

ANNEX A: Q&A

1. Summary

1.1 What is ContactPoint?

ContactPoint will be the quick way for practitioners 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 will be available to a range of agencies working with children and young people, including practitioners across health services, local authority children's services, education, and youth justice.

1.2 Why do we need ContactPoint?

ContactPoint is designed to support integrated working amongst professionals who work with children.

- It will help improve services to children, with a strong emphasis on early intervention for those who could benefit from additional services. It aims to help ensure all children get access to the services and support they need, as well as safeguarding vulnerable children. All children have a right to the universal services of education and primary health care. ContactPoint will show whether or not they are receiving those services and will help trigger any local action needed to ensure they do receive them.
- ContactPoint will include all children ordinarily resident in England because it is not possible to predict accurately in advance which children will have needs for additional services (estimated to be approx 3-4 million children at any one time). Any child or young person could require the support of additional services at any time in their childhood. We want to support early intervention for children as soon as they need additional services to help prevent situations becoming critical.
- ContactPoint aims to make it easier for those working with children and young people to do their jobs: to free up a significant amount of time and reduce duplication of effort, enabling practitioners to spend more time delivering services. Currently practitioners can spend days trying to find out who else is working with the same child or unknowingly duplicate work that is already being carried out by another practitioner – perhaps in a different geographical area or another service.
- ContactPoint has been designed to support the processes followed by those who work with children. It is a tool that should support and enhance good working practice.

Enabling practitioners to have a full picture of a child's needs and, where appropriate, to share information about the work they are doing to meet these needs, is a key element in many of the associated change programmes.

ContactPoint will support our preventative programme in childhood and help to achieve the outcomes set out under Every Child Matters which are shaping services for children and their wellbeing. ContactPoint will be an important tool which will, in time, improve the way that health practitioners work together, and with other agencies, to ensure that every child receives the tailored support they need.

1.3 What are the benefits of ContactPoint?

Several local authority 'Trailblazers' have piloted local directories (known as 'indexes'). They demonstrated that this type of tool produces some key benefits:

- less time trying to find other practitioners - which means that it is possible to spend more time working directly with children, young people and their families;
- quicker assessment of whether a child is receiving universal services (primary health care; education); and
- enables more effective multi-agency working which leads to better service experience for children and young people.

An essential requirement identified in the early stages of development was that ContactPoint must be a national tool to ensure it works for children who receive services across, or move across local authority boundaries.

1.4 What guidance will you issue for ContactPoint?

ContactPoint guidance was published to local authorities and national partners in summer 2008. Best Practice Processes and training materials are also being developed. The guidance will be published more widely in advance of deployment.

2 Information held

2.1 What information will be held on ContactPoint?

The information to be included in ContactPoint is set out in schedule 1 of The Children Act 2004 Information Database (England) Regulations 2007.

ContactPoint will only contain the following basic information:

- name, address, gender, date of birth and an identifying number for every child/young person up to their 18th birthday (and beyond in certain circumstances). Every child ordinarily resident in England will be on ContactPoint to ensure they receive support as early as possible if and when they need it.
- name and contact details for each child's parent(s)/carer(s), child's education setting and health provider (e.g. GP practice), and other 'universal' services (e.g. midwife, health visitor and school nurse).
- name and contact details for additional services that are involved with a child's well-being and providing support for an individual (e.g. social care).
- there will also be the facility to indicate if a practitioner is the lead professional¹ for a child and/or if they have completed an assessment under the Common Assessment Framework. The consent of the child/young person and/or their parent/carer is not required for the practitioner to inform ContactPoint of the existence of a CAF. It would be best practice for the practitioner to inform the child/young person and/or parent/carer that the existence of a CAF will be indicated on ContactPoint when seeking consent to complete an assessment under CAF.
- informed, explicit consent will be required to record contact details for sensitive services (see section 2 – *what services are defined as sensitive?*). Where these practitioner contact details are recorded, only an indication of an unspecified service would be visible to the majority of users. Local authority ContactPoint Management Teams will broker contact on behalf of sensitive service practitioners. The sensitive service practitioner will judge whether it is appropriate to contact the practitioner making the request. Lack of consent to place practitioner details on ContactPoint may be over-ridden only in carefully specified circumstances, such as where there are genuine child protection concerns.

¹ A practitioner who takes the lead to co-ordinate provision and is a single point of contact for a child and their family, when a range of service providers are involved with that child or family and an integrated response is required.

