

How to meet your statutory obligations in community mapping



Written by Peter Bates, peter.bates96@gmail.com

Contents

- Introduction 1
- Duty to support participation in community life 2
- Duty to provide information about the community 4
- Duty to provide information in a particular way 6
- Duty to uphold intellectual property rights 7
- Duty to consult 8
- Conditions of use 8
- Law or folklore? 10
- Conclusion 10

Introduction

Community asset mapping is a way to discover the people, networks, organisations and facilities in a geographical area. The term ‘asset’ refers here to all the positive strengths, gifts, resources, talents and passions held by individuals, networks and cultures. It provides a starting point for understanding the community and recognising the potential of every member to contribute¹.

This paper attempts to identify and bring together the statutory instruments which bear on the question of whether local authorities need to publish information about the community and, if so, how they should do it. Some candidate laws and regulations will perhaps turn out to focus on services, rather than communities, but if we do find a duty to map community, this may help the local authority to recognise this duty and then simplify and integrate separate tasks into one coherent whole. The focus here is not just on the community beyond services as a recipient of information about the council, but rather the community as an entity in itself appearing on the map or in the directory. In other words, mapping would generate not just a directory of services for the community, but also a directory of the community for the community. Of course, such a directory will also be helpful to services.

A single example will illustrate the point that this matter is contentious. [Cambridgeshire](#) summarise the kinds of information they consider the law requires them to publish in their SEND Local Offer, and information about the community beyond services is conspicuous by its absence. Preparing for adulthood, training and employment are mentioned, but there is no other reference to community participation, and the directory reflects this by focusing on services. The exploration of law that follows this introduction will perhaps shed light on whether this is a satisfactory reading of statutory duties. The point, of course, is not to challenge this one county (after all, most directories have a

similar profile, but few match Cambridgeshire's candid explanation) but rather to show that it is worth investigating this question.

To keep the language as unambiguous as possible, those who collect, organise and publish data about communities are referred to in this guide as mapmakers, while the collated data about community groups, activities and organisations, along with information about education, health and social care services is referred to as a directory.

This guide is being written in the United Kingdom, but international references appear in the text from time to time. A fuller explanation of the approach taken to creating this guide can be found at [How-to-write-in-public.pdf \(peterbates.org.uk\)](https://peterbates.org.uk/how-to-write-in-public.pdf). It is part of a suite of linked documents made up of the following:

1. [Detecting dark matter](#) demonstrates that a brief internet search will not locate many community resources and therefore mapmakers need to employ other search techniques
2. [Introduction to community maps and directories](#) sets out some concepts and explains what people might be doing when they use these terms.
3. [How to meet your statutory obligations in community mapping](#) brings together the various legal requirements and policy guidance laid upon public services in the United Kingdom.
4. [How to choose between a community or service directory](#) unpacks the arguments for each option and attempts to show that a community directory is a vital element of local life.
5. [How to measure the reach of community directories](#) suggests some key performance indicators for checking whether a directory reflects the community it serves and provides some data about what is currently available.
6. [How to decide what to put in your map of community assets](#) addresses the specifics of how to obtain the data that will form the content of your Directory or map, what counts as data and what should be published.
7. [How to get your group listed](#) helps community groups decide whether to appear in a particular directory or map. This guide may also be useful to people who commission mapmakers.
8. [How to name your dragon](#) catalogues the threats to effective mapmaking in uncharted territory
9. [Goldmining – how to find hidden community treasure](#) offers some strategies which might be adopted by mapmakers in searching for community assets.
10. The [Directory of Directories](#) provides a starting point for people wishing to build a local community directory and the [List of Neighbourhood Facebook Groups in Nottingham, UK](#) offers an example of some of the social media sources in one city. The [List of English SEND Local Offer websites](#) provides the evidence source for much of the content of these papers.

I am grateful to the many people² who have responded to inquiries and contributed ideas to this group of papers. Please send me your suggestions for further improvements.

Duty to support participation in community life

The [Convention on the Rights of the Child](#) was adopted by the United Nations in 1989 and ratified by the UK in 1991. Article 23 asserts that a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community.

The [Human Rights Act 1998](#) article 5 secures liberty of movement and article 11 upholds the right to participate in society by enjoying freedom of assembly and association. This includes engaging in leisure activities, education, political activity and so on. If community directories favour segregated and specialist provision over ordinary community assets, or if they recommend a selected and limited range of opportunities then they may be considered to be restricting liberty³ and so undermining rather than upholding human rights.

