

# SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

## CASE INFORMATION AND NON DISCLOSURE BREACHES – 2014-15

**Accountable Directors:** Head of Practice & Policy  
**Report Author:** Information & Research Manager  
**Date:** 28 April 2015

### **Recommendation:**

1. That the Audit Committee notes the numbers of Non Disclosure Order and case information breaches reported in 2014-15.

**Reason for Report:** For noting

**Resource Implications:** Within approved budgets

**Strategy:** Within approved plans

**Consultation:** EMT

**Document Classification:** Internal use only

<b>1.</b>	<b>Introduction</b>	
	<b>1.1</b>	The Audit Committee is informed on a quarterly and annual basis of the numbers of reported incidents of breaches of case information and Non Disclosure Orders. The report at appendix 1 provides this information for the period 1 January to 31 March (Q4) 2015 and for 2014-15 as a whole, and gives comparisons with previous years.
<b>2.</b>	<b>Recommendation</b>	
	<b>2.1</b>	That the Audit Committee notes the numbers of breaches of Non Disclosure Orders and case information in Q4 2014-15 and 2014-15.
<b>3.</b>	<b>Appendices</b>	
	<b>1</b>	<i>Breaches of Non Disclosure Orders and case information reported in 2014-15</i>

### **Breaches of Non Disclosure Orders and case information reported in 2014-15**

#### **Introduction**

SCRA monitors the numbers of breaches of Non Disclosure (ND) Orders and of case information. The purposes of this are firstly to ensure that the necessary actions are taken when a breach occurs to safeguard the individuals concerned, secondly to monitor compliance with relevant legislation<sup>1</sup>, and to act on areas for improvement.

SCRA Localities report breaches to Head Office for monitoring and to senior managers to follow up on any required investigation or actions.

This report provides information on ND Orders and case information breaches in Q4 2014-15, and for 2014-15 as a whole, and provides a comparison with previous years.

#### **Numbers of incidents of breaches of Non Disclosure Orders and case information in 2014-15**

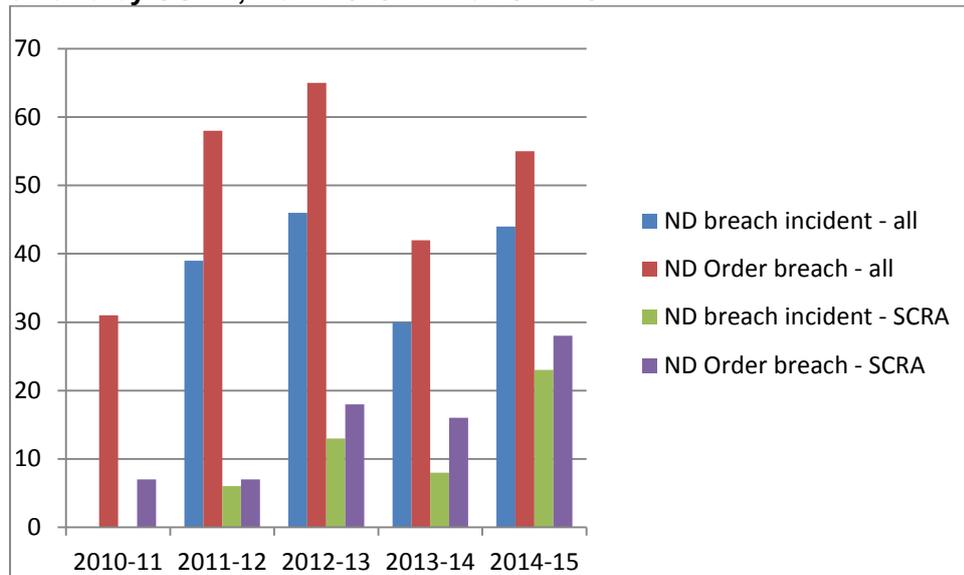
##### *Non Disclosure Order breaches*

In 2014-15, there were 55 breaches of ND Orders which happened in 44 incidents. 28 of these breaches were caused by SCRA in 23 incidents. This is an increase in the numbers of ND Orders breached by SCRA from previous years as shown in Figure 1.

