
CONTACTPOINT SHIELDING APPEALS

**Responsible Cabinet Member – Councillor Chris McEwan,
Children & Young People Portfolio**

Responsible Director – Murray Rose, Director of Children’s Services

SUMMARY REPORT

Purpose of the Report

1. To seek Members’ approval for the arrangements set out in this report to shield records on the ContactPoint national database and for Director of Children’s Services to hear any appeals from parents, carers or young people against a decision not to shield their record on ContactPoint.

Summary

2. The Children Act 2004 Information Database (England) Regulations 2007 came into force on 1 August 2007. Section 12 of the Children Act 2004, details the legal framework for the establishment and operation of ContactPoint. This places a requirement on local authorities to participate in the operation of the database; specify what information will be held; who must, or can, provide information; how long information can be retained; who can be granted access, and how accuracy will be maintained.
3. The Children Act 2004 Information Database (England) Regulations 2007 also makes local authorities responsible for determining the appropriateness of shielding. In doing so, they must bear in mind the views of involved practitioners and the child/young person or the parent/carer acting on their behalf.
4. Shielding provides a proportional response to those children and families whose circumstances may mean they are at increased risk of significant harm. It prevents the whereabouts of a child being identified. A shielded record will only display the:
 - (a) ContactPoint unique identity number;
 - (b) Child’s or young person’s names;
 - (c) Their gender;
 - (d) Their date of birth.
5. Once fully operational, the ContactPoint Shielding Panel will be a multi-agency panel made up of a sub group of the Local Safeguarding Children’s Board and will meet to review all shields initially after 7 days and then 6 monthly.
6. Appeals against the decision of the Shielding Panel must be heard within 7 days. The decision whether or not to uphold the appeal is of a safeguarding nature and it is recommended that it should be made by a senior officer, supported by advisers.

Recommendations

7. It is recommended that Members:

- (a) approve the draft policy attached as **Appendix A**; and
- (b) in line with the policy, delegate responsibility to the Director of Children's Services to hear any appeals from parents, carers or young people where the Shielding Panel have denied the request to shield.

Reasons

8. The recommendations are supported by the following reasons :-

- (a) The Director of Children's Services is Project Sponsor and has overall responsibility to ensure that the project meets its objectives and delivers the expected benefits; and
- (b) The Local Authority is data controller and is therefore responsible for any child records held within our accountable body.

Murray Rose,
Director of Children's Services

Background Papers

- (1) The Children Act 2004 Information Database (England) Regulations 2007
- (2) ContactPoint Fact Sheet (V4)
- (3) ContactPoint Shielding Q&A

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S17 Crime and Disorder	ContactPoint is an integrated tool that supports early intervention in children and young peoples lives. Early intervention and the right support at the right time should reduce the amount of crime and disorder.
Health and Well Being	As above.
Sustainability	Not related to this report
Diversity	An appeals process is needed to provide equality.
Wards Affected	All wards.
Groups Affected	Children, families, all agencies involved in safeguarding children & the wider community.
Budget and Policy Framework	This does not affect budget or policy framework.
Key Decision	This is a not a key decision.
Urgent Decision	This does require a decision in order that the Shielding Policy can be finalised and appeals information relayed to relevant shielding applicants.
One Darlington: Perfectly Placed	ContactPoint will support Integrated Working for our vulnerable families within Darlington.

