



North

Yorkshire County Council

Children and Young People's Service



North Yorkshire
Children and Young People's
Strategic Partnership



ContactPoint: Policy and Process for Shielding and Emergency Shielding Override

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This document supports the following criteria for ContactPoint Organisational Accreditation:	
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OA08	Policy and Process for Shielding
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OA18	Policy and Process for Emergency Shielding Override Investigations
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1. Introduction to ContactPoint

ContactPoint is a simple tool which will provide a quick way to allow authorised practitioners to see who else is working with a particular child or young person, making it easier to deliver more coordinated support. ContactPoint will help improve services to children with a strong emphasis on early intervention and prevention, and is a key part of the Every Child Matters programme to improve outcomes for children.

ContactPoint comprises a centrally maintained national system with a record for each child. Each Local Authority in England is responsible for maintaining records of children and young people who are understood to be ordinarily resident in the Local Authority's area.

ContactPoint can only hold data for children/young people who:

- are ordinarily resident in England; or
- leave England with the intention to return within three years (e.g. children accompanying parents in the armed forces posted overseas).

ContactPoint will only contain the following basic information:

- Name, address, gender, date of birth and an identifying number of all children and young people in England
 - up to their 18th birthday and
 - Participating Young Persons
 - who give their informed and explicit consent for their details to remain on ContactPoint and have not withdrawn that consent
 - section 10 of the Children Act 2004¹ allow such arrangements to be made in relation to:
 - a) persons aged 18 and 19;
 - b) persons over the age of 19 receiving services under sections 23C to 24D of the Children Act 1989² (for those leaving care), or;
 - c) persons between 19 and 25 with learning difficulties who are receiving services under section 13 of the Learning and Skills Act 2000³
- Name and contact details for:
 - parents or carers
 - educational setting (e.g. school)
 - primary medical practitioner (e.g. GP practice)
 - other services.

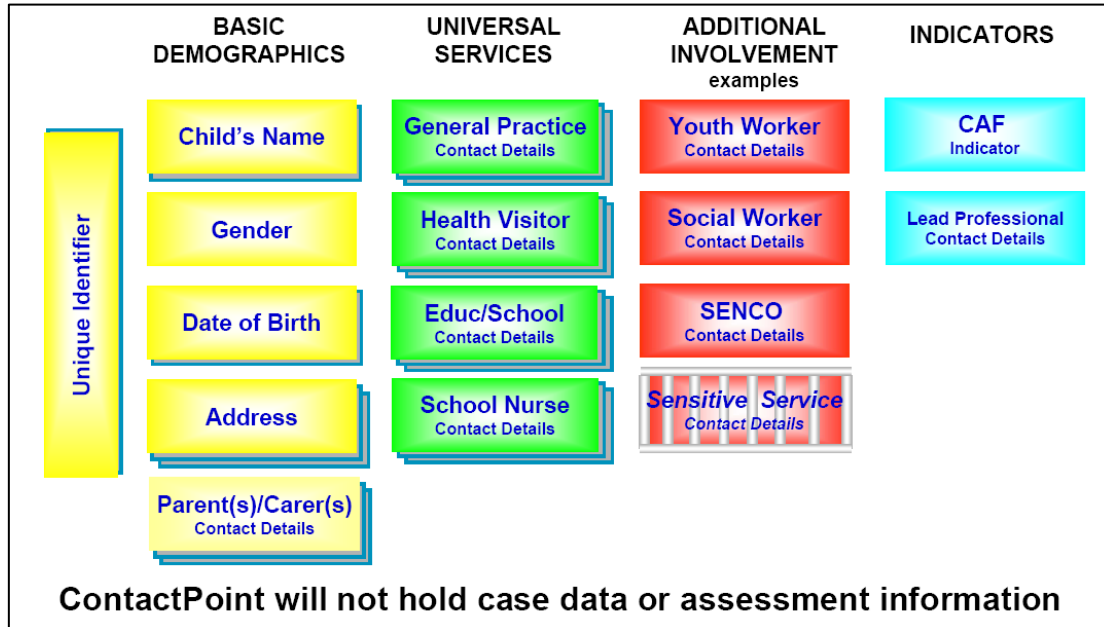
¹ Available at: http://www.opsi.gov.uk/Acts/acts2004/ukpga_20040031_en_3#pt2-pb1-11g10

² Available at: http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_4#pt3-pb3-11g23

³ Available at: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000021_en_2#pt1-pb4-11g13

- There will also be the facility to indicate if a practitioner is a lead professional for a child and/or if he/she has completed an assessment under the Common Assessment Framework.

