

Working Together to Safeguard Children **Changes to Statutory Guidance Consultation**

The Department for Education are consulting on [Working Together to Safeguard Children: changes to statutory guidance](#) and new regulations largely being made to reflect the legislative changes introduced through the [Children and Social Work Act 2017](#).

The consultation document which gives you a chance to respond appears [here](#) and the closing date for any feedback is the **31st December 2017**

The core requirements in Working Together to Safeguard Children in **Chapter 1: Assessing need and providing help** and **Chapter 2: Organisational responsibilities** have not changed. There are some minor changes in a number of areas to improve clarity, references to the Children and Social Work Act 2017, remind practitioners of an important focus of work and to include areas of safeguarding concern that have become more prominent since the publication of Working Together to Safeguard Children 2015 – see [Appendix 1](#) – which is not a comprehensive record of the changes

The significant changes relate to chapters 3 to 5 and will need to be read in detail in the [Working Together to Safeguard Children April 2018 consultation document](#). They include

Chapter 3: Multi-agency safeguarding arrangements – This details the replacement of Local Children Safeguarding Boards (LCSBs) with local safeguarding partners with the purpose of creating new flexible local safeguarding arrangements led by three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups).

It places a duty on those partners to make arrangements to work together and with any relevant agencies for the purpose of safeguarding and promoting the welfare of children in their area. The ‘Local Safeguarding Partner (Relevant Agencies) (England) Regulations’ details the specific agencies which safeguarding partners can choose from and are shown in Annex A of the consultation document.

Local agencies should develop processes that promote 1) the commissioning of services in a co-ordinated way; and 2) co-operation and integration between universal services such as schools, GP practices, adult services, early years settings, youth services and colleges, voluntary and community and specialist support services. This includes determining how best to ensure that clear criteria for taking action are made available to relevant agencies and others in a transparent, accessible and well-understood way. Currently, Local Safeguarding Children Boards are required to produce a threshold document. They are not proposing to specify in statutory guidance how, and in what format, the safeguarding partners should make their criteria for action available

Safeguarding partners can choose specific agencies which they believe to be relevant to the work of safeguarding and promoting the welfare of children in their area. All agencies need to cooperate in the local safeguarding arrangements, although the duty to make local arrangements rests with the three safeguarding partners. In particular all schools (including maintained schools, special schools, independent schools, academies and free schools) have key duties in relation to safeguarding children and promoting their welfare and any arrangements must specifically show how they are to be involved

The Safeguarding Partners have to publish their safeguarding arrangements. They must report annually on these arrangements and how effective the arrangements have been. They must include any updates to the published arrangements and the proposed timescale for implementation of any changes.

Local arrangements can cover two or more local authorities, and safeguarding partners can join and collaborate on their arrangements, providing this has been agreed by the relevant safeguarding partners. A single local authority area must not be covered by two separate safeguarding partnerships.

The local safeguarding partners must ensure there is independent scrutiny of the effectiveness of the arrangements. It will be a local decision how best to implement a robust system of independent scrutiny.

Safeguarding partners should agree the level of funding secured from each partner and relevant agency, to support the new safeguarding arrangements. Decisions on funding are for local determination, but contributions should be equitable and proportionate to meet local needs

Chapter 4: Learning from serious cases – this covers the establishment of a new national Child Safeguarding Practice Review Panel. The Panel will commission and publish reviews of serious child safeguarding cases.

The Safeguarding Partners are also required to identify and arrange for the review of serious child safeguarding cases which they think raise issues of importance in relation to their area and provides guidance on their relationship with the Child Safeguarding Practice Review Panel.

Local child safeguarding practice reviews - Safeguarding partners should put in place arrangements to monitor and challenge the quality of agencies' work in relation to children's safety and welfare. These arrangements should enable partners to identify and understand the reasons for and root causes of systemic strengths and weaknesses of local practice. Strategic decisions about local system changes should be driven by this intelligence.

Safeguarding partners must make arrangements to:

- identify serious child safeguarding cases which raise issues of importance in relation to the area
- commission and oversee the review of those cases, where they consider it appropriate for a local child safeguarding practice reviews to be undertaken

The purpose of a local child safeguarding practice review is to identify any improvements that should be made locally to safeguard and promote the welfare of children (both collectively and individually). Page 88 and 89 of the sets out the criteria that safeguarding partners should consider when deciding if it is appropriate to commission a local review of a case or cases

Action on receipt of a notification - When the safeguarding partners receive information about the known or suspected abuse or neglect of a child in their area, where death or serious harm has occurred, they should undertake a concise investigative exercise to understand both the relevant circumstances and the involvement of local agencies. This should be completed within five working days of receipt of this information and any immediate learning shared appropriately.

