



Confidentiality and Information Sharing Policy and Procedure

General Principles

- The welfare of the child or young person is the first consideration.
- All children and young people, regardless of age, ability, gender, ethnic origin, religious belief, race or sexual identity have a right to protection from abuse. The rights, dignity and worth of all young people should always be respected.
- All staff and members of England Netball have a responsibility and failure to comply may lead to disciplinary action.
- All concerns will be taken seriously and managed accordingly within the Safeguarding and Protecting Young People in Netball Policies and Procedures.
- Confidentiality will be upheld in line with legislation and government guidance.
- A child is defined as being under the age of 18 by the Children Act 1989 and when making decisions about sharing information about a child/children their welfare is the paramount consideration. Decisions to share information may be for the purpose of protecting an individual child or children in general.
- England Netball will ensure that people to whom this policy applies are aware of the protocol and implications for them in order to ensure that its application is a transparent process.
- When sharing information England Netball will ensure that they clarify which information they are sharing is factual (to the best of their knowledge) and which is an expression of professional opinion (principle of certainty of facts)
- England Netball will ensure that the way that information is shared is appropriate to the level of urgency but information will always be supported by a written report.
- Where information is shared during the course of an investigation, the outcome will be shared with those to whom the original information was sent.

Key Points

- England Netball will share information where they reasonably believe that it is necessary to share in order to protect or safeguard a child/children.
- England Netball will explain openly and honestly, or at least notify, at the outset what information will or could be shared, and why, and seek agreement – except where doing so puts the child or others at risk of significant harm.
- Consent to share information will usually be sought, however, if consent is refused or there are good reasons not to seek consent, consideration will be given as to whether there is a sufficient public interest for the information to be shared (principles of openness, consultation and inclusion)



- England Netball will respect the wishes of children or families who do not consent to share confidential information – unless in their judgment there is sufficient reason to override that lack of consent.
- England Netball will share no more information than is necessary for the specific purposes of sharing that relevant information (principle of proportionality)
- Records will always be kept of the decision to share, or not to share information and the reasons for this decision.
- Information that is shared will be accurate, up to date, necessary for the purpose for which it is being shared, shared only with those with a need to see it and shared securely.

Government Guidance and Legislation

The England Netball Safeguarding Policy and Procedures are based upon principles contained within U.K. and international legislation and government guidance. This section gives an overview of relevant legislation and guidance. England Netball has a legal and moral obligation and responsibility to contribute to making Netball a safe and child-friendly sport, this policy and procedure take into account the following:

- European Convention on Human Rights
- Human Rights Act 1988
- Common Law Duty of Confidentiality
- Data Protection Act 1998 Safeguarding specific documents and Acts:
- Every Child Matters (www.everychildmatters.gov.uk)
- Children Act 2004
- Working Together to Safeguard Children 2006 (HM Government 2006)
- Information Sharing Guidance (CPSU 2006)
- Criminal Records Bureau guidance (www.crb.gov.uk)
- Safeguarding Vulnerable Groups Act 2006

CPSU Protocol for Information Sharing Guidance

The development and implementation of this policy wholly adopts the CPSU Protocol for Information Sharing Guidance (August 2006) and the following sections of that document will be wholly adopted, referenced and implemented within England Netball:

1. The type of information that will be shared
2. Process for information sharing and receiving of information
3. Recording, storage and disposal of information
4. Flowchart of key principles for information sharing

All of the above are shown in appendix A of this document.



Implementation

The implementation of this policy is mandatory. This policy also links with England Netball's Data Storage, Handling, Use, Retention and Disposal of Disclosure Information Policy.

Further Information

For more information and guidance please visit the England Netball website at www.Englandnetball.co.uk or contact England Netball on Tel: 01462 442344.
Email: enquiries@Englandnetball.co.uk

Appendix A

The Type of Information that will be shared

- Information relating to safeguarding/welfare/child protection concerns which meet the threshold for referral to external safeguarding agencies (Police or Children's Social Care Services) will be shared in all cases.
- Information which raises safeguarding concerns arising from CRB disclosures. The threshold that will be applied is the organisation's judgment that the individual is unsuitable to work with children.
- Information indicating safeguarding/child protection concerns but which is not acted on by statutory agencies (for example, where prosecution is not possible, or has been unsuccessful; where a referral is 'bounced back' by Children's Social Care Services or the Police as not meeting their threshold, but the organisation judges that concerns remain; or where risks are identified from information arising as a result of recruitment or other internal processes
- Information relating to poor practice cases (for example, breach of codes of conduct/ethics) involving a perceived risk to children, but not meeting the threshold for referral to external safeguarding agencies, and:
 - where the organisation has either suspended or excluded the individual, or
 - has put in place special arrangements or monitoring to ensure children's welfare as a result of its disciplinary process.

Clearly these different categories or levels have implicitly different implications for information sharing. High level concerns meeting the threshold for police or Children's Social Care Services action should be managed by those agencies. The sports organisation with information that a concerning individual may be operating with children in another organisation(s) should in the first instance pass this information to the statutory agencies, and the sports organisation should seek the advice of the statutory agencies when consideration is being given to sharing information with the other organisation(s).

