CHILDRENS CROSS REGIONAL ARRANGEMENTS GROUP (CCRAG)

INFORMATION SHARING PROTOCOL

Revised May 2018
Introduction

The Children’s Cross Regional Arrangements Group (CCRAG) will, on occasions, wish to share information about the Providers who supply the participating CCRAG partner Local Authorities with placements for children and young people. This Protocol has been developed in order to provide a consistent, fair, and transparent method to share information about Providers when circumstances listed in Appendix 1 arise. However, it is not the intention of this document that personally identifiable information about Children and Young People should be shared between Local Authorities.

Where Local Authorities are jointly placing and commissioning with Health Services it is recommended that this agreement is extended to appropriate health colleagues. Please see the ‘Responsible Commissioner’ guidance for information about appropriate health colleagues.

HM Government has produced guidance to support good practice in information sharing:

“Where there are concerns about the safety of a child, the sharing of information in a timely and effective manner between organisations can reduce the risk of harm. Whilst the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child or vulnerable adult being placed at risk of harm. Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.

All organisations should have arrangements in place which set out clearly the processes and the principles for sharing information internally. In addition, these arrangements should cover sharing information with other organisations and practitioners, including third party providers to which local authorities have chosen to delegate children’s social care functions, and the Local Safeguarding Children Board (LSCB). One approach to aid effective information sharing is the use of Multi-Agency Safeguarding Hubs, where teams may be co-located physically or locally. In these settings, it is important that accountability is defined to ensure that teams know who is responsible for making decisions and that actions taken are in the best interest of the child.”

Source: Advice for practitioners providing safeguarding services to children, young people their parents and carers (March 2015)

“Effective information sharing is key to delivering better, more efficient services co-ordinated around the needs of children, young people and families. Building understanding and confidence in information sharing is essential to support early intervention and preventative work as well as for safeguarding children and promoting their welfare. Most decisions to share information require professional judgement. Practitioners must feel confident about when and how information can be shared legally and professionally, and that they will have the support of their managers and organisations. Lord Laming recommended that Children’s Trusts should ensure that the
Government’s Information Sharing guidance is applied consistently by all partners. In order to achieve this, organisations should have in place appropriate and consistent governance frameworks to promote and support good practice in information sharing as well as ensuring that the guidance is embedded in training and education for frontline staff and their managers.”


Partnership

For the purpose of this document participating Local Authorities and Health Services will be referred to as partners.

This Protocol will form part of the CCRAG procedures and will be reviewed annually. Partners will be wholly responsible for ensuring that all appropriate and necessary steps are taken, and relevant advice sought, before completing Appendix 2 and sharing information about individual Providers.

Aim

The Protocol will help Local Authority partners promote and protect the welfare of service users.

Providers should be aware of the Protocol and informed of any notifications about them under the Protocol. It is therefore important to notify the Provider concerned that information about them is being circulated to other CCRAG Partners and the reason(s) why. To this effect the Local Authority who is proposing to share the information should contact the Provider using the letter template in Appendix 4 and attaching a copy of the notification (Appendix 2) and giving the Provider 10 working days to comment. If no response is received from the Provider then the Local Authority can send the notification to Hertfordshire County Council for circulation to all partner Local Authorities.

Each recipient member is responsible for deciding what action it takes as a result of information received under the Protocol.

Establishing the Protocol

The Host Local Authority will be Hertfordshire County Council (HCC). Partners should send completed notifications to CCRAG@hertfordshire.gov.uk

All those partners participating in the CCRAG partnership will be included in this Protocol.

In establishing the Protocol it will be the responsibility of individual partners to nominate a lead officer and designated deputy to undertake the tasks required

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by the Protocol. Individual Partners should notify HCC of the names and contact details of the lead officer and designated deputy.

The Host Authority will take all reasonable steps to inform Service Providers of this partnership Protocol however, Individual partners should inform Providers of services to their authority of this Protocol.

