

ContactPoint: Consultation on Draft Guidance

Consultation Response Form

The closing date for this consultation is: 27 July
2007

Your comments must reach us by that date.

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THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

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If your enquiry is related to the policy content of the consultation you can contact:

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If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: consultation.unit@dfes.gsi.gov.uk

Please check one of the boxes that best describes you as a respondent:

<input type="checkbox"/> Child/Young Person	<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Education-LA Staff
<input type="checkbox"/> Education-School/College Staff	<input type="checkbox"/> Health-PCT/SHA Staff	<input type="checkbox"/> Health-GP/Staff
<input type="checkbox"/> Social Care Staff	<input type="checkbox"/> Early Years and Childcare	<input type="checkbox"/> Local Authority-Other
<input type="checkbox"/> ISA/ContactPoint Team	<input type="checkbox"/> Children's Trust/CYPSP	<input type="checkbox"/> Connexions
<input type="checkbox"/> Youth Justice/Probation	<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Voluntary and Community sector
<input type="checkbox"/> Youth Services	<input type="checkbox"/> Representative Bodies/Unions	<input type="checkbox"/> Other (please specify below)

Please Specify:

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC's purpose is to end cruelty to children. We seek to achieve cultural, social and political change - influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

The NSPCC exists to end cruelty to children through a range of activities designed:

- to help children who have suffered abuse overcome the effects of such harm;
- to prevent children from suffering abuse;
- to prevent children from suffering significant harm as a result of ill-treatment;

- to help children who are at risk of such harm; and
- to work to protect children from further harm.

The NSPCC has more than 180 teams and projects throughout England, Wales and Northern Ireland. Their work includes:

- family support, assessment, counselling and therapy to children and families experiencing abuse;
- investigations into allegations of child abuse;
- work within schools and other youth organisations to provide a voice for children and advocate their rights.

Accuracy (Chapters 1, 2, 3 & 4)

1 Is the draft guidance sufficiently clear about the importance of accuracy?

Please use the comments box below to say how this can be made clearer:

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Throughout the guidance there is a good focus on the importance of accuracy which is essential if Contact Point is going to be of use to practitioners. However, the guidance around accuracy is very much weighted to those working with Contact Point from an IT and administrative perspective. It is envisaged that Contact Point will be of greater benefit to those children receiving services above the universal service threshold. It is with these children and young people that practitioners are in the best position to ensure accuracy of information. It would be useful if the guidance could therefore have a stronger emphasis on the role this group of staff can play in ensuring accuracy of Contact Point and therefore its long term usefulness in earlier intervention. For example, directly checking with parents and young people about their Contact Point details is an effective and simple way of knowing that details are correct. This is mentioned on occasion but the NSPCC would recommend a stronger emphasis throughout the guidance.

The guidance also states that Contact Point is able to show more than one address for a child. It would be useful to know if this facility is able show the reasons for more than one address. For example if separated parents have shared residence of a child. The NSPCC would recommend clarity on this matter. This is important for effective working with parents, children and young people.

Unauthorised Access and Misuse (2.1-2.9, 3.9-3.12, 4.27-4.44))

2 Is the draft guidance sufficiently clear about how unauthorised access to ContactPoint and misuse will be managed?

Please use the comments box below to say how this can be made clearer:

Yes

No

Not Sure

Comments:

A wide range of practitioners will be accessing Contact Point, particularly those working with vulnerable children. There could often be a 'fine line' between misuse and inappropriate use of Contact Point. Sections 2.4 and 3.9 seem to be assuming that staff, including practitioners will implicitly know when they should not access Contact Point. While staff and practitioners would know they cannot use Contact Point to 'check' on their neighbours there may be other areas of misuse that are less clear. The guidance provides an example of misuse, "assess applications for school places." However this example only adds to the confusion. For example checking Contact Point by a head teacher when considering a child may well be appropriate use if the head teacher wished to ascertain what other services if any are being provided for a child. A head teacher may genuinely wish to ensure a child is well supported with a new school placement.

The NSPCC recommend within section 3.9 a full list of examples are provided for staff and practitioners when they should access Contact Point. This would therefore be explicit in assisting staff in the use of Contact Point, particularly in its early days. The guidance mentions that there will be a facility for recording the reason for accessing Contact Point. Assuming that this will be a 'codes' type list, it would be useful to include the reasons within the body of the guidance.

Subject Access Requests (3.53-3.57, 4.7-4.16)

3 Is the draft guidance sufficiently clear about an individual's rights to see information held about them?

Please use the comments box below to say how this can be made clearer:

Yes

No

Not Sure

Comments:

Although the guidance is clear outlining the rights to see information, it is not clear who this relates to. Contact Point details relate to each individual child or young person up to 18 years. (extended to 25 years in some cases) This means that a parent and/or competent young person can request the information. The guidance is unclear however, in how to respond to request of information, for example from a parent of a 15 year son or daughter. Page 23 states "they (the young person) may not want to share their information with parent's and carer's." Would the request from the parent be refused? Would the young person be contacted to be informed their parent had made a request? Would the local authority then assess whether the young person is competent to refuse their parent's request for the information. The guidance clearly states that a young person may not want to share information but it is not clear how a local authority should deal with a request from a parent. Understandably it is difficult to provide an age 'cut off' as some 15 year olds may be less competent than a 13 year old.

These matters are of utmost importance as there are potentially a number of problems. These include the potential invasion of a young person's privacy that could affect their willingness to engage with services in the future. Second, a young person's competence is not correctly assessed leaving them at risk of significant harm. Thirdly, that information may not be appropriately shared between agencies and parents.

Although guidance on these matters is available on a number of government websites it is not specific to Contact Point. It would be useful to have explicit explanation on information sharing within the Contact Point guidance. This would need to include matters in relation to Gillick competence and the Fraser principles. It is dangerous to assume that staff and practitioners are always aware of these matters. The guidance should be underpinned by accepted best practice.

The NSPCC would recommend that this part of the guidance be re-written in order to take into account the following:

- How to deal with requests of information from parent's in relation to older children.
- How to deal with such requests where the parent's may have concerns about the welfare or safety of their son or daughter.
- What process of assessment in determining competency should take place and who in the staff structure is responsible for this.

Complaints Procedure

4 Does the draft guidance sufficiently explain how local authorities are required to manage complaints relating to ContactPoint?

Please use the comments box below to say how this can be better covered:

Yes

No



Not Sure

Comments:

The NSPCC understands that there is no legal basis for complaining about matters in relation to Contact Point under the Children Act 2004. This matter was discussed at one of the Information Sharing Advisory Groups where it was explained that the part of the guidance dealing with complaints would need to be revised.

The NSPCC would suggest that when this part of the guidance is revised it clearly sets out what a parent or young person can and cannot complain about. In addition the guidance should explain who will deal with complaints within a local authority and under what statute. It is likely that local authorities will be using this guidance to inform their own information leaflets about Contact Point so a clear and concise explanation with respect to this matter is essential.

Shielding (4.63-4.69)

5 Is the draft guidance sufficiently clear about how the ‘shielding’ of child records will operate?

Please use the comments box below to say how this can be made clearer:

Yes No Not Sure

Comments:

The process of shielding information outlined in the guidance is clear. The reasons for shielding information are however quite generic. The NSPCC would recommend under the reasons for ‘shielding’ to insert “and this includes children and adults at risk of domestic violence.” Although the term “significant harm” is used in the guidance it is not explicit in stating that this includes domestic violence. In order for Contact Point to be a safe database both staff and practitioners should be reminded of the risks and nature of domestic violence.

Flowcharts (Annex B)

6 Are the flowcharts helpful in explaining processes within this guidance?

Please use the comments box below to expand on your answer or suggest further processes which may benefit from flowcharts:

Yes No Not Sure

Comments:

It would be better to include the flowcharts within the main body of the document and at the appropriate point. This would make for easier reading for staff and practitioners. The flowcharts should remain on separate pages so that they can easily be photocopied for use as aide memoir.

Contents and Purpose (Chapters 2, 3 & 4)

7 Does the draft guidance cover all the necessary topics to support the appropriate use of ContactPoint?

Please use the comments box below to say which other topics you would like to see covered:

Yes

No

Not Sure

Comments:

The guidance covers the necessary topics but there does need to be greater clarity about the roles and responsibilities of practitioners in some aspects of the operation of Contact Point. One of these areas remains that of the eligibility of a child's or young person's details being placed on Contact Point. The definition of 'ordinarily resident' is not particularly helpful in this matter. There is also a heavy reliance upon 'data feeds.' For example it has been said that a child new into the country and who registers for school, this information will automatically feed into the Contact Point database. There is too much emphasis on 'technology' making 'things' happen. The guidance is also unclear who makes the decision on these matters and how disputes would be resolved between practitioners and those administering Contact Point. For the majority of children this will not be problematic as their details will be collated at birth. However there are groups of children and young people who enter the country for a variety of reasons, either unaccompanied or with someone who is not their parent. These children and young people fall into a number of groups;

- Children and young people unaccompanied and seeking refuge or asylum.
- Children and young people accompanied by a relative or guardian.
- Children and young people who may appear to be accompanied but are actually not accompanied by parent or guardian.

It would be useful if the guidance could consider how Contact Point would 'interface' with these groups of children and young people. These children and young people are often vulnerable. The latter group, those accompanied by someone who is not a relative or guardian and often by someone alleging to be so are particularly vulnerable. It is these children and young people who can be trafficked for exploitative reasons including sexual exploitation. It is these children and young people who 'disappear' from any official or agency contact once they have passed through the port of entry.

This matter is particularly concerning as the Border and Immigration Agency is not required to supply these details to Contact Point when these children and young people enter the country.

Additionally the guidance needs to address the procedure for when practitioners come across a child or young person who does not appear on Contact Point. For example a child or young person may receive a service such as schooling and their carer's say that they are only temporarily in the country. Would this mean that the child's details are automatically fed to Contact Point?

The term 'ordinarily resident' is not sufficient for including many children and young people who actually 'end up' living in England. Some of these children may not immediately be receiving universal services. It is these children and young people that often require earlier intervention. Contact Point will not prevent children and young people from going missing but it would ensure a record of their details should agencies come across them at a later stage. There does need to be a more of a 'hands on approach' to these children's and young people's details reaching Contact point, and not assuming that 'data feeds' will always achieve this.

The NSPCC would recommend that the guidance specifically addresses the following;

- Who has responsibility for ensuring that the details of these children and young people have reached Contact Point.
- What criteria should be used to ensure that children and young people are included in Contact Point when not in receipt of services.
- What action a practitioner needs to take when they come across a child or young person not on Contact Point.

Local Authority responsibilities (Chapter 4 and 'ContactPoint Management Team' boxes)

8 Is the draft guidance sufficiently clear about the statutory responsibilities of local authorities?

Please use the comments box below to say which topic(s) should be made clearer:

Yes No Not Sure

Comments:

Please see previous comment at Section 7.

Supporting Practitioners (Chapter 3 & 4.53-4.81)

9 Is the draft guidance sufficiently clear about how ContactPoint will support practitioners working with children?

Please use the comments box below to say which topic(s) should be made clearer:

Yes

No



Not Sure

Comments:

It is clear but the parts of the guidance that would be useful for practitioners are found throughout the document. Even though the guidance is colour coded for "Users" how realistic is it to assume that practitioners will read through the guidance to extract the parts they need. It is the 'interface' of Contact Point with practitioners that is critical to the successful working and usefulness of it for those children and young people who are receiving additional services. It is this group of potentially 3 to 4 million vulnerable children that practitioners will be responsible for ensuring record of involvement, accuracies of information and CAF details are supplied to Contact Point either directly or through their administrative procedure.

The provision of a concise 'practitioners guide' to underpin the guidance may ensure awareness of practitioner roles and responsibilities to Contact Point.

Implementation (1.1-1.16, Chapters 2, 3, 4)

10 Do you foresee any challenges arising from implementing ContactPoint using this guidance?

Please use the comments box to let us know what you think these challenges might be and how they might be resolved:

Yes

No

Not Sure

Comments:

The guidance in its present form may be of more use to those involved with the administration and management of Contact Point. As mentioned already there needs to be a stronger emphasis on how Contact Point will be used by practitioners within their day to day work. There also needs to be a stronger emphasis on the duty of practitioners to supply information for those children and young people receiving services above the universal threshold.

User Groups (1.13)

**11 Is the use of colour-coded, user-specific, guidance helpful for readers?
(Definitions of users can be found in the table at 1.13 in the guidance)**

Please use the comments box below to identify users that you think should be covered by the guidance or if you feel the guidance could be formatted in a more helpful way:

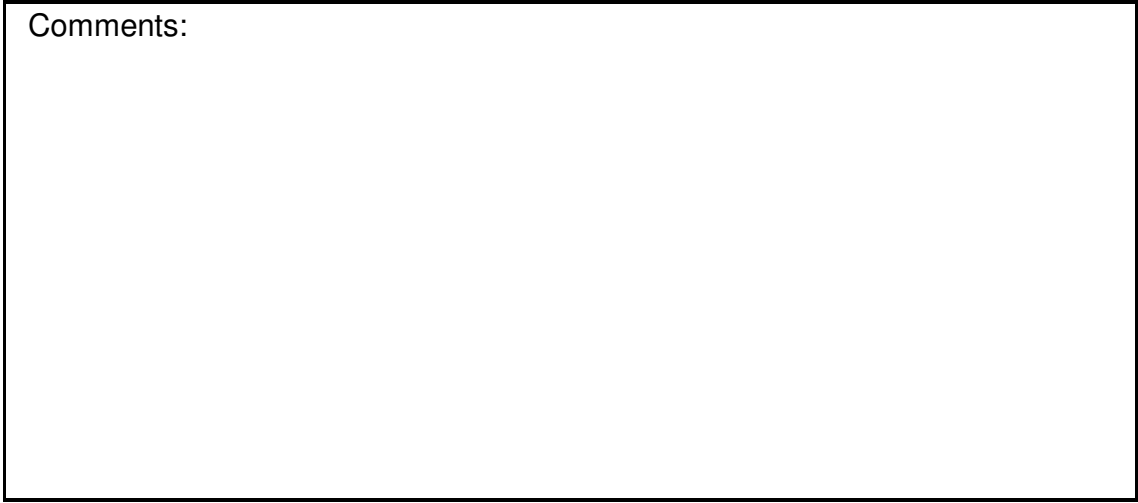
Yes No Not Sure

Comments:

General Comments

12 We are keen to know your views and welcome any further general comments that you might have on this draft guidance; this can include the format, content and language used.

Comments:



Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 27 July 2007

Send by post to:

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