



# Information Sharing Arrangement for Shropshire Safeguarding Community Partnership

To be used when writing a report on behalf of your agency

This guidance applies to all agencies working with children and/or adults and their families.

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### Document History

This document has been distributed to:

Version	Date	Author	Released to	Comments
0.1	25/1/11	Safer Stronger Communities Co-ordinator	Safer Stronger Communities Board	Draft 1 – initial draft
0.2	9/5/2011	Safer Stronger Communities Co-ordinator	Safer Stronger Communities Board	Draft 2 – update after review / Final draft.
0.3	12/06/13	Team Manager – Safer Communities	Safer Stronger Communities Board	Review

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0.4	23/06/15	Team Manager – Safer Communities	Safer Stronger Communities Board	Review
0.5	10/07/17	Team Manager – Safer Communities	Shropshire Safeguarding Community Partnership Board	Review
0.6	30/10/18	Team Manager – Safer Communities	Shropshire Safeguarding Community Partnership Board	Review

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## 1. Introduction

Information sharing is an essential process within the work of Shropshire's Safeguarding Community Partnership. Information informs decisions, allows progress to be made through review and evaluation and supports partnership working. Within a partnership it is necessary for this information to be managed effectively and used to maximum gain. Developing and implementing an information sharing arrangement can improve information sharing and assist local partnerships in their efforts to create a safer and healthier Shropshire.

## 2. Purpose

This Information Sharing Arrangement (the Arrangement) will not only ensure that information is able to flow between partners but it will also ensure that information can be combined within partnerships to identify local needs and find solutions. It will aim to standardise methods of working.

The purpose of the Arrangement is to enable action to be taken against crime and disorder, and promote community safety, in the area of Shropshire. It will incorporate measures aimed at:

- Facilitating a co-ordinated approach that targets crime, including hate crime and anti-social behaviour;
- Supporting the actions of Bronze Level Tasking Groups in tackling crime and anti-social behaviour and promoting community safety;
- Assisting partners to tackle substance and alcohol misuse;
- Facilitating the collection and exchange of relevant information;
- The pursuit of civil or criminal proceedings – either by West Mercia Police or Partner Agencies;
- Ensuring that the sharing of information meets one or more of the Partner's statutory purposes.

Sharing information is fundamental to the success of any strategy to reduce crime and disorder, to promote community safety and tackle substance misuse. It is vital that information exchanged between agencies working with those at risk or offending and involved in securing criminal and civil legal orders is done so with robust and secure systems and procedures.

## 3. Partners

The Arrangement is between the Partner Agencies listed in Appendix A.

## 4. Power(s)

The Arrangement fulfils the requirements of the following legislation for the purpose of formulating and implementing a strategic assessment and partnership plan for the area:

- The Crime and Disorder Act 1998 ("CDA 1998") (Sections 17A and 115)
- The Human Rights Act 1998 (Article 8)
- The Data Protection Act 2018 ("DPA 2018") (including Crime & Taxation requests under Data Protection Act 2018, Schedule 2 Part 1 Paragraph 2.)
- The Freedom of Information Act 2000
- Children Act 2004
- Children and Young Person Act 2008
- Care Act 2014
- The Common Law Duty of Confidence
- Data Sharing Code of Practice

Numerous other pieces of legislation place, on public authorities, a power or duty to share information in specific circumstances. All information sharing must be conducted in accordance with a relevant legal power or duty. In particular, the Crime and Disorder Regulations 2007 and the Prescribed Information

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Regulations 2007 No. 1831, require statutory partners to share information that they hold in relation to a number of broad subject areas. While they relate to non-personal data, the regulations do now place a requirement on each responsible authority to share certain types of information with each other in a community safety context.

### 5. Process

#### 5.1 Limitations

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

The sharing of personal data will not be justified if the reasons for the request can be satisfied by the provision of non-personal or depersonalised information. Wherever possible, non-personal / depersonalised, information should be provided in preference to personal data.

The Gender Recognition Act 2004 restricts the occasions when personal details may be disclosed concerning a person who holds or has applied for a gender recognition certificate. The Arrangement recognises the obligations of all parties to conform to its requirements.

