NHS Organisations in Cumbria

Safeguarding Children and Vulnerable Adults: Information Sharing Guidance for Practitioners working in NHS services in Cumbria (January 2010)

DRAFT January 2010
What is this guidance for?

This guidance has been developed by the Cumbria NHS Health Network. This group includes in its membership, executive directors of all the NHS organisations in Cumbria.

NHS Cumbria
North Cumbria University Hospitals NHS Trust
Cumbria Partnership NHS Foundation Trust
University Hospitals of Morecambe Bay NHS Trust

The Health Network links to both Cumbria Safeguarding boards for children and adults.

The aim of this guidance is to give health practitioners at all levels clear guidance in relation to information sharing in relation to safeguarding children and adults.

Who is this guidance for?

This guidance is for all practitioners in NHS organisations in Cumbria who have to make decisions about sharing personal information on a case-by-case basis whether they are working as an employee, a contractor or a volunteer.

This guidance is also for managers and advisors who support practitioners in their decision making.

1/. Sharing Information where there are concerns about significant harm to a child or young person

It is critical that where you have reasonable cause to believe that a child or young person may be suffering or may be at risk of suffering significant harm, you must always consider referring your concerns to children’s social care or the police, in line with the Cumbria Local Safeguarding Children Board (LSCB) procedures. http://www.cumbrialscb.com/pagesall.aspx?id=260 and your own organisations Safeguarding Children Policy.

In some situations there may be a concern that a child or young person may be suffering, or at risk of suffering significant harm, or of causing significant harm to another child or serious harm to an adult. However, you may be unsure whether what has given rise to your concern constitutes ‘a reasonable cause to believe’. In these situations, the concern must not be ignored. You should always talk to someone to help you decide what to do – a lead person on safeguarding, Named or Designated Nurse/Doctor, the Caldicott guardian, your manager, an experienced and trusted colleague or another practitioner who knows the person. You should protect the identity of the child or young person wherever possible until you have established a reasonable cause for your belief.
 Significant harm to children and young people can arise from a number of circumstances – it is not restricted to cases of deliberate abuse or gross neglect. For example a baby who is severely failing to thrive for no known reason could be suffering significant harm but equally could have an undiagnosed medical condition. If the parents refuse consent for further medical investigation or an assessment, then you may still be justified in sharing information. In this case, the information sharing would be to help ensure that the causes of the failure to thrive are correctly identified.

2/. Sharing information where there are concerns about significant harm to an adult.

You may be sharing information about an adult as part of your aim to deliver more effective interventions at an earlier stage to prevent problems escalating and to increase the chances of achieving positive outcomes. However there may also be situations where you may want to share information because you are concerned about actual or risk of serious harm to an adult.

If you believe the adult you are dealing with is vulnerable or unable to make informed decisions then you will need to take this into consideration when making your decision. Where harm, or risk of harm, to a vulnerable adult is suspected appropriate action should be taken in accordance with the Cumbria Safeguarding Adults Board Multi Agency Policy and Procedures which can be accessed by using the link below.

http://www.cumbria.gov.uk/adultsocialcare/safeguarding/default.asp

Specifically any practitioner who suspects abuse must;

- call for emergency assistance immediately if required
- contact the police immediately if a crime has been committed
- ensure that forensic and other evidence is not contaminated.
- listen to and record carefully any information given directly by the adult
- not question the adult concerned at this stage.
- report concerns to their manager as soon as possible.

3/. Sharing Information where there are concerns about a third party causing or being a risk of causing significant harm or serious harm to a child or vulnerable adult.

Where you have concerns that the actions of some may place children at risk of significant harm or vulnerable adults at risk of serious harm, it may be possible to justify sharing information with or without consent for the purposes of identifying people for whom preventative or supportive interventions are appropriate.
Parents and service users with severe mental ill health.

