

INFORMATION SHARING AGREEMENT

INFORMATION SHARING AGREEMENT (ISA)

BETWEEN

LINCOLNSHIRE CHILDREN'S SERVICES

AND

LINCOLNSHIRE POLICE

Version 2.0

SUMMARY SHEET

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ISA Ref:	LPOO1/CS
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PURPOSE	Information Sharing Agreement with Lincolnshire Children's Services. This agreement outlines the need for the Police and Children's Services to work together to investigate and protect children and provides a framework for action.
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PARTNERS	Lincolnshire Police Lincolnshire Children's Services
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Date Agreement comes into force:	01 September 2007
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Date of Agreement Review:	01 September 2008
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Agreement Owner:	Lincolnshire Police
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Agreement drawn up by:	DCI Glen Harris
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Location of Agreement in force:	C:/
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Protective Marking:	Not protectively marked
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VERSION RECORD

Version No.	Amendments Made	Authorisation
00/01		DCI Harris
00/02	Appendix A Request for information Form Appendix B Enquiry to Establish If Child is Subject to a Child Protection Plan	DCI Harris
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1. INTRODUCTION

1.1. Lincolnshire Police are committed to partnership working and continually look for opportunities to work more closely with local authorities to detect, prevent and reduce crime.

1.2. This agreement outlines the need for the Police and Children's Services to work together to investigate and protect children and provides a framework for action.

2. PURPOSE

2.1. The purpose of this agreement is to enable information to be disclosed to Lincolnshire Children's Services during child protection and child in need enquiries, including those within cases of domestic abuse.

It will incorporate measures aimed at:

- Facilitating a coordinated approach to child protection and child in need enquiries.
- Facilitating the collection and exchange of relevant information.
- The pursuit of civil or criminal proceedings in relevant cases, either by Lincolnshire Police or Lincolnshire Children's Services.
- Ensuring that the sharing of information meets one or more of the policing purposes.

2.2. It also seeks to increase the confidence of the community of Lincolnshire, while encouraging their support to enable Lincolnshire Police and Lincolnshire Children's Services to combat child protection matters.

3. PARTNER(S)

This agreement is between the following partners:

This agreement is between the following partners:

Lincolnshire Children's Services
Orchard House
Orchard Street
Lincoln LN1 1BA

and LINCOLNSHIRE POLICE, PO BOX 999, LINCOLN LN5 7PH

4. POWER(S)

This agreement fulfils the requirements of the following:

4.1. Lincolnshire Police has a duty to disclose information to third parties during child protection and child in need enquiries.

Lincolnshire Police has a duty to ensure that any disclosure made is made within legislative obligations. These are that the information disclosed meets:

- Common law requirements
- Data Protection Act 1998

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- Human Rights Act 1998
- Multi Agency protocols on information sharing
- Court Orders

and that the information is disclosed for a policing purpose, i.e. for the prevention of crime, the detection of crime or the prosecution of offenders.

In respect of child protection and children in need, there may be a need to disclose information, which relates to doubts and suspicions.

In respect of allegations made against individuals who work with children, there may be a need to disclose information which relates to previous criminal enquiries, convictions and police intelligence

It is acknowledged that this can engage the Article 8 Human Rights Act 1998 rights of individuals, "Everyone has the right to respect for his private and family life, his home and his correspondence". However, this right has to be balanced against the rights of children and others at risk of harm and Article 2 "right to life" and Article 3 "prohibition of torture, inhuman or degrading treatment or punishment", create obligations on the State to take action.

The rights under Article 8 can be breached where it is necessary and proportionate to do so in the following circumstances:

- In the interests of the prevention of disorder or crime
- In the interests of the protection of health or morals
- In the interests of the protection of the rights and freedom of others

Section 47 Children's Act 1989 allows Children's Services to request information from other agencies as part of an ongoing child protection enquiry. It should be understood that a failure to disclose information, which could prevent a tragedy, can also result in criticism but above all could result in a child being harmed.

Working Together to Safeguard Children 2006 allows Police to share information to safeguard children when allegations are made against individuals who work with children.

4.2. On the other hand unjustified disclosure of information is likely to be challenged and could be unlawful.

Information to be disclosed needs to be accurate, current, factual and proportionate for the purpose for which it is disclosed; above all the information to be disclosed must be relevant and necessary to the issue raised in respect of the individual concerned.

5. PROCESS

5.1. This agreement has been formulated to facilitate the exchange of information between partners. It is, however, incumbent on all partners to recognise that any information shared must be justified on the merits of each case.

