

**PRIVACY NOTICE – Children and Families and Justice Social Work Services****Who will process my information?**

The personal information you provide to us or we collect about you (your information) will be processed by East Dunbartonshire Council.

**Why will my information be processed?**

Your information will be processed by East Dunbartonshire Council so we can provide you with a social work service if appropriate and fulfil a range of statutory duties of EDC in relation to Child And Public Protection. We provide our social work services through East Dunbartonshire Health & Social Care Partnership (HSCP). The Council remains responsible for controlling your data.

These social work services include:

- Advice and Response
- Child Protection, Adult Support and Protection and Public Protection
- Alcohol and Drug Services
- Assessment
- Care Planning
- Looked After Children's Services
- Accommodate Children's Services
- Children with Disability
- Community Justice
- Criminal Justice
- Prison Throughcare
- Youth Justice
- Throughcare
- Aftercare
- Individual and Groupwork
- Fostering
- Adoption
- Kinship Care
- Continuing Care
- Community Support
- Residential Child Care
- Prison based Social Work Services

If the Council has been given your information by another person or organisation, for example Education, GP or Police Scotland, we will process your information in the same way as if you had given us it yourself.

**What sort of information will you process?**

As well as identifying information, such as your name, age and contact details, we will also process information which is sensitive in nature. This will include information about your health, heritage, beliefs, and sexual orientation. We do this so that we can provide you with support in a form and manner which is respectful of your personal characteristics.

**Who will have access to my information?**

Your information will only be accessed by employees who are involved in providing you with a social work service. This includes Council staff based in the Contact Centre and Hubs in addition to those in the HSCP. Under the Public Bodies (Joint Working) (Scotland) Act 2014, some staff employed by NHS Greater Glasgow & Clyde within the HSCP will have limited access to your social work service record.

**Who might my information be shared with?**

Your information might be shared with

- Your power of attorney, guardian or representative if you have one
- Scottish Children's Reporter's Administration
- Scottish Courts
- Scottish Prison Service
- Healthcare professionals employed within the HSCP
- Your GP and other healthcare professionals employed or contracted by NHS Greater Glasgow & Clyde
- Independent service providers commissioned to provide services on behalf of the Council/HSCP
- Other Council services
- Glasgow & Partners Emergency Social Work Service
- Other local authorities
- Housing providers
- Other providers of goods and services
- The Care Inspectorate
- The Office of Public Guardian
- The Mental Welfare Commission for Scotland
- Scottish Public Service Ombudsman
- Police Scotland
- Scottish Fire & Rescue
- UK Benefits Agency
- The Parole Board For Scotland
- Multi Agency Public Protection Arrangements
- Protection of Vulnerable Groups

### **Why does the Council share my information with these people or organisations?**

Your information will always be shared with these people and organisations on a “need to know” basis. This is so we can assess your needs and your eligibility for a social work or social care service, and thereafter so we can provide you with the most suitable services to support and protect you or your child, and meet your needs. Specific details about who your information will be shared with, and why, will be discussed with you, and included in any care, support and/or protection plan you may have. In certain cases we are required to share information with Police Scotland, Scottish Prison Service, The Parole Board and Scottish ministers in respect of our responsibilities for the management of offenders and the prevention and detection of crime.

### **How do you keep my information safe when you share it with other organisations?**

To make sure we are sharing your information safely and securely with other organisations, we have agreed information-sharing protocols or memorandums of understanding with them. For example, details of the information sharing protocol between East Dunbartonshire Council and Greater Glasgow and Clyde Health Board can be found here:

[http://www.nhsggc.org.uk/media/226802/NHSGGC%20%20LAs%20ISP\\_Final\\_May\\_2013.pdf](http://www.nhsggc.org.uk/media/226802/NHSGGC%20%20LAs%20ISP_Final_May_2013.pdf)

For commissioned services, details of how we share your information will be included in our contracts with them.

The use of your information is necessary to allow the Council to fulfil its legal obligations under the following legislation, as appropriate to your circumstances:

- S.12 of the Social Work (Scotland) Act 1968. This contains the Council’s general duty to assess your social needs and, where appropriate, arrange for relevant services to support you.
- Adults with Incapacity (Scotland) Act 2000. This Act requires the Council to ensure your welfare if you have lost decision-making capacity, and to share your information with anyone who has proxy decision-making powers for you under the Act, such as a power of attorney or guardian.
- Regulation of Care (Scotland) Act 2001. This Act requires the Council to keep and share your information with the Care Inspectorate when you are receiving social care services provided or commissioned by the Council/HSCP.
- Mental Health (Care & Treatment) Scotland Act 2003. This Act requires the Council to provide a mental health officer service when you require care and/or treatment for a mental disorder.

- Adult Support & Protection (Scotland) Act 2007. This Act requires the Council to make inquiries where it is known or believed you are an adult at risk of harm, and to intervene if necessary to protect your wellbeing, rights and property.
- Carers (Scotland) Act 2016. This Act requires the Council (and other organisations) to offer adult carers a support plan.
- Public Finance and Accountability (Scotland) Act 2000: The Council may have to disclose personal information to Audit Scotland for data matching purposes in order to prevent and detect crime and fraud.
- Local Government (Scotland) Act 1973: The Council must make arrangements for the proper administration of our financial affairs and prevent and detect fraud.
- A full and detailed list of legislation governing Children and Families and Justice Services is attached.

The Council also has to process your information to carry out the following task in the public interest:

- prevention and detection of fraud in relation to the administration of public funds

### **Details of how long we will keep your information**

East Dunbartonshire Council uses the Scottish Council on Archives Records Retention Schedules (SCARRS) to manage the amount of time the Council keeps information. Further information on these can be found here.

<http://www.scottisharchives.org.uk/scarrs>

Your information will be kept for a minimum period of time after you last receive a service from us. How long we keep your information varies depending on the type of service you receive from us and the legislation we are acting under. The main record categories and how long we will keep your information for are as follows:

Children and Families Social Work Services

| Retention Schedule Reference Number | Retention Period | Name of asset |
|-------------------------------------|------------------|---------------|
|-------------------------------------|------------------|---------------|

|                                     |                                |   |
|-------------------------------------|--------------------------------|---|
| 02.001.006                          | 10 years                       | Carer and adopters assessment criteria records        |
| 02.001.002                          | 1 year from date of acceptance | Council registration as an adoption/fostering service |
| 02.001.003                          | 6 years                        | Certificate of registration                           |
| 02.001.004                          | 100 years                      | Register of Looked After and Accommodated Children    |
| Register of "looked after" children | 5 years                        | Register of Looked After Children                     |

|            |  |  |    |
|------------|--|--|----|
| 02.001.006 |  | Carer and adopters assessment criteria records                                     | 10 |
| 02.001.007 |  | Carer training programme records   | 5  |
| 02.001.008 |  | Case file - Pre-approval carers and adopters - initial enquiry                     | 1  |
| 02.001.009 |  | Case file - Pre-approval carers and adopters - initial interview only -no concerns | 1  |
| 02.001.010 |  | Case file - Pre-approval carers and adopters - initial interview only - concerns   | 10 |

|            |  |  |    |
|------------|--|--|----|
| 02.001.011 |  | Case file - Pre-approval carers and adopters - background preparation only | 10 |
| 02.001.012 |  | Case file - Pre-approval carers and adopters - not approved/withdrawn      | 25 |
| 02.001.013 |  | Case file - Approved carers  | 25 |
| 02.001.014 |  | Case file - Kinship carers   | 25 |
| 02.001.015 |  | Case file - Prospective adopters - no adoption order                       | 25 |

|            |     |                                  |
|------------|-----|----------------------------------|
| 02.001.016 |     | Case file – Adopters             |
|            | 100 |                                  |
| 02.001.017 |     | Case file - Private fostering    |
|            | 5   |                                  |
| 02.001.018 |     | Case file - adopted children     |
|            | 100 |                                  |
| 02.001.019 |     | Indexes to adoption case files   |
|            | 100 |                                  |
| 02.001.020 |     | Case file - Approved befrienders |
|            | 5   |                                  |



