

Inspection Wales Programme: Information Sharing Guidance

Inspection Wales partners share relevant information

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Summary

Introduction

- 1 The Inspection Wales Programme is a joint programme between the Auditor General for Wales operating through staff of the Wales Audit Office, the Care and Social Services Inspectorate Wales (CSSIW), Estyn (the Office of Her Majesty's Chief Inspector for Education and Training Inspectorate for Wales), and Healthcare Inspection Wales (HIW). The four heads of audit and inspection established the Inspection Wales Programme in late 2009 and its work was formalised by a strategic agreement¹ in early 2011.
- 2 Inspection Wales partners share relevant information. This information sharing guidance supports the regular sharing of non-personal information between staff (and contractors) in the four audit, inspection and regulatory bodies participating in the Inspection Wales Programme (partners). Good communication and collaboration between partners are key enablers in developing appropriate and coordinated audit and inspection activity and findings.
- 3 This document describes the specific purpose of information sharing, the legal basis for sharing, and an overview of the types of information we share. Separate agreements, or Memoranda of Understanding, support it, where relevant. Specific arrangements are in place for sharing information in health and local government sectors and with the Welsh Government, including escalating concerns. All of these documents and formal agreements can be found on our partners' websites².
- 4 The principal purpose of sharing information between the Inspection Wales partners is to enable auditors and inspectors to form clear, timely, informed and balanced opinions and judgements based on Inspection Wales partners' collective knowledge and information. A secondary purpose is to reduce the work for public bodies in providing information.
- 5 The Inspection Wales partners will share information, provided it is lawful to do so.
- 6 This guidance applies to all media used for sharing information. This includes paper, fax and telephone, as well as electronic means.

¹ **Developing our work together in a climate of change: A paper on inspection, audit and regulation in Wales**, March 2011, [hyperlink](#)

² [LINK to websites with MOU, etc.](#)

Detailed guidance

Information sharing guidance

Principles behind information sharing

- 7 The Inspection Wales partners will share information, provided it is lawful to do so. They will:
 - comply with relevant legislation;
 - use the information only for statutory purposes;
 - explain the status, nature and quality of the information to each other;
 - provide updates and corrections as necessary, in as far as is practicable; and
 - ensure that all parties can understand and properly interpret the information.
- 8 This guidance is without prejudice to any statutory access provisions or discretion in the exercise of statutory functions.

Basis for information sharing

- 9 Under section 23 of the Local Government (Wales) Measure 2009, the Auditor General is responsible for coordinating assessment and regulatory work, taking account of the overall programme of work of 'relevant regulators' (as defined in section 16 of the measure). Sharing information supports the Auditor General in fulfilling this responsibility, and helps Inspection Wales partners in their own statutory inspections.
- 10 Furthermore, the strategic agreement between CSSIW, Estyn, HIW and the Wales Audit Office gives a joint undertaking that information is shared to support the Inspection Wales partners' commitment to partnership and collaboration in inspection, audit and regulation work.
- 11 Finally, the Auditor General and HIW refreshed their joint operational protocols in developing coordinated work programmes and sharing intelligence to support improvement in the NHS³.

³ www.wao.gov.uk/sites/default/files/download_documents/hiw_agw_operational_protocol_english.pdf

Principle, purpose and intended benefits of information sharing

- 12 The overarching principle is that Inspection Wales partners share information that is relevant to their respective functions. Inspection Wales partners should share information that may be useful to other partners, as well as providing information on request. Requested information must be shared unless there is a legal constraint on sharing the information.
- 13 The benefits of efficient sharing of information among the Inspection Wales partners include:
 - Having a common understanding about emerging concerns, issues of professional interest, background and context.
 - Reducing any additional workload created by our information gathering upon audited and inspected bodies through obtaining information and documents once only and then sharing them among ourselves.
 - Coordinating on-site activities to minimise additional pressures on organisations and key individuals.
 - Maximising use of the Inspection Wales partners' resources by sharing data analysis. Examples include contextual profiles of our audited and inspected bodies and analysis of performance indicators.
 - Reacting quickly to high-profile issues where sharing of information is essential to coordinating an effective response.
 - Working smartly and efficiently to focus improvement activity where it is most needed.
- 14 Over time, each Inspection Wales partner should evaluate all evidence and information types that they individually hold for its potential value to other Inspection Wales partners.

