



Protocol for responding to concerns about a Person in a Position of Trust (PiPoT)

**Responsibilities, guidance, and procedure for NSAB
partner agencies, their contracted service providers,
voluntary community, and faith organisations**

December 2024

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Table of Contents

1. Introduction	3
2. How might a concern about a PiPoT be identified?	4
3. Scope	5
4. Out of Scope	5
5. Responsibilities of partner organisations managing concerns within employment	5
6. When to make a safeguarding referral to the Local Authority	6
7. Sharing Information with the PiPoT's employer/student body/voluntary organisation	7
8. Children and Families	7
9. Police led investigations	8
10. Recording and record keeping	8
11. Information sharing guidance for practitioners and managers when there is public interest	9
12. Notifications to other parties	10
13. Good practice checklist	10
Appendix 1 – Flowchart	11
Appendix 2 – Factors to consider in relation to notifications	1212
Appendix 3 – Data Protection Act 2018 and GDPR Overview	13
Appendix 4 - Other Legislation	144

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1. Introduction

It is a requirement of the Care Act 2014 Statutory Guidance that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegations against anyone who works with adults with care and support needs, (including voluntary work). This framework and process is referred to as the “Persons in a Position of Trust Protocol.” This protocol should be read in conjunction with Northamptonshire Safeguarding Adults Board’s Inter-Agency Policy & Procedures.

- 1.1 Other relevant legislation includes the Data Protection Act 2018, European General Data Protection Regulation 2018 (GDPR) and the Human Rights Act 1998, which should be considered with this protocol.
- 1.2 Care and Support Statutory Guidance states that safeguarding is not a substitute for providers' responsibilities to provide safe and high-quality care and support commissioners regularly assuring themselves of the safety and effectiveness of commissioned services:
 - The Care Quality Commission (CQC) ensuring that regulated providers comply with the fundamental standards of care or by taking enforcement action.
 - The core duties of the police to prevent and detect crime and protect life and property.
 - Commissioners regularly assuring themselves of the safety and effectiveness of commissioned services.
 - Providers' responsibilities to provide safe and high-quality care and support.
- 1.3 The Care Act 2014 Guidance also requires that partner agencies and their commissioned services should have clear recording and information sharing guidance, set explicit timescales for action and are aware of the need to preserve evidence.
- 1.4 This protocol applies to all relevant partner agencies¹ of Northamptonshire Safeguarding Adults Board (NSAB), so they respond appropriately to allegations against people who, whether an employee/volunteer/student and who works with or cares for adults with care and support needs. These individuals are known as People in a Position of Trust (PiPoT).
- 1.5 NSAB requires its partner agencies to be individually responsible for ensuring they adopt the principles of this protocol and maintain clear organisational procedures for dealing with PiPoT concerns, and for partner agencies and their commissioned service providers to identify a designated lead for PiPoT to oversee the delivery of responsibilities in their organisation.
- 1.6 Where someone works in an organisation that supports adults with care and support needs in any form such as non-commissioned services or voluntary and community sector, faith organisations, a PiPoT notification should be made to ensure appropriate action is being taken by that organisation, and assurance is provided to the local authority.
- 1.7 This Protocol is designed to inform and support the decision-making processes of partner agencies and their commissioned services once they become aware of a PiPoT concern.
- 1.8 Partner agencies are required to provide assurance to NSAB that the PiPoT arrangements within their organisation, and those they commission, are functioning effectively. Data may also be requested on an annual basis by the Northamptonshire Safeguarding Adults Board.
- 1.9 The partner agency, (or their commissioned service provider) who first identifies or becomes aware of an allegation or concern will be the Primary Data Controller (the data ‘owner’) of the information, and will have first responsibility for responding in accordance with this Protocol.

¹ Section 6 - [Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk) – Relevant Partners
NSAB People in Positions of Trust Protocol – December 2024 – FINAL

1.10 Where information regarding a PiPoT concern is shared/escalated outside of their organisation it must be proportionate and appropriate. They are responsible for making the judgment that this is the case in each instance where they are the data controller.