The safeguarding partners should send a copy of the findings of this initial investigation to the Child Safeguarding Practice Review Panel. When they do so, they should also advise the Panel whether in principle they already consider that a local child safeguarding practice review is appropriate or not

The Panel will consider the information and will advise the safeguarding partners whether they intend to undertake a national child safeguarding practice review. Page 93 sets out the criteria that the panel should consider when deciding if it is appropriate to commission a national review of a case or cases. It also requires the Panel to take into account including evidence from inspection reports, Ofsted thematic reviews and research from the What Works Centre for Children’s Social Care

The safeguarding partners should undertake necessary planning, where applicable, so that immediate action can be taken once the Panel’s views are known. Safeguarding partners should always inform the Panel [and Ofsted and DfE] of their final decision on whether or not they are commissioning a local child safeguarding practice review of any notified case, and about their next steps.

The chapter (pages 89 to 97) also sets out the process for commissioning a reviewer or reviewers for both local and national child safeguarding practice reviews, the process that should be followed to ensure the review is of a satisfactory quality and the expectations and timescales for the final report and when it is to be published.

Chapter 5: Child death reviews – this covers the transfer of responsibility for child death reviews from Local Safeguarding Children Boards to new Child Death Review Partners. This will give clinical commissioning groups and local authorities joint responsibility for child death reviews, and enable a wider geographical footprint for these partnerships in order for them to gain a better understanding of the causes of child deaths

The changes to this area in Working Together to Safeguard Children - - April 2018 are wide ranging and involve a separate consultation [Child Death Review - Statutory Guidance – October 2017](#) which proposes a new approach, that allows each individual death to be responded to appropriately, rather than determining whether or not a death meets certain criteria for investigation. Some of the key areas include:-

Chapter 4 (Page 27) of the Child Death Review – October 2017 Consultation document requires that every child’s death is reviewed at a child death review meeting involving practitioners directly involved in the child’s care, prior to being discussed anonymously by the Child Death Overview Panel (CDOP). The nature of this meeting will vary according to the circumstances of the child’s death and the practitioners involved. The purpose of the child death review meeting is to ensure local learning and reflection. All child death review meetings should routinely send a report to the CDOP, to inform its independent review of the case.

Chapter 5 (page 32) of the Child Death Review – October 2017 Consultation document, sets out the expectations and purpose of the CDOP to provide independent scrutiny of each case from a multi-agency perspective.

Chapter 7 (page 43) of the Child Death Review Consultation outlines expectations in a number of specific circumstances, including: deaths of UK-resident children overseas; deaths of children with learning disabilities; deaths of children in adult healthcare settings; suicide and self-harm; deaths in inpatient mental health settings and deaths in custody.

Transitional Arrangements

The consultation on [Local Safeguarding - Transitional Arrangements](#) is to provide statutory guidance for organising and carrying out the transition from the current system of local safeguarding involving Local Safeguarding Children Boards (LSCBs) and serious case reviews (SCRs), to the new system described in the Children and Social Work Act 2017.

The Safeguarding Partners will have up to 12 months from the commencements of the provisions laid out in the [Children and Social Work Act 2017](#) to agree the arrangements for themselves, and any relevant agencies they consider appropriate, to work together to safeguard and promote the welfare of children in their area. They must publish their arrangements, and should notify the Secretary of State for Education when they have done so.

Following the publication of their arrangements, safeguarding partners will have up to three months to implement the new arrangements. The consultation document shows April 2018 suggesting that will be the start of the process but this is not stated.

During this period LSCBs must continue to carry out all of their statutory functions, until the point at which safeguarding partner arrangements begin to operate in a local area, at which point the LSCB ceases to exist. There will be a transitional version of Working Together to Safeguard Children published, which will contain guidance for LSCBs to cover this period and will broadly reflect the existing text of chapters 3, 4 and 5 of Working Together to Safeguard Children 2015. There are no plans to consult on this transitional document.

In the period following the commencement of the Act's provisions to establish new safeguarding partner arrangements, and **before** safeguarding partner arrangements begin to operate, LSCBs should plan how and when to hand over all relevant data and information they hold to the safeguarding partners. In doing so, they should ensure they comply with data protection law (The [General Data Protection Regulations \(GDPR\)](#) come into force in May 2018 so they may wish to seek legal advice as to the best way to manage the process)

Transitional arrangements consultation covers the issue of incomplete serious case reviews (SCRs). There will be a 'grace period' to extend the functions of the LSCB specifically in relation to SCRs. The guidance also sets out how the Local Authority and the LSCB will link with the Child Safeguarding Practice Review Panel, in the period before safeguarding partner arrangements begin to operate in a local area.

