|  |
| --- |
| Information Sharing Agreement |
| This agreement sets out the arrangements for sharing information between each of the organisations below. It will detail why information is shared, how it will be done and helps to ensure that is completed in a lawful and safe manner; and in line with the UK General Data Protection Regulation and the Data Protection Act 2018. |

## Sharing of Social Care and Education information relating to Inclusion between

## Sheffield City Council, The Sheffield Children’s NHS Foundation Trust (Children’s Hospital) and mainstream Primary and Secondary Schools

Contents

[Reason / Purpose for Sharing Information 2](#_Toc528316793)

[Organisations/Bodies Party to this Agreement 2](#_Toc528316794)

[Information to be Shared 2](#_Toc528316797)

[Data Protection Legal Basis for Sharing the Information 3](#_Toc528316798)

[Other Legislation 4](#_Toc528316808)

[Privacy Notices 4](#_Toc528316811)

[Sharing of the Information 4](#_Toc528316812)

[Storage, Retention and Destruction of the Information 4](#_Toc528316813)

[Data Subject Rights 5](#_Toc528316814)

[Personal Data Breaches 5](#_Toc528316815)

[Review of this Agreement 5](#_Toc528316816)

[Signatories/Key Contacts 6](#_Toc528316817)

[Appendices 6](#_Toc528316818)

|  |  |
| --- | --- |
| Version History | Date |
| 0.1 - Initial Draft | 07/07/2021 |
| 1.0 – Agreement comes into force | 21/09/2021 |
|  |  |

### Reason / Purpose for Sharing Information

The purpose of the Primary and Secondary Inclusion Panels (PIP / SIP) is to prevent children from being permanently excluded from school with the associated safeguarding concerns. The panels are more effective in developing co-ordinated multi-agency action plans aimed at preventing exclusion, by having access to data available on the Sheffield City Council (SCC) Education and Safeguarding Systems.,

### Organisations/Bodies Party to this Agreement

The signatories to this agreement will represent the following organisations/bodies:

|  |  |
| --- | --- |
| Organisation/Body | Service/Team |
| Sheffield City CouncilData Controller Registration Number - Z6548192 | * Educational Psychology – Sheffield City Council
* MAST – Sheffield City Council
* Social Care – Sheffield City Council
* Community Youth Team – Sheffield City Council
* Officers from Inclusion and Attendance Team - Sheffield City Council
* Officers from the Progressions Team – Sheffield City Council
* Staff from The Sheffield Inclusion Centre
 |
| Sheffield Children’s NHS Foundation TrustData Controller Registration Number - Z5980912 | CAMHSSpeech and Language Therapy‘Any other Trusted Health Professional’ where it is necessary to receive this information. |
| Chair of the Primary Inclusion Panel  | All mainstream primary schools in Sheffield |
| Chair of the Secondary Inclusion Panel | All mainstream secondary schools in Sheffield |

### Information to be Shared

|  |  |
| --- | --- |
| **Data processed prior to panel** | A screening form is sent to all the above SCC services and teams and Sheffield Children’s for each pupil who is to be discussed at a panel meeting. At SCC, the data collected is information regarding children’s attendance, exclusions, SEND needs and safeguarding history (MAST and Social Care). Data is gathered from both the Capita One (Education) and Liquid Logic (MAST and Social Care) Systems by Social Workers operating in the Sheffield Safeguarding Hub. The information is included on the screening form. |
| **Data processed during panel** | Records of panel discussions, i.e., decisions which inform the action plan for each pupil. |
| **Data processed after panel** | Action plan, shared with school together with the screening form. (The action plan is a part of the screening form.)A letter from the Head of the Panel summarising the actions agreed is sent to the parent/carer of the pupil discussed. |

This information is the minimum necessary to achieve the purpose of the sharing.

This information is considered “Personal Data” under Article 4(1) of the General Data Protection Regulation.

This information is considered “Special Category Data” under Article 9(1) of the General Data Protection Regulation.

### Data Protection Legal Basis for Sharing the Information

The information being shared under this agreement is being done so under the UK General Data Protection Regulation and Data Protection Act 2018.

