



EAST AYRSHIRE CHILD PROTECTION COMMITTEE: 07 DECEMBER 2010

NON DISCLOSURE of PLACE OF RESIDENCE OR WHEREABOUTS

1. PURPOSE OF REPORT

- 1.1 To provide the East Ayrshire Child Protection Committee (EACPC) with finalised guidance in respect on non disclosure of place of residence for consideration and approval.

2. NON DISCLOSURE of PLACE OF RESIDENCE OR WHEREABOUTS

- 2.1 The multi agency implications of non disclosure conditions was discussed at the EACPC in November 2009, when SCRA highlighted the implications of lack of awareness.
- 2.2 Draft guidance was approved by the EACPC in December 2009.
- 2.3 At the EACPC in June 2010, it was noted that the process had not operated effectively and additional practical considerations have been identified which have necessitated amendment of the guidance.
- 2.4 Attached at Appendix 1 is a copy of the guidance with amendments highlighted in red. These changes are proposed to provide greater clarity about roles, responsibilities and key processes.

3. RECOMMENDATIONS

- 3.1 The Child Protection Committee is asked to: -
- i) Consider the contents and endorse the amended guidance on NON DISCLOSURE of PLACE OF RESIDENCE OR WHEREABOUTS.

Susan Taylor
Chair of East Ayrshire Child Protection Committee
December 2010

Report prepared by Elaine Wright, Child Protection Co-ordinator



MULTI AGENCY GUIDANCE

NON-DISCLOSURE OF PLACE OF RESIDENCE OR WHEREABOUTS

Date Approved by CPC:

Lead Officer:

Review Date:

MULTI-AGENCY GUIDANCE



NON-DISCLOSURE OF PLACE OF RESIDENCE OR WHEREABOUTS

1. PURPOSE

- 1.1 To provide 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 practitioner in small, rural villages.

2.2.5 Each agency should, where doubts exist, take the advice of their own legal services department.

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 the imposition, variation or removal of a non disclosure condition SCRA shall immediately contact children and families administration at the Civic Centre by telephone advising there is a non-disclosure of address or whereabouts condition in respect of a particular child / children. Where immediate notification is impractical said notification shall be made within 24 hours of the condition being applied, varied or removed. Children and families administration shall immediately update SWIFT for each of the children identified recording a hazard "Non Disclosure of Address" and / or "Non Disclosure of Whereabouts". Where immediate updating of SWIFT is impractical said updating shall be carried out within 24 hours of the notification from SCRA.

Following the updating of SWIFT children and families social work administration staff shall immediately 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
Lisa Brock	01563 554886	lisa.brock@east-ayrshire.gov.uk
Michelle Murdoch	01563 576918	michelle.murdoch@east-ayrshire.gov.uk
Maureen Kidd	01563 576926	maureen.kidd@east-ayrshire.gov.uk

3.1.4 Children and families administration shall immediately on receipt of notification from SCRA of the imposition, variation or removal of a non disclosure condition contact Health and Early Years or Education as appropriate to confirm the "Non Disclosure of Address"/"Non disclosure of Whereabouts" utilising the Proforma annexed as Appendix A.

Early Years contact details:-

Name	Phone Number	E-mail Address
Janie Allen	01563 578125	janie.allen@east-ayrshire.gov.uk
Andrea Johnstone	01563 578116	andrea.johnstone@east-ayrshire.gov.uk

Education contact details:-

Name	Phone Number	E-mail Address
Maureen McSeveney	01563 555640	maureen.mcseveney@east-ayrshire.gov.uk

Health contact details:-

Name	Phone Number	E-mail Address
Liz Colquhoun	01294 323431	liz.colquhoun@aapct.scot.nhs.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 legal services 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". Legal Services shall 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. Where e-mail notification by legal services to the Risk Management Centre is impractical a telephone call shall suffice. Within 24 hours of the grant of of a Child Protection Order Legal Services shall complete Appendix A and forward same to the Risk Management Centre.

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	RiskManagementCentre@east-ayrshire.gov.uk
Risk Management Centre	Fax No 01563 553966	

3.3 Applications for Child Protection Orders within Office Hours.

3.3.1 Where an application for a Child Protection Order has been granted during working hours legal services shall complete the proforma attached at

Appendix A and forward same electronically to children and families administration at the civic centre before the close of business. Where it is impractical to complete and forward the proforma before the close of business legal services shall complete and forward the proforma within 24 hours of the Child Protection Order being granted.