|            |           |   |
|------------|-----------|---|
| 02.001.021 |           | Case file - Pre-approval of Befrienders<br>- not approved/withdrawn   |
|            |           | 1   |
| 02.002.001 |           | Case file - Child investigated and<br>placed on Child Protection Register   |
|            |           | 35  |
| 02.002.002 |           | Case file - Child investigated but not<br>placed on Child Protection Register   |
|            |           | 5   |
| 02.002.003 |           | Child Protection Register records   |
|            |           | 100   |
| 02.004.001 | 100 years | Case file - Looked after children,<br>including children freed for adoption<br>but not adopted, fostered children and<br>children on a Residential Supervision<br>Requirement |

|            |   |  |
|------------|---|--|
| 02.004.002 | 75 years                                    | Case file - Throughcare and aftercare  |
| 02.007.001 | 6 years                                     | Service file - Residential home/Home Care Service management records - major records |
| 02.007.002 |   | Service file - Residential home/Home Care Service management records - minor records |
| 02.007.003 |   | Notification records from a residential home to the Care Inspectorate                |
| 02.007.004 | Transfer to archive for permanent retention | Children's home register.  |

|            |           |  |
|------------|-----------|--|
| 02.010.001 |           | Case file - Missing children who do not come under any other category              |
|            |           | 2  |
| 02.010.002 |           | Case file - Children and families not included in any other case file categories   |
|            |           | 5  |
| 02.010.005 |           | Case file - Matrimonial proceedings  |
|            |           | 10   |
| 02.010.006 | 100 years | Case file - home supervision   |
| 02.012.001 |           | Records of training provided to individuals working with children and young people |
|            |           | 25   |
| 02.013.001 |           | Case file - young offenders  |
|            |           | 25   |

Justice Social Work Services

| Retention Schedule Reference Number | Retention Period  | Name of asset                                     |
|-------------------------------------|---|---|
| 07.001.001                          | 1. 5 years - Completion of Order<br>2. 3 years - Death  | Unpaid Work Requirement - Offender over 21 years  |
| 07.001.002                          | 1. 10 Years - Completion of Order<br>2. 3 years - Death | Unpaid Work Requirement - Offender is 16-21 years |

|            |  |  |
|------------|--|--|
| 07.001.003 | <p>1. 5 years<br/>2. 3 years</p>                   | Supervision Requirement<br>- Offender over 21 years      |
| 07.001.004 | <p>1. 10 Years                      2. 3 years</p> | Supervision Requirement<br>- Offender 16-21 years        |
| 07.001.005 | 100 years  | Throughcare - Custody<br>under 4 Years - Sex<br>Offender |

|            |           |   |
|------------|-----------|---|
| 07.001.006 | 100 years | Case file - Throughcare - Schedule 1/Circular 11/Sex offenders  |
| 07.001.010 | 50 years  | Case file - Throughcare: Life Licence, Extended Sentence, Non-Parole Licence, Parole Licence  |
| 07.003.002 | 3 years   | Records documenting the provision of a Criminal Justice Social Work Report (CJSWR) on an offender, where there is no further social work involvement. |

|  |         |   |
|--|---------|---|
|  | 5 years | Diversion from Prosecution Scheme - Supervision Requirement |
|--|---------|---|

### **What are my rights?**

- Right of Access

You have the right to access the personal information the Council holds about you. This right is called a Subject Access Request, often referred to as a SAR.

You can receive a copy of your personal data held by the Council, details on why it is being used, who it has been/ will be shared with, how long it will be held for, the source of the information and if the Council uses computer systems profile or take decisions about you. Details on how to submit a Subject Access Request can be found here.

<https://www.eastdunbarton.gov.uk/council/data-protection/subject-access-request>

- Right to rectification

You have the right to request the Council correct any information held about you that is inaccurate.

- Right to erasure

You have the right to request that the Council delete the personal information about you. This right is known as the right to be forgotten.

- Right to restrict processing

You have the right to request that the Council stops using your personal information, while retaining a copy of it.

- Right to data portability  
You have the right to request that the Council give back to you a copy of the information you have given in a way that allows you to transfer it easily to another organisation

**Who do I contact if I have any complaints or concerns about how my information has been handled?**

You have the right to complain to the Information Commissioner's Office should you be unhappy with the way the Council has processed your personal data. Details on how to report a concern can be found here <https://ico.org.uk/concerns/>

Should you have any questions or concerns about the Council's handling of your personal data, you can contact the Council's Data Protection Officer who will be happy to discuss these with you.

Karen Donnelly  
12 Strathkelvin Place, Kirkintilloch, G66 1TJ

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Tel: 0300 123 4510



## Children and Families and Justice Services

### Legislation and National Guidance

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Adoption (Intercountry Aspects) Act 1999  
Adoption and Children (Scotland) Act 2007  
Age of Legal Capacity (Scotland) Act 1991  
Carers (Scotland) Act 2017  
Child Support Act 1991  
Children (Leaving Care) Act 2000  
Children (Scotland) Act 1995  
Children's Hearings (Scotland) Act 2011  
Children and Young Persons (Scotland) Act 1937  
Children and Young Persons (Scotland) Act 2014  
Civil Partnership Act 2004  
Commissioner for Children and Young People (Scotland) Act 2003  
Education (Additional Support For Learning) (Scotland) Act 2004 - in force  
November 2005  
Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act  
2002  
Education (Scotland) Act 1980  
Education (Scotland) Act 1981  
Family Law (Scotland) Act 1985  
Family Law (Scotland) Act 2006  
Foster Children (Scotland) Act 1984  
Human Fertilisation and Embryology Act 1990 Matrimonial Homes (Family  
Protection) (Scotland) Act 1981  
Protection from Abuse (Scotland) Act 2001  
Protection of Children (Scotland) Act 2003 - repealed by the Protection of Vulnerable  
Groups (Scotland) Act 2007  
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005  
Standards in Scotland's Schools etc. Act 2000  
Adult Support and Protection (Scotland) Act 2007  
Adults with Incapacity (Scotland) Act 2000  
Chronically Sick and Disabled Persons (Scotland) Act 1972  
Chronically Sick and Disabled Persons Act 1970  
Community Care (Direct Payments) Act 1996  
Community Care and Health (Scotland) Act 2002  
Health and Social Services and Social Security Adjudication's Act 1983  
Mental Health (Care and Treatment) (Scotland) Act 2003  
Mental Health (Patients in the Community) Act 1995  
National Assistance Act 1948  
National Health Service and Community Care Act 1990  
Prisons (Scotland) Act 1989

Rehabilitation of Offenders Act 1974  
Sexual Offences (Amendment) Act 2000  
Sexual Offences (Procedure and Evidence) (Scotland) Act 2002  
Sexual Offences Act 2003  
Sexual Offences (Scotland) Act 2009  
Social Work (Scotland) Act 1968

### **Child Protection Legislation in Scotland**

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Child protection has to be seen in the context of the wider Getting It Right For Every Child (GIRFEC) approach and the Early Years Framework and the UN Convention on the Rights of the Child. Children and young people have the right to be cared for and protected from harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met. Children and young people should get the help they need, when they need it, and their welfare is always paramount.

#### **Duties to Protect**

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The legal duty to investigate and report in relation to child care issues is derived from two sources: The Police (Scotland) Act 1967 which provides the mandate for police officers; and the Children (Scotland) Act 1995, section 53 provides the mandate for local authorities.

