

ContactPoint shielding frequently asked questions

Q1 Why is shielding necessary on ContactPoint?

In limited circumstances, individuals may be at increased risk of significant harm. Shielding is not unique to ContactPoint. It is entirely consistent with the Data Protection Act 1998 which requires security to be appropriate to the harm that may be suffered by the individual. The clear need for shielding was established by the experience of the Trailblazers and through consultation with a wide range of organisations including, amongst others, the Central Witness Bureau, Women's Aid, British Association of Adoption and Fostering and Barnardo's.

Q2 Is it necessary for LAs to develop a process for shielding out of hours?

It is not necessary for LAs to develop a process for shielding out of hours. Shielding information on ContactPoint is one of a collection of measures to protect individuals. The primary objective of shielding is to protect the whereabouts of individuals at risk of significant harm. In the majority of cases, once the risk to the individual has been assessed, removing them from the situation and/or notifying the appropriate organisations, e.g. the police or social care, will be sufficient protection until the next working day. It is unlikely that an individual, or any of the agencies that may be protecting them, will supply details of their new location within that short a timescale. When these agencies do provide updated information they can also submit a shielding request.

Q3 To be safe should a LA take a blanket approach to shielding some populations (eg all children known to Children and Families Social care)?

LAs must not adopt a blanket approach to shielding. The Children Act 2004 Information Database (England) Regulations 2007 place responsibility for determining the appropriateness of shielding on local authorities

and require them to consider the views of involved practitioners, the child or young person and where appropriate, the parent or carer when they make their determination. Shielding decisions must be made on a case by case basis.

Q4 Will a report be available to identify what records are shielded and who instigated the request, so that ContactPoint Management Teams can consult with all before deciding whether or not to remove the shield?

A data administrator will run a query which identifies all recently applied shields so that they can be reviewed. We are in the process of defining the details of what time options will be available for this query; currently we expect these to be:

- the last seven days - to support the review of shielded records by LAs which should be carried out within seven days of a request being received to determine the appropriateness of shielding
- more than six months - to allow identification of those shields which need to be reviewed in each six-monthly review cycle.

The query will indicate the UID and summary record for each shielded record falling within this timescale, allowing the data administrator to access the record to determine who made the shielding request.

Q5 Will the ContactPoint Management Team be alerted when the 'glass is broken' on shielded records so that they can carry out an investigation?

The process for this is defined in the 'Manage Users' Best Practice process (BPP), section 7.5.4. Essentially there are two types of Break Glass audit queries, both of which must be run daily.

- The first type returns all users in an organisation who have accessed records using the break glass function. This is run

December 2008

by the user administrator. The scope of the query is controlled by an access right.

- The second returns all child records assigned to the accountable body that have been accessed using the break glass function. This is run by the data administrator or ContactPoint Manager for the LA.

Q6 How will the 'steady-state' shielding processes operate?

Steady state shielding processes are described in Best Practice Processes (BPP) 4 (practitioners) and 1 (data).

Q7 What security arrangements should LAs adopt for transfer, storage and disposal of partners' shielding data?

LAs must agree arrangements with partner organisations for the secure transfer, storage and disposal of shielding data. We anticipate that these would be based on LAs' and partners' own policies on handling personal or sensitive data. It is not appropriate for DCSF to determine these arrangements centrally. But, typically such arrangements would include:

- Suitable encryption and escort arrangements for data in transit
- Policies on controlling access to the data
- Physical security measures associated with locations at which the data is to be processed
- Secure disposal of the media used to transfer the data

We will help LAs to work together to agree arrangements and to share best practice in this area. Your Implementation Co-ordinator will have the up-to-date position on which LAs have developed such arrangements.

Q8 Why can't partners do pre-deployment shielding themselves?

While we are in the process of confirming that the records created through the initial data load are appropriately shielded, we are strictly limiting access to those ContactPoint users who will, under steady state operations, have the necessary access rights to view shielded records. Only when we have confirmed that this pre-deployment activity has been completed will we allow access by others.

