PERSPECTIVES, POSITIONS AND PROPOSALS: INFORMATION SHARING WITHIN A MULTI-AGENCY CONTEXT WORKSHOP
15 July 2019
COSLA, Verity House, Edinburgh

PURPOSE

This document provides an account of the discussions and proposed next steps from a workshop held on 15th July, which was led by Scottish Government and COSLA. The purpose of the roundtable was to look at how we collaborate and work together, within a multi-agency context, to collectively explore information sharing issues and challenges. The workshop provided an opportunity to bring subject matter experts together to look at current information sharing practice and data protection obligations when sharing information.

A list of workshop attendees can be found at Annex A and the agenda at Annex B.

PRESENTATIONS

Representatives from ASSIST, the Caledonian System, Police Scotland, the Information Commissioner's Office (ICO), COSLA and SafeLives presented at the workshop. A summary of the presentations can be found at Annex C.

FACILITATED GROUP DISCUSSION

Both during and after the presentations, delegates had the opportunity to ask questions of the speakers and to participate in group discussion, focussing on the following areas:

1. Key issues or barriers that GDPR presents
2. Given improving our information sharing processes is a long term project, what are the "quick wins"?
3. What would a truly joined-up, multi-agency, collaborative approach look like?

The following key themes emerged during that discussion:

1. Key issues or barriers that GDPR presents

- ***Impact on victims/survivors and support agencies***
  A number of negative consequences of reduced information sharing were raised during both the presentations and the group discussion. These included: the re-traumatisation of victims/survivors who have to keep re-telling their stories due to information not being passed between agencies; a significant drop in referrals due to reliance on a consent model, therefore fewer victims/survivors receiving support; potential to increase the vulnerability of already vulnerable individuals due to agencies not receiving a

complete picture of their circumstances; and a service-generated risk to workers if not enough information is passed on.

- ***Management of risk***
  Delegates noted that the secure processing and management of data can be extremely resource intensive with the potential for risk aversion. Nevertheless, it was recognised that it is still early days in navigating the implementation of GDPR and the approach to risk management will no doubt develop as our understanding of, and confidence in, data sharing agreements and processes increase.

- ***Identifying purpose and outcomes***
  Delegates agreed that essential to ensuring any act of data sharing is necessary and proportionate is identifying the underlying purpose and desired outcomes, in the context of the public good that was being pursued. And that these were not always clearly demonstrated or explained to those being asked to provide information.

  It was suggested by some groups that, in considering purpose and outcomes, we should be looking at the wider criminal justice context and not just focusing on the Violence Against Women and Girls sphere. Delegates also highlighted the risk of victims/survivors, who should be at the heart of any purpose and outcomes, becoming invisible if we become preoccupied by the complexity of GDPR. A number of delegates suggested that Health colleagues should be involved in this work, given their role in achieving the best outcomes for victims/survivors.

- ***Lack of consistency***
  It was acknowledged that effective data sharing relies on the interpretation of complex information by a wide range of organisations. Such complexity generates multiple opportunities for complications - where either the information is interpreted differently by different organisations (e.g. level of risk) or the process governing the sharing of information is interpreted differently within and/or across organisations. Examples were given of issues arising when cases move between local authority areas, and some delegates felt that the quality and consistency of approach by local authorities needs to be strengthen with improved assurance and training. There was also discussion about variability in terms of the application of data protection legislation, even within a single organisation, and the issues this can bring. Some of this was put down to a lack of communication, both within and between organisations.

2. ‘Quick wins’

- ***Good practice guidance***
  There was a strong appetite for developing good practice guidance, which could provide consistent language and messaging across the criminal justice system. Delegates felt it was important to learn from successful practices and have a suitable forum to share such learning. Any such guidance should focus

on the practical application of GDPR for practitioners. It was suggested that the guidance could take the form of an ICO-approved code of conduct.

There was also a desire for more training on the practical application of data protection legislation, and that better training will lead to more confidence, empowerment and effective information sharing.

- ***Leadership and cultural change***
  Groups discussed the needs for top-down understanding from senior managers about both the implications of legislation and what the practical effect is on front-line staff. Senior managers should be providing visible leadership in this area and have a role in 'myth busting' within their organisation. Front-line staff need to feel empowered to use the full breadth of legislation to do their jobs without fear and to be confident in using their own judgement.

- ***Change in approach***
  In discussing 'quick wins', some groups considered whether there were more radical changes that could be made within a fairly short timescale. A number of participants suggested Police Scotland move away from the use of a consent-based model, viewing it as a negative and potentially detrimental to those it is designed to protect. Delegates cautioned that any solution must be developed in consultation with partners to ensure it is fit for purpose.

  There was some support for the idea of further legislation, particularly around amending sections 3 and 10 of the Victims and Witnesses (Scotland) Act 2014, and the Victims' Code.

  One group suggested that we explore whether funders (for example, the Scottish Government) could supply a "purpose" for the organisations that they fund, which would allow the police to share information with them. There was also a feeling amongst some that third sector organisations were not given equal status in partnerships with public bodies.

