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**Guidance on the recording and review**

**of Risks and Warning**

**Markers –**

**EHM and Liberi**

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The prevention and management of risks to staff working within Integrated Children Services requires that all risks and hazards be recorded on EHM and Liberi in accordance with this guidance.

* A hazard/risk is defined as 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 that use as weapons (knives, guns, etc) or a hazardous environment.
* A Warning Marker is a term used for identifying how these are flagged within systems.

This guidance describes how this information should be recorded to comply with data protection principles, including arrangements for the review, retention and the sharing of information.

# 1. Why do we use Hazards and Warning Markers?

Hazards and Warning Markers are a means of identifying and recording concerns that some individuals pose (or are likely to pose) to members of staff, care providers or other persons working for or on behalf of the Council, or others who may have contact with them.

The decision to record a risk/hazard on an individual’s file should always be based on a specific incident and details of that incident must be accurately recorded and maintained. Any accompanying documentary evidence should be uploaded to the record at the same time.

Within EHM and Liberi details are recorded within the Risks section, which then generates, a warning marker (lozenge) which is then displayed against the relevant record. As with any other form of personal information recording must comply with the Data Protection Act 2018.

# 2. Compliance with Data Protection and GDPR Legislation

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.

The processing of information in the form of Risks, Hazards and Warning Markers is considered necessary to comply with the Council’s duty of care obligations under health and safety legislation and the legal obligations imposed on the Council as data controller, specifically Article 6(1)(c) and section 8(c) of the Data Protection Act 2018: Health and Safety at Work Act 1974.

The reasons for placing a warning marker on a person’s record should be clearly recorded, be factual, evidenced, authorised and reviewed. 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 marker. For example, a physical assault on a practitioner would warrant use of the marker, whereas an offensive comment may require other options to be considered in discussion with the line manager.

Recording / Processing of personal information may be necessary without the consent of the data subject (person who the information is about).

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 marker 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 marker may also lead to a substantial risk to staff or other individuals. In such cases advice should be sought from an Information Governance Specialist in the Information Resilience & Transparency Team.

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 ended when no longer applicable.

# 3. When should a warning marker be recorded

The following information is provided to assist in the process of deciding what constitutes an incident/risk where the recording of a Hazard would be valid. It is important to acknowledge that all staff will perceive and respond to threats and hazards differently so it is for this reason that a Service Manager (or equivalent) will make the decision, based on the facts that are presented to them. Examples include:

* physical assault
* threatening or aggressive behaviour
* unwanted physical contact including sexual overtures
* fear of reprisals on self or family
* feeling intimidated
* the presence of syringes without medical explanation and evidence

In addition to the current hazard categories, a new hazard type of “concerns that a person may be a risk to children” has been added due to a change in the Prison Service’ process around persons who pose a risk to children. The Prison Service will provide more information on an individual to enable ICS to incorporate information into their assessment and assess if the individual is a person who ‘poses a risk’. More information can be found in the table on page 8.

In addition, warning markers will be added for the following:

* An individual is being managed via Multi Agency Public Protection Arrangements (MAPPA) because they are a medium or high risk to the public
* An individual has been flagged at a Multi-Agency Risk Assessment Conference MARAC as a perpetrator of domestic abuse (medium or high risk)
* Individuals who pose a Risk to Children (see 4.2.1)

# 4. Process for adding a Hazard to EMH and LIBERI

Following a serious incident, or when it is decided that a hazard should be recorded, the process outlined within the System User Guide for recording Risks and Hazards on EHM and Liberi should be followed. **A discussion regarding the hazard should take place with the Service Manager (or equivalent) *before* the hazard is added.**

The following warning markers have restricted access in terms of who can add or view the detailed information to ensure they are added in accordance with set procedures, but the warning markers (lozenge) are visible to all users.

**Persons who Pose a Risk to Children**, Indicators of people who may pose a risk to children include:

* Those found guilty of an offence that indicates future risk as opposed to past convictions.
* Individuals known to have been cautioned / warned / reprimanded in relation to an offence against children including child sexual exploitation convictions.
* Individuals against whom there is a previous finding in civil proceedings, for example Sex Offender Order or care proceedings.
* An individual who has admitted past abuse of a child.
* Others whose past or present behaviour gives rise to a reason to suspect that a child may be suffering or likely to suffer significant harm e.g., a history of domestic violence and other serious assaults.
* Where there is significant multi-agency professional concern based on assessment that they potentially pose a risk. This group will require rigorous scrutiny by a manager and any decisions must be clearly recorded with reasons for this professional judgement.
* Offenders against adults who are notified to the local authority, because the prison or probation services are concerned about the possible risk to children.

**Involvement of the Local Authority Designated Officer (LADO)**. This information can only be recorded and viewed by the LADO Service only.

**Multi-Agency Risk Assessment Conference (MARAC) and Multi-Agency Public Protection Arrangements (MAPPA).** Access to record and view this information is restricted and recording in line with the MARAC and MAPPA procedures.

# 5. Maintenance and Review of Hazards and Warning Markers

A warning marker is intended to alert colleagues now, or in the future, that an individual may present a risk. It is therefore important that, where subsequent involvement with Integrated Children’s Services indicates risk is reduced, warning markers are reviewed and not left on records for lengthy periods. Ended hazards and warning markers will be displayed with a strikethrough on the appropriate lozenge.

**Hazards on open cases**: Every six months an automated system generated task to review the hazard will go to the current case holder. If a decision is made that the hazard is no longer relevant or appropriate, then the Hazard can be ended. It is good practice for the allocated case worker to review any open Hazards during the case closure process. When hazards are ended the HAZ lozenge will continue to be displayed but will have strikethrough to denote that there is an end date.

**Hazards on closed cases**: The CYPE Management & Intelligence Team will review any cases where there has been no involvement with Integrated Children’s Services with any family member in the last 5 years. If there is no evidence to substantiate the retention of an open hazard an end date will be added. The process has been approved by the ICS Divisional Management Team.

**Persons who pose a risk to children**. These risks will remain open due to the risk of involvement with vulnerable families in the future and given the criteria against which these are applied there is no requirement to review these warning markers. They will be ended upon the date of death or 75 years from the date of caution/conviction.

**Local Authority Designated Officer (LADO).** If there is an active involvement with the LADO service the lozenge will remain as a warning marker. This will appear with a strike through once LADO involvement has ended. Information regarding LADO involvement will remain for forty years following the referral. At which point this information will be deleted

**Multi-Agency Risk Assessment Conference (MARAC) and Multi-Agency Public Protection Arrangements (MAPPA).** These warning markers **should only be recorded against adults** and **not children** in the household and will remain open whilst there is ongoing activity with the multi-agency groups and will appear with a strike through once this involvement has ended. MAPPA warning markers will be retained with the record for 75 years after the last review meeting, and MARAC retained for 12 years from the date of closure in line with Kent County Council’s Retention Schedule.

All staff within Integrated Children’s Services have a responsibility to follow this guidance.

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| **Risk/Hazard** | **Review Timescale** | **Ending of Risk/Warning Marker** | **Additional Notes** |
| **Risk to Children** – to be used when the person has been convicted of an offence against a child. | Not applicable | To be ended on date of death or 75 years from the date of caution/  Conviction, whichever is the earliest | Given the level of risk these warning markers will remain open.  Detailed Information regarding the risk is shielded from the general user population and can only be viewed by Team Manager roles and above.  Maintenance of this data is restricted to the Management Information & Intelligence. |
| **Multi-Agency Public Protection Arrangements (MAPPA)** identify the person as presenting a significant risk of harm to children or other adults. | Every 3 months | To be ended when decision made that there is no longer a risk | Retention period is 75 years from latest MAPPA review meeting. |
| **Multi-Agency Risk Assessment Conference (MARAC)** identify the person as presenting a risk of significant harm to another adult or adults. | Every 3 months | To be ended when decision made that there is no longer a risk | Recorded on perpetrator only. Retention period is 12 years from closure.  MARAC risks should be recorded against adults and not children in the household  Children in the household to have hazard of “associated to potentially violent individual” recorded. |
| **Allegations** | Not applicable |  | Input to this section has been deactivated. The LADO workspace is used for all allegations. |
| **Hazards** – should be used when a person’s behaviour 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. The following categorisation of Hazards is available:   * Aggressive Pets * Associated to a potentially violent individual * Associated to individual who poses a risk to children\* * Child/Young Person who is potentially violent * Hazard notified by other LA * Potentially Hazardous Home Environment * Potentially Violent Individual * Concerns that a person may be a risk to children\*\* | Every 6 Months (excluding\*) | To be ended when no longer relevant, or 5 years after the last involvement with any family member.  For those “associated to individual who poses a risk to children” the risk should be ended when there is no longer any perceived risk to either that person, or their family/ associates.  \*\*For those “concerns that a person may be a risk to children” no end date will be required, and the hazard should be ended when it is determined the person is or is not a risk to children. If the risk has been determined a risk to children lozenge should be added. | For open cases the review will be created as a task for the allocated case worker.  For closed cases the review date will extended in six monthly intervals by Management Information & Intelligence. |
| **Offences** | Not applicable |  | This section is not in use |