
STATUTORY INSTRUMENTS

2007 No. 2182

**The Children Act 2004 Information
Database (England) Regulations 2007**

PART 2

Information in the database

Information in the database

4.—(1) The database must contain such information of the descriptions specified in Schedule 1 as is available to the Secretary of State for Children, Schools and Families relating to—

- (a) each child, and
- (b) subject to paragraph (2), each participating young person,

who is ordinarily resident in England.

(2) A child record relating to a relevant young person may only contain information that is not archived information if that person consents to that information being contained in the child record (and in these Regulations a person who has consented and has not withdrawn the consent is referred to as a “participating young person”).

(3) The database may contain information about a child or participating young person who is no longer ordinarily resident in England or who has died.

Procedures for ensuring the accuracy of information in the database

5.—(1) A Schedule 4 or Schedule 5 body which discloses information for inclusion in the database must take reasonable steps to ensure the information is accurate.

(2) In providing information under section 12(9) of the Act the Secretary of State must take reasonable steps to ensure the information is accurate.

(3) Where it appears to a local authority that a child record for which it is responsible is or may be inaccurate or incomplete, the authority must take reasonable steps to correct the inaccuracy or to complete the record.

Accessible child record

6.—(1) Subject to paragraph (9), the Secretary of State for Children, Schools and Families must ensure that a person who is given access to the database under regulation 9(1)(b) is not able to read the information contained in a child record specified in paragraph (3).

(2) Subject to paragraphs (4) and (9), a local authority must ensure that a person who is given access to the database by the authority under regulation 9(1)(a) is not able to read the information contained in a child record specified in paragraph (3).

(3) The information referred to in paragraphs (1) and (2) is—

- (a) the name and contact details of a person or body providing a sensitive service;

- (b) information of the description specified in paragraph 15 of Schedule 1;
- (c) information of the description specified in paragraph 18 of Schedule 1 (unless the person who has access to the database is employed by the Schedule 4 or Schedule 5 body in relation to functions for the purposes of which the number has been allocated);
- (d) information of the description specified in paragraph 20 of Schedule 1;
- (e) archived information.

(4) Paragraph (2) does not apply to persons given access to the database by the authority under regulation 9(1)(a) solely for the purposes of the functions conferred on the authority under these Regulations.

(5) Subject to paragraph (9), a local authority may determine, in relation to a particular child record, that persons given access to the database under regulation 9 may read only information of the description specified in paragraph (6).

(6) The information referred to in paragraph (5) is—

- (a) information of the descriptions specified in paragraphs 1, 3, 4 and 5 of Schedule 1; and
- (b) in the case of—
 - (i) a child, the name of any person with parental responsibility for the child or who has care of him at any time; or
 - (ii) a participating young person, the name of any person who has care of him at any time.

(7) In making a determination under paragraph (5) the authority must take into account any views expressed by—

- (a) the person to whom the record relates;
- (b) any person with parental responsibility for that person or who has care of him at any time;
- (c) a Schedule 4 or Schedule 5 body.

(8) The Secretary of State for Children, Schools and Families or a local authority may for the purposes of child protection authorise a person to read the information contained in a child record which he would otherwise be able to see but for a determination under paragraph (5).

(9) A person having access to the database under regulation 9 may read information contained in a child record specified in paragraph (3)(a) to (c) if that information was disclosed for inclusion in the database by that person.

Retention of information

7.—(1) Subject to paragraph (2), information disclosed for inclusion in the database under these Regulations, or provided by the Secretary of State under section 12(9) of the Act, may be retained for six years from the date on which it becomes archived information.

(2) The information may be retained for longer than six years from the date on which it becomes archived information if the Secretary of State for Children, Schools and Families or a local authority is satisfied it is necessary to retain the information for the purposes of—

- (a) an investigation under section 47 of the Children Act 1989(1) (local authority's duty to investigate); or

(1) Section 47 was amended by paragraph 118(7) of the Health Authorities Act 1995 (c. 17); section 15(4) of, and paragraph 69 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37); paragraph 24(7) of Schedule 1 to the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000, S.I. 2000/90; paragraph 79 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); and section 53(3) of the Children Act 2004.

- (b) the exercise by a Local Safeguarding Children Board⁽²⁾ of its functions under regulation 5(1)(e) (serious case reviews) or 6 (functions relating to child deaths) of the Local Safeguarding Children Boards Regulations 2006⁽³⁾.

Archived information

8.—(1) Subject to paragraph (4), and so far as it is not already archived information, information in a child record becomes archived information on the earliest of the dates specified in paragraph (2).

(2) In the case of—

- (a) a child record for a child who is not a participating young person, the date on which he attains the age of 18;
- (b) a child record for a participating young person, the date on which he attains the age of 25, or (if earlier) the date on which his consent to the information being contained in the child record is withdrawn;
- (c) a child record for a person who ceases to be ordinarily resident in England, the date on which the Secretary of State for Children, Schools and Families or the local authority responsible for his child record becomes aware that he is no longer ordinarily resident in England and that it is unlikely he will resume ordinary residence in England within three years from that date;
- (d) a child record for a person who has died, the first anniversary of his death;
- (e) information of the description specified in paragraph 7 of Schedule 1, the date one year after the date on which the person ceased to attend the educational institution or to receive education otherwise than at an educational institution;
- (f) information of the description specified in paragraph 8 of Schedule 1, the date one year after the date on which the provision of the services to which that information relates ended;
- (g) information of the description specified in paragraph 9 of Schedule 1, the date of the expiry of the period in the statement described in paragraph 15 of that Schedule relating to that information (that period to be measured from the date on which the provision of the service ended);
- (h) information of the description specified in paragraph 10 of Schedule 1, the date one year after the date on which information about a subsequent assessment of the person under the system known as the Common Assessment Framework⁽⁴⁾ has been added to the child record;
- (i) information of a description specified in any of paragraphs 11 to 13 of Schedule 1, the date of the expiry of the period in the statement described in paragraph 15 of that Schedule relating to that information (that period to be measured from the date on which the services of the health visitor, school nurse or midwife ended);
- (j) information of the description in paragraph 14 or 15 of Schedule 1, the date on which the information to which it relates becomes archived information.

(3) The Secretary of State for Children, Schools and Families or the local authority responsible for a child record may decide that information in a child record that has become archived information by virtue of paragraph (2)(c) should no longer be archived information if the person is a child who again becomes ordinarily resident in England.

(2) Local Safeguarding Children Boards are established under section 13 of the Children Act 2004.

(3) S.I. 2006/90.

(4) *The Common Assessment Framework for children & young people: Practitioners' guide* was published by the Department for Education and Skills in April 2006, ISBN 1 84478-707-9.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The Secretary of State for Children, Schools and Families or the local authority responsible for a child record may at any time decide that information in a child record should become archived information.