The right to participate in society is reinforced by [Article 19 of the United Nations Convention on the Rights of Persons with Disabilities](#) which was ratified by the UK government in 2009. Article 19 asserts the right to personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; while community services and facilities for the general population must be available on an equal basis to persons with disabilities and be responsive to their needs. If a directory has the effect of leaving its users isolated and segregated from community life, then it is in breach of the Convention.

Section 6 of the [Childcare Act 2006](#) concerns the provision for parents of disabled children aged 0 to 25 years. It enables the Early Years Team to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment. This shows that the legislators are interested in supporting these parents in education and employment rather than seeing their role as principally carers for their disabled family member.

Section 12 of the 2006 Act, as amended by Section 5 of the [Childcare Act 2016](#), requires local authorities to provide information, advice and assistance to parents and prospective parents of disabled children in their area. In particular, paragraph 12(2) requires the local authority to provide information which 'may be of benefit' to prospective parents, parents, children and young people, while paragraph 12(6) explains that particular effort needs to be made to 'facilitate access... by persons in the local authority's area who may benefit from it, including, in particular, persons who might otherwise have difficulty in taking advantage of the service'.

There is nothing in these statements that confines the duty to information about education, health or welfare services. Since accessing, belonging and contributing to community life is clearly 'of benefit' as shown by the Human Rights Act, then we can conclude that the Childcare Act 2006 requires the local authority to provide information about the community, along with the 'particular effort' we are promised.

The [Equality Act 2010](#) has a simple fundamental purpose – to increase equality of opportunity. Paragraphs 101 and 102 prevent community associations from discriminating against a person in the way they afford access to associates or guests. If an information service is provided in a manner which creates inequality of access by disabled persons, then it might be considered to be an indirect discrimination, unless reasonable adjustments are made in anticipation of that inequality arising and which can be demonstrated to reduce it. Ensuring that a community directory includes access to all community associations is one way of complying with the law.

Both OFSTED and CQC take an interest in provision that relates to children and young people with special educational needs and disabilities. However, the SEND Local Offer Directories are not mentioned in the most recent [OFSTED and CQC guidance](#) for carrying out inspections of SEND services or in the [information to parents and carers](#) about these inspections. Despite this, inspection team may take an interest, as the team did in Dudley⁴, while in Walsall, an inspection led to the formation of a [Written Statement of Action](#)⁵ and an 'Accelerated Progress Plan'⁶ requiring improvement of the Directory. [Medway](#) successfully completed this process in 2021.

Duty to provide information about the community

The [Public Libraries and Museums Act 1964](#), Section 7, paragraph 2(a) requires public libraries to ensure that ‘facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials, sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children.’ While this list does not specifically include maps and directories, it is reasonable to infer that accessing the information in a community directory may be a ‘requirement’ of adults and children in the locality served by the library.

The community includes families with disabled children. The [Children Act 1989](#), Schedule 2, paragraph 1(2)(b) requires local authorities to publish information about the services it provides and similar services provided by others, while Schedule 2(1) requires local authorities to keep a register of disabled children living in their area to help with planning and monitoring services. Neither of these duties take the mapping task beyond services.

The [Localism Act 2011](#) section 94 requires local authorities to maintain and publish a list of assets of community value. These are defined in section 88(1)(a) as ‘buildings or land which furthers the social wellbeing or social interests of the local community’ and the phrase ‘social interests’ is further defined in section 88(6) as cultural, recreational or sporting interests. Whilst there are specific procedures for nominating such an asset and the Act specifies how a local authority decides whether to accept each nomination, this is a specific duty that obliges the council to map some of the community beyond its own provision.

The [Care Act 2014](#) sets out a clear obligation for local authorities to act in a manner which will prevent, delay or reduce the need for their services. Helping people find informal community settings where they can connect, belong and contribute is an obvious example of this principle. Paragraph 1(3)(h) establishes the principle of least restrictive practice, so that people in receipt of care and support enjoy similar opportunities to others. Limiting the information in the SEND Local Offer to segregated and specialist services provided by or on behalf of the local authority will have the effect of restricting people and reducing their participation in society.

