



**Bwrdd Iechyd Lleol**  
**Local Health Board**  
Sir Gaerfyrddin  
Carmarthenshire



# **Carmarthenshire**

# **Interagency Protocol**

**for**

## **Children with**

## **Complex Needs**

**and**

## **Children placed out of area**

Children's Services

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### Our Vision

**Partners in this protocol will at all times work together; at all levels of service management, planning and delivery; to meet the needs of all Looked After Children and children with Complex Needs within Carmarthenshire.**

### Commitment of Partner Agencies

The following partners have contributed to the development of this protocol and are committed to its implementation:

Carmarthenshire County Council, Children's Services

Carmarthenshire Education Authority; Inclusion and Disability Services

Carmarthenshire County Council, Adult Social Services

Carmarthen Local Health Board

Carmarthenshire NHS Trust

Pembs and Derwen Trust - Children and Adolescent Mental Health Service (CAMHS)

### Definition of Complex Needs:

- A child is considered to have Complex Needs if they are under the age of 18 years of age and have **complex health needs or disabilities** that require intensive and/or highly specialist intervention or treatments.
- A child is considered to have Complex Needs if the identified services to meet the child's needs result in them being placed **out of the Authority's area** regardless of whether they have complex health needs or disabilities.

## **Aims**

Carmarthenshire Children with complex needs and Looked After Children will:

- have their health, education and social care needs met within Carmarthenshire
- be socially and educationally included in services for all children
- be maintained within their families or a family setting whenever possible
- be consulted on the services they receive.

When a child's needs cannot be met in their own area due to a lack of service then partner agencies will, where feasible, plan to develop appropriate provision in county

## **Responsibilities of Partner agencies**

Partners to this protocol are committed to multi-agency cooperation at all levels of service planning and delivery.

This will include:

- Ensuring that appropriate personnel are designated to the Strategic Planning Group and the Complex Needs/Out of Area Resource Panel.
- Working together to develop a seamless approach to meeting the individual needs of this client group in as timely way as possible.
- Cooperation at an operational level: endeavouring to reduce unnecessary bureaucratic process and streamline services wherever possible.
- Working together strategically to plan integrated services for this client group based on projected needs.

## **Administration of the protocol**

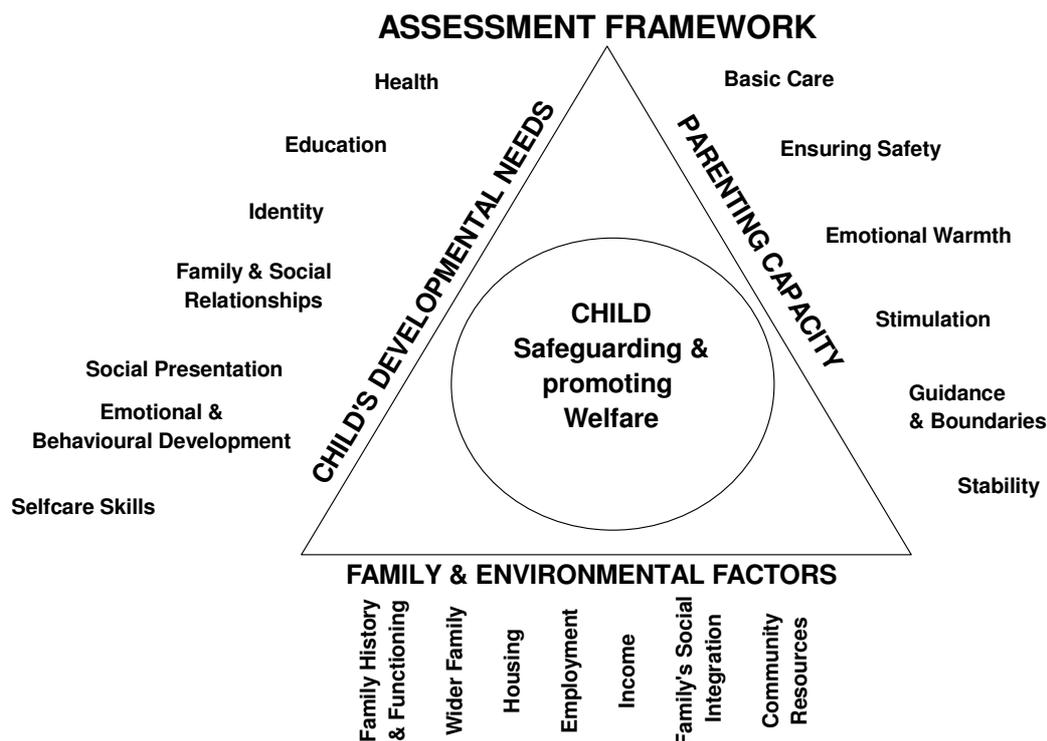
The effective administration of the protocol will be supported by:

- **A Multi-agency Strategic Planning group** consisting of senior service commissioners and Heads of services will ensure that responsive services are developed for this client group in line with the Children and Young Peoples Partnership.
- **The Multi-agency Complex Needs / Out of Area Panel** who will meet monthly to consider resources for individual children with complex needs and those children who are Looked After and placed out of Area.
- **The Complex Needs Coordinator** will work with Partner Agencies throughout Carmarthenshire to facilitate the implementation of this Protocol.

**Supporting legislation**

Partnership working will be guided by appropriate relevant legislation:

- **Towards a Stable Life and Brighter Future:** The Placement of Children (Wales) Regulations 2007
- **The Children Act 1989/ 2004** comprehensive and far reaching legislation governing services for children
- **The Disability Discrimination Act 2005/2007** detailing responsibilities towards children with disabilities.
- **National Service Framework for children, young people and maternity services 2004:** the NSF aims to ensure fair, high quality and integrated health and social care from pregnancy, right through to adulthood.
- **Special Education Needs (SEN) Code of Practice:** Sets standards and expectations about the actions of schools and LEAs in response to Special Education Needs.
- **The Mental Health Act 1983/2007** sets out the processes that must be followed and the safeguards for patients with mental health issues.
- **The National Assessment Framework**  
The National Assessment Framework aims to improve multi-agency involvement in assessing, planning and reviewing needs of children and families via holistic assessments of need.



## **Section 2: Strategic Arrangements**

The Children's and Young People's Partnership (CYPP) will provide the framework of strategic governance and inter-agency strategic planning arrangements.

The Terms of Reference for this group will be developed by the group and approved by the CYPP.

Each of the partner agencies will designate an appropriate representative to form membership of a strategic planning group for this client group.

### **The Aims of the Strategic Planning Group**

The Strategic Planning group will:

- Meet Quarterly.
- Provide a forum for multi-agency discussion and establish an agreed strategic direction including priorities for commissioning and the development of services for this client group.
- Review current multi-agency provision for Children with Complex Needs and Looked After Children placed Out of Area.
- Consider long term investment and development of services for children with complex needs; including early identification and review mechanisms; bearing in mind Best Value principles.
- Establish an agreed continuum of service provision including robust early identification and review mechanisms.
- Ensure that wherever possible the needs of this client group are met within their own locality.
- Monitor the effectiveness of this Interagency Protocol ensuring that it is updated in line with related developments in legislation and best practice.
- Provide progress reports to their relevant agencies executive board, the Lead Member and the CYPP.

### **Membership of the Strategic Planning Group:**

The Group will consist of Senior Managers from Education, Health and Social Care who are able to make service delivery recommendations.

### Section 3

#### The Multi-agency Complex Needs/Out of Area Resource Panel

As detailed in **Towards a Stable Life and Brighter Future The Placement of Children (Wales) Regulations 2007:**

- The multi-agency complex needs / out of area resource panel will meet monthly, unless there are no cases to be considered and will consist of representatives from partner agencies who will assist the authority in ensuring that any placement will meet the child's identified needs.
- The Chair of the panel will be the Head of Children's Services.
- The following partners are committed to providing both appropriate representation and professional advice to the panel:
  - Carmarthenshire Local Health Board,
  - Carmarthenshire NHS Trust
  - Carmarthenshire Adult Social Care Service
  - Carmarthenshire Local Education Authority
  - Pems and Derwen CAMH Service
- Key professionals within the Local authority must refer the child's case to the panel if they plan to place the child out of area **before the placement is made**. Or in exceptional cases no later than 25 working days after the placement is made.
- The panel will only consider an out of area placement once they have determined that:
  - There is no placement in the area capable of meeting the child's needs.
  - An out of area placement is more consistent with meeting the child's needs.
  - The relevant additional costs are proportionate to the additional services provided.
  - The provision is consistent with meeting the agencies statutory responsibilities.
- Once a decision is made to place a child Out of Area the panel must satisfy themselves that the child's health and educational needs will be met in the proposed placement.
- The panel will agree arrangements for meeting the child's health and educational needs and agree funding for the placement.
- The panel will monitor ongoing suitability of the placement once a child is placed and will review within agreed timescales.
- Decisions to place a child out of area will be endorsed by the Head of Service. This endorsement will be on the Form CNP2 and a copy will be provided for the child's file. (Appendix 4.3)

- Notifications of arrangements for placements will be made prior to placement and not later than 10 working days after the placement date.
- When an **emergency placement** is made out of area the same forms and notifications are necessary and approval must be secured in writing from the Head of Children's Service. Arrangements will be made to present the case to the next available panel.
- When a looked after child is placed with a **relative carer** out of area the same forms and notifications are necessary and approval must be secured in writing from the Head of Children's Service. Arrangements will be made to present the case to the next available panel.
- When a child moves placement the panel will **trigger formal notification** for the transfer of the child's health and education records (if applicable) and monitor until transfer has taken place.
- The Complex Needs Coordinator will provide an anonymous summary of children placed out of area. This will be reported to the panel members, the Lead Member for Children's Services and the IRO manager on a quarterly basis.

A Dispute resolution procedure will be developed to support these arrangements.

### **Panel Membership**

In line with The Placement of Children (Wales) Regulations 2007 the panel will be chaired by The Head of Children's Services. In their absence they will nominate a suitable deputy. Additional membership of the panel will consist of:

- Director of Nursing – Local Health Board
- The Inclusion and Disability Manager for Education and Children's Services
- Manager of Adult Services Learning Disability
- General Manager, Family Health Directorate, Carmarthenshire NHS Trust
- General Manager, CAMHS Pembrokeshire

Where a child is Looked After the Independent Reviewing Manager (IRO) may be invited to attend the panel if there are significant concerns over where a child is placed.

The panel may request representation from Team Managers who have more detailed knowledge of a referred child.

The Complex Needs Coordinator will facilitate the sharing of information for Panel members.

Children's Services will appoint a designated minute taker and assign an administrator whose responsibility it will be to coordinate the appropriate Notifications for Looked After Children (LAC) placed out of area.

### **Active participation**

The importance of active participation of children and young people, their parents and carers in the decision making process is enshrined in the Children Act 1989 & 2004.

Agencies must ensure that the views of the child (where he is of sufficient understanding) and the child's parents (where this is consistent with the child's welfare) have been taken into account and are made available to the Panel.

### **Identifying an appropriate placement**

In considering whether the proposed placement will meet the child's needs the Panel will be informed by the CCSR database, which will be a key source of information on available placements.

The Complex Needs Coordinator is the nominated CCSR commissioner (specialist resource finder) for Children's Services and is responsible for identifying and monitoring potential placements on behalf of the panel.

The final decision on whether to place a child out of area will be that of the Panel.

### **Preparation for a placement out of area**

In deciding on a suitable placement, prior enquires will be made to ensure that the child's assessed **health needs** and in particular any identified **mental health needs** can be met appropriately in the area identified.

Should the health service providers in the area of the proposed placement state that they are unable to provide the services needed by the child, it is unlikely that the placement could appropriately be made and alternative provision will be identified.

In deciding on a suitable placement, prior enquires will be made to ensure that the child's assessed **educational needs** and in particular any identified **additional learning needs** can be met appropriately in the area concerned.

Should the education authority in the area of the proposed placement state that they are unable to provide the services needed by the child, it is unlikely that the placement could appropriately be made and alternative provision will be identified.

### **Legal directives**

In cases where an SEN Tribunal or other Court proceeding directs the panel to place a child Out of Area the same considerations and notifications will be applicable.

### **Notifications**

Prior to a child being placed out of the Authorities area notification will be given to:

- Carmarthenshire Local Health Board
- The receiving Local Health Board
- The LAC Education Coordinator at Carmarthenshire Education Authority
- The receiving Education Authority
- The child's GP in Carmarthenshire
- The receiving Authority's GP
- Carmarthenshire's designated LAC Nurse
- Receiving Authority's LAC Nurse
- Carmarthenshire LAC Independent Reviewing Team

When Children's Services, Health or Education are notified of a placement within Carmarthenshire, copies of the notification form will be forwarded to partner agencies. An

acknowledgement letter will notify the external agency that this will happen/has happened and whom has been notified.

On receiving the notification the LAC Nurse for Carmarthenshire will coordinate the transfer of the child's health records to the receiving authority along with a request for health and oral assessments.

On receiving the notification the LAC Education Coordinator for Carmarthenshire will coordinate the transfer for the child's education records to the receiving authority.

Where notification of placement cannot happen prior to placement notification will occur no later than **10 working days** after placement.

Where arrangements for health/oral assessments cannot be made prior to placement they must be made no later than **14 working days after placement**.

The Complex Needs Coordinator will provide details of all children placed out of area to the lead member for Children and Young People and the C&YP Framework Partnerships on a quarterly basis

### **Review procedures**

In compliance with The Placement of Children (Wales) Regulations 2007 the Independent Reviewing Officer's (IRO) statutory duties have been extended to monitor compliance with the regulations as part of the child case review process. The IRO manager will be notified of all panel decisions concerning Looked After Children.

In line with current guidance, looked after children placed in out of area provisions will continue be monitored and reviewed by an **Independent Reviewing Officer (IRO)**. The IRO will ensure that the Complex Needs Coordinator receives all review information for Looked After Children placed out of area or in independent provision within Carmarthenshire.

In addition when a child is placed in an independent fostering agency, residential school, independent care home or an out of area placement the Complex Needs Coordinator will monitor and review the **provision** to ensure that it is meeting the requested specification that the panel have commissioned.

Review information will be collated by the Complex Needs Coordinator and presented to members of the Multi-agency Complex Needs Resource panel.

As part of the review procedure every effort will be made to return children to Carmarthenshire and their own locality as and when appropriate.

### **Funding arrangements**

The Multi-agency Complex Needs Resource panel will make decisions about the proportional funding responsibility of each agency.

All agencies will endeavour to meet a child's needs through flexible and adaptable use of current resources and budgets.

Where a partner agency has committed funding to a service for a child they will provide the Complex Needs Resource Panel with notification of such in writing within 14 days of panel making this decision. They will state clearly the time scale of commitment to funding.

When a partner agency has to withdraw funding the Complex Needs Resource Panel will be given a minimum of 28 days notice in writing in line with the All Wales Commissioning guidelines.

From July 2007 children placed out of area the originating home LHB remain responsible for resourcing the secondary care.

The Placement of Children (Wales) Regulations 2007 places new duties on LHB leads for Children and Young People services in respect of the child's health need and arbitrating in any funding dispute between the 'originating' and 'host' LHB.

(details in appendix1:3)

## **Section 4** **Operational Protocol**

### **Referral process**

Within Carmarthenshire most children's needs will be met by existing services from Health Education and Social Care

Each partner agency has designated responsibilities and internal processes for the allocation of resources and these should be followed for children with complex needs.

In line with the Common Assessment Framework multi-agency assessment, planning and cooperation will be promoted by all partner agencies.

When a key professional feels that the needs of a child cannot be met within existing services then a **multi-agency planning meeting** of professionals will be convened.

The aim of the meeting will be to:

- Share assessments and clearly identify the needs of the child
- Consider innovative and flexible ways to meet the needs of the child within their own locality
- Provide a targeted action plan of how the child's needs can be met

If it is considered that the child's needs cannot be met through flexible use of current resources a referral can be made to the Complex Needs Coordinator.

### **Referral documentation**

The following documentation should accompany any request

- CNP1 referral form (appendix 2 )
- A Multi-agency targeted action plan
- Relevant multi-agency assessments
- Initial or Core assessment
- Care plan
- Psychological Assessment if Mental Health needs
- Statement of educational needs (SEN)
- Where a child is looked after- PP1 and EIR1/
- Risk assessment if child is deemed a risk
- LHB Continuing care application and matrix if significant health needs (LTCC)

In the event of an emergency the lead practitioner can negotiate with the Complex Needs Co-ordinator on what is possible to provide within timescales who will then seek emergency approval from senior officers.

**Requests for additional resources** may take the form of:

- Continuing Care in the home
- Placement with an Independent Fostering Agency (IFA)
- Placement within a residential care home
- Placement within a residential specialist school
- An identified flexible funding solution to maintain a child in county

**Referral to the panel** will be from designated Managers within Health, Education and Social Care.

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Referrals will be made to the **Complex Needs Coordinator**

**The Complex Needs Coordinator** will consider the need for additional funding and liaise with Senior officers to make suitable recommendations as to whether there is a need for panel referral.

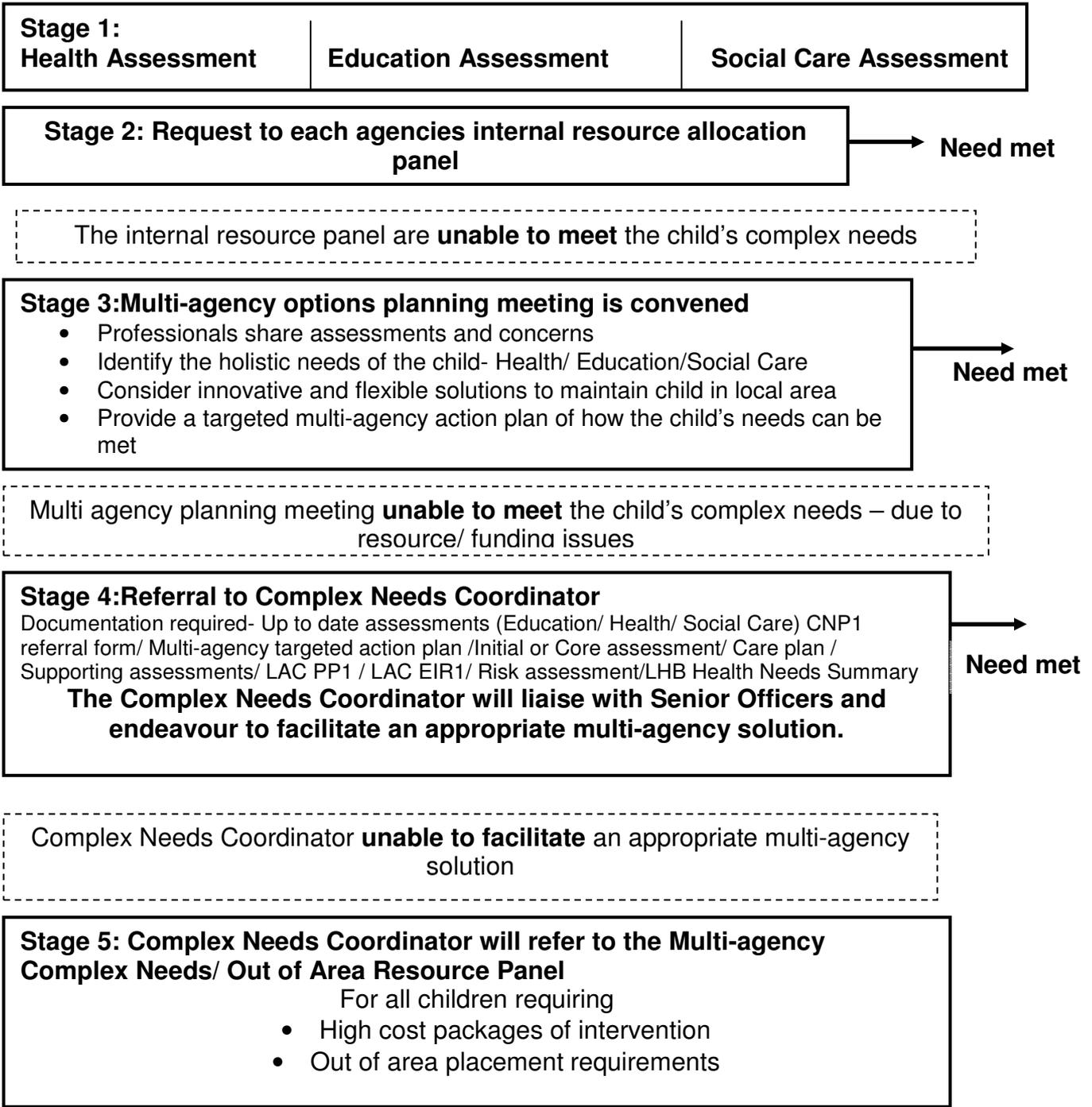
Where the need for an out of area placement is identified summary information and recommendations will be presented to the **Multi-agency Complex Needs Resource panel**.

Feedback from the panel will be from the Complex Needs Coordinator to the designated referring Managers within Health, Education and Social Care

The Complex Needs Panel will review and monitor all services to this client group.

The Complex Needs Coordinator will facilitate this process and provide a centralised specialist resource for services utilising the CCSR database when necessary.

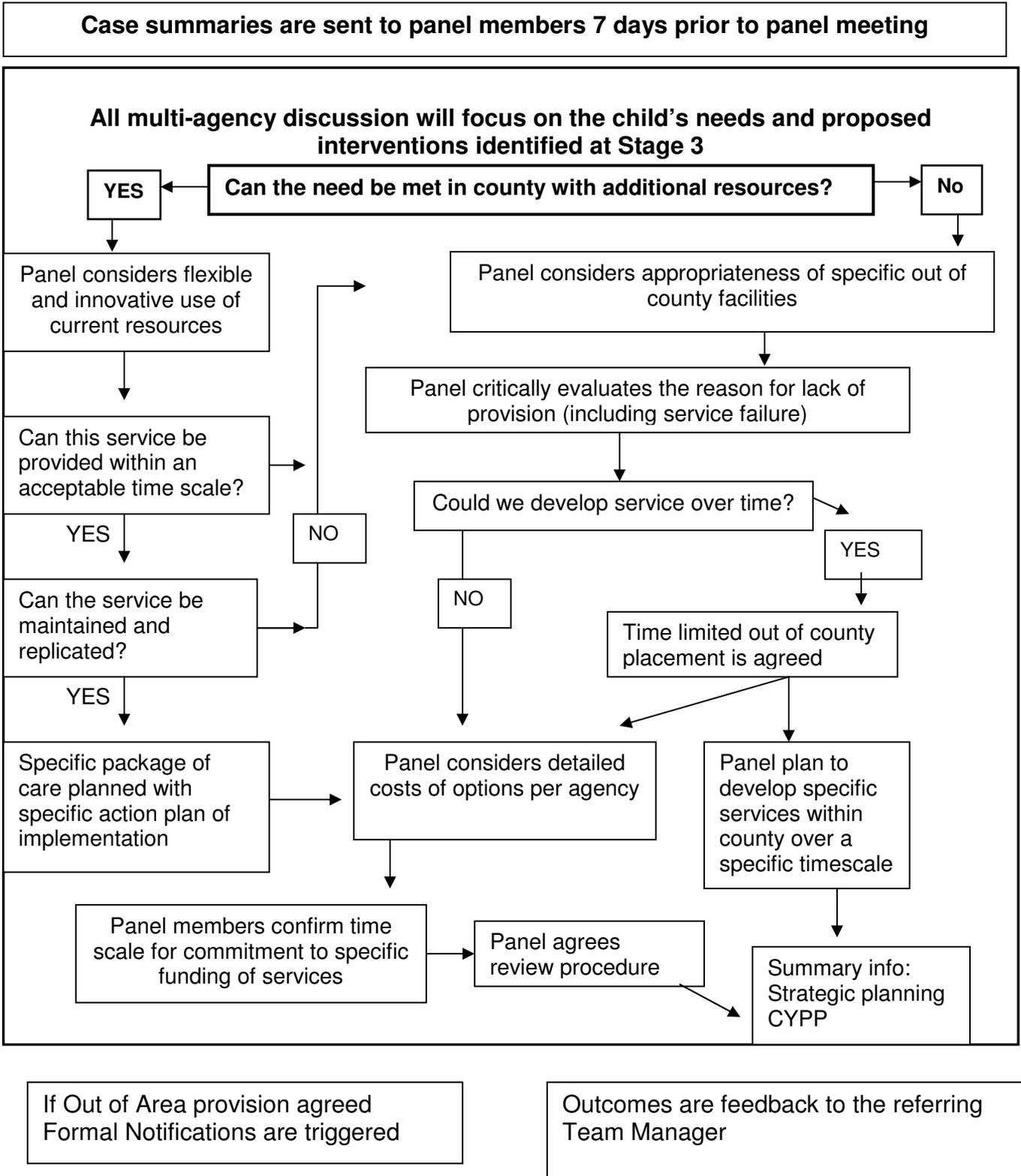
**Summary of process**



See flow chart outlining complex needs panel process

**Panel will meet monthly.**

### The Multi-agency Complex Needs/ Out of Area Panel Decision Making Process



## **The role of the Complex Needs Coordinator in the Panel process**

### **Stage 4: Referral to Complex Needs Coordinator(CNC)**

Prior to panel the CNC will explore a range of options for meeting unmet need via:

- Statutory provision
- Voluntary provision
- In county independent providers (utilising CCSR)
- Bordering authority's statutory provision
- Out of county independent providers (utilising CCSR)

and provide the panel with appropriate costs

Where an Independent provider is identified the CNC will:

- Make a preliminary visit (Appendix-)
- Circulate CSSiW reports
- Ensure the provider is registered to meet the child's needs
- Ensure the provider has policies, procedures and safeguards in place
- Obtain feedback from other service users including other placing authorities (utilising established networks, forums and CCSR)

In addition to the above if the independent provider is **out of area** the CNC will:

- Carry out a statutory preliminary visit with one other designated professional who knows the child eg: social worker, health worker or LSO.(Appendix)
- Arrange for the preliminary enquiry letter to be sent to the receiving authority's LHB to clarify if health needs can be met and the cost of this based on the child's Assessed Health Needs.
- Arrange for the preliminary enquiry letter to be sent to the receiving authority's Education Department to clarify if any Assessed Additional Learning Needs can be met and at what cost.

### **Stage 5: Complex Needs Coordinator will refer to the Multi-agency Complex Needs/ Out of Area Resource Panel**

Prior to panel the CNC will receive:

- CNP1 referral form
- Up to date assessments (Education/ Health/ Social Care)
- Multi-agency targeted action plan
- Initial or Core assessment/ Care plan
- LAC PP1
- LAC EIR1
- Risk assessment
- LHB Health Needs Summary
- Continuing Care LTCC

The CNC will provide a summary of information to Panel members 7 days prior to panel.

Based on the outcome of the panel the CNC will:

- Notify the referring Manager of panel outcome
- Trigger the relevant notifications if the decision is that a child is placed out of area.
- Ensure decisions are recorded onto a database.
- Ensure that the commissioned service is monitored.

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In addition the CNC will provide all relevant parties with a monthly summary of:

- all children placed out of area
- all high cost/ low incidence cases
- all complex health cases

## **Section 5- Supporting documentation**

### **Appendix 1 : Guidance for staff on notifications procedures for placing a Looked After Child in Out of Area provision**

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**Appendix 1 : Guidance for staff on notifications procedures for placing a  
Looked After Child in Out of Area provision**

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**1:1 Notification of Placement or Change of Circumstances of  
Looked After Child**

### LHB Dispute Resolution Table Responsible Commissioner Guidance

It is intended that this guidance will enable any disputes to be resolved at local level. However, it is appreciated that there may be some complex cases which cannot be resolved at LHB level. In these cases the relevant Regional Office of the NHS Wales Department should be consulted. Regional Offices have a responsibility to resolve disputes that threaten the delivery of services within their region wherever possible. Disputes involving LHBs from within two or more Regional Office boundaries should be resolved by the respective Regional Offices working together. Every effort should be made to resolve disputes locally.

	Maximum timescale
<p><b>STAGE 1 : LOCAL RESOLUTION</b></p> <p>LHBs and/or HCW must try to reach agreement locally. All reasonable efforts must be made by officers (escalating to Chief Executives and finally to Chairpersons, if necessary) to resolve the matter.</p>	Week 4
<p><b>STAGE 2 : RESOLUTION AT REGIONAL LEVEL</b></p> <p><b>Where LHBs and/or HCW are unable to reach local agreement</b> the matter should be referred to Regional Office for resolution. HCW should refer the case to the Regional Office where the patient resides.</p> <p>LHBs and/or HCW must provide a joint submission to the Regional Director that includes:</p> <ul style="list-style-type: none"> <li>• a background summary of the patient's case;</li> <li>• confirmation that the patient's care is not at risk;</li> <li>• details of who is currently taking responsibility of the patient;</li> <li>• the reasons why the commissioners are in disagreement as to who is responsible for funding the patient's health care;</li> <li>• details of what actions have been undertaken to resolve the matter.</li> </ul> <p>The Regional Director will consider the case based on the facts and guidance. His/her decision will be final and binding on both commissioners. A letter will be issued to both/all commissioners by the end of Week 12.</p>	Week 12
	Maximum timescale

<p><b>STAGE 3 : NATIONAL LEVEL</b></p> <p>In the exceptional event that an agreement is not reached between Regional Office by Week 12, the Regional Office should send a report on the circumstances of the case to the Director of NHS Wales together with a proposed solution for consideration.</p>	<p><b><u>Week 16</u></b></p>
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## **Appendix 2**

### **Guidance of Social Care Staff on making a request for out of area placement and/ or Independent Fostering Agency (IFA)**

## Appendix 2:1

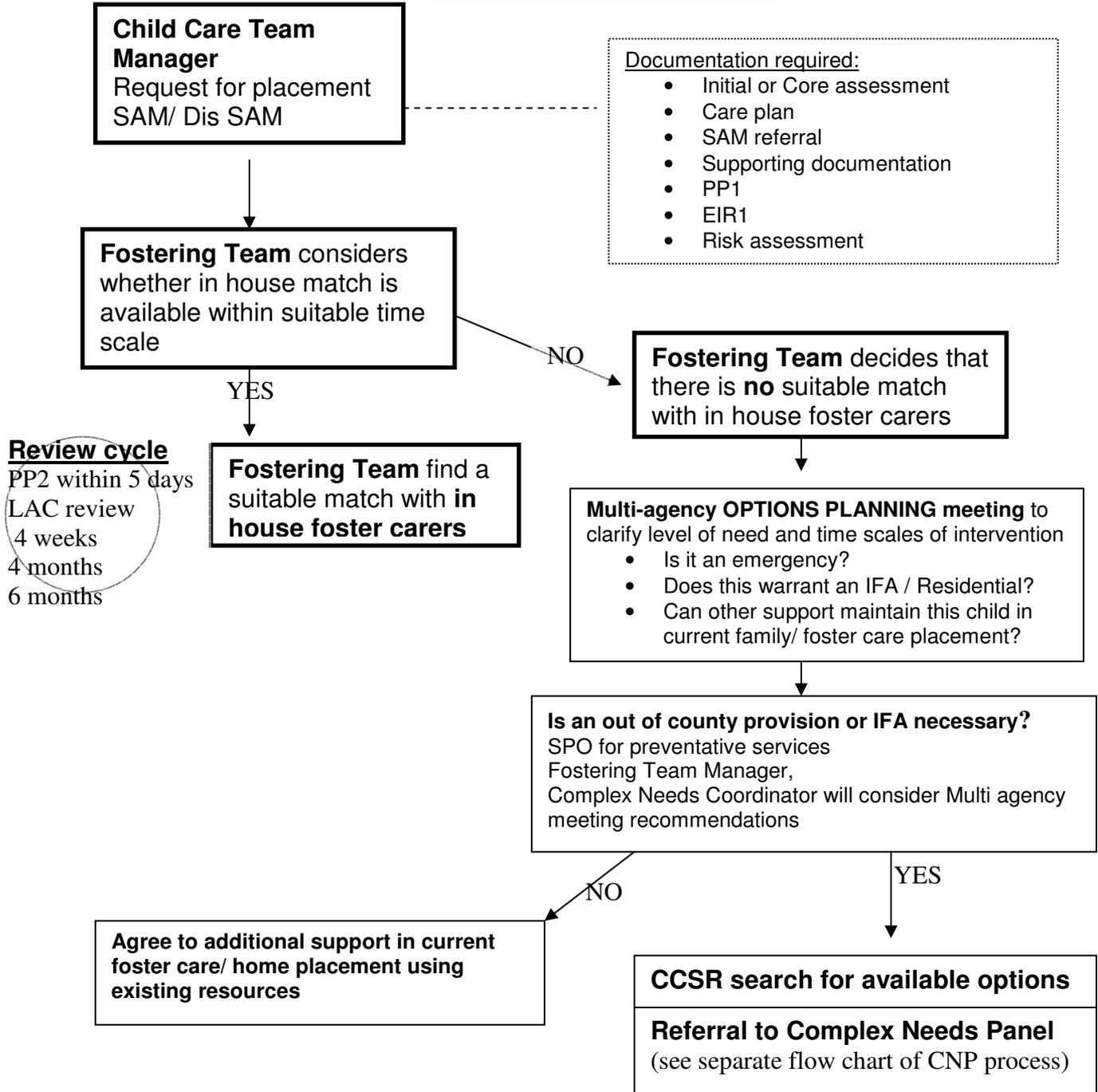
### Social Services Placement Request process

