

## Children and Social Work Act 2017 Briefing

### Purpose of the Report

1. In January 2016 Alan Wood was commissioned by the government to undertake a fundamental review of the role and functions of local safeguarding children boards (LSCBs) within the context of local strategic multi-agency working. This was to include the child death review process and consideration of how the intended centralisation of Serious Case Reviews (SCRs) will work at local level.
2. The [Wood Report](#) was published at the end of May 2016 and included 34 recommendations. In April 2017 the Children and Social Work Act received Royal Assent, the Act included measures which addressed some of the recommendations made in the Wood Report. A draft revised version of the statutory guidance 'Working Together to Safeguard Children' has just been circulated for consultation and it is anticipated that the new guidance will be published in April 2018.
3. The purpose of this report is to provide a briefing on the issues identified to date and propose local initial action.

### Background

4. As previously mentioned, The Wood Report included a number of recommendations and it is not intended to list them within this report, however the following provides an indication of some of the challenges with the current arrangements that were identified:
  - Lack of clarity around who currently leads the arrangements, a view that the system has become skewed toward the local authority and that the key role of senior leaders in health and the police is not recognised
  - Clarification is needed on the extent to which 'child protection', 'safeguarding', and 'wellbeing' are covered within the arrangements
  - Challenges around accountability as a result of separating commissioning from delivery, NHS arrangements not supporting one authoritative voice on health issues
  - Representation from schools
  - Difficulties in the functioning of LSCBs such as; agreeing financial contributions, sharing information and data, attendance of senior staff at the Board etc.
  - Inspections of multi-agency arrangements not seen within the sector as credible
  - Overlap between committees such as; LSCBs, Health and Wellbeing Boards, Community Safety Partnerships, Local Family Justice Boards, Safeguarding Adult Boards and Children's Trusts
5. The Children and Social Work Act 2017 includes the following provisions that are specifically relevant to safeguarding children:
  - A new duty will be placed on three agencies, namely the local authority, the chief officer of police and clinical commissioning group (referred to as safeguarding partners), to make arrangements for the safeguarding partners and any relevant

agencies to work together for the purpose of safeguarding and promoting the welfare of children in the area.

- The introduction of a Child Safeguarding Practice Review Panel to identify child safeguarding cases that may raise issues that are complex or of national importance and arrange for such cases to be reviewed under their supervision
- A requirement for the local authority to notify the Panel of certain cases (similar to the current Serious Incident Notification requirement) and for the safeguarding partners to conduct local child safeguarding practice reviews
- A new duty will be placed on the local authority and clinical commissioning group (referred to as the child death review partners) to make arrangements for the review of each death of a child normally resident in the area
- Abolition of Local Safeguarding Children Boards

The Act includes further measures related to combining safeguarding areas and delegating functions, funding, information sharing and combining child death review partner areas and delegating functions.

## **Multi Agency Safeguarding Arrangements:**

6. The draft version of Working Together to Safeguard Children 2018 has now been circulated and a consultation period has commenced which will end on 31st December 2017. Chapter 1 (Assessing need and proving help) and chapter 2 (Organisational responsibilities) have remained broadly unchanged from the previous version. Chapter 3 (Multi-agency safeguarding arrangements) provides further detail on the expectations placed on safeguarding partners with regard to developing safeguarding arrangements for their area.
7. Local safeguarding arrangements must be published and include:
  - who the three local safeguarding partners are, especially if the arrangements cover more than one local authority area
  - geographical boundaries (especially if the arrangements extend or cut across the usual local authority boundaries)
  - the arrangements for independent scrutiny of the effectiveness of the arrangements
  - the relevant agencies the safeguarding partners will work with, why these agencies are relevant and how they will work together to improve outcomes for children and families
  - how all schools (including independent schools, academies and free schools) and other educational partners will be included in the safeguarding arrangements
  - how any youth custody and residential homes for children will be included in the safeguarding arrangements
  - how the safeguarding partners will use data to assess the effectiveness of the help being provided to children and families, including early help
  - how the arrangements will be funded
  - arrangements for commission and publication of local safeguarding practice reviews
  - the process for undertaking local practice learning reviews, setting out the process for how lessons will be learnt, and how any changes made will impact on outcomes for children and families
8. In agreeing their arrangements, safeguarding partners should take account of recommendations from any previous learning reviews and relevant research from the

What Works Centre for Children's Social Care. They should also have regard to any reports sent to them by the child death review partners for their area.

