

PUBLIC



Derbyshire Partnership Forum

Members Room
County Hall
Matlock

13 December 2013

Agenda

1. Welcome and apologies
2. Minutes of the last meeting and matters arising
3. Future of the DPF
4. Housing, Health and Social Care
5. Reducing Poverty in Derbyshire
6. Information Sharing Protocol
7. Working Together for a Better Derbyshire – Workshop (see appendix A)
8. Any other business
9. Date of next meeting(s)
 - Friday 14 March 2014
 - Friday 27 June 2014
 - Friday 26 September 2014
 - Friday 5 December 2014

Working Together for a Better Derbyshire

Introduction	Cllr Anne Western
What's driving Derbyshire? <i>The main aim of this session will be to develop a shared understanding of the challenges facing individual partner agencies based upon evidence and to secure agreement about the shared challenges.</i>	
<ul style="list-style-type: none"> Values based insight into attitudes and perceptions in Derbyshire. 	David Evans The Campaign Company
<ul style="list-style-type: none"> Issues and challenges facing Derbyshire 	TBC
Group work on tables	
<ul style="list-style-type: none"> What are the current and future challenges facing your organisation? 	All
<ul style="list-style-type: none"> Feedback 	All
Working together in partnership <i>The main aim of the sessions will be to identify those opportunities (issues/themes/services) to work together which would benefit from a different and/or joined up approach and which address the challenges identified in the first session.</i>	
<ul style="list-style-type: none"> The Virtual Ward 	Andy Gregory Hardwick CCG
Group work on tables	
<ul style="list-style-type: none"> Where we currently work in partnership what works well/ what doesn't work well? 	All
<ul style="list-style-type: none"> Which services/issues/ themes would benefit from a different or joined up approach? 	All
<ul style="list-style-type: none"> Feedback 	All
Moving Forward <i>The main aim of this session is to prioritise the ideas that have been generated to that we develop a short list of services/issues that can be progressed in partnership</i>	
<ul style="list-style-type: none"> What are the priorities moving forward? 	All
<ul style="list-style-type: none"> How can these practically be taken forward? 	All
<ul style="list-style-type: none"> Feedback 	All
Next Steps <i>The main aim of this session is to secure commitment from people to be involved in moving specific issues forward</i>	
<ul style="list-style-type: none"> Who can do what? 	All

**NOTES of the DERBYSHIRE PARTNERSHIP FORUM held on 28 June 2013
at County Hall, Matlock**

PRESENT

Councillor A Western
(in the Chair)

Advice Derbyshire K Ambler	Derbyshire County Council Councillor K Gillott Councillor M V Longden Councillor B Ridgway M Ashworth E Croll S Eaton S Goodwin J Hirst D Lowe G Mason M Meggs M Molloy I Stephenson R Taylor C Walker J Wildgoose M Young
Amber Valley Borough Council S J Bradford J Townsend	
Bolsover District Council K Reid	
Bolsover Partnership J Clayton	
Chesterfield Borough Council Councillor J Burrows	
Chesterfield Royal Hospital G Boyle	
Community Voluntary Partners L Wallace	Derbyshire Fire & Rescue Service S Frayne
Churches in the Peak Park Reverend S Lumby	Derby Hospitals NHS Foundation Trust D Prescott
Churches together in Derbyshire Bishop H Southern	Derbyshire OPAG P Frakes
DCHS K Brane	Derbyshire Police and Crime Commissioner A Charles
Derbyshire Dales CVS N Moulden	Derbyshire Police K Mahay B Thacker
Derbyshire Dales District Council D Bunton	

<p>Erewash Borough Council Councillor Mrs C A Hart C Corbett J Jaroszek</p> <p>High Peak Borough Council Councillor C Bisknell D Larner</p> <p>LINKS C Lawton</p> <p>NHS Tameside & Glossop CCG E Richardson</p> <p>North East Derbyshire CAB P Morris</p>	<p>North East Derbyshire District Council/Bolsover District Council I Spencer</p> <p>Rural Action Derbyshire S Green</p> <p>South Derbyshire District Council Councillor R J Wheeler</p> <p>Erewash CVS P Edwards</p>
---	---

Apologies for absence were submitted on behalf of Councillor D Allen (Derbyshire County Council), S Allinson (Tameside and Glossop CCG), Councillor P Bayliss (Derby City Council), Councillor G Baxter (North East Derbyshire District Council), P Brown (Bolsover District Council), B Carroll (Chesterfield College), K Childs (Derbyshire Probation), A Critchlow (Derbyshire National Farmers Union), M Creedon (Derbyshire Police), Councillor J E Dixon (Derbyshire County Council), Councillor R L Hosker (Derbyshire Fire and Rescue Authority), S James (Derby Hospitals NHS Foundation Trust), Councillor A I Lewer (Derbyshire County Council), W Lumley (Bolsover District Council and North East Derbyshire District Council), F McArdle (South Derbyshire District Council), E Michel (Derbyshire County Council), S Quinlan (Environment Agency), B Robertson (Derbyshire County Council), J Smith (South Derbyshire CVS), I Thomas (Derbyshire County Council), Councillor A Tomlinson (Bolsover District Council), Councillor E Watts (Bolsover District Council), A Westray-Chapman (Bolsover District Council and North East Derbyshire District Council) and A Wright (Derbyshire County Council).

1/13 **MINUTES** The minutes of the previous meeting held on 28 June 2012 were confirmed as a correct record.

2/13 **CAROL LAWTON – LINKS CVS** The Forum was informed that this was to be Carol Lawton’s last meeting of the Derbyshire Partnership Forum. Carol was thanked for her contribution not only to this Forum but her work throughout Derbyshire over the years, and was wished all the best for the future.

3/13 **PARTNERSHIP APPROACH** The Chair was concerned that for some years the Forum had lost momentum. It was now essential that it kept its place and gave a renewed sense of commitment and moved forward in order to achieve the commitments promised to the residents of Derbyshire. The key to this was partnership working and the way forward for the Forum would be discussed by all members immediately following this meeting.

The Chair also reported that Local Area Committees had been re-instated and the first round of meetings would be held in July.

4/13 **WELFARE BENEFIT REFORMS** Ian Spencer, Revenue and Benefits Manager, Bolsover and North East Derbyshire District Councils attended the meeting to inform members of welfare benefit reforms. Changes to the benefits system over the past couple of years were reported and these included Local Housing Allowance Limits, Shared Room Rates, Council Tax Benefit and other benefits not provided by local authorities such as Working Tax Credits. General Benefits Changes which included a new cap on the total amount of benefits a household could receive was introduced in some local authorities in London in April 2013 and would be implemented country wide in July 2013.

A new kind of benefit, called Universal Credit was also being proposed by the Government and this would be implemented in October 2013. The Universal Credit aimed to simplify the benefits system by bringing together a range of working age benefits into a single payment.

The potential impact on residents throughout Derbyshire was highlighted and the wider issues resulting from the implications of these reforms were of concern to the Forum. The reforms would also impact on many services throughout Derbyshire and organisations that provided advice and support.

Councillor Western thanked Mr Spencer for his presentation.

5/13 **FOOD BANKS** Kris Ambler from Advice Derbyshire attended the meeting to report on the growing number of charitable food banks and to highlight the issue of food poverty.

Since 2011 Advice Derbyshire had been mapping the provision of food banks in the county, and as with the national trend both the number of and demand for food banks had increased. Many food banks reported almost unsustainable levels of demand for free food parcels, and the key drivers included falling household income, inflation, welfare reforms and delays/issues with benefits. In the latter instance a significant number of visitors to food banks were there due to benefit sanctions. Worryingly, there had been an upward-trend in working families needing the assistance of food banks, with

many family incomes simply unable to keep up with inflation and stagnating wages. It was reported that the Advice Derbyshire food bank map had rapidly become the most visited part of their website, attracting more than 8,000 visits in the first three months of its operation. Advice Derbyshire also hosted a county wide food bank forum, where providers and public sector organisations could come together to discuss issues and agree actions. The next meeting of this group would be on 3 July at Chesterfield Town Hall between 10.00am and 1.00pm and all were welcome to attend to learn more.

Advice Derbyshire were working with the forum and stakeholders to raise awareness of the issue of food poverty, to better connect frontline services with food banks and to ensure there was a strategic approach to tackling poverty of all kind within the county.

The report recommended that partners developed their understanding of food poverty and food banks in the county and to ensure that (where relevant) any vulnerable service users were made aware of the availability of food banks. In addition to this, and in the context of continued cuts and rising inflation, it was suggested that the county considered taking a strategic view in tackling food poverty, linking this in with wider efforts to tackle poverty and its root causes. Mr Stephenson, the Acting Chief Executive also suggested that County Council premises could be used as a means of increasing the availability of food banks. Mr Ambler then took questions from Members of the Forum. Councillor Western thanked Mr Ambler for his report and the discussions this issue had provoked.

6/13 **HOUSING, HEALTH AND SOCIAL CARE** John Simmons, Vice-Chair Care and Repair England attended the Forum to draw attention to the need for improved integration, not only between Health and Social Care services, but also Housing, and to consider ways in which this need might be addressed throughout Derbyshire.

Care and Repair England (C&RE) was a small, independent, national charity set up in 1986 which aimed to improve older people's housing. It innovated, developed, promoted and supported practical housing initiatives and policies which enabled older people to live independently in their own homes for as long as they chose to do so. In particular it worked with older people to identify what was needed in order for them to live independently and well in their own homes. It then promoted and supported the development of solutions, particularly in the private housing sector. C&RE had engaged with older people across the country in the last few months about housing and what their home meant to them. This report was now available and was circulated to the members of the Forum.

C&RE were now launching a national programme of suggested actions by local champions to draw attention to this issue and it was hoped that

Derbyshire could again show its willingness to be a leader regarding older people's issues. In order to move this forward in Derbyshire it was recommended that a half day seminar be arranged to include representatives from District and Borough Council Housing departments. Other relevant and appropriate services would also be invited to attend. The Forum agreed that this was the way forward.

Councillor Western thanked John Simmons for his presentation.

7/13 **LOCAL ENTERPRISE PARTNERSHIPS** The Chair emphasised the importance of liaising with all local enterprise partnerships (D2N2 and Sheffield City Region for example) and in particular the funding streams that were available and how we could maximise benefits. Further updates would be provided at future meetings.

8/13 **FUTURE OF THE DERBYSHIRE PARTNERSHIP FORUM** The Forum moved into discussion groups to consider the future of the DPF, in particular:-

- Role of the Forum moving forward
- Governance/structures
- Reporting mechanisms, information and communication
- meetings

9/13 **DATE OF NEXT MEETING** The next meeting would be held on Friday 13 December 2013 at 10.00am.

