

# CHILDREN ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2 - Children's Services in England

##### General

##### *Section 12: Information databases*

69. This section creates a power for the Secretary of State by regulations made by affirmative resolution procedure (section 66(3) refers) to require local authorities to establish and operate a database or databases of information about all children and other young people to whom arrangements under section 10 or 11 or section 175 of the Education Act 2002 may relate (*subsection (1)(a)*). Alternatively, the Secretary of State may set up such databases himself and he may set up a body corporate to operate such databases (*subsections (1)(b) and (2)*). Such databases might be set up at a local, regional or national level.
70. The purpose of the information databases that would be set up under this section is to facilitate contact between professionals who are supporting individual children or who have concerns about their development, well-being or welfare with the aim of securing early, coherent, intervention. The purpose of including the basic data set out in *subsection (4)* is to help practitioners identify quickly a child they have contact with, and whether that child is getting the universal services (education, primary health care) to which he or she is entitled. Such data, suitably anonymised, would also serve a purpose in service planning. These purposes relate directly to the overarching duties on service providers to co-operate to promote the well-being of children (section 10) and to safeguard and promote the welfare of children (section 11). The purposes for which information databases may be used also include the duty of Local Education Authorities and governing bodies to fulfil their functions in a way that safeguards and promotes the welfare of children under section 175 of the Education Act 2002.
71. The section sets out the principles that would govern information sharing using information databases, including the basic information that is to be included in respect of all children. The detailed operational requirements will be set out in the affirmative procedure regulations referred to above and, as to more technical matters, in directions and guidance issued by the Secretary of State under *subsections (12) and (13)*.
72. *Subsection (3)* provides that a database may only include information specified in subsection (4) in relation to a person to whom subsection (1) relates (i.e. all children and other young people within the scope of sections 10 and 11 and section 175 of the Education Act 2002).
73. *Subsection (4)* describes the information to be held on the database. The basic data to be held for all children comprises: name; address; gender; date of birth; a unique identifying number; name and contact details of any person with parental responsibility or who has day to day care of the child; details of any education being received whether in an educational institution or other setting; name and contact details of a GP practice.

*These notes refer to the Children Act 2004 (c.31)  
which received Royal Assent on 15th November 2004*

The subsection also provides for the inclusion of the name and contact details of any practitioner providing a specialist service (of a kind to be specified in the regulations) to a child and the fact that a practitioner has a concern about a child. No material relating to case notes or case history about an individual may be included on the database, but the flexibility exists to require the inclusion of further basic data, for example to provide for future organisational change.

74. *Subsection (5)* gives the Secretary of State power to make provision for the establishment and operation of information sharing databases.
75. *Subsection (6)* lists a number of matters concerning the management and operation of information databases that may, in particular, be included in the regulations made under *subsection (5)*. These include requiring or permitting specified types of people or bodies to disclose information to the database, the conditions under which agencies and individuals will be granted access, the length of time that information should be held on the database and procedures for ensuring the accuracy of the data.
76. *Subsection (7)* lists the people and bodies who can be required to disclose information for inclusion in the database. This enables the primary sources of the basic data to be Primary Care Trusts, Local Education Authorities and the Connexions Service, with other statutory bodies and registered independent schools having a duty to supply such other information as may be required.
77. *Subsection (8)* lists the people and bodies who can be permitted to disclose information for inclusion in the database. This provides for voluntary sector bodies and the Inland Revenue (for Child Benefit and Child Tax Credit records), among others, to respond to any requests by the people who may be required to establish the databases to fill in any gaps in the basic data.
78. *Subsection (9)* permits information held by government departments, such as benefit records from the Department for Work and Pensions, to be supplied on request to fill in gaps in the basic data.
79. *Subsection (10)* allows the regulations to provide for the delegation of decisions relating to the matters referred to in *subsection (6)(e)*, relating to access to the databases, to persons who may be required to establish the databases.
80. *Subsection (11)* allows the regulations to provide that people or bodies who are permitted under *subsections (6)(c) to (e) or (9)* to disclose information to the database may do so notwithstanding their common law duty of confidence. Such a power would be relied upon where practitioners believe, in their professional judgement, that it is in the best interest of the child to share information about that child.
81. *Subsection (12)* provides that any direction issued by the Secretary of State must be complied with by any person or body who establishes or operates a database under this section and that they must have regard to any guidance issued by the Secretary of State.
82. *Subsection (13)* lists matters concerning the operation of the information databases that may, in particular, be included in directions or guidance issued by the Secretary of State. These include management functions, technical specifications, conditions relating to database security, the transfer and cross-matching of information from one database to another and the issuing of advice to children and their parents about their rights, under the Data Protection Act 1998, to access information held about them on the database.