5.2. A multi use request form (Appendix A) is to be used for the following reasons:

- It records the request for information and the necessity to do so.
- It provides evidence of consultation between the Police and Children's Services in relation to a referral about a child in need.
- It assists to record the decision making process where a child is suspected to be

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suffering, or likely to suffer, significant harm and Section 47 Children Act enquiries are required to be undertaken.

The non-CRB disclosure officer (CJIU) will be consulted in respect of each instance where information is to be disclosed and will undertake the decision-making role and record same. In respect of Domestic Abuse cases, these should also be emailed to the non-CRB disclosure officer. (CJIU)

In the initial stages of a child protection or child in need referral it can be difficult to determine a course of action or whether a single or multi agency enquiry will result. Information may be disclosed on receipt of a referral or during a strategy discussion or meeting. However, all information disclosed must be recorded by means of the multi use form. Any strategy discussion/consultation with the CRU, a copy of the form (LSCB 1 Rev.10/06) must be forwarded within 7 days to the CRU.

5.4. To ensure that the obligations under the Data Protection Act 1998 and Human Rights Act 1998 are fulfilled the following procedure will apply:

Any social worker requiring information from police sources as outlined in (i) – (vii) below will have the application form countersigned by a Children's Services Team Leader.

Appendix A application will be forwarded to the non-CRB disclosure officer who will review the request and determine whether the request will be met and what checks will be undertaken and record same.

Appendix B enquiry form will be dealt with by FCCC staff and results from Children's Services will be sent back to FCCC who can inform/update staff at the scene/involved in the incident.

6. TYPES OF INFORMATION TO BE SHARED

Lincolnshire Police will share:

Through using Appendix A Form, the following circumstances will justify a request for disclosure of information from the Police:

- i. When a child protection referral is made and a Section 47 joint investigation has begun, e.g. through a strategy discussion/meeting or child protection conference.
- ii. When Children's Services are carrying out an investigation under Section 47 on a single agency basis.
- iii. When Children's Services are carrying out an initial assessment in order to inform the decision as to whether the Section 47 threshold is reached.
- iv. When Children's Services are carrying out a child in need assessment under Section 17.
- v. When the request relates to a child subject or previously subject to a child protection plan. .
- vi. When Children's Services are faced with the immediate need to place a child in an emergency, e.g. with a family member or friend who has not previously been checked through the Criminal Records Bureau (CRB).
- vii. Where children may be at risk of harm due to domestic abuse.
- viii. Where allegations are made against individuals who work with children

(It must be noted that this is a minimal check and will not provide the information that a full CRB check will provide; as a result ALL requests made under "vi" MUST also be followed up with a CRB check.)

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By using the form Appendix B, which replaces the old CPR enquiry form and sees the recent change in terminology 'subject to child protection plan', Lincolnshire Police will electronically submit this form to Children's Services following domestic abuse incidents where children have been involved or live in the same household. Upon submission the following information will be shared with Children's Services.

- i. Referrer Details
- ii. Child Details
- iii. Family Details
- iv. Reason for enquiry
- v. Domestic abuse risk identification factors where available / appropriate

Lincolnshire Police will also use this form to request information about a child to further inform decision making about what action to take to safeguard a child (refer to LSCB Policy on enquiries to ascertain if a child is subject to a child protection plan).

Lincolnshire Children's Services will share:

Information about domestic abuse incidents with Lincolnshire Primary Care Trust
Information in relation to allegations will be shared with the employer
Information gathered as part of a section 47 with relevant agencies at a child in need meeting / child protection conference to assist in safeguarding the child through a multi agency plan.

7. CONSTRAINTS ON THE USE OF THE INFORMATION

The information shared must not be disclosed to any third party without the written consent of the agency that provided the information. It must be stored securely and deleted when it is no longer required for the purpose for which it was provide.

8. ROLES AND RESPONSIBILITIES UNDER THIS AGREEMENT

Identified SPOCs for this Agreement are:

- Head of Public Protection Unit, Lincolnshire Police.
- Head of Service Safeguarding Children's Services

The areas of business to be checked by the Police in response to such a request are:

- Child Protection Database
- PNC (including VISOR)
- Domestic Abuse
- Crime Recording System
- Command & Control
- Firearms Revocation

The result of these checks will be recorded on the form and returned to the applicant. A copy will be filed in CJIU (or in the case of conviction checks, these will be filed in the Disclosure Unit). If there is no relevant information to disclose, the form will simply be marked "nothing relevant".