DERBYSHIRE PARTNERSHIP FORUM

13 December 2013

Report of the County Council Chief Executive

FUTURE ARRANGEMENTS FOR THE DERBYSHIRE PARTNERSHIP FORUM

Purpose of the report

To inform partners of the proposed future arrangements of the Forum and to seek agreement to the next steps set out in the report.

Information and analysis

Background

The context for partnership working is rapidly changing. Alongside substantial cuts in public spending, local authorities and partner organisations are facing an increasing demand for services as result of an ageing population and the impact of welfare reform.

The current Derbyshire Partnership Forum (DPF) arrangements were agreed in May 2011 and were developed as a result of consultation with partners during autumn 2010. It was agreed the main purpose of the Forum was to agree a vision for Derbyshire, discuss concerns and share information, agree common goals and priorities and monitor progress against these. It was also agreed that the Forum should meet twice per year, a reduction from the previous arrangements of four meetings per year. Since that time the Forum has lost some momentum with only one meeting being held between June 2012 and June 2013.

Role of the Derbyshire Partnership Forum

Given the financial challenges and demand for services facing all partners, working together in partnership is crucial in achieving better outcomes for people in Derbyshire. DPF should play a vital role in ensuring that public services in Derbyshire are well placed to rise to the challenges that lie ahead. The Forum provides a mechanism for collaborative working to enable partners to address challenges that individual organisations could not achieve on their own.

To achieve a renewed sense of purpose, partners were asked at the meeting in June 2013 to consider the Forum's role moving forward. The following key points emerged from the discussion:

- There was broad support from partners to continue with the Forum.

- There needs to be a shared understanding of the issues and challenges facing individual partner agencies in order to identify opportunities to work together, prioritise issues and deliver agreed outcomes
- The meetings should be more participatory and encourage more discussion through group working.
- Meetings should be themed as this would lead to better engagement of participants and provide a focus for agreeing activity.
- The Forum should co-ordinate a range of task and finish groups where these are needed to take specific work forward.
- There should be an agenda setting group to develop joint ownership of meetings.
- The Forum should meet more regularly in order to be more effective.

A summary of the key points from the discussions is attached at Appendix A.

It is proposed that the main purpose of the Forum, which is currently to agree a vision for Derbyshire, discuss concerns and share information, agree common goals and priorities and monitor progress, should be maintained. It is recommended that a virtual agenda setting group be established to help develop shared ownership and to consider the future content of meetings. In order to address some of the pressing issues and to reinvigorate the Forum it is proposed that the number of meetings is increased to four per year.

Priorities

Partnership priorities are currently set out in the Sustainable Community Strategy (SCS) for Derbyshire and any new partnership arrangements should support the delivery of priorities beyond the end of March 2014 when the current SCS concludes. At the meeting of the Forum in June 2013 it was agreed that addressing issues around poverty and housing, health and social care presented initial opportunities for collaborative working. Updates on both these key areas are the subject of separate reports to this meeting.

In order to identify further opportunities for joint working and to prioritise issues, a participatory workshop is being held as part of this meeting. The main aims of the workshop are to develop a short list of services and/or issues that can be progressed in partnership and to secure commitment from partners to be involved in moving specific issues forward.

Next steps

The role of the DPF will continue to evolve over the next twelve months. Whilst the current structures are still fit for purpose, these will need to be reviewed as the future work programme for the Forum develops. The use of time limited task groups to deal with single issues should continue and should the support new priorities as and when they emerge. Updates on progress against key issues will be brought to future meetings.

Recommendations

It is recommended that:

1. The proposals in respect of future partnership arrangements and next steps set out in the report are agreed.

**Ian Stephenson
Chief Executive
Derbyshire County Council**

**Derbyshire Partnership Forum Workshop – Role of the DPF
28 June 2013**

1. What should the role/purpose of the Forum be?

- Information and knowledge sharing
- Engaging people
- Networking
- Generating commitment to work together
- Provide updates on the work of the boards – accountability for Boards
- Inform the Boards
- Work together to tackle issues and deliver outcomes
- Consider wider issues e.g. welfare reform
- Focus work on specific areas
- Bringing new investment to Derbyshire
- Reporting tool
- Coordinate task and finish groups
- Understanding issues from local/different organisations perspectives
- New Community Strategy should be developed concentrating on a few priorities and doing these well

2. What are the big issues that the Forum should be looking at?

- Wicked issues' (including environmental, crime, discrimination, social exclusion, health)
- Anti-poverty
- Growth agenda
- Housing
- Elderly
- Inequalities
- Local economy
- Safeguarding
- Welfare reform
- Ensure quality outcomes for residents
- Strategic overview of projects to assist with funding bids
- Focus on a theme/specific issues – potential impact is greater

3. What works well or doesn't work so well to achieve this?

- Good cross sector representation
- More information about partners on DPF website needed
- Broaden membership to include more private sector partners
- Any DPF member should be able to request a meeting
- Meeting structure:
 - More regular meetings – 3 or 4 per year

- Task and finish groups
- Rotate chair between organisations
- Break into smaller groups for discussion
- Think about location – chamber is imposing for some
- Participatory style
- Use direct clear language

4. What could partners do to support this?

- Partners could get more pro-active in suggesting agenda items – easier if meetings are themed
- Agenda setting group (could be virtual)
- Encourage partners to ask for involvement in projects
- Get involved with defining issues to be tackled by DPF and support implementation
- Link DPF to local forums

Agenda item 4**DERBYSHIRE PARTNERSHIP FORUM****13 December 2013****HOUSING, HEALTH AND SOCIAL CARE****Purpose of the report**

To provide an update on the outcome of the Housing, Health and Social Care workshop which took place on Monday 28 October 2013, and set out the approach for taking the work forward.

Information and analysis

In June 2013 a report was brought to the Derbyshire Partnership Forum by John Simmons of Care and Repair England. The report made the case for greater integration of Housing, Health and Social Care services in order to improve outcomes for Derbyshire residents, especially in relation to independent living.

Following discussion at the Derbyshire Partnership Forum it was agreed to arrange a workshop in collaboration with Care and Repair England to explore the relationship between Housing, Health and Social Care services. The seminar took place on Monday 28 October 2013, with a breakfast session focused on the Lifetime Homes Standard, and a further session exploring a wider set of issues including the Disabled Facilities Grant (DFG) and affordable warmth.

The seminar was well attended, with 60 attendees on the day representing a wide range of organisations including housing developers, Voluntary and Community Sector, District Councils, and a number of health providers including CCGs and hospitals.

Key themes arising from the workshop included

- The need for the DPF and partners to take a strategic approach to tackle the issues outlined, building on a collective/shared responsibility to collaborate more widely;
- The importance of communications/engagement and lobbying in ensuring that joint strategic objectives are met;
- The need to influence planning policy both locally and nationally to ensure that Lifetime Homes Standards are easier to implement;
- The potential to work together to identify new funding approaches, with a recognition that an invest to save/preventative focus can free up funding throughout the system;
- The need to share information more effectively to enable better planning and encourage the private sector investment needed;
- The potential to link into existing good practice and pilot innovative new approaches.

Attached at Appendix 1 is a draft summary of the key points made during the table discussions. Participants were also asked to identify commitments and actions which they or their organisation would be willing to undertake to address the issues identified.

Partners agreed that there was a real opportunity and impetus to move forward on the issues identified at the workshop, and that the most appropriate way to do this would be to establish a small working group. The primary purpose of this group would be to develop a strategic approach and actions relating to the key issues identified, building upon the discussion sessions and commitments and actions made at the event. This Group will need to make appropriate links to existing groups around the county with a strong link to this agenda including the Housing and Health Group, Accommodation Support Group, Planning Officers Group etc.

The Derbyshire Health and Wellbeing Board received an update on this work at its meeting on 28 November 2013. The outcomes of the seminar were noted and the Board agreed that a working group should be established. It was agreed that this group would report back to the Health and Wellbeing Board in Spring 2014. The Board were keen to ensure that the group included representation from Elected Members and the District Councils, including planning officers.

Recommendations

It is recommended that the Derbyshire Partnership Forum:

1. Notes the outcome of the Housing, Health and Social Care workshop,
2. Receives further updates on the progress made by the working group at regular intervals.

David Lowe
Deputy Chief Executive and Strategic Director Health and Community
Safety
Derbyshire County Council

APPENDIX 1

DRAFT



“How to keep older people in their own home in times of austerity”

28 October 2013

Table discussion write-up.

DRAFT

Session 1 - Lifetime Homes

Reflection on the issues raised – what are the issues from your organisation's perspective?

Planning

Planning Ahead

Delegates felt that better planning ahead was needed to help address the impact that the ageing population will have. It was noted that some areas such as Derbyshire Dales have a higher age profile which can threaten the sustainability of communities. There appears to be pressures to build affordable homes in rural areas which may be cut off from basic services.

Local Development Framework

There was a strong feeling that in future Lifetime Homes standards needed to be included in all the Local Development Frameworks countywide.

Delegates thought that it was essential that work take place with planning departments to ensure a full range of housing types (not just flats) were available, and it that it was necessary to ensure that an adequate supply of land for this type of housing was included in Local Development Frameworks.

As significant landowners the NHS and DCC could have a strong influence over new housing development and could insist on specific property times that the 'market' will not necessarily deliver in sufficient volumes.

Market Demand

An increase in the ageing population should mean that there is demand for lifetime homes. It was felt that sheltered housing is only seen as a short term solution and as a consequence there had been a decline in demand.

Delegates recognised that not enough people currently plan ahead for their future housing needs and that there needs to be greater public awareness so that communities are better placed to influence developers. People need to be encouraged to look at housing which meets these standards and to think about their future at an earlier stage. Delegates stressed that it was imperative for investment to take place into a range of housing types with accommodation fit for purpose, which is also linked to demand and availability of land.

Housing Requirements

Properties built to Lifetime Home Standards need to adequately address safety standards whilst also addressing additional needs. It was recognised that properties need to be accessible and have adequate space so that people

DRAFT

can safely manoeuvre around their properties. Ideally housing needs to be single story accommodation without steps and stairs to prevent falls.

There is a general perception, and often associated stigma, that Lifetime Standards homes are overly adapted or, adversely, quite simply have wider doors. There is a need to work closely with planning, developers and public sector investors to combat these perceptions. It was recognised that within some organisations discussions may take place between a planning department and developers without the housing department knowing and that improve communications within organisations within organisations would be beneficial.

