

London Borough of Barnet – ContactPoint Shielding Policy and Processes

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1. Background

ContactPoint is a key element of the Every Child Matters programme to transform services for children by supporting more effective prevention and early intervention. ContactPoint will be the quick way for professionals 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 that need it to do their jobs.

ContactPoint will have a record for every single child in England. In most circumstances, given the rigid security and conditions around access to ContactPoint, it will be acceptable for any ContactPoint user to have access to all the data that is held on ContactPoint for a specific child when they have a need to access it. In certain circumstances, however, when access to that information could place a child at increased risk of significant harm, put a child's placement at risk, place an adult at risk of significant harm or prejudice the prevention or detection of a serious crime it will be possible to shield that record on ContactPoint. A shielded record is a record within ContactPoint that has had all location based information restricted - the only information available once a record is shielded is the ContactPoint ID, name, date of birth and gender.

The purpose of this document is to outline the policy and processes concerned with shielding records on ContactPoint for which the London Borough of Barnet is the Accountable Body*. The document outlines the policy for which records should be shielded and processes concerned with shielding the records and accessing the records once they have been shielded.

2. Shielding Policy

2.1. Introduction

This policy specifies the conditions under which shielding can or should be requested or withdrawn.

The legal basis for the policy is defined in The Children Act 2004 - Information Database (England) Regulations 2007 which 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; specifies 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.

The Children Act 2004 - Information Database (England) Regulations 2007 also make 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.

This shielding policy is designed to be adopted by all organisations within the London Borough of Barnet who work with vulnerable children, young people and their families. This policy also recognises that requests to shield data on

ContactPoint can be made by non-ContactPoint users – this includes practitioners, the child/young person in question or their parents/carers.

2.2. Principles

Overarching principles for this policy.

- No child or young person, their family or those living at the same address should be put in danger by information of their whereabouts being shared
- The necessity to shield a record must be assessed on a case-by-case basis and agreed by the Divisional Manager, Safeguarding
- Practitioners must act promptly if they have strong reasons to believe that a record should be shielded
- Consideration should be given to safeguarding family members and/or co-resident children/young people as the records for these individuals may also need to be shielded
- To ensure that shielding is only applied where appropriate, the LA ContactPoint Management team will ensure that each request is reviewed within 7 days of the shield being requested (and remove the shields when necessary). Periodic reviews of a shielded record will be undertaken every six months thereafter.
- Requesting that a record be shielded is not a right only available to users of ContactPoint. Shielding requests can come from practitioners from a variety of agencies, child/young persons and parents or carers. These requests to shield should be treated as a matter of urgency.
- Emergency Shielding Override will be a user right that will be restricted to a select group of child protection workers. Any use of the Emergency Shielding Override will immediately trigger an investigation by the ContactPoint Team to ascertain the legitimacy for doing so.
- It is not appropriate to simply shield a record where there is an opposition to ContactPoint in principle.
- Shielding requests should be discussed with managers - if line management, an alternative manager or head of service is not available a request should be made to the ContactPoint Team.
- A log will be held of shielding activity by the ContactPoint Team – the Shielding Database
- The ContactPoint Team will have access rights to view the hidden information on shielded records and can act only as a broker when an authorised practitioner requests disclosure of further information about a shielded record in situations where there are child protection concerns. The decision to disclose information will be the responsibility of the involved practitioner who can use existing safeguarding procedures and professional judgement to decide whether to release information.
- The ContactPoint Team are responsible for archiving ContactPoint records of a child's previous identity and ensuring that all information relating to the former identity (e.g. alias or alternative addresses) is archived.