Disclosure of personal data must be adequate, relevant and not excessive in relation to the purpose for which it is required (i.e. only the minimum amount should be disclosed).

The Police can only provide factual information and are unable to provide opinion evidence.

#### 5.2 Types of information Shared

At a minimum, the Crime and Disorder Regulations 2007 prescribe that de-personalised information, under the following categories, must be shared electronically on at least a quarterly basis.

**Police Force data** – Records on anti-social behaviour, transport and public safety/welfare incidents. Crime records;

**Fire and Rescue Authority** – Records on deliberate fires, violence against employees, fires attended where no alarms were fitted and malicious false alarms;

**Local Authority** – Records on road traffic collisions, fixed term and permanent school exclusions, racial incidents and anti-social behaviour incidents;

**Public Health** – Records on various categories of hospital admissions;

More detailed information is included in Appendices D-F

In addition to the above, additional personal information may need to be shared on a case-by-case basis in accordance with statutory provisions (see item 4) including:

**Memoranda as required** Will, as a minimum, be classified as OFFICIAL.

**(Government Security Classifications OFFICIAL / SECRET / TOP SECRET. The majority of information that is created or processed by the public sector will be classed as OFFICIAL. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile. A copy of this document can be found at:**

**[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/251480/Government-Security-Classifications-April-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251480/Government-Security-Classifications-April-2014.pdf)**)

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### **Verbal information will be shared at case conferences / Bronze Level Tasking Meetings.**

This information will be OFFICIAL. Minutes should be classified according to the value of information in them. A Confidentiality Agreement will be signed at the beginning of each meeting. The Police may share:

- Evidence relating to a caution accepted by the individual for a relevant criminal offence where the date of the caution is less than twelve months from the disclosure date;
- Evidence of warnings making clear the basis on which they are given under the Protection from Harassment Act 1997, where warnings are recorded by the Police against the individual within a period of twelve months;
- A corroborated admission of anti-social behaviour by an individual.

### **5.3 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. If the recipient is required to disclose by operation of the law or an order of the Court, Tribunal or Regulatory Body, they will promptly, and prior to disclosure, notify the providing party.

Requests to access personal information held about the applicant (Data Protection Subject Access Request) and requests for other information, made under the Freedom of Information Act 2000, will be processed by the receiving Authority. Should the information held be supplied by one of the partners, information will only be disclosed with agreement by the providing Authority.

### **5.4 Roles and Responsibilities under this Arrangement**

Sharing of personally identifiable information cannot take place unless it is legally justified under powers listed in Section 4 and carried out in a manner consistent with the Data Protection Act 2018 (including GDPR) and the Human Rights Act 1998.

Partners have a responsibility to maintain an appropriate record of individual requests for information and the decision made.

Any request for information must meet one or more of the Partner's statutory purposes.

If any person in receipt of information under the Arrangement is aware that the information supplied is inaccurate or incomplete they must, at the earliest opportunity, notify the supplying organisation either directly or through the Designated Person.

The Designated Person will ensure that the Business Process or System Owner is made aware of the alleged inaccuracy or incompleteness.

### **5.5 Specific Procedures**

An emergency request for information may be made by telephone, for example, where there is a risk of immediate violence. The request must immediately be recorded. The Governments Security Classification guidance 2014 states that *'There is a diverse range of government business and information at OFFICIAL. Within this broad framework, there is an onus on risk owners to understand the business value and sensitivity of their information and the ways in which they work with and share it. This will determine specific Confidentiality, Availability and Integrity requirements that manage the precise risks to any particular asset within the OFFICIAL baseline. OFFICIAL information will normally be protected utilising appropriately assured, commercially available security products and service offerings. Government will not seek to create bespoke products or ICT services to manage information risk at this level'*.

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The Designated Person will provide information about how the information should be treated before the first instance of sharing. Requests for information which require the application of the exemption under Section 29 (DPA 1998) must be made in a format similar to that at **Appendix K. Form 221a** will be used by agencies and organisations when making a request for information from West Mercia Police

Replies to requests will be made within ten working days. In some cases civil proceedings may be a more appropriate route to take than a criminal prosecution. Where this occurs, it will be the responsibility of the Police to determine whether or not civil proceedings will further a policing purpose such that personal data can be lawfully disclosed pursuant to Section 115.