Current Stock

Delegates raised concerns relating to the size of properties available, as smaller homes can often isolate older people from their families with no facilities for them to 'stay over' when visiting or looking after relatives. Current properties such as bungalows have been removed or redeveloped; often properties are in the wrong place or inappropriate style with no progressive change in council properties. It was felt that there was a need to ensure that properties are fit for purpose. There was concern raised regarding the potential lack of suitable properties available for people to move into when downsizing.

Costs

Delegates requested clarification regarding conflicting costs of building lifetime homes when compared to standard like for like accommodation (£451 - £7,000).

Financing

There was a strong feeling that joint investment from both Adult Social Care and Health needed to take place in order to save on future costs of property adaptations and health and social care (invest to save approach).

How can we work collaboratively to address issues?

Communication/Engagement/Lobbying

Delegates felt that there was a need to encourage better communication and flexibility between council departments, districts, partners and developers. This would stimulate a collective approach allowing stakeholders to agree the 'basics', before linking into legislative requirements and existing resources. The existing 'silo' mentality needs to be challenged in order to improve joint working. The role of the Health and Wellbeing Board was seen as is integral in taking this work forward.

DRAFT

It was also felt that better use of existing organisations' resources, particularly when going into homes, would give more flexibility to begin conversations about future housing options for older people. It was recognised that partners needed to work together to help older people/owner occupiers address their future housing needs. Partners felt that better information was required to assess the scale of the challenge, in terms of numbers, benefit, funding shortfall and previous models. There is a need to challenge all stakeholders and developers and lobby government.

Funding/finance

Delegates felt they needed to work collaboratively to address funding issues. The Disabled Facilities Grant needs to be used in a smarter way, particularly in the context of the Integration Transformation Fund planning. Alternative sources of investment e.g. funding from the Local Economic Partnership need to be investigated. There was a general recognition of the benefit of a single budget approach which would ultimately combine some of Adult Social Care, Health and Housing budget streams. There was also agreement that preventative investment brings significant benefits later on and that there could be incentives to encourage developers to deliver lifetime homes.

Planning

It was felt that local Planners needed to be given more 'power' to ensure that minimum standards are included in the local plan.

Relationships with Developers

Some delegates wished to support and incentivise developers in order to convince them to invest in lifetime homes and work towards identifying ultimate selling points for these properties. It was essential to continue to work with developers to provide aspirational housing, building a modern and appropriate product for the 70% of older people who are owner occupiers.

Over-arching comments

It was felt essential to adopt a joined up and strategic approach in order to successfully take this work forward. There was also a need identified to positively engage stakeholders, particularly local communities in this agenda.

There was recognition that there is a market for this type of housing, however there is also the need to ensure availability of suitable stock if demand is stimulated, and that the needs of people are fully understood. Older owner/occupiers need to be equipped and better placed to address their own housing requirements in the future.

DRAFT

What are the practical steps that can be taken to tackle issues raised?

Communication/Engagement/Lobbying

Delegates felt that good communication between stakeholders was essential to work together successfully. It was also suggested that more consultation and participation took place with 'end users' – taking a bottom up rather than top down approach. It was also felt that contact should be made with the 85% of older people not currently interacting with or receiving our services.

Delegates agreed that this work should continue through the Derbyshire Partnership Forum and that the 50+ Forums could be used to help gather the views of older people and gain wider support. It was suggested that that work with East Midlands Councils would help to increase 'our' voice. There also needs to be an agreed vision of minimum standards expected prior to commissioning of homes taking place.

Lobbying Central Government for changes to planning controls and for assistance enabling older people to buy properties were also suggested.

Funding and Finance

It was acknowledged that there should be a greater understanding of the real costs of housing, health and social care. Delegates also recognised the need to invest now in order to save for the future, and that consideration be given to creating a single budget combining those of the Adult Social Care, Health and Housing.

It was suggested that some form of taxation, to compensate for future Disabled Facilities Grant requirements, be considered. It was also felt that mortgage providers should be influenced to take into account the impact on long term health when considering mortgage applications.

Planning Legislation

Revisions could be made to planning legislation so that new build homes meet the requirements of this age group, and that there is greater consistency and co-ordination between district planning authorities.

Information Sharing

In order to 'work smarter not harder' there needs to be more consultation with end users with information being shared in relation to the demand, demographics and research undertaken on the social value of housing by the Housing Association Charitable Trust.

DRAFT

Market Demand

The number of people aged 85+ is set to increase by 100%. Given this it was suggested that appropriate housing stock was been developed, to lifetime home standards, without duplicated effort. Equally, opportunities for people to move into lifetime homes at an earlier age need to be created.

Housing Delivery

Housing providers need to be encouraged to inspect homes to identify if any adaptations are required and assist tenants get help as appropriate. Housing providers could also explore whether there is also the potential for this to be part of the day to day duties of maintenance workers. This is already happening in Amber Valley and North East Derbyshire where social landlords are also looking at how they can support tenants move to more suitable properties that are already adapted.

It was suggested that modifications could be made to one bedroom accommodation units in sheltered housing to meet appropriate standards, taking into account the impact this will have on the amount of units available. Could existing bungalow provision be reconfigured to also take account of the Lifetime Home Standards? Provision needs to include a range of tenures.

It needs to be understood that housing, health and social care is further reaching than just the older population whilst equally recognising there is the need to get people into lifetime homes at a younger age. Targeting should be based on need and not geography, which is a very different way of thinking.

Organisations need to assess their portfolio of housing stock. There is currently no date for decommissioning properties and no likelihood of replacements. Organisations equally need to look at the properties they are unable to let and think about future requirements.

DRAFT

Session 2

What are the main housing challenges/opportunities facing people as they age?

Elderly people themselves may not wish to move accommodation, or be in a financial position to do so. There is a need to future proof their existing homes to take into account conditions such as dementia etc. Some people may have financial/equity issues as they age and may need support and advice. Equally people may lack confidence through reduced health or mobility and decreasing social contacts, and may be anxious with regards to fuel and energy issues.

Some people struggle to access parts of their homes due to existing accommodation having restrictive floor areas. There is not enough ground floor, single storey accommodation being built. Some properties are unsuitable due to steep stairs/steps and are too costly to heat.

People struggle to get their head around change; it is dependent on their outlook and mobility. They need new challenges, to be active and feel valued. Older people need to be encouraged to come to terms with needs before the need arises. Aids and adaptations or even relocations are only implemented as reactive measures rather than proactively, which adds pressure to the supply chain. There is a need to assess requirements at the right time and not when people are at their most 'fragile'. Engaging more with families through 'well-being' events held in familiar and comfortable settings to help people and families plan ahead could facilitate this approach.

Many families are unable to care for relatives and equally need support through the transition from being hands on carers to not being able to continue with family care. We need to identify when to provide assistance.

Many people need a home help to support them on a daily basis. There is an increase in the number of people who are living alone which may mean they are less likely to get out and about. Support needs to be readily available throughout winter months.

There is currently no clarity on where people can find help. We need to jointly publicise services through a single point, such as a website, which identifies

DRAFT

the services available and signposts people to the correct provider. There is a perceived lack of information available to statutory services to enable effective targeting.

Investment for more flexible new properties needs to be considered, whilst recognising the breadth of housing types required. Effort needs to be directed into breaking down the stigma attached with extra care.

In some parts of Derbyshire housing stock has to be built from a particular stone. There is a need to remain conscious that if people move into rural areas where services such as transport are not available they will become isolated.

Disabled Facilities Grants (DFG) Discussion **How do we improve and enhance the county's approach to delivering DFGs/adaptations**

Overarching issues

There may need to be a conversation about rationing of support, acknowledging change might happen. There is a need to take an integrated approach, working together and sharing information wherever possible. It is essential that a 'whole' service approach to support the person to maintain independence is taken, not just focusing on the DFG element, and that partners should proactively target to identify high risk clients. However, the delivery of DFG's is a mandatory duty placed upon second tier housing authorities and is subject to extensive regulation about eligibility. Long term planning has been difficult because of the way funding is provided.

The Current Process

The process needs to be simplified and the adaption implemented more quickly because, amongst other things, delayed discharge costs too much or people die waiting for an adaption. There is a need to reduce and minimise the cost, steps and timescales from initial contact to the end product/service being delivered, and a need to examine how many people are involved in process, and whether they are all necessary.

DRAFT

- **Timescales**

There was a strong feeling amongst the audience that the current system target timescales are inappropriate, and there is a need to significantly reduce the timescales from initial contact to end product/ service being delivered. There is a need to react quickly which will help avoid cancellation rates. Questions were raised as to whether the process should be guided by what *service users* feel are responsible time scales for adaption? South Derbyshire District Council employs its own Architectural Technicians which might not be cheaper than using DCC but usually quicker.

- **Design**

Delegates queried whether it is necessary for an architect's plan to be produced for every adaption? In Staffordshire Moorlands some adaptations are planned using photos instead. Another alternative outlined was to use a sketch from an Occupational Therapist, particularly for very common adaptations like simple replacement of a bath to a level access shower. There was recognition that, for example, wheelchair access may need more detailed plans if space was not available.

- **Communication**

Delegates thought that the publicity currently available was not adequate. There is little signposting to appropriate services and no clarity on the limits available. Delegates also raised the importance of the rest of a family unit needing to be consulted and kept in the loop throughout the process.

- **Re-assessment**

There is a need to remove duplication, most of which is caused by the need to re-assess cases when the process has incurred delays and taken over 6 months.

- **Triage**

Triage is fragmented at the moment and there are different approaches across the county. Some Registered Social Landlord's (RSL's) including Rykneld homes have put into place an initial assessment triage for range of options, and this is seen to be working well. The use of triage before the involvement of the Occupational Therapist (OT) was one solution suggested. Work is taking place in Amber Valley using the Home Improvement Agency to see clients before assessment.

DRAFT

- **Occupational Therapists**

One major blockage within the current system is seen as the OT initial assessment. This feeling was more prevalent in some areas and there may be good practice which if shared could resolve some of the issues raised.

The lack of OT's working to similar procedures/standards brought about a call for a designated team of OTs in county. One suggestion raised by South Derbyshire District Council was for them to employ an Occupational Therapist and carry out a pilot where they are also responsible for assessments, and DCC pay for the OT.

- **Making adapted houses re-usable**

There was a general recognition that houses with adaptations are hard to re-let. Suggestions to resolve this included making adaptations more generic to improve re-use, perhaps a less clinical and more contemporary 'look' to stop the need for the next occupier wanting for example a level access shower taken out. This could be made to look more like a wet room which would be more appealing to subsequent tenants. There is also a need to avoid any instances where adaptations are installed but are not necessary, e.g. a kitchen adapted for husband but the wife only goes into the room.