- the Children Act 2004 specifically prohibits the inclusion of any case information. ContactPoint will not hold any clinical records, medical notes, assessment/exam results or any other case information. There will be no subjective opinions or observations about a child or parent, and no automatic triggers for action or investigation.

2.2 What information must schools provide?

Schools must provide, for every child ordinarily resident in England up to their 18th birthday:

- child name, address, gender, date of birth and an identifying number unique to that child to allow accurate identification in case of a query e.g. UPN (Unique Pupil Number), ULN (Unique Learner Number) or a reference number allocated by the School.
- name and contact details for each child's parent(s)/carer(s); and
- name and contact details for the school;

Schools must also log the provision of additional services to pupils, for example, via the SENCO or school nurse. ISC is convening a working group of professionals drawn from ISC member associations which will work with the ContactPoint team from DCSF to consider which specialist and targeted services provided in schools should add their contact details to ContactPoint. Once this work has concluded, further guidance will be issued.

Local ContactPoint implementation managers will contact schools to discuss data supply. See section 4 for further details on data supply.

2.3 Do independent schools need to seek the consent of children and/or their parent/carers to supply data to ContactPoint?

Universal coverage for all children ordinarily resident in England up to their 18th birthday is a requirement for ContactPoint. Schools do not need the consent of pupils and/or parents to supply data concerning pupils who have not yet reached their 18th birthday. The only exception to this is where the school is providing a sensitive service to a child.

2.4 What services are defined as sensitive?

Services defined as sensitive services on ContactPoint are:

- sexual health - information, advice and treatment for pregnancy, abortion, contraception; sexually transmitted infections including services related to HIV/AIDS or Hepatitis B or C; rape crisis or sexual violence; sexual abuse and services related to Gay/Lesbian or Trans-Gender issues;
- mental health - Child and Adolescent Mental Health Services tiers 2, 3 and 4 which includes referrals to and assessment and treatment by, community based and in-patient teams dealing with, for example, sexual abuse and eating disorders; and
- substance abuse - information, advice and treatment for drug, alcohol or volatile substance abuse (glue, aerosols and butane gas).

The definition of sensitive services was made in light of public consultation. For these services there is a strong public expectation and practitioner culture that information will only be shared where informed, explicit consent has been secured.

Note: Explicit consent from the child (or parent/carer where the child does not have sufficient understanding to give or refuse consent²) will be required to record contact details for sensitive services. Where these practitioner contact details are recorded, only an indication of an unspecified service will be visible to the majority of users.

2.5 What happens to the information when a person reaches 18?

In most cases, a record will be removed from ContactPoint when a person turns 18. With their informed, explicit consent, records can also be retained on ContactPoint for young people aged 18 or 19 in receipt of Connexions services or who may be subject to other arrangements, and young people receiving certain services who are leaving care or have a learning difficulty and who are over 19 and under 25.

When a record is removed from ContactPoint, it will be held in a secure archive for six years and then destroyed.

2.6 What happens to the information when a child dies?

When a child dies, the record for the child will remain on ContactPoint for one year. On the first anniversary of the child's death, the record will be removed from ContactPoint, held in a secure archive for six years and then destroyed.

² Further guidance on consent is available in: 'Information Sharing: guidance for practitioners and managers' (paragraph 3.17 et seq)

2.7 What happens to the information when a child leaves England?

Where it has been determined that the child is not ordinarily resident in England or has left England and does not intend to return within three years, a record held on ContactPoint will be removed, held in a secure archive for six years and then destroyed.

2.8 When can the information stored in the archive be accessed?

The archive can only be accessed for limited reasons, such as a Local Safeguarding Children Board serious case review or investigation into a child death.

2.9 Why is it necessary for all children to be on ContactPoint? Wouldn't it be better to list only children at risk?

ContactPoint is not just about child protection; it is also about supporting early intervention for children and young people to ensure they achieve good outcomes as set out in the Every Child Matters outcomes framework³. It is not possible to predict which children will need additional services or indeed when - estimates show that 3-4 million children and young people will need additional services at any one point in time.

It is proportionate to hold a very limited amount of information on all children rather than having to establish thresholds and continually make decisions about which children to put on ContactPoint and which to take off. An advantage of ContactPoint is that it enables practitioners to quickly identify others working with the same child to determine whether the needs of the child/young person are holistically addressed as soon as a first sign of need is noticed.

