

# The Children's Code - Procedures for Public Advice and Data Protection Complaints Services

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## Key messages

The main objective of this procedure is to provide an overview of how to handle:

- Correspondence from children on live services and social media.
- Advice and complaints cases from children or on behalf of children.
- Advice or complaints cases regarding the Children's Code.

- Misdirected correspondence, including safeguarding issues.

## Does this procedure relate to me?

This procedure relates to all PADPCS staff.

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## 1. Introduction

- 1.1. The [Age Appropriate Design Code](#) (referred to throughout as the Children's Code) consists of 15 standards for Information Society Services (ISS) designed to protect children within the digital world.

This includes online games, connected toys, social media, search engines, and websites offering goods and services.

- 1.2. Public Advice and Data Protection Complaints (PADPCS) may receive data protection complaints or requests for advice directly from children. We also might receive complaints about the Children's Code itself. This procedure outlines the steps to take in each different scenario.

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## 2. Procedure for live services and social media for contact from children or about Children's Privacy

### 2.1. Establishing if the contact is from a child

- 2.1.1. It might not always be clear if you are speaking to a child when on live services. If you think it may be a child, you can ask if they are under 18 if this will help answer the query or provide an appropriate response.
- 2.1.2. Please ensure that a wrap form is completed for every contact from a child or about the Children's Code.

### 2.2. Children's code advice and complaints

- 2.2.1. If you receive a call about the Children's Code, you can select this on the call wrap. A link is provided to our website which details each of the [Age Appropriate Design Code \(AADC\) standards](#). You can select all standards that apply on the wrap form.

## **2.3. Data protection advice and complaints**

- 2.3.1. If the child is raising a general data protection concern, the normal process for handling advice and complaints will apply. When talking to children try to avoid using 'jargon'. Use plain, simple and clear language to help the child understand their rights and what they can do if they are unhappy about how their personal data has been used.
- 2.3.2. You can direct children to our website using the relevant links for advice and template letters, explaining how they can complain to the organisation and to the ICO if they remain unhappy.
- 2.3.3. We should also provide advice on how to find contact details for the organisation they want to contact or complain to. For example, directing children to the privacy policy and providing a link if possible. If there is an email address publicly available for the data protection team or Data Protection Officer (DPO) it may be helpful to highlight this. However, we should always be clear that they need to be sure it is the correct company themselves before contacting them.
- 2.3.4. We can direct children to use the ICO complaint form, providing a direct link, however it may not always be possible for them to use it. Therefore, children may prefer to raise a complaint with us via live services.
- 2.3.5. If a child wants to make a complaint via live services or social media, the complaint form should be filled in including contact details for the child. As we will not be able to respond to complaints via live chat or social media, it is important to ask for a postal address or an email address.

- 2.3.6. It should be made clear to children that we will require evidence to show that they have raised their concerns with the organisation before we can look into the complaint. We should provide our email address, postal address for them to provide evidence.
- 2.3.7. If the child has contacted us via direct message (DM) on social media, they can provide evidence through this channel and a complaint case can be created and referred to the relevant team managers to be expedited.

#### **2.4. Wrong number, incorrectly signposted, or not for the ICO**

- 2.4.1. There is a possibility that a child, or someone acting on behalf of a child, may contact us in error, trying to get hold of another organisation, or believe that the issue is for the ICO, but it falls outside our remit.
- 2.4.2. When possible, try to signpost the child to the appropriate organisation, providing contact details if they are available. A list of organisations that may be useful to signpost misdirected calls from, or about, children is available on [SharePoint](#). Details are also included in [section 5](#).
- 2.4.3. Details about the nature of the call, including the organisation if known, should be included on the wrap form.

#### **2.5. Safeguarding concerns**

- 2.5.1. It is unlikely, but there is a possibility that a child may call and make a disclosure about their wellbeing or safety. In this case you should direct them, or the person calling on their

behalf, to Childline or the NSPCC respectively. More information about the different organisations we can signpost individuals to in relation to safeguarding concerns can be found in [section 5](#).

- 2.5.2. As soon as you become aware that the issue is not something the ICO can help with, you can interrupt the caller to explain this. This will prevent the individual having to explain the situation in full which may be difficult or distressing for them, especially as they will have to explain again to another organisation.
- 2.5.3. You can acknowledge the concerns raised and reassure them that the NSPCC or Childline will listen to their concerns and take them seriously. However, it is important not to ask questions about any safeguarding issues or say that you can help.
- 2.5.4. The lines to take are available on the wrap form by selecting 'Not ICO – safeguarding concern'.

#### [Line to take for a child](#)

"Thank you for your call/contacting us, you've been really brave to try to talk to us and you have done the right thing in telling an adult.

