



Safeguarding Children in Brighton & Hove

The Local Authority Designated Officer (LADO) Privacy Notice

Legal basis and compliance

This notice explains what personal data (information) the LADO holds about you, how this is collected and stored, and how it may be shared.

Brighton & Hove city council is a data controller for purposes of the Data Protection Act (2018) and the EU General Data Protection Regulation (2018) is registered as a data controller with the Information Commissioner's Office (ICO) under registration number Z5840053. [Brighton and Hove Privacy and Data](#)

Brighton & Hove City Council is committed to protecting your personal information. As a data controller, it has a responsibility to make sure you know why and how your personal information is being collected in accordance with relevant data protection law.

The Council collects and use your personal information to comply with our legal obligations, and to carry out tasks in the public interest. The primary laws that govern how Brighton & Hove City Council collects and uses personal information (known as "Data") about you are;

[General Data Protection Regulation \(GDPR\)](#) [Data Protection Act \(DPA\) \(2018\)](#)

With reference to Article 6, 1(c) [Legal Obligation] and Article 9, 2 (g) [Substantial Public Interest] within the GDPR, and Schedule 1, Part 2, Para 18 [Safeguarding of Children and Individual at Risk] within the DPA.

The lawful basis for collecting your data

We have a lawful basis for collecting this data as it is considered necessary as there is a legal obligation under;

[The Children Act 1989](#) [The Children Act 2004](#) [Working Together to Safeguard Children 2018](#)

The Local Safeguarding Children's Board procedures provide the following additional guidance;

Allegations Management Procedures

Working Together to Safeguarding Children 2018, People in positions of trust; (Chapter 2 Paragraph 4.) requires the council to;

Have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

Paragraph 5. Local authorities should, in addition, have designated a particular officer, or team of officers (either as part of local multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people who work with children.

The council has a statutory responsibility to have a Local Authority Designated Officer (LADO) who is responsible for co-ordinating the response to concerns that an adult who works with, cares for or volunteers with children, may have caused them or could cause them harm. The Local Authority Designated Officer (LADO) works within Children's Services and gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people.

What personal information is collected and used

Information which is relevant to individual cases which may include, but is not limited to, the following personal data;

- personal information (such as name, address, contact details, date of birth, gender).
- special category (sensitive) (such as ethnicity, religious or other beliefs, disability, physical and mental health, police investigations, criminal offences/proceedings, outcomes and sentences).
- details of family relationships, including those of extended family.
- information gathered during child protection processes (during Section 47 enquiries/investigations and Child Protection Conferences), or for Children Looked After Children.
- details relating to paid or voluntary employment.

How is your information stored?

The LADO maintains a secure, restricted, and confidential database and electronic files.

Why we collect your data

The LADO processes personal information to undertake the following;

- Provide advice and guidance to employers, or voluntary organisations, to enable them to safeguard children.
- Co-ordinate the safeguarding and investigative process in response to concerns and allegations about an adult in a position of trust, including liaising with police and other agencies.
- Monitor the progress of investigations to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
- Inform professional and regulatory bodies such as Ofsted, the Disclosure and Barring Service (DBS), the General Medical Council, the Teaching Regulation Agency, the Nursing and Midwifery Council, the Care Quality Commission, or the Charity Commission.
- To ensure that each case is being dealt with expeditiously and that there are no undue delays.
- To identify any repeat patterns of behaviour and ensure that measures are in place to prevent further harm or abuse.
- To ensure accurate information is used in response to any future concern or allegation, in order to prevent unnecessary re-investigation.
- To provide clarification in cases where DBS checks reveal information from the police about an allegation that did not result in a criminal conviction.
- To assist in monitoring and recording the progress of each case.
- To disseminate any learning to employers and organisations and to determine whether there are any improvements to be made to the organisation's procedures or practice.
- To assist the LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations.
- To provide statistical information e.g. to the Department for Education as required.

Who is your data shared with?

Depending on the individual circumstances of each situation, the LADO may have to share information with other organisations in order to safeguard children. This may include but are not limited to;

- Children's social care if a child is considered to be at risk of harm, or to improve outcomes for children and young people.
- Commissioned providers of Local Authority services (such as Independent Foster Care Agencies, Children's Homes, Semi-Independent Accommodation Providers, Supported Lodgings Providers, Residential Special Schools and Secure accommodation).
- Police and law enforcement agencies if a crime is suspected.
- Other Local Authorities.
- Education settings including Early Years, maintained, academies, private, independent and unregistered schools.

- NHS England
- Employers, including voluntary and charitable organisations.
- Regulatory and professional bodies.
- The Crown Prosecution Service.

How long are records held?

Records are normally kept at least until the individual reaches normal retirement age or for 10 years if longer. For example, if an allegation is against a female aged 57yrs, whose retirement age is 60yrs, the file would be retained until they are aged 67yrs.

Retention periods may be subject to any legal holds imposed under the Inquiries Act 2005 that may concern the information and override standard retention periods. Currently records are preserved which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA).

Transferring data outside the European Economic Area

Your data will not be transferred outside the European Economic Area.

Your Information Rights

You are entitled to a copy, or a description, of the personal data held that relates to you, subject to lawful restrictions. Please contact the data protection team to inquire about making a Subject Access Request, on 01273 295 959 or email data.protection@brighton-hove.gov.uk.

The council also has a Data Protection Officer. Find out how to [contact the Data Protection Officer](#).

Whilst we would prefer that you contact us first with any concerns that you might have, you can also contact the Information Commissioner's Office. The ICO is the national regulator with responsibility for ensuring compliance with data protection.

The ICO can be contacted:

- on their website
- by phone: 0303 123 1113
- by post: Wycliffe House, Water Ln, Wilmslow SK9 5AF

For further information about your rights, including the circumstances in which they apply, please follow the link for further guidance from the [Information Commissioner's Office \(ICO\)](#) on individuals' rights under GDPR.