- Practitioners may request that the ContactPoint Team provide a brokering service only when they believe they have a legitimate professional reason to get more information about a child where they know this exists on ContactPoint. This arrangement will be agreed by the Divisional Manager, Safeguarding.
- All requests to shield and information regarding shielded records should be securely transported to and from the ContactPoint Team. This information will also be managed securely by the ContactPoint Team.
- If a child's record on ContactPoint is extended beyond the age of 18 and the record is shielded, the shield must remain on that record and continue to be reviewed every six months.
- The ContactPoint Team have the facility to run a report which highlights when a shielding request has been submitted by an authorised user

2.3. Criteria

When assessing the criteria for shielding the professional judgement of the practitioner is key to deciding if a child or young person should be shielded on ContactPoint. It is vital that shielding (and thereby not disclosing the whereabouts of a child or young person) is only applied where 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 e.g. looked after or adopted children
- place an adult at risk of significant harm
- prejudice the prevention or detection of a serious crime

Such cases could arise for example where:

- a child/young person is in a placement that is not disclosed to their birth parent by court order or due to concerns about the safety of the child or carers
- the child/ young person is in an adoptive placement and there are no plans for ongoing direct contact by the birth parents
- a child/young person and/or their parent/carer, have been moved to another address to protect them from violence, abuse or intimidation e.g. Refuge, Safe House
- any other circumstance where it is assessed that revealing the address of the child or others in the household could place the child at risk of significant harm

The necessity to shield a record must therefore be assessed on a case-by-case basis and agreed by a senior representative of the relevant agency. More detail on the records that may be shielded on ContactPoint is included in Appendix 1 of this document.

2.4. Process for Shielding Records on ContactPoint

Any person (practitioner, parent/carer or child) can request that a record be shielded on ContactPoint. A ContactPoint user with shielding privileges will personally be able to action this. A ContactPoint user without shielding privileges or a non-ContactPoint user will need to make the request to the ContactPoint Team within the Children's Service of the council.

When making the shielding request as many of the following data items as possible should be supplied to identify the appropriate child record:

- Child name
- Child date of birth
- Case management system ID
- Gender
- Latest school registration address
- Registered GP practice
- Parent/carer names

2.5. Multiple Shielding

A record can have multiple shielding requests applied to it by a number of practitioners. It is essential that when a practitioner identifies a record which they believe should be shielded, even if it already has a shield applied to it, they register their own shielding request. This will help ensure that a record is only unshielded when there are no outstanding reasons for shielding, having consulted all interested parties.

2.6. Reviewing Shielding on ContactPoint

All shielded records for which Barnet is the Accountable Body should be reviewed within seven days of the request being made by a ContactPoint user and then six monthly thereafter. The ContactPoint Team will conduct the review process for shielded records, which will involve consultation with the source who requested the shield including children, young people and their families. The review process will determine if the shield is appropriate and will be authorised by the Divisional Manager, Safeguarding. In the event of a dispute arising (i.e. where the review process decides that the shield is not valid, but the requester disagrees with this outcome the Divisional Manager, safeguarding will conduct a further review. If the outcome is again disputed the Deputy Director Safeguarding and Social Care will hold the final responsibility for determining the validity of the shield.

2.7. Removing a Shield on ContactPoint

When any practitioner who has requested shielding on a record identifies that the shielding is no longer necessary, they should remove their shielding request by contacting the ContactPoint Team. ContactPoint records remain shielded until the ContactPoint Team makes a final decision to remove the shield from the record once all shielding requests for that record are no longer valid.

2.8. Brokering Shielded ContactPoint Information

ContactPoint users may request that the ContactPoint Team provide a brokering service to access shielded information. Requests for brokering should only be raised when they believe they have a legitimate professional reason to get more information about a child record which they know exists on ContactPoint.

The ContactPoint Team must be contacted first to access information on shielded records to obtain details about any practitioner involved with this child. The team will discuss the appropriateness of disclosure with an appropriate practitioner listed on

the child record. The second practitioner will then make the decision whether or not they disclose and share the information with the practitioner requesting more information.

2.9. Emergency Shielding Override

Ordinarily a ContactPoint user who considered it necessary to have full visibility of a shielded record would broker the request with the ContactPoint Team. Provision has been made in legislation for some users to have emergency shielding override rights. This access will be restricted to a select group of workers such as police officers or social services out of hours duty workers where gaining access to information held in ContactPoint may help inform their decision about the appropriate action to take or which practitioners to talk to. **This should be used only when there is a serious and immediate threat to the child.** Invoking the emergency shielding override will immediately trigger an investigation into the reasons for doing so.

