

Draft Regulations laid before Parliament under section 66(3) of the Children Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. []

CHILDREN AND YOUNG PERSONS, ENGLAND

The Children Act 2004 Information Database
(England) (Amendment) Regulations 2010

*Made - - - - []
Coming into force in accordance with regulation 1*

The Secretary of State for Children, Schools and Families, in exercise of the powers conferred by sections 12 (4), (5), (6) and (10) and 66 (1) of the Children Act 2004⁽¹⁾, makes the following Regulations, a draft of which was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 66(3) of that Act:

Citation and commencement

1. These Regulations may be cited as the Children Act 2004 Information Database (England) (Amendment) Regulations 2010 and come into force on the day after the day on which they are made.

Amendments of the Children Act 2004 Information Database (England) Regulations 2007

2. The Children Act 2004 Information Database (England) Regulations 2007⁽²⁾ are amended as follows.

Interpretation

3. In paragraph (1) of regulation 2—
- (a) after the definition of “the Act” insert—
““additional service” means any service which is not normally provided to all persons in a particular age group;”;
 - (b) in the definition of “child record” for “not ordinarily resident in England” substitute “no longer in the area of a local authority”;
 - (c) after the definition of “national partner” insert—

(1) 2004 c.31.
(2) S.I. 2007/2182.

- ““parent”, in relation to a child, includes any person
- (a) who is not a parent of his, but who has parental responsibility for him, or
 - (b) who has care of him;”;
- (d) in the definition of “sensitive service” for “specialist or targeted service” substitute “additional service”; and
- (e) omit the definition of “specialist or targeted service”.

Information in the database

- 4.—(1) Regulation 4 is amended as follows.
- (2) At the end of paragraph (1), for “ordinarily resident in England” substitute “in the area of a local authority”.
- (3) In paragraph (3), for “ordinarily resident in England” substitute “in the area of a local authority”.

Accessible child record

- 5.—(1) Regulation 6 is amended as follows.
- (2) In paragraph (5), after “Subject to paragraph (9),” insert “the Secretary of State for Children, Schools and Families or”.
- (3) Omit sub-paragraph (6)(b) and “and” immediately preceding it.
- (4) In paragraph (7)(b), for “any person with parental responsibility for that person or who has care of him at any time” substitute “in the case of a child, any parent of his and, in the case of a participating young person, any person who has care of him at any time”.

Archived information

- 6.—(1) Regulation 8 is amended as follows.
- (2) In sub-paragraph (2)(c), for—
- (a) “ordinarily resident in England” substitute “in the area of a local authority”;
 - (b) “ordinarily resident in England” substitute “in the area of a local authority”; and
 - (c) “resume ordinary residence in England” substitute “return to the area of a local authority”.
- (3) In paragraph (3), for “again becomes ordinarily resident in England” substitute “returns to the area of a local authority”.

Information to be included in the database

- 7.—(1) Schedule 1 is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (a), after “address” insert “and any previous address”;
 - (b) in sub-paragraph (d), for the phrase “ordinarily resident in England” in each place where it occurs substitute “in the area of a local authority”.
- (3) For paragraph 6(a), substitute—
- “(a) in the case of a child, of any person who is a parent of the child; or”.
- (4) In paragraph 9, for “specialist or targeted service” substitute “additional service”.

Persons who may permit access to the database (“national partners”)

8. In paragraph 4 of Schedule 2, for “NCH” substitute “Action for Children”.

Persons who may be given access to the database by a local authority

9. In Schedule 3, omit paragraph 15.

Date

Name
Parliamentary Under Secretary of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 12 of the Children Act 2004 (“the Act”) and amend the Children Act 2004 Information Database (England) Regulations 2007 (“the ContactPoint Regulations”), which make provision in relation to the establishment and operation of the database known as “ContactPoint”. These Regulations come into force on the day after the day on which they are made.

Regulation 4 amends regulation 4 of the ContactPoint Regulations to allow the database to hold information on all children “in the area of a local authority” in England, rather than only those who are “ordinarily resident in England”.

Regulation 5 amends regulation 6 of the ContactPoint Regulations so that the Secretary of State for Children, Schools and Families (in addition to local authorities) can determine that those given access to the database can only see specific limited information (“shielding”) on a particular record. Regulation 5 also amends regulation 6 of the ContactPoint Regulations so that the details of the child’s or participating young person’s parents or carers are not visible on a “shielded” record.

Regulation 6 amends regulation 8 of the ContactPoint Regulations to provide for records of children who are no longer in the area of a local authority in England to be archived after a certain date. This amendment follows on from the amendment in regulation 4 allowing the database to hold information on children who are not ordinarily resident in England, but are in the area of a local authority.

Regulation 7 amends Schedule 1 of the ContactPoint Regulations to allow the database to hold information on all parents of a child, and not only those with parental responsibility or care of the child. Regulation 7 (and regulation 3) also replace references to “specialist and targeted services” in the ContactPoint Regulations with the term “additional services” as this is more commonly used.

Regulation 8 substitutes “Action for Children” for “NCH” following the charity changing its name.

Regulation 9 removes the Child Exploitation and Online Protection Centre (“CEOP”) from the list of bodies in Schedule 3 as this is no longer considered necessary, given that they are already listed in Schedule 2 as a national partner and can therefore grant access to the database, where appropriate, to their employees under regulation 9 of the ContactPoint Regulations.

An impact assessment has not been produced for this instrument as the impact on the private or voluntary sectors foreseen from these amendments is negligible.