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Title	A purpose specific information sharing agreement between Richmond-upon-Thames Police, South West London & St Georges Mental Health NHS Trust. London Borough of Richmond upon Thames, Social Services department.
Version	Version 2
Summary	An agreement to formalise information sharing arrangements between Richmond Police, Richmond Social Work Services and Richmond Mental Health Services for the purpose of Mental Health Risk Assessments
(B)OCU or Unit, Directorate	Richmond-upon- Thames
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<i>Organisation</i>	Metropolitan Police
<i>Summary/Purpose</i>	An agreement to formalise information sharing arrangements between Richmond Police, Richmond Social Work Services and Richmond Mental Health Services for the purpose of Mental Health Risk Assessments

ISA Ref: GN97/10/66



Purpose Specific Information Sharing Arrangement

Mental Health Act risk assessments

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Section 1. Purpose of the Agreement

This agreement has been developed to:

- Define the specific purposes for which the signatory agencies have agreed to share information.
- Describe the roles and structures that will support the exchange of information between agencies.
- Set out the legal gateway through which the information is shared, including reference to the Human Rights Act 1998 and the common law duty of confidentiality.
- Describe the security procedures necessary to ensure that compliance with responsibilities under the Data Protection Act and agency specific security requirements.
- Describe how this arrangement will be monitored and reviewed.

The signatories to this agreement will represent the following agencies/bodies:

MPS BOCU, London Borough of Richmond-upon-Thames
Social Services, London Borough of Richmond-upon-Thames
South West London and St Georges Mental Health Trust.

Section 2. Specific Purpose for Sharing Information

Introduction

As part of their duties Approved Mental Health Professionals (AMHP) undertake assessments of people under the Mental Health Act 1983, Mental Health Act 2007. There is also occasion when the Social Services Department will conduct assessments under the remit of the Mental Capacity Act 2005. In certain circumstances they can request police assistance and obtain a warrant to enter and assess under s135 MHA.

In order for the AMHP to assess the risks and the necessity of requesting police assistance they need to undertake a risk assessment. The police may hold information on an address or an individual that would be critical in assessing risk. This has been recognised in the Multi-Agency Pan London Standards developed with the London Development Centre (LDC-NIHME) and a multi-agency LDC review of this standard (Nov 2005). The Review report and recommendations have been agreed by the LDC Partnership Group, Directors of Social Services, NHS Mental Health Trust Directors and MPS. The report includes recommendations in relation to the risk assessment process and a tool to undertake this.

The agency that will be involved in this agreement will be London Borough of Richmond Social Services Departments, and South west London and St Georges Mental Health Trust. (SWLSTG)

The MPS will be sharing information in relation to people who have a planned mental health assessment by an AMHP. The information will be details of violence or threats, use or possession of weapons and alcohol/substance misuse. The MPS will also share general information about other risks associated with the venue.

The MPS and Social Work Services/Mental Health Trust of Richmond upon Thames, will share information to enable a full forensic history of an individual to be completed. This will enable a comprehensive joint care plan to be compiled, which meets the needs of the individual.

The MPS will require and receive the following information to search police databases to identify the individual (name, sex, date of birth, ethnicity and address).

Objectives

MPS Benefits

By sharing information an informed risk assessment can take place by the Approved Mental Health Professionals (AMHPs) before they undertake Mental Health Act (MHA) assessment. By correctly assessing the risk, requests for police assistance can be objectively made and considered. This will support:

- The safety of all those involved
- A proportionate response
- The effective use of resources

The police have a duty to prevent crime. Having officers present when AMHP's undertake high/medium risk MHA assessments will prevent injury and crime (assaults).

- Facilitates the completion of a comprehensive plan when dealing with mentally disordered offenders/victims.

