**Recording Hazards on LIBERI/EHM – Practice Guidance**

The prevention and management of hazards to staff working within Integrated Children’s Services requires that all hazards are to be reported, serious incidents investigated and that the hazard must be recorded on LIBERI/EHM in accordance with this Guidance. A hazard is a behaviour, situation or something with the inherent ‘potential to cause harm’ to a child, parent or member of staff. This can include violence, substance misuse, dangerous implements, such as the use of weapons (knives, guns, machines, etc.)

**This guidance should be read in conjunction with the appropriate Kent County Council Integrated Children’s Service’s Privacy Notice which is found here:**

<https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notices/integrated-childrens-services>

**1. RECORDING A HAZARD OR POTENTIAL HAZARD**

Integrated Children’s Services has a duty to make information available to staff and service providers (including those that are external to the Service and external to the Council) which will support the risk assessment process and subsequently result in safe working practices.

There must, therefore, be a robust system in place to collect and record information relating to service users and significant others who may present a risk to staff within the Directorate, contracted agencies and members of the public (including children, young people and their families) and this system must comply with General Data Protection Regulations (GDPR)

The recording of a hazard flag on LIBERI/EHM is the principal method that will be used for this purpose. This will include use of a code to specify the type of hazard and free text to provide a brief explanation for the presence of the hazard flag. The ability to record start and end dates are also available which will allow for the ending of a Hazard when it is no longer appropriate.

General Data Protection Regulation (GDPR) as it applies in the UK, tailored by the Data Protection Act 2018 sets out seven key principles:

* + Lawfulness, fairness and transparency
	+ Purpose limitation
	+ Data minimisation
	+ Accuracy
	+ Storage limitation
	+ Integrity and confidentiality (security)
	+ Accountability

The recording of hazards on LIBERI/EHM must adhere to these principles which should be considered as part of the authorisation process both for the addition and removal of a hazard flag.

**When to record a hazard on LIBERI/EHM**

A hazard should be recorded where:

1. it is known that a service user or associate has a criminal record relating to a hazard e.g. service user convicted of ‘actual bodily harm’ (ABH) or has been notified to the authority as posing a risk to children.
2. Where an HS160 (Accident/Incident Investigation Form) has been completed following

the report of a serious incident.

1. Where there are frequent minor incidents of hazard, threatening hazard or intimidation reported using the HS157 (Accident/Incident Report Form).

**2.**  **HOW TO ADD/ RECORD A HAZARD TO A SERVICE USER OR ASSOCIATE ON LIBERI/EHM**

Following a serious incident, you must complete a hazards Input form and send this to your Service Manager or equivalent if you become aware of a hazard as outlined above. It is the responsibility of the Service Manager (or equivalent) to decide whether a hazard is to be recorded against a service user and/or their associates on LIBERI/EHM. This will be authorised via the use of the[**Liber/EHM Hazards Input Form**](https://kentchildcare.proceduresonline.com/chapters/forms.html#serious_ind)which will be reviewed every six months with a [**Liberi/EHM Hazards Review Form**](https://kentchildcare.proceduresonline.com/chapters/forms.html#serious_ind)to ensure that it remains relevant and appropriate.

Add the hazard to Liberi via the Risks tab in the Child/young Persons Basics Demographics (ensuring you add a review date which must be within 6 months). This will then generate the Hazard Flag. Full details of how to do this can be found in the Liberi/EHM user guide.

The Hazard input form must be uploaded onto LIBERI/EHM each time a hazard is added and each time it is reviewed which will ensure a history of the decision making is retained. User guides and flow chart can be accessed via Tri x [**ICS Policies and Procedures online**](https://kentchildcare.proceduresonline.com/index.htm)

The exception to the above is for hazards recorded for ‘Persons who Pose a Risk to Children. The management of these hazards will be dealt with by the Management Information Unit (MIU) upon notifications from HM Prison Service, National Probation Service and Multi Agency Public Protection Arrangements (MAPPA). Information containing the reason for the application of these flags is provided to a restricted group of staff (Team Managers and above) who can then access this information on behalf of other staff where there are individual enquiries and/or involvement.

**3.** **DEFINITION OF A SERIOUS INCIDENT**

The following indicators are provided to assist in the process of deciding what constitutes a serious incident and therefore when it might be appropriate to add a hazard to LIBERI/EHM records. It is important to acknowledge that all staff will perceive and respond to threats and hazards differently it is for this reason that a Service Manager will make the decision, based on the facts that are presented to them.

Possible indicators of a serious incident include:

* Unwanted physical contact including sexual overtures
* Physical assault
* Threatening or aggressive behaviour
* Fear of reprisals on self or family
* Feeling intimidated
* The presence of syringes without medical explanation and evidence or a dangerous dog/pet

For further reading; refer to the [**SCS serious incident protocol**](http://kentchildcare.proceduresonline.com/chapters/pr_serious.html)

**4.** **DATA PROTECTION**

In 1. reference is made to the requirement to input free text onto LIBERI/EHM giving a brief explanation for the presence of the hazard flag. The free text entered is likely to be both sensitive and personal data and as such, its processing is covered by **the Data Protection Act 1998 (DPA) (link to reg).**

There are clauses under Schedule 2 and 3 of the DPA which allow the Directorate to process this data without notifying the service user provided the ‘processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by a contract’. By virtue of its legal duty under the  **Health & Safety at Work Act 1974** to safeguard the health and safety of its employees and those of its agents, KCC has adopted the position that the service user or associated person will be notified of a current hazard flag on their record, unless notifying them would place a child at risk of harm. This process is also underpinned by the requirements to safeguard children. The GDPR places a more robust responsibility to be open and transparent when recording sensitive and personal information and this must be considered with the decision made by a Service Manager or equivalent and recorded clearly as to the rationale of the decision not to inform.

If, the decision is made to inform the person that a Hazard flag has been recorded against their name there needs to be a discussion between the Practitioner and the Service Manager/equivalent as how best to inform the person. This should be in writing using a standard letter template or directly if it is considered safe to do so. The method for informing the person should be recorded clearly and uploaded to LIBERI/EHM, along with any responses to the decision and any actions you may need to make following this such as a further discussion with manager. This information should be recorded within the hazard free text box and should be added to a case note.

When agreeing the content of the free text to be added to the LIBERI/EHM record – either for the Service User or their associate(s), staff must ensure that this text provides an accurate and factual account of the hazard and/or the actions of the aggressor. If there are multiple incidents then the free text should continue to be added to, with relevant dates and the name of the person making the update clearly recorded.

**5.** **MAINTENANCE AND REVIEW OF HAZARD FLAGS ON LIBERI/EHM**

Hazards should be reviewed when a case is reviewed or closed. Every six months an automated task will be generated which will go to the current case holder, however the case may transfer or close prior to the 6-month timescale. Maintaining and reviewing hazard flags will require practitioners to complete the **Review Hazard Form** which should be uploaded to LIBERI/EHM as a document evidencing the outcome and decisions made during the review of the hazard. If a decision is made that the hazard is no longer relevant/appropriate, then this ending

of the Hazard on LIBERI /EHM must be authorised by the Service Manager (or equivalent). If the hazard is still relevant, this will also need to be authorised by the Service Manager/equivalent to make it clear the review decision has been appropriately agreed.

Please note historical hazards will show with a strike view.

*See flow chart for the steps to adding, reviewing and recording hazards.*