The [Children and Families Act 2014](#), sections 30(2)(e) obliges the local authority to publish its SEN and Disability Local Offer which includes information about provision to assist in preparing children and young people for adulthood and independent living. Section 30(3) explains that this includes finding employment, obtaining accommodation and participation in society. Section 30(9)(c) indicates that subsequent regulations may require an authority to include information about gaining access that is additional to, or different from that provided by or on behalf of the local authority. To interpret this guidance as meaning that a young person needs nothing more than information about how to transfer from children’s services to parallel services for adults is to neglect the specific regulation about participation in society and take no account of human rights.

Section 32(1) and 32(2) of the 2014 Act requires the local authority to provide advice and information about ‘matters relating to’ the special educational needs and disabilities of children and young people in their area. This may be interpreted to mean diagnostic or medical information, but there is no reason why it should not include ‘matters relating to’ inclusion in society. Community information which supports disabled people to access, participate and contribute to society is surely a ‘matter relating to’ them.

Section 76(1) of the 2014 Act requires local authorities to improve the well-being of children and young people with special educational needs, while 76(8) makes it clear that well-being includes the contribution made by them to society.

The [Special Educational Needs and Disability Regulations 2014](#) were created to support compliance with the Act. Schedule 2 of these Regulations indicate what must be provided by local authorities within its SEND Local Offer with paragraphs 4(d), 10 and 13(c) including preparation for adulthood and independent living. Paragraph 5(g) includes information about the activities (including physical activities) that are available in addition to the curriculum. Paragraph 15(e) requires local authorities to provide information about leisure activities for children and young people with special educational needs or a disability and their families. It is a matter of conjecture whether the authors of this regulation expected this to include mainstream or segregated leisure activities.

Regulations concerning Section 30 of the Act are provided separately as the [Special Educational Needs \(Local Offer\) \(England\) Regulations 2014](#). Schedule 1, paragraphs 4(c), 9 and 11(c) refer to the duty to support children and young people prepare for adulthood and independent living and paragraph 5(j) requires information to be available on how the emotional and social development of children and young people with special educational needs will be supported and improved. Paragraph 13(e) refers to leisure activities.

The [SEND Code of Practice 2015](#) provides more detailed guidance on the Children and Families Act 2014 and chapter 4 covers the SEND Local Offer. Paragraph 4:52 declares that “Local authorities must set out in the Local Offer the support available to help children and young people with SEN or disabilities move into adulthood. Support should reflect evidence of what works in achieving good outcomes and must include information about preparing for and finding employment, finding somewhere to live, and participating in the community.” Similarly, the Care Leavers Local Offer must include information about participation in society.

The SEND Code of Practice runs to 292 pages, so considerable discretion is possible in determining which elements to favour when converting the Code into an evaluation framework. For example, when the Torbay Local Offer team were invited to review Surrey’s Local Offer, they selected 22 items from the Code of Practice to form their evaluation framework but did not include the extent to which the Local Offer Directory reflected the whole community and chose instead to focus on specialist services for disabled children and young people. See [SEND Local Offer Annual Feedback Summary 2022 | Surrey Local Offer](#).

Section 2 of the [Children and Social Work Act 2017](#) (assigns a duty to provide information to care leavers, including information about participation in society. These arrangements for care experienced young people are similar to those met through the SEND Local Offer. The duties reach beyond the provision of social care services to include a requirement to provide information about community groups, activities and networks that support friendships, participation and belonging rather than merely meeting assessed social care needs.

The [Local Offer guidance](#) published in support of the Children and Social Work Act 2017 states the local offer must include 'Participation in society: this will include links to and information about activities, events or volunteering opportunities available in the local area that care leavers can get involved in' (page 6). But in the example local offer, 'participation in society' is listed under heading 3 as a discretionary matter (pp13-15). The Department for Education has confirmed that “Local authorities are required to provide information about participation in society. This is one of the aspects of life identified in primary legislation that the Local Offer must address. That is why page 6 of the guidance uses the word ‘should’. However, the specific way in which this statutory obligation is met locally is discretionary, and the material in pages 13 onwards provide illustrative examples of what a Local Offer might include.”⁷

SEND Local Offer Directories are not mentioned in the UK Government publication [The national strategy for autistic children, young people and adults: 2021 to 2026](#).

