

## FOI 1673

### **Request:**

1. When will ContactPoint be deployed to this LA?
2. Has this LA signed off on the first phase of ContactPoint, meant to be achieved by March 13th?
3. Has the local authority completed ContactPoint shielding, and are you confident that shielding has been applied to every record that needs it?
4. What specific guidance on shielding has been received by the local authority?
5. If the guidance is not statutory, what does the local authority believe to be its basis in law?
6. How has the local authority decided which records should be shielded?
7. Have the children of high-profile people such as celebrities and MPs been shielded? If so, how has their status been decided?
8. What does the local authority understand its legal responsibilities to be if harm is caused to a child or family because of failure to shield a ContactPoint record?
9. What publicity work has been undertaken to inform local residents about ContactPoint and how to request shielding?
10. How has the local authority ensured that those who are not at school have received Fair Processing Notices, for example, home educators or young people of 16-18 who have left school?
11. How has the local authority adapted Fair Processing Notices to ensure that they are understood by parents with learning difficulties or mental health problems, and those whose first language is not English?
12. Has everyone in the area been told how to apply for shielding in future if they are, for example, leaving a violent partner without the knowledge of any statutory services?
13. Is there a standard procedure to shield the records of children who become vulnerable, eg because of a court case or because they have run away from home? How long would the shielding process take?

**Response:**

1. End of June 2009.
2. No
3. Initial shielding is complete and we are confident that shielding has been applied to the records of all children that we are aware of and that meet the shielding criteria.
4. This authority has followed the Guidance issued by the Department for Children, Schools and Families, under the Children Act 2004 Information Database (England) Regulations 2007.

The necessity to shield a record on ContactPoint must be assessed on a case-by-case basis.

The ContactPoint Guidance sets out the limited circumstances where shielding would be applicable. Chiefly, these are when there are strong reasons to believe that by not doing so would be likely to:

- place a child at increased risk of significant harm;
- place an adult at risk of significant harm;
- prejudice the prevention or detection of a serious crime; or
- in the case of adoption, put a child's placement at risk

By increased risk of significant harm we mean that:

- one or more individual(s) are likely to cause significant harm to the child/young person and/or their parent/carer; *and therefore*
- the child/young person and/or their parent/carer are being, or will be, protected at a location that is not known to the individual(s) posing the threat.

The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children.

There are no absolute criteria on which to rely when judging significant harm. Sometimes, a single traumatic event may constitute significant harm, for example violent assault, suffocation or poisoning. More often, significant harm is a compilation of events, both acute and long-standing, which interrupt, change or damage the child's physical and psychological development.

Cases when it might be appropriate to shield could arise where, for example:

- a child/young person is placed for adoption where there is little or no contact with birth parent(s) or other family members;
- a child/young person and/or their parent/carer are fleeing abuse or domestic violence; and/or
- a child/young person and/or their parent/carer or family member are subject to police protection.

The need to shield a record may also arise for children/young people and or their parent/carer in a very limited number of circumstances not covered by these categories. For example, the records of siblings or other children who live with or who are closely related to a child/young person whose record has been shielded.

5. The Guidance consists of both statutory and non-statutory guidance.

The guidance is based on the concept of significant harm as defined in the Children Act 1989 – see answer to question 4 above.

Provision for shielding is made in *The Children Act 2004 Information Database (England) Regulations 2007*. The mechanism for shielding on ContactPoint is entirely consistent with the Data Protection Act 1998 which requires security to be appropriate to the harm that may be suffered by the individual. Each case should be considered on its own particular feature

6. In the vast majority of cases, requests for shielding will be made by practitioners on behalf of families. They will do this on the basis of what they already know about the child/young person, or as a result of concerns raised by the child/young person and/or their parent/carers. Where they judge that a child record should be shielded, and they have undertaken any necessary safeguarding action, practitioners who are ContactPoint users, and who have the necessary access rights, can request shielding through their web browser or accredited case management system. Those practitioners who are not ContactPoint users should follow their existing procedures relating to the protection of those who may be at risk of harm and contact their local authority to request that a child's record is shielded

Parents who are concerned and have reason to believe their child should be shielded on ContactPoint will, of course, be able to contact their local authority. Local authorities are then required to apply the criteria set out in statutory guidance to determine whether it is appropriate to shield the record on ContactPoint.

7. Where these children meet the criteria for shielding their records will be shielded, with decisions being made on a case by case basis and in response to any appropriate referrals. There is no blanket policy.

8. In the case of a child being harmed, the local authority will assist the relevant authorities in any investigation of the matter. This may include investigating breaches of the Data Protection Act, The Children Acts 1989 and 2004, the provisions relating to ContactPoint and Human Rights Legislation. The local authority will also investigate in these cases whether the professionals had utilised the full range of tools available for them to use in the prevention of harm to a child including ContactPoint. Internal reviews will be conducted as appropriate.

It is not possible to comment in detail about any potential legal responsibility as this would depend upon, amongst other matters, the reason or reasons for the failure to shield a record.

It should be noted that the act of shielding a child on ContactPoint is not the same as managing the risk to that child.

9. Publicity for ContactPoint in Suffolk includes pages on the public website, information via schools, voluntary organisations, children's centres and professional training sessions to practitioners. ContactPoint will be a tool for professionals to use in order to improve effectiveness and efficiency and it is therefore important that professionals are able to explain its use accurately to families they are working with.
10. If the Local Authority is aware of them and holds their contact details they will be notified. Parents are not required to inform the Local Authority if they decide to home educate. All 16-18 year olds who have left school and who are registered with the Integrated Youth and Connexions Service will be notified via this service.

The ContactPoint webpage on the Suffolk County Council website includes Fair Processing Notice information.

11. Fair Processing Notices are available to parents on request in other languages and Braille or audio formats.
12. There is information available on the local authority web site. Voluntary organisations such as Women's Aid refuges also know how to apply for shielding. A comprehensive list of internal and external partner agencies has been consulted regarding the initial shielding process. Each of these agencies has identified a responsible officer for shielding and has confirmed that they each have processes in place to identify and request shielding on ContactPoint for any children in future whose records may require shielding.
13. If the shielding criteria are met the practitioners working with a child or young person to assess and manage the risks to them are able to request shielding. The shielding of a record is carried out only by authorised staff who work normal office hours. Shielding a record normally takes a few

minutes and shielding a record would be a priority activity for these staff members. Shielding will usually be carried out immediately upon receiving a request. Once ContactPoint is fully implemented selected authorised users will have the ability to apply emergency shielding.