent should be gained on the referral form by the partner requiring the information.
- If no consent has been obtained, there should be a clear explanation provided of the sharing of information.
- Professionals in general should seek to discuss concerns with the parents/guardian/carer and family and inform them of any personal data to be shared amongst agencies.
- Where consent to share is refused, sharing may still take place where there is a clear risk of harm to the individual in not sharing. This must be done in line with the conditions set out under Data Protection Act 1998 and the reason for sharing without consent must be clearly documented.

3.4 Access and Security

- Each partner remains responsible for the maintenance, validation, security and data quality of the data held.
- Each partner must abide by their procedures on security of information.
- Data will be transferred securely between partners using agreed encryption methods and/or secure email.
- Procedures will be in place to verify the validity of the person requesting the information.
- Individuals requesting access to information held about them will be dealt with through the subject access procedure in the relevant partner.

4. Aims and Objectives

This protocol aims to ensure that the patient identifiable and sensitive data contained in the system is kept secure and confidential and that access to the information is restricted within both organisations to those staff having legitimate clinical or administrative reasons for accessing it.

5. Legal Framework

Data Protection Act 1998

Code of Confidentiality – Department of Health November 2003

Organisational Policies and Procedures

Freedom of Information Act 2000

Computer Misuse Act 1990

Information Governance Toolkit requirements and/or ISO/IEC 72002 & 72001

Children Act 2004, s10 - Duty to co-operate. Duty on each children's services authority to make arrangements to promote co-operation between itself and relevant partner agencies to improve the well-being of children in their area in relation to:

- physical and mental health, and emotional well-being;
- protection from harm and neglect;
- education, training and recreation;
- making a positive contribution to society;
- social and economic well-being.

The section 10 guidance states that good information sharing is key to successful collaborative working and under this section agencies should have arrangements in place to ensure information is shared for strategic planning purposes and to support effective service delivery.

Education Act 2002, s21 - Duty on the governing body of a maintained school to promote the well-being of pupils at the school. Well-being in this section is defined with reference to section 10 of the Children Act 2004. This duty extends the responsibility of the governing body and maintained schools beyond that of educational achievement and highlights the role of a school in all aspects of the child's life.

Education Act 2002, s175 - Duty on maintained schools, further education institutions and independent schools to make arrangements to carry out their functions with a view to safeguarding and promoting the welfare of children.

Children Act 1989 s 27 – Authorises Children's services in meeting their duties to seek assistance from health professionals

National Health Service Act 2006, s82 - Duty on NHS bodies and local authorities to co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales.

Health and Social Care Act 2012,

s12 – amends the National Health Service Act 2006 to add a duty for each local authority to take such steps as it considers appropriate for improving the health of the people in its area.

S18 - amends the National Health Service Act 2006 to add a duty for each local authority to exercise public health functions.

6. Information covered by this Protocol

This protocol covers the data relating to the records of all school-age children resident in Warwickshire or attending schools in Warwickshire.

7. Purposes of sharing information

All staff working for the partners have as part of their terms and conditions of service that they will ensure that they only access patient identifiable or personal data and sensitive data for legitimate clinical or administrative reasons to provide services and that they will take the necessary steps to maintain the confidentiality and security of that data.

Each partner will facilitate the audit of records as necessary and if any query is raised as a result of inappropriate use of the system this will be brought to the attention of the Data Controllers in each organisation.

8. Organisational responsibilities

Both organisations will ensure that the data is used for legitimate clinical and service uses and that it remains protected at all times, ensuring that over time, the data is archived according to national guidelines.

9. Indemnity

WCC as receivers of SWFT information will accept total liability for a breach of this Information Sharing Agreement should legal proceedings be served in relation to any breach that occurs by WCC.

Likewise SWFT as receivers of WCC information will accept total liability for a breach of this Information Sharing Agreement should legal proceedings be served in relation to any breach that occurs by SWFT.

Any incidents reported as a possible breach will be notified to each partner. Each partner will follow its own procedures for investigation and any actions to be taken as a result. Complaints will be dealt with following each partner's procedures as appropriate.

10. Requests for information

Both organisations will respond to information requests, whether under the Data Protection Act 1998 (Subject Access requests) and/or Freedom of Information Act 2000 requests for anonymised data in relation to their responsible populations only.

Complaints on access to information will be dealt with following each partner's procedures as appropriate.

11. Review arrangements

This protocol will be reviewed in 12 months (July 2014), in order to incorporate any issues arising from the information sharing which SWFT or WCC may require.

12. Signatories

Sarah Callaghan, Head of Service, Learning and Achievement
Warwickshire County Council

Signed: 

Dated: 11.10.13

Professor Ian Philp, Medical Director and Caldicott Guardian, South
Warwickshire Foundation Trust

Signed: 

Dated: 16/8/2013