1. <b>Childcare Team Manager</b> will make a referral for a placement to Sam/ Dis SAM
2. <b>Fostering Team Manager</b> Considers whether suitable match can be made with in-house providers
3. If suitable in-house provision available then introductions commence and LAC review cycle initiated
4. If no internal match available Fostering Team Manager will request a multi-agency OPTIONS PLANNING MEETING. Advice must be sought at an early stage from the senior managers responsible for childcare and fostering
5. <b>Multi-agency Options planning meeting</b> will make clear recommendations of how to support and maintain child in current placement, whether home or foster placement
6. The <b>Fostering Team Manager</b> is presented with clear recommendations from the Multi-agency Options planning meeting
7. The <b>Fostering Team manager meets with the SPO for Preventative Services and the Complex Needs Coordinator</b> to consider the recommendations of the Options planning meeting A decision will be made as to whether to support the current placement through utilising existing resources or to request an Independent Fostering Agency, Residential provision or additional funding from partner agencies to maintain in current placement
8. If an Independent Fostering Agency, Residential provision or additional funding is required the case will be referred to the monthly <b>COMPLEX NEEDS PANEL</b>
9. The <b>Fostering Team Manager</b> will attend the monthly Complex Needs Panel and report back to the Child Care Team Manager on decisions made.
10. The <b>Fostering Team Manager</b> should be notified of potential placement breakdowns, planned moves and problems with all placements whether with an Independent Agency or with in-house providers

**In an emergency the Team Manger should contact the Senior Principal Officer to authorise interim solutions and or interventions.**

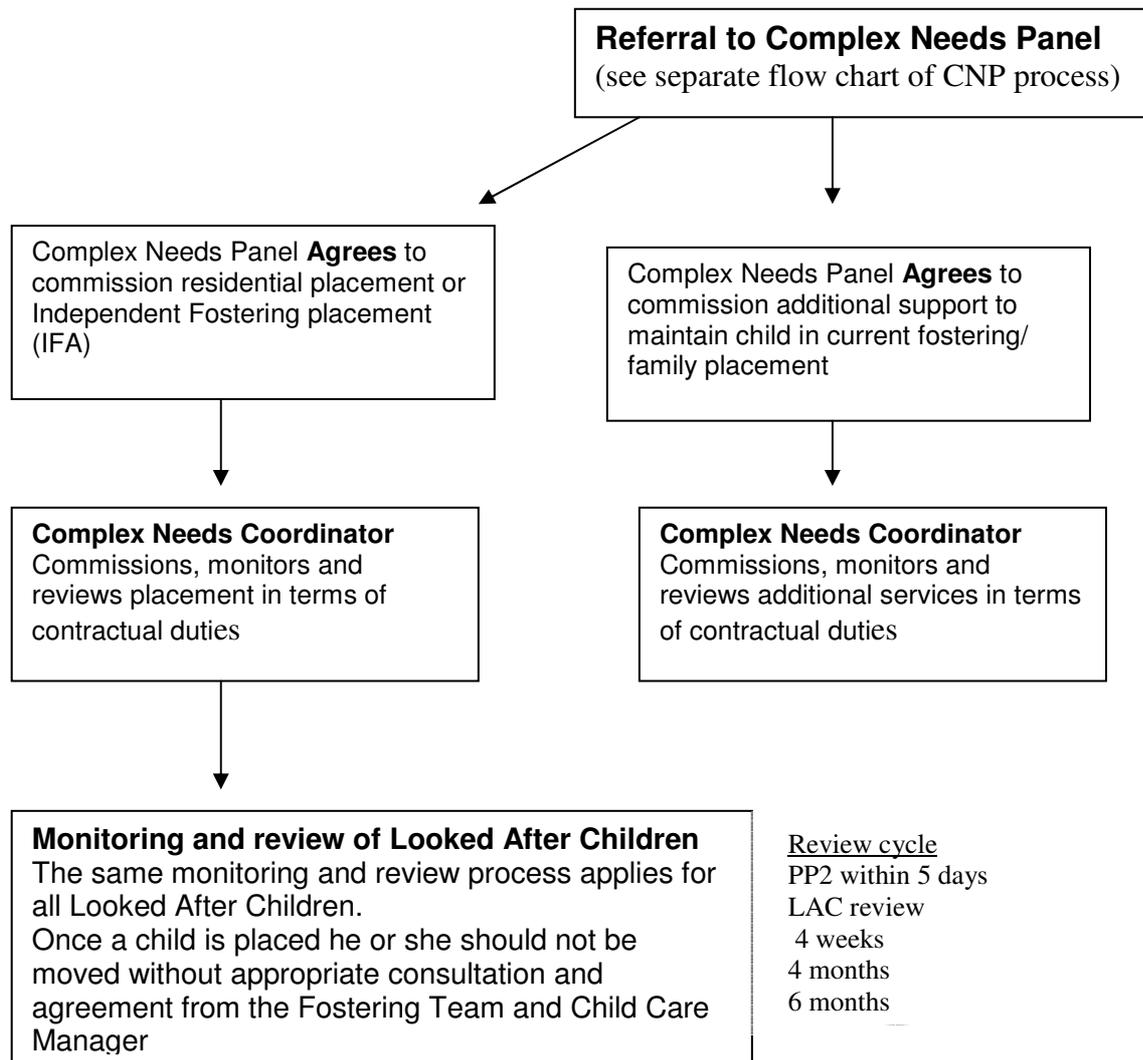
**The process of notification and panel approval will still apply to Emergency placements and notifications should be provided within 10 days of placing a child in an out of area provision.**

**Placement Request Process**



Process for Complex Needs Panel Continues on page 2

## Placement Request Process page 2



## **Appendix 3 Carmarthenshire Information sharing protocol**

## Carmarthenshire Information Sharing Protocol

### 1. Policy Statement

1. The aim of this policy to establish a mechanism for the exchange of information between partners
2. Current legislation does not prevent information sharing between partners, though there are important principles to be observed when handling identifiable data. Information is either individual (Personal) or aggregate (about a group of individuals from which an individual cannot be identified).
3. Information sharing is not just about data, there are important security and confidentiality issues to consider. Technical issues are no longer a barrier and with the growth in joint working it is essential to adhere to this policy and it's ***Code of Practice***

### 2. Scope

This Protocol applies to:

All Personal Identifiable data held in computer systems, in 'relevant' filing systems of manual records, or as electronic images

Aggregate and anonymised data where the considerations, though less stringent, must take into account factors of 'Commercial or Business Sensitivity' data, and the effect of providing certain Small Area or tightly focused data.

It is essential that adequate control of the flow of data is maintained and applied at all stages. Only data that has been fairly and lawfully obtained and processed can be shared.

### **3. Data Security**

Partners must operate within the principles established by the Data Protection Act 1998.

#### **Requirements of the Data Protection Act**

Under this Act Partners must: -

1. be registered with the Information Commissioner (who enforces the Data Protection Act and the Freedom of Information Act).
2. include the full range of data to be held and the full range of people to whom data will be disclosed
3. have adequate security for data
4. have procedures for retention and the deletion of data
5. have procedures for checking accuracy of data
6. obtain consent from young persons to hold/process/disclose data
7. have procedures to ensure that data recorded is accurate, concise and objective

The protocol establishes the management and accountability structures for the sharing and handling of Personal Identifiable data.

### **4. Security and Confidentiality**

All partners are required to:-

- Delegate responsibilities to appropriate personnel to facilitate and maintain support for this process
- Promote staff awareness of the major requirements of all staff towards data sharing
- Subject any member of staff who are found to be in breach of this protocol to their organisation's own Disciplinary Process.
- Report any breach of protocol to the Partner organisation whose data was affected with details of how they will ensure such occurrences are not repeated.

All partners reserve the right not to sanction the exchange of any information until such time as they are satisfied with the security and confidentiality policies and associated arrangements.

### **5. Code of Practice**

## **General**

Young People with learning difficulties and emotional and behavioural difficulties might find it difficult to understand the concept of the consent that they are being asked to provide. If the Young person does not or cannot understand the nature of the consequences of giving their consent then it is vital that the involvement of the parents or legal guardian of the young person is secured in order to obtain 'informed' consent to the 'sharing' of information to third parties.

Decisions and reasons to disclose sensitive information without **explicit consent** **All Partners must ensure that personal data** will not be shared **with any Partner to this Protocol without the appropriate consent of the young person/parent.**

should be clearly documented. Any claimed 'substantial public interest' justification must be clearly stated and any decision to share documented.

If a young person understands the reason for the request to share data, but is **unwilling to give consent**, then that decision must be upheld.

**All agencies will sign up to Tier 1 of the WASPI (Welsh Accord on Sharing Personal Information) Agreement**

## **Data Security Arrangements**

All Partners must:-

**Ensure** that all requests and subsequent responses are properly recorded and authorised by the designated officer(s) and that the source data provided is destroyed as soon as it has been used, or within any timescale notified in the release conditions

**Conform** to the requirements for the Data protection Act and the Statutory requirements for maintaining a common law duty of confidence.

**Maintain** the data or information received in the strictest confidence and not, unless specifically stated in the conditions of release, share the data or information with any other partner or non-partner agency. Passing **unnecessary** information between partners is a breach of confidentiality.

**Ensure** safe and secure storage of identifiable information about young persons and provide evidence that their methods of data processing meet the required data security and confidentiality standards.

**Ensure** that identifiable personal information will not be shared via an unsecured electronic link. Until fail-safe nationally agreed encryption techniques are made available the exchange media for sharing computerised data will be password-protected files on floppy disk or CD, delivered person to person. Passwords will be exchanged at the handover of the data.

**Provide** the name(s) of designated officers who will be the contacts within the organisation for data sharing

**Check** that aggregate and personal data is accurate.

**Undertake** only to use the data provided for the specific use(s) and purpose(s) requested

**Not use** personal information solely for management, planning, scheduling, delivery and monitoring purposes where aggregate data will suffice.

**Restrict access** to the data or information only to responsible members of staff who have a need to view or use the data or information for the uses and purposes stated.

**Comply** with statutory requirements for disclosure of data. Personal data can be shared without consent in exceptional circumstances. For example, where necessary for matters of life and death of individuals.

**Ensure** that all staff within their organisation adhere to the Sharing of Information Protocol.

**Demonstrate** that they have a staff training and awareness programme that ensures that members of staff involved in areas covered by this Protocol are fully aware of their data security responsibilities.

**Require** any sub-contractor (whom it is agreed may process the data or information under a formal contract to the partner) to adhere to any part of the Code of Practice of this Protocol not contained within the conditions of the written Data Processing Contract.

**Agree** appropriate periods for record retention and disposal processes, taking into account all Partners' statutory and/or local standards.

### **Breaches of Confidentiality**

Any breaches of this Protocol by a Partner or a third party organisation processing data for a partner must be reported to the providing partner

Both requesting and providing Partners must carry out a full investigation, with the assistance of an independent agency if required.

Disciplinary action must be taken against any member of staff found to have been responsible for the breach, with the Data Protection Commissioner being notified of the action taken if the breach is serious.

The Partner or third party processor will accept total liability for the breach should legal proceedings be served in relation to the breach.

### **Review Process**

The Information Sharing Protocol will be reviewed annually within the Inter-Agency Protocol for Complex Needs.

## **Protocol for Information Sharing between Carmarthenshire Children's Services Department, Carmarthenshire LHB and Carmarthenshire NHS Trust**

**Aim – To ensure that children and young people who are looked after and are leaving care grow up as fit and well as possible.**

### **Objectives:**

1. Health agencies are notified of all children and young people who are looked after including pre-adoption wherever they may be placed.
2. Health agencies are notified when children and young people change placement or leave care.
3. Health information accompanies each child and young person whilst looked after by the local authority.

### **Notification Process**

1. In accordance with the 'The Placement of Children (Wales) Regulations 2007 Carmarthenshire Children's Services Department will notify in writing the 'health care provider' and the 'child's registered medical practitioner' when a child becomes looked after. The following agencies will be informed before or no later than **10 days** following the placement when a child or young person becomes looked after, changes circumstances or leaves care:
  - The Local Health Board – nominated person
  - GP where the child is registered and when placed out of area the new GP when identified
  - NHS Trust and when a child is placed out of area the community child health service provider in the area where the child is to be placed
  - LAC Nurse
2. It is also best practice to inform the identified CAMHS lead for LAC
3. In practice it will be the responsibility of the allocated social worker in conjunction with the LAC clerk to instigate the notification process and the LAC Nurse to co-ordinate the forwarding of appropriate information to the health agencies listed above.
4. When a young person is an offender and becomes looked after under the Youth Justice System the Youth Offending Service will ensure that the health agencies listed are notified before or not later than **10 working days** following the placement and liaise with the LAC Nurse.
5. When the GP is notified a child is to be Looked After out of area, the records will be transferred using the fast track system agreed with the Business Service Centre.

6. When residence has been confirmed, the child's or young person's NHS Trust community records will be transferred promptly using the fast track system.
7. The LAC Nurse will be responsible for ensuring the allocated social worker has the details of the named/lead doctor and nurse and GP for the child/young person and contact details of service providers.
8. When considering placing a child outside of the area, Carmarthenshire's Multi-Agency Panel will ensure that appropriate health services for the child or young person are available. This may involve discussions between the specialist health teams for LAC in Carmarthenshire and in the planned placement. Where the placement is in an emergency the Panel will establish the suitability of the placement within **25 working days**.
9. The notification process will include requesting a holistic health assessment in accordance with the regulations. This will be arranged before or no later than **14 days** following placement. The Statutory Review process will ensure that medical assessments are completed and that individual health care plans for the child/young person looked after are implemented.

## Appendix 4

### Carmarthenshire Multi-agency Complex Needs Resource Panel

## **Appendix 4.1**

### **Terms of reference**

#### **Carmarthenshire Multi-agency Complex Needs Resource Panel**

**These should be read in conjunction with the Interagency Complex Needs Protocol**

#### **Annually the panel will**

- Set and circulate monthly meeting dates

#### **Responsibilities**

It is the responsibility of the panel to:

- Adopt a preventative strategic role and consider a flexible range of options when considering the needs of children with Complex Needs.
- Agree a funding package and duration of commitment for the individual cases presented.
- Ensure that business is conducted in a transparent way being mindful of due process. Appropriate minutes will be taken, approved and circulated to the key professional referring the child.
- Produce a quarterly report of activity including an evaluation of the panels functioning to the Strategic Planning Group.
- Produce an annual audit of activity and outcomes providing intelligence for future planning of services for children with complex needs.
- Assume a quality assurance function in relation to assessment, care planning, monitoring and review of children with Complex Needs.
- Ensure the responsibilities of all agencies are upheld.
- Review all out of county placements to ensure needs are being met on an ongoing basis.

#### **Composition of the Panel**

In line with The Placement of Children (Wales) Regulations 2007 the panel will be chaired by The Head of Children's Services and membership of the panel will consist of:

- Director of Nursing – Local Health Board
- The Inclusion and Disability Manager for Education and Children's Services
- Manager of Adult Services Learning Disability
- General Manager, Family Health Directorate, Carmarthenshire NHS Trust
- General Manager, CAMHS Pembrokeshire

**The Complex Needs Coordinator** will facilitate the referral process, provide the role of CCSR service commissioner and specialist resource finder as well as contributing to the review of services for this client group along with the relevant key professionals linked to the child's case.

### **Referral to the Panel**

Designated Team Managers will refer to the Panel using the CNP1 form accompanied by relevant recent assessments and evidence of a previous multi-agency meeting.

**Prior to any referral to the Complex Needs Panel a multi-agency professionals planning meeting should have been convened and appropriate action plans, treatments and/or preventions should have been identified.**

### **Child consultation and participation**

The views of the child will be taken prior to referral to panel and again in light of the outcome. Discussing the outcome of the panel and any changes in the child's care package with the child is the responsibility of the child's key-worker. The child's thoughts and feelings concerning the change in their care package will be made available to the panel.

### **Frequency of panels**

Panels will be held monthly and dates will be set annually. There is facility for additional emergency panel should the need arise.

**Appendix 2:3**

**Referral to the Complex Needs Resource Panel should be made on this CNP1 form.**

Wherever possible the Complex Needs Coordinator should receive the referral form (CNP1) and copies of related assessments and documents **7 days** prior to panel for circulation to members.

**Check list:**

- This child has complex needs as defined in the interagency complex needs protocol.
- A multi-agency planning meeting has been held.
- Minutes/ recommendations from this meeting are attached.
- Assessments have been completed and are attached with highlighted relevant passages.
- Cost breakdown is attached (if appropriate)
- Continuing Care Application is attached (if appropriate)
- Completed referral form CNP1
- Line Manager supports this referral
- Views of the child are attached
- Views of the family are attached

**Send to:**

Bethan James, Complex Needs Coordinator, 7 Spilman Street, Carmarthen, SA31 1LE Tel: 01267 228912

[BTBJames@carmarthenshire.gov.uk](mailto:BTBJames@carmarthenshire.gov.uk)

You will receive acknowledgement of your request outlining a time scale of response.

**Complex Needs Resource Panel Referral Form (CNP1)**

<b>DATE of referral</b>		<b>Date for consideration at PANEL</b>	
<b>Client's Name</b>		<b>Date of birth</b>	
<b>Lead Agency</b>	<b>Education</b>	<b>Social care</b>	<b>Health</b>
	<b>SEN file ref</b>	<b>Care first ref</b>	<b>LHB client ref</b>
<b>Date of Multi-agency planning meeting where referral to complex needs panel was agreed. Attach minutes.</b>			

<b>SUMMARY OF REQUEST</b>			
	<b>Education</b>	<b>Social Care</b>	<b>Health</b>
<b>Needs of the child:</b>			
<b>Unmet needs:</b>			
<b>Proposed intervention:</b>			
<b>Projected Cost (if available)</b>			
<b>Current provision:</b>			

SUMMARY OF PREVIOUS INTERVENTIONS			
	Education	Social Care	Health
<b>INTERVENTION</b>			
<b>DURATION</b>			
<b>OUTCOME</b>			
<b>Please attach supporting documentation and list here</b>			
Eg: Core assessment SEN statement Nursing Assessment Mental Health Assessment Risk Assessment			
<b>This request is made by:</b>		<b>Title:</b>	<b>Date:</b>
<b>Name:</b>			
<b>This request is supported by Line Manager</b>		<b>Title</b>	<b>Date:</b>
<b>Name:</b>			
Office use / date received		CNP date	On database

Send all referral documentation to:

Bethan James, Complex Needs Coordinator, 7 Spilman Street, Carmarthen, SA31 1LE Tel: 01267 228912

[BTBJames@carmarthenshire.gov.uk](mailto:BTBJames@carmarthenshire.gov.uk)

**Complex Needs Panel Discussion and Outcome CNP2** (to be completed at panel)

<b>PANEL DATE</b>	
<b>Client initials and DOB</b>	

<b>DISCUSSION</b>	
<b>OUTCOME AND ACTIONS</b>	
<b>AUTHORISED BY HEAD OF CHILDREN'S SERVICES</b>	

<b>SUPPORTED BY PANEL MEMBERS PRESENT</b>	
<b>EDUCATION</b>	
<b>SOCIAL SERVICES</b>	
<b>HEALTH</b>	
<b>MENTAL HEALTH</b>	