

**INFORMATION SHARING PROTOCOL
BETWEEN
WAKEFIELD COUNCIL FAMILY SERVICES
AND
WEST YORKSHIRE TRADING STANDARDS SERVICE**

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1. Introduction

- 1.1 This protocol provides a framework for the secure and confidential sharing of information between Wakefield Metropolitan District Council's Family Services (the Council) and West Yorkshire Trading Standards Service enabling them to ensure that individuals receive the care, protection and support they require in accordance with national and local policy and legislative requirements.
- 1.2 This protocol relates to the sharing of information regarding vulnerable people who come into contact with West Yorkshire Trading Standards Service.
- 1.3 The protocol: -
- **The reasons why information about vulnerable people may need to be shared** and how West Yorkshire Trading Standards Service will control this.
 - **Identifies the parties** to this agreement.
 - **Sets out the principles** that underpin the exchange of information.
 - **Defines the purposes** for which West Yorkshire Trading Standards Service has agreed to share information.
 - **Sets out the policies and procedures** that support the sharing of information, to ensure that such sharing is in line with legal, statutory and common law responsibilities.

2. Policy Context

- 2.1 The aim of this protocol is to ensure that information is shared between the Council and West Yorkshire Trading Standards Service in an appropriate manner and format. The sharing of a person's information must only take place within the legislative, statutory and common law context that affects the agency party to this Agreement.

3. Local Context

- 3.1 This protocol identifies the common principles and procedures to be adopted wherever and whenever the parties to the agreement share information. This protocol applies to the relationship between employees of Wakefield Council Family Services who visit the homes of vulnerable adults and West Yorkshire Trading Standards Service (WYTSS).

It is known that vulnerable adults may be targeted by rogue traders/criminals whose primary aim is to get individuals to part with as much money as possible. Additionally the rogue trader may steal from the home once they have gained access or try to get bank account details. Criminals may try to get money through doorstep crime (providing goods or services which are unnecessary, substandard, dangerous, not delivered and usually grossly overpriced), loan sharking (providing illegal credit at extortionate rates of interest); and, running postal, telephone or email scams. Often the rogue trader will resort to threats or intimidation.

4. Legislative Context

4.1 The key legislation and guidance currently relevant to the sharing and disclosure of information includes:

- Data Protection Act 1998 (DPA)

The DPA sets out eight principles of data protection which limit the reasons for which personal data may be obtained and specify how it can be used.

All personal data we hold must be:

- Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate
 - Not kept for longer than necessary
 - Processed in accordance with the rights of data subjects
 - Secure
 - Not transferred to Countries without adequate protection
- Access to Health Records Act 1990
 - Crime and Disorder Act 1998
 - Criminal Procedures and Investigations Act 1996
 - Human Rights Act 1998
 - Freedom of Information Act 2000
 - Regulation of Investigatory Powers Act 2000
 - Public Interest Disclosure Act 1998
 - Care Standards Act 2000
 - Common Law Duty of Confidentiality

Case law, including international case law, will also inform the legal position on aspects of disclosure and information sharing.

4.2 Family Services are also required to apply the Six Caldicott Principles as detailed in the Caldicott Report 1997.

Caldicott Principles

Caldicott is the name given to a set of six principles, which resulted from a Government investigation, by Dame Fiona Caldicott into confidentiality and security of personal information within the NHS.

These principles and new arrangements were first introduced into the Health Service but have, with effect from 2002, been introduced by the Government for Social care records.

The Six Caldicott Principles are:

- Justify the purpose
- Do not use personal data unless it is absolutely necessary
- Use the minimum necessary personal data
- Access to personal data should be on a strict need to know basis

Protocol for the Sharing of Information

- Everyone with access to personal data should be aware of their responsibilities
- Understand and comply with the law

5. Purposes For Which Information May Be Shared

5.1 This protocol applies to the sharing of information between the Council and West Yorkshire Trading Standards Service for the following purposes:

- Improving the Health of People in the Local Community
- Protecting People and Communities
- Supporting People in Need
- Investigating Complaints or Serious Incidents
- Developing Inter-agency Strategies
- Performance Management and Audit
- Research
- Staff Management and Protection
- The prevention of crime and disorder

5.2 If, as a result of legislation or policy changes or other developments, additional information sharing requirements arise these will be added to the framework agreement.

