



## POLICY DOCUMENT

*Policy title:* **Confidentiality (Data Protection) and Information Sharing Policy**

*Last reviewed:* August 2015

### *Document control*

<i>Version</i>	<b>1</b>
<i>Lead person:</i>	<b>Sally Jobling</b>
<i>Approved by Management/Staff Liaison Group:</i>	Sept 15
<i>Approved by Senior Management Team:</i>	Sept 15
<i>Ratified by Settlement Board of Trustees:</i>	16/09/15
<i>Next review of this document:</i>	August 2016

# **BARTON HILL SETTLEMENT – Confidentiality (Data Protection) and Information Sharing Policy**

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## **Introduction**

Barton Hill Settlement needs to retain and process certain personal and sensitive information about its employees, volunteers and services users for the purposes of administration and management. Barton Hill Settlement is committed to ensuring confidentiality is maintained and is aware of its legal obligations with regards to storing and sharing information under the Data Protection Act 1998. This means that Barton Hill Settlement ensures that all personal information is processed fairly, lawfully and as transparently as possible.

Sometimes, situations may arise where it would be appropriate to break confidentiality or divulge information. Circumstances which may be considered as appropriate are as follows:

- Where the information is not confidential in nature
- Where the person whom the duty is owed has given explicit consent
- Where there is an overriding public interest in disclosure
- Where it is considered by the worker in receipt of the information that an individual will be placed at risk of physical danger and withholding information could cause harm or injury to an individual.
- Where there is a legal obligation to disclose information:
  - it is disclosed or considered that a criminal offence has been or will be committed
  - information discussed relating to acts of terrorism
  - disclosure of information relating to the protection of children or vulnerable adults

## **General**

Barton Hill Settlement will ensure all information is stored and shared according to the regulations guidance of the Data Protection Act 1998

All staff and volunteers will be made aware of this policy when joining the organisation through the induction process.

The use of personal or sensitive information must be lawful. In most circumstances, this means that the consent of the subject must be obtained

## **Responsibilities**

Barton Hill Settlement has two lead Data Control Officers who have overall responsibility for the control of data protection and confidentiality within the organisation. (Sally Jobling – HR and Admin Officer and Joanna Holmes – CEO).

All employees have a duty to check that any information that they provide to BHS in connection with their employment is accurate and up to date, inform BHS of any changes or errors in information which they have provided e.g. change of address (BHS cannot be held accountable for errors arising from changes about which it has not been informed).

In connection with other staff members, clients and anyone whose personal information may be provide to BHS, all employees are responsible for ensuring:

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- Any personal data which is held is kept securely.
- All personal data should be accessible only by those who need to use it and should be kept; in a secure environment by password protected if computerised and kept in locked storage devices within a secure environment.
- Any personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised employee, volunteer, service user, partner organisation or other third party.
- Where disclosure to a third party is a necessity employees should ensure that the appropriate consent is in place before any information is released.

### **Data and Information Sharing with Partner Organisations.**

As part of OFSTED Framework for Children’s Centres, all Barton Hill Settlement employees who work with children will be required to work within Bristol City Councils Information Sharing Protocol for the Reach Area list of children aged under 5 years and Early Education for 2 year olds – Contacting Parents. (Available at [www.foundationyears.org.uk](http://www.foundationyears.org.uk)).

### **Accessing Data**

Barton Hill Settlement upon request will confirm what personal data they hold in relation to an employee

Subject to any statutory exemptions all employees shall be entitled to request access to any personal data or sensitive personal data Barton Hill Settlement have retained in relation to the requesting individual. Such a request is known as a “subject access request”.

Any employee shall also be able to request Barton Hill Settlement to amend or correct inaccurate information retained.

An employee wishing to make such a request must provide details in writing to the HR and Admin Officer outlining the disclosure sought.

Any request will be subject to an administration fee. The fee will be reasonable given the nature of the request but normally not exceed £10 per request.

Barton Hill Settlement will process any request without reasonable delay and in any event within 40 days of Barton Hill Settlement having written request, the administration charge and any additional information which Barton Hill Settlement reasonably requires in order to locate the information. No obligation upon Barton Hill Settlement to provide the information arises until the conditions have been fulfilled.

When the requesting employee has failed to provide sufficient information to readily identify the data sought, Barton Hill Settlement may write back requesting further information.

The information will be supplied by way of a copy, except where the supply of a copy in

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permanent form is not possible or would involve disproportionate effort, or the employee agrees otherwise.

Barton Hill Settlement shall provide access to the information unless doing so would infringe upon the rights of a third party or any legal exemptions applied.