Where a criminal prosecution is pending and a Partner or the Police wishes to pursue civil proceedings in advance of a prosecution, the Police will not provide the information without the prior consent of the Crown Prosecution Service nor will other Partners without first seeking appropriate consent following consultation with their relevant legal representative.

Where a complaint of anti-social behaviour has been made against a tenant all/both partners can share information (providing that it meets a Partner's statutory purpose and satisfies the principles of the DPA 1998), to help decide what course of action, if any, to take against the tenant. Such disclosures will only deal with the incident or offences that have occurred in the premises or in the immediate vicinity, and will be aimed at deciding on the course of joint action, if required. All decisions must be recorded.

Where more serious allegations are made against the tenant, the Designated Person from the Local Authority /the Housing Association will write to the Police informing them that action is being considered. The tenant's name and address should be shared with the Police to enable officers to carry out a search. This may include details on:

- Events witnessed by a police officer;
- Evidenced incidents at the address or the immediate locality;
- Warrants executed;
- Persons arrested.

Officers attending incidents should make detailed pocket book entries of any complaints or statements obtained during criminal investigations. These complaints or statements can only be shared with the local authority with the individual's written permission and only once the criminal proceedings have been completed.

Care must be taken not to disclose convictions that are spent within the meaning of the Rehabilitation of Offenders Act.

### Transmission

De-personalised information can be transmitted without specific restrictions.

OFFICIAL information can be transmitted over the telephone, sent by fax or encrypted email.

### Storage

All OFFICIAL information must be kept under lock and key when not in the personal custody of an authorised person. The "need-to-know" principle will be strictly enforced. Electronically stored OFFICIAL information must only be accessible to relevant authorised parties.

## 5.6 Review, Retention and Disposal of records

Parties to the Agreement undertake that personal data shared will be used / retained only for the specific purpose for which it was requested. The recipient of the information is required to keep it securely stored. The recipient will dispose of it when it is no longer required. Partners may also want to request a copy of the partner's information security policy (where it exists) when sensitive personal data is to be

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shared. The recipient will not release the information to any third party without obtaining the express written authority of the partner who provided the information.

### **5.7 Review of the Information Sharing Arrangement**

The Arrangement will be reviewed six months after its implementation and bi-annually thereafter. The nominated holder of the Arrangement is the Shropshire Safeguarding Community Partnership. 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.

If a Designated Person is made aware of or becomes aware of discrepancies in the operation of this Arrangement he/she can initiate a review prior to the next agreed date.

### **5.8 Indemnity**

Each party agrees to indemnify the other in accordance with Appendix C.

### **5.9 Complaints and Breaches**

Non-compliance with the Data Protection Act 2018 may amount to a criminal offence.

Complaints include indications that the procedure is not working efficiently. Should a Designated Person become aware or be made aware of inefficiencies within the existing scheme a review can be initiated early, that is, before the next due date.

Any breach of the Arrangement will be referred to the relevant Designated Person and dealt with in accordance with the internal disciplinary procedure of the respective parties.

In the event of a breach the Designated Person may initiate a review of the ISA prior to the next agreed review date.

Where any party views a breach of the Arrangement as being so severe as to undermine the confidence in the arrangement, it may suspend the Arrangement with immediate effect without notice.

## **6. Contact details**

Under the Crime and Disorder Regulations 2007 each Partner must nominate a person within that Authority to facilitate the sharing of information under the Arrangement.

Contact details for the named Designated Person/s within the Partner agencies are included in Appendix B.



Appendix A

Signatories

The parties to the Arrangement accept that the principles laid down in this document provide a framework for information sharing in a way that is compliant with statutory and professional responsibilities.

Signatories undertake to:

- Follow and implement the guidelines laid out within the Arrangement.
- Ensure information sharing is consistent with legislative powers and in accordance with the Human Rights Act 1998 and Data Protection Act 2018.

