

THE CHILDREN BILL*Briefing for Second Reading in the House of Lords*

The Children Bill currently before Parliament proposes radical changes to the way in which children's services are delivered in England and Wales. While we welcome in principle the intended appointment of a Children's Commissioner for England, it is the provisions of Part 2 that concern us.

Part 2 of the Bill proposes that confidential information about children and families be shared and stored on a database without their knowledge or consent. The Government appears to be seeking something of a 'blank cheque' from Parliament by asking that the Secretary of State be empowered to establish one or more databases, and to define issues of data storage and access, by Regulations and Guidance rather than by primary legislation.

The Green Paper '*Every Child Matters*' explained in detail how the system would work: every child would have a central file, and a 'flag' would be placed upon it whenever an agency had a 'concern'. If two agencies flagged a file, this would be the trigger for sharing information in order to decide whether further intervention was necessary.

The Government has made it clear that information-sharing should go far beyond the situation in which it is currently permitted: where a child is at risk of significant harm¹. It has so far been suggested that 'concerns' should include: seeming upset at school, failure to achieve expected levels at Key Stages, low birth-weight, or the mental health issues of a family member. It would appear that 'concerns' do not have to be backed by evidence

Clauses 6 & 7 would place a duty upon a wide range of agencies to co-operate with the Children's Services Authority (CSA), including Primary Care Trusts, Local Authorities, schools, and anyone providing services under s114 Learning and Skills Act 2000 - which includes private companies. **Clause 7** appears to refer to those to whom the CSA may delegate its functions, which further widens the potential number of people involved.

Clause 8 provides for the establishment of databases for the purpose of sharing information. Although the Government has said that it intends to establish 'local' databases containing only minimal information, the powers that it is in fact seeking would empower the Secretary of State to establish one national database, and to require that all agencies' files about a child be held upon it.

Clause 8(7) could operate to abolish patient or client confidentiality altogether.

We have the following concerns:

- ◆ *The Secretary of State would be given far-reaching powers without the detailed scrutiny and agreement of Parliament.*
- ◆ *Widespread information sharing could compromise the safety of all children. The greater the number of agencies involved, the greater the risk of corrupt use or disclosure of children's data.*
- ◆ *Children already at risk of harm may be overlooked. It is likely that those working with children will tend to flag every minor concern rather than risk accusations of negligence. The system will be constantly delivering alerts for trivial issues; situations where intervention is urgently needed will be obscured.*
- ◆ *As case-loads increase, there is a danger that the duty of care will, in practice, be given to the machinery. Computer systems may even be seen as a substitute for social workers.*
- ◆ *Government databases have a poor track record. Should the database become overloaded and fail, children in need of protection may be missed entirely.*
- ◆ *Children may be reluctant to seek help or advice when they realise that their confidence will be breached.*
- ◆ *Parents may be deterred from seeking advice from GPs or other agencies for their own mental health or substance-abuse problems at an early stage, potentially aggravating problems within the family and increasing the possibility of harm to their children.*

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ARCH is a UK-wide network of families committed to the rights of children. Through its network, ARCH disseminates information to families, and gathers opinions on issues affecting children in order to represent them to policy-makers at both local and national level.

ⁱ Department of Health: Data Protection Act 1998 Guidance to Social Services 2000