Partner Agency (ies) Benefits

AMHPs take the lead in planning MHA assessments on private premises. Part of this process is for them to undertake a risk assessment. The Pan-London Standard (as developed by NIHME-London Development Centre) requires that this include information from the police. This information will benefit AMHPs by assisting in the identification of risk and its management. The need for a joint agency care plan can be better managed

Citizen Benefits

The person who is the subject of the MHA assessment will benefit, as the information sharing will be used to assess the risk and inform the decision as to whether the police need to be involved. Sharing the information will help in ensuring a proportionate response:

- If no/minor risks are identified then the police will not be involved.
- If med/high risks are identified police will be involved to protect subject from injuring themselves/others and staff involved in the assessment.
- The best possible care plan can be initiated with full history being known.

Rationale

The information shared will be used by the AMHP to undertake a risk assessment as 'the only predictor of future behaviour is past behaviour' (Dr Nigel Eastman consultant forensic psychiatrist-Ritchie 1994:118). A multi-agency project team working under the LDC has developed a joint risk assessment tool that requires information to be shared.

It is clear from public inquiries following homicides involving those with a mental illness that information sharing is critical. Themes from the recommendations made in inquiries after homicide (SCD1 Homicide Prevention-Mental Health) 01/11/04) show:

- From the 69 inquiries considered in the SANE report, 90% reported a breakdown in communication between key agencies
- In the Clunis case, the greatest problem was identified was the 'failure to communicate, pass information and liaise between all those who were or should have been concerned with Clunis' care. (Ritchie 1994)

Clearly information and communication has been identified as an important feature in reducing risk.

The Homicide Prevention Unit has identified a number of high risk factors from their analysis. These include the offenders' failure to take their prescribed medication, their use of illegal drugs, domestic violence and their previous threatening behaviour. Also prevalent are use of weapons, especially knives and the escalation in violent offending behaviour (Mental Health Homicide: Emerging Findings March 2005 HPU).

While these statistics relate to the serious crime of murder the factors will be relevant to those considering risk. The police may have information in relation to risk factors that would not be available to the AMHP.

Information to be Shared

Information in relation to the subject of the assessment in particular:

- History of violence
- Risk of violence
- History of self harm
- Risk of self harm
- Alcohol/substance misuse
- Weapons
- State of mind

This information will be obtained from the following databases:

- CRIMINT
- CRIS
- ⊖ PNC
- ⊖

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Information will also be provided if others at the address present a risk in relation to violence and weapons. The information provided would not identify individuals but would identify any additional risks in general.

Section 3. Legal Basis for sharing and what Specifically will be Shared

Lawfully

A public authority must have some legal power entitling it to share the information.

INDICATE: the primary legal power you are invoking to share this information.

Under the Mental health Act, If a local social services authority have reasons to think that an application for admission to hospital or a guardianship application may need to be made in respect of a patient within their area they shay make arrangements for an AMHP to consider the patients case on their behalf. AMHPs therefore have legal authority to undertake assessments under the Mental Health Act and in certain circumstances apply for a warrant to enter and assess under s135 of the MHA. There is an implied gateway between the police and Social Services to provide information to assist AMHPs in undertaking this function.

Provision of police information is also directly linked to policing, as it will be used to identify risk, mitigate the risks and so protect all those involved in the assessment.

Duty of Confidence

If the service has received any information in confidence, you almost certainly have a Duty of Confidence towards the data subject.

INDICATE: How any duty of confidence might be overridden

The duty of confidence might be overridden on the basis of public interest in safeguarding the safety of all those involved in an assessment including the subject. There will likely be disclosure of both certain conviction and none conviction data that is relevant to the risk assessment.

Fair processing

INDICATE: How you will comply with Fair Processing

Exemption under s.29 Data Protection Act 1998

The purpose of the arrangement relates to the prevention crime i.e.: violence towards health professionals involved in the assessment. To comply would be likely to prejudice the purposes of the assessment by alerting the subject too the intention of conducting an assessment and potentially adding to any risk.

It is known from public inquiries (see proposal) that some mentally disordered offenders do not have a complete forensic history due to pre-charge diversions by the police into health care. For this reason non-conviction data may be shared to inform the risk assessment.