Duty to provide information in a particular way

A crucial issue regarding the SEND local offer is what is meant by the requirement to provide information 'in one place' (SEND Code of Practice 2015, paragraph 4:1). If it is considered that the legislators were really meaning the information about education, health and care services for children and young people with special educational needs and their families, then clogging up the directory with a load of community information would distract the searcher and frustrate the law. On the other hand, if legislators were mindful of the rights of disabled children and young people to enjoy participation in society, then information about the community would be a vital element rather than an unnecessary and distracting extra. This turns out to be a circular argument which is not resolved by asking families who have been preoccupied with obtaining adequate public services and campaign for their expansion and improvement. The facts of the matter are that families need both robust information about public services and comprehensive information about community opportunities, and a decent database with an effective filter can easily provide it, enabling families to efficiently find what they need in either sphere of their life.

The [European Communities Act 1972](#) authorised the UK government to enact regulations in compliance with European Community directives, such as the [Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018](#). These regulations mean that the map or directory should be accessible to people who need different formats⁸. For example, [Peterborough](#) and [Ealing](#) have provided an introduction to their SEND Local Offer directory in Easy Read format, while [Dudley](#) offer a pulldown menu enabling readers to select from 133 languages, [Blackburn & Darwen](#) offer a version of the registration page in BSL and there is an option at [Bolton](#) and [Hull](#) to listen to the directory rather than read it. Hull also provide screen functions permitting any word to be represented as a picture, masking that allows the reader's preferred colour, brightness and opacity to be selected, and a simplifier that removes unwanted images and adverts. [Cornwall](#) explain that free access computers are available in their public libraries, which they then list.

The [Freedom of Information Act 2000](#) gives the public the right to ask any public sector organisation for information they hold. Requests can be refused if the information is too costly to collate.

Article 8 of the [Human Rights Act 1998](#) upholds the right to privacy and means that a preference for privacy does not need to be explained or justified but simply honoured⁹. As such, individuals who do not wish to appear in a directory have the right to decline the invitation.

The [Defamation Act 2013](#) protects both companies and individuals. A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant. A company must show the harm is financial but an individual need not show financial harm but must show the defamation has had a serious effect on them and their reputation e.g. not getting a job.

The European General Data Protection Regulation was adopted in the UK by the [Data Protection Act 2018](#) and applies to personal data subjects, so information about individuals is regulated, but not information about organisations. Informal conversations count as 'personal or household activities' and are exempted from the regulation¹⁰. Personal data subjects have the right to view, correct and

usually delete¹¹ the information held about them. Businesses must seek consent before adding contact details of customers to their marketing database, as this is personal data.

Duty to uphold intellectual property rights

Copyright focuses on publishing and addresses questions that arise when reproducing, attributing or profiting from the availability of materials. The foundation of copyright law in the UK is found in the [Copyright, Designs and Patents Act 1988](#) Intellectual Property is a property right protecting designs, patents, trade marks and copyright. Anyone who creates a work capable of being considered original can assert their ownership by adding the © symbol, their name and the year of creation.

Registration of copyright does not exist in the UK.

A simple list of names in a table may be protected as a literary work, but when additional information and formatting is applied, it is protected as a database. Databases bring together independent works, data or other materials and arrange them in a systematic or methodical way and make them individually accessible by electronic or other means. A specific application of the general principles of the Copyright, Designs and Patents Act 1988 is made in the CRDR - the [Copyright and Rights in Databases Regulations 1997](#)¹² which protects the right to claim intellectual property relating to the way in which information is collated and presented. Sometimes the creativity lies in the way that previously known information is brought together and interpreted. Literary works are protected for the life of the creator plus 70 years, while databases are protected for 15 years.

A database is original if the selection or arrangement of the contents constitutes a genuine intellectual creation. The threshold of creativity is very low, so assembling names and arranging their presentation by your own labour is enough. Infringement of copyright occurs if another person without permission takes all or a substantial part of the contents of the database and reproduces them in the same arrangement without any application of a method of their own. The question of what constitutes 'a substantial part' of the contents has occupied the courts on many occasions.

The contents of a database are protected under the sui generis database rights within the CRDR.

In *Football Dataco v Britten's Pools* [2010] EWHC 841 (Ch), Floyd J set out a four stage test for assessing whether or not database copyright subsisted at paragraph 91: "It seems to me that the task for the court is as follows:

- (i) Identify the data which is collected and arranged in the database;
- (ii) Analyse the work which goes into the creation of the database by collecting and arranging the data so identified, to isolate that work which is properly regarded as selection and arrangement;
- (iii) Ask whether the work of selection and arrangement was the author's own intellectual creation and in particular whether it involved the author's judgment, taste or discretion;
- (iv) Finally, one should ask whether the work is quantitatively sufficient to attract copyright protection."

