

Information sharing protocol

The following organisations are parties to this protocol:

The Office for Standards in Education, Children's Services and skills (Ofsted)

The Care Quality Commission (CQC)

Her Majesty's Inspectorate of Constabulary (HMIC)

Her Majesty's Inspectorate of Probation (HMI Prob)

Her Majesty's Inspectorate of Prisons (HMI Pris)

Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI)

Published: February 2016

Reference no: 140152



Corporate member of
Plain English Campaign
Committed to clearer communication

361

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory and Support Service (Cafcass), schools, colleges, initial teacher training, further education and skills, adult and community learning, and education and training in prisons and other secure establishments. It inspects local authority services for children in need of help and protection, looked after children and care leavers. It also inspects Local Safeguarding Children Boards.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email enquiries@ofsted.gov.uk.

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This publication is available at www.ofsted.gov.uk/resources/140152

Interested in our work? You can subscribe to our website for news, information and updates at www.ofsted.gov.uk/user.

Piccadilly Gate
Store Street
Manchester
M1 2WD

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

No. 140152

© Crown copyright 2016

Contents

Named points of contact	4
Introduction and background	5
Sharing inspection reports	5
Purpose of sharing the reports	6
Process for sharing, accessing and storing information	6
Sharing information on a Joint Targeted Area Inspection	7
Sharing other information	8
Legal basis for sharing information	9
Arrangements to review this protocol	10
Signatories to this protocol	11
Annex A. List of other memoranda of understanding between the inspectorates	13
Annex B. Inspection reports shared at the pre-publication stage	14

Named points of contact

<p>Ofsted Paul Armitage Deputy Director, Social Care Operations Ofsted Piccadilly Gate Store Street Manchester M1 2WD</p> <p>ProtectionOfChildren@ofsted.gov.uk 030 0123 1231</p>	<p>Care Quality Commission Lynn Davinson Children's Services Manager Care Quality Commission Children's, Health and Justice Team Citygate Gallowgate Newcastle NE1 4PA</p> <p>childrens-services-inspection@cqc.org.uk 030 0061 6161</p>
<p>Her Majesty's Inspectorate of Constabulary Mark Cooper Portfolio Director, Criminal Justice Joint Inspection and Protecting Vulnerable People HMIC Globe House 89 Eccleston Square London SW1V 1PN</p> <p>contact@hmic.gsi.gov.uk 020 3513 0500</p>	<p>Her Majesty's Inspectorate of Probation Alan MacDonald Assistant Chief Inspector HM Inspectorate of Probation First Floor Civil Justice Centre 1 Bridge Street West Manchester M3 3FX</p> <p>hmip.enquiries@hmiprobation.gsi.gov.uk 0161 240 5336</p>
<p>Her Majesty's Inspectorate of Prisons Peter Clarke CVO OBE QPM Her Majesty's Chief Inspector of Prisons 6th Floor Victory House 30-34 Kingsway London WC2B 6EX</p> <p>hmiprisons.enquiries@hmiprisons.gsi.gov.uk 020 3681 2770</p>	<p>Her Majesty's Crown Prosecution Service Inspectorate Jonathan Carver Legal Inspector HM Crown Prosecution Service Inspectorate One Kemble Street London WC2B 4TS</p> <p>cjig@hmcpso.gsi.gov.uk 020 7210 1169</p>

Introduction and background

1. This information sharing protocol supplements any existing memoranda of understanding between any of the inspectorates; a list of these can be found at Annex A.¹ This protocol sets out the circumstances and the mechanisms for how the inspectorates will share information to assist each other in the exercise of their statutory functions.
2. The inspectorates originally agreed this protocol on 15 May 2015. They revised the protocol on 8 February 2016 to include arrangements for sharing information while undertaking a Joint Targeted Area Inspection (paragraphs 15–19).

Sharing inspection reports

3. All parties to this protocol will share the inspection reports listed at Annex B at the pre-publication stage. The pre-publication stage is defined as the point at which the inspection report meets the following criteria:
 - the subject of the inspection has had an opportunity to comment on the draft report
 - the party who conducted the inspection has finalised the content of the report
 - the subject of the inspection has received the final version of the inspection report, under embargo, until the report is published.
4. If, in the course of an inspection, where any party to this protocol identifies concerns that suggest **systemic weaknesses in an agency or service provider** over which another party has powers of inspection, enforcement or regulation, these concerns will be identified in the pre-publication inspection report. In addition, the relevant Chief Inspector/Executive will write a covering letter to their counterpart/s in the relevant party/parties to highlight the specific systemic concerns identified in the report. This letter will normally be sent with the corresponding pre-publication report.
5. In circumstances, where concerns about practice indicate that children, young people or vulnerable adults are, or may be, at **risk of significant harm**, any party may decide to send this letter in advance of the report pre-publication stage. In these circumstances, the letter will contain information extracted from the record of evidence/draft report for that inspection.

