

Changes to the 'Consent rules' for Early Help Assessments and Family Support Hub services

Under GDPR, consent is required to be specific, granular, clear, prominent, opt-in, documented and easily withdrawn. And, there should be no imbalance in the relationship between the individual and the controller.

The ICO (Information Commissioners Office) believes this will make consent particularly difficult for public authorities and strongly recommends we look for an alternative lawful basis where possible.

The new legislation is also very clear that we need to ensure our families are made aware of what information we collect, why we collect it, how we use it and how long we keep it. All this information is contained in the ['Privacy Statement'](#).

Alternative Lawful Basis for processing data for purposes of Early Help

(Processing= collect, store, share, use to provide a service)

There are alternatives to seeking consent as set out in Article 6(1) of the legislation. We can process personal data without consent, if it's necessary for:

- **Compliance with a legal obligation:** We have a legal obligation to access need (Early Help Assessment) and provide Early Help services to meet those accessed needs; Building up from the Childrens Acts of 1989, 2004, 2008 and cumulating in the Statutory Guidance 'Working Together to Safeguard Children' – 2013, 2015 and 2018
- **A public task:** We need to process personal data to carry out our official functions or a task in the public interest and we have a legal basis for the processing under UK law. The ICO (Information Commissioners Office) holds the view that this is likely to give a lawful basis for many if not all Local Authority activities.

Processing Special Category Data

In addition to having a lawful basis under Article 6 (1) (same as above), this data will also need to satisfy a condition under Article 9 (2). This is because special category data is more sensitive, and so needs more protection. For example, information about an individual's:

race; ethnic origin; politics; religion; trade union membership; genetics; DNA; biometrics (where used for ID purposes); health; sex life; sexual orientation.

This type of data could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination.

Again, the legislation provides alternative lawful basis (like those outlined above).

So, what now?

Although the relationship between children, young people, their families and Early Help professionals is a consensual one, this does not mean we must gain consent. We will process personal and special category data under 'lawful basis' conditions as explained above.

N.B The rules around information sharing remain the same, we still must apply professional judgement to determine whether the sharing is lawful, fair, proportionate, relevant and necessary. And, follow Government advice:

'Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern.' - Working Together to Safeguard Children, 2018.

Which means we:

Will no longer be seeking consent effective from 23rd August 2018. The Consent sections have been removed from the Early Help Assessment and NIF (Needs Identification Form) and have been replaced with a Privacy Statement section for the practitioner to complete.

The family will now sign a separate '[Privacy Statement](#)', to verify their understanding, it is the practitioner's responsibility to ensure this is completed.

To ensure you have the most up to date version of the Early Help Assessment, TAF Support Plan and NIF, please go to the '[Assessment](#)' section of this website .

The Privacy Statement, for the time being, only relates to Early Help Assessments, NIF requests and all services offered through the Family Support Hub.

Please take the time to familiarise yourself with the '[Privacy Statement](#)', and look at the extended version on the website: www.bournemouth.gov.uk/EarlyHelpPrivacyStatement

Please direct any questions to: alan.farmer@bournemouth.gov.uk