

INFORMATION SHARING AGREEMENT

INFORMATION SHARING AGREEMENT (ISA)

BETWEEN

LINCOLNSHIRE CHILDREN'S SERVICES

AND

LINCOLNSHIRE POLICE

Version 3.1

SUMMARY SHEET

Information Sharing Agreement

ISA Ref:	LPOO1/CS – Lincolnshire Children’s Services
PURPOSE	To create a system for the formal exchange of information between the Police and Children’s Services to assist working together, to investigate and protect children and provides a framework for action.
PARTNERS	Lincolnshire Police Lincolnshire Children’s Services
Date Agreement comes into force:	01 September 2007
Date of Agreement Review:	28 September 2009
Agreement Owner:	Lincolnshire Police
Agreement amended by:	Det. Supt. Guy Collings
Location of Signed Agreement in force:	Information Management Unit, Force HQ
Protective Marking:	Not protectively marked

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
2.0	Updated at annual review	Mr D Massey – ISA Officer
3.0	Updated due to changes requested by D/Supt Guy Collings	Sally Wood/ D/Supt Collings

NOT PROTECTIVELY MARKED

3.1	Updated following the incorporation of changes suggested during consultation	D/Supt Collings
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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 abuse and safeguard children.

3. PARTNER(S)

- 3.1 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; child in need enquiries, and 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
- Human Rights Act 1998
- Multi Agency protocols on information sharing
- Court Orders
- Children's Act 1989

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.

- 4.2 In respect of any child protection issue or concern, there may be a need to disclose information, which relates to doubts and suspicions.
- 4.3 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.
- 4.4 It is acknowledged that this can invoke 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.
- 4.5 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
- 4.6 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.
- 4.7 Working Together to Safeguard Children 2006 allows Police to share information to safeguard children when allegations are made against individuals who work with children.
- 4.8 However, unjustified disclosure of information is likely to be challenged and could be unlawful.
- 4.9 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 suffering, or likely to suffer, significant harm and Section 47 Children Act enquiries are required to be undertaken.
- 5.2 The RRD Supervisor in the Information Management Unit (IMU) will be consulted in respect of each instance where information is to be disclosed and will undertake the decision-making role and record same; except in cases involving a Section 47 Joint Agency Investigation, where The Central Referral Unit (CRU) of the Public Protection Unit will carry out this function.
- 5.3 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 by PPU staff. However, all information disclosed by either the non CRB team or the CRU must be recorded by means of **the multi use Form B, P698B**, a copy of which will be sent to Children's Services along with the information being disclosed (see 8.3 post). In either case a copy of the form will be retained in the respective unit and a record made on CATS stating what has been disclosed and why. **Following any strategy discussion/consultation with the CRU, it is the specific responsibility of Children's Services to submit a copy of the ICS Exemplar, which must be forwarded within 7 days to the CRU for recording onto the CATS database. Failure to submit the exemplar will result in a lack of continuity and a breakdown in information flow.**
- 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:
- Appendix A application will be forwarded to the non-CRB disclosure officer, or in the case of a Section 47 Joint Investigation to the CRU, 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.
- 5.5 There will be instances whereby urgent action is required on behalf of either/both of Lincolnshire Police and Lincolnshire Children's Services to prevent an immediate risk to a child. In such cases information that would normally be subject of a written request by Children's Services can be shared verbally by the Central Referral Unit. Children's Services will send a written application (appendix A) confirming this

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request within 7 days of the initial information sharing. CRU staff will make an entry on the CATS system to record the fact that verbal disclosure has taken place.

6. TYPES OF INFORMATION TO BE SHARED

6.1 Lincolnshire Police will share:

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

- 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. In these instances, application for disclosure of information will be made through the CRU.

In the following circumstances, requests for disclosure of information will be made through the IMU.

- When Children's Services are carrying out an investigation under Section 47 on a single agency basis.
- 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.
- When Children's Services are carrying out a child in need assessment under Section 17.
- When the request relates to a child subject or previously subject to a child protection plan.
- 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).
- Where children may be at risk of harm due to domestic abuse.
- 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 the last bullet point MUST also be followed up with a CRB check.

6.2 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.

- Referrer Details
- Child Details
- Family Details
- Reason for enquiry
- Domestic abuse risk identification factors where available / appropriate

6.3 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).

6.4 Lincolnshire Children's Services will share:

- Information in relation to allegations will be shared with the employer
- Information gathered as part of a section 47 with relevant agencies **not in the presence of the child and/or their family or any party acting on their behalf** at a child in need meeting / child protection conference to assist in safeguarding the child through a multi agency plan. **It is important to reiterate that ANY information disclosed by the police can be shared at the meeting/conference, BUT IN THE PRESENCE OF PROFESSIONALS ONLY.** Note that it is the responsibility of the social worker to have sought disclosure in advance of a child protection conference. Police representatives at this forum will NOT be used as a means of seeking initial disclosure, instead their role in respect of disclosure will be limited to providing an update to information already provided, **but again, this will not take place in the presence of the child and/or family or any party acting on their behalf.**

7. CONSTRAINTS ON THE USE OF THE INFORMATION

7.1 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 provided.

