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Telephone: 01629 538274
Ask for: Janet Gardom
Our Ref: JG/47205
Your Ref:
15 October 2019

PUBLIC

Dear Mr Andrews

Request for information – Internal Review

I write regarding your request for a review of the Council's response to your Freedom of Information request. I am the Officer appointed to review this matter and I have now had the opportunity to evaluate the response given by Derbyshire County Council.

Your request was for information regarding safeguarding referrals. You subsequently clarified your request to state that your required information on public authority's duties to make referrals where necessary.

Your original request for information was dated the 5 September 2019. The response should have been sent to you by the 25 September 2019. I apologise that the response was delayed and I regret any inconvenience that this has caused you.

Your questions and the responses thereto are now detailed below. For further information please find enclosed the Derbyshire and Derby Safeguarding Adults Policies and Procedures.

1. When a Safeguarding referral is made, is it Policy to contact the person assumed to be at risk so that:

- (a) they are aware a safeguarding referral has been made
- (b) they can give their 'Consent to share medical information' when you contact their GP and / or others involved in their care?
- (c) they can be assessed for a full risk assessment if they choose to, providing they have mental capacity?

1 (a) It would be expected that the person is informed by the referrer. It is DCC policy to work in partnership with service users and follow the safeguarding adult's guidelines. However there may be times when an exception is made. An example of this might be where the person may be placed at further risk if they are informed where a carer/partner is present who may be violent towards them or prevent intervention. Another example might be that a person, or a third party, is under an investigation, and disclosing information would be likely to jeopardise a police investigation.

(See Page 6 in Policy & Procedures Principles of safeguarding & Page 8 & Page 25 - Raising an Alert)

1(b) It is within DCC policy to follow safeguarding personal protocols. Wherever possible the person or advocate would be asked for consent at the point of referral. Consent is sometimes not present on the initial referral presented to the local authority. At this point if there are serious concerns for health and safety of the person the local authority may decide to override consent, particularly if there are public safety issues. However the initial step would be to endeavour to gain consent of person or their representative or family.

(See Page 16/17 Confidentiality of Safeguarding & Page 25 Raising an Alert)

1(c) It is expected that an initial risk assessment is made as far as possible to protect the person at risk. The person is expected to be at the centre of this risk assessment.

(See Raising an Alert Page 25)

2. What specific questions would you be asking the person's GP and/or others involved in their care?

The types of questions could vary but they are tailored so that they are relevant to the safeguarding risk posed.

3. If the person's GP, for instance, does not have up to date information on their patient's mental health, is it policy to contact others involved in the patient's care who may have up to date information?

It is expected that the agencies involved in the person's care which are relevant to the presenting risks are consulted and relevant information is shared on a need to know basis. This is underpinned by the information sharing protocol within the procedures. This applies to all agencies and is not exclusive to GP's.

4. What other information might you provide to the person's GP and / or others involved in their care and what measures are put into place to ensure information provided by you is not misleading, false or discredits the person assumed to be at risk? For instance, subjective opinions have the potential to cause serious harm to a person already assumed to be at risk and vulnerable.

(See Procedures on Page 16 & 17 regarding Confidentiality & Information Sharing)

I hope that you find that the enclosed Policy and the answers above have fully satisfied your request for information. I have found that the Council breached s.10 Freedom of Information Act 2000 in that it did not respond to your request within the statutory timeframe, that is, 20 working days. Please accept my apologies for this delay.

I hope that this satisfies your request for a review.

If you wish to challenge the decision further, then you have a right to contact the Information Commissioner's Office as follows:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire

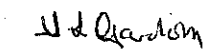
SK9 5AF

Telephone 0303 1231113

Fax 01625 524510

www.ico.org.uk/complaints.aspx

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Gardom', written in a cursive style.

Janet Gardom

Solicitor

Derbyshire County Council