

School Nursing Service

Response to Questions from Cllr Matt Western put to Council on 17 May 2016

Question 1: My question regards the decision made, last September, by the South Warks CCG to outsource the School Nursing Service away from South Warks NHS Foundation Trust to an organisation called Compass. This was approved, I believe by the Health and Wellbeing Board?

Answer 1: Responsibility for the commissioning of school nurses rests with Public Health. This follows the transfer of this responsibility from NHS England to Local Authorities in 2015. Compass, the third sector provider of the school nursing service, was awarded the contract by Warwickshire County Council in November 2015, following the procurement exercise undertaken in line with our legal obligations under the public procurement regulations. The approval to proceed with the procurement process and to award the contract was given by Cabinet in March 2015.

The decision made by the South Warwickshire CCG related to out of hospital (community) services such as day care for the elderly and hospice care. The position of South Warwickshire CCG as reported very recently is that they now intend to work together with the other Warwickshire CCGs and providers in relation to the provision of this particular service.

Question 2: We now learn from health visitors that this private firm refuses to provide health records for children including within child protection processes. This appears to be on the basis of a claim that it would breach confidentiality to share records in this way?

Answer 2: We have discussed this with the service team leaders who have not been made aware of any issues locally with regards to not sharing information. All school nurses, when asked to provide information about children for safeguarding purposes, will prepare a case summary of all school nursing activity relating to that child and share this with the requester. We have asked through South Warwickshire Foundation Trust Management that health visitors raise any issues locally with team leaders if encountering any difficulties with the service. We would be happy to investigate this further, however this has not been escalated through the expected channels. If you are able to provide more specific details, we will pursue this locally.

Question 3: Can the Portfolio Holder firstly please confirm in what way confidentiality is breached by the sharing of a child's Health records for the purposes of child protection.

Answer 3: Confidentiality would not be breached by the sharing of a child's health records for the purposes of Child Protection. The Assistant Director from Compass recently presented their safeguarding processes and procedures to the Warwickshire Local Children's Safeguarding Board, which are compliant with local guidance. All staff have recently undertaken safeguarding refresher training as part of the mobilisation process and auditing staff competencies. As part of the developments of the MASH, Compass has been fully engaged in supporting this and has been the

first health provider to sign up to local protocols and associated resources, which include an Information Sharing Protocol which covers the sharing of information for safeguarding purposes. The safeguarding lead is in daily contact with the MASH to ensure information is being shared effectively and appropriately.

Question 4: Has legal advice been given in relation to issues of confidentiality within sharing the records between private firms providing statutory services?

Answer 4 As part of our tendering process we issue a standard contract, regardless of whether they are public sector, third sector, or private sector organisations. This contract contains clear guidance on confidentiality and record sharing, as well as safeguarding expectations on the organisation. This is further supported by clear expectations outlined within the Service Specification, which is a key document within the overall contract. The County Council's legal team has also drafted the Information Sharing Protocol which is being applied within the MASH.

Question 5: Is it lawful for private firms providing statutory services for child health to withhold information pertinent to Child protection.

Answer 5: Third party providers such as Compass are commissioned by local authorities to assist in the delivery of their statutory responsibilities in relation to children's health and well-being. As such they will be contractually obliged to share such information in order to ensure the interests of children are safeguarded and that the local authority is able to discharge its statutory duties in this regard. As the commissioner, we would want to assure ourselves that our providers have effective safeguarding arrangements in place and any failures or concerns raised in this respect would be picked up with them as part of our contract management arrangements. Also acting in this way would not be in line with Working Together (see below).

Question 6: It would also be useful to know how officers from social care and health providers within the NHS can lawfully access such information where it is required for child protection purposes?

Answer 6: "Working together to safeguard children" (2015) is the statutory guidance on inter-agency working to safeguard and promote the welfare of children. This statutory guidance should be read and followed by local authority chief executives, directors of children's services, chairs of local safeguarding children boards (LSCBs), teachers and education staff, social workers, health service professionals, adult services, police officers and voluntary and community sector workers in contact with children and families. It clarifies the duty for agencies to share information in order to safeguard and promote the welfare of children and the circumstances under which this can be done without parental consent.