

**INFORMATION SHARING
INDEX: CONSULTATION ON
DRAFT INFORMATION
SHARING INDEX (ENGLAND)
REGULATIONS AND PARTIAL
REGULATORY IMPACT
ASSESSMENT**

Consultation Response Form

**The closing date for this consultation is: 14 December 2007
Your comments must reach us by that date.**

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.

| | |
|------------------------------|---|
| Name | Claire Kober |
| Organisation (if applicable) | Family Policy Alliance |
| Address: | c/o Family Welfare Association, 501-505 Kingsland Road, London E8 4AU |

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

Telephone: 0207 273 4921

e-mail: chris.hirst@dfes.gsi.gov.uk

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:

| | | | |
|----------------------------------|---------------------------|---|--------------------------------|
| Child/young person | Parent/carer | | Education – LA Staff |
| Education – School/College Staff | Health – PCT/SHA Staff | | Health – GP/Staff |
| Social Services Staff | Early years and childcare | | Local Authority |
| ISA Team/Trailblazer | Children’s Trust | | Connexions service |
| Youth justice and probation | Police | x | Voluntary and Community Sector |
| Youth Services | Representative bodies | | Other (please specify below) |

Please Specify:

The Family Policy Alliance was formed in February 2004 by three leading family support organisations: Family Rights Group, Family Welfare Association and Parentline Plus, who, together, support a wide range of service users receiving universal and targeted family support services. Its purpose is to influence current policy debate about the role of the State to support families to care for their children safely.

Accessing the Index – Regulation 6

We propose to grant access to the index based on a practitioner's role within the Children's Workforce. The roles we propose are listed at (6)(3) of the regulations.

1 Are there other practitioner roles that you believe should be added?

If so, please use the comments box to list them.

Comments:

No more roles need to be added to the list. In fact, we believe that there are too many roles on the list which raises an unacceptable risk of breach of privacy for individuals, especially where there is a malevolent motive. For example, colleagues could look up details of other colleagues' children; school administrators could look up any child in the school; a looked after child placed for adoption may have confidential information about their address which needs to remain private.

Conditions of Access – Regulation 6

We propose (regulation (6)(5)) to grant access to the index only to people who are working with children and young people or their information, that have a enhanced Criminal Records Bureau disclosure and have undergone appropriate training.

2 Should there be other conditions for access?

If so, please use the comments box to say what other conditions you believe should be added.

| | | |
|---|-----------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Sure |
|---|-----------------------------|-----------------------------------|

Comments:

The proposed list of people who may have access to the index is extensive and, FPA would argue, too long. We believe that the key condition for access to the register should be the need to know. It seems excessive, for example, that in schools many individuals/groups of individuals may have access to the register.

We are concerned about children for whom exposing their address and/or school leaves them, or their family, vulnerable (for example, families fleeing domestic abuse, or those fleeing threatening behaviour to either an adult or child). We believe that all parents and carers should have a right to insist that their child/ren's home and/or school address should be shielded from view on the index. We think that this principle should be enshrined in the guidance. In addition, the possibility of having a child's address shielded from view will need to be heavily advertised to ensure that parents and carers are aware of this right.

We agree that no individual should have access to the index without appropriate training but would require clarification as to what this training will comprise.

We believe that professionals should only have access to the index with the explicit consent of the parent/carer or young person concerned. Without this safeguard, we believe that the index will override the common law duty of confidentiality on practitioners.

A CRB check is an inadequate tool in determining the suitability of an individual to access the register; there needs to be tighter regulation of individuals and a more stringent process for determining their suitability for accessing the database.

Retaining Information on the Index – Regulation 7

We propose in regulation (7)(5) to retain contact details for practitioners for one year after their involvement with a child has ceased and that practitioners may decide that their contact details should remain on the index for a period of up to five years so that recent, relevant information can be shared between practitioners if appropriate.

3 Do you agree that there should be a facility to retain these contact details beyond one year but for no longer than five?

If you have any additional comments, please use the comments box below.

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

Comments:

Whilst FPA remains opposed to many of the principles of a shared information database, we recognise that families may need further support at a future point after the 'closure' of their case. For example if a child was born to the same parents who had received support for an earlier child who had subsequently died. For this reason we agree that there should be a facility to store the information.

Archiving Information from the Index – Regulation 7

In accordance with the Limitation Act 1980, we propose to archive material for a period of 6 years once it is no longer appropriate to hold it on the index. We have proposed in regulation (7)(13) a list of circumstances under which access would be provided to the information in the archive.

4 Are there circumstances, other than those listed at Regulation 7(13), that would justify providing access to archived information?

If so, please use the comments box to detail what other circumstances.

Yes

No

Not Sure

Comments:

Our concern is that under the current proposals too many individuals are to be provided with access to the index and archived information and that this raises an unacceptable risk of breach of privacy for individuals. The key condition determining access to archived information should be the individual's need to know.

Accuracy of Index Information – Regulation 8

The Data Protection Act and regulation 8(1)-(3) requires every person or body that supplies information to the index to take reasonable steps to ensure that the information they provide is and remains accurate.

5 Do you believe the Regulations contain the necessary safeguards to ensure that information on the index is kept accurate and up to date?

If you believe there are further safeguards that could be introduced to ensure accuracy of information held on the index please use the comments box to expand on your answer.

Yes

No

Not Sure

Comments:

The maintenance of the database will become a daily task for LAs with all the cost implications that accompany daily tasks. There are issues around the recruitment, training and retention of the “back office” staff as well as huge concerns about the confidentiality of information while it is in any LA process such as an email inbox or filing trays on a desk prior to being included on the database or prior to being deleted/shredded having been input. The daily nature of the task also covers the archiving, correcting and deletion of records. Considering how easy it is to make errors when typing, this remains a serious concern for us (please note the mistyped dates on the front of the regulations and partial regulatory impact assessment consultation document).