Diagram to illustrate the information that will be available on ContactPoint:



Access to ContactPoint is restricted to those who are listed in, and fulfil all of the conditions set out in, the ContactPoint Regulations⁴. Users must:

- need access for part or all of their work;
- have completed accredited ContactPoint training;
- have undertaken any other training which the Local Authority or national partner considers appropriate; and
- have an enhanced Criminal Records Bureau (CRB) disclosure (or equivalent) which is less than three years old

Every access to a child's record will be detailed in an audit trail. This will be regularly reviewed. Suspected misuse of ContactPoint will result in an investigation that may lead to action taken under criminal law which can include a fine or imprisonment.

1.1 Introduction to Shielded Records and Emergency Shielding Override

What is shielding?

Individuals whose circumstances may mean that they are at increased risk of significant harm, or for other reasons specified in statutory guidance, may be able to have some of their details hidden – i.e. shielded - on ContactPoint.

⁴ Available at:

<http://www.everychildmatters.gov.uk/files/85B6CC52AF14399C6B3745421F6D5960.pdf>

When to shield?

ContactPoint Guidance states that assessments to shield a record on ContactPoint must be made on a case by case basis. It also sets out the limited circumstances where shielding would be applicable. Chiefly, these are when there are strong reasons to believe that by not doing so would be likely to:

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

What information will be shown on a shielded record?

Shielding is principally intended to prevent the whereabouts of a child being identified either through:

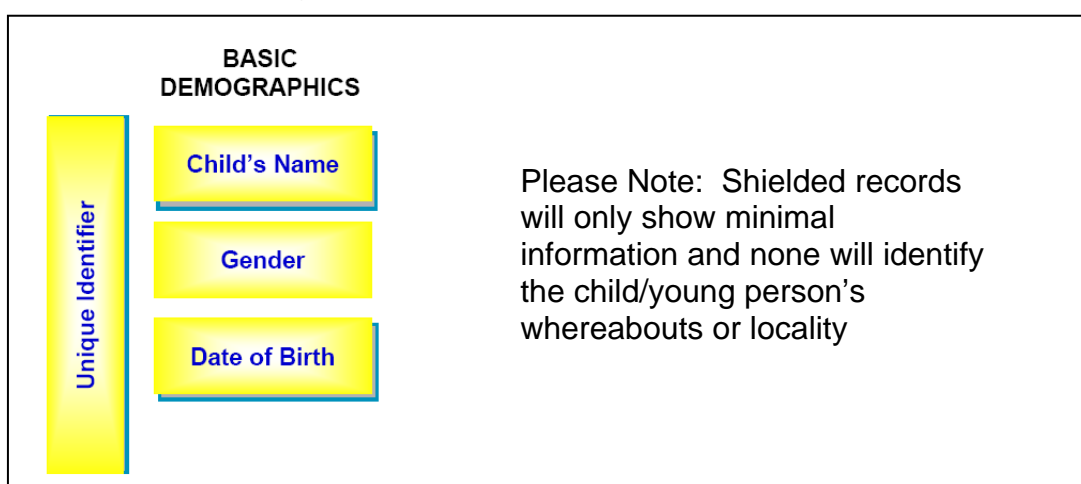
- Visibility of the address details from ContactPoint, or;
- ContactPoint providing enough information for a likely whereabouts to be deduced (e.g. a service address).

Shielded records will show only:

- the child's/young person's name;
- their date of birth;
- their gender; *and*
- the unique ContactPoint ID number.

Information that could help locate individuals at risk will not be visible.

Diagram to illustrate what information will be visible within ContactPoint for a shielded child/young person record:



Determining whether to protect a child's whereabouts by shielding a child record can only be done by an LA which is under a duty to consider the views of the person to whom the record relates, the views of their parent/carer and of any Schedule 4 or 5⁵ body involved with the child or young person

⁵ Available at: http://www.opsi.gov.uk/si/si2007/uksi_20072182_en_6#sch4

2. ContactPoint Shielding and Emergency Shielding Override Policy

Legal Framework

All shielding decisions will be made in accordance with guidance from the Department of Children, Schools and Families, the Data Protection Act 1998 schedule 2 condition, and The Children Act 2004 Information database (England) Regulations 2007 Regulation 6(5). Point 7.13 of the Explanatory Memorandum to The Children Act 2004 Information database (England) Regulations 2007 state that:

“There will also be special arrangements to protect the records of children whose circumstances may mean that they are at increased risk, for example, where they are fleeing domestic violence. Information that could reveal the whereabouts of the child can be hidden from view of ContactPoint users. These decisions will be taken on a case by case basis and will be based on the level of threat posed if information becomes more widely available – this is entirely consistent with the principles of the Data Protection Act.”

There are limited circumstances where shielding would be applicable; chiefly these are when there are strong reasons to believe that by not doing so is likely to:

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

Please see Appendix 1

It is important that shielding on ContactPoint is seen as an exception process to protect those vulnerable children that absolutely need it to prevent their whereabouts being identified. These cases could arise for children/young people and/or their parents/carers who:

- are on the witness protection scheme;
- are fleeing abuse or domestic violence, where a refuge or place of safety is arranged for the victim and children;
- are subject to race related violence;
- are subject to forced marriage, or honour based violence;
- are a victim of child sex abuse by a professional/carer;
- are adopted and would be at risk of harm if their birth family were aware of their whereabouts;
- are living away from their families and would be at risk if family members were to be aware of their whereabouts

The need to shield a child/young person’s 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. The necessity to shield a child/young person’s record should therefore be assessed on a case-by-case basis.

Where it is appropriate to invoke the Emergency Shielding Override, the guidance in this document will be followed

The impact on local systems in the case of a record being shielded on ContactPoint must be risk assessed by the agency requesting the shielding and they must approach each agency to request shielding on their local system, where they consider this to be appropriate. Where local system managers receive such a request, they must decide with reference and consultation with the shielding requestors the most appropriate action to take, considering the provision of service balanced against the risk of harm.

Shielding Panel

A shielding panel will be convened and meet at regular monthly intervals. The panel will consist of members from the North Yorkshire Safeguarding Children Board, Police, PCT, Education, Children's Social Care and Probation. All shielded child/young person's records will be reviewed by the panel, who will consider the decisions made in shielding/unshielding child/young person's records. The panel will be advised on the views of relevant practitioners, and where appropriate, the child/young person and their parent/carers.

3. Guidance and procedures

3.1 When to Consider Shielding on ContactPoint

Shielded child/young person's records are determined on a case-by-case basis and are such there are no criteria to determine whether a case would or would not be shielded. There are limited circumstances which are listed in our policy where this would be applicable, chiefly these are when there are strong reasons to believe that by not doing so is likely to:

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

The need to shield a child/young person's 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 child/young person's record must therefore be assessed on a case-by-case basis. Please see Appendix 2 when considering shielding on ContactPoint.

The following case examples provide some direction on the instances in which child/young person's records may be shielded.

- When a child or family are involved in witness protection:

In the case of a child who is living at a safe house or a secret address, this child record would perhaps be shielded in line with police protection.

- Where a child/family have fled from domestic abuse:

If a child is fleeing domestic violence with the parent and goes to a refuge, the refuge can choose to supply a frontage in terms of address, but the record of that child can also be shielded.

- Where there is an increased risk of kidnapping/harm to the child:

If ContactPoint, by identifying a child's whereabouts or locality, places the child an increased risk of kidnapping/harm, the child/young person's record may be shielded.

- Where a child has been adopted under a new identity:

In order to protect a child's identity on ContactPoint following a change of identity, the pre-adoption ContactPoint record should be shielded. The pre-adoption record should then be sent to archive as soon as possible to ensure no other ContactPoint user can access the record.

3.2 Who Can Request a Child/Young Person's Record to be Shielded?

Shielding instructions may come from ContactPoint data sources either electronically or, where there is no electronic link established, by a representative of that agency. Where a child/young person's record from a ContactPoint data source is shielded, and meets the criteria for shielding on ContactPoint, this shielding will also be applied to the ContactPoint record.

Practitioners may identify cases in which a child/young person's record should be shielded, either in light of their own knowledge of a child/young person and/or their parent/carer's circumstances, or because concerns are raised by the child/young person and/or their parent/carer.

A child/young person or parent/carer may request that a record is shielded by discussing this with a practitioner or by contacting the LA ContactPoint Manager.

3.3 Is the Request to Shield Appropriate?

a) Requests for Shielding from Children, Young People, Parents and Carers

Where a shielding request is made to a practitioner by a child/young person and/or their parent/carer, in order to help assess whether the child/young person's and/or their parent/carer's requests are legitimate and to address their concerns appropriately, the following needs to be explained:

- the differences between shielding and sensitive services (*in case the parent/carer wishes to have their child's record shielded when a "sensitive" service is being provided or because they will be deterred from seeking essential services if the record is not shielded*).
- the reasons why child/young person's records are shielded and what procedures are in place to ensure that these reasons do exist for each shielded record (*in case the parent/carer wants to use shielding as a mechanism by which they can opt-out of ContactPoint*).
- the potential disadvantages of 'shielding' child/young person's records on ContactPoint

Practitioners may also wish to consult any practitioners involved with the child/young person, as well as their own line manager, for further information and/or professional advice, prior to submitting a request for shielding to the ContactPoint Management Team.

Recording:

Each request for shielding must be documented by the Practitioner making the shielding request on behalf of the child / young person / parent/carer. This record must be held on the relevant child or young person's file and hold:

- the criteria under which the shielding was requested and

- detail the reasons for that request, and
- the information submitted to any SRP review and
- the results of any SRP and
- detailed information in relation to any decision made by that panel.

This information must be made available if required for any review by the SRP and if required for auditing proposes.

b) Where Practitioners Assess that a Request for Shielding Should be Made

If the situation is urgent practitioners can request a child/young person's record to be shielding on ContactPoint through the North Yorkshire ContactPoint Management Team, which will ensure that it is instantly shielded.

Practitioners must act promptly if they have strong reasons to believe that there is a risk of significant harm or a serious crime if the information remains visible to authorised practitioners on ContactPoint. Practitioners should discuss this, where appropriate, with the child and/or their parent/carer.

Practitioners should also discuss their decision with their manager before making a shielding request, wherever this is possible.

Where appropriate, practitioners should also consider the safeguarding of family members and/or co-resident children/young people as the records for these individuals may also need to be shielded. Practitioners should also consider whether it would be useful for other practitioners to know that they are 'shielding' the child/young person's record on ContactPoint.

Line Managers are responsible for the shielding requests made by their staff, and should discuss the appropriateness of shielding a child/young person's record on ContactPoint with those they manage. Line Managers should be prepared to support their staff in considering the continued need for shielding, when this is reviewed.

Recording:

Each request for shielding must be documented by the Practitioner making the shielding request. This record must be held on the relevant child or young person's file and hold:

- the criteria under which the shielding was requested and
- detail the reasons for that request, and
- the information submitted to any SRP review and
- the results of any SRP and
- detailed information in relation to any decision made by that panel.

This information must be made available if required for any review by the SRP and if required for auditing proposes.

3.4 How to Request Shielding

Prompt action must be taken where there are strong reasons to believe a child/young person's record should be shielded.

Practitioners that are ContactPoint users who judge that a child/young person's record should be shielded, and they have undertaken any immediate safeguarding action, can request shielding through the method in which they access ContactPoint, or alternatively by contacting the North Yorkshire ContactPoint Management Team.

Those practitioners who are not ContactPoint users should follow their existing procedures relating to the protection of those who may be at risk of harm. Practitioners should also contact the North Yorkshire ContactPoint Management Team to request a shield if they feel a child/young person is at increased risk of significant harm as defined in Appendix 1.

Where a request to shield a child/young person's record is made directly to the North Yorkshire ContactPoint Management Team from a practitioner or a request is received from the child/young person or their parent/carer, the request should be dealt with as a matter of urgency. The child/young person's record should be shielded immediately and then reviewed via the Shielded Records Panel to determine whether the shield should remain.