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<sup>1</sup> Children's Hearings (Scotland) Act 2011 (Non Disclosure Orders)  
Data Protection Act 1998, and Public Records (Scotland) Act 2011 (case information breaches)

**Figure 1. Numbers of ND breach incidents and Orders breached, all and by SCRA, from 2010-11\* to 2014-15**

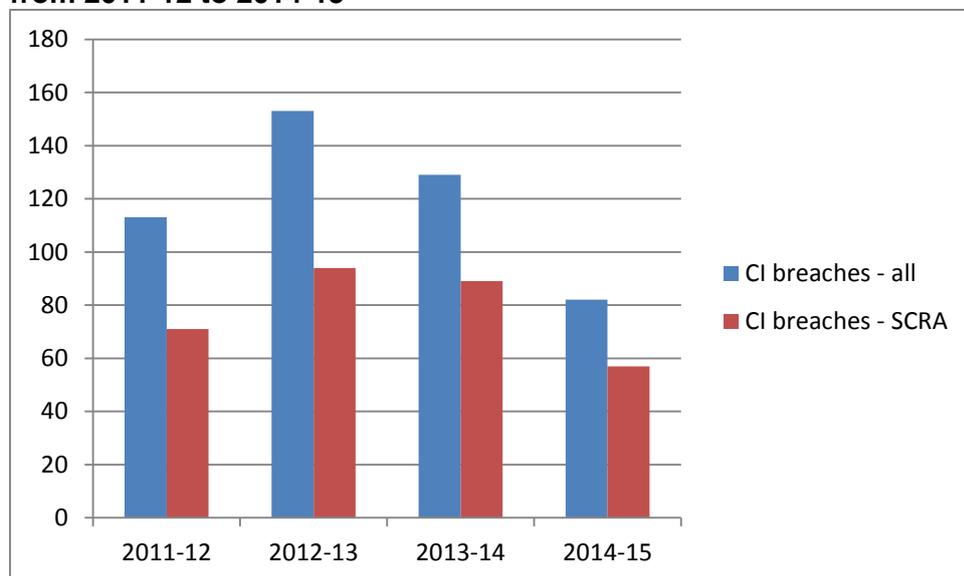


\*ND breach incidents weren't recorded in 2010-11

*Case information breaches*

There were 82 breaches of case information reported in 2014-15, and in 57 of these incidents SCRA was the cause. This is a decrease from previous years in both the numbers of all reported case information breaches and those caused by SCRA (Figure 2).