1.11 This Protocol applies whether the allegation relates to a current or an historical concern and should be read in conjunction with the Northamptonshire Inter-Agency Policy & Procedures.

1.12 This Protocol is not a substitute for, but may be used in conjunction with, other formal legal processes, for example, Multi-Agency Risk Assessment Conference (MARAC), Multi-Agency Public Protection Arrangements (MAPPA) etc.

What Constitutes a PiPoT or Safeguarding Concern

What could constitute a PiPoT	What could constitute a safeguarding concern
<p>Person in a position of trust (working with adults with care and support needs whether paid or unpaid i.e. voluntary work) who, in their personal or professional life:</p> <ul style="list-style-type: none"> Has been accused of the abuse or neglect of a child in their personal life, bringing into question their ability to perform their professional role e.g., their own children may be under a child protection order. Has been accused of abusing/neglecting an adult family member in their own personal life, bringing into question their ability to perform their professional role. Has been accused of grievous bodily harm towards another, bringing into question their ability to perform their professional role. Has behaved in a way which puts into question their ability to provide a service to an adult with care and support needs which must be reviewed. <p><i>Relates to current or historical concerns</i></p>	<p>Person in a position of trust (working with adults with care and support needs whether paid or unpaid i.e. voluntary work) who, in their personal or professional life:</p> <ul style="list-style-type: none"> Has abused or neglected an adult with care and support needs. Has behaved in a way that has harmed or may have harmed an adult with care and support needs. Possibly committed a criminal offence against or related to an adult with care and support needs. Has behaved towards an adult at risk in a way that indicates she/he is unsuitable to work with such adults. Any sexual relationship that develops between adults where one is in a position of trust, power, or authority in relation to the other e.g., day centre worker/social worker/residential worker/health worker etc.)

2. How might a concern about a PiPoT be identified?

2.1 Concerns about a PiPoT's behaviour may be identified by any of the following:

- Police intervention or investigation.
- Whistleblowing disclosure.
- Safeguarding adults' enquiry.
- Safeguarding children investigation.
- A complaint.
- Reports from members of the public.
- Providers alerting commissioners of services.
- Commissioners' contract monitoring activity.
- Other source of disclosure.

3. Scope

- 3.1 Where a partner organisation is made aware of a concern that may affect the suitability of a professional/student/volunteer to work with adults with care and support needs, where such information has originated from activity outside their professional role/volunteering role/place of work, and meets the criteria below, they should notify their organisation's Designated Safeguarding Lead, who will be responsible for taking the appropriate action in line with this protocol.
- 3.2 This protocol must be followed by the partner organisation and commissioned providers when they first become aware of a concern, and where information (whether current or historical) is identified. See table on page 4. above.

4. Out of Scope

- 4.1 This protocol does not cover complaints or concerns raised about the quality of the care or professional practice provided by the person in a Position of Trust (PiPoT). Concerns or complaints about quality of care or practice should be dealt with under the relevant agency or individual complaint, competence, or representations processes.
- 4.2 If an allegation is made that concerns the actions of a professional/volunteer which relates to alleged abuse or neglect of a person with care and support needs whom they are supporting, this suggests the need for a safeguarding concern, and the allegation should be dealt with by following the local Adult Inter-agency Safeguarding Policy and Procedures.
- 4.3 Careful consideration should therefore be given to distinguish clearly between:
 - A complaint about a professional or volunteer.
 - Concerns raised about the quality of practice provided by the person in a position of trust, that do not meet the criteria for a safeguarding enquiry.
- 4.4 Other relevant bodies and their procedures should also be used to recognise, respond to, and resolve these issues.

