

Appendix 2



LOCAL AUTHORITY SOCIAL SERVICES LETTER LASSL(2005)3

To: The Chief Executive
County Councils)
Metropolitan District Councils) England
Shire Unitary Councils)
London Borough Councils
Common Council of the City of London
Council of the Isles of Scilly

The Director of Social Services

01 February 2005

ACCESSING INFORMATION FROM INLAND REVENUE TO ASSIST WITH ENQUIRIES ABOUT A CHILD'S SAFETY AND WELFARE

1. SUMMARY

When the Child Benefit Office was part of the Department of Work and Pensions (DWP), it had the legal authority to share information in the public interest, including for the purposes of assisting with child protection enquiries. Following its transfer from DWP to the Inland Revenue, the Child Benefit Office was legally prohibited from sharing information for such purposes. This is because of the strict confidentiality laws which exist to protect the privacy of data provided by the Inland Revenue's customers.

Section 63 of the Children Act 2004 amends Schedule 5 of the Tax Credit Act, meaning that the Inland Revenue now has lawful authority to provide local authorities with the limited amount of information relating to children, i.e. names and address(es). This information can only be requested where it is needed in order for the local authority to fulfil their statutory responsibilities to safeguard and promote the welfare of children. Such enquires will generally be made under s47 of the Children Act 1989, which requires local authorities to make enquiries where they suspect a child is suffering or is likely to suffer significant harm. Full details of the provision at s63 of the Children Act 2004 can be found at www.hmso.gov.uk/acts/acts2004/20040031.htm

Section 63 mirrors the other information-sharing gateways in Schedule 5 of the Tax Credit Act 2002, all of which contain provisions to ensure that the information is used only for the purposes for which it is provided. It is intended that local authorities should only access information from the Inland Revenue in a very small number of

cases, i.e. where there are urgent concerns about a child or family who is missing and all other possible sources of information, e.g. schools, health services, etc have been exhausted. This is because, in many cases, the information held by the Inland Revenue may be inaccurate or out of date.

2. ACTION

Authorities are asked to familiarise themselves with the provisions of s63 of the Children Act 2004 and, in particular note the following:

- ◆ information should only be sought from the Inland Revenue where there are urgent concerns about a child or family that is missing and all more immediate sources of information have been exhausted
- ◆ information obtained from the Inland Revenue under s63 should only be passed on to other agencies for the purposes for which it was obtained (i.e. enquiries about a child's safety of welfare) It is an offence to disclose this information for any other purpose and, if a person is found guilty, they can be liable to a fine or imprisonment.

Should your case meet the criteria for making a request of the Inland Revenue for information you should contact the local authority Section of the Child Benefit Office (contact details below). Please do not contact other parts of the Inland Revenue.

Local authority Section

Child Benefit Office(GB)

Waterview Park

Washington

NE38 8QA

Telephone: 0191 225 1986

3. ENQUIRIES ABOUT THIS CIRCULAR

In the first instance, enquiries about this Circular should be made to James Addy at the Children's Safeguards Unit, in the Department for Education and Skills.

Tel. 0207 972 4074

Fax. 0207 972 4627

Email. james.addy@dfes.gsi.gov.uk

From: Children's Safeguards Unit, Department for Education and Skills, Wellington House, 133-155 Waterloo Road SE1 8UG.