

Working Together to Safeguard Children 2015

Summary

The Government has published the outcome of their consultation on the three proposed changes to Working Together to Safeguard Children 2013.

The original consultation on Revisions to Working Together to Safeguard Children (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398281/Revisions_to_working_together_to_safeguard_children.pdf) sought views on three proposed changes:

- The referral of allegations against those who work with children;
- Notifiable incidents involving care of a child;
- Clarification of the term 'seriously harmed'.

The response to the consultation can be found here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416795/Working_together_to_safeguard_children_government_consultation_response.pdf and the updated Working Together to Safeguard Children 2013 which was published the same day as the consultation response can be found here <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>.

The outcomes from the consultation which are reflected in the updated Working Together to Safeguard Children 2013 are as follows:

1. On the proposed changes to the referral mechanism for allegations against those who work with children – the government have removed the proposed expectation that allegations against those who work with children should be routed through children's social care. They have instead stated that allegations and referrals relating to concerns about a child should be dealt with in a "coordinated manner".

In addition they have decided upon a new expectation that those managing allegations should be sufficiently qualified and experienced. This will mean that high quality, experienced designated officers, who are not necessarily social work qualified, can continue to fulfil the Designated Officer role which was one of the concerns raised in the responses. However new appointments to the Designated Officer role should be qualified social workers.

2. The definition of notifiable incidents involving care of a child has been clarified slightly as a result of the consultation and now reads:

A notifiable incident is an incident involving the care of a child which meets any of the following criteria:

- A child has died (including cases of suspected suicide), and abuse or neglect is known or suspected;

- A child has been seriously harmed and abuse or neglect is known or suspected;
- A looked after child has died (including cases where abuse or neglect is not known or suspected);
- A child in a regulated setting or service has died (including cases where abuse or neglect is not known or suspected).

There were a number of concerns that the guidance might be interpreted to mean that all notifiable incidents will lead to an SCR. However the updated Working Together 2013 states that “if an incident meets the criteria for a Serious Case Review then it will also meet the criteria for a notifiable incident. However, there will be notifiable incidents that do not proceed through to Serious Case Review.” They do acknowledge that the change will mean an increase in the number of SCRs carried out but believe that the learning that can be gained from them will be a positive.

3. The consultation also set out to clarify the term “seriously harmed” and the definition now reads “cases where the child has sustained, as a result of abuse or neglect, any or all of the following:
 - A potentially life-threatening injury;
 - Serious and / or likely long-term impairment of physical or mental health or physical, intellectual, emotional, social or behavioural development.

This definition is not exhaustive. In addition, even if a child recovers, this does not mean that serious harm cannot have occurred. LSCBs should ensure that their considerations on whether serious harm has occurred are informed by available research evidence.” In the changes they have tried to clarify what is meant by the term serious impairment.

Interestingly contained within the original consultation document but not to be consulted upon was the following annex of changes which have been all been incorporated into the updated Working Together to Safeguard Children 2013 guidance and you should be aware of these.

Annex B: Clarifications and Updates

The table below includes other drafting changes we have made on which we did not seek views as part of the consultation. We have clarified *Working Together to Safeguard Children 2015* as follows:

Policy Area	Clarification / Update
Statement of Safeguarding Responsibility	A statement of the accountability of local authorities as set out in the Children Acts of 1989 and 2004, and of the safeguarding duties of other agencies.
Schools	Clarification that the guidance applies in its entirety to all schools, including independent schools, academies and free schools, who all have duties in relation to safeguarding and promoting the welfare of pupils, consistent with <i>Keeping Children Safe in Education</i> .
Child Protection Conference	Ensure references to the “15 working days from the strategy discussion to the child protection conference” are consistently referenced throughout <i>Working Together</i> .

Young Carers and Parent Carers	Updates to include the new duties to assess young carers and parent carers, as introduced in the Children and Families Act 2014 and the Care Act 2014.
Child Death Reviews	Revised wording on what constitutes a modifiable death and wording which considers the involvement of families in the child death review process.
Special Educational Needs / Educational Health and Care Plans	Updated the guidance with the new SEN provisions following the Children and Families Act 2014.
Child Protection for Foreign National Children	Included changes to reflect the publication of new guidance on <i>Working with Foreign Authorities on Child Protection Cases and Care Orders</i> (published July 2014).
Assessment	Added additional wording to support maximum flexibility in relation to the 45 working day timescale to complete assessment.
Information Sharing	Updated to refer to new information sharing advice.
Children Returning Home from Care	Made explicit the requirements and expectations for continued assessment, planning, support and review for children who return home where this is both planned and unplanned.
Probation	Reflected the structural changes to probation under the Transforming Rehabilitation Programme and the findings of HM Inspectorate of Probation thematic inspection on protecting children.

Policy Area	Clarification / Update
Health	Made appropriate updates to reflect NHS changes.
Secure Children's Homes	Set out the role of the Prisons and Probation Ombudsman in investigating a death in a Secure Children's Home in line with amendments to Children's Homes (England) Regulations which are due to come into force on 1 April 2015.
LSCB Annual Report	Set out some new expectations on LSCB annual reports, to reflect government decisions relating to Child Sexual Exploitation.
Whistleblowing	Set out new expectation that all organisations that have safeguarding responsibilities must have internal whistleblowing policies in place, which are integrated into training and codes of conduct.
Channel Panels	Reflected duties set out in the Counter-Terrorism and Security Act 2015 regarding Channel panels, due to come into force on 12 April 2015.

In addition, along with the update to Working Together 2013 the following documents have been revised:

What to do if You're Worried a Child is Being Abused: Advice for Practitioners.

<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

Keeping Children Safe in Education Guidance

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

(It has been a busy week at the DfE as the pre-election purdah before the next general election begins on 30th March 2015. After this date at a national level, major decisions on policy are postponed until after the purdah period and under Section 2 of the Local Government Act 1986 local authorities are forbidden to publish material which in whole or in part appears to be designed to affect public support for a political party.)

How can we help?

If you're one of our customers, we have you covered! We'll be collaborating with you when these new standards and regulations come in to force, to review these changes in detail and to agree the necessary changes to your procedures.

If you are not a customer, we'll be glad to see how we might help. We have a large team of legal and social care specialists who can help you review organisational requirements. To find out more, visit our website or contact us.

Contact Us

Unit 1150 Elliott Court, Herald Avenue, Coventry Business Park, Coventry CV5 6UB

www.trixonline.co.uk

T: 024 7667 8053

Copyright: The content of this Policy Briefing can be accessed, printed and downloaded in an unaltered form, on a temporary basis, for personal study or reference purposes. However any content printed or downloaded may not be sold, licensed, transferred, copied or reproduced in whole or in part in any manner or in on any media to any person without the prior written consent of tri.x.

