

Wales Accord on the Sharing of Personal Information

Information Sharing Protocol for Integrated Mental Health Adult Services and Housing Caerphilly 2015 - 2018

Version: [1]

Further information on how an ISP should be developed within the WASPI framework is contained within Section 1 of the

Guidance on the Development of an Information Sharing Protocol

Further guidance may be sought from the WASPI Service Integration and Development Team at:

www.waspi.org

Note: This page can be removed once the ISP development has commenced

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1 Introduction to this ISP

This Information Sharing Protocol (ISP) is supplementary to the Wales Accord on the Sharing of Personal Information (WASPI), and has been agreed between the participating partner organisations. Partners have given consideration to its contents when drawing up this document.

This ISP has been prepared to support the regular sharing of personal information for Integrated Mental Health Adult Services (ABUHB & CCBC) with Housing, Probation Services, Approved Private and Social Landlords and Voluntary Sector Agencies within Caerphilly.

It supports the information sharing partner organisations involved and the groups of Service Users it impacts upon. It details the specific purposes for sharing and the personal information being shared, the required operational procedures consent processes and legal justification.

This ISP covers the exchange of information between Aneurin Bevan University Health Board, Caerphilly County Borough Council, Gofal, Probation Services, approved Private and Social Landlords and voluntary sector agencies.

It supports the information sharing partner organisations involved and the groups of service users it impacts upon. It details the specific purposes for sharing and the personal information being shared, the required operational procedures, consent processes, and legal justification.

This ISP should be read in conjunction with Caerphilly Mental Health and Housing Joint Protocol.

For the purpose of this ISP, **explicit consent** is required from service users.

Partners may only use the information disclosed to them under this ISP for the specific purpose(s) set out in this document or to support the effective administration, audit, monitoring, inspection of services and reporting requirements.

A glossary of terms for this ISP is contained within Appendix A.

Please note: Staff should not hesitate to share personal information in order to prevent abuse or serious harm, in an emergency or in life-or-death situations. If there are concerns relating to child or adult protection issues, the relevant organisational procedures must be followed.

2 The information sharing partner organisations

This ISP covers the exchange of information between practitioners of the following organisations:

Information Sharing Partner Organisations	Responsible Manager
Caerphilly County Borough Council	Corporate Director of Social Services Chief Housing Officer
Aneurin Bevan University Health Board	Divisional Manager

Gofal	Head of Services
Probation Services	Head of Probation Services
United Welsh Housing Association	Chief Executive
Linc Cymru	Assistant Director of Housing
Wales & West Housing Association	Head of Housing
Charter Housing Association (Seren)	Director of Charter Housing
Derwen Cymru (Seren) Housing	Director of Homes and Communities
Cadwyn Housing Association	Director of Operations
Alewyd Housing Association	Housing Manager
MAPPA	Gwent MAPPA chair
Gwalia	Director of Support Services
Drugaid/Kaleidoscope	Director of Operations
The Wallich	South Wales area manager
Police	Police and Crime Commissioner
Prison Service	HMPS Manager

The responsible managers detailed above have overall responsibility for this ISP within their own organisations, and must therefore ensure the ISP is disseminated, understood and acted upon by relevant practitioners.

The responsible manager from each partner organisation will regularly monitor and audit access to information shared under this ISP to ensure appropriate access is maintained.

3 Benefits of sharing

By sharing personal information under this ISP, it is envisaged that the following benefits will be achieved:

- Facilitating the provision of appropriate accommodation
- Improved assessment of care requirements
- More co-ordinated service which avoids duplication and the need for the service user to present information to different agencies.
- A more pro-active service
- Reducing the homelessness assessment timescales through joint meetings and case conferences, minimising the time spent by the Service User in inappropriate temporary accommodation

4 Legislative / statutory powers

Disclosure of information will be conducted within the legal framework of the Data Protection Act 1998 (DPA), the Human Rights Act 1998 and in compliance with the common law duty of confidence.

The conditions set out in Schedule 2 and 3 of the DPA are known as the “conditions for processing”. Organisations processing personal data need to be able to satisfy one or more of these conditions. For the purpose of this ISP, the condition that will be allowed upon for both Schedules (where required) is **explicit consent**. Therefore no further conditions need to be met.

In addition to relying on consent as a Schedule condition, public bodies may have statutory requirements to share some types of personal data. In the absence of a statutory requirement, a public sector body should be able to explain the legal power it has to enable it to share. Other organisations may not need statutory powers to share.