5. Responsibilities of partner organisations managing concerns within employment

- 5.1 Relevant partner organisations and commissioned service providers are responsible for ensuring that information relating to a PiPoT concern is shared, and escalated outside of their organisation where concerns are necessary. As a Data Controller (Data Owner), it is the recipient organisation's responsibility to consider whether the concern meets the criteria for a PiPoT under this protocol.
- 5.2 The lead agency will undertake a PiPoT enquiry and follow their own agency procedures to safeguard adults, and to undertake appropriate risk assessments. If there is concern that other adults are being placed at risk of harm and abuse (see table in 1. above), then the relevant Local Authority Safeguarding Team should be informed by sending a safeguarding referral form – see section 6 below.
- 5.3 It is the responsibility of all employers/student bodies/voluntary organisations to have clear procedures in place for managing concerns about a PiPoT including clear, detailed record keeping, and for informing the PiPoT of the concerns raised about them. They should set out the process that states who should undertake an investigation, and what sources of support and advice will be made available to individuals against whom allegations have been made, in accordance with UK Employment Law:
 - Employers/student bodies/voluntary organisations should have their own Human Resources (HR) policy and source of HR advice and legal advice, for dealing with concerns about an employee who is a PiPoT.
 - Any allegation against an employee/student/volunteer who works with adults should be reported immediately following internal policies and procedures to their organisation's safeguarding lead.

- It is the responsibility of the employer/student body/volunteer organisation to notify the Data Barring Service and Professional Bodies such as the Care Quality Commission (CQC).

5.4 When a decision has been made to share information with the PiPoT's employer/student body/volunteer organisation, the PiPoT should be:

- Informed that the allegation against them will be shared with their employer/student body/voluntary organisation, unless it puts a child or any other person in danger, or the PiPoT themselves.
- Offered a right to reply to the allegation or concern raised about them.
- Given the opportunity to tell their employer/student body/voluntary organisation themselves unless the immediacy and nature of the risk do not allow for this. The lead Safeguarding Team will need to be assured that appropriate information has been shared by following up with the employer/student body/voluntary organisation.
- Advised what information will be shared about them, how the information will be shared and with whom.

5.5 The lead agency undertaking the PiPoT enquiry may convene a multi-agency concerns meeting to assess and determine what actions are required to manage the risk(s) posed by a PiPoT. The following agencies are an example of who might be invited: the Police, Care Quality Commission (CQC), Local Authority Adult Social Care, Principal Social Worker for Adults/Service Manager for Safeguarding (LA Lead for PiPoT), the Local Authority Children's Social Care Designated Officer (previously known as LADO), Health or Social Care Commissioners, and any other relevant parties. Please note the PiPoT would not attend the multi-agency concerns meeting.

5.6 The lead agency may find it helpful to seek legal advice where there is doubt as to how to proceed due to the legal complexities involved, and to ensure an organisation is acting in accordance with the law.

5.7 All agencies must keep clear records including the number of PiPoT enquiries undertaken and the outcome.

5.8 For statutory agencies², the relevant local authority does not need to be informed by way of a PiPoT notification as NSAB will request details of the number of PiPoT investigations undertaken and their outcomes on annual basis. However, if a statutory agency identifies a PiPoT that is not employed by them e.g., the police may be made aware of an alleged PiPoT who works for a care provider, a PiPoT notification should be made. Where repeated themes and risks are identified, the relevant local authority safeguarding team should be informed.

5.9 For non-statutory agencies³, notifications should be made to the relevant local authority when undertaking a PiPoT investigation to provide assurance to the relevant local authority that risks have been assessed and appropriate action has been taken. This will also enable the local authority to identify potential themes and risk.

6. When to make a safeguarding referral to the Local Authority

6.1 If, following the lead agency's PiPoT enquiry, they believe the criteria for safeguarding is met as there are concerns about a person with care and support needs, they should complete a safeguarding referral form and submit to the relevant local authority.

6.2 Safeguarding referrals should be made to the relevant Safeguarding Team in, North or West Northamptonshire Council using the referral form which is available on the [Policies & Procedures page on the Northamptonshire Safeguarding Adults Board Website](#) here.

² Statutory agencies are set up by [law \(statute\)](#) authorised to implement certain legislation such as local authorities, health, police, probation, prison service, environment agency, schools, armed services, youth offending service (list not exhaustive).

³ Non-statutory agencies are those not required by legislations and could include provider services, voluntary and community sector, churches, and faith organisations (list not exhaustive).