Q9 What happens if partners object to sending to the LA the data on children to enable their ContactPoint records to be shielded?

LAs should take all reasonable steps to obtain this data but if data is withheld by partners, LA ContactPoint managers will find it difficult to ensure the child record, which will already have been created on ContactPoint from the initial national sources of data, has the appropriate shielding.

The ContactPoint National team has been working with national bodies and umbrella organisations to explain ContactPoint and has provided communications material to help with the process of agreeing the provision of data from partner organisations to enable shielding.

If a LA encounters difficulty in obtaining the information necessary for shielding from a partner, despite providing the background information and despite having explained the risk that without this data a child's record may not be appropriately shielded, they might wish to consider escalating this within the LA. Possible candidates for this would be their Children's Trust, Children and Young People's Strategic Partnership or Local Safeguarding Children Board. They should also report this difficulty in their Shielding Assessment on LARA, to notify the National Team.

Q10 LAs are concerned about the migration path from pre-deployment to steady-state shielding. What happens between middle March and when users go live after R2?

Essentially once the nominated shielders have been trained and authorised to enter shields as part of pre-deployment, they will be operating a 'steady state' shielding process alongside the entry of the shielding requests already supplied to them from partner organisations.

Any shielding requests which are made direct to them from that point will need to be assessed against the shielding criteria (see answer to q11 below) and shields applied, if appropriate. (Additional guidance is being prepared on the practicalities of handling shielding requests direct from children and young people or parents.)

Also during that period it is possible that a limited number of additional data feeds will be connected to ContactPoint. Some of these may be able to supply shielding indicators. These will be applied to the records automatically by the system's data load processes.

Q11 What do I do if I receive a request from a parent/individual to shield a record now?

See additional guidance paper on responding to shielding requests from parent/carer/YP.

Local authorities need to apply the criteria set out in statutory guidance to determine whether it is appropriate to shield the record on ContactPoint. They will need to ensure they have processes in place to consider such requests and apply the criteria, once they have been approached. This needs to happen from the point they receive a request, even if that request is received before the LA has access to ContactPoint to apply shields. Should the LA determine that a shield needs to be applied,

they should apply the shield as soon as they are in a position to do so, and inform the parent/YP.

Q12 Will ContactPoint link pre- and post-adoption records for children/YP whose identity has changed as a result of an adoption?

ContactPoint has been designed so that as far as possible a new post-adoption record does not get matched to previous records containing the old identity. Thus, even if an organisation (such as the NHS) uses the pre-adoption identifier (in this case the NHS number) in the post-adoption record, ContactPoint will not return any pre-adoption records with this identifier in response to a search using the identifier unless the pre- and post- identity names also match.

Additionally ContactPoint best practice processes for managing data specify that where a pre-adoption record is found on ContactPoint it should be forced to archive with reason of "error" to eliminate the small residual risk of pre- and post- adoption names being so similar that the matching software identifies a possible match.

It is possible (though unlikely) that a data source providing records to ContactPoint will have included a pre-adoption identity as an "alias" within a single record (or "fragment"). The Integration Specification for ContactPoint (the interface specification issued to bodies seeking to connect an external system to ContactPoint) specifies that this should not be done but the ContactPoint system itself cannot enforce this because it cannot determine whether the alias is a genuine alternative current name or a superseded identity. This old identity would be visible in these circumstances, except where the record is shielded, in which case only the "best view" (i.e. current) name would be visible.

March 2009

Q13 What will happen to pre-adoption records on ContactPoint? Would any ContactPoint user be able to continue to access them?

Pre-adoption records, where there has been a change of identity, should be forced to archive with a reason code of "error". They will be retained only to satisfy legal requirements to retain data for six years after it becomes archived. Nobody has access to archived records, except the Capgemini system administrators, who must search manually for an archived record if needed, on the written instruction of the Central Service Management team.

Q14 Should partner organisations which cross LA boundaries (non-coterminous partners) send shielding requests separately to each LA?