3.4 Civil Court Procedure

3.4.1

Where specifications of documents are received in connection with sheriff court proceedings ~~at Ayr Sheriff Court~~ it shall be the responsibility of the allocated social worker, the head teacher or the early years services manager as appropriate to contact an allocated solicitor to advise of the terms of the specification of documents and non disclosure condition. The allocated solicitor will then alert the relevant sheriff clerk to the non disclosure condition and establish whether the court requires redacted copy files or original files without redaction. In the event that the Court will accept a redacted copy of the files, the social worker, head teacher or the early years services manager as appropriate will ensure that information which should not be disclosed is redacted prior to the copy files being forwarded to legal services. Legal sServices shall thereafter check the files to ensure that no information which should not be disclosed is contained within the documentation to be forwarded to court. In the event that the Court requires the original files, or copies of them, without redaction, the social worker, the head teacher or the early years services manager as appropriate shall identify any documents contained within the file that are subject to the non disclosure condition so that they may be treated as confidential and placed in a sealed envelope marked "confidential" when sent with the relevant files. ~~Where specifications are to be sent to all other courts it is the responsibility of the allocated solicitor to alert the sheriff clerk to the non disclosure condition and establish whether the court requires redacted copy files or original files without redaction.~~

3.4.2

Where productions are to be prepared for proof hearings at Ayr Sheriff Court it shall be the responsibility of the allocated social worker, the head teacher or the early years service manager as appropriate to ensure that information which should not be disclosed is redacted prior to the copy files being forwarded to legal services. Legal services shall thereafter check all productions to ensure that no information that should not be disclosed is contained within the documentation forwarded to court or the legal representatives of the parties to the action. Where ~~production~~ productions are to be sent to all other courts it is the responsibility of the allocated solicitor to ensure the court is aware of any non disclosure condition and establish whether the court requires redacted copies or original productions without redaction.

GLOSSARY of TERMS

"Non Disclosure of place of Residence" A Children's Hearing can, when making or reviewing supervision requirements, impose a condition that any place where the child is to reside must not be disclosed to a relevant person. Such conditions may

also be attached to place of safety warrants granted by the Sheriff or Children's Hearing and when a Child Protection Order is granted by the Sheriff or continued by a children's Hearing by

"Non Disclosure of Whereabouts" The Authority Reporter has discretion in terms of rule 9 of the Children's Hearing (Scotland) Rules 1996 to authorise non disclosure of information to relevant persons in relation to the whereabouts of a child or children. Where the Reporter considers that the disclosure of the whereabouts of the child or children or any relevant person may place that person at risk of serious harm he may authorise the withholding of such information as is necessary.

"Relevant Person" is defined by section 93 of the Children (Scotland) Act 1995 and includes a) any parent with parental rights and responsibilities; b) any person in whom parental rights and responsibilities have been vested e.g. grandmother with a residence order c) any person who appears to be a person who ordinarily as care and control of the child or children e.g. a foster carer or father without parental rights and responsibilities

'Serious harm' is not defined but includes physical, mental or emotional harm. Risk of harm does not enable the Reporter to apply Rule 9 - . Inconvenience or a preference not to share an address does not meet the test of serious harm.

"Whereabouts" is not restricted to a place of safety or place of residence and covers any place where the child or relevant person is. This may include names of schools, names of carers or any other details which may identify the child or relevant person's whereabouts.