Although the above remain the primary legislation, concerned with the duty to protect children. Additional areas of legislation, are also of relevance as follows:

Social Work (Scotland) Act 1968  
Local Government in Scotland Act 2003  
Education (Additional Support for Learning) (Scotland) 2004 and 2009  
Protection of Vulnerable Groups (Scotland) Act 2007

#### **Criminal Justice**

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Crime and Disorder Act 1998  
Crime and Punishment (Scotland) Act 1997  
Criminal Justice (Scotland) Act 2003  
Criminal Justice and Licensing (Scotland) Act 2010  
Criminal Law (Consolidation) (Scotland) Act 1995  
Criminal Procedure (Amendment) (Scotland) Act 2002  
Criminal Procedure (Amendment) (Scotland) Act 2004  
Criminal Procedure (Scotland) Act 1995  
Management of Offenders etc. (Scotland) Act 2005  
Mental Health (Public Safety and Appeals) (Scotland) Act 1999  
Misuse of Drugs Act 1971  
Prisoners and Criminal Proceedings (Scotland) Act 1993

Data Protection Act 1998

Human Rights Act 1998

### **Other Relevant Legislation**

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Legislation Defining Offences against Children

Sexual Offences (Amendment) Act 2000

Protection from Abuse (Scotland) Act 2001

Prohibition of Female Genital Mutilation (Scotland) Act 2005

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

Sexual Offences (Scotland) Act 2009

Legislation on Managing Adults Who May Pose a Risk to Children

Protection of Children (Scotland) Act 2003

Protection of Vulnerable Groups (Scotland) 2007

Legislation on Criminal Proceedings and Witness Supports

Sexual Offences (Procedure and Evidence) (Scotland) Act 2002

Vulnerable Witnesses (Scotland) Act 2004

### **Additional Legislation**

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Asylum and Immigration Act 2004

Anti-social Behaviour (Scotland) Act 2004

Adoption and Children (Scotland) Act 2007

The Mental Health (Care and Treatment) (Scotland) Act 2003

Social Work (Scotland) Act 1968

Age of Legal Capacity (Scotland) Act 1991

Children (Scotland) Act 1995 Carers (Recognition and Services) Act 1995

Criminal Procedure (Scotland) Act 1995

Human Rights Act 1998

Protection from Abuse (Scotland) Act 2001

Community Care and Health (Scotland) Act (2002)

Criminal Justice (Scotland) Act 2003

Protection of Children (Scotland) Act 2003

Mental Health (Care and Treatment) (Scotland) Act 2003

Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003

Education (Additional Support for Learning) (Scotland) Act 2004

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

Protection of Vulnerable Groups (Scotland) Act 2007

Adult Support and Protection (Scotland) Act 2007

Adoption and Children (Scotland) Act 2007

Sexual Offences (Scotland) Act 2009

Education (Additional Support for Learning) (Scotland) Act 2009

Public Services Reform (Scotland) Act 2010  
Children's Hearing (Scotland) Act 2011  
Social Care (Self Directed Support) (Scotland) Act 2013

## **Regulations**

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Looked after Children (Scotland) Regulations 2009

## **National Guidance**

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Guidance on the Looked After Children (Scotland) Regulations 2009 (March 2011)  
Getting it right for Every Child 2005  
Looked After Children and Young People: 'We can and must do better' (2007)  
Protecting Children and Young People: The Charter 2004  
Protecting Children and Young People: Framework for Standards 2004  
Sweet Sixteen? The Age of Leaving Care in Scotland  
Supporting Young People Leaving Care in Scotland: Regulations and Guidance 2004  
'These are our bairns': A guide for community planning partnerships on being a good corporate parent  
Go Outdoors! Guidance and good practice on encouraging outdoor activities in residential child care  
Caring Together: The Carers Strategy for Scotland 2010 — 2015  
The Same as you  
Recommendations of NRCCI report Higher Aspirations, Brighter Futures.  
16+ Learning Choices Policy and Practice Framework  
Health Promotion Guidance: Nutritional Guidance for Children and Young People in Residential Care Settings  
Suicide Prevention for Looked After Children and Young People — the Care Inspectorate  
End of life care and planning for children and young people with life-limiting conditions (SWIA 2010— available at careinspectorate.com)  
Getting Our Priorities Right Scottish Government 2013  
Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003  
National Guidance