Shields can be applied to records by shielders from another Accountable Body, so it is not necessary for a non-coterminous partner to separate out records by AB. However, a LA's willingness to shield records on behalf of other LA's will be determined by, amongst other things, the workload (i.e. the number of records to shield). This will be for the LA and partners to agree locally.

Q15 A record on a local Case Management System (CMS) for a child whose ContactPoint record is shielded may still be unshielded. Will CMSs be notified that a shield has been applied to a record on ContactPoint?

ContactPoint will not alert CMSs that a shield has been applied. There is no legal basis for ContactPoint to provide such information to other systems, and it has not been designed to do so.

There are currently no national guidelines governing the shielding of records on different systems. Practitioners, when they decide that a record should be shielded on ContactPoint, should consider whether the child is likely to have a record on other systems and if so, follow local procedures to seek the equivalent of shielding on those systems if that is considered appropriate.

Q16 Does a DSAR (Data Subject Access Request) need to be checked against ContactPoint before making a response?

Where a DSAR is received by a partner organisation relating to data held on ContactPoint, it should be forwarded to the LA to deal with. Where the DSAR comes to the LA, it should be checked against ContactPoint if it is a general request covering all LA systems, or if it specifically includes or relates to ContactPoint. If it has been received by the LA and is specifically related to systems other than ContactPoint, then ContactPoint does not need to be checked. Also see BPP1.

Q17 How many CMSs will be able to supply shielding requests to ContactPoint?

Our analysis of possible data sources for ContactPoint indicates around 530 systems in England where the system includes records which have been flagged as shielded (or equivalent). We don't have estimates on when these systems are likely to be able to include these flags in the feed to ContactPoint. Whilst a number of CMS developers are working to incorporate the ability to send shielding requests as part of upgrades to make their systems ContactPoint-compliant, it is likely that a number of systems will not have this capability for some time. Where this is the case, users of those systems will need to request shields either directly using the ContactPoint

web-screens via their browser (if they are authorised ContactPoint users), or by contacting an authorised user or the LA's ContactPoint Management Team.

Q18 Who manages the ContactPoint shielding review and unshielding processes during steady state operation? How will this be resourced?

The management of the shielding review and unshielding processes is part of the responsibility of the LA. ContactPoint teams may seek support for the process from business units within the LA such as safeguarding teams. It is important that the long-term sustainability of the shielding process is acknowledged by the LSCB and DCSs.

Q19 Should the shielder record the reasons for a shielding request in the log book?

No. The LA needs to determine that there is a valid reason (as set out in ContactPoint guidance) for requesting a ContactPoint shield but they should not record the reason in the log book. This would risk disclosing case information. It is for those requesting the shield to ensure that their case files include the reasons for shielding so that when the shield is reviewed they can advise the LA whether it is still appropriate to shield the record.

Where the shield requestor is the young person or their parent/carer, this will mean that the reason for shielding is not recorded anywhere (unless the LA has a case file already for this child/YP, in which case the reason for shielding could be noted there). Only the fact that the requestor was the YP or parent and the action relating to the shielding request will be held in the log. (Contact details should not be recorded in the log in these cases - they are obtainable from ContactPoint itself, using the UID).

Q20 Once pre-deployment shielding has been completed will LA shielders continue to have access to ContactPoint to apply further shields?

From the point at which access is granted for pre-deployment shielding, the LA will need to have the capability to process additional shielding requests. During steady state operations any practitioner will be able to request a shield (directly on ContactPoint if they are a registered user or by contacting a registered user/the LA ContactPoint manager, if not). When they do, a shield will be immediately applied but it will be reviewed by LA ContactPoint manager within 7 days to ensure the request complies with ContactPoint's shielding criteria. It is for LAs to determine who in the LA has access and for which purpose.

Q21 How will ContactPoint Management Teams manage day-to-day disagreements about when and whether a shield is legitimate and what is the escalation process where agreement cannot be reached on the need to apply a shield or unshield a record?