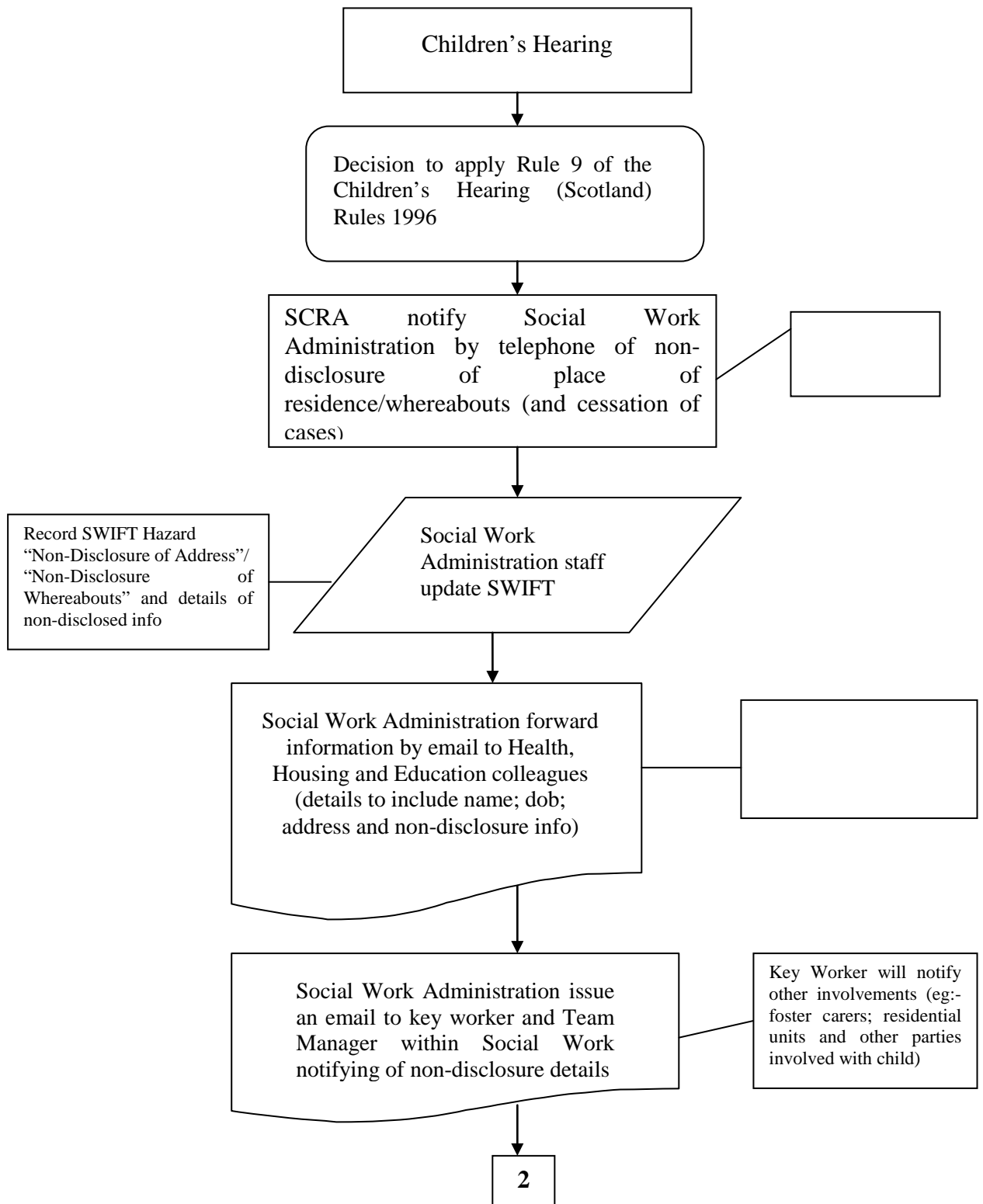
Appendix A

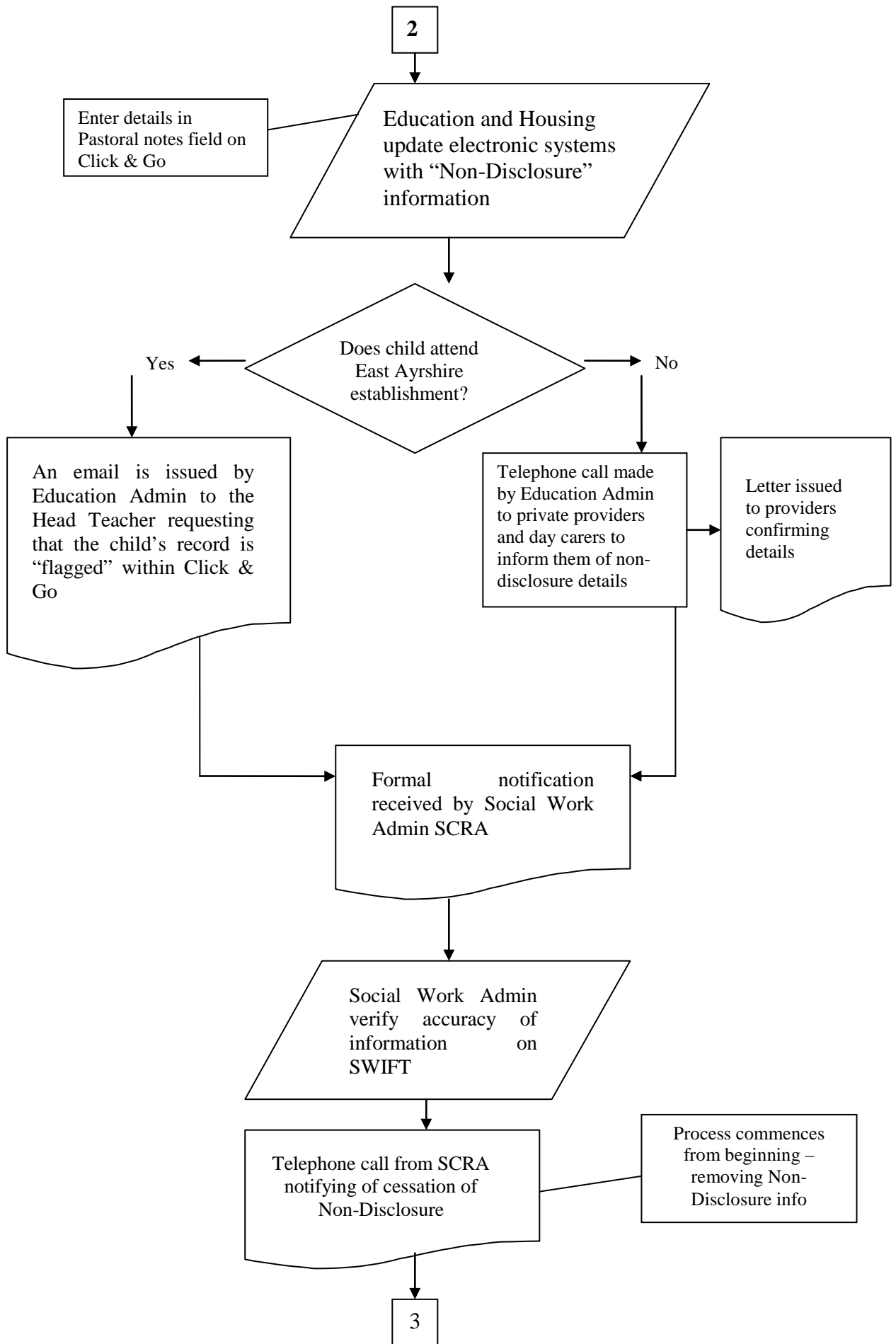
Notification of Non Disclosure Conditions:			
Name of child 1:		Date of Birth:	
Name of child 2:		Date of Birth:	
Name of child 3:		Date of Birth:	
Name of child 4:		Date of Birth:	
Name of child 5:		Date of Birth:	
Date non disclosure of place of residence imposed, varied or removed (delete as appropriate):			
Date non disclosure of whereabouts imposed, varied or removed (delete as appropriate):			
Person or persons to whom non disclosure condition applies e.g. child's address not to be disclosed to father:			

EAST AYRSHIRE COUNCIL

NOTIFICATION FROM SCRA OF RULE 9 DECISION

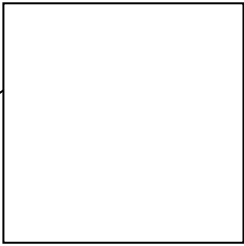
(NON-DISCLOSURE OF PLACE OF RESIDENCE OR WHEREABOUTS)



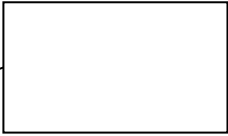


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Monthly Report issued by Social Work Admin to allow agencies to confirm local systems (report will show additions and removals made for the previous month)



Anomalies should be notified to Social Work Admin



END