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It is important to consider that:

- Disclosure should be made of any relevant information in the context of safeguarding children.
- That a failure to disclose information to Children's Services may put a child at risk.
- The PPU supervisor will decide whether the information to be disclosed is accurate, factual, relevant and proportionate to be disclosed and that it is necessary in the interests of the child to disclose all or part of the information to Children's Services.
- The reasons for disclosure or withholding information will be recorded and signed by the PPU supervisor.
- If a criminal prosecution is pending the Crown Prosecution Service and Legal Services must be consulted about any proposed disclosure of information such as witness statements and any evidential material.
- From time to time, emergency situations will occur but this procedure will still be followed.

Children's Services are to ensure that information disclosed by Lincolnshire Police in response to such a request is used only for the purpose for which the request was made. If other information available, at the time or later, to Children's Services tends to suggest that Police information is inaccurate or incomplete they will, at the earliest possible moment, inform the Head of the Public Protection Unit (PPU) of such inaccuracy or incompleteness directly.

The Head of PPU should then consider, and if necessary record any additions or changes to the recorded Police information.

8.1. Responsibilities

8.1.1. Children's Services

That all requests for information meet the criteria outlined.

That the information disclosed by Lincolnshire Police is stored securely in accordance with the Data Protection Act 1998.

That the information provided by Lincolnshire Police is not disclosed to third parties without the written consent of Lincolnshire Police.

That inaccuracies in the information provided by Lincolnshire Police are promptly notified to the Head of PPU.

8.1.2. Head of PPU

Supporting staff to share information appropriately.

Providing a system for recording decisions on whether to disclose or not disclose.

Ensuring that the process of disclosing information is adhered to by both those in a supervisory and user capacity.

8.1.3. PPU Supervisors

Supporting staff to disclose information appropriately.

Auditing on an ad hoc basis, the decision to disclose made by users, including the necessity, accuracy and adequacy of information disclosed.

Checking whether the decision to disclose meets a policing need as laid out in this document or other legal duty or power.

Ensuring that information disclosed does not compromise any Police operation or the safety of others.

Ensuring that a risk assessment process is adhered to by the user when making a decision to disclose information.

Providing feedback to staff on their performance.

8.1.4. Users/CJIU

Ensuring that information is relevant, accurate and adequate for the purpose for which it is being disclosed.

Ensuring that when personal information is disclosed, the requirements of the Data Protection Act 1998 and the common law duty of confidence have been fulfilled.

Recording any decision to disclose or not to disclose.

Checking whether the decision to disclose meets a policing need as laid out in this document or other legal duty or power.

Ensuring that information disclosed does not compromise any Police operation or the safety of others.

9. SPECIFIC PROCEDURES

All requests for information must be made in writing using the “request for disclosure of information” form (copy at appendix A).

Requests may be made by email but care must be taken where personal information is shared.

Forms must be completed electronically; endorsement of Children’s Services staff must be completed prior to emailing to CJIU.

Disclosure of information (appendix A) replies to requests must be made in 7 working days.

Enquiry to Establish If Child Subject to a Child Protection Plan (appendix B) results should be immediate and available to the officer at the scene in order to inform judgement and/or take suitable action.

10. REVIEW, RETENTION AND DELETION

Partners to this agreement undertake that personal data shared will only be used for the specific purpose for which it is requested. The recipient of the information is required to keep it securely stored and will dispose of it when it is no longer required.

Files containing information from partner sources will be reviewed in line with force policy.

The recipient will not release the information to any third party without obtaining the

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express written authority of the partner who provided the information.

11. REVIEW OF THE INFORMATION SHARING AGREEMENT

The ISA has been reviewed 6 months after its implementation. Future reviews of the ISA will be on an annual basis. The nominated holder of this agreement is Lincolnshire Police. It is based on the national template for Information Sharing which forms part of the guidance issued on the Management of Police Information by ACPO and the Home Office.

12. INDEMNITY

Each respective organisation will accept responsibility for breaches occurring in their organisation & take appropriate action.

13. SIGNATURE

By signing this agreement, all signatories accept responsibility for its execution and agree to ensure that staff are trained so that requests for information and the process of sharing itself is sufficient to meet the purposes of this agreement.

Signatories must also ensure that they comply with all relevant legislation.