- 6.3 Should the criteria for safeguarding not be met, the relevant Safeguarding Team will advise the referrer.
- 6.4 If the allegation is that the PiPoT has abused or neglected an adult at risk in their care then Section 42 Enquiry processes apply. Under such circumstances, disclosure and information sharing would be discussed and decided through those meetings and discussions. This PiPoT protocol would not apply.

- 6.5 If you require advice, guidance or need to submit a safeguarding referral, contact the relevant Safeguarding Team:

North Northamptonshire Council – 0300 126 3000

Email – SafeguardingNorth@NCC.gov.uk

West Northamptonshire Council - 0300 126 7000

Email – SafeguardingWest@NCC.gov.uk

The Emergency Duty Team can be contacted out of hours on 01604 626938.

In an emergency, contact 999.

7. Sharing Information with the PiPoT's employer/student body/voluntary organisation

- 7.1 Careful consideration is required as to whether the lead agency should share this information with the PiPoT's employer/student body/voluntary organisation, to enable them to undertake a risk assessment. Any organisation that receives this data will be a Data Controller as defined by the [Data Protection Act 2018](#) and [GDPR Article 4](#). The Lead Agency may wish to seek their own legal advice.
- 7.2 When a decision has been made to share information with the PiPoT's employer/student body/voluntary organisation, the lead Safeguarding Team will need to:
 - Contact the employer, student body or voluntary organisation to share information and any relevant parties.
 - Ensure that sharing of information is justifiable and proportionate.
 - Request details of any actions taken and seek assurance that they have carried out a risk assessment.
 - Record the rationale for all decision-making, and ensure it is timely.
 - Make it clear whether the information relates to a criminal or civil enquiry.

- 7.3 Decisions made about sharing information must be justifiable and proportionate, based on the risk of harm to adults or children. The rationale for sharing information should always be recorded.

See Appendix 3 for further information on information sharing and GDPR.

8. Children and Families

- 8.1 Whilst this protocol is concerned with potential harm to adults with care and support needs, if the allegation is such that there is a concern that the person may also pose a risk to children, then Children's Services must be informed. It is everyone's duty to refer any current and historical allegations of abuse against children to Children's Services, whether the alleged perpetrator is a PiPoT or not. Concerns about children should be referred to children's services.

- 8.2 How to make a referral to Local Authority Designated Officer and Children and Families:

When there is an allegation that a person who works with children 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.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

- 8.3 [Refer to the Northamptonshire Safeguarding Children's Partnership 'Managing Allegations' procedure on their website here.](#)

9. Police led investigations

- 9.1 Where there is a police led investigation, the police are responsible for deciding what information should be shared, with whom and on what basis, bearing in mind the contents of this protocol and their responsibility under the Notifiable Occupation Scheme Disclosure Policy/Non-conviction Disclosure. The decision must be recorded in line with best practice. The police may:
 - 9.2 Request that the employer considers taking appropriate action in line with their own procedures, and to assess risk to others, and to consider referral to the Disclosure and Barring Service (DBS), and professional bodies.
 - 9.3 Liaise with the Care Quality Commission (CQC) (where the PiPoT is working/volunteering in a CQC regulated organisation), and statutory/other professional bodies.
 - 9.4 Make a referral to the Local Authority's Designated Officer for Children and Families.
 - 9.5 Seek advice and liaise with other Local Authority Safeguarding Adults and Children's Teams including where there are out of county placements.