7.2 Any information shared will be proportionate and necessary for the purpose for which it is being shared.

8. ROLES AND RESPONSIBILITIES UNDER THIS AGREEMENT

8.1 Each partner must appoint a single point of contact (SPoC), who must work together to jointly solve problems relating to child abuse. The sharing of information must only take place where it is valid and legally justified.

Police SPoC	Title: RRD Supervisor Contact details: Tel: 01522 532222 ext 1853/1866
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CRU SPoC	Title: CRU D/Sgt Contact Details: 01522 805783
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Children's Services SPoC	Title: Head of Service Safeguarding Children's Services Contact details: Tel: 01522 554516
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8.2 The areas of business to be checked by the Police in response to such a request are:

Child Protection Database	PNC
Domestic Abuse	Crime & Intelligence System
Command & Control	Firearms Revocation (via PNC)
IMPACT Nominal Index	Mirage

8.3 The result of these checks will be recorded on Form P698B and returned to the applicant. A copy will be filed in the IMU **or** CRU and a record logged on CATS. If there is no relevant information to disclose, the form will simply be marked “not relevant”.

8.4 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 RRD supervisor or CRU officer (D/Sgt or D/C) 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 RRD supervisor or CRU officer.
- 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.

8.5 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 RRD Supervisor, IMU or CRU officer of such inaccuracy or incompleteness directly.

8.6 The RRD Supervisor or CRU officer should then consider, and if necessary record any additions or changes to the recorded Police information.

8.7 Responsibilities

8.7.1 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 RRD Supervisor or CRU officer.

8.7.2 RRD Manager and CRU Manager (D/Sgt)

- 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.

8.7.3 RRD Supervisors and CRU Officers (D/Constables)

- 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 (contained within Form P698B) is adhered to by the user when making a decision to disclose information. Providing feedback to staff on their performance.

8.7.4 Users non-CRB and CRU Administrative Staff

- 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 **on the form P698B and CATS**.
- 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

- 9.1 All requests for information **MUST** be made in writing using the “request for disclosure of information” form (copy at appendix A). Without this form, ALL applications (except in urgent cases, see 5.6) will be rejected and returned.
- 9.2 Requests may be made by email but care must be taken where personal information is shared. All responses from either the IMU or CRU will be by fax.
- 9.3 Forms must be completed electronically; endorsement of Children’s Services staff must be completed prior to emailing to IMU/CRU.
- 9.4 Disclosure of information (appendix A) replies to requests must be made in 7 working days, from receipt of the request except in urgent cases (see 5.6). **Children’s Services staff are encouraged to apply at the earliest opportunity. Requests for such information from PPU staff either locally or at conference will not be accepted.**
- 9.5 Enquiry to Establish If Child Subject is to a Child Protection Plan (appendix B) results should, whenever possible, be immediate and available to the officer at the scene in order to inform judgement and/or take suitable action.

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10. REVIEW, RETENTION AND DELETION

- 10.1 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.
- 10.2 Files containing information from partner sources will be reviewed in line with force policy.
- 10.3 Unless at a conference and in the presence of other professionals, the recipient will not release the information to any third party without obtaining the express written authority of the partner who provided the information. At conference this will not take place in the presence of the child and/or family or any party acting on their behalf.'
- 10.4 Children's Services Managers will ensure that access to information received from the police will only be granted to those staff who need to see the information.

11. REVIEW OF THE INFORMATION SHARING AGREEMENT

- 11.1 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 the Association of Chief Police Officers (ACPO) and the Home Office.

12. INDEMNITY

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

13. SIGNATURE

13.1 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.

13.2 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 IMU disclosure@lincs.pnn.police.uk or in the case of a Section 47 Joint Investigation to ppu-cru@lincs.pnn.police.uk INFORMATION WILL ONLY BE DISCLOSED ON RECEIPT

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 subject to a Child Protection Plan	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

Reason for Request: (explanation)

Specific Information sought:
 Conviction Information – Yes/No*
 Local Intelligence – Yes/No*
 Police Callouts (incidents) – Yes/No* *Delete as appropriate.

When is the information required by: **Please allow up to 7 working days for non urgent requests:**

Is the information deemed URGENT? YES/NO

If YES, detail the reason why:

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

If previous report has been completed please advise date and/or reference number.

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 may 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): with dates – if possible.

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

Date of Birth: **Essential**

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 (required in most circumstances – please call if unsure)

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: Essential – non-completion may lead to delays/non provision of information.

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

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):

NOT PROTECTIVELY MARKED

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

Date of Birth:

Place of Birth:

Declaration by Subject (required in most circumstances – please call if unsure)

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

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:

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:

NOT PROTECTIVELY MARKED

Declaration by Subject (required in most circumstances – please call if unsure)

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

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:

New information received on the subject(s) has been submitted via the 5 x 5 x 5 system into Lincolnshire Police Intelligence System, if relevant.

YES

NO

SIGNED:

DATE:

NAME:

RANK / TITLE:

Section (5) – Lincolnshire Police Response

Information from IMU 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/are no child protection issue identified, of the subject on the details provided.

The subject appears identical with the person whose criminal record/local relevant intelligence 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:

