

## Children's Social Care - Privacy Notice (How we use your information)

### Our commitment to you...

We are committed to ensuring that the personal and sensitive information that we hold about you is protected and kept safe and secure.

We are a service that has a legal responsibility to safeguard children. The service is made up of:

- Multi Agency Safeguarding Hub (MASH)
- Locality Teams who work with families in a specific area of Sefton
- Community Adolescent Service (CAS) who support adolescents and their families
- Corporate Parenting Team who support children who are 'looked after' by Sefton Council
- Fostering Service who support Sefton's Foster Carers.
- Independent Reviewing Service

### Why we collect and use this information

We use your personal information primarily to provide advice and guidance, assessments, services, support and safeguarding for children and their families to better meet the needs of the children and families and to provide the help that they require as early as possible. We also use your information to:

- support these children and monitor their progress
- provide them with pastoral care
- assess the quality of our services
- evaluate and improve our policies on children's social care.

### The categories of information that we collect, process, hold and share:

- Personal information (such as name, date of birth and address)
- characteristics (such as gender, ethnicity and disability)
- information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- children and young people who are subject of a Multi-Agency Child Exploitation Plan (MACE Plan)
- episodes of being looked after (such as important dates, information on placements)
- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- adoptions (such as dates of key court orders and decisions)

- care leavers (such as their activity and what type of accommodation they have)
- Relevant medical information, special educational needs information, behavioural information.

## The lawful bases on which we use this information

We collect and process information about children in our care and children to whom we provide services under the UK General Data Protection Regulation and Data Protection Act 2018. Sefton Council collects and uses this information in accordance with duties and obligations in law; and powers given to Local Authorities (Councils).

The following categories of lawfulness apply:

- 6(1)(a) Consent of the data subject
- 6(1)(b) Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- 6(1)(c) Processing is necessary for compliance with a legal obligation
- 6(1)(d) Processing is necessary to protect the vital interests of a data subject or another person
- 6(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 controller

You will be informed at the point your personal data is collected which lawful basis applies to the processing. When the Council uses information to take protective actions i.e. to safeguard a child or young person, the Council is obliged by law to do this and does not require your consent.

Where we process any of your personal data that is classed as 'special category' data, such as ethnicity or health, the lawful basis we rely on for this processing is Article 9 (2)(h) of the UK General Data Protection Regulation – for the purposes of health or social care, or treatment or the management of health or social care systems.

There are a number of pieces of legislation which place duties on the Council to carry out the work that we do in Children's Social Care. These include but are not limited to:

- The Children Act 1989, 2004
- The Health & Social Care Act 2012
- The Health and Social Care (Safety and Quality) Act 2015
- The Education Regulations 2013
- The Children and Social Work Act 2017
- The Care Act 2014
- The Mental Capacity Act 2005
- Mental Health Act 1983
- Local Safeguarding Children & Adults Boards Regulations 2006 (SI 2006/90)
- The Localism Act 2011
- The Crime and Disorder Act 1998
- The Welfare Reform Act 2012
- The Childcare Act 2006
- The Equality Act 2010

## Collecting information

Whilst the majority of children looked after information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

## Storing this information

Your information is stored securely on database and document management systems with stringent access and use policies. We also undertake quality checks and monitoring to ensure the information we hold is accurate at the time and being used appropriately.

We have a legal responsibility to keep records of our involvement with children referred to Social Care.

- When an assessment has been undertaken and your child is not deemed to be in need, we keep records of the assessment for 7 years.
- When a child has been subject of a Child in Need Plan, we keep records of our involvement for 10 years.
- If your child is subject of a Child Protection Plan, or if your child becomes 'looked after', we keep records of our involvement until the 75<sup>th</sup> anniversary of your child's 18<sup>th</sup> birthday.
- If your child is adopted, we have a responsibility to keep records of our involvement until 100 years after the date of the Adoption Order.

## Who we share this information with

Where appropriate, the social worker who meets with you to undertake an assessment will ask for your consent to share information about your child and family with agencies involved with your family. We will only share information about your child and family with other agencies without your consent if there is evidence that your child is at risk of/or subject to significant harm, due to our legal responsibility to safeguard children from harm.

We may sometimes share the information we have collected about you where it is necessary, lawful and fair to do so. In each case we will only share the minimum amount of information necessary, for the following reasons:

- Safeguard vulnerable children and young people
- Develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice

We may also share your personal information with your family and public bodies and other organisations, in particular:

- NHS and other health agencies
- Education providers (schools and colleges)

- District councils
- Voluntary agencies providing services
- Police
- Courts and other judicial agencies
- Probation
- Youth Offending Team
- Other central government agencies including government bodies responsible for providing funding for eligible services e.g. the Troubled Families Programme (payment by results)
- Other public authorities
- Department for Education (DfE) in respect of children in need and looked after children to help the DfE develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice. For more information about the data collection requirements placed on us by the DfE go to [looked after children](#) or [children in need](#) on GOV.uk.

We share this information without your specific consent as it is reasonable and necessary to do so to fulfil our public tasks or it is otherwise in the substantial public interest to do so. The law imposes safeguards to protect your privacy in these circumstances.

We will also share your information, subject to contractual and other legal safeguards, with organisations commissioned to provide services to you and other, for example, Sefton Women and Children's Aid (SWACA), who work with victims of domestic abuse and VENUS who support families whose children are subject of a Child in Need Plan and mothers, whose children have previously been removed from their care. Finally, we may also share your information across different departments of the Council, where it is necessary for our public tasks or functions to do so.

The information is stored electronically, on the Council's records management system, known as Liquid Logic. Additionally, information is securely stored in other media, including email accounts and in paper files.

We do not make automated decisions about you and your children.

## Data collection requirements

We share children in need and children looked after data with the Department for Education (DfE) on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

This data sharing helps to develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice.

We do not share information about our children in need or children looked after with anyone without consent, unless the law and our policies allow us to do so.

To find out more about the data collection requirements placed on us by the

Department for Education go to:

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

## Requesting access to your personal data

Under data protection legislation, parents, carers and children have the right to request access to information about them that we hold. Please contact your social worker for further information.

To make a request for your personal information held in closed social care files, contact the Access to Files Officers on 0345 140 0845 or use the link on our website:

[Access to Personal Files \(sefton.gov.uk\)](https://www.sefton.gov.uk/access-to-personal-files)

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed and
- right to data portability in certain circumstances
- The right to lodge a complaint with the supervisory authority (the Information Commissioner's Office)

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance. Alternatively you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Your right to make a complaint

Details about how you can make a complaint can be accessed via the website

<https://www.sefton.gov.uk/your-council/plans-policies/corporate/complaints-and-whistleblowing/complaints>

## Contact

If you have any questions or would like to discuss anything in this privacy notice, please contact the Children's Social Care Information Asset Owner via e mail:

[safeguardingunitadmin@sefton.gcsx.gov.uk](mailto:safeguardingunitadmin@sefton.gcsx.gov.uk)

Sefton's Data Protection Officer can be contacted at:

Telephone: 0345 140 0845

email [info.information@sefton.gov.uk](mailto:info.information@sefton.gov.uk)