All children have a right to the universal services of education and primary health care. ContactPoint will show whether or not they are receiving those services.

For children who are 'at risk' the Integrated Children's System is being introduced. Supported by information technology, it provides a tool for managing detailed information securely and efficiently. The purposes of ContactPoint and ICS are quite distinct.

2.10 Will all service involvements be recorded on ContactPoint?

In order for practitioners to be able to work together and deliver better outcomes for children, it is essential that practitioner involvements are recorded on ContactPoint only when it is appropriate and useful to do so.

³ Every Child Matters framework
<http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00331-2008>

The national ContactPoint team is currently in discussions with key sectors to define which practitioner involvements should be recorded on ContactPoint. As part of this work, the national team will engage with a variety of bodies from the education sector including the working group being set up by ISC. Once the discussions have concluded, further guidance will be issued to independent schools.

2.11 How long will contact details for a service be retained on ContactPoint once an involvement ends?

Contact details for a service provider will usually be archived one year after a child's involvement with a practitioner ends. In certain circumstances, for instance when a specialist or targeted service is provided, a practitioner may decide to keep their details on ContactPoint for up to five years after their involvement ceases.

2.12 What information will be held on ContactPoint in the following cases?

a. The child/young person has a statement?

Where a child/young person has a SEN teacher or a SENCO, contact details for this professional will be recorded on the child's record on ContactPoint. The recording of contact details for a SEN teacher or a SENCO will not reveal whether a child/young person has a statement of SEN as a child/young person may be involved with a SEN profession but not have a statement of SEN.

b. The child/young person's parent poses a risk of harm to the child/young person?

Any child whose circumstances may mean that they, or others, are at increased risk of harm (for example a family fleeing domestic violence) will be able to have some of their details partially hidden (shielded) so that only the name, date of birth and unique identifying number will be visible to most ContactPoint users. These decisions will be taken on a case by case basis and will be based on the level of threat posed if the information becomes more widely available. See section 5 for further details on shielding.

c. The child/young person's parent is a drug user/has a mental disorder/has criminal convictions?

The only details held on ContactPoint for a child/young person's parent/carer are their name and contact details.

d. The child is adopted / fostered?

ContactPoint's project team has been in discussions with the British Association for Adoption and Fostering.

Contact details will be recorded on ContactPoint for the individual(s) who have parental responsibility for the child/young person. If the local authority shares parental responsibility for a child/young person who is fostered with the child/young person's parent(s), contact details for the local authority will be recorded alongside the contact details for the parent(s) of the child on ContactPoint.

For adoption cases where the child has little or no contact with birth parent(s) or wider family members, there will be mechanisms in place ensuring that the ContactPoint record pre and post adoption cannot be linked.

e. The child/young person is a celebrity or a child of a celebrity?

All children ordinarily resident in England will have a ContactPoint record - no child will be excluded.

If a child's circumstances mean that they may be at increased risk if details of the whereabouts were to be identified, their child record can be shielded. Shielding decisions must be taken on a case by case basis, according to the criteria set out in the ContactPoint guidance. See section 5 for further details on shielding.

f. The child/young person's parents are divorced?

Contact details will be recorded on ContactPoint for the parent(s) or carer(s) of the child/young person. Regardless of the parents' marital status, contact details for each parent will be recorded if that information is available.

g. The child/young person has visited hospital/visited A&E?

The national team is in discussions with the Department of Health and key professional bodies from the health sector to define which practitioner involvements should be recorded on ContactPoint.

h. The child/young person is involved with a Youth Offending Team (YOT) or Youth Inclusion and Support Panel (YISP)?

Where a child/young person is involved with a YOT or YISP contact details for this involvement will be recorded on ContactPoint. Given that youth offending teams are involved with children who have witnessed crime or are victims of crime, a user cannot interpret an involvement with a youth offending team as an indication that the child/young person has committed an offence.

2.13 How are you handling the recording of flags of concern

There is no provision to hold 'flags' of concern, information to share or action taken indicators on ContactPoint. This decision was taken in light of the response to the public consultation on draft ContactPoint Regulations.

ContactPoint will provide a means to indicate whether a practitioner is a lead professional and if they have undertaken an assessment under the Common Assessment Framework (CAF). The CAF will not be held on, or accessible through, ContactPoint.

The information that can be held on ContactPoint is limited by law as provided by Section 12 of the Children Act 2004 and the supporting regulations.