10. Recording and record keeping

- 10.1 Record keeping is an integral part of all adult safeguarding processes to ensure that adults with care and support needs are safeguarded, and that organisations and individuals are accountable for their actions when responding to concerns about a PiPoT.
- 10.2 Individuals with responsibility for the investigation and management of PiPoT concerns must, as far as is practicable, contemporaneously document a complete account of the events, actions and any decisions taken, together with their rationale. They must keep a chronology or log of key events, decisions and actions taken to provide an overview of progress. This is to enable any objective person to understand the basis of any decision that was made, together with any subsequent action taken. The purpose is to:
 - a. Prevent unnecessary re-investigation if an allegation resurfaces after a period.
 - b. Enable patterns of behaviour which may pose a risk to adults with care and support needs to be identified.
 - c. To assure NSAB that adults with care and support needs are protected from harm.
- 10.3 Records of actions taken to investigate PiPoT concerns found to be without substance should also be retained to build up history.
 - a. Records may be used to prepare reports to NSAB e.g., periodic assurance reports.
 - b. Individuals (including the PiPoT) are entitled to access their personal records, whether they are stored electronically or manually. It is therefore important that information recorded, is fair, accurate and balanced.
 - c. A recording template is available as part of the PiPoT toolkit. The template does not replace the need to keep minutes and correspondence from meetings but provides an overview of PiPoT activity. Fields include:
 - i. Full details of the original referral and referrer (date, name, contact details, job role).
 - ii. Full details of the PiPoT and the relevant employer.
 - iii. Details of the concern itself (allegation, other agencies involved in this, when/ where).
 - iv. Who is managing the PiPoT process in relation to this person?
 - v. Dates of meetings and where minutes can be found.
 - vi. Disclosure decided?
 - vii. Date of disclosure to employer and route e.g., e-mail or postal address sent to – individual's name and timescales given for response.
 - viii. Acknowledgement of disclosure received on.
 - ix. Outcomes from employer/registering body – date received, what will happen, any pending information (e.g., internal or police enquiry).
 - x. Any other actions agreed.

11. Information sharing guidance for practitioners and managers when there is public interest

- 11.1 Even where you do not have consent to share confidential information, you may lawfully share it in the public interest. Seeking consent should be the first option. However, where consent cannot be obtained or is refused, or where seeking it is inappropriate or unsafe, the question of whether there is enough public interest must be judged by the practitioner on the facts of each case. Therefore, where you have a concern about a person, you should not regard refusal of consent as necessarily precluding the sharing of confidential information.
- 11.2 Public interest can arise in a wide range of circumstances, e.g., to protect children from significant harm, protect adults from serious harm, promote the welfare of children or prevent crime and disorder. There are also public interests, which in some circumstances may weigh against sharing, including the public interest in maintaining public confidence in the confidentiality of certain services.
- 11.3 The key factors in deciding whether to share confidential information are necessity and proportionality, i.e. whether the proposed sharing is likely to make an effective contribution to preventing the risk and whether the public interest in sharing information overrides the interest in maintaining confidentiality. In making the decision you must weigh up what might happen if the information is shared against what might happen if it is not and decide based on professional judgement. The nature of the information to be shared is a factor in this decision making, particularly if it is sensitive information where the implications of sharing may be especially significant for the individual or for their relationship with the practitioner and the service.
- 11.4 Section 5 of the Safeguarding Vulnerable Adults Act (2006) places a duty on those who provide regulated activities to refer to the Disclosure and Barring Service (DBS) if they have dismissed or removed an employee or volunteer from their role due to a belief that they have harmed, or pose a risk to, an adult with care and support needs or child. This still applies if the individual has left their job and is regardless of whether they have been convicted of a related crime. The DBS would then undertake their own screening and investigation to reach a decision. Agencies should keep all relevant information, so it is available upon request by the DBS.
- 11.5 The Police may disclose to an employer when this is deemed relevant to protect members of the public. Police will look at the '[Common Law Police Disclosure](#)' guidance available via the College of Policing to determine what is appropriate – this replaces the Notifiable Occupations Scheme. Local information sharing agreements (such as that signed through the South Tyneside Safeguarding Children and Adults Partnership) will also allow for information sharing between organisations. The Police do have limited powers under the Crime and Disorder Act (1998) to share information for the purposes of crime reduction – however, the Police are under no obligation to share information with an employer (particularly if no crime has been committed or alleged).
- 11.6 If a disclosure is made then the referring partner should make it clear when a response is expected (typically acknowledgement of disclosure within 24 hours and formal response within 2 weeks). If no response is received within the required timeframes, then a chasing correspondence should be sent (primarily to check information was received).
- 11.7 If the employer or registering body gives a response which is felt to leave adults at risk in danger, then there should be consideration of engaging other processes – such as a referral to their own registering body (e.g. CQC) or a Section 42 Enquiry around Institutional Abuse.