Local authorities have wider powers under section 2 of the Local Government Act 2000 to promote or improve the social wellbeing of their area. This provides an implied power to share information with other statutory services and the independent sector.

Section 47 of the NHS and Community Care Act 1990 provides for social services authorities to involve the staff of health and housing agencies in order to prepare comprehensive assessments of need. It can be implied from this duty that there is a power to share information with health bodies or housing authorities.

The Mental Health Act 1983 (amended 2007 and incorporating the Mental Capacity Act 2005) provides for mental health services to undertake formal assessments involving relevant organisations in order to adhere to the Code of Practice and ensure decisions are made in an appropriate manner. This would imply that there is a power and a need to share information with relevant organisations in order to arrive at an appropriate decision when determining appropriate care and in particular the potential restriction of a person's liberty.

Section 22 of the National Health Service Act 1977 provides for a general duty on NHS bodies and local authorities to cooperate with one another in order to secure and advance the health and welfare of the people of England and Wales. This general duty implies a power to share information between NHS bodies and local authorities.

Paragraph 16 of Schedule 2 of the National Health Service and Community Care Act 1990 provides that NHS Trusts have general powers to do anything which is necessary and expedient for the purposes of or in connection with the provision of goods and services for the health services and similarly will give rise to an implied power to share information.

5 Details of personal information being shared

Personal information shared for the purpose of this ISP includes a range of information and might therefore include:

- Name
- Address
- Date of birth
- National insurance number
- Symptoms

- Diagnosis
- Medication
- Risk History
- Family information
- Housing information
- Substance use history
- Service history
- Telephone number
- Marital status
- Ethnicity
- Language
- Financial and Benefit information
- Other agency involvement
- Personal Identification reference number

The information is used to assess needs and where appropriate provide care to the service user. On-going review as circumstances change will ensure appropriate support is provided to assist the service user.

Only the **minimum necessary** personal information consistent with the purposes set out in this document can be shared.

Information provided by partner organisations will not generally be released to any third party without prior consultation with the owning partner organisation.

An information reference table within Appendix B provides a comprehensive list of the personal information to be shared between the partner organisations, including with whom in each partner organisation it will be shared with, why it will be shared and the methods of how it will be shared.

6 Identifying the service user

In order to ensure that all partner organisations, when sharing information, are referring to the same service user, the following personal identifiers must be included:

- Name (all known)
- Date of birth
- Previous addresses
- National Insurance number
- Gender
- Personal Identification number

7 Informing the service user

It is necessary to communicate with the service user or their lawful representatives about the need for information sharing at the earliest appropriate opportunity, preferably at first contact unless by doing so would risk harm to others or hinder any investigation or legal proceedings.

Therefore in most cases practitioners will clearly inform service users or their lawful representatives about what personal information is to be shared, and for what purposes it will be used. Partner organisations should also ensure that service users are provided with any information they need to fully understand the way in which their personal data will be handled in any specific circumstance, including the names of any persons or organisations with whom their data may be shared.

Where appropriate, agreed methods of providing this information are:

- Verbally
- Referral letter
- Advice leaflets

8 Obtaining consent

The approach to obtaining consent should be transparent and respect the rights of the service user.

Consent is given by a service user agreeing actively, to a particular use or disclosure of information. It can be expressed either verbally or in writing, although written consent is preferable since that reduces the scope for subsequent dispute. For the purposes of this ISP, **explicit consent** will be required from service users.

Consent must not be secured through coercion or inferred from a lack of response to a request for consent. Practitioners must be satisfied that the service user has understood the information sharing arrangements and the consequences of providing or withholding consent.

Where a service user is a child or young person, the practitioner should consider whether the child or young person has the capacity to understand the implications of giving their consent in the particular circumstance. Where the practitioner is confident that the child or young person can understand their rights, then consent should be sought from them rather than a parent. It is important that a child or young person is able to understand (in broad terms) what it means to give their consent.

Consent should not be regarded as a permanent state. Opportunities to review the service user's continuing consent to information sharing should arise during the course of the service provision. Practitioners should exercise professional judgement in determining whether it would be appropriate to re-visit a service user's continued consent at any given juncture. Ideally it should take place in the context of a review or re-assessment.

Consent obtained from service users for the purposes of this ISP will only be used to support the delivery of the purposes and functions set out in this document. Once the provision of this specific ISP concludes or the purpose changes, then consent obtained for it will also end.