Responsibilities and organisations involved

- 15 The responsibility to develop and review information sharing arrangements rests with the Inspection Wales Programme Manager on behalf of the Inspection Wales Programme Board.
- 16 All staff, or contractors, of all of the Inspection Wales partners who work directly with relevant service providers work within the principles of this document.
- 17 Each Inspection Wales partner will ensure that all current and newly appointed staff receive appropriate training in information sharing.

Information to be shared

- 18 [Appendix 1](#) outlines, at a high level, the types of data we share. Detailed lists of the information held by each of the Inspection Wales partners are available on their individual information asset registers.
- 19 If any member of staff is unsure about whether to share a specific piece of information they should check with their organisation's relevant information asset owner, or programme board member.

Public rights of access to information

- 20 Any requests under the Freedom of Information Act 2000 (FoIA) relating to information that has been shared, will be dealt with in accordance with the FoIA. The Inspection Wales partners will therefore observe the Code of Practice set under section 45 of the FoIA, including the guidance on consultation with third parties. Accordingly, where any information received from another partner becomes the subject of an FoIA request, the partner providing the information is a relevant third party with whom the partner receiving the request should consult regarding the request.
- 21 The Inspection Wales partners will similarly consult regarding any information request that falls within the Environmental Information Regulations 2004.
- 22 Inspection Wales partners will be careful to avoid unfair or unlawful processing of personal information when consulting one another about information requests from individuals.

Personal information

- 23 In general, personal information will not be shared between Inspection Wales partners. But, in exceptional circumstances, Inspection Wales partner bodies may share personal information without consent in order to, among other things, prevent abuse or serious harm to others. If there are concerns relating to child or adult protection issues, staff must follow the procedures of their organisation. In addition, it may be necessary to share personal information for the purposes of audit or inspection, such as where it is necessary to disclose the identity (between Inspection Wales partner bodies) of managers who present a risk to effective performance of improvement duties under the 2009 measure.

- 24 The necessary sharing of personal information is lawful without consent, provided at least one of the other conditions of Schedule 2 to the DPA are met (and in the case of sensitive personal information, provided at least one of the conditions in Schedule 3 to the DPA is also met). The Schedule 2 conditions include a necessity for:
- compliance with a legal obligation;
 - protection of the vital interests of the data subject (the person to whom the information relates);
 - the administration of justice;
 - exercise of statutory functions; and
 - functions of a public nature exercised in the public interest by any person.
- 25 The audited or inspected body from which the information was obtained will usually be informed of the decision to share the information, unless doing so would risk harm to others, hinder any investigation or legal proceedings, or be unlawful.

Confidential information and information subject to prohibitions on disclosure

- 26 Some information held by partners may be subject to the common law of confidence, such as concerns about care standards raised in correspondence to a partner from a member of the public. Where information is subject to the common law of confidence, confidence will be maintained (ie, the information will not be shared) unless it is substantially not in the public interest to maintain the confidence. The common law of confidence does not, however, prevent the exercise of statutory access rights.
- 27 Prohibitions on disclosure, such as section 54 of the Public Audit (Wales) Act 2004, will prevent sharing where they apply.

Information governance requirements

Data quality

- 28 When the information is first shared, the responsibility for the quality, validity and currency lies with the originator.
- 29 All users of the information must notify the originator if the information changes or anomalies are identified.
- 30 Partners will maintain the quality of information shared to the standards expected within their own organisations.

Information handling, storage, transfer and disposal

- 31 Information held by an Inspection Wales partner must be managed in line with that Inspection Wales partner's policies on information management, and in accordance with the DPA and other relevant law.
- 32 Appropriate security mechanisms must be applied to the transfer and storage of information.

Organisations' security arrangements

- 33 All information sharing methods must meet the security standards of Inspection Wales partners.
- 34 In the case of a breach of security, the relevant nominated officer (which may be the relevant information asset owner) for each affected Inspection Wales partner will be informed.

Appendix 1

Overview of the type of information shared between Inspection Wales Programme partners

What is shared?	Why is information shared?
Non-public reports eg mental health reports by HIW, local unpublished reports by the Auditor General	To ensure other partners have current awareness of findings.
Work programmes, forward plans and publication calendars	Awareness of other partners' activities, plan where working together could increase efficiency and minimise burden on stakeholders.
Working information for joint projects (dependent on project)	Whole team having access to same information.
Audit and inspection guidance and templates	To learn from each other and consider scope for common approaches.
Good practice case studies	To share learning and lead to service improvements.
Area profiles, contextual information	Reduce duplication of work and share intelligence.
Contacts, expertise and skills	Allowing partners to access softer information. Promotes joint working by making staff accessible to each other.

Source: Inspection Wales Information Sharing Working Group