Further clarification was given in the rulings on *British Horseracing Board v William Hill* [2004], *Fixtures Marketing v Oy Veikkaus*, *Fixtures Marketing v OPAP*, *Fixtures Marketing v Svenska* [2004] and [77m v Ordnance Survey](#).

Mapmakers may wish to utilise logos or Trade Marks in their directory. If so, they must ensure compliance with the [Trade Marks Act 1994](#) which states that Trade Marks may not be reproduced in the course of trade unless they identify the proprietor or licensee.

Duty to consult

When preparing and reviewing the SEND local offer, the local authority must consult children, young people, schools, and others as set out in Section 55 of the [Special Educational Needs and Disability Regulations 2014](#) which relate to the [Children and Families Act 2014](#). This must include the services people require, how the information is set out, the arrangements that are in place to provide the information to people who do not have access to the internet or have disabilities, and how they can comment on the information.

Local authorities are required to publish the feedback they have received and set out how they have responded to it. This is commonly done in a ‘You said, we did’ format. For example, when someone told [Hillingdon](#) ‘There is not enough information about local activities/groups in our directory’, they responded “We added or revised a large number of services on the directory, providing activities for all children and young people, including toddler groups, Scouts etc as well as sessions only for children and young people with SEND (swimming, horse riding, skiing, dance, arts and crafts etc).”

[L&P v Warwickshire \[2015\] EWHC 203 \(Admin\) #54-57](#) indicated that the consultation is on a “compendium of information” and will only be successfully challenged where something went “radically wrong”.¹³

Newham established a [SEND Commission](#) to listen to families and prepare a report recommending improvements to services, including the Local Offer webpages.

Conditions of use

Beaulieu¹⁴ encourages mapmakers to consult existing directories to get a head start on uncovering the assets of local neighbourhoods. This appears to be a great idea (although it may be best to talk to people first) until the small print is examined, as we can see below. The following paragraphs discuss the various issues that affect how the contents of a community directory may be used.

Copyright. Taking no more than a small amount of data from another database and acknowledging the source is the best defence against allegations of infringement of copyright, but it is not certain to be an effective protection, while consent cures all.

Terms and Conditions of Use. [Stoke on Trent](#) announce that registering with their Directory means entering a ‘legally binding agreement’.

Find a Church is run by The UK Church Directory Ltd who publish their Terms of Use, asserting that “The UK Church Directory is copyright and you may not copy information from it. It exists as a public reference for private individuals wanting to contact specific churches. Commercial organisations are not permitted to use any of the data from within the directory.” On inquiry, the author was refused permission to publish any of the data from this Directory¹⁵.

Private individuals will jot down the information about a specific church prior to contacting that place, but presumably this does not amount to the prohibited action 'copy information'. Other prohibited actions which might be seen as positive uses of the data include:

- one church official (who is therefore not a 'private individual') may wish to use the map to find and contact their neighbour
- a carer or support worker may wish to find a church on behalf of another person, especially if the worker is employed by a for-profit care agency.
- an investigator may wish to contact multiple churches in order to find one that has specialist access for disabled people
- a researcher may wish to explore the response of different churches to environmental issues.

There are similar difficulties with the conditions of use set out by

- Age UK Lambeth who assert that "Documents (including information, images, photos, logos, names and icons without the prior written permission of the copyright holders on this Site may not be downloaded, altered or adapted for any purpose except for personal, non-commercial use."
- Eric Knows Ltd who assert that "You may print off one copy, and may download extracts, of any page(s) from our site for your personal use and you may draw the attention of others within your organisation to content posted on our site. You must not modify the paper or digital copies of any materials you have printed off or downloaded in any way.."