I'm going to have to stop you there as I'm not the right person to help you with this, and after being so brave, I don't want you having to repeat yourself as I understand it is difficult to talk about.

You can speak to Childline who can support you with this. You can call them on 0800 1111, use online chat or email them from their [website](#).

#### [Line to take for a concern raised on behalf of a child](#)

"Thank you for your call/message today. I'm going to have to stop you there as I'm not the right person to help you with this, and I don't want you having to repeat yourself as I understand it is difficult to talk about.

The best place to contact in this situation is the NSPCC. You can call them on 0808 800 5000 or visit their [website](#) for other contact methods".

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## 3. Procedure for advice cases from children or about Children's Privacy

### **3.1. Channels for enquiries from children**

- 3.1.1. Children may prefer to make enquiries via social media or live chat, however we may also receive enquiries by email or via the helpline from children.
- 3.1.2. We may receive enquires about the Children's Code from individuals or from Civil Society Groups.

### **3.2. Corresponding with children**

- 3.2.1. All correspondence should be written following the [ICO style guide](#).



- 3.2.2. Use plain vocabulary and consider any particular needs of the individual complaining. Particular care should be taken to avoid jargon. If specific terms need to be used, they should be explained clearly.
- 3.2.3. Where appropriate, icons can be used to help keep the information clear and understandable. Icons should be used consistently across all ICO services including the website, social media and in correspondence.

### **3.3. Responding to enquiries from children**

- 3.3.1. Enquiries directly from children should be handled in line with the normal enquiries' procedure and service levels. Provide simple, clear information and signpost to our website to help children exercise their rights and raise concerns with organisations.

### **3.4. Responding to enquiries about Children's Privacy**

- 3.4.1. Enquiries about Children's Privacy should be handled as per the normal process. The information page on the case should record that the complaint is about a child, along with the age bracket if known.
- 3.4.2. Any correspondence that falls under the Children's Privacy [strategic cause](#) should be referred to the relevant Team Manager's, who will decide whether to refer to other departments.

### **3.5. Safeguarding concerns and misdirected contacts**

- 3.5.1. If a child makes a disclosure about their wellbeing or safety this should be sent to **FOIA s.31 - Law enforcement** [@ico.org.uk](mailto:FOIA.s.31@ico.org.uk) for consideration.
- 3.5.2. The disclosure will be considered and discussed with a Group Manager. If required, we will inform the child that we will need to share their information with an organisation that can help. This will then be reported to the most appropriate body, detailed in [section 5](#).
- 3.5.3. If the issue is not something we can help with, we should signpost children and adults to an appropriate organisation wherever possible. A list of organisations is available on [SharePoint](#). Details are also included in [section 5](#).

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## **4. Procedure for complaints from or about children**

### **4.1. Channels for complaints directly from children**

- 4.1.1. We may receive complaints from children via live services, the complaint form, email or post.

### **4.2. Sifting complaints from children**

- 4.2.1. Complaints from children, or Children's Privacy, will be identified during case creation.
- 4.2.2. Complaints from children will be handled without delay and will not wait for allocation with other complaints. If a complaint from a child waits in a queue for a few months, this

could mean that their complaint will not be resolved for a long time. This may have a big impact on a child's life while waiting for the outcome. It is in the best interests of the child to look at these without delay.

- 4.2.3. If a complaint contains a safeguarding disclosure, this needs to be addressed as soon as possible as we may need to report this to an appropriate body.
- 4.2.4. Once the case has been created in line with the normal case creation procedure, the case reference should be sent to the relevant Team Managers to be expedited. Information to assist with identifying these complaints is available on [SharePoint](#).
- 4.2.5. This procedure does not apply to complaints raised on behalf of children in relation to general data protection concerns. These will be handled as per the normal complaint procedure.

### **4.3. Case set up and authority to act on behalf of a child**

- 4.3.1. If the complaint is about a child's personal data, ensure that this is recorded correctly on the case information page. The age category should also be filled in if known.
- 4.3.2. We also need to consider whether we need authority from the child before proceeding with the complaint. The general rule in the UK is that organisations should consider whether the individual child has the competence to understand and consent for themselves.
- 4.3.3. In Scotland, children aged 12 or over are presumed to be of sufficient age and maturity to exercise their data protection

rights (unless the contrary is shown). This is separate to the provision in Article 8 on children's consent for Information Society Services (ISS). Where an organisation wants to rely on consent rather than another lawful basis for processing personal information, it must get parental consent for children under 13.

- 4.3.4. For complaints made on behalf of children aged 12 or over, we should consider asking the person submitting the complaint to provide proof that the child has specifically authorised them to complain to the ICO (such as a letter giving them authority to do so), unless advised otherwise. An example is given below. However, it is important to always consider each case individually based on the specific circumstances and nature of the complaint.