4. Shielded Records Panel

It is recommended that each Local Authority convene a Shielded Records Panel (SRP). The purpose of the SRP is to review shielded records and to determine if a child/young person's record should or should not remain shielded. The SRP should be a multi-agency group. However, the Local Authority is accountable for all activities in relation to ContactPoint. The North Yorkshire SRP will be the only body that is able to authorise the un-shielding of a child/young person's record.

The North Yorkshire SRP will be lead by the North Yorkshire Safeguarding Children Board (NYSCB) and it's members will consist of:

- NYSCB (chair)
- Children and Young People's Service
- PCT
- Police

The North Yorkshire ContactPoint Management Team will act under instruction of the SRP in relation to decisions made about shielded child/young person's records. The SRP will meet on a monthly basis to review:

- all shielding requests that have been submitted during the past month,
- those shielding requests reaching their 6-monthly review cycle and;
- un-shielding requests received

Reviews to determine shielding may, where appropriate, consult:

- any practitioner who has requested shielding/unshielding
- the practitioner's line manager who would need to confirm that shielding/unshielding is appropriate
- other practitioners involved with the child
- child/young person and/or parents/carers

5. Shielding Review

ContactPoint will not hold any details of the reason for shielding. For accountability and audit purposes the North Yorkshire SRP must keep a log of:

- which agency and who from that agency made the shielding request,
- all shielding requests made and
- any decisions made as part of the shielding process or review

It is the responsibility of the practitioner/agency making the shielding request to inform the SRP, when in their professional opinion, a shield is no longer required in order for it to form part of the next scheduled review meeting.

Primary Review of Shielded Records

To ensure that the shielding facility is used and managed appropriately, the North Yorkshire ContactPoint Management Team should initiate a review through the Shielding Review Panel at the next scheduled meeting of the shield being requested, to determine whether or not the child/young person's record should remain shielded. The Shielding Review Panel should seek views from relevant practitioners and, if appropriate, the child and their parent/carers when deciding whether a child/young person's record should remain shielded.

Six-Monthly Reviews of Shielded Records

All shielding decisions should be reviewed on a six-monthly basis in order to determine whether the shield should remain.

These reviews should be carried out through the convening of the SRP which includes senior members with appropriate child protection experience. This review may seek views from relevant practitioners, particularly those who have requested shielding, and if appropriate, the child and their parent/carers when deciding whether a child/young person's record should remain shielded. Information presented to the SRP will be anonymous.

The SRP will contact the practitioner/agency who made the shielding request one month before the six-monthly review is scheduled to take place. The practitioner/agency will then be required to submit a shielding request continuation to the SRP to ensure the child/young person's record remains shielded.

A child/young person's record should only be unshielded where all of the sources of shielding notifications confirm that shielding is no longer required (see below).

6. Un-shielding Records

To limit the cases in which a child/young person's record is left shielded unnecessarily, the North Yorkshire SRP must be advised by practitioners when, in their professional opinion, a shield is no longer required in order for it to form part of the next scheduled review meeting.

The North Yorkshire ContactPoint Manager, who will act under instruction of the SRP, is the only person authorised to un-shield records for children/young people within their Local Authority.

Un-shielding can only occur when all practitioners who requested shielding advise that the record no longer requires shielding and with the authorisation of the Shielding Review Panel.

7. Subject Access Requests to a Shielded Record

Information should only be released with extreme caution. Even confirming the correct spelling of a child's name may confirm the whereabouts of a child. Such decisions need to be made on a case-by-case basis involving the North Yorkshire Data Management Officer, taking into account the requestor's identity and the nature of the shielding decision and the views of any practitioners working with the child.

8. Searching a Shielded Record

In order to ensure that ContactPoint does not inadvertently confirm or indicate the whereabouts of a child or young person with a shielded record, a practitioner will only be able to find a child/young person's record by inputting information that is visible on a shielded record. No records will be returned if a search is made using information from any non-visible field.

If a shielded child/young person's record is returned as part of a search, the shielded record will only show minimal information, and none which will identify the child's whereabouts.

9. Child Protection Concerns

Where there are child protection concerns and the child's record is shielded, existing safeguarding procedures should be followed⁶.

10. Emergency Shielding Override

Provision has been made in legislation for some practitioners to have Emergency Shielding Override rights. This access will be restricted to sergeants and DSO of the CAIT (Child Abuse Investigation Teams) and General Managers in Children's Social Care 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. Invoking the Emergency Shielding Override will immediately trigger an investigation into the reasons for doing so.

