

Eastern Safeguarding Team & Policies

Reference Number: RDF2291-24

Date of Response: 08/03/24

Further to your Freedom of Information Act request, please find the Trust's response(s) below:

I would like to make a freedom of information request regarding the Safeguarding Eastern unit.

1. *Number of personnel in the Eastern safeguarding team.*

Answer: Nine personnel.

2. *Number of those individuals with protected employment contracts.*

Answer: All nine individuals have protected employment contracts.

3. *The training and skill base of the head of the Safeguarding Eastern unit.*

Answer: The Head of Safeguarding has the appropriate qualifications and experience to meet the requirements of this role.

The Trust does not disclose staff personal data under Section 40 (2) of the Freedom of Information Act 2000 (Personal Information), where disclosure would contravene the Data Protection Act 2018 and therefore applies an exemption under Section 40(2) - Personal Information of the Freedom of Information Act 2000 and Section 10 of the Data Protection Act 2018.

The disclosure of this staff personal data would be in breach of the first Data Protection principle and fail to meet any of the relevant conditions set out in Schedule 2 of the Data Protection Act (DPA) 2018. The first DP principle requires that disclosure must be fair and lawful, and this personal data shall not be processed unless at least one of the conditions in Schedule 2 is satisfied. As the staff concerned would not have expected or wanted this information to be disclosed in the public domain, disclosure would not be 'fair' in the manner contemplated by the DPA. Therefore, disclosure would not satisfy the conditions for data processing set out in Schedule 2 of the DPA.

We do not consider that there is a legitimate interest in disclosure in this case. There is no public interest in making information about our staff available in this way contrary to what would have been their legitimate expectation at the time the information was gathered.

4. *I would like a copy of the Notification Policy of the Eastern Safeguarding team in relation to investigations they carry out and Notification Procedure for those involved in the investigation and also sharing pathways in relation to any decisions they make and confidentiality boundaries to that information.*

Answer: There is no Trust Notification Policy or Procedure. The Trust does not hold this information.

Safeguarding investigations are made under the legislative frameworks outlined in the Care Act 2015. These are multi-agency in nature. Information sharing agreements are in place with multi-agency partners including the Local Authority and Police.

5. A copy of the policy into the conduct/process of safeguarding investigations by RDUH.

Answer: Please see policy attached with email.

Staff names and contact details have been redacted as disclosure would contravene the Data Protection Act 2018 and the Trust therefore applies an exemption under Section 40(2) - Personal Information of the Freedom of Information Act 2000 and Section 10 of the Data Protection Act 2018.

6. A copy of the policy on appeal rights and accountability pathways that an individual who has been investigated by the Eastern Safeguarding team has once a decision has been made.

Answer: There is no Trust Notification Policy or pathways. The Trust does not hold this information.

Individuals can contact the Patient Advice Liaison Service, on 01392 402093 or emailing: rduh.pals-eastern@nhs.net

The statutory duties under Care Act 2015 to investigate safeguarding concerns, Section 42 Enquires, are led by the Local Authority include Multi Agency decisions which are made in partnership with HR, Police, Safeguarding Teams at Local Authority and Integrated Care Board, shared with CQC where appropriate.

7. When an individual is subject to an investigation by the Eastern Safeguarding team, are they provided with an advocate if they meet the criteria for a Section 68 advocate under the Care Act 2014, are they notified that an investigation has started and are they involved and notified of the outcome.

Answer: Not all individuals who are the subject of a Section 42 Enquiry would meet the criteria for a Care Act Advocate.

Individuals that meet the criteria for a Care Act Advocate i.e. the person would have 'substantial difficulty' being involved in one or more of these areas:

- Understanding information about the decisions.
- Remembering information.
- Using the information to be involved in the decisions.
- Being able to tell people their views, wishes and feelings

These individuals are referred to the local authority for a Care Act Advocate, who would work with them to support their needs in this process.