- **Support and Advice**

Ensuring that older people have access to the right advice to help them make the right choices is essential. A range of sources of advice are available and these need to be consistent in their message. Call Derbyshire could be used as part of the process to undertake an initial assessment, also to discuss self-funding/arrange rehousing/provide advice.

- **Forward planning**

There was a strong feeling amongst delegates that an earlier conversation with older people about their future housing choices will be beneficial for both the person and organisation. People need to think about their future housing needs, and this may mean diverting them to other solutions rather than just accessing DFGs.

Partners will be aware of some situations where future assistance/adaptations may be necessary e.g. a child with disabilities and better sharing of this information will allow partners and families to plan ahead better and anticipate need.

DRAFT

- **Funding and finance**

A major concern amongst partners was that current funding arrangements mean that money is not following accountability to deliver services. A suggestion was that all funding should be managed by one agency. Partners were looking for greater ability to be flexible with DFG's to help service users do other things e.g. move property. All local authorities could consider implementing relocation grants to more people rather than do the adaptation using a DFG but this would require a structural change in the funding arrangements. HPBC has specific examples as does AVBC. The need to source alternative finance, particularly to provide match funding so low level adaptations can be funded before acute needs, as they have been waiting longer, was raised. Suggestions relating to a greater need for clients to use their own money to get adaptations done were also discussed. This would need to be carefully considered and would be a difficult conversation with home owners. There may be an opportunity to offer cheap loans to people to support this approach.

- **Recycling**

There was a strong feeling amongst delegates that the recycling of adaptations e.g. stair lifts should be undertaken as a matter of course.

- **Quality**

Many discussions focused on the need to promote the personalisation agenda through DFG's and support people to find their own builders for their adaptation. This approach could reduce the time it takes to deliver the adaptation, but there was recognition that people would need support should they choose to go down this route. The Trusted Trader model was widely regarded as a possible solution to these concerns but there would need to be monitoring and evaluation of the standard of work.

How do we ensure that partners, particularly those not currently involved, are able to contribute to this approach?

- Ensure early communication takes place and that stakeholders are aware of the captured savings through early intervention and preventative measures.
- Look at who is not involved currently, especially voluntary groups and what information they have such as information from Ambulance drivers on where falls have occurred which could inform gritting routes.
- GP may be able to 'signal' potential need and 'prescribe' help e.g. £1.74 for telecare.

DRAFT

- Try to anticipate demand and early intervention whilst planning long term. Meet fit for future purposes whilst balancing need with aspirations.
- Adopt a 'befriending service' working with people who will be moving accommodation and downsizing etc.
- Involve Trusted Traders and local building inspectors.
- Ensure that all stakeholders are engaged with the whole process and do not work insular and only with their own particular element.
- Clinical Commissioning Groups are keen to be involved.
- 90% of DFGs are for level access showers and stair lifts – direct payments might be quicker.
- Differences in districts – SDDC have in the past substantially topped up the DFG grant, but in the last 3-4 years have not been able to do this, so has to be about process and prioritisation. Other areas have funding left and there is not work waiting to be done by OTs to commit funding, or areas have funding but cases are not coming to application stage.

Affordable Warmth

How does your organisation support vulnerable people to access energy efficiency measures?

Overarching

At present numerous organisations are involved in tackling the affordable warmth agenda. There is the scope to utilise significant resources on offer from both the energy companies, who are fulfilling their carbon obligations by targeting inefficient properties, and the Department of Energy and Climate Change (DECC) who are supporting local authorities to target the most vulnerable.

There was an obvious consensus that there needed to be a coordinated single point of contact for vulnerable people, which could deliver advice and information on energy efficiency. There was a suggestion this should be managed by DCC, potentially via the Local Authority Energy Partnership and the 'Energy Agency' model currently being worked on. This single point could then disseminate to relevant agencies relating to the circumstances of the individual (homescape etc).

DRAFT

First Contact

There was a strong consensus that all agencies with a potential for 'first contact' should be trained to recognise a home that isn't being heated (or symptoms of an individual living in cold conditions). This would allow an escalation/referral process to take place, and would target vulnerable residents. Furthermore this would prompt integrated working, another common issue from the workshop tables (bringing together all sectors to include Amber Valley CVS, 50+ forum etc).

Wealth, Health and Wellbeing Model

There is a potential for the Wealth, Health and Wellbeing model to be the 'active' element of the countywide 'single point of contact' proposal, with high levels of success during the High Peak pilot.

The key features of this model are; tailored services specifically addressing the expressed needs of individual householders, accessible links introducing support and advice services directly into the neighbourhood, a dedicated multi-agency team delivering a financial inclusion project with an opportunity for addressing the wider determinants of health, a targeted and manageable programme offering meaningful assistance where there are households known to have rent arrears and an effective and systematic approach, making best use of partnership resources.

This new way of partners working together has demonstrated that 'hard to reach' groups are accessible through a more mobile and flexible approach.

LAEP

The Local Authority Energy Partnership is working across Derbyshire and Nottinghamshire with the District Council's to develop an integrated and workable approach to delivering energy efficiency measures. The LAEP could be the vehicle to fulfil many of the aims and objectives of the Fuel Poverty agenda.

There is the potential for the LAEP to develop an energy agency model, which would seek to obtain and distribute finance through the Energy Company Obligation (ECO) and the Green Deal. This would see a targeted approach to tackling fuel poverty and utilise housing data across the region.

DRAFT

Information and Advice

It's obvious that easily accessible information and advice needs to be available in various formats and via a central contact. The Energy Saving Trust has been the national point of contact, but a localised service is required. The method for hosting this service needs to be established by partners. GP's, health visitors and frontline services need to be adequately equipped to signpost individuals to this information and advice.

Practical Assistance

Delegates detailed that vulnerable people often have difficulty with operating central heating and heating appliances. They may overcome step 1 of the fuel poverty issue by installing new working equipment and insulation, but step 2 is making the best most sustainable use of it. It was suggested that the 'Handy Van' network could be utilised in this respect and that a follow up visit to new installations should be arranged at a district level.

How could your organisation support and work with both DCC and the District/Boroughs to help residents access energy efficiency advice and support?

Affordable Warmth Strategy

This document is presently being developed by the county wide housing and health group including colleagues in DCC Public Health and second tier housing authorities with assistance from DCC Policy. It is hoped this document will raise the agenda and pinpoint responsibilities for areas of work.

Information Sharing

There is a need for information to be shared between agencies, particularly where someone has been identified as at risk. A host of factors have prevented this in the past, but it is in the interests of the individual to share information quickly.

Energy Agency

There is the potential for bulk oil purchasing to be investigated and scope for LAs to act as intermediaries between the customer and the energy companies. This could see the LAs generating energy themselves through renewable means and could again be incorporated into the work of the LAEP.

DRAFT

Communication

There are a number of key factors which need to be developed in order to establish clear mechanisms of communication between vulnerable people and organisations in a position to assist. Suggestions made included; utilising Call Derbyshire as a central contact point, targeted mail shots, promotion of services through library services and development of the public health locality plan (establishing staff in specific areas).

Round Up Session

Of the solutions identified in session a, b, c, and d what other services are available which are not covered?

There should be a greater awareness of all the voluntary sector services available and better use of the Community Directory Derbyshire. Advantage needs to be taken of the collectively wealth of information, experience and connections across stakeholders.

The voluntary sector is perceived to be good at responding to the needs of people and requests for help and was equally willing for stakeholders to make referrals. Delegates suggested that there could be the potential to undertake a pilot in a small area which could be rolled out further at a later date. Delegates also felt that there is the potential to widen the remit church support and community befriending services and provide greater support to the role of food banks.

There is a current lack of support for people with low level care needs and as a subsequence of neglecting low level care it potentially leads to high level, long term care being required.

Greater support should be available for older people when they have fallen or being discharged from hospital. Assumptions are made that elderly people wish to maintain their independence however; this could lead to isolation and should therefore be assessed as part of the existing processes. It was equally felt that wider assistance could be provided through existing wardens/housing related support and emergency response services. It was also raised that full advantage should be taken of services such as Telecare/Telehealth.

Housing providers should be encouraged to make their housing stock more energy efficient with the possibility of them approaching energy providers to secure a better deal for energy costs.

DRAFT

What are the gaps in service which would support older people to maintain independence for as long as possible?

There was a general feeling of the need to identify and make contact with people who do not have any involvement or current contact with any of the major stakeholders. This could be achieved through making links with the smaller organisations/networks/social groups people have regular contact with giving them the role of 'hand holders'.

Consideration needs to be given to offering advice, and follow up support, in alternative locations such as public transport networks. Greater use of local media and existing circulated material also be used to advertise services and how to access them.

Concern was raised over some older people not having access to new technology and not therefore having the capability to take advantage of switching fuel providers etc on line.

There was recognition of the need to provide low level practical support in addition to the Handy Van Services. Support also needs to be available to people suffering with dementia allowing them to continue living in their homes.

Wider practical support to carers could be given through such things as providing them with Carers Gold Cards etc.

There was a strong feeling that everyone needs to accept the wider issues, take responsibility for managing expectations and adopting a sustained and consistent approach. It was felt that there should also be engagement with GP's, clinicians and mental health teams.

Solar panels and other alternative energy sources need to be fully explored and adopted where practical.

What could your organisation do to support those gaps?

Delegates thought there was scope for the creation of a 'befriending service' which could possibly engage 6th formers from local schools. The Home Library Service could also be used as a 'vehicle' to influence people to access additional services and encourage them to think more about their long term needs and requirements. It was suggested that volunteers could assist with the service.

DRAFT

A further mechanism for providing information could be equipping Elected Members with contact information and reading matter which could be distributed at member surgeries or when they make visits to constituents.

Delegates were in general agreement that initiatives need to be sustainable and supported by long term commitments with an adopted and realistic approach to the use of budgets. Stakeholders need to learn from successes, identify gaps, remove duplication and share solutions at workshops.

There was a general feeling of collective support for each other and that of the work undertaken by the voluntary services such as the North Derbyshire

Voluntary Action, Neighbourhood Watch and Post Offices. Organisations and services such as these provide assistance, help or services to people within the local communities and could be approached to see if they could provide more help.

There needs to be greater engagement with Registered Social landlords and districts to share good practice and consider the viability of landlords providing packages of care.

Land also needs to be made available for the creation of Lifetime Homes

Support the development of a possible Disabled Facilities Grant 'priority system'. People would be assessed by need rather than where they are on the waiting list.