Signed on behalf of Lincolnshire Police

Title:

Rank / Position:

Date:

Signed on behalf of Lincolnshire
Children's Services

Title:

Rank / Position:

Date:

**THIS FORM MUST BE COMPLETED ELECTRONICALLY AND EMAILED TO THE
NON-CRB DISCLOSURE OFFICER CJIU simone.dobbin@lincs.pnn.police.uk
ONLY UPON ITS RECEIPT WILL INFORMATION BE DISCLOSED**

RESTRICTED
FORM: REQUEST FOR DISCLOSURE OF INFORMATION

Section (1)

Lincolnshire Children’s Services are making enquiries into the following:

A section 47 joint investigation	YES/NO	An initial assessment as to which of the above should apply	YES/NO
A single agency section 47 investigation	YES/NO	The request relates to a child on the Child Protection Register	YES/NO
A child in need assessment under section 17	YES/NO	Domestic Violence/Abuse Related	YES/NO
Lincolnshire Children’s Services are faced with an emergency placement of a child with a family member or friend who has not been the subject of a CRB check			YES/NO
Request for information under the LSCB Allegations Policy			YES/NO

Information sought:

When is the information required by: (TIME) on (DATE)

Is the information deemed URGENT? YES/NO

If YES, detail the reason why:

Do the checks require information previous to June 2005? YES/NO

I understand that this is a minimal check and will not provide the information that a full CRB check will provide – as a result this request will also result in a CRB check being made by Lincolnshire Children’s Services.

Section (2) – Subject/s Details and Declaration

Full name (in capitals):

Full address:

Previous addresses for last 5 years (please list):

Any other names/aliases by which the subject is known:

Date of Birth:

Place of Birth:

Does the subject have any prosecutions pending or has he/she ever been Convicted at any court or Cautioned, Reprimanded or given A Final Warning by Police? YES/NO

If YES, please provide details:

Declaration by Subject

I am aware that Lincolnshire Children's Services are entitled to ask the Police to disclose their records of any convictions, cautions, bind-overs, reprimands or final warnings recorded against me. I am aware that this applies because my application involves substantial access to children as per Section 5 Police Act 1997. I give my consent to this check being made.

I confirm that the information requested is for the purpose indicated above.

NAME (IN CAPITALS):

SIGNATURE:

DATE:

Only in cases where the subject is aware of the request for disclosure of information should they sign the above declaration.

If the subject/s have been consulted and has not signed the declaration, please answer the following for Police information:

Is/are the subject/s refusing to sign declaration?

YES/NO

Is/are the subject/s unable to sign declaration?

YES/NO

Section (3) – Children's Services**Declaration by Social Worker:**

I confirm that the information requested is for the purpose indicated above.

NAME (IN CAPITALS):

SIGNATURE:

DATE:

Declaration by Children's Services Team Leader:

I confirm that this information is requested for the purpose indicated above and that failure to provide the information will prejudice the purpose for which the information is requested.

NAME (IN CAPITALS):

SIGNATURE:

DATE:

TELEPHONE NUMBER OF SENDER:

FAX NUMBER TO SEND REPLY TO:

Section (4) – Additional Subjects Details (please complete if more than one subject per form)

Full name (in capitals):

Full address:

Previous addresses for last 5 years (please list):

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Any other names/aliases by which the subject is known: Date of Birth: Place of Birth:

Does the subject have any prosecutions pending or has he/she ever been Convicted at any court or Cautioned, Reprimanded or given A Final Warning by Police? If YES, please provide details:	YES/NO
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Full name (in capitals): Full address:

Previous addresses for last 5 years (please list):
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Any other names/aliases by which the subject is known: Date of Birth: Place of Birth:

Does the subject have any prosecutions pending or has he/she ever been Convicted at any court or Cautioned, Reprimanded or given A Final Warning by Police? If YES, please provide details:	YES/NO
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Section (5) – Lincolnshire Police Response

Information from CJIU is enclosed.

Does the Provision of Information fulfil a Policing Purpose*	YES	NO
Protecting Life and Property*		
Preserving Order*		
Preventing the Commission of Offences*		
Bringing Offenders to Justice*		
Any Duty / Responsibility arising from Common / Statute Law*		
Decision to Provide Information*		

(*Tick as appropriate)

Information Provided (complete or attach as appropriate / reason for refusal to provide)

NAME (IN CAPITALS) OF OFFICER
DISCLOSING INFORMATION:

SIGNATURE:

DATE:

DISCLOSURE USE ONLY [where previous convictions have been requested]

There is no trace of the subject on the details provided.

The subject appears identical with the person whose criminal record is attached, however, identity can only be established by the use of fingerprints and you should confirm with the subject that the information relates to them.

NAME (IN CAPITALS) OF DISCLOSURE
STAFF DISCLOSING INFORMATION:

SIGNATURE:

DATE:

New information received on the subject will be submitted via the 5 x 5 x
5 system into Lincolnshire Police Intelligence System

YES

NO

SIGNED:

DATE:

NAME:

RANK / TITLE:

NOT PROTECTIVELY MARKED