3 User Access

3.1 Who will have access to ContactPoint?

Access to ContactPoint will be restricted to authorised users who need it as part of their work and who have been security cleared and trained. This will include those working in health, education, social care, youth justice and some voluntary organisations. The regulations provide for the following members of staff in independent schools to have access to ContactPoint:

- a. the head teacher;
- b. a deputy head teacher;
- c. an administrator;
- d. a head of year or a teacher other than a head of year who has pastoral or child protection responsibilities;
- e. a teacher of children with special educational needs;
- f. a coordinator of special educational needs provision,

or who is carrying out functions equivalent to the functions of a person referred to in bullets b. to e.

3.2 What conditions have to be fulfilled before someone is granted access?

Those who wish to become ContactPoint users must:

- be eligible for access
- be nominated by their organisation
- complete ContactPoint training
- have an enhanced Criminal Records Bureau disclosure, renewable every three years
- have been allocated a username, PIN, personal security token and a password

3.3 How will members of staff within independent schools be identified as potential users?

Local ContactPoint implementation teams will work with independent schools to agree which members of staff in each school should have access. They should:

- agree an estimate for the number of staff who will require user access to ContactPoint;
- consider whether the proposed users fulfil a role in the school which is permitted access and whether they have a valid enhanced Criminal Records Bureau disclosure (less than 3 years old) – a condition on access;
- determine what access to IT is available; and
- agree the best way to manage the mandatory training for proposed users.

3.4 How many ContactPoint users will there be?

The Business Case for ContactPoint provided an initial estimate of some 330,000 users. This was based on high level estimates of the percentage of the national workforce in each sector that might require access to ContactPoint, and local authorities initial estimates of the number of users in each sector in local areas. The data on numbers will continue to be improved as local authorities and national partners move into user analysis (which will identify potential users by name and post) and then into user administration prior to roll-out of ContactPoint.

3.5 How will users access ContactPoint?

ContactPoint should not impose additional burdens on frontline practitioners and its use should fit conveniently into their daily work.

Initially, the majority of users in independent schools will access ContactPoint through a secure web-link from known computer systems (i.e. it will not be possible to access ContactPoint from public access and/or unsecured networks).

For authorised users who do not have appropriate IT, they will be able to access ContactPoint through another authorised user (mediated access).

Wherever possible, authorised users will be able to access ContactPoint through their existing management information systems (MIS) where this has been ContactPoint enabled. There are no current plans to enable ContactPoint access via school's MIS such as Capita SIMS or Hebron but we believe the market will be quick to respond to this data management need.

Note: It will not be possible to access any case data held by another agency from ContactPoint.

3.6 Why will the police be given access to ContactPoint? What security measures will be in place to stop the police from using ContactPoint as an intelligence tool?

The police have an important role to play in safeguarding and promoting the welfare of children and in cooperating with other agencies to improve well-being. They are subject to duties under Sections 10 and 11 of the Children Act 2004, which ContactPoint is being developed to support.

Access will only be granted to certain police staff with an identified role in fulfilling these duties. These include child abuse investigation staff, youth participation staff and early intervention scheme staff.

All users will have to state a reason to access a record, measures are in place to prevent 'trawling' and all use will be monitored and audited. These security measures (set out in further detail below) will help ensure that the police do not use ContactPoint as an intelligence tool.

3.7 What security measures will be in place to control access?

Security is of paramount importance in the development of ContactPoint. A number of measures will be in place to ensure security:

- ContactPoint security has been audited and approved, at all stages, by relevant security bodies. All data supplied to ContactPoint will be strongly encrypted and extensive measures are being taken to ensure that the data will be transmitted securely.
- assessments and rigorous testing will be undertaken by independent security experts during build and before the system goes live. ContactPoint will not go live until it has passed these tests. Auditing will continue during operation.
- access will be limited to those who need it as part of their work. Everyone with access will be subject to stringent security checks (including current enhanced Criminal Records Bureau disclosure) and all users will need a user name, a password, a PIN and a security token to access ContactPoint.

- before being granted access, all users will complete mandatory training, which will include the safe and secure use of ContactPoint and the importance of compliance with the Data Protection Act 1998 and Human Rights Act 1998.
- all users will have to state clear reasons in order to gain access to a child's record and all use of the system will be monitored and audited. Users will be made aware that any misuse will lead to appropriate sanctions. These sanctions can include, if appropriate, fines under the provisions of the Data Protection Act 1998 and fines or imprisonment under the Computer Misuse Act 1990.
- all use of the system will be monitored and audited. These measures will be reflected in the guidance and staff training that will govern the operation of ContactPoint.