Links to key organisations which may need to be referred to:

[Disclosure and Barring Service](#)
[Nursing and Midwifery Council](#)
[General Dental Council](#)
[The Care Quality Commission](#)

[Health and Care Professionals Council](#)
[General Medical Council](#)
[UK Council for Psychotherapists](#)

12. Notifications to other parties

12.1 Disclosure and Barring Service (DBS)

If someone is removed from their role providing regulated activity following a safeguarding incident the Regulated Activity Provider, or if the person has been provided by an agency or personnel employment agency has a legal duty to refer them to the DBS.

The legal duty to refer to the DBS also applies where a person leaves their role before a disciplinary hearing has taken place following a safeguarding incident and the employer/volunteer organisation feels they would or might have dismissed the person based upon the information they hold. [Refer to the DBS Guidance on how to make a referral here.](#)

12.2 Professional Bodies

Where appropriate, the employer should report the PiPoT to the Statutory Regulator and other bodies responsible for professional regulation, e.g., the Care Quality Commission.

12.3 Care Quality Commission

Where appropriate, if the PiPoT is a Registered Manager, then the Care Quality Commission (CQC) should be notified if there is an identified risk. The CQC can take action as deemed appropriate to ensure the service has appropriate standards of practice to prevent and respond to any future risk of harm. This includes the employer's 'fitness' to operate and responsibility to safeguard adults at risk.

13. Good practice checklist

- Does your organisation have an Adult PiPoT lead?
- Does your organisation have a PiPoT system to record concerns, the steps taken, the decisions made, the actions, or no action taken, and the basis of taking this position?
- Does the recording mechanism support defensible decision making?
- Is your PiPoT information held securely?
- Does your organisation consider how support is offered to a person subject to an alleged PiPoT concern?
- Has your organisation established sources of advice (including legal advice)?
- Ensure you have all relevant Adult PiPoT data to prepare for the NSAB assurance report.