In some exceptional circumstances, personal information can be lawfully shared without consent where there is a legal requirement or where an appropriate professional of sufficient seniority within the partner organisation, has taken the view that the duty of

confidentiality can be breached where there is a substantial over-riding 'public interest'. Such situations where information might be shared without consent include:

- 'Life and death' situations, for example, where information is shared in an emergency in order to preserve life;
- where a person's condition indicates they may be a risk to the public or may inflict self-harm;
- in order to prevent abuse or serious harm to others;
- on a case-by-case basis, to prevent serious crime and support detection, investigation and punishment of serious crime.

This is not an exhaustive list and each situation should be considered on a case by case basis.

Where decisions are made to share personal information without the service user's consent, as detailed above in 8.7, this must be fully documented in the service user's record.

Where it is not appropriate to defer the sharing of information, then it will not be appropriate to defer consent, as consent cannot be obtained retrospectively. Therefore, only where deemed necessary, may information be shared without consent.

If there are any concerns relating to child or adult protection issues, practitioners must follow the relevant organisational procedures.

9 Obtaining consent where a service user lacks mental capacity

The Mental Capacity Act 2005 Code of Practice defines the term 'a person who lacks capacity' as a person who lacks capacity to make a particular decision or take a particular action for themselves, at the time the decision or action needs to be taken.

Whenever dealing with issues of capacity to consent, local rules and procedures should be followed and these must be in compliance with the Mental Capacity Act 2005 and its Code of Practice.

Where a person has a temporary loss of capacity consent will be deferred, if appropriate, until such time as consent can be obtained. Consent to share information will be sought when capacity is regained.

10 Recording consent

Decisions regarding service users' consent of how and when it was obtained and whether it was provided in verbal or in written form, must be stored or recorded in the service user's record.

11 Refused and withdrawn consent

A service user has the right to refuse their consent to have information about them shared. They also have the right to withdraw previously granted consent at any point, to the sharing of their information. Further personal information should not then be shared under this ISP.

Where the service user has refused or withdrawn consent, the implications of withholding consent will be clearly explained to them and this dialogue will be recorded in the service user's record. If a service user withdraws consent to share personal information it will also be explained that information already shared cannot be recalled.

12 Information security

Practitioners carrying out the functions outlined in this ISP should make themselves aware of, and adhere to, their organisation's information security policies and procedures.

Where practitioners are unable to comply with their organisation's policies regarding the safe and secure transfer of information they must ensure that a risk assessment is undertaken by their Information Security/Governance department at the earliest opportunity. Alternative secure methods, as identified within the organisation's policy, must be used until such time as the risk assessment has been undertaken.

A list of agreed methods for the safe and secure transfer of personal information is documented within Appendix B.

Any breaches of security, confidentiality and other violations of this ISP must be reported in line with each partner organisation's incident reporting procedures. Consideration should be given to share, where appropriate, the outcome of any investigation with the partner organisations involved.

13 Records management

Practitioners carrying out the functions outlined in this ISP should make themselves aware of, and adhere to, their organisation's records management procedures, specifically in relation to collecting, processing and disclosing of personal information.

All information, whether held on paper or in electronic format must be stored and disposed of in line with each partner organisation's retention and disposal schedule.

Personal information will only be collected using the agreed collection methods, ensuring the required information is complete and up-to-date.

Practitioners will ensure where practical, that records are maintained of when information is shared with a partner organisation, and to whom.

Decisions about service users should never be made by referring to inaccurate, incomplete or out of date information.

If information is found to be inaccurate, practitioners will ensure that their records and systems are corrected accordingly. Consideration must also be given to advising partner organisations where practical.

14 Data Protection Act and Freedom of Information Act requests

Where requests are received for information relating to this ISP or any individual service user(s) then each request will be dealt with in accordance with each partner organisation's relevant policies and procedures.

15 Complaints

Each partner organisation has a formal procedure by which service users, partner organisations and practitioners can direct, their complaints regarding the application of this ISP.

16 Review of this ISP

This ISP will be reviewed **three years after agreement and every two years thereafter** or sooner if appropriate.