Signatories	
1	Shropshire Council
2	West Mercia Police (Shropshire Division)
3	Integrated Care Board
4	National Probation Service
5	Warwickshire and West Mercia CRC
6	Shropshire Fire and Rescue Service
7	West Mercia Youth Justice Service
8	Police and Crime Commissioner

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### Appendix B

#### Designated Persons

The following positions have been identified as the Designated Person for each Partner. This list will be updated as new partners sign-up to the Arrangement and an up to date version will be published on the Shropshire Safeguarding Community Partnership website for reference. Website address: [www.shropshirepartnership.org.uk](http://www.shropshirepartnership.org.uk)

	Partner	Position	Telephone	Email
1	Shropshire Council	Data Protection Officer		<a href="mailto:Tom.Mullen@shropshire.gov.uk">Tom.Mullen@shropshire.gov.uk</a>
2	West Mercia Police (Shropshire Division)	Local Policing Commander Superintendent	0300 333 3000	<a href="mailto:morwenna.lansdale@westmercia.pnn.police.uk">morwenna.lansdale@westmercia.pnn.police.uk</a>
3	Integrated Care Board	Executive Director of Quality	01952 580417	<a href="mailto:vanessa.whatley@nhs.net">vanessa.whatley@nhs.net</a>
4	National Probation Service	Head of West Mercia Cluster	01562 820071	<a href="mailto:jackie.stevenson@justice.gov.uk">jackie.stevenson@justice.gov.uk</a>
5	Warwickshire and West Mercia CRC	Head of Service	01905 677108	<a href="mailto:george.branch@wwmrc-probation.co.uk">george.branch@wwmrc-probation.co.uk</a>
6	Shropshire Fire and Rescue Service	Prevention Manager	01743 26019	<a href="mailto:jon.temple@shropshirefire.gov.uk">jon.temple@shropshirefire.gov.uk</a>
7	West Mercia Youth Justice Service	West Mercia Head of Service		<a href="mailto:lorna.tilley@westmercia.police.uk">lorna.tilley@westmercia.police.uk</a>

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### Appendix C

#### Indemnity

1. In consideration of the provision of information in accordance with this arrangement the receiver of that information undertakes to indemnify the provider against any liability, which may be incurred by the provider arising from, or in any way connected with, the following acts or omissions on the part of the receiver:
  - (a) Requests for information for purposes other than those specified in this Arrangement;
  - (b) Use of information for purposes other than those specified in this Arrangement;
  - (c) Disclosure of information to a third party, except as specified in this Arrangement;
  - (d) Wilful misconduct or negligence in the handling, movement, storage or disposal of the information.
2. In this indemnity:
  - (a) “the receiver” means that agency, body or organisation which being party to this Arrangement, requests and obtains information pursuant to its provisions;
  - (b) “the provider” means that agency, body or organisation, which being party to this Arrangement, provides information pursuant to its provisions, and includes any employee or officer of the provider.

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### Appendix D

#### Data Schedule - Police

Each Police Force for the area can provide data that it holds in relation to;

<b>Crime Category</b>	<b>Information Required</b>	<b>Standards</b>
(a) anti –social behaviour incident	Information on incidents, and the time, date and location of each of those incidents	In accordance with the National Incident Category List in the National Standards for Incident Recording Instructions for Police Forces in England and Wales 2010
(b) transport incident		
(c) public safety/welfare incident		
<b>Crime Sub-category</b>		
(a) burglary	Information on incidents, and the time, date and location of each of those incidents	In accordance with the Home Office Notifiable Offences List (July 2007)
(b) criminal damage		
(c) drug offences		
(d) fraud and forgery		
(e) robbery		
(f) sexual offences		
(g) theft and handling stolen goods		
(h) violence against the person		
(i) other offences		

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### Appendix E

#### Data Schedule - Fire and Rescue Service

The fire and rescue service for the area can provide data that it holds in relation to;

<b>Incident Type</b>	<b>Information Required</b>	<b>Standards</b>
(a) deliberate primary fire (excluding deliberate primary fires in vehicles)	Time, date and location of each crime	In accordance with the Fire Statistics, United Kingdom 2005
(b) deliberate primary fire in vehicles		
(c) deliberate secondary fire (excluding deliberate secondary fires in vehicles)		
(d) incidents of violence against employees of the fire and rescue authority		
(e) fire in a dwelling where no smoke alarm was fitted attended by the fire and rescue authority		
(f) malicious false alarms to the fire and rescue services	As above (including the purported location of malicious alarms)	In accordance with the Fire Statistics, United Kingdom 2005

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### Appendix F

#### Data Schedule - Local Authority

The local authority for the area can provide data that it holds in relation to;

<b>Incident Type</b>	<b>Information required</b>	<b>Standards</b>
Road traffic collisions	Incidents of anti-social behaviour reported to the authority by the public	N/A
Permanent or fixed term exclusion from state primary and secondary schools	The age and gender of each of the pupils subject to exclusion; the names and addresses of the schools from which those pupils have been excluded and the reasons for their exclusion.	N/A
Racial incidents	Time, date and location of racial incidents	In accordance with Best Value Performance Indicators 2005/06 as defined by the Office of the Deputy Prime Minister.
Incidents of anti-social behaviour identified by the authority	The category, time, date and location of each incident	In accordance with the National Incident Category List in the National Standards for Incident Recording Instructions for Police Forces in England and Wales for 2010 or any other system for classifying asb used by the authority at April 2011.
Incidents of anti-social behaviour reported to the authority by the public	The category, time, date and location of each incident	

Public Health can provide data that it holds in relation to;

<b>Health Issue</b>	<b>Information required</b>	<b>Standards</b>
a) assault (X85-Y09)	The general postcode address of persons resident in the area admitted to hospital, the date of such admissions and the subcategories of each admission within the blocks.	In accordance with the International Classification of Diseases, Tenth Revision (ICD- 10) World Health Organisation.
(b) mental and due to psychoactive substance use (F10-F19)		
(c) toxic effect of alcohol (T51)		
(d) other entries where there is evidence of alcohol involvement determined by blood alcohol		

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<b>Health issue</b>	<b>Information required</b>	<b>Standards</b>
(e) persons admitted to hospital in respect of domestic abuse	The general postcode address of persons resident in the area admitted to hospital, the date of such admissions	Section 2.2 Responding to domestic abuse: a handbook for health professionals Department of Health December 2005
(f) mental illness outpatient first attendances	Number of first attendances	
(g) persons receiving drug treatment	Number of persons receiving such treatment	
(h) ambulance service calls to incidents relating to crime and disorder	Time and date of calls and the category of such incidents	Using any system for classifying crime and disorder used by that authority

### Appendix G

#### Data Schedule – Probation

The probation trust for the area can provide data that it holds in relation to:

<b>Probation Category</b>	<b>Information required</b>	<b>Standards</b>

### Appendix H

#### Data Schedule – Integrated Care Board

The Integrated Care Board for the area can provide data it holds in relation to:

<b>ICB Issue</b>	<b>Information required</b>	<b>Standards</b>

### Appendix I

#### Data Schedule – Youth Offending Service

The youth offending service for the area can provide data it holds in relation to:

<b>YOS Issue</b>	<b>Information required</b>	<b>Standards</b>

#### Data Schedule – Police and Crime Commissioner

The Police and Crime Commissioner for the area can provide data it holds in relation to:

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<b>PCC Issue</b>	<b>Information required</b>	<b>Standards</b>

### Appendix J

#### Data Schedule – Community Rehabilitation Company

The CRC for the area can provide data it holds in relation to:

<b>CRC Issue</b>	<b>Information required</b>	<b>Standards</b>
Reducing reoffending	The number of offenders under CRC supervision. Including protected characteristics	Monthly/quarterly/ annual reports Performance measurement Binary rate ( proportion of offenders who reoffend) The frequency rate ( the average number of reoffences per reoffender) Payment by results Police PNC Diversity and equality
Public protection	Children and Adult Safeguarding IOM cases Sexual offending Violent offending Domestic abuse Drug and alcohol	Monthly/quarterly/ annual reports Performance measurement Binary rate ( proportion of offenders who reoffend) The frequency rate ( the average number of re-offences per reoffender) Payment by results Police PNC Diversity and equality
Victims	Restorative Justice Victims supported.	Monthly/quarterly/ annual reports Performance measurement



## APPENDIX K



Personal Data  
Request FROM Other