ContactPoint security procedures were independently reviewed at the end of 2007 by Deloitte. The review acknowledged that the importance of security appeared to be ingrained within the key areas of the ContactPoint Project. No significant concerns were raised about any security measures currently in place. Minor recommendations were made about plans once the system goes into operation. For example, the report commented on draft guidance and processes which are still in development (such as guidance for helpdesk staff).

4 Data Supply and Accuracy

4.1 What is the statutory duty on independent schools to supply data for inclusion on ContactPoint?

The Children Act 2004 Information Database (England) 2007 Regulations place a statutory duty on independent schools to supply certain data for inclusion on ContactPoint. Local ContactPoint implementation managers will work with independent schools to agree the arrangements for the supply of data to ContactPoint, including the frequency with which the data should be supplied.

4.2 Why is there a statutory duty on independent schools to supply data to ContactPoint?

Independent schools in England are a key partner in the introduction of ContactPoint because they provide education for around 7% of England's children and young people.

4.3 How can independent schools supply data to ContactPoint?

Independent schools will be approached by local implementation teams as part of their work to identify and establish users in their area and to make provision for data supply to ContactPoint.

Independent schools are required to provide data to ContactPoint and may do so using one of three options:

- a modified (ContactPoint enabled) management information system, if one is used in the school;
- a ContactPoint adapter that will enable extracted data held electronically by the school to be passed to ContactPoint; or
- manual data input through the web browser.

The local implementation manager responsible for ContactPoint implementation in your area **will** work with you to determine the best option for your school.

Schools must be accredited to provide information for ContactPoint – further details about the accreditation process will be provided via the local ContactPoint implementation manager when available. Local ContactPoint implementation teams will work with independent schools to help ensure that they meet the requirements of accreditation.

This activity is a high priority for the introduction of ContactPoint. It is recognised that the process of establishing data supply to ContactPoint will continue through the early stages of implementation and operation, but the more information available, the quicker everyone will start seeing the benefits of ContactPoint.

NB: Data supply is one way only; ContactPoint will not supply any data to source systems.

4.4 Will there be formal agreement between the local ContactPoint implementation team and each school regarding how data will be supplied to ContactPoint?

It is considered good practice for local ContactPoint implementation teams to enter into an agreement which sets out: what information is to be provided; the frequency of supply; and makes it clear that it is being provided for ContactPoint purposes and will not be disclosed further. DCSF has provided a template, known as an Operational Agreement for Data Supply (OADS) that can be used for this purpose

4.5 How will ContactPoint be kept up to date?

Wherever possible, ContactPoint will be automatically updated from existing systems (e.g. practitioners' case management systems) so that practitioners will not need to enter the same information twice. When information has been updated in these systems it will be sent automatically to ContactPoint as an update. Data management technology will be used to remove duplicates and cleanse the data from different sources.

Those required or permitted to supply information to ContactPoint must take reasonable steps to ensure the information is accurate; they already have obligations to ensure data accuracy under the Data Protection Act 1998.

If a local authority considers that there are inaccuracies or missing information in a record for which it is responsible, the authority must take reasonable steps to correct the inaccuracy or to complete the record – for example, where they believe that data may be inaccurate, local authorities may return to the source of the data to seek verification.

5 Shielding

5.1 What is the legislative basis for shielding child records?

The Children Act 2004 Information Database (England) Regulations 2007 provide for data to be hidden or 'shielded' from ContactPoint users. This is principally intended to prevent the whereabouts of a child being identified either through:

- visibility of the address details from ContactPoint, or;
- ContactPoint providing enough information for a likely whereabouts to be deduced (e.g. a service address).

Shielding is not unique to ContactPoint; it is already in place in a number of systems.

5.2 When can records be shielded?

The ContactPoint Guidance, made available to local authorities and national partners on 21 July 2008, sets the limited circumstances where shielding would be applicable. Chiefly these are when there are strong reasons, for example where a practitioner has reason to believe that not doing so is likely to:

- place a child at increased risk of significant harm;
- put a child's placement at risk (in the case of adoption)
- place an adult at risk of significant harm;
- prejudice the prevention or detection of a serious crime; or,
- provide a link between pre- and post-adoption identities.