The presence of mental ill health in a parent does not automatically constitute an inability to provide adequate parenting. However as part of the assessment of a service user it should be considered that in some cases, enduring and/or severe parental mental ill health will seriously affect the safety, health and development of children or may pose a risk of serious harm to a vulnerable adult. Where professionals believe that this may be the case then a referral should be made to Children’s or Adult Social Care as appropriate. If it is clear that the child is suffering, or is likely to suffer, significant harm then the referral must be made as a matter of urgency. Further guidance can be found by accessing the link below to chapter 17 of the LSCB procedures “Parents with enduring/severe mental illness”.


Parents with a learning disability

The presence of learning disabilities in a parent does not automatically constitute an inability to provide adequate parenting.

However, where a parent/carer with learning disability appears not to be able to meet his/her child’s needs and meets the Threshold as defined in ‘Cumbria Thresholds for Referral and Services to Children in Need including Children in Need of Protection’, a referral should be made to Children’s Social Care, who have a responsibility to assess need and where necessary offer supportive or protective services.

Sharing of information in this instance can take place with or without consent (particularly if by seeking consent this may put the child at further risk); however children’s welfare is more likely to be effectively promoted if parents feel that practitioners are seeking to work in partnership with them to improve outcomes for their children, and if they experience positive responses to their needs.

The following publications should be consulted for more in depth guidance.

Cumbria LSCB Chapter 18. Parents with Learning Disabilities

Good practice guidance on working with parents with a learning disability (DoH 2007)

Domestic violence

Where you believe a child may have been exposed to domestic violence you should consult Cumbria LSCB chapter 15 Domestic Violence for further guidance
Sharing the information

Before sharing information you should

ASK

About the purpose
- Is there a legal basis and legitimate purpose to share the information?
- Why do you/they want this information?
- Is there a sufficient ‘need to know’?
- Is the request ‘proportionate’ to the purpose for which the disclosure is sought?
- If the purpose is clear, then what information is needed will usually be clear.

About the information you are sharing
- Is this confidential information?
- If there is no statutory obligation or consent to disclose the information, does the public interest in safeguarding the welfare of the child or vulnerable adult override the public interest in maintaining confidentiality?
- Do you need to seek consent?
- Whose consent is needed?
- Do you already have informed consent to share the information? Is it still valid?
- Would seeking consent or informing the person to whom the information relates place someone at risk of harm, prejudice a police investigation or lead to unjustified delay?
- Would sharing the information without consent cause less harm than not sharing the information?
- Is the information up to date and accurate?
- Does the information distinguish between fact and opinion?
- Do you need to check with an originating agency that they give permission to share the information?

About the recipient
- Are you giving the information to the right person?
- Are you sharing it in a secure way?
- Does the person you are giving it to know that it is confidential?
- What will they do with it? Will there be secondary disclosure? e.g. if a doctor provides information to a school and the school passes it on to social care services.

After sharing information
- In the event that the person to whom the information relates is not aware that the information has been shared, can you safely tell them, and if so when?
- Have you recorded what information you have shared, with whom, when and why?
Cumbria Safeguarding Health Network: Information Sharing Flowchart
(Adapted from HM Government Information Sharing Guidance for Practitioners and Managers)

You are asked to share information

Is there a clear and legitimate purpose for sharing information?
(Child or adult at risk, potential or actual crime committed?)

No

Yes

Does the information enable a person to be identified?

No

Yes

Is the information confidential?

Not sure

Seek Advice

Yes

Do you have consent?

No

Yes

Is there sufficient public interest to share?

No

Do not share

Yes

You can share information.
- Identify how much information to share
- Distinguish fact from opinion
- Ensure that you are giving info to the right person
- Ensure you are sharing securely
- Inform the person that the information has been shared if it will not create or increase risk of harm

Record the information sharing decision and your reasons in the case notes

If there are concerns that a child may be at risk of significant harm or an adult at risk of serious or serious harm, then follow the Cumbria LSCB or Cumbria Adult Safeguarding Board Procedures without delay
Seek advice if you are not sure what to do at any stage and ensure the outcome of the discussion is recorded.