9. Local safeguarding transitional arrangements guidance has also been published for consultation. This provides guidance on the arrangements which should operate as part of the transition from LSCBs to safeguarding partner and child death review partner arrangements.

### **Learning from serious cases about children:**

10. Chapter 4 of the draft version of Working Together to Safeguard Children 2018 contains detail around the requirement to notify the child safeguarding practice review panel of certain cases, the procedure for national child safeguarding practice reviews and the process for commissioning and undertaking local safeguarding practice reviews.
11. The guidance related to local safeguarding practice reviews is similar to the current arrangements for serious case reviews however the decision to undertake a review is the responsibility of the safeguarding partners and this may have implications for senior representatives from those agencies. In addition there are some challenging timescales for undertaking a concise investigative exercise to understand the relevant circumstances and involvement of local agencies.

### **Child death reviews:**

12. Chapter 5 of the draft version of Working Together to Safeguard Children 2018 contains details of the requirements for child death review partners to make arrangements to review all child deaths. The content describes high level principles and is in effect a summary of a much more substantial document 'Child Death Review Statutory Guidance' which has been circulated for consultation alongside Working Together to Safeguard Children.
13. Child death review partner footprints should be locally defined, based on patient flows across existing networks of NHS care. The child death review arrangements should typically cover a child population such as that they review 80 – 120 child deaths each year.
14. A key issue to consider will be the governance arrangements for the child death review process which previously fell under Local Safeguarding Children Boards. The CDOPs are required to publish an annual report and provide information for the National Child Mortality Database

### **Timelines:**

15. Consultation over the revised Working Together to Safeguard Children and associated documents closes on 31<sup>st</sup> December 2017 and members of the NSCB are encouraged to respond individually. The NSCB will also provide a coordinated response and utilise relevant sub groups to gather feedback.
16. Subject to parliamentary time Working Together to Safeguard Children 2018 will be published, along with associated regulations, in April 2018.

17. The safeguarding partners will have up to 12 months to agree the safeguarding arrangements, subject them to independent scrutiny, notify the Secretary of State for Education and publish them.
18. Following publication the safeguarding partners will have three months to implement the new arrangements.
19. A transitional period is expected on the lead up to the implementation of the new safeguarding arrangements and potentially for some time after. LSCBs will need to plan the handover of relevant data and information to the new safeguarding partners and make arrangements to complete any ongoing serious case reviews.
20. Child death review partners will have up to 12 months (from April 2018) to agree arrangements for the review of every child death in their area and up to two months to implement the arrangements. The child death review partners will be able to commence their arrangements as soon as they are ready and will not have to wait for the safeguarding partner arrangements to begin.
21. LSCBs should ensure that CDOP shares copies of relevant data with the child death review partners and a two month period will be allowed to complete any child death reviews.

### **Issues for immediate consideration:**

22. The following issues have been identified for immediate consideration:-
  - a) Clarification of safeguarding partners
  - b) Geographic boundaries for safeguarding arrangements
  - c) Process for developing detailed arrangements following the publication of Working Together.
  - d) Response to the child death proposals:-
    - i. Governance arrangements
    - ii. Clarification of child death partners
    - iii. Geographic area

### **Initial meeting of safeguarding partners and child death review partners**

23. An initial meeting of the safeguarding partners, child death review partners and NSCB Independent Chair took place on 7<sup>th</sup> November 2017 to consider the issues identified in paragraph 22 above. It was agreed that the local authority should take responsibility for developing an options paper in relation to the safeguarding arrangements and that the clinical commissioning groups would take the lead on developing an options paper in relation to the child death review arrangements. The group will meet again in January 2018.

### **Links to relevant documents:**

All relevant documents can be found on the DfE consultation web page:-

<https://consult.education.gov.uk/child-protection-safeguarding-and-family-law/working-together-to-safeguard-children-revisions-t/>

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**14<sup>th</sup> November 2017**