Process for information sharing & receiving of information



- The decision to share information will be based upon the principles embedded in the protocol. (See Appendix 2: Flowchart for information sharing)
- England Netball will decide which organisations information needs to be shared with based on the level of concern and on a need to know basis.
- England Netball will identify who is the appropriate person within the organisation to whom they should make the referral (this will be determined by that individual's role and responsibilities in relation to management of child protection/safeguarding concerns)
- Where the concerns are about a child within their family or wider community (a nonsport context) England Netball will refer information to the statutory agencies (Police or Children's Social Care Services) in the area in which the child lives
- Where concerns are about possible or actual abuse of a child by someone within England Netball, England Netball will refer this to the statutory agencies where the alleged abuse may have taken place.
- Where England Netball is aware or believes that the person against whom the allegation is made may work with children in other organisations, they will seek the advice of the statutory agencies regarding whether information should be shared with those other organisations and, if so, by whom.
- Where concerns arise in the context of services/activities for children provided on behalf of a school/educational establishment or within a school sport/physical education setting; the National School Sport Strategy Protocol for Safeguarding Children should be followed.
- Where England Netball has deemed someone is unsuitable to work with children as an outcome of its disciplinary process it will refer that individual's name to the Independent Safeguarding Authority. Information about the outcome of a disciplinary process will only be shared on a need to know basis both within the organisation and with external agencies
- Where there has been statutory agency investigation, and/or where the person who is subject of the investigation is subject to the monitoring of the local Multi Agency Public Protection Panel (MAPPP), England Netball will contribute to the statutory agencies' planning processes where requested
- The outcome of disciplinary processes would not normally be shared with external agencies by England Netball without the consent of the individual who is subject to this process (for example, for the purposes of providing a reference). Exceptions to this would be guided by the principles embedded within this protocol. Outcomes of disciplinary processes will be shared within England Netball on a strictly need to know basis.
- When England Netball are recruiting staff or volunteers to work with children they may be provided with information that would indicate that an individual may pose an actual or potential risk to children or may be unsuitable to work with children.
- As part of their recruitment processes England Netball will have procedures in place that ensure that consent has been obtained from current/prospective employees/employees both to obtain the information and to clarify it where necessary.



- England Netball will have in place policies, procedures and processes that ensure that appropriate recruitment and selection processes are consistently applied that reflect the need to safeguard children.
- As many recruitment processes are being applied retrospectively (since England Netball have been able to access Criminal Records Bureau disclosure information) via an umbrella organisation, England Netball have processes in place to determine whether someone remains suitable to work in their current position with children. England Netball will also decide whether relevant information needs to be shared with statutory agencies or other organisations.
- It is unlawful for any organisation to share the content of CRB disclosures with other organisations, consequently any decisions to share information where there are concerns about the risk an individual may present to children must be directed to the statutory agency from which the information was sourced (in the majority of cases this will be the Police). A disciplinary decision can, however, be shared where an individual may present a risk to children and where the principles embedded in this protocol have been followed.
- Occasionally England Netball may be directed by a Court, or given permission by a Court, to share information about an individual where the Court has determined that the individual poses a significant risk to children and England Netball may need to take action to contribute to the management of the risk this individual poses.
- All information held regarding complaints about poor practice by England Netball will usually be shared with the consent of the individual against whom the complaint has been made (for example, when an individual has consented to a reference being taken up by another organisation). Where statutory agencies are conducting a child protection investigation, however, England Netball will consider the appropriateness and proportionality of sharing the aforementioned information in accordance with the principles embedded in this protocol where requested
- All information held by England Netball regarding complaints about poor practice will only be shared within England Netball on a strictly need to know basis.
- Where there is urgent need to share information in order to enable statutory agencies to act in the public interest, information may initially be shared verbally but will always be followed up in writing.
- The reason to share, or not to share, information will always be recorded by England Netball.

Recording, Storage & Disposal of Information

- Information held about different individuals will be recorded separately.
- Written information in either paper or electronic form will be stored securely in accordance with data protection legislation, other government guidance and England Netball's Data Storage, Handling, Use, Retention and Disposal of Disclosure Information Policy.



- All reasonable steps will be taken to ensure secure receipt of information.
- Information will be marked as confidential with a disclaimer included regarding what to do if correspondence is received by someone in error.
- Written communications will clarify the extent to which the information can be shared within the recipient organisation.
- Consent to share information will be sought from the individual to whom the information refers unless:
 - this may put children or other parties at risk of harm
 - refusal to consent is unreasonable or not in the public interest
 - consent cannot be obtained
 - the organisation is advised by a statutory agency not to do so, or there is a Court order which so directs
- England Netball have in place systems for the safe storage of information and clear procedures regarding authorised access to records.
- England Netball has a record destruction procedure, which includes destruction of additional copies of information used for a specific purpose (for example, for a disciplinary hearing). There will be clear timescales for destruction of records whilst recognising that there will be different periods for the destruction of different records (for example for CRB disclosures, disciplinary decisions and for insurance purposes)
- England Netball have a secure method for record destruction and disposal
- Consent to third party information being passed on will always be sought from the third party except in the circumstances regarding consent previously outlined. England Netball have an 'Access to Records' policy and procedures which covers their own agency's records and third party information.