The Protocol

These points are the operating guidelines of the Protocol.

a) The lawful basis for processing and sharing this data lies in the partner authorities’ responsibility for safeguarding children and young people in the care of that authority. (Children Act 1989 -22.3 “It shall be the duty of a local authority looking after any child to safeguard and promote his welfare” The statutory duties of local authorities include the requirement to evidence the extent to which children’s services improve the wellbeing of children and relevant young people.

Local authorities need to be confident that systems are in place to monitor their placements to ensure providers operate safe, effective and efficient services.

b) Certain information will be shared under the Protocol (See Appendix 1). This is essential if effectiveness and consistency are to be achieved

c) Each member will identify a nominated officer to be responsible for sending and receiving any notification required under the Protocol. Any change of nominated officer will be communicated to the Host Authority and Link Steering Group member.

d) A group e-mail address will be used as the means for the Host Authority and Link Steering Group member to send notifications and for nominated officers to receive the information. Notifications will also be uploaded onto the Provider’s pages of the CCRAG Providers Database where possible.

e) Notifications will be submitted and distributed using the template in Appendix 2

f) A copy of the notification will be sent to the Service Provider involved, by the notifying member, using the most recent contact information available. The letter template (Appendix 4) will be used enabling the Provider 10 working days to comment prior to the member sending the notification to the Host Authority.

g) Any Service Provider unhappy with any action or decision taken under this Protocol has three sources of direct redress without resorting to legal action.

a. The procedure for dispute resolution in their contract with the member.

b. The Local Authority’s Complaints procedure.
c. The Information Commissioner Office Complaints procedure.

h) Each Local Authority member is independently responsible for what, if any, actions or decisions it makes as a result of the information received. Each Local Authority is responsible for complying with their own localised information sharing protocol.

i) Partners may NOT pass on to another authority, organisation, or third party that is not signed up to this protocol, (other than those legally entitled to such information) any information obtained as a result of the Protocol. If a receiving member has concerns that an external Authority or Health Service should receive information, they must refer the matter back to the original notifying member.

j) All Local Authority partners must be registered with the ICO and all personal data must be shared in a way which meets the requirements of current Data Protection Legislation. [www.ico.org.uk](http://www.ico.org.uk).

**Figure 1- CCRAG Information Sharing Protocol Procedure**

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**Co-ordination**

HCC is identified as the Host Authority and will co-ordinate the operation of the Protocol. This will involve:

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a) Reviewing the notification and deciding whether to seek advice from the CCRAG Steering Group as to whether to circulate. If HCC seek advice from the Steering Group notifications will be reviewed within 10 working days. Any information that identifies individuals, is unsubstantiated, is additional to the occurrences identified in Appendix 1 or in any way breaches Data Protection Legislation will not be shared under this Protocol.

b) Distributing all notification documents to partners and Ofsted.

c) Updating mailing lists when nominated officers or partners change;

d) Dealing with proposed changes to the Protocol;

Changes to Protocol

Any CCRAG partner or provider can propose a change to the Protocol by putting this in writing to the Host Authority. This would then be circulated to all other partners, requesting a written response indicating acceptance or rejection of the proposal. Any change agreed by all partners will be broadcast to providers via the CCRAG database, if no objections are received within 10 working days this will be implemented. Any change that is not agreed, or significantly alters the nature of the Protocol, will be referred to the CCRAG Steering Group for their decision. The CCRAG Steering Group decision will take precedence.
APPENDIX 1: PROTOCOL FOR SHARING INFORMATION

Under this protocol partners agree to share the following information about Providers of Children’s Services where a child or young person has suffered or is at risk of significant harm, relating to the care given by staff, carers or volunteers at the Provider concerned:

**PROVIDER: Safeguarding Procedures and Practice**

1. Information about such occurrences and or outcomes of such investigations should be shared **ONLY AFTER seeking the advice of the Local Safeguarding Board, Local Authority Designated Officer and or Legal team.** Advice should be sought in regard to the type level of information that the member Local Authority is legally allowed to share. At all times the identity of the individuals concerned should not be recognisable from the information shared.

2. Where Ofsted and / or CQC have raised or noted safeguarding concerns during their inspections.

The **Host Authority** will aim to circulate information electronically to all Partners within 3 working days of receiving notification.

