

What if someone is not able to decide themselves?

If a person is not able to make a decision about their information being shared an appointed representative can do so on their behalf.

Who can give consent on behalf of another person?

This person can be:-

- **A parent, guardian or legally appointed person**
- **A person with (welfare) Power of Attorney**
- **A person appointed by the Court under the Adults with Incapacity (Scotland) Act 2000**

Where such powers do not exist, the professional involved with the child, young person or adult may decide to share information without explicit consent.

This would follow an assessment of the person's best interest, risk factors, the nature of the information to be shared, with whom the information is to be shared and the impact on the person if the information were not shared and services could not be provided.

Sometimes when information is shared important life decisions for the individual may be identified and if legal authority does not exist this may need to be obtained via the Court. e.g. for a person to move into a place of residence in a care home.

The reason we share information between named agencies is to understand the circumstances of the person you care for and to provide the best services available.

Can I decide not to share information?

If you have the authority to share information on behalf of the person you care for:-

Yes you may withhold consent to share their information. This might make getting the service or care problematic.

Yes there might be some information you or the person you care for do not want to share with some people and some information you do agree to share.

But even if someone refuses we may have to share information if the person you care for or someone else is at risk of harm.

What rights do I have?

If you have the authority to make decisions about sharing information for the person you care for, you have the right to ask for access to information held by the Lanarkshire partners and service providers.

At any time you have the right to refuse to have information shared. The consequences of not allowing us to share information will be fully explained.

If you have given consent to share information on behalf of the person you care for we will review consent to share information at your request or at appropriate points during the care and support service or at least annually.

Privacy is respected at all times and people involved in providing care and support have a duty of confidentiality governed by:-

The Data Protection Act 1998, the Human Rights Act 1998 and Professional Codes of Conduct.

Agreement to share information

Your worker will give you a copy of the signed consent form and this leaflet to help you explain to the person you care for why you have agreed to their information being shared.

What if I have any questions?

If you or the person you care for have any questions about how information is being shared or if you require an interpreter to help you understand this leaflet, please contact the person responsible for providing care or support services.

Contact your worker.

Name _____

Job Title _____

Tel: _____

This leaflet is available in other languages and in audio.

Other useful contacts:

NHS Lanarkshire
Information Governance Manager
Tel: 01698 858079

North Lanarkshire Council
Responsible Officer Tel: 01698 403811
North Lanarkshire - Carers Together
Tel: 01698 404055

South Lanarkshire Council
Information Security Manager Tel: 01698 452224
South Lanarkshire - Carer's Network
Tel: 01698 285163

Lanarkshire
The Princess Royal Trust - Carer's Service
Tel: 01698 428090

THE LANARKSHIRE INFORMATION SHARING PARTNERS

INFORMATION SHARING

for

Parents and Carers

Why do we share information?

When we are working jointly to provide services for you or someone you care for we may need to share information to understand the unique circumstances of everyone so we can provide the best help and services available.

Before information is shared we need permission to do so. We will ask for consent and we will explain what this means when consent is requested.

When will information be shared?

We only share information with other people if there is a need to provide services from more than one agency or if there is a need to protect someone's safety or the safety of the wider community.

What information will be shared?

The only information which will be shared, is that needed by other people involved in providing care and support services. We will explain what information we are going to share and with whom.

Sharing information with consent

If you have the authority to make the decision to share information about someone you care for, as a parent or carer, you will be asked to agree to their information being shared and you will be asked to sign a consent form. Your worker will provide a copy of the signed consent form.

Sharing information without consent

This will only happen if there is a legal requirement or duty of care for us to do so, e.g. to ensure the safety of the person you care for or the safety of others or if there is a risk of a crime being committed.

Information Sharing for Parents

The law recognises that children have rights and these are limited by age and their ability to understand what giving consent to share information means.

A parent is able to make most decisions for a child up to age 12 although parent(s) would be encouraged to take their children's views into account.

Normally parent(s) rights and responsibilities largely cease when their child is 16 years of age. The exception to this is the responsibility to provide guidance from age 16 to 18.

Unless young people aged 12 to 16 have difficulty understanding the nature of consent and its consequences, it is their consent, rather than that of their parent which will be considered by people wishing to share information about them.

Generally young people aged 12 to 16 will be encouraged to discuss giving their consent with their parent(s) before reaching a decision.

People seeking consent from the young person will consider their maturity and capacity to understand and if it is felt that they are not able to give informed consent, your parental consent will be requested.

We will review your consent to share your child's information at your request, or at your child's meeting to plan their care and support or at least annually.

Young people over the age of 16 can consent to share their information in line with the rights of other adults.

Information Sharing for Carers

If you are a carer of an adult who may find it difficult to make clear decisions about their information being shared you may be able to give consent to their information being shared.

If the adult you care for understands the nature and consequences of consent we will seek their consent. If the adult is not able to do this, another person may be able to give consent on their behalf.

In circumstances where there may be a question about an adult's capacity to give consent to share their information consideration will be given to their understanding of the issues.

If it is not possible to share information about a person's health, care needs, or wishes it may prove impossible for the services they need to be delivered.

The people working with the person you care for will consider all of these factors to inform the professional's assessment. This may result in a decision, where necessary to share the information without consent in accordance with their duty of care and legal requirements.

Information sharing for parents and carers

If the person you care for is not able to make a decision about sharing their information an appointed person can do so on their behalf. See the section of this leaflet:-

“Who can give consent on behalf of another person?”

Information Sharing for Young Carers

If you are a young carer the person giving you this leaflet will be able to give you the information you need to help you make decisions about sharing your own information. You always have a right to know what is being done with your information. To find out more:-

Ask for the young people's information sharing leaflet

“You and Your Information”

or contact

North Lanarkshire - Young Carers Project

Tel: 01698 258801

Your Voice Tel: 01236 700108

South Lanarkshire - Young Carer's Service

Tel: 01698 455455

Who Cares, Scotland Tel: 07515 330681

Looking after your information

Any information about someone you care for is confidential and is kept securely in a shared file or on a computer.

How is information shared?

The people working with the person you care for might speak or write to each other or use computers to share information.