17 Appendix A – Glossary of Terms

Term	Definition
Consent	An informed indication by which the service user signifies agreement and understanding of how personal information relating to them is processed.
Personal information	Information which relates to an individual, including their image or voice, which enables them to be uniquely identified from that information on its own or from that and / or other information available to that organisation. It includes personal data within the meaning of Section 1 of the Data Protection Act 1998 and information relating to the deceased.
Sensitive personal information	Personal information as to; the racial or ethnic origin of an individual; their political opinions, their religious beliefs or other beliefs of a similar nature, whether they are a member of a trade union, their physical or mental health or condition, their sexual life, the commission or alleged commission by them of any offence, or any proceedings for an offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.
Personal identifiers	A set of basic personal details that allow partner organisations to identify exactly who is being referred to. For example, name, address, date of birth, post code.
Processing personal information	Broadly describes the collecting, using, disclosing, retaining or disposing, of personal information. If any aspects of processing are found to be unfair, then the Data Protection Act 1998 is likely to be breached.
Service user	An inclusive term to describe those people who have contact with service providing organisations within Wales and have information recorded about them. For example: individual organisations may refer to these people as data subjects, patients, clients, lawful representatives, etc.
Practitioner	An inclusive term to describe any staff working for the partner organisations involved in the care of or provision of services for the service user. For example: police officer, health professional, social worker, volunteer etc.
Responsible Manager	A senior manager within an organisation who has overall responsibility for the area of work related to a specific ISP. It will be their responsibility to ensure that ISPs are disseminated, understood and acted upon by relevant practitioners and that access to personal information is regularly monitored and audited to ensure appropriate access is maintained.

18 Appendix B – Information Reference Table

The sharing of personal information to support the provision of [Mental Health Adult Services and Housing]					
	Description	Information Exchange 1	Information Exchange 2	Information Exchange 3	Information Exchange 4
1	Information exchange General description of the process or stage to which the information exchange relates.	Referral Client seeks housing assistance either personally or via partner agency	Assessment Assessment of need against property suitability	Allocation and onward referral Allocation of housing Discharge of homelessness duty	On-going review Case conferences Ad hoc review
2	What information will be shared? Description of the information to be provided. Please note: Only the minimum and relevant personal information is to be shared and strictly on a case by case basis.	Name Current address Date of birth National Insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefits information Disclosed criminal convictions	Name Previous address(es) Date of birth National Insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefits information Disclosed criminal convictions	Name Previous address(es) Date of birth National Insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefits information Disclosed criminal convictions	Name Previous address(es) Date of birth National Insurance number Details of family members Mental health status and risk assessment Diagnosis and medication Involvement with other agencies Financial, employment and benefits information Disclosed criminal convictions
3	Consent to share Details of when and how consent will be sought.	On application for housing Via application form Organisation's consent form	On application for housing Via application form Organisation's consent form	On application for housing Via application form Organisation's consent form	On application for housing Via application form Organisation's consent form

4 Partner Organisation(s)	Who by	Who to	Who by	Who to	Who by	Who to	Who by	Who to
a Details of provider and recipient organisation(s).	1. CCBC	1. CCBC	1. CCBC	1. CCBC	1. CCBC	1. CCBC	1. CCBC	1. CCBC
	2. ABUHB		2. ABUHB		2. ABUHB	2. ABUHB	2. ABUHB	2. ABUHB
	3. GOFAL		3. GOFAL		3. GOFAL	3. GOFAL	3. GOFAL	3. GOFAL
	4. Probation Service		4. Probation Service		4. Probation Service	4. Probation Service	4. Probation Service	4. Probation Service
	5. United Welsh HA		5. United Welsh HA		5. United Welsh HA	5. United Welsh HA	5. United Welsh HA	5. United Welsh HA
	6. Linc Cymru		6. Linc Cymru		6. Linc Cymru	6. Linc Cymru	6. Linc Cymru	6. Linc Cymru
	7. Wales and West HA		7. Wales and West HA		7. Wales and West HA	7. Wales and West HA	7. Wales and West HA	7. Wales and West HA
	8. Charter HA		8. Charter HA		8. Charter HA	8. Charter HA	8. Charter HA	8. Charter HA
	9. Derwen Cymru Housing		9. Derwen Cymru Housing		9. Derwen Cymru Housing	9. Derwen Cymru Housing	9. Derwen Cymru Housing	9. Derwen Cymru Housing
	10. Cadwyn		10. Cadwyn		10. Cadwyn	10. Cadwyn	10. Cadwyn	10. Cadwyn
	11. Alewyd		11. Alewyd		11. Alewyd	11. Alewyd	11. Alewyd	11. Alewyd
	12. MAPPa		12. MAPPa		12. MAPPa	12. MAPPa	12. MAPPa	12. MAPPa
	13. Gwalia		13. Gwalia		13. Gwalia	13. Gwalia	13. Gwalia	13. Gwalia
	14. Drug Aid		14. Drug Aid		14. Drug Aid	14. Drug Aid	14. Drug Aid	14. Drug Aid
	15. Wallich		15. Wallich		15. Wallich	15. Wallich	15. Wallich	15. Wallich
	16. Police		16. Police		16. Police	16. Police	16. Police	16. Police
	17. Prison Service		17. Prison Service		17. Prison Service	17. Prison Service	17. Prison Service	17. Prison Service