We are concerned that the scale of the task involved in maintaining the database will necessitate a huge number of staff. This will require significant funds which, we believe, would be better spent on providing tangible services to families and children in need. There is a need for more information about the quality control proposals; we believe there will be a need for large numbers of staff to check for inaccuracies and inconsistencies in the index.

Local Authority Complaints Procedure – Regulation 9

We propose at regulation 9, to require local authorities to put in place, and publicise, a complaints procedure relating specifically to their responsibilities under Regulation 6 (Access) and Regulation 8 (Accuracy).

6 Do you agree that there should be a local authority complaints procedure specifically for the index?

Please use the comments box if you wish to expand on your answer.

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

Comments:

FPA believes that it is essential that there is a specific complaints procedure for the index. In addition, there is a need for a clear corrections procedure which parents, carers and young people can access in order to get inaccurate information corrected.

Information to be held on the Index – Schedule 1

Section 12 of the Children Act 2004 sets out what information will be held on the index. We propose, under Schedule 1 (11-16) to add the following items to the information to be included on the index.

Do you agree that these additional data items will support the core aims of the index:

7 a) name and contact details of the child’s health visitor (a key contact for under 5s)

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

7 b) name and contact details of the child’s school nurse (a key contact for school age children)

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

7 c) name and contact details of the lead midwife (a key contact for babies and for young girls who become mothers themselves)

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

7 d) where the child has died, the date of death (we believe that this will help avoid practitioners making enquiries to the family without the knowledge of the child's death)

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

7 e) any number used by any person or body to identify the record relating to the child (although these will be used for data matching purposes and will not be visible to the users of the index)

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

7 f) metadata (which will not be visible to users but will include information such as the source of the data and the date it was last updated – to enable quality of data to be assessed)

| | | |
|---|-----------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> Not sure |
|---|-----------------------------------|-----------------------------------|

Please use the comments box to expand on any of your answers above.

Comments:

We are concerned about the reliability of the data as human error is always a possibility and would seek more reassurance that the information used by “back office” staff would not be available to general users.

We are also concerned about the volume of changes which will be required and the cost and time associated with ensuring that the accuracy of the index is maintained and updated, particularly in areas which have vulnerable and/or transient populations.

The fact that the index will only cover England will add to the anomalies in the database.

Disclosing Information to the Index – Schedules 2 and 3

Schedule 2 of the regulations lists the persons and bodies 'required' to disclose information for inclusion in the index.

8 Are there any further persons or bodies that should be added to the list at Schedule 2?

Please use the comments box to let us know which persons or bodies you believe should be required to disclose information for inclusion on the index and why.

Yes

No

Not Sure

Comments:

9 Are there persons or bodies that you believe should not be listed at Schedule 2?

Please use the comments box to let us know if there are persons or bodies listed at Schedule 2 that you believe should not be required to disclose information to the index and why.

| | | |
|-----|----|--|
| Yes | No | <input checked="" type="checkbox"/> Not Sure |
|-----|----|--|

Comments:

The persons or bodies listed at Schedule 3 of the regulations are 'permitted' to disclose information for inclusion in the index.

10 Are there any further persons and bodies that should be added to the list at Schedule 3?

If so, please use the comments box to say what other persons or bodies you believe should be added and why.

Yes

No

Not Sure

Comments:

11 Are there persons or bodies that you believe should not be listed at Schedule 3?

Please use the comments box to let us know if there are persons or bodies listed at Schedule 3 that you believe should not be permitted to disclose information to the index and why.

| | | |
|-----|--|----------|
| Yes | <input checked="" type="checkbox"/> No | Not Sure |
|-----|--|----------|

Comments:

Partial Regulatory Impact Assessment

We have produced a partial regulatory impact assessment setting out the impact of the draft Regulations on stakeholders. A full regulatory impact assessment will accompany the final Regulations when they are laid before Parliament.

12 Does the partial Regulatory Impact Assessment correctly identify stakeholders in these Regulations?

If you answer No, please use the comments box to expand on your answer.

Yes

No

Not Sure

Comments:

FPA is concerned that parents, carers and young people have not been sufficiently consulted on the proposals. As service providers to thousands of families, we are concerned that awareness among families of the proposed index is extremely low. Many parents, carers and young people will reject the notion of 'implied consent' and will be concerned that they will not themselves be able to specify which services they consider sensitive. Families, children and young people should have a statutory right to advice and advocacy to challenge both data and actions arising from the data entered into the system.

There is a need for clear corrections procedures alongside the complaints procedures.

The partial Regulatory Impact Assessment contains an assessment of the costs and benefits of enacting these regulations.

13 Does the partial Regulatory Impact Assessment correctly identify and address the impact of these Regulations?

If you answer No, please use the comments box below to expand on your answer.

Yes

No

Not Sure

Comments:

FPA is concerned that parents, carers and young people have not been sufficiently consulted on the proposals. As service providers to thousands of families, we are concerned that awareness among families of the proposed index is extremely low. Many parents, carers and young people will reject the notion of 'implied consent' and will be concerned that they will not themselves be able to specify which services they consider sensitive. Families, children and young people should have a statutory right to advice and advocacy to challenge both data and actions arising from the data entered into the system.

There is a need for clear corrections procedures alongside the complaints procedures.

General Comments

We are keen to know your views and welcome any further general comments that you might have on these draft Regulations.

14 Have you any further general comments? Please use the comments box below.

Comments:

Please see attached sheets.

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 21 December 2007

Send by post to:

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