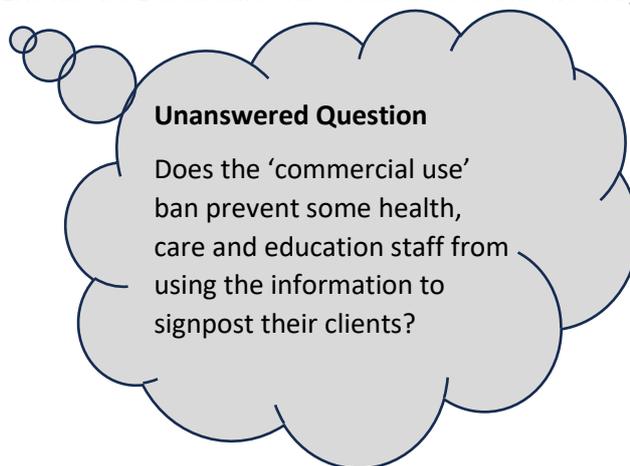
In contrast, the Baptist Union permit wider, non-commercial use "Fair use of copyrighted material includes the use of protected materials for non-commercial educational purposes, such as teaching, scholarship, research, criticism, commentary, and news reporting."¹⁶

Commercial use is a difficult term to interpret. Eric Knows Ltd declare that "Please note that we only provide our site for domestic and private use. You agree not to use our site for any commercial or business purposes" so this presumably means that care agencies established as limited companies cannot use the information to help their clients.

Permission to publish? Finding information on a website or online database does not mean it can be published elsewhere. For example, here is what the Assemblies of God (AoG) Head Office asserted, "AoG churches are independent locally autonomous

charitable organisations and as such AoG has to obtain permission directly from each local church to publish any local church data on its website. AoG does NOT have permission to allow that data to be published by a third party. For you to publish local church data, you must contact each local church directly. Please do not use any data from our website."¹⁷

Accuracy. [Greenwich](#) "make no representations, warranties or guarantees, whether express or implied, that the content on our website is accurate, complete or up-to-date."

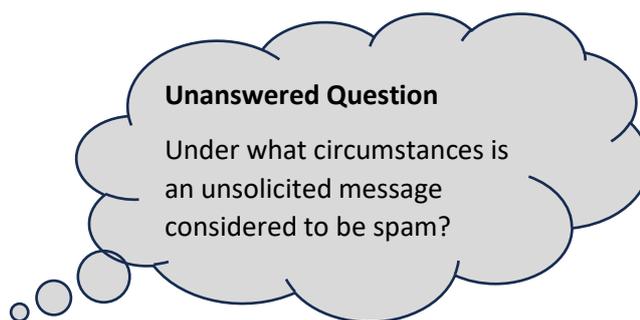


Viruses. Greenwich do not promise that the online directory is clean.

Liability is limited both in relation to the information on the map and any other websites linked to it or third parties listed on it as the mappers have no control over their activities.

Unsolicited messages. The *A Church Near*

You Directory declares¹⁸ that users may not “transmit, or procure the sending of, any unsolicited or unauthorised material or any other form of similar solicitation (spam).” The word spam has no special legal meaning in law, where the preferred term is unsolicited mail.



Law or folklore?

Beyond these legal considerations about permission to use the material found on a map or within a Directory lie some important beliefs and practices. Material about informal community opportunities may be published in the Directory, but if the people who are expected to use it consider the community to be off limits, then their patients and clients will always be confined to service solutions rather than accessing the community beyond services. A social prescriber told the author that they were entirely unable to help their patient join a mainstream community activity because they did not have the reassurances that it was a safe place, so could only recommend service-based solutions. For example, a specialist exercise class run by a health professional at the gym would be fine, but not the local running group arranged by a neighbour. If the patient found it for themselves and negotiated a friendship there, this would be fine, but the social prescriber could not be seen to facilitate anything, as active support could be interpreted as endorsement and therefore liability. Such a view assumes that services are universally benevolent while communities are malevolent, that staff cannot support people to develop and take responsibility for their own judgements, and that anyone needing professional support should in practice remain excluded from community life and denied their human rights to participate in the community beyond services. Where this approach is dominant, community entries in the Directory will lie fallow or the Directory will in practice be operated as two separate elements, with professionals consulting the service entries and informal citizens consulting the community entries.

Recommendation #3

Check that professionals are using the Directory to support people to access the community beyond services.

Ask newcomers if the tone of your ‘terms and conditions of use’ (or equivalent) motivates them to get involved. Find a way to test terms and conditions against day-to-day realities.