DERBYSHIRE PARTNERSHIP FORUM

13 December 2013

REDUCING POVERTY IN DERBYSHIRE

Purpose of the report

To update partners on the development of the county council's anti-poverty strategy and to outline proposals to extend the scope of the strategy across the broader partnership to provide an overarching framework for joint working.

Information and analysis

At the last meeting of the Partnership Forum a range of issues relating to the rising cost of everyday goods and services, the growing number of food banks in Derbyshire and the impact of welfare benefit reforms on local communities were discussed by partners. Actions to support the reduction of poverty across the county emerged as a possible key priority for the partnership moving forward.

The county council is currently in the process of developing a new corporate plan for 2014 onwards. A key priority is to develop a strategic response to the growing levels of poverty affecting communities in Derbyshire. The authority has been working on the development of an anti-poverty strategy to better coordinate the authority's response and to ensure that actions are in place to fill identified gaps. In developing the strategy, the authority has identified a number of key themes which could focus effort and resource as follows:

- Financial inclusion
- Child poverty
- Health inequality
- Fuel poverty and affordable warmth
- Employment and skills.

The council is keen to ensure that any strategy developed is dynamic and action focussed with progress monitored on a regular basis.

Initial discussions within the county council have focussed on the need to ensure that the strategy links into, and does not duplicate, work that is already taking place across the county. A range of organisations and partnerships

such as Financial Inclusion Derbyshire, Advice Derbyshire and the Local Authority Energy Partnership have been leading work on a number of the key themes identified above. Plans are also in place to develop a Health Inequalities Strategy for Derbyshire and an Affordable Warmth Strategy.

It is clear that any strategy developed by the county council would need to link into existing groups, partnerships and strategies where these already exist. Given the discussions at the DPF in June, partners are asked to consider whether there is merit in extending the development of the county council's anti-poverty strategy across the broader partnership to provide an overarching framework for joint working. This would provide opportunities to coordinate effort and resource across the county whilst supporting the identification of key issues and gaps in provision.

Moving Forward

Given the current momentum on this area of work it is recommended that a small time limited task and finish group reporting to the DPF be established to support the development of a draft anti-poverty strategy for Derbyshire. The county council already has a small working group and the membership of this group could be widened to include representatives of the key partnerships identified above, alongside other nominated individuals from partner organisations. Given the extensive work that is already taking place across the county, it is recommended that a draft strategy be brought back to the DPF for consideration at its next meeting in March 2014.

Recommendations

It is recommended that the DPF:

1. Approve proposals to extend the development of the county council's anti-poverty strategy across the broader partnership to provide an overarching framework for joint working.
2. Establish a small time limited task and finish group to take work on the development of the anti-poverty strategy forward.
3. Receive a report on progress and a draft strategy for consideration at the next meeting of the Forum in March 2014.

Sarah Eaton
Head of Policy and Research
Derbyshire County Council

Agenda Item 6

Derbyshire Partnership Forum**13th December 2013****Derbyshire Partnership Forum Information Sharing Protocol****Purpose of the Report**

To inform Derbyshire Partnership Forum of the revised Derbyshire Partnership Forum Information Sharing Protocol 2013.

Information and Analysis**Background**

The continuing drive for integrated services to provide the best outcomes for the people of Derbyshire requires increased cross-organisational working and the sharing of personal data and sensitive information between partner organisations. The Information Sharing Protocol, created by the Derbyshire Partnership Forum in 2005 sets out the principles for good practice and information governance to be adopted by member organisations.

The Protocol is a strategic document, providing the legal framework, general principles and organisational responsibilities to be considered when sharing personal and sensitive information. The Protocol also contains a template for an Information Sharing Agreement which is a requirement to be put in place before information can be accessed by or distributed to partner organisations.

Each separate Information Sharing Agreement is managed by the partners named therein and is required in order to establish specific instances of data sharing, detailing: purpose, methods of data exchange, data quality, access and security, retention and disposal. These Agreements will typically cover an organisations requirement to share client information between partners, and employees will only be able to share information within the parameters of the Agreement.

Current Position

Members of the Derbyshire Partnership Forum have previously signed up to the Information Sharing Protocol, the latest of which was due for review in 2010. The document has now been reviewed and updated by the Derbyshire Information Governance Network (chaired by Derby City Council) for 2013 (see Appendix 1).

A separate Information Sharing Protocol was adopted by the Health and Wellbeing Board on 23rd May 2013, after the members of the Derbyshire Chief

Executives Forum for Health and Social Care signed up to the Protocol. The two versions of the Protocol are almost identical but the signatories are limited. In order to share information effectively across organisations, it is important that there is a shared understanding of the requirements and responsibilities and a commitment to work together to promote and use one Protocol across the Partnership.

Moving Forward

Employees sharing and using information must be made aware of the Protocol and any individual Agreement(s). It is therefore recommended that Chief Executives from the Derbyshire Partnership Forum adopt the Information Sharing Agreement template as the basis for future individual sharing agreements with partner organisations and cascade the Protocol throughout their organisation, ensuring adherence in order that representatives from their organisation will abide by the legal framework and relevant information governance requirements.

Recommendations

It is therefore recommended that the Derbyshire Partnership Forum:

1. Endorse and sign the Derbyshire Partnership Forum Information Sharing Protocol 2013
2. Note that the Derbyshire Partnership Forum Information Sharing Protocol 2013 will be submitted to the Health and Wellbeing Board to replace the version previously adopted
3. Cascade the Protocol throughout their organisation
4. Adopt the Information Sharing Agreement template as the basis for future individual sharing agreements with partner organisations

David Lowe
Deputy Chief Executive and Strategic Director for Health and
Communities
Derbyshire County Council

Derbyshire Partnership Forum



Information Sharing Protocol

V3.2

Document owner	Derbyshire Partnership Forum
Document author and enquiry point	Hannah Edwards, Information Development Manager, Derbyshire Community Health Services NHS Trust Alison Moss, Information Governance Manager, Chair Derbyshire Information Governance Network
Review date of document	November 2013
Version	3.2
Changes made since last version	<ul style="list-style-type: none"> o Flowchart of key questions for information sharing added as appendix 4. o Consent section expanded to include children's consent and mental capacity act o Small amendments to update content o Reference to pseudonymisation added o 5.2 added on Caldicott Principles o 8.7 expanded with examples of disclosure without consent. o 11.3 added. o Appendix 5 – Case Studies – added. o Section on flowchart explanations (in appendix 4) added. o Appendix 6 added to include signatories list. o EEA definition updated in Appendix 2 o DPF ISA Template included o Updated legislation
Document classification	Public
Next document review date	May 2015

Table of Contents

1. Introduction	1
2. Scope.....	1
3. Aims and objectives	1
4. The legal framework	2
5. Data covered by this protocol	3
6. Purposes for sharing information.....	4
7. Restrictions on use of shared information	4
8. Consent	4
9. Organisational responsibilities.....	5
10. Individual responsibilities	6
11. General principles.....	6
12. Review arrangements.....	7
Appendix 1 - Relevant Legislation	8
Appendix 2 - Glossary of terms	12
Appendix 3 - Information Sharing Agreements guidance notes and template	14
Appendix 4 - Flowchart of key questions for information sharing.....	17
Appendix 5 – Case Studies	20
Appendix 6 – List of Signatories to this Protocol	22

1 Introduction

- 1.1 The Derbyshire Partnership Forum is committed to working together for the delivery of improved public services to the people of Derbyshire. It is recognised that the lawful sharing of information between partner agencies is essential to meet these aims.
- 1.2 The Derbyshire Partnership Forum Information Sharing Protocol has been established to help support these aims.
- 1.3 The Derbyshire Partnership Forum and Derbyshire Information Governance Network have endorsed this document.
- 1.4 This document is an Information Sharing Protocol for key organisations in Derbyshire. Its aim is to facilitate sharing of information between the public, private and voluntary sectors so that the public receive the services they need.
- 1.5 Organisations involved in providing services to the public have a legal responsibility to make sure that their use of personal information is lawful, properly controlled and that an individual's rights are respected.

2 Scope

- 2.1 This top level Protocol sets out the principles for information sharing between partner organisations. See [Derbyshire Partnership Forum](#) Website for membership details.
- 2.2 This Protocol sets out the minimum rules that all people working for or with the partner organisations must follow when using and sharing information.
- 2.3 The Protocol applies to the following information:
 - all personal information processed by the organisations including electronically such as computer systems, CCTV, audio or in manual records
 - aggregated and anonymised data
 - commercial or business, sensitive data
- 2.4 This Protocol may be extended further to include other public sector, private and voluntary organisations working in partnership to deliver services.

3 Aims and objectives

- 3.1 The aim of this Protocol is to provide a framework for the partner organisations to establish and regulate working practice. The Protocol also provides guidance to make sure information is securely transferred and that information is shared for justifiable 'need to know' purposes.
- 3.2 These aims intend to:
 - guide partner organisations on how to share personal information lawfully
 - explain the security and confidentiality laws and principles of information sharing

Derbyshire Partnership Forum Information Sharing Protocol

- increase awareness and understanding of the key issues
 - emphasise the need to develop and use information sharing agreements
 - support a process, which will monitor and review all data flows
 - encourage a two-way flow of data where applicable
 - protect the partner organisations from accusations of wrongful use of sensitive personal information
 - identify the lawful basis for information sharing
- 3.3 By becoming a partner to this Protocol, partner organisations are making a commitment to:
- follow and apply HM Government's 'Information Sharing: Guidance for practitioners and managers' (see appendix 4 for the flowchart of key questions for information sharing) available at: <https://www.education.gov.uk/publications/standard/Integratedworking/Pag e1/DCSF-00807-2008>
 - apply the Information Commissioner's Code of Practice's 'Fair Processing' and 'Best Practices' Standards
 - comply with the Data Protection Act 1998
 - develop local information sharing agreements that specify transaction details. See appendix 3 for template.
- 3.4 All partners are expected to train relevant staff and promote awareness of the major requirements of information sharing, including responsibilities in confidentiality and data protection. Appropriate policies and procedures will be produced where required to support this and be made available to all employees through the partners' Intranet sites and through other communication methods.

4 The legal framework

- 4.1 The principal legislation concerning the protection and use of personal information is listed below, further explained in Appendix 1.
- Human Rights Act 1998 - Article 8
 - The Freedom of Information Act 2000
 - Data Protection Act 1998
 - The Common Law Duty of Confidence
- 4.2 Other legislation and/or standards may be relevant when sharing specific information. For example...
- Children Acts 1989, 2004
 - Crime and Disorder Act 1998
 - The Education Act 1996, 2002, 2005, 2011
 - Health Act 1999, 2006, 2009
 - Health and Social Care Act 2001, 2008, 2012
 - Mental Health (Patients in the Community) Act 1995
 - National Health Service and Community Care Act 1990
 - The Regulation of Investigatory Powers Act 2000
 - The Caldicott Principles
 - The NHS Information Governance Framework
 - The Government Protective Marking Scheme
 - Mental Health Act 1983, 2005, 2007

5 Data covered by this protocol

5.1 This protocol applies to all personal, anonymised and pseudonymised information as defined in the Data Protection Act 1998 (DPA). Anonymised or pseudonymised data should be used wherever possible.

