

Press Release Monday 2nd March 2009

**Home Educators Share Concern over Misleading Advice
Leading to Local Authority Staff Breaking the Law**

A report published today by ARCH (Action on Rights for Children) shows that misleading Government advice to local authorities that children from 'around the age of twelve' can usually give consent to have their private information shared across health, education, youth justice and social services, has created a situation where practitioners may be inadvertently breaking the law. Some local authorities are even telling their staff that twelve is the lawful age at which children can agree to part with confidential information about themselves, their parents and their families without the knowledge or involvement of their parents.

Terri Dowty, Director of ARCH and one of the report's authors, says "The Government must surely be aware that their advice does not reflect the law. They must also know that it is individual practitioners who could face legal action. We are concerned that local authority staff are being encouraged to bypass the proper consent procedures purely for administrative convenience. It shows a worrying lack of respect for children's privacy and a blasé attitude to their sensitive information."

Education Otherwise (EO) says this is of particular concern to home educators who frequently have to deal with approaches from Education Welfare Officers who try to insist on seeing and speaking with a child alone. Families with children with special needs are extremely worried about their child being inappropriately judged as capable of giving such consent.

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Fiona Nicholson, Chairman of EO's Government Policy Group said "It is worrying to see how little training is being delivered by local authorities. The ruling about young people being able to give consent to medical treatment without their parents is completely irrelevant to whether or not young people should be asked to share personal data without speaking to their parents. However I can see it is much quicker for the authorities not to give young people a chance to talk to their parents."

Reference for Editors

ARCH's full report: '***Protecting the Virtual Child – the law and children's consent to sharing personal data***' can be downloaded in pdf format from here:
<http://www.archrights.org.uk/issues/Virtual%20Child.htm>

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