Such cases could arise for example where:

- a child/young person is adopted where there is little or no contact with birth parent(s) or wider 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 unique circumstances not covered by these categories, for example, siblings or co-habiting children and young people. The necessity to shield a record must therefore be assessed on a case-by-case basis.

A record should always be shielded regardless of the length of time the shield will need to be in place.

5.3 How does shielding work?

Any practitioners involved with a child may identify cases in which the whereabouts of a child should be protected either in light of their own knowledge of a child/young person and/or their parents, wider family or carer(s), or because concerns are raised by family or carer(s).

Where they judge that a child record must be shielded, practitioners with the appropriate access rights may request shielding through the method (web browser or accredited management information system) in which they access ContactPoint. Other practitioners should contact the local authority directly. As soon as a shielding request is submitted, data which indicate the whereabouts of the child will not be visible.

To make sure that the shielding facility is used and managed appropriately, the LA ContactPoint Management Team should undertake an initial review within seven days of the shield being requested, to determine whether or not the record should be shielded. Periodical reviews of the shielded record should be undertaken every six months thereafter to help ensure that records do not remain shielded inappropriately. These reviews must take into account any views expressed by the child/young person, their parent/carers and any relevant involved practitioners.

5.4 How has the project developed the policy, functionality and processes supporting shielding child records?

The experience of local indexes and earlier correspondence between the Department and Women's Aid and women's refuges established the clear need for a facility to shield a record, which has informed the ContactPoint Guidance and Regulations. The policy, functionality and processes supporting 'shielding' have been further developed in light of responses to the public consultation on regulations and guidance and through extensive engagement with a variety of stakeholders including Barnardo's; Children's Society; Women's Aid; British Association of Adoption and Fostering; Metropolitan Police; Greater London Domestic Violence Project; Children and Family Courts Advice and Support Service; Association of Chief Police Officers; Haven Refuge and local authorities.

6 Legal

6.1 What is the legislative basis for ContactPoint?

Section 12 of the Children Act 2004 provides the legislative basis for establishing ContactPoint. The Children Act 2004 Information Database (England) Regulations 2007⁴ came into force on 1st August 2007.

The Regulations provide for the establishment and operation of ContactPoint under section 12 of the Children Act 2004. They specify what information will be held; who must or can provide it; how long it can be retained; who can be granted access; and how accuracy will be maintained.

Throughout this guidance, where there is a legal requirement on schools, the word “must” is used. Where there is a good practice guideline, the word “should” is used.

6.2 Will ContactPoint comply with the Human Rights and Data Protection Acts?

Human Rights Act 1998 (HRA)

DCSF takes its responsibilities under the European Convention on Human Rights (ECHR) very seriously. We have considered the relationship between ContactPoint and the HRA and are satisfied that ContactPoint complies with that Act. We consider that, to the extent that ContactPoint may constitute an interference with children’s rights to privacy under Article 8 of the ECHR, then any interference is necessary and proportionate.

We have always sought a balance between children’s and families’ rights to the services to which they are entitled, and their individual rights to privacy. The purpose of ContactPoint is clearly set out in section 12 of the Children Act 2004: to support the section 10 and 11 duties to cooperate to improve children’s well-being and to safeguard and promote their welfare.

There are compelling reasons why we believe national coverage and the need to include all children and young people under 18 is necessary, primarily because this is the most effective way of ensuring that we can support the 3-4 million children who, at any one time, might need additional and targeted services (and 5-6 million who will have such needs throughout their childhood). Children move in and out of this spectrum of need and it is not possible to predict which children will require additional services or indeed when, and which children would never need them. We believe it is proportionate to hold a small amount of information on all children, rather than to have to continually make threshold decisions about which children to put on the system, and which to exclude or remove.

⁴ The Regulations http://www.opsi.gov.uk/si/si2007/uksi_20072182_en_1

Furthermore, all children have a right to 'universal' services such as education and primary health. ContactPoint will show whether or not they are receiving those services and will then help support local action to ensure they do receive them. This function could never be achieved through a consent-based or opt-out system.