Example:

'If you feel that [child's name] is able to understand and consent for you to complain to the ICO on their behalf, we will require proof that they have specifically authorised you to do so.

Authority can be provided by phone, an email from [child's name] using their own email address including the case reference in the subject line, or a signed paper statement.

However, if you think that [child's name] will not be able to understand and consent, please confirm this in your response.'

#### **4.4. Process for complaints about Children's Privacy or directly from children**

- 4.4.1. Complaints from children should be allocated within two weeks to a case officer within relevant sector.

##### **Complaints about Children's Privacy**

Complaints that fall under the Children's Privacy strategic cause should be marked appropriately on the case and handled as normal.

If required, referrals should be made to Intelligence Hub and the Policy and Guidance Group in PADPCS for consideration.

Cases should be marked to show they are about a child, and the age bracket if known, on the Information page.

The regulatory priority 'Children's Privacy' should also be selected on the 'Complaint' page under 'Case Activities'.

##### **Complaints directly from children**

Complaints from children should be investigated in line with our normal complaint handling procedure.

Adjustments should be made, where possible, to ensure children are not waiting lengthy periods for responding.

Correspondence should be sent to the complainant within two weeks of the complaint being allocated.

If there is not enough information to proceed, information and advice should be provided to help them exercise their rights and raise concerns with organisations.

It should be made clear to children how long we expect it will take for us to reach a decision and regular updates should be provided in case of any unexpected delays.

#### **4.5. Corresponding with children**

- 4.5.1. All correspondence should be written following the [ICO style guide](#).
- 4.5.2. Use plain vocabulary and consider any particular needs of the individual complaining, ensuring that we are providing age-appropriate information. Particular care should be taken to avoid ICO jargon. If specific terms need to be used, they should be explained clearly.
- 4.5.3. Where appropriate, icons can be used to help keep the information clear and easy to understand. Icons should be used consistently across all ICO services including the website, social media and direct correspondence.

#### **4.6. Safeguarding concerns**

- 4.6.1. If a child makes a disclosure about their wellbeing or safety this should be referred to a Team Manager.
- 4.6.2. The disclosure will be considered and discussed with a Group Manager. If required, we will inform the child that we will need to share their information with an organisation that can help. This will then be reported to the most appropriate body, detailed in [section 5](#).

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## **5. Safeguarding and useful contacts for signposting**

### **5.1. If a child makes a disclosure about their wellbeing or safety**

If a child makes a disclosure about their wellbeing or safety this should be referred to a Team Manager.

The disclosure will be considered and discussed with a Group Manager. If required, we will inform the child that we will need to share their information with an organisation that can help. This will then be reported to the most appropriate body, detailed in [section 5](#).

### **5.2. Childline**

[Childline](#) is a free and confidential service available to help anyone under 19 in the UK with any issue they're going through. Children and young people can talk to Childline about anything and is available at any time, day or night. They can contact Childline by calling 0800 1111, by email or through one-to-one counsellor chat.

### **5.3. NSPCC**

The [NSPCC](#) is the UK's leading children's charity. If someone is worried about a child, even if they are unsure, they can speak to the NSPCC about their concerns.

### **5.4. Reporting to the police**

If a child is in immediate danger, please call the police on 999 straight away.

### **5.5. Child Exploitation and Online Protection Command (CEOP)**

[CEOP](#) keeps children safe from sexual abuse and grooming online. If something has happened to a child online which makes them feel unsafe, scared or worried, they can make a report directly to CEOP. All reports are taken seriously, and they will do everything they can to keep the child safe.

Some of the things children and young people have reported to CEOP include:

- Someone online has asked a child or young person to send them nude images or videos.
- A child or young person has shared a nude image or video online and they are threatening them.
- Someone the child knows offline, such as someone they were/are in a relationship with or a peer, has shared a nude image or video of them via phones or online.
- Someone a child doesn't know has asked them to live-stream and do things they don't want to do.
- Someone online is pressuring a child or young person to meet them face-to-face.
- Someone online is talking to a child or young person about sex and has made them feel uncomfortable.
- Someone a child or young person has met in an online game keeps trying to talk to them privately.

CEOP are unable to respond to reports about bullying, fake accounts or account hacking. Concerns of this nature can be reported via Report Harmful Content, detailed below.

### **5.6. Thinkuknow**

If parents or children require more information on staying safe online, we can signpost them to the [Thinkuknow website](#). It has information and advice for parents, professionals, and children and young people to help them stay safer online.

### **5.7. Report harmful content**

"Harmful content is anything online which causes a person distress or harm"



[Report harmful content](#) is provided by [UK Safer Internet Centre](#) and operated by [SWGfL](#), it provides up to date information on community standards and direct links to the correct reporting facilities across multiple platforms. Also provides further support to users over the age of 13 who have already submitted a report to industry and would like outcomes reviewed.