b	Role(s) of staff responsible for providing and receiving the information.	Who by	Who to	Who by	Who to	Who by	Who to	Who by	Who to
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1. Director of Social Services	1. Director of Social Services	1. Director of Social Services	1. Director of Social Services	1. Director of Social Services	1. Director of Social Services	1. Director of Social Services	1. Director of Social Services	1. Director of Social Services
1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer	1.1 Chief Housing Officer
1.2 Social Worker	1.2 Social Worker	1.2 Social Worker	1.2 Social Worker	1.2 Social Worker	1.2 Social Worker	1.2 Social Worker	1.2 Social Worker	1.2 Social Worker
1.3 Support worker	1.3 Support worker	1.3 Support worker	1.3 Support worker	1.3 Support worker	1.3 Support worker	1.3 Support worker	1.3 Support worker	1.3 Support worker
2. Divisional Manager		2. Divisional Manager		2. Divisional Manager		2. Divisional Manager		2. Divisional Manager
2.1 Psychologist		2.1 Psychologist		2.1 Psychologist		2.1 Psychologist		2.1 Psychologist
2.2 Hospital Link Worker		2.2 Hospital Link Worker		2.2 Hospital Link Worker		2.2 Hospital Link Worker		2.2 Hospital Link Worker
2.3 Ward Staff		2.3 Ward Staff		2.3 Ward Staff		2.3 Ward Staff		2.3 Ward Staff
2.4 CPN		2.4 CPN		2.4 CPN		2.4 CPN		2.4 CPN
2.5 Occupational Therapy		2.5 Occupational Therapy		2.5 Occupational Therapy		2.5 Occupational Therapy		2.5 Occupational Therapy
3. Head of Services		3. Head of Services		3. Head of Services		3. Head of Services		3. Head of Services
4. Head of Probation Services		4. Head of Probation Services		4. Head of Probation Services		4. Head of Probation Services		4. Head of Probation Services
4.1 Probation Officer		4.1 Probation Officer		4.1 Probation Officer		4.1 Probation Officer		4.1 Probation Officer
5. Assistant Director Housing		5. Assistant Director Housing		5. Assistant Director Housing		5. Assistant Director Housing		5. Assistant Director Housing
5.1. Head of Housing		5.1. Head of Housing		5.1. Head of Housing		5.1. Head of Housing		5.1. Head of Housing
6..Dir. of Homes and Communities		6. Dir. of Homes and Communities		6. Dir. of Homes and Communities		6. Dir. of Homes and Communities		6.. Dir. of Homes and Communities
7. Dir. of		7. Dir. of		7. Dir. of		7. Dir. of		7. Dir. of

Revised Quality Assurance Date:

<p>5 Form title and reference number</p> <p>Detail the title and reference number of any form(s) or letter(s) used to collect and / or convey the information.</p>	<p>Housing application form</p>	<p>Housing application form</p>	<p>N/A</p>	<p>N/A</p>
<p>6 How will the information be transferred?</p> <p>Detail all agreed secure methods in which the information can be transferred to the recipient e.g. fax, direct feed from system, verbal transfer at team meeting, telephone call, e-mail.</p>	<p>Verbal Letter Email Telephone Meeting Fax ICT system</p>	<p>Verbal Letter Email Telephone Multi-Disciplinary Meeting Fax ICT system</p>	<p>Verbal Letter Email Telephone Meeting Fax ICT system</p>	<p>Verbal Letter Email Telephone Multi-Disciplinary Meeting Fax ICT system</p>
<p>7 When will it be shared?</p> <p>Details of when the information needs to be exchanged or shared e.g. daily, weekly, monthly, yearly, as and when necessary.</p>	<p>As and when necessary</p>	<p>As and when necessary</p>	<p>As and when necessary</p>	<p>As and when necessary</p>
<p>8 Additional considerations</p> <p>Issues or comments not included (where appropriate).</p>				