5.2 The Caldicott Principles must be followed whenever patient information or data is being transferred.

5.3 Personal Information

5.3.1 The term 'personal information' refers to **any** information held as either manual or electronic records, or records held by means of audio and/or visual technology, about an individual who can be personally identified from that information.

5.3.2 The term is further defined in the DPA as:
data relating to a living individual who can be identified from those data, or any other information which is in the possession of, or is likely to come into the possession of, the data controller – the person or organisation collecting that information.

5.3.3 The DPA also defines certain classes of personal information as '**sensitive data**' where additional conditions must be met for that information to be used and disclosed lawfully. "Sensitive personal data" relates to the racial or ethnic origin of a data subject, their political opinions, religious beliefs, trade union membership, sexual life, physical or mental health or condition or criminal offences or record.

5.3.4 An individual may consider certain information about themselves to be particularly 'sensitive' and may request other data items to be kept especially confidential.

5.3.5 In certain circumstances, although not all, people have a legal right to choose how their data is used and who may have access to it. As far as possible, depending on the circumstances under which the data is collected, their individual wishes should be respected. **Any** personal information about an individual should be treated as sensitive.

5.4 Anonymised data

5.4.1 Make sure that anonymised information does not identify an individual, either directly or by summation.

5.4.2 Data about an individual can be shared without their consent in a form where the identity of the individual cannot be recognised. For example when:

- reference to any data item that could lead to an individual being identified has been removed
- the data cannot be combined with any other data sources held by a partner to produce personal identifiable data.

5.4.3 Anonymising data does not remove the duty of confidence.

5.5 Pseudonymised data

5.5.1 Pseudonymising involves the removing of identifiers from patient, client and employee data so that those using the data cannot identify them. The use of a

pseudonym means that, where approved and appropriate, it is possible to link the data back to the source (and identifiable) data if required.

6 Purposes for sharing information

- 6.1 Information should only be shared for a specific lawful purpose or when appropriate consent has been obtained. See appendix 4 for a flowchart of the key questions for information sharing.
- 6.2 Employees should only have access to personal information on a justifiable **need to know** basis, in order for them to perform their duties in connection with the care they are there to deliver.
- 6.3 Having this agreement does not give license for unrestricted access to information another partner organisations may hold. It lays the parameters for the safe and secure sharing of information for a justified **need to know** purpose.
- 6.4 All employees have an obligation to protect confidentiality and a duty to make sure that information is only disclosed to those who have a right to see it.
- 6.5 All employees should be trained and be fully aware of their responsibilities to maintain the security and confidentiality of personal information.
- 6.6 All employees should follow the procedures and standards that have been agreed and incorporated within this Information Sharing Protocol and any associated information sharing agreements.
- 6.7 Each partner organisation will operate lawfully in accordance with the eight Data Protection Principles, see Appendix 1.
- 6.8 Personal data shall not be transferred to a country or territory outside the European Economic Area without an adequate level of protection for the rights and freedoms of the data subject in relation to the processing of personal data.

7 Restrictions on use of shared information

- 7.1 Information must only be used for the purpose(s) specified at the time of disclosure(s). It is a condition of access that it must not be used for any other purpose without the permission of the Data Controller who supplied the data, unless an exemption applies within the Data Protection Act 1998.
- 7.2 Additional statutory restrictions apply to the disclosure of certain information. For example criminal records, HIV and AIDS, assisted conception and abortion, child protection and so on.
- 7.3 It is recognised that Partners' organisational policies and procedures may place additional restrictions on the sharing of information. For example, limitations on the electronic transfer of information where secure communications cannot be guaranteed.

8 Consent

- 8.1 Everyone aged 16 or over is presumed to be competent and have mental capacity to give informed consent for themselves unless the opposite is demonstrated. Children between the ages of 12 and 16 who have the capacity

and understanding to make decisions about their own treatment and how their information is used and shared are also entitled to decide whether personal information may be passed on and to have their confidence respected. If a child is not able to demonstrate competence to consent, someone with parental responsibility may do so on their behalf.

- 8.2 Anyone with Lasting Power of Attorney (LPA), for health and welfare or property and affairs, for the patient under the Mental Capacity Act, may have been donated the power to make decisions on the person's behalf. The same information that would have been shared with the person to make an informed decision would be shared with the LPA. Refer to the Mental Capacity Act and Code of Practice for further specific guidance.
- 8.3 Where a partner organisation has a statutory obligation to disclose personal information, then the consent of the data subject is not required. However, the data subject should be informed that such an obligation exists.
- 8.4 If a partner organisation decides not to disclose some or all of the personal information, the requesting authority must be informed. For example, the partner organisation may be relying on an exemption or on the inability to obtain consent from the data subject.
- 8.5 Consent has to be signified by some communication between the organisation and the data subject. If the data subject does not respond this cannot be assumed as implied consent.
- 8.6 If consent is used as a form of justification for disclosure, the data subject must have the right to withdraw consent at any time. When using sensitive data, explicit consent must be obtained. In such cases, the data subject's consent must be clear. It must cover items such as the specific details of processing, the data to be processed and the purpose for processing.
- 8.7 Consent is not the only means by which data can be disclosed. Under the Data Protection Act 1998, to disclose personal information at least one condition in schedule 2 must be met. To disclose sensitive personal information, at least one condition in both schedules 2 and 3 must be met. Appendices 1 and 2 contain more information. Examples of where information may be disclosed without consent are for the prevention, detection or prosecution of serious crime, or where a child or adult is believed to be at risk of harm.

9 Organisational responsibilities

- 9.1 Each partner organisation is responsible for making sure that their organisational and security measures protect the lawful use, confidentiality, integrity and availability of information shared under this Protocol.
- 9.2 Partner organisations will accept the security classifications on information and handle the information accordingly.
- 9.3 Partner organisations accept responsibility for jointly auditing compliance with the information sharing agreements in which they are involved.
- 9.4 Partner organisations should make it a condition of employment that its employees will abide by its rules and policies on the protection and use of confidential information. This condition should be written into employment contracts and any failure by an employee to follow the policy should be dealt with in accordance with that organisation's disciplinary procedures.

- 9.5 Partner organisations should make sure that their contracts with external service providers abide by their rules and policies on the protection and use of confidential information.
- 9.6 The partner organisation originally supplying the information should be notified of any breach of confidentiality, or incident, involving a risk or breach of the security of information.
- 9.7 Partner organisations should have documented policies for records retention, maintenance and secure waste destruction.

10 Individual responsibilities

- 10.1 Every employee working for the organisations listed in this Partnership Agreement:
- is personally responsible for the safekeeping of sensitive information they obtain, handle, use and disclose
 - should know how to obtain, use and share information they legitimately need to do their job
 - has an obligation to request proof of identity, or take steps to validate the authorisation of another before disclosing personal information
 - must uphold the general principles of confidentiality, follow the rules laid down in this Protocol and seek advice when necessary
 - should be aware that any violation of privacy or breach of confidentiality is unlawful and a disciplinary matter that could lead to their dismissal
 - should make sure that any information is transferred using an approved, secure method of transportation in accordance with their organisation's policies and procedures
- 10.2 Every employee working for the organisations listed in this Agreement must make sure they follow their own organisation's policies and procedures before releasing any information under this agreement.

11 General principles

- 11.1 The principles outlined in this protocol are recommended good standards of practice or legal requirements that should be followed equally across all services.
- 11.2 This protocol sets the core standards applicable to all partner organisations and should be the basis of all information sharing agreements established to secure the flow of personal information.
- 11.3 This protocol has been developed to enable appropriate and effective information sharing and is not intended to be a 'barrier' to sharing.
- 11.4 This protocol should be used together with local service level agreements, contracts or any other formal agreements that exist between the partner organisations.
- 11.5 All parties signed up to this protocol are responsible for making sure that they have organisational measures to protect the security and integrity of personal information and that their employees are properly trained to understand their responsibilities and comply with the law.

- 11.6 This protocol has clear and consistent principles that satisfy the requirements of the law that all employees must follow when using and sharing personal information.
- 11.7 The specific purpose for using and sharing information will be defined in the information sharing agreements that will be specific to the partner organisations sharing information.

12 Review arrangements

- 12.1 The Derbyshire Partnership Forum will make sure this Protocol is formally reviewed by the due date, unless new or revised legislation or national guidance necessitates an earlier review.
- 12.2 Any of the signatories can request an extraordinary review at any time when a joint discussion or decision is necessary to tackle local service developments.

13 Version Control

Date issued	Version	Status	Reason for change
April 2013	3.0	Draft	Review and update to template
November 2013	3.1	Issued	Minor amendments and sign off by partners

Appendix 1 - Relevant Legislation

Data Protection Act 1998

The **Data Protection Act 1998** governs the protection and use of **personal** information - data that relates to a living individual who can be identified. The Act does not apply to personal information about people who have died.

Any organisation processing, obtaining, holding, using, disclosing and disposing of data is a 'Data Controller' responsible for abiding by the eight data protection principles and notifying the Information Commissioner of that processing.

The Act gives seven rights to individuals about their own personal data:

- Right of subject access
- Right to prevent processing likely to cause damage or distress
- Right to prevent processing for the purposes of direct marketing
- Rights in relation to automated decision taking
- Right to take action for compensation if the individual suffers damage or damage and distress, as a result of any breach of the act.
- Right to take action to rectify, block, erase or destroy inaccurate data
- Right to request the Information Commissioner for an assessment to be made as to whether any provision of the Act has been contravened.

The eight key principles of the Act are:

1. Personal data shall be processed fairly and lawfully and shall not be processed unless at least one of the conditions in Schedule 2 is met and for 'sensitive personal data' at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained for specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose/purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose/purposes for which they are processed.
4. Personal data shall be accurate and, where necessary kept up-to-date
5. Personal data shall not be kept for longer than is necessary for that purpose/purposes.
6. Personal data shall be processed in accordance with the rights of the data subject under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage to personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, EEA, without an adequate level of protection for the rights and freedoms of the data subject in relation to the processing of personal data.