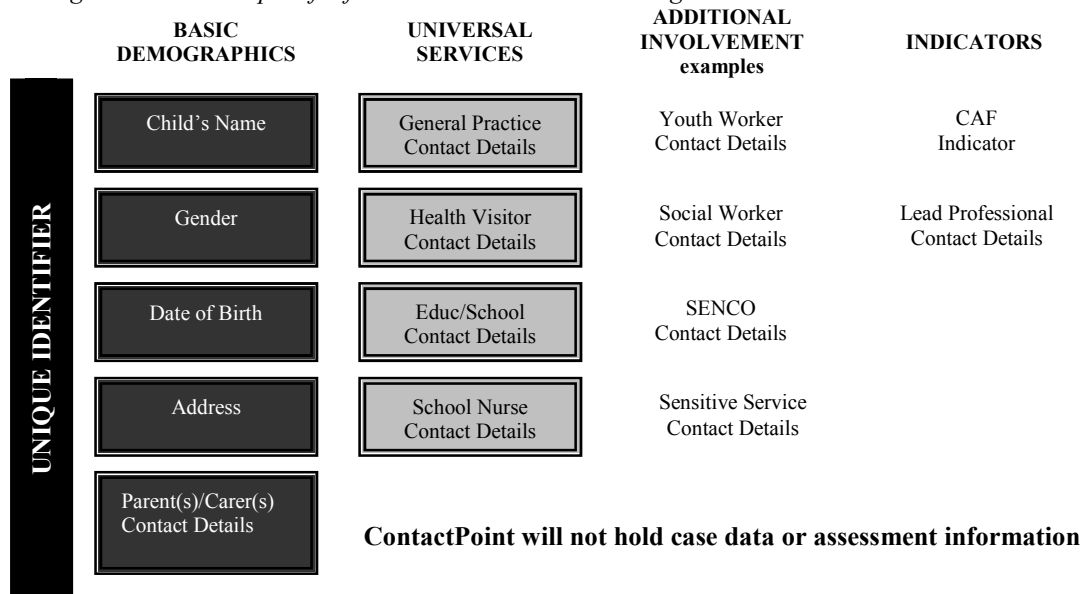
MAIN REPORT

Information and Analysis

9. ContactPoint will be the quick way to find out who else is working with the same child or young person, making it easier to deliver more coordinated support. This basic online directory will be available to authorised staff who need it to do their jobs. It is a key part of the Every Child Matters programme to improve outcomes for children.

10. Information held on ContactPoint

Figure 1 – An example of information that could be held against a child record



11. Information will be fed to ContactPoint firstly from large national datasets namely: Department of Work and Pensions, Department for Children, Schools and Families, National Health Service and General Registrar's Office. Local Authorities then need to identify their own local data from case management systems that will feed into ContactPoint. Local data will be mostly fed via an adapter that will connect between the case management system and ContactPoint feeding through local data but also picking up relevant practitioner involvements.

12. Darlington Local Authority have been allocated a D2 deployment slot which means the ContactPoint Implementation Team will be trained in June/July 2009 and it will be rolled out to authorised practitioners starting in Oct 2009.

13. Shielding is needed on ContactPoint as in limited circumstances, individuals may be at increased risk of significant harm. Shielding is not unique to ContactPoint. It 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.

14. All Local Authorities in England had a deadline to have identified and shielded records on ContactPoint by 13 March 2009 in order for the North West Local Authorities (Early Adopters) to start to go live with ContactPoint. Central guidance was provided for this initial process. This milestone was met, and shielding is now an ongoing activity. Each Local Authority must now have a policy for making shielding decisions and for refusing requests to shield records.

15. The ContactPoint Strategic Steering Group and Darlington Local Safeguarding Children's Board have agreed an approach to shielding records on Contactpoint and recommend that shields should only be applied where there is strong reason to do so. See **Appendix A - Draft_ContactPoint Shielding Policy**. This policy, if approved, will then also be applied by other agencies in the local authority area. For partners who work across local authority boundaries, such as the Police, consultation has taken place with neighbouring authorities and other services to ensure consistency of arrangements.
16. Unnecessary shielding of records on ContactPoint can cause an increased risk to children and young people, particularly if they are children or young people who may require additional support to ensure their needs are met.
17. A ContactPoint Shielding Panel has been established which is a multi-agency panel made up of a sub group of the Local Safeguarding Children's Board and will meet to review all shielded records after 7 days and then 6 monthly. The panel includes representation from:
 - (a) Health
 - (b) CAFCASS
 - (c) Probation
 - (d) Police
 - (e) DBC Children's Services
 - (f) A member of the ContactPoint Implementation Team (for recording purposes only)
18. The decision of the Shielding Panel not to shield a record or to discontinue shielding a record can be appealed against by the parents, carer or the young person themselves, where appropriate. Options are:
 - (a) The appeal could be heard by a panel of Members; or
 - (b) by the Director of Children's Services, with advice from independent officers (those not involved in the original decision).
19. The appeals process will need to:
 - (a) consider whether due process has been followed, according to policies;
 - (b) review the evidence leading to the original decision, including inconsistencies, e.g. conflicting evidence/accounts; and, where applicable;
 - (c) decide on the appropriateness of the outcome and whether to uphold the appeal.
20. If the young person/parent/carer is not satisfied with the response from the Local Authority, a complaint can be taken to the Local Government Ombudsman who investigates complaints relating to maladministration. Examples of maladministration could include:
 - (a) the Local Authority has not followed the law (e.g. they may wish to complain that the views they have expressed have not been properly considered).
 - (b) the Local Authority has failed to follow its own procedures correctly.
 - (c) too much time has elapsed for action to be taken, without good reason for this having been given.
21. In most cases the Local authority must have fully investigated the complaint and reached a conclusion before the Ombudsman will consider it.

22. Because of the need to consider all of the evidence, review processes and meet the 7 day timescale, it is recommended that the appeal be heard by the Director of Children's Services.

Outcome of Consultation

23. The Draft Shielding Policy at **Appendix A** has been circulated, discussed with neighbouring authorities and services, and reviewed by the following groups:
- (a) ContactPoint Strategic Steering Group
 - (b) ContactPoint Shielding Panel (sub group of LCSB)
 - (c) ContactPoint/CAF task and Finish Group
 - (d) Implementing ContactPoint in Health Task and Finish Group
 - (e) Schools Sub group of JCG working on ContactPoint Accreditation