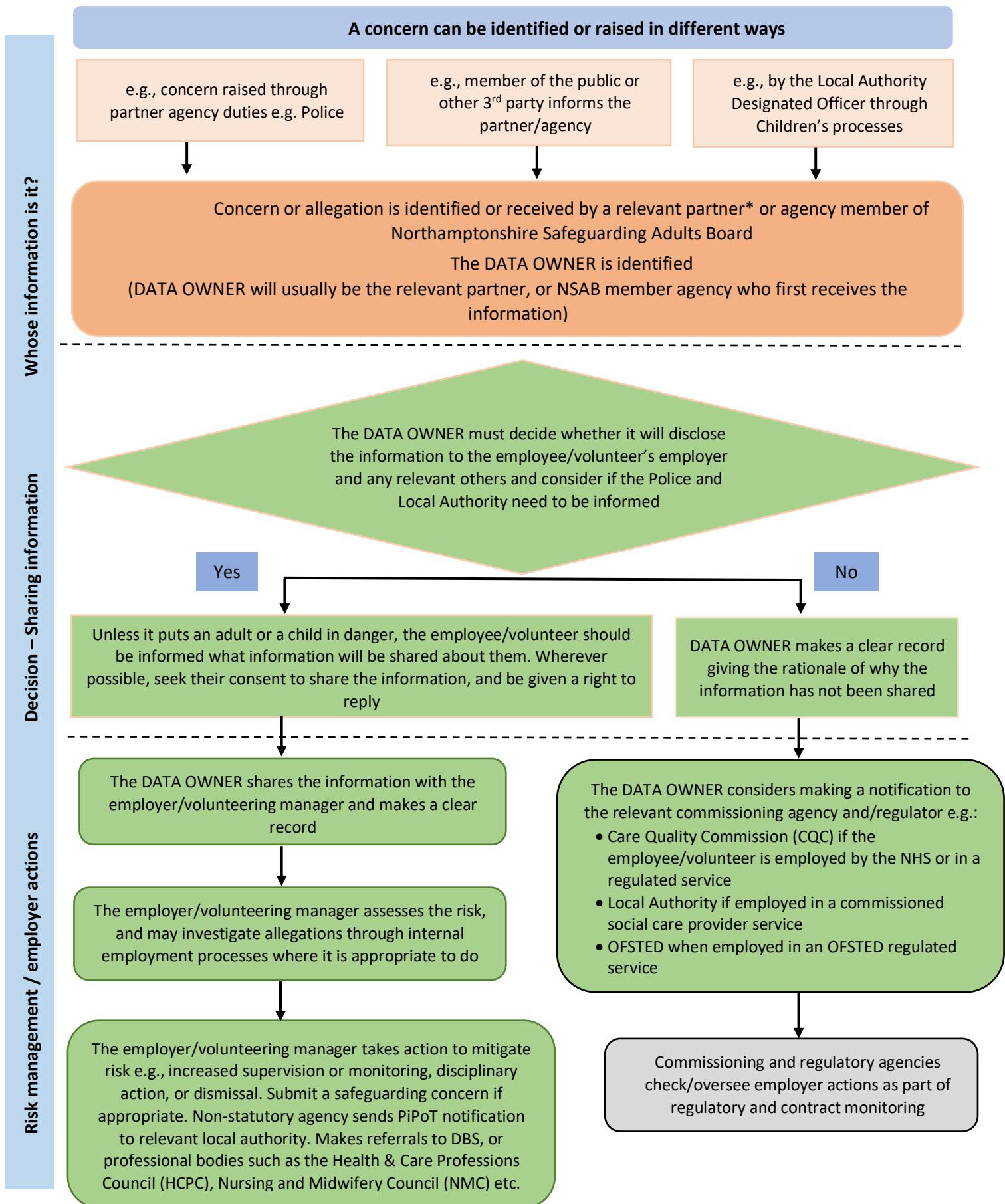
APPENDICES

Appendix 1	Flowchart - Managing concerns and allegations
Appendix 2	Factors to consider in relation to notifications
Appendix 3	Data Protection Act 2018 & GDPR
Appendix 4	Other legislation

Appendix 1 – Flowchart

Safeguarding Adults in Northamptonshire

Managing Concerns and Allegations against People in a Position of Trust (PiPoT) who work with Adults with Care and Support Needs



Appendix 2 – Factors to consider in relation to notifications

Questions	Unlikely to support PiPoT procedures	Likely to support PiPoT procedures due to serious harm/potential serious harm
Has the person behaved in a way in their personal life that has harmed/may have harmed an adult with care & support needs?	No	Yes
Has the person been accused of abusing/neglecting an adult family member in their own personal life, bringing into question their ability to perform their professional role.	No	Yes
Has the person behaved in a way that indicates they are unsuitable to work with adults with care and support needs.	No	Yes
Has the person been accused of the abuse/neglect of a child in their personal life, bringing into question their ability to perform their professional role e.g., their own children may be under a child protection order.	No Potential child protection issues but does not work in regulated activity with adults with care and support needs Contact the MASH	Yes Potential child protection issues suggesting unsuitability to work with adults with care and support Contact the MASH
Has the person behaved in a way which puts into question their ability to provide a service to an adult with care and support needs which must be reviewed.	No	Yes
Has the person been accused of grievous bodily harm towards another, bringing into question their ability to perform their professional role?	No	Yes
Is the source of information credible? Is there tension/friction between the parties?	Source is questionable e.g., malicious - Anonymous concern with insufficient information	Credible, reliable source of information e.g., police, several witnesses
What is the severity of the allegation?	Insignificant	Severe
What access does the individual have?	Supervised	Unsupervised
How frequently does the individual have access to adults?	Never/infrequent	Very frequent
Likelihood of reoccurrence	None/Low	High
Does the incident relate to them as a victim, or the person alleged to be the source of risk?	Victim	Person alleged to be the source of risk
What is the truth of the allegation? The greater the conviction that the allegation is true the more pressing the need to disclose.	Weak or no evidence	Strong factual evidence
Why does the third party need to know. The more intense the need legally/operationally the more pressing the need to disclose.	No legal remit to share No operational need to know	There is a legal right to be told
What are the risks if the information is NOT shared? Consider the persons previous history (if any) of involvement with children.	No/few risks	Significant risk
Will the disclosure of information impact on the persons Article 8 – ECHR – Right to Private Life?	Everyone has the right to a private life, but these situations require case by case consideration of the facts and balancing the individual's rights against the wider public interest.	
Is there a right to confidentiality or does the law enable/require the information to be shared.	No right to confidentiality and no public interest to share	Of public interest