**PROVIDER: Organisational Standards, Trading and Financial Status**

3. Where there is a change of ownership (including merger) of service.

4. Where a business has closed, or been required to cease trading.

5. Where there has been successful prosecution
   - under any Health and Safety Legislation, including Food Hygiene Regulations 1970 (post hearing) or any other relevant current legislation, Acts of Parliament, amendment or re enactment of any Act, Statutory Regulation and other such laws and statutory guidance relevant to the provision of the Service.
   - of Directors, Trustees, Committee Partners or management under the Disability Discrimination Act 1995
   - of Directors, Trustees, Committee Partners or management under the Care Standards Act 2000, or Education Acts of 1944,1981 and 1993 or any other current legislation relevant to the running of the organisation, Acts of Parliament, amendment or re enactment of any Act, Statutory Regulation and other such laws and statutory guidance relevant to the provision of the Service.
   - in relation to any offences under the Food Safety Act (1990) or Food Hygiene (General Regulations 1970) etc

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6. The findings from any formal investigation by the Equalities and Human Rights Commission or any finding of unlawful discrimination by any court or industrial tribunal.
7. Ratings information from any formal inspection by the Office for Standards in Education and Care Quality Commission.
8. Proceedings for receivership or similar proceedings currently pending.
9. Since employment or establishing the business, any criminal offences committed by employees or officers of companies that are relevant to children safeguarding board requirements. See appendix 3 for examples.

The Host Authority will aim to circulate information electronically to all Partners within 3 working days of receiving notification.

PROVIDERS: LOCAL AUTHORITY CONTRACTS & PURCHASING ARRANGEMENTS

10. Temporary suspension of purchasing arrangements.
12. Temporary restriction of purchasing arrangements.
14. Permanent end of contractual arrangements instigated by a Local Authority (not individual Child Contract or Agreement).
15. Voluntary withdrawal by Provider from service contract (not individual Child Contract or Agreement).

The Host Authority will aim to circulate information electronically to all Partners within 5 working days of receiving notification.

For clarification and additional information on all notification, partners should contact the person identified on the form from the issuing authority.
APPENDIX 2: NOTIFICATION UNDER THE PROTOCOL FOR SHARING OF INFORMATION ABOUT SERVICE PROVIDERS BETWEEN CCRAG, HEATH SERVICES AND OFSTED

Instructions:

All information detailed must refer to the business and not personal information.

Please type into ALL relevant grey boxes.
Use an X to indicate a tick in a box
Please send completed notification to CCRAG@hertfordshire.gov.uk

<table>
<thead>
<tr>
<th>This notice has been issued by</th>
<th>Local Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominated Officer</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
</tr>
<tr>
<td>Date of Notified Incident</td>
<td>Date of Notification</td>
</tr>
</tbody>
</table>

The notice relates to the following Service Provider

Name of Establishment

Address of Establishment or Business Address

Head Office Address (if applicable)

Host Local Authority (if not issuing Local Authority)

Nature of Services provided under contract (Use an X to indicate a tick in a box):

<table>
<thead>
<tr>
<th>Residential Care/Residential Care with Education</th>
<th>Independent Fostering Agency</th>
<th>Education Day</th>
<th>Secure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Special School</td>
<td>Supported Accommodation</td>
<td>Other</td>
<td>Specify Services ‘Other’</td>
</tr>
</tbody>
</table>

(Use an X to indicate a tick in a box):
1. Where a child or young person has suffered or is at risk of significant harm, relating to the care given by staff at the Provider concerned. Information about such occurrences and or outcomes of such investigations should be shared ONLY AFTER seeking the advice of **the Local Safeguarding Board, Local Authority Designated Officer and or Legal team.** Advice should be sought in regard to the type level of information that the member Local Authority is legally allowed to share. At all times the identity of the individuals concerned should not be recognisable from the information shared.