If members of the ContactPoint Team are not available (for example out of hours) then named practitioners in roles listed below can use 'Emergency Shielding Override' in the knowledge that an investigation will take place the following working day to review the reasons for overriding the shielding mechanism.

All decisions relating to candidates for having Emergency Shielding Override rights will need to be authorised by the Safeguarding Children's Board Executive Board.

Roles that are to be considered include:

- Police Officers
- A&E staff in the Acute Trust
- Emergency Duty Team Social Workers
- Deputy Director Safeguarding and Social Care
- Head of Social Care

3. Process for Shielding and De-shielding Records on ContactPoint

Records should be shielded (and de-shielded) on ContactPoint using the following process.

1. Practitioner, parent/carer or child makes judgment (based on London Borough of Barnet ContactPoint Shielding Policy) that a record on ContactPoint should be shielded
2. If the practitioner is a ContactPoint user they should record the shield on ContactPoint
3. If the practitioner is not a ContactPoint user or the request for shielding is from a parent/carer or child they should contact the ContactPoint Team to have the shield applied. They should supply as many data items* as possible to enable the correct record on ContactPoint to be identified. In addition they must supply the reason they believe the record should be shielded. Immediately on receipt of the shielding request the ContactPoint Team will shield that record on ContactPoint.

4. On receipt of the shielding request or upon notification of a record for which Barnet is the Accountable Body having been shielded, the ContactPoint Team will review the validity of the shielding of the record. The review process must be completed within seven days of the request/notification being received. The review process will be as follows:
 - i. Record instance of shielding request in the Shielding Database*. The database must be kept up to date at all points in the process.
 - ii. ContactPoint Team will assess (including contacting and obtaining information from the requesting person if required and validation of the information received) the reason for shielding against the eligibility criteria in the London Borough of Barnet Shielding Policy. This shall be recorded in an anonymised form*.
 - iii. Divisional Manager, Safeguarding will review the shielding request and will be required to authorise the outcome of the review
 - iv. ContactPoint Team will communicate the outcome of the review to the person who requested the shield. If the review identifies that the record should not be shielded and the person requesting the shield agrees this instance of shielding should be ended in the Shielding Database and assess whether the shield can be removed from ContactPoint (see point 7).
 - v. If the outcome of the review is disputed by the person who requested the shield the dispute shall be recorded in the Shielding Database and the Divisional Manager, Safeguarding shall be responsible for reassessing the request. If following this process the dispute is not resolved the Deputy Director, Safeguarding and Social Care shall review the shielding request and shall be the final point of escalation. During the process of resolving the dispute the shield on the record will remain.
5. Each instance of shielding shall be reviewed every six months after the previous review. This review must include the ContactPoint Team contacting the person who made the shielding request to determine whether the circumstances concerning that record have changed. The ContactPoint Team can take the following options:
 - i. If the circumstances for the shield having been applied have not changed the ContactPoint Team should record the completion of the review in the Shielding Database and the shield shall remain
 - ii. If the circumstances for the shield having been applied have changed and the person requesting the shield determines that the shield is no longer necessary the ContactPoint team shall end this instance of shielding in the Shielding Database and assess whether the shield can be removed from ContactPoint (see point 7)
 - iii. If the circumstances for the shield having been applied have changed and the person requesting the shield determines the shield is still required, the initial review process (see point 4) shall be restarted for a new Shielding Request and the current instance of shielding shall be ended in the Shielding Database
6. If the ContactPoint Team is informed by the person who requested the shield that the circumstances have changed and the shield is no longer necessary the

ContactPoint team shall end this instance of shielding in the Shielding Database and assess whether the shield can be removed from ContactPoint (see point 7)

7. Records shall only be de-shielded on ContactPoint when all instances of that record requiring shielding are no longer relevant i.e. all circumstances that made shielding valid are no longer valid