It is the responsibility of the LA to determine if a record should be shielded (generally on the basis of requests/advice from practitioners) but they must take into account views from the child/young person, their parent/carers and any relevant involved practitioners where such views have been expressed. Where the child/YP or parent/carer or practitioner disagrees with the decision they should follow existing local procedures for appeals/complaints. (See also the separate guidance document on dealing with shielding requests from parent/carers and YP)

Q22 Where an LA asks partners to send them information (securely) about records which need shielding, should they ask them to include sufficient detail about the reason for shielding to enable the LA to determine if the request is valid?

The LA will need to satisfy itself that a valid reason for shielding (as set out in ContactPoint guidance) exists but they should not request supporting information in written form, because of the possible risk involved in sending sensitive information. A conversation should be sufficient.

Q23 What happens if, having made a shielding request, a local agency terminates their involvement with a child before the 6 month review is due?

The agency should record on ContactPoint the termination of their involvement with the child. They should at this time review whether the shield should still apply, and if not, remove the shielding request from the record (note that this will not result directly in the record becoming unshielded. Any shielding requests from other agencies would still be in place. Once all shielding requests had been removed this would trigger a review by the LA ContactPoint Management team to determine if the shield should be removed).

However If the agency neglected to enter the termination of their involvement this should come to light anyway during the next 6 monthly shielding review. (Practitioner involvements remain on ContactPoint for 12 months after the involvement ceases).

Q24 How should an agency such as Connexions respond to its obligations to pass on data from their own system to a training provider, when the record is shielded on CP?

The presence of a shielding indicator on ContactPoint indicates only that the location of the child/YP should be protected on ContactPoint. It should not be treated as a central authority to determine whether information should be shared between other organisations. This would be covered by their own data sharing agreements and by any legal obligations they have to provide data.

Gaining access to information about a shielded ContactPoint record is covered in Statutory Guidance (Part 4.46)

Q25 Will adapted CMS's include a function to ensure that printed reports from that system do not include shielded records?

Since a CMS will not receive any data from ContactPoint, there is no way for that system to determine whether a shield exists on ContactPoint for a specific child. It is likely that the CMS, if it includes the capability to hide a child's location (i.e. the equivalent of a shield) will have controls such as this but that is for the owners and developers of that system to determine, based on their own security policies.

Q26 Will partner organisations be able to identify which other partners requested a shield for a child record on ContactPoint?

No. A practitioner in a partner organisation will be able to see that a shield exists on ContactPoint for a child for whom they are providing services, but they will not be able to see who requested the shield. They will, if necessary, be able to ask the LA ContactPoint manager to broker access to other practitioners working with the child.

Q27 Who has responsibility for shielding decisions when a child is looked after by one Local Authority but is placed in another?

Either (or both) LA can apply the shield. The LA with “social care responsibility” retains the responsibility for the child. The LA in which the child resides and where they are in receipt of services is likely to be in a better position to seek the views of relevant practitioners.

Q28 Is Police shielding being handled nationally or locally? If locally should this all be managed by a lead LA?

It is being handled locally. It is up to LAs to decide how they want to manage the application of shielding requests from the Police. It's fine if they want to channel all requests to a lead LA, equally fine if they want to split them by LA.

(NB a letter from ACPO to Police Forces on ContactPoint is about to issue and should be available on LARA shortly).

Q29 Should we shield children's records where it is actually the parent/carer who would be at risk if their child's whereabouts became known?

ContactPoint regulations permit the application of shields to records of children/YP where not doing so would place an adult at risk of significant harm. The majority of these cases should be identifiable from approaches to the organisations we have already identified as a priority (adoption, abuse/domestic violence, police protection). And the Central Witness Bureau will also be applying shields direct onto ContactPoint. LAs could contact other organisations for example CAFCASS, adult social care, probation service, if time permits but the main focus should be on the organisations above.

Q30 How should we identify vulnerable children or adults who are not known to the LA or partner organisations?