Those with the appropriate access rights will only be able view the information on the 'shielded' child/young person's record during the time period when they have logged into ContactPoint and elected to invoke the Emergency Shielding Override. If any other practitioner searched for the child/young person's record, the record would still appear to be 'shielded' to them.

An example of when it may be appropriate to invoke the Emergency Shielding Override could be due to a serious illness/accident.

⁶ Available at: <http://www.safeguardingchildren.co.uk/dev-procedures.html>

The practitioners/organisation who initially requested the shield will also be contacted so that the necessary safeguarding/child protection procedures are initiated.

10.1 Emergency Shielding Override Investigation

The North Yorkshire ContactPoint Management Team must run a report from the live ContactPoint system each working day to discover whether an Emergency Shielding Override has been invoked on a child record for which it is responsible. If an Emergency Shielding Override has occurred, the North Yorkshire ContactPoint Management Team must initiate a review in order to confirm the legitimacy of the instance the next working day.

At the start of the review North Yorkshire ContactPoint Management Team should contact the manager of the practitioner who has invoked the Emergency Shielding Override to find out whether the access to the record was appropriate. The practitioner who has invoked an Emergency Shielding Override must assist the investigation which follows and be able to explain their reasons for accessing the shielded record.

The North Yorkshire ContactPoint Management Team must also contact the practitioner/organisation who requested shielding to inform them that the Emergency Shielding Override has been invoked on the child record. This information will enable the practitioner/organisation to take appropriate action to help ensure the safeguarding of the child/young person and/or their parent/carer.

11. Misuse

Misuse of ContactPoint is a serious breach of the conditions of use. Continuous monitoring and the possibility of disciplinary action serve to remind all users of the importance of appropriate use and the potential penalties associated with breaching these conditions. Suspected misuse of ContactPoint will result in an investigation that may lead to action taken under criminal law which can include a fine or imprisonment.

12. Audit

North Yorkshire County Council has a responsibility to ensure that agencies / organisations are working within the agreed protocol / process / criteria for shielding. It is therefore appropriate that scheduled audits of the SRP take place. The responsibility for scheduling and carrying out the audit function is the responsibility of Internal Audit.

Audits relating to individual shielding requests, including sample audits, will be scheduled. The responsibility for scheduling and carrying out the audit function is the responsibility of the Performance Subgroup of the North Yorkshire Safeguarding Children Board.

13. Policy ownership and review

This shielding policy is owned by the North Yorkshire Safeguarding Children Board, however it forms part of the wider ContactPoint Polices which are owned by the North Yorkshire Children and Young People's Strategic Partnership

This policy must be reviewed by the North Yorkshire Safeguarding Children Board on an annual basis.

Appendix 1 – The Concept of Significant Harm and Increased Risk of Significant Harm

The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children. There are no absolute criteria on which to rely when judging significant harm. Sometimes, a single traumatic event may constitute significant harm, for example violent assault, suffocation or poisoning. More often, significant harm is a compilation of events, both acute and long-standing, which interrupt, change or damage the child's physical and psychological development.

Under s31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002:

'harm' means ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another;

'development' means physical, intellectual, emotional, social or behavioural development;

'health' means physical or mental health; and

'ill-treatment' includes sexual abuse and forms of ill-treatment which are not physical.

Under s31(10) of the Act:

Where the question of whether harm suffered by a child is significant turns on the child's health and development, his health or development shall be compared with that which could reasonably be expected of a similar child.

One of the circumstances where shielding would be applicable is where there are strong reasons to believe that by not doing so is likely to place a child at an **increased risk of significant harm**. ContactPoint guidance defines increased risk of significant harm as:

- one or more individual(s) are likely to cause significant harm to the child/young person and/or their parent/carer; *and therefore*
- the child/young person and/or their parent/carer are being, or will be, protected at a location that is not known to the individual(s) posing the threat.

Appendix 2 - ContactPoint Shielding Criteria Flowchart

It is vital that shielding of a child or young person is only applied when there are strong reasons to believe that by not doing so would place the child / young person and / or their parent / carer at an increased risk of harm.

If this record is not shielded it will:

