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Ms Lynn Daley

ask for: Tiffany Phillips-Patel
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direct fax no: 0208 496 4255
our ref: FOI/01896/E/61271
your ref:
date: 26th August 2009

Request-13938-
5b02a49e@whatdotheyknow.com

Dear Ms Daley,

Re: Request for Information

I write in response to your request for information from this Authority under the Freedom of Information Act (FOIA) 2000.

You have specifically requested the following:

“Could you tell me how many families these 4 children represent and if the concerns are educational?”

1. How many families do these 4 children represent?

I can confirm that the Council holds the number of families the four children, who are both electively home educated and subject to a Child Protection Plan, represent. However, the Council has decided to withhold this information. We believe that disclosure of this information would be likely to make the children involved identifiable considering the fact that there are only four children involved. Third party personal data is exempt from disclosure under section 40(2) of the Freedom of Information Act 2000. Section 40(2) of the Act states that personal data, where the applicant is not the data subject, is exempt from release if doing so would contravene the principles of the Data Protection Act 1998. The first principle is that data should be processed fairly and lawfully. As the data subjects would have a reasonable expectation that personal data collated in relation to the Child Protection Register would not be put in the public domain, the exemption under section 40(2) is engaged. The exemption under section 40(2) of the Act is absolute, and we are therefore not obliged to consider the balance of the public interest in deciding whether or not to release it.

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2. Are the concerns educational?

The Council does not hold the information as to whether the concerns are educational. In order to ascertain whether there were educational concerns regarding any of the four children, we would need to check the personal data of each individual case file and assess whether educational concerns were considered at all in reaching a decision. This would be a wholly unmerited interrogation of personal case records. Moreover, as this would require more than a simple manipulation of information already held in the files, this would amount to creating new information.

By way of advice and assistance, I refer you to the attached document. This sets out how to make a decision regarding whether or not the criteria is reached for making a child the subject of a Child Protection Plan. The four categories are: neglect; sexual abuse, physical abuse; and emotional abuse. Educational concerns may be considered as a part of one of the four categories in reaching a decision whether to make a child the subject of a Child Protection Plan.

If you require further information, please do not hesitate to contact me.

Under the Freedom of Information Act 2000, you have the right to complain about the Council's response to your request for information. If you have such a complaint, you may contact the Corporate Information Officer, within 28 days of the date of this letter for a review of the Council's decision, at:

Corporate Information Officer
Room 1
Waltham Forest Town Hall
E17 4JF

Tel: 020 8496 4334

If you are dissatisfied with the outcome of that complaint, you may seek further recourse by lodging an appeal with the Information Commissioner.

Yours sincerely,



Tiffany Phillips-Patel
for Director of Governance & Law

MAKING THE DECISION REGARDING WHETHER OR NOT THE CRITERIA IS REACHED FOR MAKING A CHILD THE SUBJECT OF A CHILD PROTECTION PLAN

The conference should consider the following question when determining whether a child requires an inter-agency Protection Plan:

Is the child at continuing risk of significant harm? The test is that either:

- The child can be shown to have suffered ill-treatment or impairment of health or development as a result of neglect or physical, emotional or sexual abuse, and professional judgement is that further ill-treatment or impairment is likely; or
- A professional judgement, substantiated by the findings of enquiries in this individual case or by research evidence, predicts that the child is likely to suffer ill-treatment or the impairment of health and development as a result of neglect or physical, emotional or sexual abuse

If a decision is taken that the child is at continuing risk of significant harm and hence in need of a Child Protection Plan, the chair should determine which category of abuse or neglect the child has suffered or is at risk of suffering. The category used (that is physical, emotional, sexual abuse or neglect) will indicate to those consulting the child's social care record the primary presenting concerns at the time the child became the subject of a Child Protection Plan.

PHYSICAL ABUSE

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child.

Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces illness in a child.

EMOTIONAL ABUSE

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent effects on the child's emotional development, and may involve:

- Conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person
- Imposing developmentally inappropriate expectations. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction
- Causing children to feel frightened or in danger e.g. witnessing domestic violence or experiencing bullying from siblings or peers
- Exploiting and corrupting children
- Some level of emotional abuse is involved in neglect, physical and sexual abuse of children, though emotional abuse may occur alone.

SEXUAL ABUSE

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening and includes penetrative (i.e. vaginal or anal rape or buggery) and non-penetrative acts. Sexual abuse includes the abuse of children through sexual exploitation.

Sexual relationships where one or both partners are under the age of 16 remains illegal, 13 – 16 year olds are deemed competent to give consent. Thus a child is being sexually abused when any form of sexual activity involving a child under the age of 18 takes place in a relationship which involves the exercise of power over the child. Sexual abuse includes non-contact activities, such as involving children in looking at, or in the production of pornographic materials, watching sexual activities or encouraging children to behave in sexually inappropriate ways.

NEGLECT

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health and development.

Neglect may occur during pregnancy as a result of maternal substance abuse.

Neglect may involve a parent failing to:

- Provide adequate food and clothing
- Provide shelter including exclusion from home or abandonment
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision including the use of inadequate care-takers
- Ensure access to appropriate medical care or treatment

Neglect includes failure to meet, being unresponsive to, a child's basic emotional need to feel loved and secure.