To share “personal data” as defined in the General Data Protection Regulation, there must be at least one lawful basis under [Article 6](https://gdpr-info.eu/art-6-gdpr/) for doing so. The lawful basis applicable to this Information Sharing and this Agreement is:

|  |  |  |
| --- | --- | --- |
| Article 6 | Lawfulness of processing | Explanatory text |
| 6(1)(e) |  Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. | Under s.51 of the Education Act 2002, a local authority has duties in relation to an exclusion from a school and appeals against that exclusion. Under s.17 (a) of the Children Act 1989 a local authority has a duty to safeguard and promote the welfare within their area who are in need.PIPs/SIPs are a partnership across social care, education and health to fulfil these statutory duties. |

To share “[Special Category](https://gdpr-info.eu/art-9-gdpr/)” personal data as defined in the General Data Protection Regulation, there must be at least one lawful basis under [Article 9](https://gdpr-info.eu/art-9-gdpr/) for doing so. The lawful basis applicable to this Information Sharing and this Agreement is:

|  |  |  |
| --- | --- | --- |
| Article 9 | Lawfulness of processing | Explanatory text |
| 9(2)(g) | Processing is necessary for reasons of substantial public interest, on the basis of domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject; | Under Schedule 1, Part 2 of the Data Protection Act 2018 the processing of special category data (i.e., health) meets the condition in 18 (1) Safeguarding of children and individuals at risk. |

### Article 8 Human Rights Act 1998

### [Article 8 of the Human Rights Act 1998](https://www.legislation.gov.uk/ukpga/1998/42/contents) gives people the right to a private life, family life, home and correspondence. This right means that public authorities are not allowed to interfere with a person’s privacy, for example, by disclosing their personal information, unless it is lawful, necessary (in the public interest) and is for a legitimate purpose such as public safety; protection of health or morals; rights and freedoms of others and prevention of disorder or crime. In such cases the Public interest in making the disclosure must outweigh the individual’s right to a private life.

### Any sharing of information under this agreement will only be done where it is lawful, proportionate, relevant and necessary to do so in line with Article 8 – Human Rights Act 1998.

### Other Legislation

The following legislation is also applicable to the sharing of this information to assist with compliance :

|  |  |
| --- | --- |
| Legislation | How this agreement helps compliance |
| Section 1(1) of the Localism Act 2011 | The General Power of Competence gives councils the power to do anything an individual can do provided it is not prohibited by other legislation. It enables the council to provide innovative solutions in the public interest. |
| Common law duty of confidentiality | The common law duty of confidentiality means that when someone shares personal information in confidence it must not be disclosed without some form of legal authority or justification.Confidentiality statement: The chair of the Panel will remind all concerned of the principle of confidentiality at the start of each meeting. The confidentiality statement is appended at Appendix A. |

### Privacy Notices

Any Data Controller sharing information with, or receiving information from, a third party must make this clear to the Data Subjects within their Privacy Notices (or by other means) as required under Articles [13](https://gdpr-info.eu/art-13-gdpr/) & [14](https://gdpr-info.eu/art-14-gdpr/) of the General Data Protection Regulation; unless there is an exemption under the General Data Protection Regulation / Data Protection Act 2018 which applies.

A Parent’s Guide has been produced that offers the relevant transparency information.



### Sharing of the Information

Please see attached Process Flow. 

Primary and Secondary Panels together with local panels, occur monthly. Data flows therefore occur on a monthly basis. There are approximately 8 cases per panel each month.

### Storage, Retention and Destruction of the Information

|  | Transfer mechanism | Held outside EEA? | Retention and destruction |
| --- | --- | --- | --- |
| From School to LA: Referral form plus additional relevant documents | Sent via AnyComms | No | Records of the screening / action plans will routinely be removed / deleted in line with the Council’s retention policy. The process for removal of these records is the responsibility of the Liquid Logic Service Desk. |
| From LA to Panel: Information gathered from LL and ONE(Referral form from school, additional relevant docs from school and screening for) | Sent via AnyComms | No | Data not to be retained by panel members in any formatThe secretary of the panel will routinely request panel members delete their agendas, and will undertake spot checks. |
| Records from panel meeting (i.e., action plan for each pupil) | Sent via Anycomms | No | As above |
| From Panel to School: Action plan which is part of the Screening form | Sent via Anycomms | No | Schools have their own retention policies in line with UK GDPR principles  |

### Data Subject Rights

Data Subject Requests under [Articles 15 – 22](https://www.legislation.gov.uk/eur/2016/679/contents) of the General Data Protection Regulation will be processed by the Data Controller that receives it.