**Figure 2. Numbers of case information breach incidents, all and by SCRA, from 2011-12 to 2014-15\***

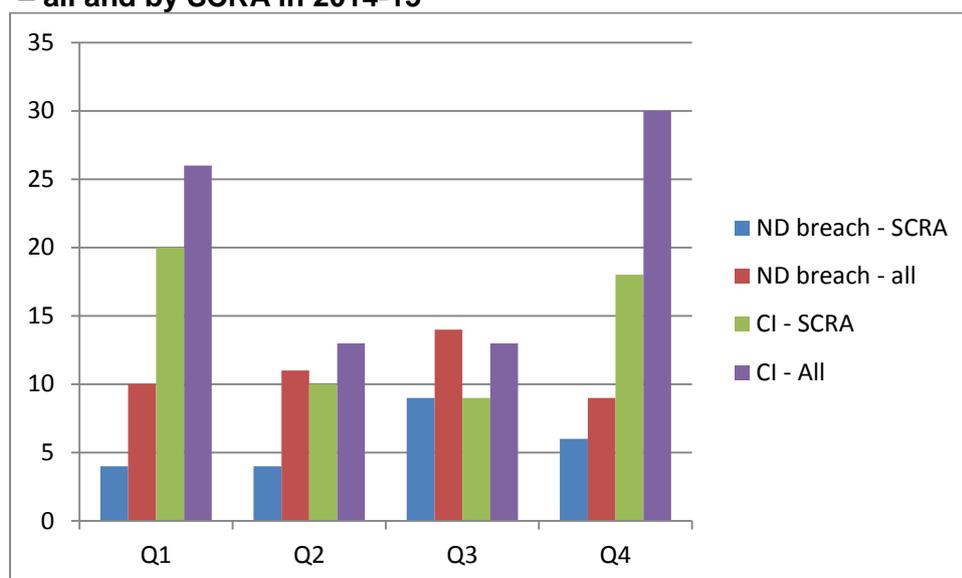


\* Case information breaches were not recorded before 2011-12

*2014-15*

Figure 3 provides the numbers of incidents where ND Orders and case information were breached in each quarter in 2014-15. It shows the total numbers of breach incidents and numbers where SCRA was the cause.

**Figure 3. Numbers of incidents of breaches of ND Orders and case information – all and by SCRA in 2014-15**



### Non Disclosure Order breaches in Q4 2014-15 (1 January to 31 March 2015)

#### Sources of ND Order breaches

Twelve ND Order breaches were reported, and these occurred in nine incidents. Nine were breaches of Hearing Orders, one was a breach of a Sheriff Order and two were not recorded.

Seven of these breaches (six incidents) were caused by SCRA (Table 1). The remaining five breaches (three incidents) were caused by social work/ local authority (one breach in one incident), a Panel Member and not recorded (both - two breaches in one incident).

Highlands & Islands Locality had no reported ND Order breaches in 2014-15. Glasgow Locality had the highest number with seven incidents (Table 1).

**Table 1. SCRA ND Order breach incidents in 2014-15 by Locality**

SCRA Locality	Number of ND Order breach incidents caused by SCRA			
	2014-15			
	Q1	Q2	Q3	Q4
Ayrshire	0	0	1	0
Central	0	0	2	2
Glasgow	1	0	3	3
Grampian	0	1	2	1
Highlands & Islands	0	0	0	0
Lanarkshire/ Dumfries & Galloway	0	1	0	0
North Strathclyde	0	1	1	0
South East	1	0	0	0
Tayside & Fife	2	1	0	0
<b>Total</b>	<b>4</b>	<b>4</b>	<b>9</b>	<b>6</b>

### *Risk*

In Q4 2014-15, one of the nine ND Order breach incidents were assessed as high risk, three as medium risk, and three as low risk. There was no risk assessment for two.

The types of risk were assessed to be physical (two incidents), emotional (two incidents) and to the child's placement (one incident). There was judged to be no perceived risk in two incidents and this wasn't assessed for three.

In five ND Order breach incidents it was the carer's or placement address that was disclosed, in two the child and parent's address, in one the child's sibling's address. One case involved a child involved in adoption/permanence proceedings.

#### **Case study 1**

Sheriff makes a Child Protection Order (CPO) with Non Disclosure Instruction of foster carer's address, because of risk of mother trying to remove child and her volatile behaviour. Social Work provide the CPO paperwork to child's mother, which includes the foster carer's address. On receiving CPO and being informed of breach, Locality Reporter Manager (LRM) assesses the risk as high to the physical and emotional welfare of the child. The LRM alerts social work to this risk, and social work respond quickly to move the child to a new foster carer with ND condition.

#### **Case study 2**

When lodging Inventory of papers with court in connection with an appeal, the address of the foster carer is not redacted by SCRA from some documents. SCRA informs social work of the breach and they notify police and the carers. SCRA contacts the court and the child's parents to retrieve the documents. Risk is assessed as low as the parents are co-operating with services and very unlikely to jeopardise the placement. LRM reviews the breach with the member of staff concerned who accepts full responsibility.

### **Case information breach incidents in Q4 2014-15<sup>2</sup> (1 January to 31 March 2015)**

There were eighteen breaches of case information caused by SCRA and one breach caused jointly by SCRA and social work in Q4 2014-15. The main causes of the SCRA breaches were papers being attached in error to another child's (eight breaches) and CMS not being updated or incorrect information entered (five breaches).

