



## Issue number 35 (Spring 2022)

**Hello and welcome to the Spring edition of our Harrow Safeguarding Adults Board Newsletter.**

In this edition we have revisited the important topic of information sharing. Many reviews where there have been tragic outcomes (domestic homicides, mental health homicides and safeguarding deaths) have highlighted a failure to share vital information, based on a misunderstanding of the framework which allows for it – so please read the information below carefully and apply it in your practice. At its most recent meeting on 30<sup>th</sup> March, the HSAB had a presentation about the DBS Greater London Outreach Service. Some highlights from the information presented are detailed below and this topic is a useful reminder in the context of safe recruitment practice. Chris Miller (HSAB Chair)

### **Data Protection, GDPR and information sharing**

The General Data Protection Regulation (GDPR) and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping people safe. They ensure that personal information is shared appropriately. Information can be shared without consent (see below), but where possible consent should be sought from the individual before information is shared.



### **Sharing information without consent**

You can share information relating to abuse without consent from the person in the following situations: (i) If the person lacks capacity to make the decision (Mental Capacity Act 2005); (ii) for the prevention and investigation of crime (Crime and Disorder Act 1998); (iii) to prevent serious harm/distress or threat to life (Data Protection Act 1998); (iv) if there is a risk to others/children; (v) if the person is under duress, coercion or undue influence; (vi) if staff are implicated; (vii) if there is domestic abuse which meets the MARAC threshold; (viii) if there is a court order/other legal authority in place instructing you to do so; (ix) where the alleged abuser has care and support needs and may be at risk. If you share information without consent, you must record: the reason for overriding consent; date and time you shared the information; legal basis for overriding consent; in what format you have shared the information such as verbally or in writing; what information you have shared.

### **Making Safeguarding Personal**

A briefing has been developed to address the misconceptions and superficial understanding about Making Safeguarding Personal, and to caution those who interpret this approach simplistically. It supports and promotes relationship and strength based approaches in practice. It acknowledges the complexity of people's lives and the challenges for practitioners to enable people (with their representatives or advocates if they lack mental capacity) to keep themselves safe and safeguarded, and to achieve resolution and recovery in their lives. The report exposes some 'myths' about Making Safeguarding Personal, and some general 'myths' about safeguarding adults.



[Myths and realities about Making Safeguarding Personal \(local.gov.uk\)](https://www.local.gov.uk/myths-and-realities-about-making-safeguarding-personal)

## Mental Capacity guidance from 39 Essex Chambers

39 Essex Chambers' excellent Mental Capacity Act (MCA) guides for Social Care workers have again been updated.

Examples of the guidance documents available are:

1. carrying out and recording capacity assessments;
2. determining and recording best interests;
3. relevant information for different categories of decisions



These guides (and future versions) can also be found on the 39 Essex Chambers' website (with their other guides, e.g., fluctuating capacity; MCA and vaccination; and MCA and ordinary residence). You can use the subscribe button on the 39 Essex Chambers' website if you want to receive their monthly case law updates. You can access the website through the following link:

<https://www.39essex.com/tag/mental-capacity-guidance-notes/>

Alex Ruck Keene, (a 39 Essex Chambers barrister and co-author of some of the guides) has jointly created a new, excellent and friendly-looking Capacity Guide website. It contains much of the information in the guides and more besides: [Home - Capacity guide](#)

## Disclosure and Barring Service Regional Outreach Scheme



### Disclosure & Barring Service

The Disclosure and Barring Service (DBS) has launched a new [Regional Outreach Service](#) to work closer with organisations and networks to build and develop relationships, acting as a single point of contact for all DBS related enquiries within their region. Kiran Rehal is the DBS Regional Outreach Advisor for Greater London and is available to discuss all matters in relation to DBS, as well as support organisations in safeguarding and safer recruitment in the following ways:

- answering phone calls or emails to clarify any DBS related queries/questions advice
- attending meetings, training, conferences or visiting organisations to have a face to face discussion
- developing and delivering presentations, workshops, webinars or discussions to provide an overview of DBS and safer recruitment
- taking any feedback, suggestions or comments from DBS experiences and feeding this back into the business
- helping to understand what level of check can be applied for and what information these checks will provide
- informing organisations and employers of their duty or power to refer individuals who may pose a future risk of harm within regulated activity. Including an overview of: how to make barring referrals; when should a referral be made and; how DBS assess whether a referred person should be included on the Children's and/or Adults' Barred List.

If you have any questions regarding the DBS or would like any further information, please contact Kiran Rehal: [Kiranpreet.rehal@dbs.gov.uk](mailto:Kiranpreet.rehal@dbs.gov.uk) / [DBSRegionaloutreach@dbs.gov.uk](mailto:DBSRegionaloutreach@dbs.gov.uk)

Tel: [0300 105 3081](tel:03001053081)