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This policy is for practitioners in Adult and Childrens Social Care.

1. **Introduction.**

1.1 This policy should be applied in situations where: for the protection of children, vulnerable adults or staff members there is a need to inform and highlight risks to colleagues.

1. **Compliance with the Data Protection legislation**

2.1 Personal data can be recorded and processed where it is necessary to protect people from serious risk or where the processing is necessary for the Council to comply with a legal obligation.

2.2 Where the person has not consented to the recording or processing of their information there may be other justification for the recording or processing of the information. As employers have a duty of care towards their staff, for example, under health and safety legislation, article 6(1)(c) of the General Data Protection Regulation creates a lawful basis for processing of information in markers. Any information that is recorded must be adequate, relevant and not excessive for the purposes it is being recorded.

2.3 Recording / Processing of personal information may be necessary without the consent of the data subject (person who the information is about) to protect their vital interests.

2.4 The Data Protection Act 2018 gives individuals the right to request access to the personal data held about them (Subject Access Request). Where there is a Warning Indicator against an individual's record, this should be disclosed to the individual. In exceptional circumstances however revealing the existence of, or reasons for, the Warning Indicator may also lead to a substantial risk to staff or other individuals. In such cases advice should be sought from Data Protection Officer - <https://inside.devon.gov.uk/task/gdpr/contact-the-data-protection-officer/>

The service user/carer will be advised that they have a right to request a review of the warning which has been entered on their case record. See Section 5 below.

1. **Categories for warning markers.**

Whenever considering the application of a warning marker on a person’s record, one or more of these categories must apply.

**3.1 Risk to Children:**

* Someone who has been identified within the Multi-Agency Public Protection Arrangements as presenting a significant risk of harm to children (MAPPA).
* Someone who has been convicted of an offence against a child
* Someone who has been found to have harmed a child or to present a risk of significant harm to a child in a civil court, usually through family Court Proceedings
* Someone who had been identified within a multi-agency risk assessment conference (MARAC) as presenting a risk to children

**3.2 Risk to Adults**

* Someone who has been identified within Multi-Agency Public Protection Arrangements (MAPPA) as presenting a risk of significant harm to another adult or adults. <https://mappa.justice.gov.uk/connect.ti/MAPPA/grouphome>
* Someone who has been identified within a Multi-Agency Risk Assessment Conference (MARAC) as presenting a risk of significant harm to another adult or adults.

 <https://new.devon.gov.uk/dsva/information-for-professionals/marac/>

**3.3 Adult at risk**

* Someone who is currently subject to a Safeguarding Adults Action Plan within an active Adult Safeguarding process.

**3.4 Risk to Staff**

This category should be applied when the behaviour of a service user poses specific risks to staff members and/or service providers. This category can also be applied when the risk is being posed by other family members or associates. It includes:

* + Risk of assault
	+ Risk of verbal abuse or harassment (sexual, racial, religious, disability etc.)
	+ Significant risk because of pets, livestock or pests

**3.5 Disclosure Risk**

This category can apply to both Children and adult services in situations where,disclosing information about the service user or their family may place them at risk from others. E.g. domestic abuse

**3.6 Risk to Self**

Those individuals who have been identified by an appropriately qualified health professional as being at significant risk of suicide or self- harm. (For Children’s services use the Alert system)

**3.7 Missing Person**

Vulnerable Individuals who have been notified as missing. (For Children’s services use the Alert system)

1. **Using warning markers appropriately**

4.1 Warning indicators should only be applied when one or more of the accepted criteria apply and there is a need to highlight the attendant risk to colleagues. It should only form part of actions taken to ensure the safety of vulnerable children, adults and staff or to respond to violent incidents. Entries should be factual and evidenced.

4.2 Indicators must only be held for as long as is necessary and for the specified purpose. Warning markers should be subject to regular review and removed when no longer applicable.

4.3 In those instances where the warning entry is discretionary, practitioners and managers should consider the nature, degree and significance of potential risk and use their professional judgement when deciding whether to record a warning indicator. Clearly a physical assault on a practitioner would warrant use of the indicator, whereas an offensive comment may require other options to be considered in discussion with the line manager.

4.4 Every effort should be taken to ensure that the information received, if from a third party, is accurate and verifiable. The information and reasons for making such decisions should be recorded.

4.5 Individuals who are the subject of a warning indicator should be informed, unless to do so would jeopardise the safety of others e.g. perpetrator of domestic abuse if their circumstances would compromise the safety of their partner and/or children. Where the individual is a minor, or an adult needing support to understand the nature of the concerns and the implications of the warning, their next of kin, advocate or appropriate adult should be included.

4.6 The reasons for placing a warning marker on a person’s record should be clearly recorded, authorised and reviewed.

4.7 For guidance on how to apply warning markers please click here. *Add hyperlink*

**Please note that from 21January 2019 Children’s services record management system will be Eclipse.**

**Adults and Childrens services will be working on different systems and no longer able to see each other’s warnings. Practitioners are therefore advised to contact the relevant service direct to share any relevant information.**

For both services, attempts should be made in the first instance using Carefirst to determine who the allocated worker is so that contact can be made directly with the appropriate Practitioner.

If it is not possible to ascertain who the allocated worker is the following steps should be taken:

For Childrens service needing to report warnings to their Adult Service colleagues contact **Care Direct Plus:**

North: cdpnorthernassessmentreviewteam-mailbox@devon.gov.uk

South:cdpsouthernassessmentreviewteam-mailbox@devon.gov.uk

East: cdpeasternassessmentreviewteam-mailbox@devon.gov.uk

 Tel: 0345 155 1007

For adult services needing to report warnings to their Children’s Service colleagues contact the Multi Agency Safeguarding hub (MASH)

**Tel: 0345 155 1071**

1. **Use of Alerts (For Childrens Services only)**

5.1 The purpose of this facility is to alert practitioners to concerns that are current and that, all practitioners working with that child, need to be aware of. The type of situation where this applies to are:

* Children who are currently Missing
* Children who are being exploited (all forms of exploitation)
* High risk of suicide

5.2 This system is very simple to enable practitioners to apply easily and in a timely manner. **To be effective, this facility should only be applied for the duration of the episode** e.g. when a child goes missing the yellow alert button should be engaged. When the child has been found the alert should be stopped. Practitioners and Managers need to be mindful of the need to keep these up to date.

 5.3 For guidance on the use of alerts click here add *hyperlink*