Appendix 3 – Data Protection Act 2018 and GDPR Overview

Both regulations use the term “personal data.” Data means information which:

- a. Is being processed by means of equipment operating automatically in response to instructions given for that purpose
- b. Is recorded with the intention that it should be processed by means of such equipment
- c. Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system
- d. Does not fall within a, b, or c above but forms part of an accessible record as defined by Section 68, or
- e. Is recorded information held by a public authority and does not fall within any points a. to d. above.

What is personal data?

Personal data means data, which relates to a living individual who can be identified:

- a. From those data, or
- b. From those data and other information, which is in the possession of, or is likely to come into the possession of, the Data Controller and involves any expression of opinion about the individual and any indication of the intentions of the Data Controller, or any other person in respect of the individual.

Sensitive personal data, also known as special category data, in Article 9 of the GDPR data, means personal data consisting of information that is:

- a. Racial or ethnic origin
- b. Political opinions
- c. Religious beliefs, philosophical beliefs, or other beliefs of a similar nature.
- d. Trade Union Membership
- e. Genetic data
- f. Biometric data for uniquely identifying an individual
- g. Data concerning physical or mental health
- h. Data concerning sex life or sexual orientation.

[The Data Protection Act \(2018\)](#) states that data relating to criminal activity, whether in relation to an offence committed or alleged to have been committed, should be treated as special category data.

The Data Protection Act (2018) regulates the “processing” of personal data. Processing in relation to information or data, means obtaining, recording, or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- a. Adaptation or alteration of the information or data.
- b. Retrieval, consultation or use of the information or data.
- c. Disclosure of the information or data by transmission, dissemination or otherwise making available.
- d. Alignment combination, blocking, erasure or destruction of the information or data.

Article 5 of the GDPR lists the data protection principles:

1. Personal data shall be processed fairly and lawfully and shall not be processed unless:
 - b. A least one of the conditions in Article 6 is met, and
 - c. In the case of special category data, at least one of the conditions in Article 9 is also met
2. Personal data will be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Personal data shall be adequate, relevant, and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay.
6. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Appendix 4 - Other Legislation

The Crime and Disorder Act 1998

The Crime and Disorder Act **1998** states any person may disclose information to a relevant authority under Section 115 of the Act:

“Where disclosure is necessary or expedient for the purposes of the Act (reduction and prevention of crime and disorder).”

The Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Human Rights Act 1998

The principles set out in The Human Rights Act 1998 must also be considered within this framework in particular the following:

- **Article 6 – The right to a fair trial**

This applies to both criminal and civil proceedings with regard to the former, the person is presumed innocent until proven guilty according to the law and has certain guaranteed rights to defend themselves.

- **Article 7 – No Punishment without law**

Article 7 provides protection against arbitrary prosecution, conviction, and punishment. A person who claims that a public authority has acted or proposes to act in a way, which is unlawful by section 6(1) may:

- a. Bring proceedings against the local authority under this act in the appropriate court or tribunal
- b. Rely on the convention rights or rights concerned in any legal proceedings.

- **Article 8 – The right to respect for private and family life**

Article 8 gives everyone the right to respect for his private and family life and his correspondence.

Links for the Acts and guidance can be found below:

[The Crime and Disorder Act 1998](#)

[The Equality Act 2010](#)

[The Equality Act 2010 Guidance](#)

[The Human Rights Act 1998](#)