Conclusion

The law seems clear and is summed up in The Isle of Wight’s [Statement of Expectation](#):

*“We aim to provide a range of support so that children and young people with SEND can be educated and **enjoy social opportunities alongside their peers, in their local community, wherever possible... It is important to remember and acknowledge from the beginning that it is not just the professionals and specialist services that can help you and your family. For many people, it is the help and informal support of their family and friends, and the support of their community, that is most valued and makes a significant difference... Services that everybody can use...can provide really valuable support... it is a combination of informal and formal support that can provide your family with the help you need most and your child with the best opportunity to realise their potential.**” (emphasis added)*

A number of phrases appear in the legislation which together suggest that community directories should reflect the community they serve, rather than merely list the education, health and care provided by or on behalf of public services. These include the right to participate in society, to enjoy freedom of assembly and association, to experience equality of opportunity in recreation, sports, leisure, volunteering and political engagement through community associations, and to avoid isolation and segregation from the life of the community. Supporting these rights is a requirement that will promote wellbeing, eliminate restrictive practices, prevent, delay or reduce the need for statutory services, support independent living and maximise the contribution of disabled persons to society. Children, young people and parents should be involved in designing, populating, evaluating and improving the community directory to ensure it is accessible via online and offline mechanisms, relevant and useful to those who search it.

Whichever way it is done, community mapmakers need to take care not to undermine human rights, omit significant sections of the community or neglect the law on data protection and copyright when publishing their own directory or using those created by others.

¹ Asset-based approaches have arisen from a number of sources, such as Antonovsky (salutogenesis), Seligman (positive psychology), Wolfensberger (social role valorisation), Cooperrider (appreciative inquiry) and others.

² A list of those who have been approached and responded to a request can be seen in *Introduction to community maps and directories* (op cit).

³ The principle of ‘least restrictive practice’ also lies at the heart of the [Mental Capacity Act 2005](#) – see section 1(6).

⁴ See the inspection report at [Joint-Local-Area-SEND-Revisit-31-January---3-February-2022 \(1\).PDF](#). A systematic review of inspection reports such as that for [Telford & Wrekin](#) may reveal more.

⁵ Written Statements of Action can be seen at [Darlington-Written-S](#), [East Riding](#), [Slough](#), [Torbay](#) and [Wirral](#).

⁶ Central Bedfordshire also have an [Accelerated Progress Plan](#) that includes improving use of the SEND Local Offer.

⁷ Personal correspondence with L Spanswick, Ministerial and Public Communications Division, 26 Oct 2023.

⁸ Paragraph 20(6) of the Equality Act 2010 also requires information to be provided in an accessible format for disabled persons.

⁹ The following considers the right of privacy owed to people using residential care services, rather than the general public, but serves as an introduction to the topic of privacy. Bates, P. and McLoughlin, B. (2019), [Respecting privacy in care services](#) *The Journal of Adult Protection*, Vol. 21 No. 6, pp. 276-284. <https://doi.org/10.1108/JAP-06-2019-0020>.

¹⁰ The UK GDPR and the Data Protection Act 2018. For an explanation of the ‘personal and household activities’ exemption, see [A guide to the data protection exemptions | ICO](#).

¹¹ Exceptions arise when the data relates to matters which may be of interest to the courts or coroner later on.

¹² These regulations also implemented into UK law the provisions of European Directive 96/9/EC on the legal protection of databases. They came into force on 1 January 1998.

¹³ This reference was found in [Noddy-Guide-March-2023-1.png \(959x677\) \(landmarkchambers.co.uk\)](#)

¹⁴ Beaulieu LJ (2002) *Mapping the Assets of Your Community: A Key Component for Building Local Capacity*.

¹⁵ The prohibition by *Find a Church* is exceptional. This author reviewed 17 directories to collect information about churches in one city in the East Midlands. Two listings (Charities Commission and Companies House) are run by Government and post a general statement giving consent for the contents to be used. Inquiries were therefore made to 15 directories on 31/05/2023 stating that a list drawn from their directories may be published on 01/07/2023 if consent was not denied. The local authority gave consent for material from its directory (ASKLiON) to be used, as did Welcome Churches and the Baptist Churchfinder. The Assemblies of God declared that, despite publishing a list, it would be up to the individual churches to grant or deny consent, so they were unable to authorise use of information that appeared on their own webpages. By 15/07/2023, none of the remaining 10 directories had replied. Thus, just one out of 17 expressed any objection to the proposal of republishing material selected from their resource.

¹⁶ See [The Baptist Union of Great Britain: Copyright Statement](#). However, UK courts are unlikely to accept the idea of 'fair use' as a defence against allegations of infringement of copyright. There are a few categories of permitted use set out in the Copyright, Designs and Patents Act 1988.

¹⁷ Personal communication, 31/05/2023.

¹⁸ [A Church Near You](#).