Where SCRs have not been completed and published at the point that the new safeguarding partner arrangements begin to operate in all areas covered by the LSCB, the LSCB has up to 12 additional months to complete and publish these SCRs. This does not include a power to commission new SCRs, even if the incident occurred before the date of transition. If an SCR is not completed or not published by the end of the 12 month grace period, the LSCB should pass the incomplete or complete but unpublished SCR, any information relating to it, and learning arising from it, to the safeguarding partners.

The guidance to child death review partners is that following the commencement of the provisions in the Act, they will have up to 12 months to agree arrangements for the review of every child death in their area and a further two months to implement the arrangements once they have been agreed.

Additional Regulations supporting the changes

The consultation document also includes two draft sets of statutory instruments (regulations) which will go before parliament to support the reforms set out in the Children and Social Work Act 2017. These are shown in:

Annex A: The Local Safeguarding Partner (Relevant Agencies) (England) Regulations (relevant agencies is a term for all bodies and groups whose functions within a local area play a crucial role in coordinating the safeguarding and welfare of children. The list includes all agencies which currently comprise the statutory membership of Local Safeguarding Children Boards. Safeguarding partners can choose specific agencies which they believe to be relevant to the work of safeguarding and promoting the welfare of children in their area.

Note:- certain key agencies are not listed, as their functions are commissioned or otherwise overseen by one or more of the safeguarding partners - for example, general practitioners (GPs) come under NHS England, and housing under the local authority.

Annex B The National and Local Child Safeguarding Practice Review (England) Regulations – this sets out proposed provisions covering criteria for national and local reviews, and on reviewers and reports. These regulations are required to bring about the changes in Chapter 4: Learning from serious cases and to meet the requirements in [Chapter 2 Safeguarding of Children](#) in the Children and Social Work Act 2017.

Consultation Documents

The following documents are out for consultation

[Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children - April 2018](#)

[Child Death Review - Statutory Guidance – October 2017](#)

[Local Safeguarding - transitional arrangements - Statutory guidance for local authorities, LSCBs, safeguarding partners, child death review partners, and the Child Safeguarding Practice Review Panel – April 2018](#)

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Appendix 1 – Summary of some new additions appearing in Working Together to Safeguard Children April 2018 Consultation

Chapter 1: Assessing need and providing help

Additions to Early Help focus to include ***gang involvement and association with organised crime groups, is frequently missing/absent from home, is misusing drugs or alcohol themselves and radicalisation*** (p15)

Protection: to be protected against all forms of abuse and discrimination and the right to special protection and help if a refugee (p13)

Have added to the responsibilities of Local Agencies to have a response to CSE, FGM and radicalisation this statement ***This should also include services for disabled children and be aligned with the short breaks services statement.*** (Page 18 section 19)

Information sharing is also essential for the identification of patterns of behaviour when a child has gone missing or in relation to children in the secure estate where there may be multiple local authorities involved in a child's care. (Page 20) – secure estate is mentioned a number of times as is the focus on the importance of agencies sharing information well

All practitioners should be particularly alert to the importance of sharing information when a child moves from one local authority into another, due to the risk that knowledge pertinent to keeping a child safe could be lost. (Page 20 section 28) – moving across LA boundaries also mentioned a number of times and ***Where a child in need has moved permanently to another local authority area, the original authority should ensure that all relevant information (including the child in need plan) is shared with the receiving local authority as soon as possible. The receiving local authority should consider whether support services are still required and discuss with the child and family what might be needed, based on a timely re-assessment of the child's needs, as set out in this chapter. Support should continue to be provided by the original local authority in the intervening period. The receiving authority should work with the original authority to ensure that any changes to the services and support provided are managed carefully.*** (Page 40)

Assessment of young carers added as a section (page 24)

Assessment of young people in secure youth establishments added as a section (page 24)

Chapter 2: Organisational responsibilities

Small changes to Prison Service, Probation and MAPPA with a theme of assessing ongoing risk to children from PPRC – page 70, 71 and 75)

New Section added on responsibilities for Sports Clubs / Organisations (page 75) which duplicates the guidance given to the Voluntary and Private sectors and add requirements to National Bodies to meet the Standards for Safeguarding and Protecting Children in Sport