¹ This protocol also clarifies paragraph 12 of Ofsted's Framework and evaluation schedule for the inspections of services for children in need of help and protection, children looked after and care leavers and the Review of the Local Safeguarding Children Board;
www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework

6. Where these concerns relate to a **specific individual/s** then the parties to this protocol will follow their own procedures for immediately referring the concern to the appropriate protection authorities with the power to act.
7. In all cases, the party that identifies the concerns will notify the service provider to which the concerns relate before informing the other parties.
8. Where required, correspondence must be protectively marked with the appropriate Government Security Classification and include instructions on how the recipient/s should handle the information.²

Purpose of sharing the reports

9. The purpose of sharing the report and, where appropriate, covering letter at the pre-publication stage is to ensure that the parties to this protocol are able to respond promptly to queries that may be received from members of the public, press or other government departments after the reports are published.
10. The purpose of highlighting specific areas of concern from the report in a cover letter is to alert another party to practice that may leave service users at risk of harm or inappropriately cared for. By alerting the relevant parties to this protocol to the areas of concern, they are supported to exercise their powers of inspection, enforcement or regulation in a timescale that most speedily supports the protection and appropriate care of service users.
11. The purpose of sending the letter in advance of pre-publication (where it is determined that there is a risk of significant harm) is to allow the relevant party to take immediate action to ensure that service users are protected.

Process for sharing, accessing and storing information

12. The inspection reports and covering letters will be sent by email to the points of contact named in this protocol. The parties to this protocol agree that inspection reports they share are under embargo until they are published and the pre-publication stage has ended. During the pre-publication stage, each inspectorate may use their own internal mechanisms for disseminating the inspection reports; however, while under the pre-publication embargo, dissemination of and access to the reports must be limited to:
 - **Ofsted** – members of the social care policy and social care senior management teams. The inspection support management team for local authority social care inspection.
 - **CQC** – Children’s, Health and Justice Team and senior management in Primary Medical Services and Integrated Care Directorate.

² Government security classifications (2014) Cabinet Office;
www.gov.uk/government/publications/government-security-classifications

- **HMIC** – The HMI responsible for Protecting Vulnerable People and Criminal Justice Joint Inspection (PVP/CJJI); the Programme Director for PVP/CJJI and the Head of PVP
 - **HMI Prob** – HMI Probation senior management team
 - **HMI Pris** – The senior management team and members of the inspection support team.
 - **HMCPsi** – The senior management team and legal and business inspectors
13. Versions of the report shared at this stage must be clearly marked as '**Pre-publication report – not to be shared beyond authorised reviewers**'. Once an inspection report is published, any individual seeking a report should in the first instance be directed to the published version (usually on the relevant party's website) and not provided with the pre-publication version. Pre-publication markings will be removed at the point of publication.
14. Reports and letters shared under paragraphs 3–8 of this protocol will not be published, disclosed or shared onwards by the inspectorate receiving that information unless one of the following criteria is met:
- the information is already, lawfully in the public domain (for example, because it has been published by the originating inspectorate)
 - there is a legal obligation to disclose (for example, under a court order)
 - the originating inspectorate has consented in writing to this.

Sharing information on a Joint Targeted Area Inspection

15. As part of a Joint Targeted Area Inspection (JTAI),³ the inspectorates involved may share information relating to the cases they jointly evaluate whilst on inspection.⁴ The inspectorates will share the information through a secure online portal which has been assessed against Government Cloud Security Principles to handle sensitive personal data.⁵
16. Each inspectorate is responsible for requesting information from the agencies they inspect as part of the JTAI and for providing guidance to those agencies on how to provide information securely through this portal.

³ Joint inspections of arrangements and services for children in need of help and protection; www.gov.uk/government/publications/joint-inspections-of-arrangements-and-services-for-children-in-need-of-help-and-protection

⁴ This section of the agreement applies to Ofsted, the CQC, HMIC and HMI Probation. It does not apply to HMI Prisons or HMCPsi.