6. Principles Guiding the Sharing of Information

6.1 The following key principles guide the sharing of information between the parties:

- 6.1.1 WYTSS who are party to this agreement endorse, support and promote the accurate, timely, secure and confidential sharing of both person identifiable and anonymous information where such information sharing is essential for the purposes set out in paragraph 5.1 of this Protocol.
- 6.1.2 WYTSS are fully committed to ensuring that if they share information it is in accordance with their legal, statutory and common law duties, and that it meets the requirements of any additional guidance which may be notified to the organisation.
- 6.1.3 WYTSS recognise the requirements that Caldicott imposes on Family Services and will ensure that requests for information are dealt with in a manner compatible with these requirements.
- 6.1.4 WYTSS has in place policies and procedures to meet the requirements for Data Protection, Security and Confidentiality. The existence of, and adherence to, such policies provides the agencies with confidence that

Protocol for the Sharing of Information

information shared will be transferred, received, used, held and disposed of appropriately.

- 6.1.5 People in contact with WYTSS will be fully informed about the type of information that is recorded about them.
- 6.1.6 WYTSS acknowledges their 'Duty of Confidentiality' to people. In requesting release and disclosure of information from other agencies, staff will respect this responsibility and not seek to override the procedures, which the organisation has in place to ensure that information is not disclosed illegally or inappropriately. This responsibility also extends to third party disclosures.
- 6.1.7 As a **minimum**, individuals will be informed that information may be shared and the circumstances in which this could happen, WYTSS will ensure consent is sought before sharing information on individuals.
- 6.1.8 A persons information will only be disclosed where the purpose for which it has been agreed to share clearly requires that this is necessary. For all other purposes information should be anonymous.
- 6.1.9 Where it is agreed to be necessary for information to be shared, only the information needed will be shared and that would only be on a "need to know" basis.
- 6.1.10 When disclosing information about an individual, WYTSS will clearly state whether the information being supplied is fact, opinion, or a combination of the two.
- 6.1.11 WYTSS recognises that, subject to the appropriate safeguards, individuals have a right to know and be fully informed about information that is recorded about them.
- 6.1.12 Occasions will arise where WYTSS request that information supplied by them is kept confidential from the people concerned. Decisions of this kind will only be taken on statutory grounds and must be linked to a detrimental effect on the physical or mental well being of that individual or other parties involved with that individual. The outcome of such requests and the reasons for taking such decision will be recorded.
- 6.1.13 Careful consideration will be given to the disclosure of information concerning a deceased person, and if necessary, further advice should be sought from Information Governance Officers WMDC Family Services before such information is released.
- 6.1.14 WYTSS will ensure that all relevant staff are aware of, and comply with, their responsibilities in regard both to the confidentiality of information about people who are in contact with WYTSS and to the commitment of WYTSS to share information. Disclosure of personal information, which cannot be

Protocol for the Sharing of Information

justified on legal or statutory grounds, whether inadvertently or intentionally, could be subject to disciplinary action.

7. Supporting Policies

7.1 For members of the public and staff to have confidence that information sharing takes place legally, securely and within relevant guidance WYTSS will have in place policies which cover both manual and computer-based information which meet the requirements for:

- Data Protection
- Confidentiality & Security
- Caldicott (where applicable)

8. Access and Security Procedures

8.1 Linked to the above-mentioned policies are the procedures relating to the secure transfer, receipt, access to, storage and disposal of shared information.

8.2 WYTSS will have in place policies and procedures, which are subject to regular monitoring covering where applicable:

- Communication by Fax
- Communication by Telephone
- Electronic Communication
- Verbal Communication
- Written Communication
- Use of personal information for purposes other than that agreed
- Access arrangements to shared records and databases
- Secure storage and disposal of confidential information

8.3 For the purpose of this information sharing protocol members of the Council will contact Consumer Direct on 08454 04 05 06 if they have any concerns regarding vulnerable adults in their care.

8.4 WYTSS will inform the Council of any incidents where vulnerable adults have been targeted within Wakefield MDC boundaries using the Social Care Direct contact details:

Tel: 0845 8503 503

Fax: 01924 303455

Minicom: 01924 303450 (Type Talk calls welcome)

Email: social_care_direct@wakefield.gov.uk

9. Induction and Training

9.1 To support the implementation of the above-mentioned policies and procedures the relevant areas should be included in staff induction and training programmes, undertaken by WYTSS.

Protocol for the Sharing of Information

10. Protocol Review

10.1 The Protocol will be reviewed annually.

Protocol for the Sharing of Information

11. Execution

Signed on behalf of Wakefield Metropolitan District Council Family Services by:

Signature: Name: Anthony Sadler
Position: Caldicott Guardian Date:

Signed on behalf of by:

Signature: Name:
Position: Date: