



# **Durham Safeguarding Adults Partnership**

## Information Sharing Agreement

Revised August 2022

Issued January 2023

# Information Sharing Agreement

## Durham Safeguarding Adults Partnership

### Scope

This Durham Safeguarding Adults Partnership agreement has been developed with the organisations listed below to ensure information is shared lawfully, appropriately and in compliance with best practice.

### Name of Lead(s)

Heidi Gibson.

Durham Safeguarding Adults Partnership Business Manager.

### Organisations/parties to which this agreement applies

Care Quality Commission<sup>1</sup>

County Durham and Darlington Fire and Rescue Service

County Durham and Darlington NHS Foundation Trust

Dept. of Work and Pensions

Durham Constabulary

Durham County Council

Durham Safeguarding Adults Partnership

His Majesty's Prison and Probation Service (County Durham and Darlington Probation Delivery)

His Majesty's Prison and Probation Service (HMP & YOI Deerbolt, HMP Durham, HMP Frankland, HMP Low Newton)

NHS England<sup>2</sup>(via a Memorandum of Understanding (MoU) with NENC NHS ICB)

North East Ambulance Service NHS Foundation Trust (via a MoU with NENC NHS ICB)

North East and North Cumbria NHS Integrated Care Board (NHS NENC ICB)

Tees, Esk and Wear Valleys NHS Foundation Trust (TEWV).

### Related documents

Overarching North-East Multi Agency Information Sharing Agreement.

### Agreement effective from

5<sup>th</sup> January 2023

### Monitoring and review process

To be reviewed every 2 years.

### Date for next review

August 2024

### Version number

02

### DSAP reference number

DSAP/P003

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<sup>1</sup> [The Care Quality Commission have a range of Information Sharing Agreements in place covering the sharing of sensitive data with other organisations and in line with the necessary security requirements.](#)

<sup>2</sup> See also [NHS Constitution](#) and [Your Health Records](#)

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## 1. Overview

This agreement provides the framework for collaborative working in relation to information sharing and calls for a positive approach from signatories, Durham Safeguarding Adults Partnership members and providers in respect of safeguarding services, with a focus to prevent and protect adults at risk.

Durham Safeguarding Adults Partnership is established in accordance with the Care Act 2014 Schedule 2 and is the mechanism for ensuring effective coordination of safeguarding services and for the scrutiny of those arrangements. This includes commissioning of multi-agency Safeguarding Adult Reviews and where agreed any subsequent publication.

Statutory core partners of Durham Safeguarding Adults Partnership (DSAP) as outlined within Schedule 2 of the Care Act 2014 are:

- Durham County Council (Chief Executive)
- North East and North Cumbria NHS Integrated Care Board (Executive Chief Nurse)
- Durham Constabulary (Chief Officer)

## 2. Relevant Agencies

Durham Safeguarding Adults Partnership includes membership of wider relevant agencies with a responsibility for preventing and protecting adults from abuse or neglect and promoting wellbeing. Each of these agencies may contribute to the work of DSAP through a variety of forums which includes representation at board meetings, working groups, partnership development sessions, and time-limited working groups. Relevant partners (not exhaustive<sup>3</sup>):

- AGE UK County Durham
- Care Quality Commission (CQC)
- County Durham and Darlington Fire and Rescue Service (CDDFRS)
- County Durham and Darlington NHS Foundation Trust (CDDFT)
- Department of Work and Pensions (DWP)
- Durham Community Action (DCA)
- Healthwatch
- His Majesty's Prison and Probation Service - County Durham and Darlington Probation Delivery
- His Majesty's Prison and Probation Service (HMP & YOI Deerbolt, HMP Durham, HMP Frankland, HMP Low Newton)
- NHS England (NHSE)
- North East Ambulance Service NHS Foundation Trust (NEAS) and via a Memorandum of Understanding
- Tees, Esk and Wear Valleys NHS Foundation Trust (TEWV)
- The Local Authority Adult and Health Services
- The Local Authority Children and Young Peoples Service

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<sup>3</sup> A comprehensive record is kept of organisations signed up to this agreement and is held by the local DSAP support function.

- The Local Authority Housing Solutions
- The Local Authority Legal Services (as appropriate).

This agreement is mindful of the close working relationships required with wider partnerships including Durham Safeguarding Children Partnership (DSCP) and Safe Durham Partnership (SDP) to support the development of preventative strategies.

### 3. Safeguarding Adults

Section 43<sup>4</sup> of the Care Act 2014 outlines the responsibility placed upon local authorities to establish partnership arrangements to help and protect adults in its area in line with Section 42 of the Care Act 2014:

“Where the local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)

- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
- (b) is experiencing, or is at risk of, abuse or neglect, and
- (c) as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

The local authority must make (or cause to be made)

- whatever enquiries it thinks necessary
- to enable it to decide whether any action should be taken in the adult’s case... and, if so, what and by whom.”

DSAP achieves its functions by working with statutory and relevant partners in a coordinated way to ensure the effectiveness of its arrangements. DSAP is committed to assuring itself that local safeguarding arrangements act to help and protect adults in line with the DSAP vision, which encompasses the following key activity:

- A commitment to promoting the wellbeing and protection of adults who have needs for care and support.
- A commitment to work cohesively and collaboratively with a range of organisations and partners to prevent and protect adults from abuse and neglect.
- A commitment to monitor and analyse local information to learn from themes and support a preventative agenda.
- A commitment to communicate and share information with all relevant organisations under the umbrella of safeguarding to help to ensure adults and carers are safe.
- A commitment to monitor its working arrangements, challenge appropriately and scrutinise its arrangements through a range of relevant forums.

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<sup>4</sup> [Section 43 the Care Act 2014.](#)

## 4. Safeguarding Adult Reviews

DSAP must arrange Safeguarding Adult Reviews (SARs) when an adult(s) in its area dies because of abuse or neglect whether known or suspected, or DSAP knows or suspects that the adult has experienced serious abuse or neglect, and there is concern that partner agencies could have worked more effectively to protect the adult. The aims of such reviews are not to apportion blame but to ensure that DSAP adopts and promotes a culture of continuous learning and improvement across its members. Fundamentally this includes working with agencies to learn from cases, identifying what works well and where improvement is needed. Each member of DSAP must co-operate in and contribute to the carrying out of a review under this section with a view to:

- (a) identifying the lessons to be learnt from the adult's case, and
- (b) applying those lessons to future cases.

When applying the learning from any such reviews there should be an ethos of promoting wellbeing, autonomy, and empowerment for adults with needs for care and support.

## 5. Information Requests

DSAP may request information to be supplied in order for DSAP to perform its functions, this includes Safeguarding Adult Reviews (SARs).

Any information supplied or disclosed must have regard to common and statute law, for example, defamation, the common law duty of confidence, and data protection legislation.

Disclosures of information will be:

- a) On a case-by-case basis;
- b) In line with related DSAP policy and guidance and relevant form requirements where requested (for example, Basic Information requests for Safeguarding Adult Reviews (SARs));
- c) Anonymised or pseudonymised wherever possible;
- d) Proportionate;
- e) With a minimum amount of information necessary to achieve the purpose;
- f) With those individuals who have a right to access the information/need to know.

Statutory, relevant, and wider organisations should cooperate, and be aware of their own individual responsibilities and operate in line with their own organisations' policy and guidance, and relevant information law. This includes having regard to the Information Commissioner's Office<sup>5</sup> guidance when issuing and responding to requests for information.

Extreme care and careful consideration should be taken where the disclosure of information includes third party information and particularly personal data relating to witnesses, victims, or complainants.

The person or persons to whom a request is made must comply with such a request in relation to a Safeguarding Adult Review.

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<sup>5</sup> <https://ico.org.uk/>

If there is reluctance from one partner to share information the matter should be referred to DSAP. It can then consider whether the concern warrants a request, under Section 45 of the Care Act, for the 'supply of information' (see Escalation Policy).

**All requests for information should be responded to in a timely manner (and related DSAP guidance where appropriate).**

Any agreed publication or sharing of information under the umbrella of the DSAP will be:

- a) Relevant
- b) Anonymised
- c) Proportionate
- d) Accurate
- e) Lawful

## 6. Legal Basis for Information Sharing

A number of Acts contain expressed or implied powers to share information for the purpose of safeguarding. The Act which is most relevant and gives the statutory framework under which DSAP operates is the Care Act 2014.

However, in sharing and disclosing personal information this must be done in compliance with other legislative provisions. Those which are most relevant include:

- Data Protection Act 2018 (DPA 2018)
- UK General Data Protection Regulations (UK GDPR)
- The Human Rights Act 1998
- The Common Law Duty of Confidence
- Criminal Procedures and Investigations Act 1996
- Crime and Disorder Act 1998
- Freedom of Information Act 2000
- Criminal Justice Act 2003
- Mental Capacity Act 2005
- Criminal Justice and Courts Act 2015

With regard to the personal information of living individuals, safeguarding is a task carried out both in the public interest and in the exercise of official authority vested in it. The lawful basis for processing information under the UK GDPR and the DPA 2018 are as follows:

### Article 6 UK GDPR

1 (d) - processing is necessary in order to protect the vital interests of the data subject or of another natural person or

1 (e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

In addition for special category data:

### Article 9 (UK GDPR)

2(h) – processing is necessary for medical purposes (includes preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health and social care systems and services)

For safeguarding purposes, information may also be processed under 2(c) – processing necessary to protect vital interests of data subject, Together with the 'safeguarding' exemption in the Data Protection Act 2018.

The relevant organisations are Data Controllers for their own information and each have the legal responsibility for ensuring that the confidentiality and integrity of the data are in compliance with the data protection legislation.

Data Protection Act 2018 (DPA)

Section 8 and Section 10 of the DPA 2018 provide equivalent processing conditions to those in the UK GDPR Schedule 3, Part 2, 2 (! And “), became applicable in May 2018.

A guide to accompany this Information Sharing Agreement, 'Good Practice Toolkit on Collaborative Working and Information Sharing between Professionals to protect Adults' is available via the webpage

[InformationSharingGoodPracticeToolkit.pdf \(safeguardingdurhamadults.info\)](https://www.durham.gov.uk/information-sharing-good-practice-toolkit.pdf)

Partners will be mindful of situations where allegations arise relating to 'People in positions of Trust' and in line with the DSAP Managing Allegations Policy and their own internal guidelines.

## 6.1 Deceased Persons' Records

The DPA 2018 does not apply to deceased individuals. The Access to Health Records Act 1990 addresses access to patient and health records when the patient is deceased. In other cases when considering whether to disclose information in relation to a deceased individual, the common law duty of confidence as established before death and the Human Rights Act 1998 must be considered.

## 7. Service User Considerations

### 7.1 Transparency

In accordance with Data Protection legislation, organisations should be open and transparent about how information is used and shared. This should be explained to adult(s) or their appropriate representative (e.g. family, advocate) at point of contact wherever possible or when seeking to gather data as part of a Safeguarding Adult Review process.

Privacy Statements/Notices will be available in line with each organisation's own policy and in accordance with relevant legislation, for example, DPA, UK GDPR.

In relation to Safeguarding Adult Reviews, a leaflet describing the process will be shared where appropriate.



## 7.2 Privacy and Confidentiality

Confidentiality is a 'duty' all partners and staff have when providing interventions and support, and in the administration of these services. All information covered by the Information Sharing Agreement will be held confidentially.

Information held by agencies may have been gathered where a duty of confidence is owed. Duty of confidence is not an absolute bar to disclosure, as information can be shared where consent has been provided or where the vital interests of the data subject are concerned and there is a strong enough public interest to do so and based on the professional's opinion.

All disclosures must be relevant, factual, and proportionate to the intended aim of the disclosure and must be fully documented.

## 8. Information Sharing Procedures and Processes

### 8.1 Methods of requesting and transferring information

Information will normally be exchanged electronically. Electronic exchange is the most secure and auditable means of exchanging information provided this is done using suitably secure technology. Standard e-mail, even with encryption, is not generally sufficiently secure to protect personal information.

Information should only be exchanged electronically by secure encrypted email.

Each organisation agrees to provide assurance of secure sharing and transfer (via e-mail) upon request of Durham Safeguarding Adults Partnership. Where secure encrypted email is not available, for example, an external service provider, organisations agree to ensure all appropriate steps in line with guidance are taken to ensure secure sharing and transfer of information.

Further information is available: <https://www.gov.uk/guidance/securing-government-email>

NHS Mail secure email guidance: [Guidance for sending secure email \(including to patients\) - NHS Digital](#)

DSAP secure contact email address is [sabsecured@durham.gov.uk](mailto:sabsecured@durham.gov.uk)

### 8.2 Storage Requirements

Each signatory to this agreement:

- will ensure storage of all paper and electronic records adheres to the UK GDPR and Data Protection Act 2018, Data Protection Act 2018 Storage limitation Principle Article 5(1)(e) and local and national information governance policies and codes of practice<sup>6</sup>.

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<sup>6</sup> [Records Management Code of Practice 2021 - NHS Transformation Directorate \(england.nhs.uk\)](#)

- will ensure that all information is transmitted safely and securely in compliance with the Data Protection Act 2018 Article 5(1)(f).
- is responsible for protecting the personal confidential data they process meeting the Data Protection Act 2018 and National Data Guardian's (health and social care) data security standards.
- must have in place governance agreements which comply with the UK GDPR and Data Protection Act 2018 in relation to information management and technology and adhere to the requirements.
- will ensure all staff complete Information Governance / Data Security and Protection training (in line with internal policy) and abide by all aspects of information rights legislation including Data Protection Act and Freedom of Information Act 2000.
- will adhere to the common law duty of confidentiality and have awareness of necessary policies, respecting patient/service user confidentiality at all times.

### 8.3 Accuracy of Information being shared

Data must be kept accurate and up-to-date in accordance with data protection legislation (Art 5(1)(d)) and the quality checking procedures within each organisation which are party to this agreement.

### 8.4 Retention and Disposal

Records will be retained and disposed of (where required) in accordance with data protection legislation and national and local/organisational guidelines.

Organisations must refer to their own internal policy and any locally agreed protocols<sup>7</sup>.

### 8.5 Individual Rights

Each organisation will follow their own procedures for data subject information rights access requests (UK GDPR Articles 12 to 23). This includes access to their personal data, right to rectify, object, erase etc. Where there are implications for more than one organisation then this will be subject to discussion and agreement by those organisations.

An Information Rights request to DSAP should be forwarded to Durham County Council's Data Protection Officer [dpo@durham.gov.uk](mailto:dpo@durham.gov.uk) to coordinate the appropriate response. When a partner organisation requires cooperation from DSAP to respond to Right of Access request they should contact the DSAP Business Unit Manager to ensure appropriate liaison with the Durham County Council's Data Protection Officer.

### 8.6 Freedom of Information Requests

DSAP is a statutory partnership in its own right set up under the Care Act 2014 and is not a public authority for the purposes of the Freedom of Information Act.

It is therefore exempt from the duty to provide information, although is minded to consider all requests in their own right.

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<sup>7</sup> [Records Management Code of Practice 2021 - NHS Transformation Directorate \(england.nhs.uk\)](#)

Where a DSAP partner which is deemed to be a public authority under the Act holds information for its own purposes, then it does so otherwise than on behalf of another person and the information held will be subject to the Act. However, partners in possession of DSAP minutes, documents, reports etc. are holding this information on behalf of 'another person' (DSAP) and they are therefore not liable to disclosure under a Freedom of Information request.

In all instances no records of DSAP meetings will be produced or shared without the express permission of the DSAP Chair. All requests should be submitted to the [DSAP Business Unit](#).

## 8.7 Data Breach Incidents

Data protection related breaches will be handled in accordance with data protection legislation, UK GDPR Article 33, and Information Commissioner's Office (ICO) guidance for reportable incidents and in accordance with the policies and procedures of each party who are part of this agreement.

If any data breaches occur as part of this information sharing agreement, the lead organisation where the breach took place must inform the relevant Data Protection Officers and reportable incidents must be reported to the ICO within 72 hours of the identified breach, or within 24 hours for significant breach. Where the data breach incident involves data from any of the other partner organisations the investigating officer should inform and consult the relevant organisation(s). Lessons learnt from the investigation will be shared with the DSAP and relevant partners and where appropriate.

[Personal data breaches | ICO](#)

## 9. Managing Professional Differences and Escalation policy

Collaborative working often involves good interagency work and timely information sharing. It is good practice for the DSAP to outline its policy for dealing with conflict or barriers to information sharing. It is helpful to provide information to statutory and relevant partners of what to do when it is felt collaborative working is not effective or there are professional differences and challenge has not resolved the matter.

Where professionals or practitioners have a concern about a decision made by a member of staff in another organisation or team, that concern should be followed up adopting an approach of professional challenge.

Professional challenge is a sign of good professional practice and responsibility. All agencies and services should promote a culture which encourages constructive challenge within and between organisations, and which welcomes different professional perspectives, acknowledging the important role that challenge can play in safeguarding adults.

Safeguarding Adult Reviews (SARs) continue to draw attention to the importance of interagency communication. Some Safeguarding Adult Reviews have identified an apparent reluctance to challenge interagency decision-making, and concerns that were not followed up with robust professional challenge. If appropriate challenge had taken place, it may have altered the professional response and the outcome for the adult at risk. The

learning from a range of reviews is fundamental to ensuring that effective information sharing continues to take place across our partnership arrangements.

All agencies may encounter difficulties from time to time when they are working with adults at risk of abuse or neglect, and need the co-operation, involvement and information from other agencies or organisations. These organisations may also include any provider who has contractual obligations with statutory organisations for example, care settings.

The DSAP introduced an escalation policy following the learning from a previous local Mental Health Homicide Review. The DSAP has revised its guidance offering further advice and support for professionals and practitioners to raise and/or escalate differences of opinion and/or disagreements between agencies.

Organisations, professionals, and practitioners can raise professional differences through the DSAP Managing Professional Differences procedure which outlines an escalation process when those situations may arise within the safeguarding adults arena.

A copy of the procedure is available on request via the [sabbusinessunit@durham.gov.uk](mailto:sabbusinessunit@durham.gov.uk)

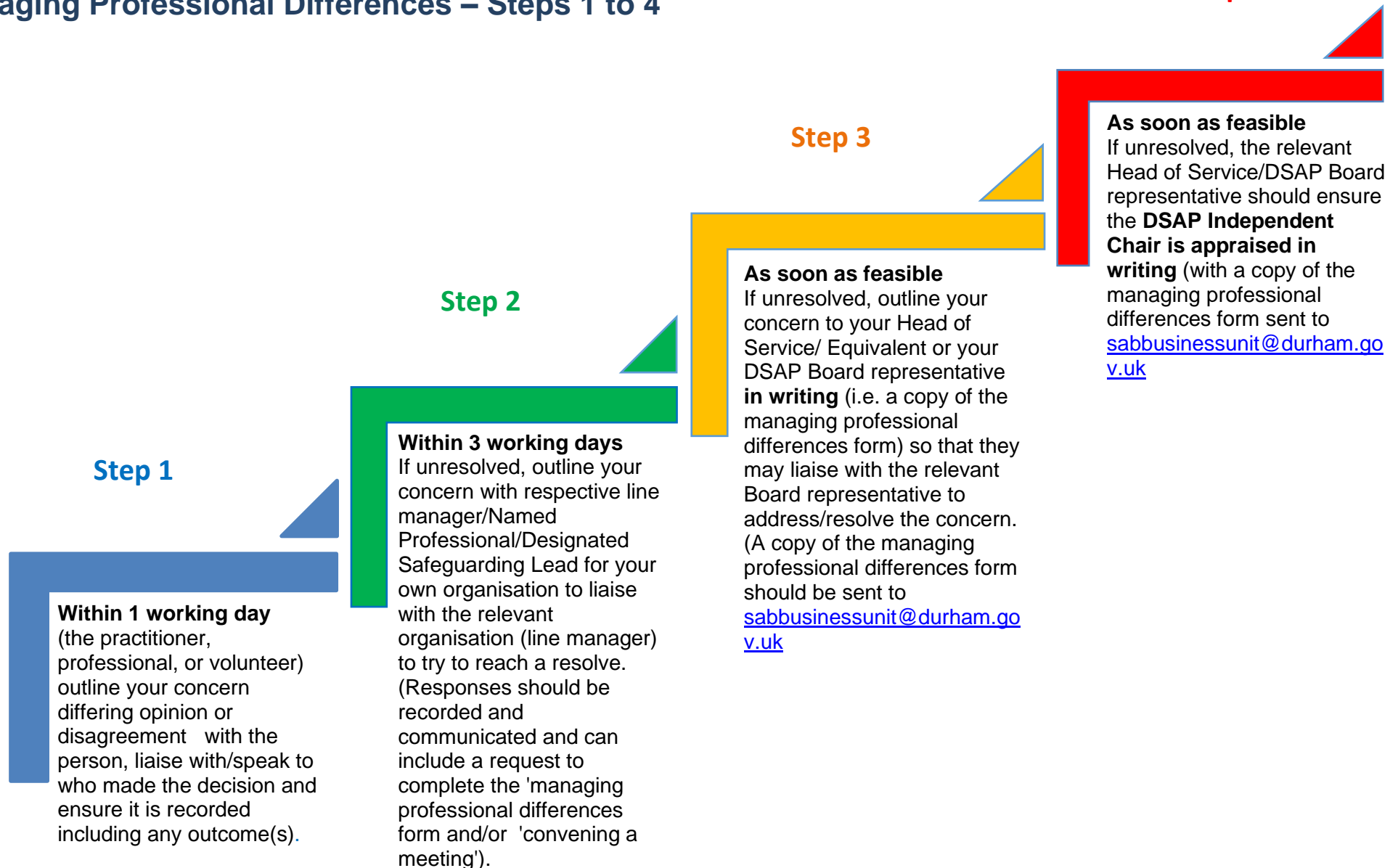
For concerns relating to information sharing for children refer to the Durham Safeguarding Children Partnership Information Sharing Agreement and guidance.

Every attempt should be made to resolve issues at a local, operational level, as outlined above by adopting a professional challenge approach.

The escalation model is shown overleaf. Where attempts have been made to resolve matters informally, any organisation can invoke the Managing Professional Differences procedure and escalation route as shown overleaf.

# Managing Professional Differences – Steps 1 to 4

Step 4



## 10. Contacts List for this agreement

Note: All signatories to this agreement shall do so with oversight and agreement from the relevant Data Protection Officer/Information Governance and Service Leads.

### **Durham County Council**

Officer name: Lawrence Serewicz, Information and Records Manager

Contact email: [Lawrence.serewicz@durham.gov.uk](mailto:Lawrence.serewicz@durham.gov.uk)

### **North East and North Cumbria NHS Integrated Care Board**

Officer name: Liane Cotterill, Senior Governance Manager & Data Protection Officer

Contact email: [necsu.ig@nhs.net](mailto:necsu.ig@nhs.net)

### **Durham Constabulary**

Officer name: Leigh Davison, Head of Information Rights and Disclosure Unit

Contact email: [leigh.davison@durham.police.uk](mailto:leigh.davison@durham.police.uk)

### **County Durham and Darlington Fire and Rescue Service**

Officer name: Jon Bell, Information Services Manager

Contact email: [Jon.Bell@ddfire.gov.uk](mailto:Jon.Bell@ddfire.gov.uk) or [ServiceHQ@ddfire.gov.uk](mailto:ServiceHQ@ddfire.gov.uk)

### **County Durham and Darlington NHS Foundation Trust**

Officer name: Lisa Natrass, Head of Data Security and Protection

Contact email: [cddft.dataprotectionofficer@nhs.net](mailto:cddft.dataprotectionofficer@nhs.net)

### **Tees, Esk and Wear Valleys NHS Foundation Trust**

Officer name: Andrea Shotton, Head of Information Governance Digital and Data Services

Contact email: [andrea.shotton@nhs.net](mailto:andrea.shotton@nhs.net)

### **His Majesty's Prison and Probation Service (HMP YOI Deerbolt, HMP Durham, HMP Frankland, HMP Low Newton)**

Officer name: Gavin Arneil, Group Safety Lead, North East Prison Group

Contact email: [gavin.arneil@justice.gov.uk](mailto:gavin.arneil@justice.gov.uk)

Group email: [PGDNorthEast@justice.gov.uk](mailto:PGDNorthEast@justice.gov.uk)