Table 2 provides a comparison at Locality level over 2014-15. There were no reported case information breaches by Highlands & Islands Locality in 2014. Lanarkshire/Dumfries & Galloway Locality had the highest number – sixteen breaches.

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<sup>2</sup> Case information breaches as reported as breach incidents. This is because there are different numbers of data subjects in each breach incident, making it difficult to determine the numbers of breaches of personal information.

**Table 2. SCRA case information breaches in 2014-15 by Locality**

SCRA Locality	Number of case information breaches caused by SCRA			
	2014-15			
	Q1	Q2	Q3	Q4
Ayrshire	3	1	2	4
Central	1	2	0	1
Glasgow	2	0	2	2
Grampian	3	1	1	1
Highlands & Islands	0	0	0	0
Lanarkshire/ Dumfries & Galloway	7	3	1	5
North Strathclyde	2	1	2	0
South East	0	1	1	1
Tayside & Fife	1	1	0	3
Head Office	1	0	0	1
<b>Total</b>	<b>20</b>	<b>10</b>	<b>9</b>	<b>18</b>

A further eleven breaches were reported that were caused by other agencies – social work – seven, Royal Mail delivering correspondence to wrong addresses – two, police – one, and joint police and social work - one. Eight of these breaches were caused by other agencies providing SCRA with incorrect addresses.

### *Risk*

Each case information breach should be assessed for the risk to the child, to other individuals (others), to the child's placement and to SCRA's reputation. No case information breaches were assessed as high risk. Where risk was identified, this was as follows:

- Medium risk: one to child, two to others, six to SCRA.
- Low risk: twenty to child, eighteen to others, twelve to the child's placement, and sixteen to SCRA.

Part of the monitoring is closure of breaches – i.e. when information has been retrieved or destroyed, all appropriate actions have been taken (e.g. informing individuals, amendment of SCRA records, etc.), and the relevant manager has decided that the breach is closed. This allows assessment of risk and in SCRA's performance in managing the breach. Twelve of the eighteen SCRA breaches in Q4 2014-15 were reported as being closed.

### **Case study 3**

A court has practice of sending notifications double sided. On this occasion, one side had information about family A, and the other side family B. This was not noticed by SCRA staff, and the notification was sent to family A who therefore also received information about family B. As soon as this was realised, SCRA staff retrieved the correspondence from family A. Social work was alerted and they informed family B. Risks are assessed as low, as correspondence was retrieved and both families were understanding.

All staff in the Locality were reminded to double check court documents. Senior Practitioner will raise issue with the court and ask that they send correspondence single sided.

**Case study 4**

A social work report for child A is attached to the social work report for child B by SCRA staff. Both reports are sent to the family of child A. On discovery of this breach, SCRA staff retrieve the report for child B from child A's family members. Social work is informed, they don't envisage concerns and risks are assessed as low. Social work inform the family of child B. The LRM informs and apologies to child B and his carers at his Hearing the following week.

**Actions**

SCRA continues to work with partners to raise awareness on appropriate application of the Non Disclosure conditions and prevention of breaches; for example:

- Work in Glasgow Locality has started including review of all breaches caused and Glasgow City Council is fully engaged with this.
- All Chief Social Work Officers have now received letter from the Scottish Government and will have to provide an annual report for the Children's Hearings Improvement Partnership.
- Consultation by Scottish Government GIRFEC team on Child's Plan has led to SCRA reflecting on vulnerability of addresses where mentioned frequently in reports.
- Children 1<sup>st</sup> have included reference to Non Disclosure in their draft performance standards for safeguarders
- Non Disclosure issues for courts have been mentioned at recent SCRA meeting with the Scottish Court Service

SCRA's Information & Research Team has carried out research on ND Orders and Rule 16, in particular on decision making and management of cases. The research involved analysis of breaches and ND Orders and Rule 16 in place, interviews with Senior Practitioners, Locality Support Managers and Panel Members, and an on-line survey of Reporters. The research will report by end of June 2015.