  Following the workshop, **[redacted]** contacted third sector partners to advise them of the intention of Police Scotland to move to a 'Public Task' based approach to information sharing with non-statutory partners, under certain circumstances. Police Scotland also asked for the wider stakeholder views of their third sector partners, prior to implementing the proposed change in policy.

- ***Multi-agency working***
  It was agreed that forums such as the workshop, in which agencies can discuss issues and share best practice, are key to developing a solution at a multi-agency level.

  There was some discussion of whether public bodies should be exploring "commissioning" relationships. It was also proposed that an information sharing agreement be developed by SOLAR, via COSLA.

Some delegates cautioned against looking for quick wins, arguing that the focus must be on an effective long-term solution.

3. Shaping a collaborative approach

- ***Sharing best practice***
  Groups discussed a number of options for sharing best practice. For example, a one stop shop or multi-agency hub for data sharing. This could also take the form of a joint working space, of which there are already examples in other parts of the UK. A further suggestion was a network of data controllers, who could help streamline understanding and processes across information management teams.

  Delegates stressed the importance of sharing both good practice and learning from where things have gone wrong, and to look to existing examples of good practice, for example, the work done by the Caledonian System on developing data sharing agreements.

- ***Framework for practical application of GDPR***
  There was enthusiasm for developing a national framework for the practical application of GDPR, which would take into account regional variations/local delivery models. Such an approach should deliver autonomy for local partners to be responsive to local needs but also provide a common language and understanding at a national level. This would allow for a transparent and joined up approach that is not dependent on postcode. There was also discussion of developing tools for practitioners, for example, e-learning, charters etc. and ensuring any guidance is accessible and jargon-free.

- ***Linking purpose and outcomes***
  Delegates agreed that the act of data sharing needs to be linked to the purpose of the sharing and its desired outcome; similarly, data sharing between organisations should be based on the outcomes those organisations are trying to achieve. The purpose of an organisation should determine what information is necessary and adequate, and all partners should be aware of what information each organisation requires. Therefore, an area for further work could be around developing a deeper understanding of the work of all partners involved and identifying common goals, thereby linking data sharing to the respective organisations' outcomes.

[NEXT STEPS]

1. **Follow-up workshop**
   A further workshop should be held.

2. **Continued sharing of best-practice**
   Delegates should use the network established via the workshop to share examples of best-practice.

3. **Explore ICO-approved Code of Conduct**
   ICO approved GDPR codes of conduct are voluntary accountability tools that enable a sector to own and resolve key data protection challenges. Such a Code might, for example, set out how the GDPR should be applied when it comes to data sharing between the police, public sector and third sector for the purposes of safeguarding and set out guidelines about what constitutes adequate, relevant and necessary in this context. Scottish Government officials will take forward initial discussions with the ICO on this proposal.

ANNEX A - ATTENDEES

[redacted]	Police Scotland
[redacted]	Crown Office and Procurator Fiscal Service
[redacted]	Scottish Government
[redacted]	Police Scotland
[redacted]	Scottish Government
[redacted]	Scottish Government
[redacted]	Police Scotland
[redacted]	Scottish Government
[redacted]	Perth and Kinross Council
[redacted]	COSLA
[redacted]	Police Scotland
[redacted]	Scottish Police Authority
[redacted]	Scottish Government
[redacted]	Crown Office and Procurator Fiscal Service
[redacted]	Scottish Government
[redacted]	Information Commissioners Office
[redacted]	SafeLives
[redacted]	Scottish Government
[redacted]	Perth and Kinross Council
[redacted]	Police Scotland
[redacted]	Victim Support Scotland
[redacted]	COSLA
[redacted]	Scottish Government
[redacted]	Community Justice
[redacted]	Scottish Government
[redacted]	SafeLives
[redacted]	Police Scotland
[redacted]	Police Scotland
[redacted]	Scottish Government
[redacted]	Scottish Government
[redacted]	Crown Office and Procurator Fiscal Service
[redacted]	Scottish Women's Aid
[redacted]	ASSIST
[redacted]	Perth and Kinross Council
[redacted]	Caledonian
[redacted]	Victim Support Scotland
[redacted]	Scottish Government
[redacted]	Improvement Service
[redacted]	SACRO
[redacted]	SACRO
[redacted]	Dundee City Council
[redacted]	Police Scotland
[redacted]	Angus Council
[redacted]	Scottish Women's Aid
Willie Cowan	Scottish Government

ANNEX B – AGENDA

Perspectives, Positions and Proposals: Information Sharing Within A Multi-Agency Context

Location: Verity House, Edinburgh
Date: 15th July
Timing: 4 hours 45 minutes

The key aim of the workshop is to look at how we collaborate and work together, within a multi-agency context, to collectively explore information sharing issues and challenges. The workshop will provide an opportunity to bring subject matter experts together to look at current information sharing practice and GDPR obligations when sharing information

Desired outcomes:

1) Clarity on the current positions of key stakeholders and key stakeholders understanding of the GDPR rules.
2) Look at ways of strengthening a victim centred approach through identification of opportunities and solutions to maximises timely and effective access to appropriate support, advocacy and interventions while remaining compliant with the legislation.
3) Identification of a range of solutions to help address any gaps in accessing service provision and support.
4) Identification of next steps
   - Individual organisations
   - Collaborative stakeholder actions
   - Including schedule/time line and review of progress.