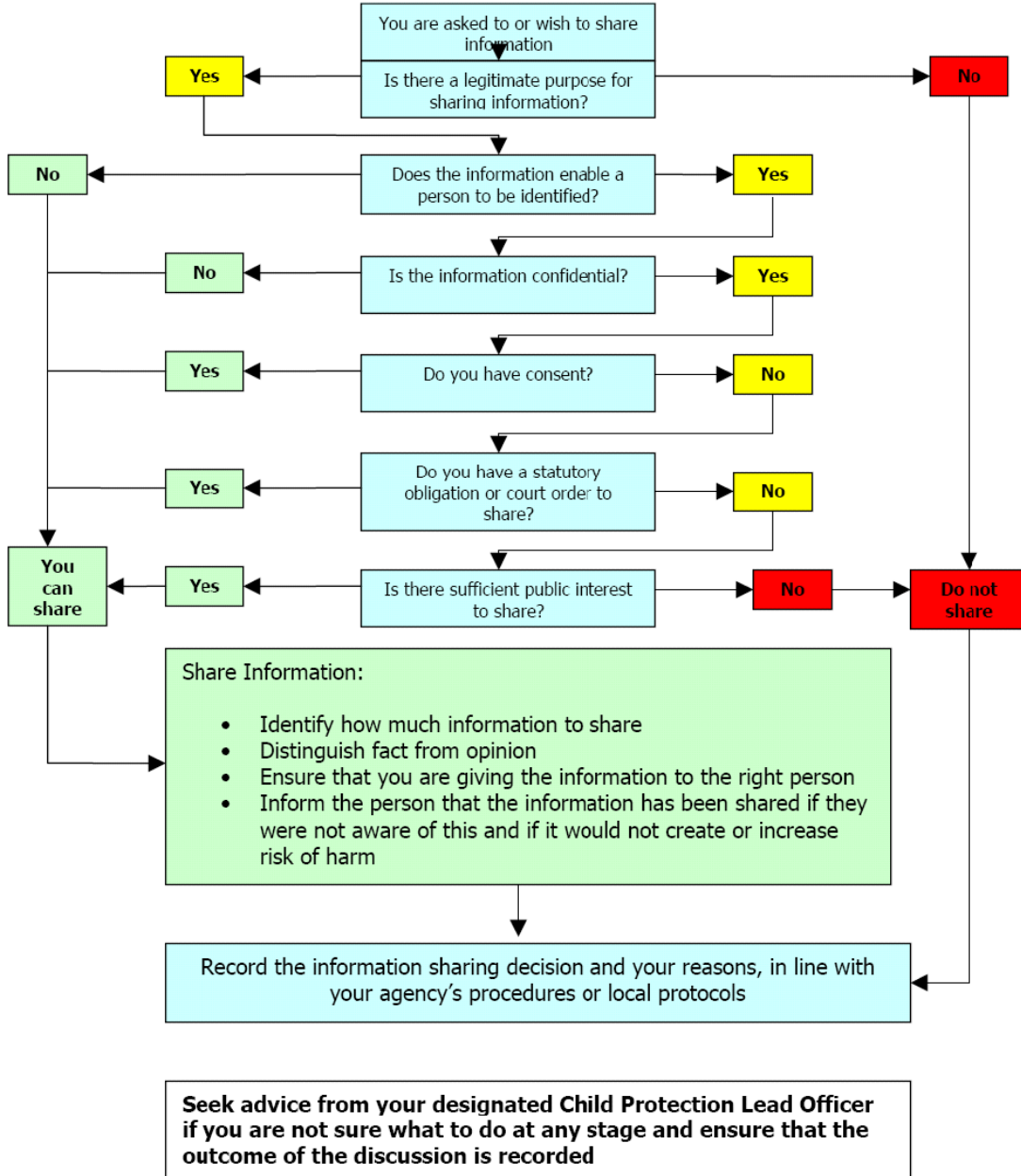
Appendix 1:

Questions to ask to inform safe information sharing practice

Where the information is about concerns about an employee or volunteer:

1. Who has responsibility for employment or deployment of staff and volunteers?
2. Are they a qualified/licensed person for England Netball?
3. Does the organisation have a structure for designated persons for child protection/welfare and, within this structure; at what level should information be shared? (Concerns of a child protection nature should always be shared with the designated person at a national level i.e. the Lead Child Protection Officer at Head Office)
4. Has the organisation got clear written guidelines for sharing of information and confidentiality?

Appendix 2: Flowchart of key principles for information sharing



Approved December 2009

Due for Review December 2010