### **Data Protection Act Principles**

The Data Protection principles in summary are:

- The information to be contained in personal data shall be obtained and processed fairly and lawfully.
- Personal Data shall be held for one or more specified and lawful purposes and data held for any purpose (s) shall not be used or disclosed in any manner incompatible with those purposes.
- Personal data held for any purpose shall be adequate, relevant and not excessive in relation to that purpose.
- Personal data shall be accurate and where necessary, kept up to date.
- Personal data held for any purpose shall not be kept longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the data subject's rights.
- Personal data shall be kept safe from unauthorised access, accidental loss or destruction.
- Personal data shall not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All staff and volunteers who process or have access to personal information must ensure that the data protection principles under the Act are followed and fully implemented.

### **Retention of Data**

Barton Hill Settlement will hold the minimum personal data and sensitive data personal data necessary to enable it to perform its functions.

The retention schedule at Appendix A sets out the length of time that different types of data kept.

Barton Hill Settlement will keep some items of information for longer than others. The retention period will never be for longer than necessary and in line with current good practice and statutory requirements.

Records retained will be kept in a secure location. The erasure or destruction of information which is out of date will be conducted in such a way as to preserve the confidentiality of the information. All paper records that contain confidential information will be kept in locked cabinets and the keys will only be available to approved personnel. All confidential electronic data will be stored in restricted locations on the server and access to these locations will only be for approved personal as agreed by the Data Control Officers.

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### **Disciplinary Action**

Barton Hill Settlement expects all its employees to comply fully with this policy and the principles of the Data Protection legislation.

Disciplinary action may be taken against any employee who breaches any of the instructions or procedures in this policy.

Barton Hill Settlement is committed to the highest standards of confidentiality in relation to all its' employees, volunteers and service users. As such any breach of this procedure will be regarded as a serious matter and could lead to dismissal.

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### Appendix A – Information retention schedule

Record	Retention	Statutory Authority
Accident Book/records/reports	3 years from the date of the last entry (or if the accident involves a child/young adult, then until that person reaches the age of 21).	RIDDOR 1995  Limitation Act 1980
Accounting records	6 years	Section 221 of the Companies Act 2006
Income tax and NI returns, income tax records and correspondence with the Inland Revenue	3 years after the end of the financial year to which they relate.	The Income Tax Regulations 1996
Medical records and details of biological tests under the control of lead at work	40 years from the date of last entry	The Control of Lead at work Regulations 2002
Medical records as specified by COSHH	40 years from the date of the last entry.	COSHH Regulations 2002.
Medical records under the control of Asbestos at work regulations.	40 years from the date of the last entry.	The Control of Asbestos at Work Regulations 2012.
Medical records under the Ionising Radiations Regulations	Until the person reaches 75 years of age, but in any event for at least 50 years.	The Ionising Radiations Regulations 1999.
Records of tests and examinations of control systems and protective equipment under the COSHH Regulations	5 years from the date on which the tests were carried out.	The COSHH Regulations 2002
Records relating to children and young adults	Until the child/young adult reaches the age of 21 years	Limitation Act 1980
Retirement Benefits Schemes-records for notifiable events, for example, relating to incapacity	6 years from the end of the scheme year in which the event took place.	The Retirements Benefits Scheme Regulations 1995

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Statutory Maternity Pay records, calculations, certificates (MAT B1's) or other medical evidence	3 years after the end of the tax year in which the maternity period ends.	The Statutory Maternity Pay Regulations 1986
Wage/Salary records	6 years	Taxes Management Act 1970
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover.	National Minimum Wage Act 1998.
Records relating to working time	2 years from date on which they were made	The Working Time Regulations 1998.
<b>Record</b>	<b>Retention</b>	<b>Non Statutory</b>
Actuarial valuation reports	permanently	
Application forms and interview notes (for unsuccessful candidates)	1 year.	
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	
Banning records	5 years after the date that the ban is spent	
Board of trustees meeting minutes	Permanently	
Contracts and tendering		
Expression of interest	– 2 years after contract let; or not proceeded with.	
Ordinary contracts	–6years after contract has expired.	
Contracts under seal	–12 years after contract has expired	
Issuing and return of tender	– 1 year after start of contract.	

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Tender evaluation	-Ordinary contracts – 6 years after contract has expired.	
Successful tenders	Contracts under seal – 12 years after contract has expires.  -Ordinary contracts – 6 years after contract has expired.  Contracts under seal – 12 years after contract has expires.  -1 year after start of contract	
Unsuccessful tenders	-Ordinary contracts – 6 years after contract has expired.	
The process of awarding a contract	Contracts under seal – 12 years after contract has expires.	
Successful funding applications	-Ordinary contracts – 6 years after contract has expired.  Contracts under seal – 12 years after contract has expires.	
Unsuccessful funding applications	-1 year after notification of refusal.	
Funding contracts and service level agreements	-6 years after terms of the contract have expired.	
Disciplinary and Grievance records	1 year after 'spent' time, dismissal -6 years after employment ceases.	
Inland Revenue approvals	Permanently	
Money purchase details	6 years after transfer or value taken	
Parental leave	5 years from birth/adoption of the child or 18 years if the child	