4. Process for Gaining Access to Shielded Records on ContactPoint

To be written – not required pre-deployment

5. Process for Use of Emergency Shielding Override

To be written – not required pre-deployment

6. Process for Pre-deployment Shielding on ContactPoint

1. Stakeholders who may be able to identify records to be shielded on ContactPoint as defined by the London Borough of Barnet ContactPoint Shielding Policy are to be identified and informed of shielding and this process
2. Stakeholder to conduct a preliminary assessment of the number of eligible records and inform the ContactPoint Team (by mid-January 2009)
3. Stakeholder and ContactPoint Team to agree a mechanism for communicating details of all records to be shielded securely to the ContactPoint Team
4. Stakeholder to assess all potentially eligible records and identify if they should or should not be shielded. If records should be shielded this should be recorded in a format that will enable it to be communicated to the ContactPoint Team via the agreed mechanism with as many data items as possible*. The reason for shielding must be recorded.
5. Once the Pre-Deployment Shielders are trained (by end January 2009) records that stakeholders believe are eligible for shielding should be sent to the ContactPoint Team via the agreed mechanism
6. On receipt the ContactPoint Team will record these records in the Shielding Database and will shield the records on ContactPoint
7. Once a stakeholder has sent its list of eligible records to the ContactPoint Team the records are live and the stakeholder will be responsible for following the Shielding and De-shielding Records on ContactPoint process as defined in this document
8. Once all pre-deployment records have been shielded the ContactPoint Team will commence the review process for all these records (point 4 in the Shielding and De-shielding on ContactPoint Process). This review will be complete within one month of the shielding on ContactPoint having been completed

Appendix 1 – Examples of situations where shielding of a child’s record on ContactPoint may be appropriate

A. All cases should normally be shielded:

- Child or Family that have moved to a Women’s Refuge
- Witness Protection Programme

B. Shielding on a case by case basis

- Adoption
- Looked After Children (Sec 31 or 38)
- Child Protection
- Children of parents with high public profile that places them at risk
- Families of vulnerable practitioners and professionals
- Fleeing Forced Marriage
- So called ‘honour based violence’ cases.
- DV Advocacy
- Child Trafficking / Prostitution
- Serious Sexual Assault
- Murder / manslaughter suspects
- MARAC cases
- LADO cases
- CAFCASS cases
- MAPPA Sch 1 offenders
- Children at risk of abduction
- Serious Case Reviews
- Political / Asylum children at risk
- Child records of Military Personnel

This is not a definitive list of potential cases and should be used as a guide only.

IT MUST, BE REMEMBERED THAT SHIELDING CAN ONLY BE APPLIED IN THE LIMITED CIRCUMSTANCES WHERE THE CRITERIA DETAILED ABOVE APPLY AND ALL CASES SHOULD BE CONSIDERED ON A CASE BY CASE BASIS.

Glossary

Accountable Body – every child’s record on ContactPoint will have an Accountable Body, which is the lead ContactPoint team who is responsible for their data. In most cases this will be the Local Authority within which they live, but in some circumstances, for example a child in care, this may not be the case.

Data Items to be supplied with shielding request - Name, Gender, Date of Birth, Address, Previous Address(es), GP, School, CMS ID.

Shielding Database - Shielding Request Number, ContactPoint Identifier, Name, Gender, Date of Birth, Name of person making request, Contact Details of person making request, Reason for shielding request, Date of request, Date of last review, Outcome of last review (Approved, Terminated, Disputed), Date shield no longer required.

Shielding request review form - Shielding Request Number, Gender, Date of Birth, Name of person making request, Contact Details of person making request, Reason for shielding request, Date of request, Assessment of ContactPoint team, Suggested outcome of review (Approved, terminated)

Pre-Deployment shielding information required - The information recorded must include as many of the following data items as possible to enable the record on ContactPoint to be identified - Name, Gender, Date of Birth, Address, Previous Address(es), GP, School, CMS ID.