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Information Sharing – What's the Problem?

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#NTC2022

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Why do we need it?

- Information is the foundation of good decision making by Members and Officers and ensures the duty to protect the public
- All decisions are made on the balance of probabilities
- All decisions need to be Wednesbury reasonable using all relevant and no irrelevant information
- Is so then decisions will be 'robust and according to law'
- Achieving that means a degree of appeal proofness
- Same for both decisions on merits of application and departure from policy or guidance
- Essential for establishing the reasons for any decision as well

NEED TO KNOW

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Where does it come from?

'Legitimate' or 'Official' sources;

- Common Law Police Disclosure**
How does it work? Does it work? Urgent Pressing Social Need?
- Disclosure and Barring Service**
How does it work? Does it work? Current problems!
- The 'Applicant' or 'Driver'**
Willing disclosure or admission

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Where might it also come from?

More 'informal' or less 'recognised' sources

- LADO
- PROTOCOLS
- COMPLAINTS
- REPORTS
- WHISTLE BLOWING
- CASE RECORDS
- DRIVER RECORDS/NR3

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A Rebalance Required?

Why do we need to know?

An individual has a right to private life don't they?

Where does the balance currently lay?

Is that right?

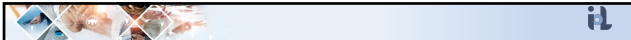
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Local Authority Designated Officer (LADO)

- Local authorities should, in addition, have designated a particular officer, or team of officers (either as part of local multiagency arrangements or otherwise), to be involved in the management and oversight of allegations against people who work with children. Any such officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example, qualified social workers. Any new appointments to such a role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay
- Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children 2018 UK Government available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf


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Local Authority Designated Officer (LADO)

- The role of the LADO (or Designated Officer) is set out in Working Together to Safeguard Children (2018) (Chapter 2 Paragraph 4) and is governed by the Local Authorities duties under section 11 of the Children Act 2004.
- The Officer LADO is responsible for managing allegations against adults who work with children. This involves working with police, children's social care, employers and other involved professionals. The LADO does not conduct investigations directly, but rather oversees and directs them to ensure thoroughness, timeliness and fairness. Ordinarily, to ensure impartiality, the LADO will not have direct contact with the adult against who the allegation has been made, or the family of the child/children involved but will, as part of their role ensure that these have information regarding outcomes.

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Local Authority Designated Officer (LADO)

- The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, local authority children's social care, the school or college, or a combination of these. (Para 370 "Keeping Children Safe in Education" Department for Education Sept 2022)
 - How much is this understood?
 - Has it been explained to District Authorities by the County?
 - Is it clear within all sections of unitary authorities?
 - Where does Licensing fit in?

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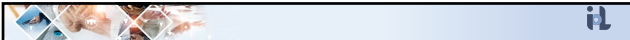


Data Protection Act 2018

- **This is not a complete barrier to information sharing**
- **However you must be clear of the basis for information sharing**
- **S31 "The law enforcement purposes"**
- For the purposes of this Part, "the law enforcement purposes" are the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.


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Data Sharing Protocols

- Essential to ensure compliance with the DPA 2018
- Also to enable offices to have a simple guide to sharing information
- Should be easily available
- Should make it clear that in appropriate circumstances, information can be shared, including personal information.

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Conclusions?


As a society we need to decide which is more important: privacy or public safety

Who should decide that balance? Parliament? The Courts? The Police?

Many people give a lot of personal information away freely

Is this understood?

Once given away, can it be used?

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