⁵ Summary of Cloud Security Principles; Cabinet Office; www.gov.uk/government/publications/cloud-service-security-principles

17. Inspectors, data analysts and inspection support colleagues from all participating inspectorates will have access to the information provided by all local agencies.
18. At the end of an inspection, each inspectorate is responsible for removing the information they requested from the portal and retaining it in line with their information handling policies.
19. Where a particular agency is unable to provide information through the online portal provided for a JTAI, it is the responsibility of the relevant inspectorate to establish, with that agency, an alternative means for them to provide the information securely.

Sharing other information

20. To assist a partner inspectorate in the exercise of their statutory functions, there may be occasions where it is desirable to share information other than that gathered through inspection activity related to the reports listed in Annex B and on a Joint targeted area inspection. For example, those parties who are also regulators/registration authorities of services and where sharing information would assist the execution of their registration or enforcement activity.
21. The nature of the information shared can vary and may not be known in advance; therefore, it is not feasible to identify in this protocol the precise process for sharing information in all circumstances. The parties to this protocol have agreed that they will consider the information and process for sharing on a case-by-case basis. Any process of sharing will be compliant with any applicable data protection principles, human rights law, duties of confidentiality and any other reasons that are relevant to non-disclosure of information.
22. The parties to this protocol have agreed some illustrative examples where this sharing may occur:
 - In each school term, the inspectorates will share the list of local authority areas in which they plan to conduct inspections in the coming term. This will inform the selection of local authority areas each inspectorate will visit as part of its single agency inspection to ensure all inspectorates' activities are coordinated. Due to the sensitivity of the information, it will be shared through a secure email system or secure online portal.
 - Those inspectorates that are also registration authorities will share relevant information, where they are able to do so, to support the inspectorate's assessment of an applicant's suitability to be registered. The process for sharing information will be determined on a case-by-case basis according to the content of the information and the purpose of sharing it.

Legal basis for sharing information

23. Inspectorates are enabled to share information under the following legislation:

- **Ofsted:** section 149 and paragraphs 6 and 7 of Schedule 13 to the Education and Inspections Act 2006 ('EIA') provide that Her Majesty's Chief Inspector must co-operate with the inspection authorities and may act jointly with another public authority where it is appropriate to do so for the efficient and effective exercise of his functions. Paragraph 8 of Schedule 13 to the EIA provides that Her Majesty's Chief Inspector may provide advice and assistance to another public authority for the purpose of the exercise by that authority of its functions.
www.legislation.gov.uk/ukpga/2006/40/contents
- **CQC:** section 79(3)(e) of the Health and Social Care Act 2008 permits CQC to disclose information where it is necessary or expedient for the recipient to have that information for the purpose of exercising their own statutory functions. Section 79(3)(f) permits CQC to make disclosures for the purpose of facilitating the exercise of its own functions.
www.legislation.gov.uk/ukpga/2008/14/section/79
- **HMIC:** section 54 of the Police Act 1996 and Schedule 4A, paragraphs 4, 5 and 6 within section 29 of the Police and Justice Act 2006. These provisions, in essence, permit HMIC to cooperate with the parties to this protocol, to take joint action with another public authority where it is appropriate to do so for the efficient and effective discharge of their functions, or to assist another public authority for the purposes of the exercise by the authority of its functions. www.legislation.gov.uk/ukpga/1996/16/contents ;
www.legislation.gov.uk/ukpga/2006/48/contents
- **HMI Probation:** HMI Probation and the office of the Chief Inspector have a statutory basis under section 6 of the Criminal Justice and Court Services Act 2000 (the "2000 Act"). Section 6 of the The 2000 Act provides the Secretary of State with the power to appoint the Chief Inspector and further inspectors. Section 7 of the 2000 Act introduces Schedule 1A, which makes further provision about the inspectorate. In particular, paragraphs 4, 5 and 6 of Schedule 1A provide that HMI Probation must co-operate with other inspection authorities, may act jointly with another public authority where it is appropriate to do so for the efficient and effective exercise of his functions and provide assistance, if appropriate, to any other public authority for that authority to exercise its functions. The Offender Management Act 2007 introduced arrangements under which probation services may be provided by providers other than probation boards, so the remit of HMI Probation was amended to reflect those arrangements.
www.legislation.gov.uk/ukpga/2000/43/contents