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	receives a disability allowance.	
Pensioner's records	12 years from the ending of any benefit payable under the policy	
Personnel files and training records (including disciplinary records and working time records, appraisal)	6 years after the employment ceases	
Redundancy details, calculations and payments, refunds, notification to the Secretary of State	6 years from the date of redundancy.	
Records relating to staff working with children	25 years from termination	
Senior Executives' records (that is those on a senior management team or their equivalents)	Permanently for historical reasons	
Staff supervision and annual appraisal notes.	3 years from date of appraisal.	
Service users including parents personal files and data	6 years after last attended date.	
Trade union agreements	10 years after ceasing to be effective	
Trust deeds and rules	Permanently	

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Appendix 1

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## INFORMATION SHARING WITH CHILDREN'S CENTRES

### Children under 5 years known to Social Care

#### 1. Background

The most recent Ofsted framework and national guidance for Children's Centres states that Centres will be expected to be aware of the numbers of children in need (CIN), looked after children (LAC or CLA) and children with child protection plans (CP) living in their reach area, and to offer services to children and families within these groups.

In order to support Children's Centres with meeting these requirements, certain information about these children will be shared with Children's Centres on a regular basis. This information should enable Children's Centres to have an accurate record of the numbers of children in these groups, and to track whether they are currently working with each of these families. In cases where they are not, this information will support Children's Centres in making contact, where appropriate, via case workers and their teams. This document is intended to support the information sharing process.

The Council has the power to share this information under the Local Government Act 2000, as sharing this information will help to promote the social well-being of families in the Bristol area, and will help to meet the Corporate Plan objective of "focussing on pre-natal and early years care and support for those families most in need, to give every child in Bristol the very best start in life possible".

#### 2. Information that will be shared

The following information on children aged under 5 known to Social Care, including unborn children, will be shared with Children's Centres:

- Child's name, date of birth, age, gender and ethnicity
- Current type of involvement (CIN, CLA, CP) with the date of the initial referral to social care and social care involvement in previous quarter
- Indication of whether children have newly entered the system, changed type of involvement, left the system completely, or remained unchanged since data was last circulated
- Child's case worker, team and team contact number

Children's Centres will be supplied only with information about children under 5 living in their reach area who have social care involvement. This information will be taken from the Liquid Logic database for children's services, and represent a 'snapshot' at the end of the preceding quarter (e.g. the information issued in October will be as at 30<sup>th</sup> September).

Reach area will be determined from the child's current residential postcode. For CLA, this will be their current placement; for all other children this will be their primary address. It should be noted that some CLA with a restricted address will show City Hall as their place of residence; this may inflate the associated CLA numbers that relate to the pertaining reach area.

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Data will indicate changes since the previous quarter end. It will be grouped as follows:

- Children who have started social care involvement
- Children who have changed level or type of involvement
- Children with social care involvement who remain unchanged

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- Children who have ceased social care involvement.

Within each group, children will be sorted by type of involvement, and within this by social care team working with them. Any changes will be highlighted.

Centres will **not** be supplied with parent/carer names, contact details or addresses; this is to ensure that contact with parents/carers and children are made only after discussion with the relevant case worker.

Address information will not be supplied, because some addresses are restricted/confidential, and to avoid the risk of inappropriate contact being made. Contact details for the family can be made available by case workers where it is agreed this is right to do.

The information shared will relate to the Bristol social care database only. Information regarding children placed into Bristol by other local authorities is incomplete.

### **3. Timescales**

Information will be collated and circulated by the Information & Analysis Team, Bristol City Council on a quarterly basis.

The information will be a 'snapshot' taken at the end of each quarter, with information taken from Liquid Logic as follows:

#### **Date information collected Date information sent**

30<sup>th</sup> September By 25<sup>th</sup> October

31<sup>st</sup> December By 25<sup>th</sup> January

31<sup>st</sup> March By 25<sup>th</sup> April

30<sup>th</sup> June By 25<sup>th</sup> July

The information will be sent to Children's Centres by the end of October, January, April and July.

### **4. Means of transmission**

The data will be emailed securely by the Information & Analysis Team, in line with current corporate policy, in MS Excel format to nominated Children's Centre staff. The Information & Analysis Team will maintain a list of recipients for this information. Children's Centres should promptly inform the team of any changes.

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### **5. Using the data**

Data is primarily supplied to support identification of children with additional needs and their families. This data will, in particular, be useful in identifying numbers of children falling into one of the three social care categories referred to as part of providing evidence to Ofsted of take-up of services within these groups.