Legitimate Expectation

An individual's expectation as to how information given to a public body will be used will be relevant in determining whether the first data protection principle has been complied with.

INDICATE: how the information sharing arrangement is consistent with the legitimate expectations of the data subject.

The duty to undertake a Mental Health Act assessment is enshrined in the MHA. The sharing of information with those involved in a MHA assessment is legitimate in assessing any risk, taking mitigating action to ensure the safety of all those involved. This arrangement will be published on the MPS publication scheme so that members of the public can see in what circumstances information for this purpose will be shared.

Human Rights - Article 8: The Right To Respect For Private Life

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

INDICATE: how the Article 8 of the Human Rights Act is to be satisfied

- In pursuit of a legitimate aim

The information is shared to assist AMHPs in undertaking their lawful function. Sharing information will assist in managing risk and ultimately preventing/minimising violence. It will ensure the safety of all those involved.

- Proportionate

Not sharing information could lead to a disproportionate response in that if AMHPs are not fully informed when planning the assessment they may be inclined to routinely ask for police assistance. The Review identified a wide range of police involvement depending on borough. A robust process is being implemented as a result of the review that includes joint risk assessment. This will set out clear criteria for the involvement of police and support a more proportionate response.

- Appropriate and necessary to a democratic society

The conducting of mental health assessment is provided for in the MHA.

Schedule 2, Data Protection Act 1998

In addition to the legal criteria set out above, the information sharing arrangement must satisfy **at least one** condition in Schedule 2 of the Data Protection Act in relation to personal data.

INDICATE: the Schedule 2 Condition(s) Satisfied

Schedule 2 Data Protection Act 1998 requirements and, in brackets, where it appears in the schedule

The data processing is necessary for:

- The purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms of legitimate interests of the data subject [6(1)]

The information sharing is to support the legitimate interests of the health team completing the mental health Act assessment. By sharing information an informed risk assessment can take place by the Approved Mental Health Professional (AMHP) before they undertake Mental Health Act (MHA) assessment. By correctly assessing the risk, requests for police assistance can be objectively made and considered. This will support:

- The safety of all those involved
- A proportionate response
- The effective use of resources

The police have a duty to prevent crime. Having officers present when AMHPs undertake high/medium risk MHA assessments will prevent crime (assaults).

Schedule 3, Data Protection Act 1998

If the information is “sensitive” (that is, where it relates to the race, ethnic origin, political opinions, religion or belief system, membership of a trades union, physical/mental health or sexual life, the commission or alleged commission of any offence, proceedings relating to the offence) you must satisfy at least one condition in Schedule 3.

INDICATE: How the Schedule 3 Condition is satisfied

Exercise of Powers Conferred under Statute [7]

An implied gateway exists to support the exercise of AMHPs in their lawful role under the MHA.

Vital Interest [3]

The person subject to a MHA assessment, vital interest is being served, as the purpose of the assessment is their health care.

A MHA assessment would normally be considered when other methods have been tried and failed or likely to fail. It is unreasonable to obtain the consent of the data subject as this could frustrate the assessment process, impact on the safety of those involved by forewarning the subject.

Second Principle

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

INDICATE: how the agreement complies with the second data principle

This information was obtained for Policing purposes. Under this arrangement it will not be processed in any manner contradictory to that purpose.

Third Principle

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

INDICATE: how the agreement complies with the third data principle

The MPS information to be shared will be in relation to the subject of the assessment in particular:

- History of violence
- Risk of violence
- History of self harm
- Risk of self harm
- Alcohol/substance misuse
- Weapons
- Protection of vulnerable persons
- Evidence indicating a particular state of mind
- Recent offending/inappropriate behaviour.

This information will include specific details to evidence the particular risk.

Information will also be provided if other persons present at the address, present a risk in relation to violence and weapons. The information provided would not identify individuals but would identify any additional risks in general.

Fourth Principle

Personal data shall be accurate and, where necessary, kept up to date.