It is not possible to identify the ‘unknown unknowns’. You should ensure that partner organisations in your area are aware of ContactPoint, the ability to shield and the criteria for shielding. We have provided advice about the bodies most likely to be aware of such cases. As soon as a practitioner identifies that someone they are working with should be shielded they will be able to request a shield, directly onto the system once they have access or by contacting their local ContactPoint Management team.

Q31 When does the log book have to be in place?

LAs will need to be able to log shielding actions as soon as they start shielding following their shielding training.

Q32 Can LAs undertake shielding reviews prior to deployment?

Shielding reviews should normally happen after deployment. A review could strictly be undertaken before but LAs won't have the ability to remove shields at that point. The information they would need in order to conduct a review of a record shielded during the pre-deployment phase should be contained within the shielding log (see Q ref no.26)

Q33 When shielding is there a duty to consult or is it permissive? Regulations are unclear – they say that ‘views must be taken into account’ – does that mean that they must be sought or that if they are provided they should be taken into account?

The regulations do not require a shielder to seek views but views must be taken into account if expressed.

Q34 Is there any guidance on fair processing for partners who are providing data to ContactPoint? Who has responsibility for fair processing data sources?

Guidance has been prepared and should issue imminently. It covers DCSF, LA and data suppliers' responsibilities

Q35 Do we need to confirm the identity of the person requesting shielding and their relationship with child and their reason? Who decides whether they meet the criteria?

During pre-deployment, LAs are engaging with partners to identify records which need shielding. As part of this process they would naturally need to satisfy themselves that the person with whom they are dealing in that partner organisation has the authority of that organisation to request a shield. During steady state operations, shielding requests may be applied directly by ContactPoint authorised practitioners or indirectly by sending a request to a ContactPoint authorised user or ContactPoint Manager. The LA will be reviewing shields to assure themselves that they meet the shielding criteria.

For guidance where the person requesting the shield is a parent/carer refer to separate policy guidance paper.

Q36 Is there a mechanism for recording the fact that a review has taken place or is this a function of the ContactPoint log?

This will be in the ContactPoint log.

Q37 Are LAs expected to include references to shielding within their FPN (Fair Processing Notice) material? If yes will the national team be providing the text?

We're recommending they should, although not necessarily in the 1st layer as this should be very basic information about what ContactPoint is and where to go to get more info (backed up by recent message testing with parents and young people). The National Team is providing some text as part of the fair processing guidance.

Q38 one of the criteria for shielding is when not to do so may prejudice the prevention of detection of a serious crime - Is there an agreed definition of 'serious crime' ?

See "Information Sharing: Guidance for practitioners and managers" October 2008 (also on the ECM website).The Glossary contains a definition of "serious crime".

Q39 During pre-deployment shielding should we shield co-resident children/YP too?

When seeking information from partner organisations on records needing shielding, LAs should ensure that partners have considered whether any children who are co-resident with a child they have identified as needing shielding should also be shielded. This might be because the co-resident child needs protecting or because they provide a potential route for tracing the location of the shielded child. As an additional check, during entry of the pre-deployment shield requests, the shielder may, if they believe they have sufficient (and sufficiently current) information to make it worthwhile, ask ContactPoint to check for co-resident records. If apparently co-resident children are found, the shielder should check with the body requesting the shield to determine whether to apply shields to the co-resident children.

Q40 Will LAs be unshielding records during the pre-deployment shielding phase?

No. The pre-deployment phase is about ensuring that existing measures to protect the whereabouts of children are applied in the form of shields to ContactPoint where appropriate. Because unshielding is a more complex process involving consultation with partner organisations about the continuing need for the shield, any unshielding activities can only take place once deployment has taken place for the LA. It is only then that the appropriate training and authorisation for ContactPoint Managers will take place.

Q41 What should LA's enter as "position applied for" on the eCRB form for their shielders?

Enter "ContactPoint". The CRB have been briefed by the National Team (Policy) to accept this for the purposes of the pre-deployment shielding. If their application applies to their ContactPoint role and another role they fulfil then they should enter 'ContactPoint + [role]'.

Questions and answers from Department for Children, Schools and Families