Children's Centres may want to make contact with families, including non-parental carers, and parents whose children are not currently living with them, in order to provide support or encourage them to access services. Any Centre wishing to do so, should first contact the child's case worker or team, in order to check that there are no safety concerns around making contact, and discuss the suitability of offering services. Where appropriate, case workers will be able to supply carer/parent names and contact details, or pass on messages.

In some cases, Children's Centres will already have contact with children or families who have social care involvement, though Centres may not be aware of this prior to receiving the data. Centres are strongly encouraged to contact the child's case worker or team before making further contact with the family, in order to ensure there are no areas of concern or confidentiality of which the Centre is not aware.

All data received must be stored securely and only for the purposes for which it is intended. It should be stored so that only those who should have access can gain access, and it is preferable that there is an auditable trail for access. This means for

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electronic data a separate drive, and should always be password protected. The Data Protection Act states that you should only keep data for as long as is considered necessary for the purpose for which it was first collected, and that personal data should be accurate and up to date. The recommendation is that all data, whether electronic or paper-based, is stored for at least one year. The information is not to be used for any other purpose as advised in section 4.8 of Schedule 4 relating to Part One of the Children's Centre Service Agreement.

### **6. Sharing information within and outside the Centre**

The information provided by the Information & Analysis Team should be held confidentially and not shared except in the specific circumstances given below

#### **6a. When information may be shared**

Information provided in this dataset should only be shared within Centres, and then only on a 'need to know' basis. It is recommended that information on a particular family only be shared with that family's or child's worker.

This information may be shared with a single admin worker (for example, to run checks on eStart). In all cases of sharing this data, staff should be given a copy of this protocol, and reminded of the need for confidentiality, whether with other professionals outside the Centre, with staff within the Centre, or with families and visitors to the Centre.

Information should be shared within the Centre if it is required to enable the Centre to provide their assessment for the child protection plan or care plan; and if it is required to enable the Centre to provide the right help and support for the child and their family.

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Families included in this information should have been made aware by their case workers that their information will be shared to facilitate support for them.

Nonetheless, Centres should continue to exercise care and caution when approaching any family members, carers or children to offer support or services.

#### **6b. When information should NOT be shared**

Information provided in this data set should not be shared with the following:

- NHS and health partners
- Other sites used by the Centre for service provision
- Non Bristol City Council services being provided through the Centre (other than a service provided by a voluntary early years setting that has been commissioned by the Children's Centre to provide part of the Children's Centre core offer with a written Service Agreement in place)
- Any other agency that Centres may be working with
- Any other Bristol City Council service e.g. Housing, Schools etc
- Anyone making a general enquiry about a child or family

If there is any doubt about whether information can be shared with a particular party, please refer to the contact details below.

This protocol applies only to information provided within the dataset. Any other information sharing (for example, other agency involvement shared with Social Care or Health) should be covered by the Children's Centre's own confidentiality/ data protection/ information sharing/ safeguarding policies.

All information is provided in accordance with Bristol City Council's Data Protection policy <http://www.bristol.gov.uk/page/data-protection-act>.

### **7. eStart**

All data, including the child's current level of social care involvement, should be treated with discretion, particularly when the family is not accessing the Centre, or has not chosen to disclose social care involvement. Recording of this data on eStart

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and other similar databases should be done with care around potential Data Subject Access requests (for example, an abusive partner asking for information about their record should not be able to access records that give the child's or ex-partner's current address).

Any Children's Centres receiving notification that a child has ceased social care involvement should ensure that any flags on eStart regarding this are removed, and that the child's record is updated to show social care involvement has ceased. Information regarding any social care involvement is collected on the Children's Centre membership form. For families living within the Centre's reach area, it is recommended that this information is reconciled with the data shared quarterly under the terms of this protocol.

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### 8. Limitations of the data

Children move in and out of social care involvement and their social care status can change over short periods of time so the information may have become inaccurate between the time of recording on the social care database and the time of receipt by Children's Centres.

The file will not include the following:

- Children who have had a social care referral that has opened and closed within the same quarterly reporting period.
- Children who have moved address to another Children's Centre reach area or Local Authority.
- Information on a child that has been entered onto the social care database after the time the quarterly report has been run (late recording). This means that on occasions children you expect to see will be missing from the list, and children you do not have a record of are on the list as existing or closing cases.

Late recording on the social care database can occur due to the complexities of social care procedures and is more likely to occur for LAC and CIN cases. If you notice any discrepancies between the information provided and the information held at your setting, please contact Kam Govind for clarification.

### 9. Contacts

Early Years Team:

Rachel Williams, Early Years Partnerships & Information Manager (0117 37 73237)  
[rachel.williams@bristol.gov.uk](mailto:rachel.williams@bristol.gov.uk)

Information & Analysis Team:

Kam Govind, Information & Performance Officer (0117 90 37399)  
[kam.govind@bristol.gov.uk](mailto:kam.govind@bristol.gov.uk)

Date: January 2016

To be reviewed: March 2017

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