Data Controllers may choose to liaise with other parties for any type of Data Subject request, however, to comply with [Article 19 (Notification obligation regarding rectification or erasure of personal data or restriction of processing)](https://www.legislation.gov.uk/eur/2016/679/article/19), they must inform all parties when receiving one of the following requests:

* [Article 16 – Right to Rectification](https://www.legislation.gov.uk/eur/2016/679/article/16)
* [Article 17 – Right to Erasure](https://www.legislation.gov.uk/eur/2016/679/article/17)
* [Article 18 – Right to Restriction](https://www.legislation.gov.uk/eur/2016/679/article/18)

Please use Key contacts below.

### Personal Data Breaches

Where an organisation becomes aware of a personal data breach relating to this agreement, that organisation will notify all other parties privy to this agreement without undue delay. Similarly, where an organisation becomes aware of a Security Incident which could adversely affect another other party; for example, malware or system failure, then prompt notification should be made.

Where notification the Information Commissioner’s Office and or Data Subjects affected by a personal data breach is required under Articles [33](https://gdpr-info.eu/art-33-gdpr/) and [34](https://gdpr-info.eu/art-34-gdpr/) of the General Data Protection Regulation, all parties will agree who is responsible for the method and content of the notification.

Please use Key contacts below.

### Review of this Agreement

 This agreement will be reviewed in August 2022 and on a bi-annual basis thereafter.

This agreement can be terminated at any time before this date by providing notice in writing to all parties privy to the agreement.

### Signatories/Key Contacts

This agreement must be formally approved and signed by all parties before any information sharing takes place. All parties will ensure that the Information Sharing Agreement and any associated documents are known and understood by staff involved in the process.

|  |  |  |  |
| --- | --- | --- | --- |
| **Organisation** | **Authorising Officer**  | **Key Contact** | **Date Agreed****(emails held by SCC signifying agreement)** |
| Sheffield City Council | Carly Speechley,Director of Children and Families Service | John Mansergh, Assistant Service Manager – Inclusion and AttendanceJohn Mansergh@sheffield.gov.ukInformation Management Teaminformationmanagement@sheffield.gov.uk  | 21.09.21 |
| Sheffield Children’s NHS Foundation Trust | Mark Talbot,Associate Director - Health Records & Patient AccessData Protection Officer | Mark Talbot, Associate Director - Health Records & Patient AccessData Protection Officer – Sheffield Children’s NHS Foundation Trustmark.talbot3@nhs.net | 7 September 2021 |
| Chair of the Primary Inclusion Panel | Ian ReadHead TeacherWaterciffe Meadow Community Primary School | Ian Read, Head Teacher - Waterciffe Meadow Community Primary Schoolheadteacher@watercliffe.sheffield.sch.uk | 19.07.21 |
| Chair of the Secondary Inclusion Panel | Scott BurnsideHead TeacherChaucer School | Scott Burnside, Head Teacher - Chaucer Schoolsburnside@chaucer.sheffield.sch.uk | 19.07.21 |

### Appendix

**This confidentiality statement is to be read out at the start of each meeting**

This Inclusion Panel operates under the shared understanding that all parties in attendance recognise the importance of sharing information with each other in line with the aims of the Children Act 1989.

Information discussed within the ambit of the meeting is strictly confidential. It must be treated as such before, during and after the meeting. The information should be stored securely - inaccessible to other users. Information should only be shared on a need to know basis.

All parties should ensure that any meeting notes or relevant correspondence are retained in a confidential and appropriately restricted manner and deleted when no longer required. All work undertaken by the Panel will be informed by a commitment to equal opportunities and effective practice in relation to age, race, gender, sexuality and disability.

All members of the group will co operate with each other in accordance with relevant legislation which at this time includes UK GDPR, Data Protection Act 2018, Human Rights Act 1998 and the Information Sharing Agreement.