EXPLANATORY MEMORANDUM TO

THE CHILDREN ACT 2004 INFORMATION DATABASE (ENGLAND) (REVOCATION) REGULATIONS 2012

2012 No. 1278

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the instrument is to revoke the Children Act 2004 Information Database (England) Regulations 2007 ("the ContactPoint Regulations") and the Children Act 2004 Information Database (England) (Amendment) Regulations 2010, which made amendments to the ContactPoint Regulations, and to revoke the parts of other instruments that refer to the ContactPoint Regulations.

2.2 The ContactPoint Regulations provided for the establishment and operation of a database that contained details relating to every child in England. The database was abolished in August 2010 and the data on the database was destroyed. The ContactPoint Regulations therefore have no effect and for this reason the instrument revokes them.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The instrument is made under the affirmative procedure.

3.2 The instrument also amends other instruments which are orders rather than regulations, and which are not subject to the affirmative procedure. This is done in reliance on the powers to make consequential provision conferred by section 66(1)(c) of the Children Act 2004 ("the 2004 Act"). Therefore, the amendment of the various instruments is consequential on exercising the powers in the 2004 Act to revoke the ContactPoint Regulations. Even though the instruments themselves were not made under the regulation making powers in the 2004 Act, the amendments to those instruments are (and therefore it is appropriate for the amendments to be in regulations subject to the affirmative procedure).

4. Legislative Context

4.1 The Secretary of State has the power to require local authorities to establish an information database for the purposes of facilitating arrangements to safeguard children and to promote welfare. The ContactPoint Regulations were made in 2009 pursuant to that power, requiring local authorities to establish and operate the ContactPoint databse. The Coalition Government abolished the database in August 2010. The instrument is being made to

revoke the ContactPoint Regulations, as the ContactPoint database no longer exists.

5. Territorial Extent and Application

5.1 The instrument applies to England only.

6. European Convention on Human Rights

6.1 Tim Loughton has made the following statement regarding Human Rights:

In my view the provisions of the Children Act 2004 Information Database (England) (Revocation) Regulations 2012 have no impact on the Convention rights. There is no effect on the rights of individuals.

7. Policy background

7.1 ContactPoint was introduced in 2009. It was developed to be an online database with contact details for all children in England which would be accessible to practitioners working in children's services. The ContactPoint Regulations set out what data was to be held on the database, who was to provide that data and who was to have access to it. One of the first acts of the Coalition Government was to close down ContactPoint in fulfilment of manifesto commitments of both parties and a Coalition pledge. ContactPoint was switched off in August 2010 and subsequently fully decommissioned. Consequently, the ContactPoint Regulations ceased to have any application and are no longer required to.

7.2 This instrument will clear redundant provisions from the statute books.

8. Consultation outcome

8.1 A consultation was not carried out as revoking the ContactPoint Regulations is an administrative function to remove redundant provisions.

9. Guidance

9.1 Guidance is not required for the instrument.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible due to the fact that the ContactPoint database has already been closed down.

10.2 The impact on the public sector is negligible due to the fact that the ContactPoint database has already been closed down.

10.3 An Impact Assessment has not, therefore, been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No monitoring and review is proposed. The instrument removes redundant provisions from the statute books.

13. Contact

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