

From: Roger Gough, Cabinet Member for Children, Young People and Education
Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing

To: Children's, Young People and Education Cabinet Committee – 22 November 2017

Subject: CHILDREN AND SOCIAL WORK ACT 2017: CONSULTATION CHANGES TO WORKING TOGETHER STATUTORY GUIDANCE

Classification: Unrestricted

Previous Pathway of Paper: None

Future Pathway of Paper: None

Electoral Divisions: All

Summary: On 25 October, The Department for Education (DfE) published a consultation on significant revisions to 'Working Together to Safeguard Children 2015' - the statutory guidance which sets out what is expected of organisations, both individually and jointly, to safeguard and promote the welfare of children. The consultation also includes two new draft regulations – one concerning 'relevant agencies' (see Appendix B for more information) and one concerning national and local reviews (see pages 2-3); both are subject to parliamentary approval. These changes are being made largely to reflect the legislative reforms introduced through Chapter 2 of the Children and Social Work Act 2017 (hereafter referred to as 'the Act'). Following the consultation, Government proposes to update and replace the current statutory guidance with 'Working Together to Safeguard Children 2018.'

Recommendation: The Children's, Young People and Education Cabinet Committee is asked to NOTE the content of the report and the changes proposed and REVIEW the draft KCC response to the consultation questions (at Appendix A).

1. BACKGROUND

1.1 In May 2016 Alan Wood published his Review into the functioning of multi-agency child safeguarding arrangements in England. The Wood Review concluded that local multi-agency child safeguarding provisions did not work effectively across the piste and needed to change. Wood proposed a new model of collective working that he felt would ensure better multi-agency collaboration, placing responsibilities on three key agencies or 'Safeguarding Partners' (SPs) to take a strategic lead on safeguarding and the promotion of child welfare. The SPs would be made up of local authorities, the police (Chief Officers) and Clinical Commissioning Groups (CCG). Wood also recommended a new system of local and national reviews to replace Serious

Case Reviews and the transfer of responsibility for Child Death Review policy from the DfE to the Department of Health (DoH). The Wood Review's recommendations now form part of the Children and Social Work Act 2017 (Chapter 2), though the provisions have not yet been commenced.

2. THE REPLACEMENT OF LOCAL SAFEGUARDING CHILDREN BOARDS

2.1 This relates to Chapter 3 of 'Working Together'. Under the Act, the requirement to have Local Children Safeguarding Boards is being abolished; in their place, **local SPs will be required to make multi-agency arrangements for themselves and for the relevant agencies¹ they deem appropriate**, to enable them to work together in the most effective way to safeguard and promote the welfare of children in their area. It is anticipated that these new provisions will enable local areas to adopt arrangements that are tailored to meet local need and, by placing local authorities, police and health on the same footing as joint and equal partners, create the right environment for a more shared and collaborative approach to providing for their vulnerable children and young people. As such, Safeguarding Partners will have the flexibility to determine:

- the **geographical boundaries** for the arrangements in their area (which may include two or more Local Authority areas or CCGs) which **relevant agencies** they should work with and how safeguarding arrangements should work in their area
- what arrangements they need to establish to provide for **independent scrutiny** of their work i.e. there will no longer be a requirement to employ an independent Board Chair; instead, Partners must make their own preparations for the independent scrutiny of their arrangements
- the best way to secure **appropriate and sustainable funding** for their arrangements (all three SPs must agree the funding plans for their arrangements; it is thought this will address past variance in the levels of funding provided).

2.2 SPs will be required to **publish a report** at least once a year, detailing what they have done in their new arrangements and **how effective** their provision has been in responding to the needs of the children in their area. The SPs will also be 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. The SPs will have the power to require information from persons or bodies who may have it where the information is necessary to enable or assist with the performance of their arrangements, or in conducting reviews.

¹ Relevant agencies is a term that is being used to describe all bodies and groups whose functions within a local area play a crucial role in coordinating the safeguarding and welfare of children. The consultation includes a list of such agencies, but does not stipulate which should be involved in local safeguarding arrangements; this is left to the discretion of the Safeguarding Partners. The list includes all agencies which currently comprise the statutory membership of Local Safeguarding Children Boards; these agencies have a duty to cooperate with the arrangements for their area. The list of agencies is set out at Appendix B.

