

INFORMATION SHARING

SECOND LEVEL PROTOCOL FOR THE SHARING OF CHILD HEALTH DATA

BETWEEN

**SOUTH, CENTRAL AND WEST COMMISSIONING SUPPORT
UNIT (SCWCSU)**

AND

BRISTOL CITY COUNCIL

Version	Date	Comments
0.2	April 2016	First draft for comment
0.3	April 2016	Minor Amendments
1.0	October 2016	

1. Purposes

- 1.1. This second level protocol is made under the auspices of the NHS South, Central and West Commissioning Support Unit (SCWCSU) Information Sharing Protocol (version 7.0 June 2015) which has been adopted by each organisation, each organisation will continue to adhere to the Information Sharing Protocol, or to future versions, for the duration of this agreement.

- 1.2. The purpose of this second level protocol is to facilitate the fair and lawful sharing of personal information between SCWCSU and Bristol City Council in order to enable the signatories to perform their statutory duties, including the well-being duties, under any of the following pieces of legislation:

The Children's Act 2004
The Children's Act 1989
The Childcare Act 2006
Children Leaving Care Act 2000
Children and Families Act 2014
National Health Service Act 1977
National Health Service Act 2006
Education Act 2002
Special Education Needs and Disability Regulations 2014
Localism Act 2011
Immigration and Asylum Act 1999
Crime and Disorder Act 1998.

1.3. This protocol sets out the key principles and processes for sharing child health information between the South, Central and West Commissioning Support Unit and Bristol City Council. It contains the approach to access, the justification for sharing and the overriding principles regulating the use and management of the information. It promotes the lawful and regulated information sharing of children's personal information in order to support the welfare and provision of services to children and to protect their rights.

2. Role & Responsibilities of Partners

2.1. Each organisation is responsible for the personal identifiable information they process, and will ensure the fair and lawful processing and security of the information at all times. Each organisation will comply with all relevant legislation (see 3.1), codes of practice and protocols when processing personal identifiable data.

2.2. Schedules 1 and 2 provide a full description of the child health data that will be shared ('the specified data') and the purposes (the 'agreed purposes') for which the specified data will be used. The agreed data will be provided at agreed intervals via secure electronic transfer.

3. Relevant Legislation, standards and guidance including:

3.1. All signatories will be mindful of and adhere to their legal duties with regard to the processing, use and sharing of personal identifiable information including information relating to children, and compliance with legislation and guidance and Codes of Practice, these duties include but are not limited to those laid down in:

The Data Protection Act 1998
The Human Rights Act 1998
The Common Law Duty of Confidence
The Caldicott Principles
Professional Codes of Practice

4. Approach to consent, legal duty or legal powers to share with reference to:

- 4.1. For the purposes of this agreement the specified information will be shared for the agreed purposes, which all relate to the obligation on the signatories to improve the well-being of and provision of services to children as well as safeguarding and promoting the welfare of children.
- 4.2. All reasonable endeavours will be exercised to provide fair processing notices or otherwise notify children and/or parents/legal guardians of their intentions to share information and of the purposes for which the data will be shared.
- 4.3. Each organisation will endeavour to provide reassurances about the benefits of sharing information and the protections in place. If a parent requests that their child's information is not shared, this will be discussed with the parent and if it is in the interests of the child it will not be shared unless there are safeguarding issues.

5. Information exchanged or shared between partners

- 5.1. Information will be shared between SCWCSU with Bristol City Council for the agreed purposes only, (see Schedule 1 and Schedule 2); use of the specified data for additional purposes is not permitted without written agreement of the other party. Only the specified information (see Schedule 1 and Schedule 2) will be shared, anything falling outside of these schedules will require separate consideration.
- 5.2. Both organisations are responsible for ensuring the information they provide is accurate and up to date. In the event that either party identify inaccuracies within the data they should inform the other party and agree the measures required to update the data.

6. Approach to access and security

- 6.1. Each organisation will have due regard to ensuring the security of the specified data. This include consideration of the Data Protection Act 1998 which requires that organisations put in place appropriate technical and organisational measures to ensure the security and appropriate use of information, international security standards ISO 17799/27001 which provide addition information on suitable measures and other relevant legislation and standards.
- 6.2. Each organisation is responsible for ensuring that the data they hold, whatever format, is protected from inappropriate and unlawful access whether deliberate or accidental. Measures must be put in place to protect the security of the personal identifiable data, these measure will include (but are not limited to) encryption, access control, secure transfers and appropriate measure to destroy/fully erase information once it is no longer required.
- 6.3. Any actual or suspected security breach will be fully investigated in accordance with the organisation's Information Governance procedures and the SCWCSU must be informed of the breach and the actions being taken.

