

# **Information Sharing Agreement**

## **Frequent callers to the Yorkshire Ambulance Service**



### **Disclaimer**

The contents should not be used as expert opinion, legal or otherwise. Professional advice should be sought where appropriate. Any liability arising from action taken in relation to the contents of the Agreement is excluded.

*This Agreement has been drawn up within the framework of the Leeds Inter-Agency Protocol for Sharing Information.*

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## **1. Development and scope of the Agreement**

### **1.1 Background and purpose of sharing personal information**

The Yorkshire Ambulance Service (YAS) in operating the emergency 999 service receives calls from some individuals on a frequent basis and has identified the top 10 frequent callers per PCT to be managed through a monthly performance monitoring process. Frequent callers are those persons making numerous 999 calls within a three month period who ultimately do not require Accident and Emergency treatment and where an alternative care pathway would be more appropriate.

The affect of providing ambulance services for these frequent callers has an impact on overall response times and the use of resources for the service. There is also the question of how best to address the health needs of the individuals who make these frequent requests for ambulances.

NHS Leeds (Leeds Primary Care Trust) has an overarching responsibility for the commissioning and best use of health services in the Leeds area; and to ensure individuals have access to and are provided with appropriate health care where it is needed.

In view of this, NHS Leeds has agreed to work with YAS to try and reduce the number of frequent callers to their service to provide appropriate care programmes for individuals who make frequent calls, and to ensure best use of resources in the provision of an emergency ambulance service.

### **1.2 Framework for confidentiality and information sharing**

A number of key pieces of legislation and guidance provide the main national framework for information sharing, they are listed below and include:

- i) Data Protection Act 1998
- ii) Human Rights Act 1998
- iii) The Caldicott Report
- iv) Common Law Duty of Confidence

#### **Leeds Interagency Protocol for Sharing Information**

**Staff Guidance – pages 6**

**Appendices - Appendix 1 Key Legislation and Guidance pages 2-9.**

### **1.3 Scope of the Agreement**

The Agreement covers:

- The sharing of personal information about service users, within and between the partner organisations listed in Section 1.4.
- Sharing for any of the purposes listed in Section 2.



The Agreement has been made in accordance with the Leeds Interagency Protocol for Sharing Information. Relevant sections from the protocol are referenced in the agreement where appropriate.

#### **1.4 Parties to the Agreement**

The following organisations were requested to be parties to the Agreement. (See Section 1.5 regarding approval of the Agreement.)

- NHS Leeds
- Yorkshire Ambulance Services (YAS)

Yorkshire Ambulance Services (YAS)

NHS Leeds

Leeds Community Healthcare (LCHC)

Leeds Partnership Foundation Trust (LPFT)

Leeds Social Services – Adult Care Services

Local Care Direct (LCD)

NHS Direct

#### **1.5 Approval of the Agreement**

The Agreement will be submitted for approval to the partners listed in Section 1.4.

Partners have been asked to approve the Agreement and in particular to:

- Facilitate the sharing of information on the basis detailed in the Agreement
- Implement the Agreement within each organisation
- Support staff in the implementation of the Agreement through the provision of training, advice and guidance.
- Provide relevant information to facilitate monitoring and review

### **2. The basis for sharing personal information**

A clear legal basis is required for sharing personal information about service users. The Data Protection Act and common law requirements provide the framework under which personal information can be used, held and disclosed.

Personal information will initially be transferred from YAS to the Senior Programme Manager (Urgent Care) at NHS Leeds. The legal basis of this disclosure will be condition 8 (Medical Purposes) of schedule 3 of the Data Protection Act. This is because the main purpose of the sharing arrangement is to ensure that frequent callers to the service are offered care programmes to address their health needs.

Additionally, YAS as the data controller (as defined in the Data Protection Act 1998) of the personal data, will ensure that their fair processing arrangements mean that individuals (frequent callers) are aware or have anticipated that their information may be used in this way.

NHS Leeds will initially contact health professionals who already have a duty of care to the patient (in most cases this will be the patient's GP) to ensure that any care programme will be appropriate to the patient's needs. Where it is advised not appropriate by the GP/health professional, no contact will be made.

Following advice from the lead health professional involved in the patient's care, the Senior Programme Manager (Urgent Care) will contact individuals to inform them that they now hold their information, the reason why the information is now held, how this information may be used and their choices regarding the use of the information.

The patient will be informed that their GP/Community Matron/Community Psychiatric Nurse will contact them to discuss appropriate care programmes. The patients are given an option whether they wish to participate in the process, where they don't wish to participate – their wishes will be respected.

**Leeds Interagency Protocol for Sharing Information**  
**Staff Guidance – Conditions and fairness page 6-7**

### **3. Sharing Arrangements**

#### **3.1 Information to be shared**

Monthly data will be provided to NHS Leeds by YAS on frequent callers which will include patient name and address, age, sex, time and frequency of calls, reason for call, and outcome of call.