### **5.8. UK Safer Internet Centre**

The [UK Safer Internet Centre](#) provides online safety tips, advice and resources to help children and young people stay safe online.

### **5.9. Internet Watch Foundation (IWF)**

The [Internet Watch Foundation](#) is for reporting child sexual abuse pictures or videos on the internet or non-photographic child sexual abuse images.

### **5.10. Action Counters Terrorism**

The [Action Counters Terrorism](#) is for reporting terrorist or extremist content online.

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## **Feedback on this document**

If you have any feedback on this document, please [click this link](#) to provide it.

## **Version history**

<b>Version</b>	<b>Changes made</b>	<b>Date</b>	<b>Made by</b>
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1.0	Moved to new corporate template, minor formatting changes made in line with the style guide.	19 June 2024	Ben Cudbertson
1.1	Minor updates to reflect current procedures for expediting and allocating complaints, and how to record information about the current strategic causes.	06 November 2024	Karen Bolton

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## Customer welfare concerns

If a customer is threatening to harm themselves or you have welfare concerns, please try to alert your people manager, the manager on duty or another colleague for support. You are not qualified to make an assessment about whether threats of this nature are genuine. You are also not personally responsible for the wellbeing of any customer who may be at risk.

If there are welfare concerns we may alert the emergency services via 101. Calls to 999 are rare unless there is an immediate risk to life, you should call 999 instead of 101.

### ^ During a call

If the threats are of self-harm, explain that you are not qualified to assist and suggest that the caller contacts the emergency services.

You could also ask the caller if they have someone they can contact for support. If they don't, you may wish to suggest that they contact an organisation like the Samaritans – if they are agreeable, you could even transfer the call directly.

Samaritans contact: [Samaritans](#) | [Every life lost to suicide is a tragedy](#) | [Here to listen](#)

[Telephone: 116 123 for free. The Samaritans are available 24 hours a day, 365 days a year. Calls are free.](#)

Pass the details on to a manager who will consider whether to notify other agencies.

If the call relates to an ongoing case, include details of the threats in a telephone note on the case file or contact record.

Calls like this can be difficult. Please make someone aware of it so that you have support too and make sure that you take some time out afterwards. There is a range of [wellbeing information](#) available for you.

## ^ In writing

If you receive threats of this nature in writing, pass them immediately to a senior member of staff, who will consider whether to notify other agencies.

If it is an email, forward it. If it is a live chat, screenshot it and send it via email.

Contact like this can be difficult. Please make someone aware of it so that you have support too and make sure that you take some time out after alerting a manager. There is a range of [wellbeing information](#) available for you.

## **101 calls**

The need to make a 101 call in PADPCS is rare but it is important to be familiar with the process in the event you are on live services or are an LCO on duty and a concern is raised about the welfare of a caller.

The 101 telephone service is a way for people to report non-emergencies to the police, for example to report a crime or to provide them with information.

All PADPCS staff are able to make a call to 101 if they need to if there is considered to be a risk to the welfare of a caller. We don't have a formal policy to say when we should telephone 101 as it will be a judgement call based on the nature of the contact with us. Previous calls have been made following threats to ICO staff members or others, or when we have had significant welfare concerns. However this is not an exhaustive list and the decision to call 101 should be based on the nature of the contact with us.

**\*999 calls\*** - Instances of requiring to call 999 are rare. If there is an immediate risk to life, you should call 999 instead of 101 and follow the same procedure below.

### **What to do if a concern is raised about the welfare of an individual who is using our services**

If a case officer flags that they are concerned about the welfare of an individual, you should gather as much information about the concerns as possible. At this stage, you should listen into the call/chat to gain an understanding of what is happening.

The information that should be gathered about the individual is:

1. Name and contact details
  - telephone number, email address, home address, case reference number of individual
2. Details of the welfare concern, eg specific threats they have made that has caused concern.

If you agree with the case officer that a 101 call should be made then either you or the case officer can call 101 if you feel comfortable to do so. However if this is not the case, or if you are unsure as to whether a 101 call is required, then you should call the manager on duty and provide details of the situation so they can make a decision and/or call 101.

## **Support for the case officer**

If the case officer appears distressed you should advise them to transfer the call to yourself or the manager on duty.

It may be appropriate for the case officer to direct the caller to the relevant advice line for support. For example, the case officer could say:

'I'm not best placed to advise and support you. You may want to call the Samaritans who will be able to help provide the support you may need'.

The case officer should take a break and only return to live services when they are ready to.

If the case officer needs any additional support, they should be encouraged to call the manager on duty, their line manager or the LCO on duty.

The case officer, LCO on duty or TM on duty must also contact the relevant case officer if the customer has an existing case with us. A note should be made on the case about the 101 call.