Draft Agenda

Timing	Topic	Speaker
08:45 - 09:15 Registration Tea/coffee provided		
9.15 – 9.30	Opening remarks	Willie Cowan
9.30 – 9.50	Case studies • ASSIST • Caledonian	1) **[redacted]** 2) **[redacted]**
9.50 – 10:30	• Police Scotland Scene setting – **[redacted]** • Concern Hub – **[redacted]** and **[redacted]** • Domestic Abuse – **[redacted]** and **[redacted]** • Listening to partners and considerations to amend the current policy – **[redacted]** and **[redacted]**	3) Multiple

	• Proposal to Information Management – **[redacted]** • Q&A	
10.30 – 10.45	ICO update – an opportunity to hear an ICO perspective on the impact of GDPR	4) **[redacted]**
10.45 – 11.00	COSLA's members 'position and proposals for improvement' presentation - VAWG and information sharing	6) **[redacted]**
Coffee / tea break 11:00 - 11:15		
11:15 – 12:45	SafeLives session	7) **[redacted]**and **[redacted]**
5 MIN BREAK		
12:50 - 13:30	Working Lunch / group discussion: Questions to be considered: 1) Reflecting on the day so far, and on your own experience (individually or as a representative of your organisation) what are the key issues or barriers that GDPR presents. 2) Improving our information sharing processes is a long term project; what 'quick wins' might we work towards in the shorter term to make a difference? 3) Ideally, what would a truly joined-up, multi-agency, collaborative approach to information sharing look like, and what further action would you like to see to take us there?	
13.30 – 14.00	Feeding back to the group and closing remarks	Willie Cowan

ANNEX C - PRESENTATIONS

1. Case studies:

Assist

- Highlighted the lack of a standard process for information sharing between the police and third sector organisations – as a result the level of information shared can vary greatly.
- Provided examples of the negative impact that reduced information sharing can have on the work of third sector organisations, such as ASSIST, and, ultimately, the vulnerable people they support.

Caledonian System

- Shared some of the tools the Caledonian System uses to ensure compliance with GDPR whilst maintaining the necessary level of information sharing. For example, various Caledonian Information Sharing Agreements (ISAs) and the Caledonian Data Privacy Impact Assessment.
- The locally agreed ISA supports the regular sharing of personal information between specialist workers in the Caledonian Team. This provides for an integrated service, which in turn allows for more accurate safety and risk management plans. The Caledonian System does not rely on consent to process this data but is still transparent and respectful of privacy.
- The ISA with Police Scotland seeks to balance the human rights of the individual with the needs of the wider community, through compliance with the principles of legality, necessity, justification and proportionality.

2. Police Scotland

- Highlighted Police Scotland's statutory purpose to "improve the safety and well-being of persons, localities and communities in Scotland".
- Must ensure we balance the rights of individuals with the need to ensure those who require help/support receive it.
- Police Scotland has been working with the Information Commissioner's Office on data protection issues, including using the ICO's 12 step approach to Information Sharing and a visit by the ICO to a Concern Hub.
- The Interim Vulnerable Persons Database supports the information sharing process – there are around 18,000 incidents recorded on the system every month.
- There are 13 Divisional Concern Hubs who work closely with local partners.
- Police Scotland is considering the various legal pathways for sharing information and whether there could be a move away from the consent model in circumstances where another model may be more appropriate.

3. **ICO update**
   - Provided an overview of the law on data protection, including the 6 principles and lawful bases for processing.
   - Explained that Article 5 of GDPR provides the building blocks for data protection – but it is not just about GDPR, there is also the Data Protection Act 2018.
   - Provided an update on the draft ICO Data Sharing Code of Practice.
   - Discussed person centred data sharing, including things to be considered when making a judgement call and upholding individual rights.

4. **COSLA**

   - COSLA members do not consider that existing data protection legislation forms a barrier to info sharing.
   - Noted that serious concerns had been raised by commissioned services regarding a reduction in referrals under the consent model.
   - COSLA believes that privacy concerns do not override safety concerns and early identification is key to prevent future harm.
   - The current situation around different stakeholder interpretations confuses the issue and COSLA proposes finding Information Sharing solutions that are victim centred.

5. **SafeLives**

   - Provided information on the work of SafeLives, include its partnership working and the SafeLives approach.
   - Set the context in terms of data on domestic abuse in Scotland.
   - Highlighted the Whole Lives Scotland project and the Marac Development Programme.
   - Facilitated a multi-agency information exercise which demonstrated the importance of information sharing in a multi-agency setting being:
     - risk-led
     - necessary and proportionate according to risk; and
     - focussed on current needs and risks
   - Presented the One Front Door model as an example of effective multi-agency working across all risk levels.