Data Protection Act 1998 (DPA)

The effect of the legislation (section 12 of the Children Act 2004 and the Children Act 2004 Information Database (England) Regulations 2007) and the guidance governing ContactPoint is that all information on ContactPoint will be handled in a manner that is consistent with the DPA and will address issues of accuracy, retention, security and confidentiality. Practitioner access will be strictly controlled and limited to those who have a need to use ContactPoint as part of their daily jobs. Mandatory face-to-face training for all ContactPoint users will include the safe and secure use of ContactPoint, including the importance of compliance with the DPA (and HRA).

ContactPoint supports the clear right under the DPA for children and young people (or their parent or carer when acting appropriately on their behalf) to have access to their information on ContactPoint and for it to be corrected if it is found to be inaccurate (see "*Will children, young people and parents/carers be able to see their data and correct any information where appropriate?*" below).

The project continues to enjoy a very constructive relationship with the Information Commissioner's Office (ICO), the UK's independent authority set up to promote access to official information and to protect personal information. The ICO acknowledges that important safeguards have been put in place to protect the privacy of children and young people. In particular, the ICO has noted the fact that minimal information will be recorded and that contact details for sensitive services practitioners will only be recorded with the informed, explicit consent of the child or young person.

"...The information that you require to populate ContactPoint is of an administrative nature, it reveals nothing about an individual's health or condition and it does not strike me as sensitive"

Richard Thomas, Information Commissioner

6.3 How will ContactPoint impact on existing rules about confidentiality and information sharing?

The importance of confidentiality for young people seeking advice on sensitive issues has not been underestimated and their current right to confidentiality of information with health professionals remains. ContactPoint will not change any rules governing confidentiality or sharing information when practitioners discuss a child's needs. Everyone who works with children and young people should ensure that they follow established guidelines on information sharing and exercise professional judgement in line with the cross Government information sharing guidance⁵

⁵ <http://www.everychildmatters.gov.uk/informationsharing>

Practitioners will be required, as they are now, to make a professional judgement about whether it is appropriate to share information with others working with the same child. ContactPoint will not change that.

For ContactPoint to deliver the desired benefits, users will need to have clarity on when and how information can be shared legally and professionally, in order to achieve improved outcomes for children. Information Sharing: Practitioners' Guide, published in April 2006, is currently being reviewed to cover those who work with adults and families as well as those working with children and young people. This will build on existing available guidance to support knowledge-sharing and training across children's and adult services.

In the light of public consultation, the Government has decided that contact details for certain services - relating to sexual and mental health, and substance misuse - will only go on ContactPoint with the informed, explicit consent of the young person or their parent/carer. And, where consent is given, only the fact that an unspecified service is being provided will be available.

6.4 Do schools need to draw up a signed agreement/protocol with other organisations before staff in the school can share information with practitioners working for these different organisations?

The decision to share or not share information must always be based on professional judgement, in accordance with legal, ethical and professional obligations, supported by cross-Government information sharing guidance and informed by training. Formal information sharing agreements/protocols are not required before frontline practitioners can share information. The lack of an information sharing protocol must never be a reason for not sharing information that could help a practitioner deliver services.

6.5 Will children, young people and parents/carers be able to see their data and correct any information where appropriate?

Children and young people, and parents when acting on a child's behalf, have rights under the Data Protection Act 1998 to see the information that is held about them (known as Subject Access Rights) and, if any data is found to be incorrect, to request that it be corrected. Local authorities will manage Subject Access Rights requests and will publicise the mechanisms for making a request.

6.6 Will children/young people and/or their parents need to remember their unique ContactPoint identifier and supply this when accessing services?

No. Services will be accessed in the same way they are now.

7 Links with Every Child Matters and DCSF

7.1 What is the relationship with other tools being designed to improve information sharing & management, such as eCAF?

ContactPoint development and implementation is being coordinated by the Department for Children, Schools and Families alongside other tools which are designed to support the Every Child Matters agenda⁶.

eCAF, ContactPoint and ICS are all intended to support improved integrated working in children's services and, where appropriate, information sharing. These are all separate tools which exist for different, specific purposes. A range of approaches is required to support effectively children with diverse needs. In turn, each of these approaches requires specific, enabling IT solutions.