Seventh Principle – Interpretation

The Act gives some further guidance on issues that should be considered in deciding whether security measures are 'appropriate'. These are:

- taking into account the state of technological development at any time and the costs of implementing any measures. The measures must ensure a level of security appropriate to:
 - the harm that might arise from a breach of security; and
 - the type of data to be protected.
- The data controller must take reasonable steps to ensure the reliability of employees having access to the personal data.

Some of the security controls that the data controller is likely to need to consider include:

- security management
- controlling access to information
- ensuring business continuity
- employee selection and training
- detecting and dealing with breaches of security.

The Act has express obligations on data controllers when processing of personal data is done by a data processor on behalf of the data controller. To comply with the seventh principle the data controller must:

- choose a data processor providing sufficient guarantees in respect of the technical and organisational security measures they take;
- take reasonable steps to ensure compliance with those measures; and
- make sure that the processing by the data processor is done under a contract, which is made or evidenced in writing, under which the data processor is to act only on instructions from the data controller. The contract must require the data processor to comply with obligations equivalent to those imposed on the data controller by the seventh principle.

Further advice is in BS 7799 and ISO/IEC Standard 17799.

It is important to note that the seventh principle relates to the security of the processing as a whole and the measures to be taken by data controllers to provide security against any breaches of the Act rather than just breaches of security.

Schedule 2 and Schedule 3 conditions

Conditions for processing personal data are that one condition in Schedule 2 should be met.

Conditions for processing sensitive personal data are that one condition in Schedule 2 and a condition in Schedule 3 should also be met.

Schedule 2: Personal data Schedule 3: Sensitive personal data

The data subject has given consent, or the processing is necessary for:-

- a contract
- a legal obligation
- protection of the vital interests
- public function
- in the public interest
- a statutory obligation
- legitimate interests of the data controller.

The data subject has given explicit consent, or the processing is necessary for:-

- employment-related purposes
- the purpose of, or in connection with, legal proceedings
- protect the vital interests of the individual when consent cannot be obtained
- made public by the data subject
- a substantial public interest
- preventing or detecting an unlawful act
- the legitimate interests of a non-profit data controller making organisation
- medical purposes by a health professional.

The Human Rights Act 1998

The Human Rights Act 1998 incorporates into our domestic law certain articles of the European Convention on Human Rights, ECHR. The Act requires all domestic law to be read compatibly with the Convention Articles.

It also places a legal obligation on all public organisations to act in a manner compatible with the Convention. If a public organisation fails to do this, then it may be the subject of a legal action under section 7. This is an obligation not to violate convention rights, but a positive obligation to uphold these rights.

Sharing of information between agencies has the potential to infringe a number of convention rights. In particular, Article 3 - Freedom from torture or inhuman or degrading treatment, Article 8 - Right to respect for private and family life and Article 1 of Protocol 1 - Protection of Property.

The qualification of Article 8 is 'there shall be no interference by a public organisation with this right unless it is in the interests of national security, public safety, the economic well being of the country, the prevention of disorder and crime, the protection of health and morals, or the protection of the rights and freedoms of others'.

In addition, all convention rights must be secured without discrimination on a wide variety of grounds under article 14.

The convention does allow interference with the convention rights by public organisations, under certain broadly defined circumstances known as legitimate aims. However, mere reliance on a legal power may not alone provide sufficient justification and they must consider these:

- Is there a legal basis for the action being taken?
- Does it pursue a legitimate aim as outlined in the particular Convention Article?
- Is the action taken proportionate and the least intrusive method of achieving that aim?

Article 8.1 provides that 'everyone has the right to respect for his private and family life, his home and his correspondence.'

Article 8.2 provides 'there shall be no interference by a public authority with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country for the prevention of crime and disorder, for the protection of health and morals or for the protection of the rights and freedoms of others.'

Other legislation, guidance and standards

Other Acts apply to further specify these exceptions. For example **Prevention of Terrorism Act 2002, Health and Social Care Act 2000, Regulation of Investigatory Powers Act RIPA2000**. Further information about these or any other relevant legislation is on the HMSO website <http://www.hmso.gov.uk>

The Freedom of Information Act - 2000

The Freedom of Information Act 2000 applies to all public organisations and started coming into force in 2003.

The Act creates new rights of access to information - rights of access to personal information will remain under the Data Protection Act - and revises and strengthens the Public Records Act 1958 and 1967 by re-enforcing records management standards of practice.

The Lord Chancellor has issued a code of practice on the management of records under Freedom of Information. The principle is that *'any freedom of information legislation is only as good as the quality of the records to which it provides access. Such rights are of little use if reliable records are not created in the first place'*. Further information guidance is on the following web site www.informationcommissioner.gov.uk.

The Common Law Duty of Confidence

The Common Law Duty of Confidence requires that information that has been provided in confidence may only be used for purposes of which the subject has been informed and given their consent unless a specific statutory requirement exists.

The duty is not absolute but may only be overridden if the holder of the information can justify disclosure as being in the public interest for example to protect others from harm.

Caldicott Principles

When sharing person-identifiable information, the Caldicott principles should be applied:

- Justify the purpose – why is the information required
- Don't use patient-identifiable information unless it is absolutely necessary
- Use the minimum necessary patient-identifiable information
- Access to patient-identifiable information is on a strict need-to-know basis
- Everyone with access to patient-identifiable information should be aware of his or her responsibilities
- Understand and comply with the law

Appendix 2 - Glossary of terms

Accessible record – unstructured personal information, usually in manual form relating to health, education, social work and housing.

Agent – acts on behalf of the data subject.

Aggregated – collated information in table format.

Anonymous data – If the Data Controller has information that allows data subjects to be identified, the Information Commissioner would rule it is **not** anonymous data. This is regardless of whether or not they intend to identify individuals. The Data Controller must be able to justify why and how the data is no longer personal.

CCTV – close circuit television.

Consent – to give permission or approval for something to happen.

Consent – the Information Commissioner’s legal guidance to the Data Protection Act 1998 is to refer to the Directive, which defines consent as ‘...any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed’ (3.1.5).

Data is information:-

- being processed by means of equipment operating automatically or
- recorded with the intention it will be processed by such equipment or
- recorded as part of a relevant filing system or
- the three items listed forming part of an accessible record but not part of it.

Data Controller – a person or a legitimate organisation such as a business or public authority who jointly or alone determines the purposes for which personal data is processed.

Data flows – the movement of information internally and externally, both within and between organisations.

Data Processing – any operation performed on data. The main examples are collecting, retaining, deleting, using and disclosing data.

Data Processor – operates on behalf of the Data Controller. Not the organisations employees.

Data set – a defined group of information.

Data Subject – an individual who is the subject of personal information.

Disclosure – passing information from the Data Controller to another organisation or an individual.

Duty of confidence – everyone has a duty under common law to safeguard personal information.

EEA – this consists of the twenty-seven European Union members together with Iceland, Liechtenstein and Norway.

Fair processing – to inform the Data Subject how the data is to be processed before processing starts.

Health professional – In the Data Protection Act 1998, 'health professional' means any of the following who is registered as:-

- a medical practitioner, dentist, optician, pharmaceutical chemist, nurse, midwife or health visitor, and osteopaths.

and

- any person who is registered as a member of a profession to which the Professions Supplementary to Medicine Act 1960 currently extends. Clinical psychologists, child psychotherapists and speech therapist, music therapists employed by a health service body, and scientists employed by an organisation as head of department.

Health record – any information relating to health, produced by a health professional.

Need to know – to supply the minimum amount of information required for the defined purpose.

Personal data – means data relating to a living individual who can be identified from those data, including opinion and expression of intention.

Purpose – the use or reason for which information is stored or processed.

Recipient – anyone who receives personal information except statutory bodies for the purpose of specific inquiries.

Relevant filing system – two levels of structure:

- filing system structured by some criteria
- each file structured so that particular information is readily accessible.

Sensitive personal data – data concerning racial origin, politics, trade union activity, health, sexuality, offending and so on.

Serious crime – There is no absolute definition of 'serious' crime, but section 116 of the Police and Criminal Evidence Act 1984 identifies some 'serious arrestable offences'.

These include:-

- treason
- murder
- manslaughter
- rape
- kidnapping
- certain sexual offences
- causing an explosion
- certain firearms offences
- taking of hostages
- hijacking
- causing death by reckless driving
- offences under Prevention of Terrorism legislation - disclosures now covered by the Prevention of Terrorism Act 1989.

Subject access – the individual's right to obtain a copy of information held about themselves.

Third party – any person who is not the data subject, the data controller, the data processor. This includes health, housing, education, carers, voluntary sector workers as well as members of the public.

Appendix 3 - Information Sharing Agreements guidance notes and template

Include any necessary sections:

List of Partners to the agreement

Who are the intended Partners to this Agreement and what are their responsibilities?

Information to be shared

What is the specific business need/objective for information sharing?

Purpose of information sharing

What specific information is required for the purpose of this agreement?

Include an explanation of how anonymised information may be used where appropriate.

Basis for information sharing

What are the specific lawful powers/obligations for the processing of information? And, What considerations apply to make the processing fair under the terms of the Data Protection Act 1998? Please also state which conditions of Schedule 2 and Schedule 3 are relevant to this sharing.

Exchange of information

State explicitly how and what information is to be shared, consider methods such as encrypted email, mail, fax and how regularly these are to take place.

Terms of use of the information

Add a clear statement of how the information is intended to be used and any restrictions which may apply.

Data quality assurance

Explain what standards will apply for data quality and how errors will be handled.

Data Retention, Review and Disposal

Explain how long the information is intended to be retained for the purpose and any specific review or disposal arrangements that apply.

Access and Security

Explain the standards and conditions which are required to protect the information concerned. Include any special arrangements which might apply. For example access to files will be restricted – operate a clear desk policy, employees given access on a need to know basis.

General Operational Guidance

Include or reference any general operational guidance which is relevant to the purpose of the agreement that is not covered in any other section. Details of relevant contacts can be appended to the document.