### **HMPPS - County Durham and Darlington Probation Service North East**

Officer name: Kate Hughes, Information Assurance Officer

Contact email: [Kate.hughes1@justice.gov.uk](mailto:Kate.hughes1@justice.gov.uk)

### **North-East Ambulance Service NHS Foundation Trust** (via a Memorandum of Understanding refer to NHS NENC ICB above)

Officer name: Seema Srihari, Information Governance lead

Contact email: [Seema.Srihari@neas.nhs.uk](mailto:Seema.Srihari@neas.nhs.uk) or [Information.Governance@neas.nhs.uk](mailto:Information.Governance@neas.nhs.uk)

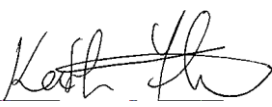
Any queries related to this document, or the content should be sent to

**Durham Safeguarding Adults Partnership** - [sabbusinessunit@durham.gov.uk](mailto:sabbusinessunit@durham.gov.uk)

## **Information Sharing Agreement**

## 11. Signatories

### Organisation: Durham County Council

Signature: 

Date: 13 December 2022

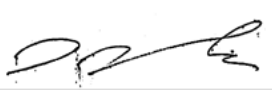
Name: Keith Forster

Job title: Service Manager Operational Support (Caldicott Guardian)

Telephone number: 03000 267 396

Email address: [keith.forster@durham.gov.uk](mailto:keith.forster@durham.gov.uk)

### Organisation: North East and North Cumbria NHS Integrated Care Board

Signature: 

Date: 15 December 2022

Name: David Purdue

Job title: Executive Chief Nurse

Telephone number: 07775 41 04 32

Email address: [david.purdue@nhs.net](mailto:david.purdue@nhs.net)

### Organisation: Durham Constabulary

Signature: 

Date: 16 December 2022

Name: Nicola Lawrence

Job title: Detective Superintendent

Telephone number: 101 (Durham)

Email address: [Nicola.Lawrence@durham.police.uk](mailto:Nicola.Lawrence@durham.police.uk)

### Organisation: County Durham and Darlington NHS Foundation Trust

Signature: 

Date: 1 December 2022

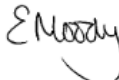
Name: Jeremy Cundall

Job title: Executive Medical Director (Caldicott Guardian)

Telephone number: 01325 380100

Email address: [j.cundall@nhs.net](mailto:j.cundall@nhs.net)

**Organisation: Tees, Esk and Wear Valleys NHS Foundation Trust**

Signature: 

Date: 7 December 2022

Name: Elizabeth Moody

Job title: Director of Nursing and Governance & Deputy Chief Executive (Caldicott Guardian)

Telephone number: 0191 3336533

Email address: [elizabeth.moody1@nhs.net](mailto:elizabeth.moody1@nhs.net)

**Organisation: County Durham and Darlington Fire and Rescue Service**

Signature: 

Date: 28 November 2022

Name: Keith Carruthers

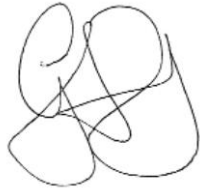
Job title: Director Community Risk Management

Telephone number: Office: 0191 375 5564

Email address: [keith.carruthers@ddfir.gov.uk](mailto:keith.carruthers@ddfir.gov.uk)

**Organisation: His Majesty's Prison and Probation Service (HMP and YOI Deerbolt, HMP Durham, HMP Frankland, HMP Low Newton)**





Signature:

Date: 5 January 2023

Name: Gavin Arneil


Job title: Group Safety Lead, North East Prison Group

Telephone number: 07951859934

Email address: [gavin.arneil@justice.gov.uk](mailto:gavin.arneil@justice.gov.uk)

Group email [PGDNorthEast@justice.gov.uk](mailto:PGDNorthEast@justice.gov.uk)

**Organisation: HMPPS – County Durham and Darlington Probation Service North East**

Signature: 

Date: 29 November 2022

Name: Karen Blackburn

Job title: Head of County Durham and Darlington Probation Service North East

Telephone number: 0191 336 2208

Email address: [karen.blackburn@justice.gov.uk](mailto:karen.blackburn@justice.gov.uk)