3. THE ESTABLISHMENT OF A NEW NATIONAL PANEL AND CHANGES TO SERIOUS CASE REVIEWS

- 3.1 Taken as a whole the provisions of the Act, new regulations and the revised 'Working Together' guidance, set out arrangements for a new system of Local and National Child Safeguarding Practice Reviews which will replace the Serious Case Review process in the near future. The Act provides that Local Child Safeguarding Practice Reviews will be undertaken to identify any improvements that should be made locally to safeguard and promote the welfare of children. The Act also provides for the establishment of a National Child Safeguarding Practice Review Panel, with responsibility for identifying and commissioning National Child Safeguarding Practice Reviews. The Panel will receive notification of all child safeguarding cases where a child has died or is seriously harmed, as well as copies of all completed local reviews. Using this data, as well as other available evidence, the Panel will decide whether the case raises issues that are complex or of national importance; when it does, the Panel will then be responsible for identifying improvements which should be made locally and/or nationally to safeguard and promote the welfare of children.²
- 3.2 Chapter 4 of 'Working Together 2018' sets out proposed guidance for Safeguarding Partners and for the Panel on local and national reviews respectively. The accompanying 'National and Local Child Safeguarding Practice Review (England) Regulations' set out proposed provisions covering criteria for national and local reviews, and on reviewers and reports – in other words, the regulations and guidance lay out how the relationship between the new National Panel and the SPs will work from a practical standpoint. As a tool for continuous improvement, it is expected that the new process will enhance the progress and quality of reviews and reports: the National body will appoint reviewers for national reviews, whilst local Safeguarding Partnerships will be responsible for commissioning local reviewers.

4. CHANGES TO CHILD DEATH REVIEWS

- 4.1 In-line with Alan Wood's recommendation, it has been decided that child death analysis and policy should move across to the DoH. The Act establishes the role of Child Death Review Partners; these are the local authority and all or part of any CCGs which fall within the Local Authority Area. The Review Partners will assume responsibility for reviewing and analysing the circumstances of death of any child normally resident in their area and must prepare and publish a report at self-determined intervals, describing what they have done as a result of their arrangements and how effective the arrangements have been in practice. Within the parameters set by the Act, Review Partners will have the flexibility to combine the geographical footprint of their arrangements, which will

² Working Together 2018 refers to a Government amendment to the Children Act 2004 - 16C (1) - which makes it a duty for local authorities to notify the Child Safeguarding Practice Review Panel if a child has died or is seriously harmed in their area or if a child normally resident in their area is seriously injured or dies outside of England. The Panel will then determine if a local Child Safeguarding Practice Review is appropriate or not. No further referral documentation has yet been made available.

accommodate the need for child deaths to be reviewed over a population size of a sufficient number to allow for analysis of patterns, themes and trends of death.

- 4.2 'Working Together 2018' sets out high-level principles and requirements for Child Death Reviews. It also directs readers to a separate set of comprehensive guidance, (Child Death Review Statutory Guidance) which will set out the detailed processes to be followed when responding to, investigating, and reviewing a child's death.

5. TRANSITION

- 5.1 Guidance for Local Safeguarding Children Boards, which will be applicable during the transition period, will be set out in a transitional version of 'Working Together'. As the content will broadly be reflective of the changes outlined in this paper, the DfE will not be consulting on these chapters. This document will also include new guidance for Local Safeguarding Children Boards and SPs on arrangements for the transition.
- 5.2 The DfE has further restructured the latest iteration of 'Working Together' in a number of areas to improve clarity, although the core requirements have not changed; as such the Department will not be consulting on these changes.
- 5.3 The DfE proposes that Safeguarding Partners in a local area will be given 15 months to transition to the new safeguarding arrangements replacing LSCBs (12 months to agree the arrangements, and up to three months to implement the changes). This approach has been endorsed by The Association of Directors of Children's Services.

6. RECOMMENDATIONS AND NEXT STEPS

- 6.1 The consultation questions and draft responses are set out at Appendix A. The consultation will run until 31 December. To view the full consultation suite, please click [here](#)
- 6.2 The Council will next consider what actions and preparations it needs to undertake in order to successfully implement the new duties. Initial scoping work has already commenced on this and a full options appraisal will be undertaken in due course. Additional consideration will also be given to adhering to the transitional arrangements that need to be followed during the move from Local Safeguarding Children Boards to Safeguarding Partners and Child Death Review Partners. In particular 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, we be recommending that the Kent Safeguarding Children Board plan how and when to hand over all relevant data and information to the Safeguarding Partners, in compliance with data protection law and providing a clear audit trail on the handling of all documentation, any decisions made and any actions taken or outstanding at the time of handover.

7. Recommendation

7.1 Recommendation: The Children's, Young People and Education Cabinet Committee is asked to NOTE the content of the report and the changes proposed and REVIEW the draft KCC response to the consultation questions (at Appendix A).

8. Background Documents

None

9. Report Author

Jennifer Maiden-Brooks
Policy Adviser, SPA
03000 416417
Jennifer.maiden-brooks@kent.gov.uk

Relevant Director

Sarah Hammond
Interim Director, Specialist Children's Services
03000 411488
Sarah.hammond@kent.gov.uk