Management of the Agreement

Additional information should be provided to address:-

- Handling of complaints or breaches of the agreement
- Handling of requests for information under Data Protection/FoI
- Appropriate Signatories
- Review of the Agreement
- Compliance with the Agreement
- Closure/termination of agreement
- Indemnity

Information sharing agreement template

[Information sharing agreement – name of agreement] Header

Organisation Logo

Information Sharing Agreement Template
Working Title of agreement
Version

Document owner	
Document author and enquiry point	
Document authoriser	
Review date of document	
Version	
Document classification	
Document distribution	
Document retention period	
Next document review date	

All Information Sharing Agreements must be sent to [the organisation] Data Protection Officer for initial review and registration. (amend as appropriate)

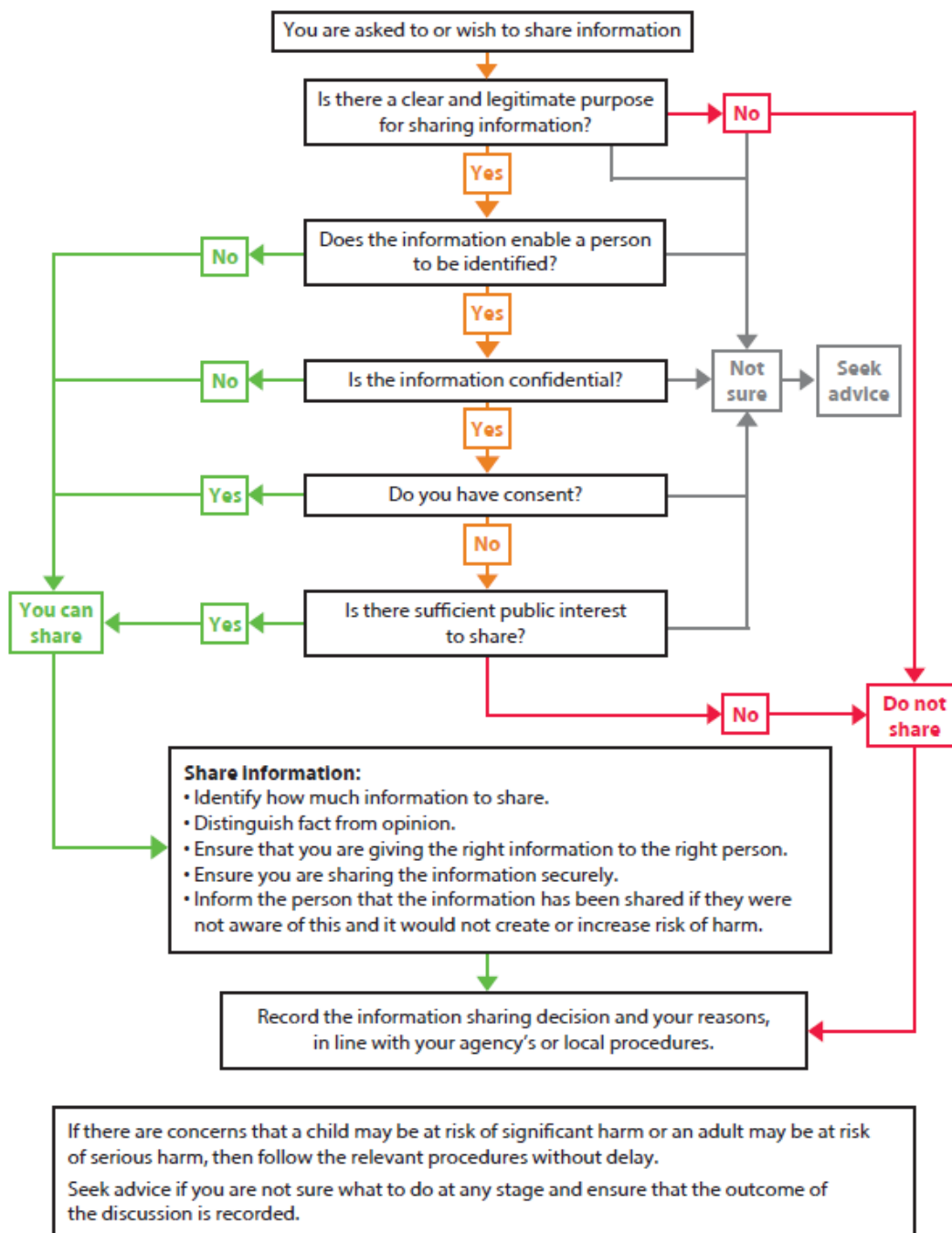
Contents

1. List of Partners to the Agreement
2. Information to be shared
3. Purpose of Information sharing
4. Basis for information sharing
5. Exchange of information
- 6 Terms of use of the information
7. Data quality assurance
8. Data retention, review and disposal
9. Access and security
10. General Operational Guidance/process
11. Management of the Agreement
12. Version History

Appendix 4 - Flowchart of key questions for information sharing

Source: HM Government 'Information Sharing: Guidance for practitioners and managers' <https://www.education.gov.uk/publications/standard/Integratedworking/Page1/DCSF-00807-2008>

See the next page for further detail on some of the sections in the flowchart.



Explanation of some of the flowchart sections:

These explanations are taken from HM Government 'Information Sharing: Guidance for practitioners and managers. The full explanations have not been included in this document and so please also refer to the full Guidance, available at:

<https://www.education.gov.uk/publications/standard/Integratedworking/Page1/DCSF-00807-2008>

➤ **Is there a clear and legitimate purpose for sharing information?**

Whether you work for a statutory or non-statutory service, any sharing of information must comply with the law relating to confidentiality, data protection and human rights. Establishing a legitimate purpose for sharing information is an important part of meeting those requirements.

➤ **Does the information enable a living person to be identified?**

If the information is anonymised, it can be shared. However, if the information is about an identifiable individual or could enable a living person to be identified when considered with other information, it is personal information and is subject to data protection and other laws.

➤ **Is the information confidential?**

Confidential information is:

- personal information of a private or sensitive nature; and
- information that is not already lawfully in the public domain or readily available from another public source; and
- information that has been shared in circumstances where the person giving the information could reasonably expect that it would not be shared with others.

This is a complex area and you should seek advice if you are unsure.

➤ **Do you have consent to share?**

Consent issues can be complex and a lack of clarity about them can sometimes lead practitioners to assume incorrectly that no information can be shared. Page 17 of the Guidance document gives further information to help you understand and address the issues.

It covers:

- what constitutes consent;
- whose consent should be sought; and
- when consent should not be sought.

➤ **Is there sufficient public interest to share the information?**

Even where you do not have consent to share confidential information, you may lawfully share it if this can be justified in the public interest. Seeking consent should be the first option. However, where consent cannot be obtained or is refused, or where seeking it is inappropriate or unsafe, the question of whether there is a sufficient public interest must be judged by the practitioner on the facts of each case. **Therefore, where you have a concern about a person, you should not regard refusal of consent as necessarily precluding the sharing of confidential information.**

A public interest can arise in a wide range of circumstances, for example, to protect children from significant harm, protect adults from serious harm, promote the welfare of children or prevent crime and disorder. There are also public interests, which in some circumstances may weigh against sharing, including the public interest in maintaining public confidence in the confidentiality of certain services.

➤ **Are you sharing information appropriately and securely?**

If you decide to share information, you should share it in a proper and timely way, act in accordance with the principles of the Data Protection Act 1998, and follow your organisation's policy and procedures.

➤ **Have you properly recorded your information sharing decision?**

You should record your decision and the reasons for it, whether or not you decide to share information. If the decision is to share, you should record what information was shared and with whom.

Appendix 5 – Case Studies

These are taken from Information Commissioner's Office "Data Sharing Code of Practice" available at:

http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/data_sharing.aspx

1. A local university wants to conduct research into the academic performance of children from deprived family backgrounds in the local area. The university wants to identify the relevant children by finding out which ones are eligible for free school meals. Therefore, it wants to ask all local primary and secondary schools for this personal data, as well as the relevant children's test results for the past three years.
 - The DPA contains various provisions that are intended to facilitate the processing of personal data for research purposes. However, there is no exemption from the general duty to process the data fairly. Data about families' income levels, or eligibility for benefit, can be inferred fairly reliably from a child's receipt of free school meals. Parents and their children may well object to the disclosure of this data because they consider it sensitive and potentially stigmatising. Data about a child's academic performance could be considered equally sensitive.
 - The school could identify eligible children on the researchers' behalf and contact their parents, explaining what the research is about, what data the researchers want and seeking their consent for the sharing of the data.
 - Alternatively, the school could disclose an anonymised data set, or statistical information, to the researchers.
 - There is an exemption from subject access for data processed only for research purposes, provided certain conditions are satisfied, for example the research results are not made available in a form which identifies anyone. However, it is good practice to provide data subjects with access to their personal data wherever possible. If subject access is going to be refused, for example because giving access would prejudice the research results, this should be explained to individuals during the research enrolment process.

2. A group of police forces are cooperating with immigration officials to collect evidence about a number of individuals thought to be involved in people trafficking. This involves exchanging data about suspects' whereabouts and activities.
 - There is no need to tell any of the suspects that personal data about them is being collected or exchanged. This is because doing so would 'tip off' the suspects, allowing them to destroy evidence, prejudicing the likelihood of prosecution.
 - The police, or immigration agency, may still need to provide subject access to the data, and explain their collection and sharing of the data, when doing so will no longer prejudice the prosecution.

3. Two neighbouring health authorities want to share information about their employees because they have been informed that certain individuals are apparently being employed by both health authorities and are working the same shift pattern at each.
 - The health authorities involved should make it clear to their staff that they are carrying out an anti-fraud operation of this sort. They should explain what data will be shared, who it will be shared with and why it is being shared.
 - If possible, the health authorities should only share data about particular employees who are suspected of fraudulent behaviour.

- However, if data about all employees is to be matched, any discrepancies should be recorded and investigated, and data about all the other employees should be deleted or returned to the original health authority.
4. A council is outsourcing work previously carried out by its children and family services department to a charity. The charity will need details of the families currently receiving services to take over the council's role. The council writes to customers to tell them what is happening. As customers have no option but to deal with the new provider if they want to continue to receive their services, the council's letter should explain clearly who will be providing the service and what information will be passed over. It should reassure customers that information will continue to be used for the same purposes.
5. A local authority is required by law to participate in a nationwide anti-fraud exercise that involves disclosing personal data about its employees to an anti-fraud body. The exercise is intended to detect local authority employees who are illegally claiming benefits that they are not entitled to.
- Even though the sharing is required by law, the local authority should still inform any employees affected that data about them is going to be shared and should explain why this is taking place unless this would prejudice proceedings.
 - The local authority should say what data items are going to be shared – names, addresses and National Insurance numbers – and provide the identity of the organisation they will be shared with.
 - There is no point in the local authority seeking employees' consent for the sharing because the law says the sharing can take place without consent. The local authority should also be clear with its employees that even if they object to the sharing, it will still take place.
 - The local authority should be prepared to investigate complaints from employees who believe they have been treated unfairly because, for example, their records have been mixed up with those of an employee with the same name.

Appendix 6 – List of Signatories to this Protocol

Up to date members of the Derbyshire Partnership Forum are listed on the Derbyshire Partnership Forum website...

http://www.derbyshirepartnership.gov.uk/about_us/