INDICATE: how the agreement complies with the fourth data principle

This information comes from MPS corporate systems and is subject to our normal procedures and validations intended to ensure data quality. Any inaccuracies should be notified to the SPOC.

Fifth Principle

Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.

INDICATE: how the agreement complies with the fifth data principle

The information can be retained as part of SWLSTG records in relation to the assessment and the individual concerned and should be retained as part of SWLSTG records management policies.

Sixth Principle

Personal data shall be processed in accordance with the rights of data subjects under this Act.

INDICATE: how the agreement complies with the sixth data principle

- Partners to this arrangement will respond to any notices from the Information Commissioner that impose requirements to cease or change the way in which data is processed.
- Partners will comply with subject access requests in compliance with the relevant legislation.
- The MPS reserves the right to withdraw right of use of the data at any time.

Seventh Principle

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

INDICATE: how the agreement complies with the seventh data principle

Measures to satisfy the Seventh Principle are detailed in the Baseline Security Assessment document.

Eighth Principle

Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection of the rights and freedoms of data subjects in relation to the processing of personal data

INDICATE: how the agreement complies with the eighth data principle

The information is not intended for transfer outside the European Economic Area.

Section 4. Description of arrangements including security matters.

- The single point of contact (SPOC) for Richmond BOCU will be the IBO at Kingston on fax no. 0208 247 5360
- Initial contact will be made via Metcall and a CAD will be created including the name, title and contact number of the AMHP. The information request will then be submitted on the joint Risk Assessment Form to the fax number above. (Recognised fax numbers will be used by the Mental Health Team.)
- The information supplied to Mental Health services, must be kept secure at all times, a locked cupboard is recommended for any necessary storage.
- The information must only be used on a 'need to know basis'
- A copy of Mental Health Trust Personal information handling policies are to be supplied, and established as being similar to those of the MPS.
- Security breaches will be reported to the MPS and covered by Social Services disciplinary procedures.
- Social Services will ensure AMHPs are aware of security provisions.
- The information sharing process will be reviewed and discussed during the Mental Health joint agency Liaison Meetings (a possible agenda item should be considered)

Process

For section 135 or urgent out of hours, information will be shared using the following process:

- 1) The AMHP will complete a risk assessment using the joint tool (Form 435) and fax this to the SPOC (IBO).
- 2) The SPOC will undertake checks of police databases and complete the police part of the risk assessment.
- 3) The SPOC will retain a copy of the risk assessment and fax to the AMHP. Where the SPOC is uncertain as to whether particular items of information should be shared the Borough Mental Health Liaison Officer or other supervisor should be consulted.
- 4) The AMHP will retain the information securely with their documentation in relation to the subject.
- 5) The AMHP will use the information to undertake their risk assessment and their decision as to whether to request police assistance with the assessment.

Richmond Social Work Services and SWLSTG Mental Health Services can:

- Use the information for risk assessment
- Retain the information as part of their agencies records in relation to the assessment and the individual concerned.
- Retain as part of Social Services records managements policies
- Use the information to brief participants in the MHA assessment

This document will be published on the MPS publication scheme or released on request under the Freedom of Information Act 2000 and so please bear this in mind when using any particular terms explaining processes.

Section 5. Agreement to abide by this arrangement

The agencies signing this agreement accept that the procedures laid down in this document provide a secure framework for the sharing of information between their agencies in a manner compliant with their statutory and professional responsibilities.

As such they undertake to:

- Implement and adhere to the procedures and structures set out in this agreement.
- Ensure that where these procedures are complied with, then no restriction will be placed on the sharing of information other than those specified within this agreement.
- Engage in a review of this agreement with partners at least annually.

We the undersigned agree that each agency/organisation that we represent will adopt and adhere to this information sharing agreement:

Agency	Post Held	Name	Signature	Date
Richmond upon Thames MPS BOCU	Borough Commander	C/S Clive Chalk		
Richmond upon Thames Social Work Services				
Richmond upon Thames Mental Health Services				