2. CQC have raised or noted safeguarding concerns during their inspections.

3. Change of ownership (including merger).


5. Successful prosecution
   a. under any Health and Safety Legislation, including Food Hygiene Regulations 1970 (post hearing) or any other relevant current legislation, Acts of Parliament, amendment or re enactment of any Act, Statutory Regulation and other such laws and statutory guidance relevant to the provision of the Service .
   b. of Directors, Trustees, Committee Partners or management under the Disability Discrimination Act 1995
   d. of Directors, Trustees, Committee Partners or management under the Care Standards Act 2000, or Education Acts of 1944,1981 and 1993 or any other current legislation relevant to the running of the organisation, Acts of Parliament, amendment or re enactment of any Act, Statutory Regulation and other such laws and statutory guidance relevant to the provision of the Service.
   e. in relation to any offences under the Food Safety Act (1990) or Food Hygiene (General Regulations 1970) etc

6. The findings from any formal investigation by the Commission for Racial Equality or any finding of unlawful racial discrimination by any court or industrial tribunal.

7. Ratings information from any formal inspection by the Office for Standards in Education

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8. Proceedings for receivership or similar proceedings currently pending.

9. Since employment of establishing the business, any criminal offences committed by employees or officers of companies that are relevant to children safeguarding board requirements. See appendix 3 for examples.

10. Temporary suspension of purchasing arrangements

11. Removal of temporary suspension of purchasing arrangements

12. Temporary restriction of purchasing arrangements

13. Removal of temporary restriction of purchasing arrangements

14. Permanent end of contractual arrangements instigated by a Local Authority (not individual Child Contract or Agreement).

15. Voluntary withdrawal by Provider from contract. (not individual Child Contract or Agreement).

Confirm that a copy of this form has been sent to the Provider [insert date]

Method of delivery please state: email/fax/recorded delivery/first class post

Name of person completing this form?

Date:

Reference:
Appendix 3 Employees or Officers Criminal Offences That Will be Shared –

Offences that have occurred at any point in time since employment or establishing the business in question

- Sexual offences against a child
- Other sexual offences
- Convictions for supply of drugs

Offences that have occurred in the last 3 years

- violent crimes
- conviction of drugs possession
- convictions for theft, fraud, criminal damage
- drink driving offences

All information shared should not contain information that will allow individuals to be identified.

Any data obtained through CCRAG procedures for monitoring of provision (Schedule 7 CCRAG Partnership Agreement) will be recorded and shared with providers prior to uploading to the CCRAG database (CCRAG Local Authorities should refer to Schedule 7, (The Visit point 3) prior to uploading any documentation

If the responsible Local Authority deems the risks be immediate then this policy should not be “a barrier to sharing information where the failure to do so would result in a child or vulnerable adult being placed at risk of harm “ (Source: Advice for practitioners providing safeguarding services to children, young people their parents and carers (March 2015)
Appendix 4

Dear [Name of Provider]

You will be aware that [name of Local Authority] is a member of the Children’s Cross Regional Arrangements Group (CCRAG) partnership. As part of the partnership’s procedures there is an information sharing protocol in place enabling the sharing of certain information between the participating CCRAG, Health Services and Ofsted for the purpose of safeguarding the interests of children and young people.

Information has been received regarding your organisation which meets criteria referred to in Appendix 1 of the CCRAG Protocol. Therefore I am notifying you of my intention to share this with the organisations detailed above. I attach the notification template detailing the specific information that I intend to share in line with the partnership’s information sharing protocol.

The information sharing protocol has been designed to operate in the spirit of partnership working and transparency between CCRAG and Providers so I am therefore allowing you 10 working days from the date of this letter for you to respond if you feel that you have justified reasons why this information should not be shared. Therefore, if I do not hear from you by [date] I will be sending the attached notification template to Hertfordshire County Council requesting them to circulate to those organisations detailed above and to enter onto your dedicated pages of the CCRAG Providers Database, whether you are registered or not.

I can assure you that only CCRAG LA Partners will be sent the notification and no other Provider will have access to it. For more information about CCRAG’s information sharing protocol, and more general information about the partnership, please log on to the CCRAG Web Pages on www.hertfordshire.gov.uk/ccrag

Yours sincerely

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