



Agenda Item 5 (x)

EAST AYRSHIRE CHILD PROTECTION COMMITTEE: 26 AUGUST 2009

INTERIM MULTI-AGENCY GUIDANCE: NON-DISCLOSURES OF PLACE OF RESIDENCE OR WHEREABOUTS

1. PURPOSE

- 1.1 To seek the approval of the Committee for the interim inter agency guidance in relation to non disclosure of place of safety/child's whereabouts pending publication of national guidance from the Scottish Children's Reporter Administration (SCRA) (Appendix 1).

2. BACKGROUND

- 2.1 On 27 November 2008 the Child Protection Committee considered guidance provided by the Authority Reporter in relation to non disclosure of Place of Residence or Whereabouts and as a consequence Alison Findlay, then Acting Senior Manager, Children and Families and Jaine Best, Solicitor, were tasked with preparing interim guidance on an inter-agency basis to reduce the risks of unauthorised disclosures.
- 2.2 The attached interim guidance has been produced following consultation on a multi disciplinary basis to ensure records are updated speedily where non disclosure of place of safety/whereabouts conditions exist. Further Guidance from SCRA for partner agencies is anticipated in the future.

3. RECOMMENDATIONS

- 3.1 The Child Protection Committee is asked to: -
 - (i) approve the contents of his interim guidance;
 - (ii) note that the social work service will arrange for Risk management Centre staff to update SWIFT following notification of an out of hours protection order by legal services, and;
 - (iii) request that each agency ensures that practitioners and managers are made aware of this guidance.

Susan Taylor
Chair of child Protection Committee
20 August 2009

Report prepared by Alison Findlay, Senior Manager (Authority Wide Services)



INTERIM MULTI AGENCY GUIDANCE

**NON-DISCLOSURE OF PLACE OF RESIDENCE OR
WHEREABOUTS**

Date Approved by CPC:

Lead Officer:

Review Date:



INTERIM MULTI-AGENCY GUIDANCE

NON-DISCLOSURE OF PLACE OF RESIDENCE OR WHEREABOUTS

1. PURPOSE

- 1.1 To provide interim guidance in relation to non disclosure of place of residence/child's whereabouts pending publication of national guidance from the Scottish Children's Reporter Administration (SCRA).

2. BACKGROUND

2.1 Non-Disclosure of Place of Residence

- 2.1.1 A children's hearing can, when making or reviewing a supervision requirement, insist that any place where the child is stated as residing at by the supervision requirement must not be disclosed to any person. There are similar provisions in relation to place of safety warrants and the continuation of child protection orders.
- 2.1.2 A Sheriff has similar powers to authorise non-disclosure of a place of safety when issuing a warrant or a child protection order.

2.2 Non-Disclosure of Whereabouts

- 2.2.1 The Children's Reporter when carrying out certain functions can withhold information to prevent disclosure of the whereabouts of the child or any relevant person where there is a risk of serious harm to that child or relevant person. (Rule 9 of the Children's Hearing (Scotland) Rules 1996). It should be noted that this decision is within the discretion of the Children's Reporter alone.
- 2.2.2 Consequently, while the children's hearing or sheriff's orders apply only to a child's place of residence, they do not apply to a relevant person's place of residence.
- 2.2.3 There is a need for ongoing, careful consideration of whether to apply any of the non-disclosure provisions and clear reasons justifying any decision to do so. Agencies need to ensure that information that should not be disclosed is not inadvertently released. This is particularly true in relation to Rule 9 determinations by the Reporter. Any person may request the Reporter to consider applying Rule 9 and the Reporter will make an assessment whether Rule 9 applies to any case by applying a "risk of serious harm" test. The decision will be kept under review and the Reporter will inform relevant persons and the local authority of any decision to apply Rule 9 or to remove the protection of Rule 9.
- 2.2.4 Where a Rule 9 determination prevents disclosure of information in relation to the whereabouts of the child or any relevant person, extreme care will be required by agencies to ensure that there is no release of information which could identify the child's whereabouts or the whereabouts of any relevant

person. For example disclosure of the address of the general practitioner where a child resides in Glasgow may not lead to the identification of the child's whereabouts, however, the same cannot be said of disclosure of the identity of the child's general practice in small, rural villages.

2.2.5 This guidance is provided on an interim basis. Each agency should, where doubts exist, take the advice of their own legal services or the Scottish Children's Reporter Administration. SCRA will shortly release national guidance in relation to non-disclosure of a child's place of residence or whereabouts for partner agencies.

3. GUIDANCE FOLLOWING NOTIFICATION OF PLACE OF SAFETY/RULE 9 DETERMINATIONS FROM SCOTTISH CHILDREN'S REPORTER

3.1 Alerting Social Work Services

3.1.1 The allocated worker (and team manager – as appropriate) will be made aware at the hearing of a non-disclosure of place of residence/whereabouts.

3.1.2 Following a children's hearing, SCRA will contact children and families administration at the Civic Centre advising there is a non-disclosure of address and whereabouts on a particular child / children. Children and families administration will immediately update SWIFT for each of the records identified recording a hazard "Non Disclosure of Address" and / or "Non Disclosure of Whereabouts".

3.1.3 Children and family social work administration staff should notify the social worker and team manager (copying to the service manager) to alert them to the non-disclosure, and confirming that this has been inputted on SWIFT.

C&F Admin Staff contact details:-

Name	Phone Number	Email Address
Angela Watson	01563 576728	.watson@east-ayrshire.gov.uk
Lisa Brock	01563 554886	.brock@east-ayrshire.gov.uk
Michelle Murdoch	01563 576918	.murdoch@east-ayrshire.gov.uk
Violet Liddell	01563 576925	.liddell@east-ayrshire.gov.uk

3.2 Out of hours applications for Child Protection Orders.

3.2.1 Where an application for a child protection order is granted out with normal working hours the solicitor shall contact the Risk Management Centre where the sheriff has ordered that the address of the place of safety should not be disclosed. Risk Management Centre Staff will update SWIFT for each child identified recording a hazard "Non Disclosure of Address". The solicitor will contact the Risk Management Centre by e-mail at the generic e-mail address provided below as soon as practicable after the order is granted. The solicitor will provide the name, date of birth and home address of the child's parent/parents. The e-mail should be followed up with a telephone call to ensure that the information has been received.

3.2.2 Responsibility for updating the legal status of the child on SWIFT and informing all agencies involved with the family rests with the allocated social worker.

3.2.3 Should the child/children who are subject to an order of non disclosure of address be previously unknown to East Ayrshire Council the Risk Management Centre shall transmit the information to West of Scotland Social Work Standby Services by fax.

Name	Phone Number	Email Address
Risk Management Centre	01563 553950	@east-ayrshire.gov.uk
Risk Management Centre	Fax No 01563 553966	