- ContactPoint will provide practitioners with an online directory to find out quickly who else is working with the same child or young person. It will not hold case data.
- The Common Assessment Framework (CAF) is aimed at children with additional needs and offers a holistic and co-ordinated approach to assessment from potentially a range of different children's services. The CAF is a voluntary, consent based process. To operate efficiently, CAF requires a secure, national electronic storage and retrieval system (eCAF). eCAF is the electronic enablement of the Common Assessment Framework. It allows practitioners to electronically create, store and share a common assessment. It is anticipated that deployment of the national eCAF system will start in the latter half of 2009 in a phased approach⁷.
- It is the intention that, in the future, when a common assessment has been logged in the eCAF system, it will automatically notify ContactPoint that a common assessment has been carried out, along with the contact details for the practitioner who undertook it or who has subsequently assumed overall responsibility for it. This will speed up communications, avoid duplication and facilitate contact between practitioners across a range of organisational and geographical boundaries. There will be no access to the CAF itself via ContactPoint.
- The Integrated Children's System (ICS) is there to support 'children in need'. Supported by information technology, it provides a tool for managing detailed information securely and efficiently. When a child is referred to social care services and a referral is recorded on an ICS electronic case record system, the existence (although not the case details) of children's social care involvement and the practitioner contact details will be automatically uploaded to ContactPoint.

⁶ With support from the Children's Workforce Development Council

⁷ On the 25th July 2007, the Government announced that it would develop a single national IT system to support the Common Assessment Framework (i.e. the national eCAF system).

7.2 If a child or young person, or their parent/carer acting on a child's behalf, does not consent to the completion of the CAF, will they still be able to receive services?

CAF is simply a process to help ensure a holistic identification of needs and facilitate the sharing of information towards a co-ordinated agreement regarding service delivery. If consent is not given to complete a CAF, the child/young person will still be able to receive services.

The implications of consent not being given to complete a CAF are that the child/young person/parents would need to approach different services separately, and discuss with each whether, how and when support can be provided by that service. Without consent, it is unlikely that there would be any co-ordinated discussion by a multi-agency team (e.g. Team Around the Child, as operated within the local area).

8 The case for ContactPoint

8.1 How would ContactPoint help a child such as Victoria Climbié?

In Victoria Climbié's case, the Aunt was claiming child benefit and had registered Victoria with two GPs. On both of these counts Victoria's details would, under our proposed arrangements, have been supplied to ContactPoint.

ContactPoint will bring together in one place details of practitioners and services involved with a particular child. Therefore, if a doctor at the hospitals, which Victoria attended, had been able to log onto ContactPoint, they would quickly have been able to see a number of other services' involvement with Victoria and whether she was registered with a GP. They would then have been able to record their involvement, contact relevant other practitioners, and take any necessary action. Any child protection measures they initiated could have been more effectively coordinated with other services.

Victoria was not attending school, where changes in her condition or absences would have been noticed. ContactPoint would have shown that no educational setting was recorded which would enable users to take action to ensure that the necessary provision was made available.

A major factor in the tragic case of Victoria was her movement around a number of different local authority areas. A national approach to ContactPoint is crucial to its success in safeguarding the well-being of children. ContactPoint is being developed in such a way as to ensure that duplicate records are not created for the same child in different areas, and service continuity can be supported more effectively when a family moves locations.

Through use of a unique identifying number ContactPoint would have helped to ensure the correct and reliable identification of Victoria, and therefore who had parental responsibility for her. There was confusion about both of these fundamental facts.

The need for appropriate information sharing and holistic working that is focused around the needs of a child is clear. If practitioners don't coordinate with each other, children who could and should have been helped or protected will continue to miss out. ContactPoint is a tool that will help practitioners to build on existing good practice, helping to ensure all children receive the services and support to which they are entitled – this is a key aim of Every Child Matters.

8.2 Why spend the money on IT rather than investing in the statutory agencies that provide for children / young people in need?

The benefits of appropriate information sharing and better integrated working are very clear. This investment in ContactPoint will deliver benefits which simply increasing staff numbers could not achieve.

The money set aside for ContactPoint would support approximately 12 additional frontline staff per local authority. In contrast, we have very conservatively estimated that ContactPoint could generate efficiency savings equivalent to five million hours of practitioner time. This is the equivalent of around 20 additional staff per local authority, almost twice the number that directly recruiting staff would provide.

We have based our financial assessment on only one element of efficiency; ContactPoint will deliver a range of other benefits.

9 Other

9.1 What is the statutory duty on local authorities to provide assistance to children in need within independent schools?

The law (Section 17, Children Act 1989) does not make any distinction between children on grounds other than their need or otherwise for local authority services. A local authority is required to carry out an initial assessment of a child's needs but it does have discretion to consider what services, if any, to provide.