6.4. Only staff who have a legitimate need to access the shared information for the specified purposes will have access to the shared information. The information will not be further shared with the organisation. The shared information will not be accessed by any third party unless approved by all signatories. Anyone who is not an employee of the signatories is considered to be a third party.

7. Methods of transfer and storage

7.1. Information will be transferred by NHS mail to a secure email address such as a NHS mail or GCSX mail account. If permitted, any further transferring or sharing of the data will be by secure means. Some of the information may be shared by accessing information available on Connecting Care where appropriate.

7.2. Information will only be retained by the recipient organisation for as long as it is required to fulfil the purposes listed and related audit requirements.

8. Complaints Procedures

8.1. All queries, concerns or complaints received regarding the sharing and processing of personal information will be fully addressed and responded to in accordance with organisational Information Governance complaints procedures.

9. Awareness Training/communication to involved individuals

9.1. All staff accessing the agreed data or involved in its transfer will be made aware of this protocol and their responsibilities under it. All relevant staff will receive regular Information Governance training from their own organisations.

10. Monitoring & Review

10.1. This second level information sharing protocol will be subject to regular review to ensure it remains appropriate. An annual review will be completed by both organisations together.

11. Signatures

Signed on behalf of	Bristol City Council
Name	Gary Davies
Job Title	Head Of Early Intervention and Targeted Services (Children, Young People and Families)
Signed	
Date	

Signed on behalf of	SOUTH, CENTRAL AND WEST COMMISSIONING SUPPORT UNIT (SCWCSU)
Name	Iona Rees
Job Title	Head of Child Health Information Services
Signed	
Date	

Schedule 1

Data Shared by SCWCSU with Bristol City Council

Purpose 1: Birth data for Family Services (family services are defined as including Early years/Early Help and Social Care)

Information will be used in relation to children within Children's Centres areas in order:

- to facilitate access for contact and notification of services available
- to support partnership working between health practitioners and family services staff on sites
- to support clinical audit
- to identify teenage mothers to enable engagement with the Youth Employment Service
- to update data held on the Children's Centre management information database
- to support whole family working
- to facilitate the identification of risk and vulnerability in order to ensure families are prioritised in receiving care and support.

Data: Monthly Data on birth of children within Children's Centre designated postcode areas of residence with deceased/stillborn children excluded including the following data:

- a. surname and forename
- b. Gender
- c. Date of birth
- d. Movement in date (if applicable)
- e. Address
- f. Child's Ethnicity (where known)
- g. NHS number
- h. Mother's name (where known)
- i. Mother's date of birth (where known)
- j. Primary medical practitioner (GP)
- k. Key performance indicator data e.g. birth weight

Purpose 2: School Planning

This information provides intelligence in order:

- to assist with pupil school place planning
- to assist with service planning for children
- to assist with service performance monitoring and target setting
- to obtain aggregated numbers by geographical areas to assist with responding to requests for information
- to identify risk and vulnerability in not progressing to take like chances

Data: Bi-annual data on rising 5's (age as at 31st August) council resident population including the following data:

- a. Legal surname and forename
- b. Gender
- c. Date of Birth
- d. Child's Ethnicity
- e. Address

Purpose 3: School Engagement

The information provides intelligence in order to:

- to assist with pupil school place planning
- to assist with service planning for children and families
- to assist with service performance monitoring and target setting
- to obtain aggregated numbers by geographical areas to assist with responding to requests for information
- to assist with checking that children of statutory school age living in Local Authority are known to the Local Authority education database
- to assist with identifying that children of statutory school age known not to be at a Local Authority School are still registered with a local GP and could be considered as a Child Missing Education
- to identify teenage mothers for engagement with the Youth Employment Service
- to assist with establishing a single unique identifier when sharing data with health
- to update the management information database used by the Youth Employment Service to assist with tracking participation in education
- to enable the Youth Employment Service to identify young people to whom it has a statutory duty to offer a service and to assist in engaging the young people with those services.
- for the identification of risk or vulnerability in supporting resource allocation decision making and prioritisation

Data: Bi-annual a full data set of all 0-19 (age as at 31st August) Local Authority resident population being registered with a General Practitioner including the following data:

- a. Legal surname and forename
- b. Gender
- c. Date of Birth
- d. Child's Ethnicity
- e. Address
- f. NHS Number
- g. Primary medical practitioner (GP)
- h. Mother's name (where known)
- i. Mothers date of birth (where known)

Schedule 2

Data Shared by Bristol City Council with SCWCSU

Purpose: Care Plus Child Health System

- To ensure the Care Plus Child Health System has accurate information of the school age population requiring school immunisations

Data: three times a year following school census, a full set of school population data for children and young people attending Local Authority schools including the following data:

- a. Legal surname and forename
- b. Gender
- c. Date of Birth
- d. Ethnicity
- e. Address
- f. DfE Number
- g. School Name
- h. UPN
- i. Date of Arrival
- k. National Curriculum year