#### **3.2 Access to information**

Access by staff to the personal information covered by this Agreement will be subject to the "need to know" and to any specific restrictions relevant to each information sharing purpose (see section 3).

Staff should have access to information only if the function they are required to fulfil at that particular point in time in relation to particular service users cannot be achieved without access to the information specified. Care should be taken to ensure that access to personal information is restricted on the basis of these principles. Restrictions need to be self-imposed and re-enforced by clear policies on confidentiality and the "need to know" and by inclusion of appropriate confidentiality clauses in staff contracts.

In circumstances where patients do not need to be identified then the personal information should be anonymised.

Nominated staff from participating agencies will need to access information where appropriate. The contacts below will require access where they are involved in the actual planned care programmes for frequent callers. The



information that will be accessed will be the patient's name, address, date of birth, number of calls and reason for calls. The nominated staff are listed below by job titles:

Frequent Caller Case Manager, Yorkshire Ambulance Service  
Senior Programme Manager, Urgent Care, NHS Leeds  
Joint Care Manager, Adult Social Care, Leeds City Council  
Community Matron, Leeds Community Healthcare  
Clinical Team Manager for Mental Health Self Harm, Leeds Partnership Foundation NHS Trust  
Directorate Manager – Urgent Care, Leeds Teaching Hospitals NHS Trust  
Operations Manager, Local Care Direct  
Business Manager, NHS Direct

#### **Leeds Interagency Protocol for Sharing Information**

#### **Section B: Access and security procedure pages 11 – 15**

### **3.3 Security of Information**

Steps should be taken by all partners to ensure that personal information is held and transmitted securely.

Organisations should ensure that their staff have access to their policies on Confidentiality and Information Security Where it is necessary to share complete files of information with staff in other locations, files should be transported securely in accordance with agreed procedures.

Transfers of personal data shall be by:

- NHSmail to NHSmail
- Encrypted CD/DVD

#### **Leeds Interagency Protocol for Sharing Information**

#### **Section B: Access and security procedure pages 11 – 15**

### **3.4 Retention of records**

Data Protection Act principle five is that records should not be kept longer than necessary. Details of how long records should be kept are included in outlined in the NHS Code of Practice: Records Management

<http://www.dh.gov.uk/en/Policyandguidance/Organisationpolicy/Recordsmanagement/index.htm>

## **4. Dissemination, monitoring and review of the Agreement**

Partner organisations will disseminate copies of the Agreement to all relevant staff and on request to service users and carers. Partners will ensure that appropriate training is provided to all relevant staff.

Partners must report details of any breaches that arise with the

implementation of the Agreement. This may relate to information shared inappropriately or to information not being shared where it should be.

**Leeds Interagency Protocol for Sharing Information**

**Operational Procedures: Procedure C5 Reporting Breaches pages 18-19**

The participating agencies will carry out a review of the Agreement in consultation with partners, within twelve months of the start of implementation. Changes to the Agreement will not be considered during this period unless they are required urgently.

**5. Advice and guidance**

Appendix 1 includes contact details of staff who can provide specialist advice in relation to confidentiality and information sharing issues.

## 6. Formal approval of the Agreement

### **Information Sharing Agreement: Frequent callers to Yorkshire Ambulance Services**

Approved by:



DR DAMIAN RILEY

Designation:

CARDICOTT GUARDIAN / MEDICAL DIRECTOR

For: NHS Leeds

Date:

21/12/09

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Approved by:

Designation:

For: Yorkshire Ambulance Service

Date:

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Approved by:

Designation:

For: Leeds Partnership Foundation NHS Trust (LPFT)

Date:

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Approved by:

Designation:

For: Leeds City Council Social Services – Adult Care Services

Date:



**Approved by:**

**Designation:**

**For: Local Care Direct (LCD)**

**Date:**

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**Approved by:**

**Designation:**

**For: NHS Direct**

**Date:**

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**Copies of this Agreement should be retained by the named persons above and be made available for inspection.**

**A copy should be sent to the Data protection Officer/ Caldicott Guardian of each ISA partner.**

# Appendix 1

## Specialist advice: contact details

### Appendix 2 - Additional guidance and key contacts

#### Reference to relevant policies / guidance

- The Data Protection Act 1998, for the processing of personal information
- The Human Rights Act 1998, for the rights of the individual's privacy
- Common Law Duty of Confidence

#### Specialist advice: contact details

In relation to information sharing and the Data Protection Act 1998

Information Governance Team  
Chief Information Officer's Department  
NHS Leeds  
North West House  
West Park Ring Road  
Leeds  
LS16 6QG

Tel: 0113 3057408/09

Email: [foi.enquiry@nhsleeds.nhs.uk](mailto:foi.enquiry@nhsleeds.nhs.uk)