■ **HM Chief Inspector of Prisons**

- Section 5A of the Prison Act 1952 as amended by section 57 of the Criminal Justice Act 1982,
www.legislation.gov.uk/ukpga/1982/48/section/57
- Section 46 (1) of the Immigration, Asylum and Nationality Act 2006
www.legislation.gov.uk/ukpga/2006/13/contents
- The Police and Justice Act 2006 section 28, which added to the 1952 Act by setting out the Chief Inspector's further powers and duties to cooperate and consult with other criminal justice inspectorates and other bodies. www.legislation.gov.uk/ukpga/2006/48/section/28

- **HMCPSTI:** The Police and Justice Act 2006 section 30, which inserts a Schedule to the Crown Prosecution Service Inspectorate Act 2000. This schedule, referenced by section 2 of the 2000 Act, provides the necessary statutory power to exchange information.
www.legislation.gov.uk/ukpga/2006/48/section/30

24. All parties to this protocol confirm that their inspection evidence, reports, letters and any processing or sharing of such information will be compliant with the principles within the Data Protection Act 1998.

Arrangements to review this protocol

25. The inspectorates will review the information sharing protocol every twelve months. It will be subject to ongoing review in response to any issues that arise in the intervening periods.
26. The parties to this protocol agree that they will inform one another if their internal policies for the handling and retention of information change. This is so the potential impact on this protocol can be considered. For queries about each inspectorate's policy on the handling and retention of information, that inspectorate should be contacted.

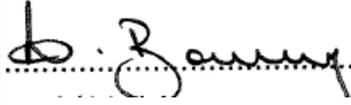
Signatories to this protocol

This signed protocol came into effect on 15 May 2015. It was revised and approved on 8 February 2016.

Ofsted	
Name of head of business area: Paul Armitage Deputy Director, of Social Care Operations 	Name of SIRO: Eleanor Schooling National Director, Social Care 

Care Quality Commission	
Name of head of business area: Sue McMillan Deputy Chief Inspector of General Practice (North), Children, Health and Justice 	Name of SIRO: Paul Bate Director of Strategy and Intelligence 

HMI Constabulary	
Name of head of business area: Mark Cooper Portfolio Director, Criminal Justice Joint Inspection and Protecting Vulnerable People 	Name of SIRO: Wendy Williams Her Majesty's Inspector of Constabulary 

HMI Probation	
Name of head of business area:	Name of SIRO:
Alan MacDonald Assistant Chief Inspector	Andy Bonny Director of Support Services
	

HMI Prisons	
Name of head of business area:	Name of SIRO:
Peter Clarke CVO OBE QPM Her Majesty's Chief Inspector of Prisons	Martin Lomas Her Majesty's Deputy Chief Inspector of Prisons
	

HM Crown Prosecution Service Inspectorate	
Name of head of business area:	Name of SIRO:
Kevin McGinty Her Majesty's Chief Inspector	Asker Husain Her Majesty's Deputy Chief Inspector
	

Annex A. List of other memoranda of understanding between the inspectorates

- The Care Quality Commission and Office for Standards in Education, Children Services and Skills;
www.gov.uk/government/publications/memorandum-of-understanding-between-ofsted-and-cqc
- The Care Quality Commission and HM Inspectorate of Prisons;
www.cqc.org.uk/content/offender-care
- The Care Quality Commission and HM Inspectorate of Probation;
www.cqc.org.uk/sites/default/files/documents/20120418_cqc_hmiprobation.pdf

Annex B. Inspection reports shared at the pre-publication stage

Ofsted

- Services for children in need of help and protection, children looked after and care leavers.
- Effectiveness of the local safeguarding children board.
- Any thematic/survey inspection that includes in its scope protection or care of children and young people.

CQC

- Children Looked After and Safeguarding reports.
- Any single or joint thematic review that includes in its scope the care and protection of children and young people and is relevant to any partner inspectorates.

HMIC

- Any thematic inspection report that includes in its scope the protection of children and young people.

HMI Probation

- Inspections of adult offending work where Ofsted have contributed to inspection findings.
- Inspections of youth offending work where Ofsted have contributed to inspection findings.
- Any thematic inspection that includes in its scope protection or care of children and young people.

HMI Prisons

- Any inspections of custody or secure settings holding children.

HMCPST

- Single or joint inspections that include in their scope protection or care of children and young people.