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Meeting	Safeguarding Overview & Scrutiny Committee
Date	9 September 2013
<b>Subject</b>	<b>Working Together 2013</b>
Report of	Assistant Director of Children's Social Care
Summary	The government has published a revised version of Working Together to Safeguard Children which was implemented from 15 <sup>th</sup> April 2013. This report details the changes from the previous version.

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Officer Contributors	Teresa DeVito – Interim Head of Safeguarding & Quality Assurance
Status (public or exempt)	Public
Wards Affected	All Wards
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Not applicable
Enclosures	Appendix A - Working Together Action Plan
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## **1. RECOMMENDATIONS**

- 1.1 That the Safeguarding Overview & Scrutiny Committee note the statutory guidance contained within the revised national guidance 'Working Together to Safeguard Children' 2013 and to provide comments as appropriate**
- 1.2 That the Safeguarding Overview & Scrutiny Committee note the actions taken by Barnet to adhere to this guidance and to provide comments as appropriate**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 None.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Safeguarding is a key priority for the Council and partners and is reflected in strategic partnership goals including the Corporate Plan 2013 - 14, Health and Well-being Strategy, Sustainable Community Strategy and Commissioning Strategy.
- 3.2 The Corporate Plan includes the strategic objective 'to create better life chances for children and young people across the borough' with an emphasis on early intervention and support and a further objective 'to promote family and community well-being' with a commitment to 'strengthen our approach to safeguarding'.
- 3.3 Safeguarding children and adults from avoidable harm or abuse underpins everything we do and is the responsibility of everyone who works for or with the London Borough of Barnet.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 None

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 A national public consultation on changes to the statutory guidance ran for 12 weeks (12 June until 4 September 2012). It produced over 460 responses and in addition a number of consultation events were held. Responses were received from a range of individuals and organisations including key partners such as the Association of Directors of Children's Services (ADCS), Local Government Association, Ofsted, NSPCC and charities who work with disabled children and young carers. The consultation responses have been analysed and have informed the revised guidance. The formal Government response to the consultation has been published alongside an updated impact assessment.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 The government's revised version of 'Working Together 2013' has been implemented within existing resources.

## **7. LEGAL ISSUES**

- 7.1 **Working Together is national statutory guidance and should be complied with unless exceptional circumstances arise.**

- 7.2 Working Together to Safeguard Children sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the Children Act 2004. This guidance is issued under:

1. Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their social services functions to act under the general guidance of the Secretary of State;
2. Section 11(4) of the Children Act 2004 which requires each person or body to which the section 11 duty applies to have regard to any guidance given to them by the Secretary of State; and
3. Section 16 of the Children Act 2004, which states that local authorities and each of the statutory partners must, in exercising their functions relating to Local Safeguarding Children Boards, have regard to any guidance given to them by the Secretary of State.
4. Police Reform and Social Responsibility Act 2011 - Section 1(8)(h) requires the police and crime commissioner to hold the chief constable to account for the exercise of the latter's duties in relation to safeguarding children under section 10 and 11 of the Children Act 2004.
5. Childcare Act 2006 - Section 40 requires early year's providers to comply with the welfare requirements of the Early Years Foundation Stage.
6. Crime and Disorder Act 1998 - Section 38 requires local authorities, within the delivery of youth justice services, to ensure the provision of persons to act as appropriate adults to safeguard the interests of children and young persons detained or questioned by police officers.
7. Housing Act 1996 - Section 213A of the Housing Act 1996 (inserted by section 12 of the Homelessness Act 2002), housing authorities are required to refer to adult social care services homeless persons with dependent children who are ineligible for homelessness assistance, or are intentionally homeless, or may be threatened with homelessness intentionally, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if social services decide the child's needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable advice and assistance in this, and the housing authority must give reasonable advice and assistance.

8. Education Act 2002 - Section 175 places a duty on local authorities in relation to their education functions, the governing bodies of maintained schools and the governing bodies of further education institutions (which include sixth-form colleges) to exercise their functions with a view to safeguarding and promoting the welfare of children who are either pupils at a school or who are students under 18 years of age attending further education institutions.
9. The same duty applies to independent schools (which include Academies/free schools) by virtue of regulations made under section 157 of this Act.

## 8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The scope of Overview and Scrutiny Committees is contained within Part 2, Article 6 of the Constitution.
- 8.2 The terms of Reference of the Scrutiny Committees are in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution). The Safeguarding Overview and Scrutiny Committee has within its terms of reference the following responsibilities:
  - To scrutinise the Council and its partners in the discharge of statutory duties in relation to safeguarding.
  - To scrutinise the provision of the education (children and adults), special education needs provision, and the protection and welfare of children.
  - To scrutinise the Council's procedures in relation to the protection and welfare of children

## 9. BACKGROUND INFORMATION

- 9.1 *Working Together 2013* is the Government's statutory, multi-agency child protection guidance, and was last updated in March 2010. The significantly slimmed down 2013 edition is intended to reduce the burden on professionals to follow a wide range of prescriptive guidance, which the Munro Review of Child Protection felt had created an over-bureaucratized culture that stifled local innovation and professional judgement. Therefore, much of the 'good practice' guidance contained previously in *Working Together* has been removed, and the Government intends that practice guidance will no longer be centrally issued. Instead, individual sectors are encouraged to lead on the development of their own professional guidance, informed by local research and evidence.

The guidance can be broadly split into four main headings, dealing with assessments, partnership working, LSCBs and Serious Case Reviews.
- 9.2 **Assessments** - *Working Together* puts a strong focus on the importance of early help and puts a requirement on local services to work together in providing a range of effective, evidence based services, which should be based on an inter-agency early help assessment such as the Common

Assessment Framework (CAF). The LSCB is given responsibility for assessing the effectiveness of this early help offer, and must also publish a threshold document that clearly outlines the criteria for when a case should be referred to local authority children's social care.

For more serious cases the current process of initial and core assessments will be replaced by a single assessment of need. This is described as a "dynamic and continuous process". Local areas are given the flexibility to develop and publish their own protocols for assessment, and to set their own decision and review points during an assessment.

### **9.3 Partnership Working**

*Working Together* requires designated professional roles should always be explicitly defined in job descriptions and that sufficient time, funding, supervision and support should be provided for them to carry out their role effectively. The guidance is also more specific on staff competencies around safeguarding, with a specific requirement for staff to undertake mandatory child protection induction.

Requirements around the reporting of allegations have been firmed up, with all statutory partner agencies now required to report all allegations to the local authority designated officer (LADO) within 1 working day.

The guidance recognises the impact of on-going reforms in education and health, with a reminder of the existing duty on Academies and Free Schools to exercise their functions with a view to safeguarding and promoting the welfare of children and young people.

For health, there is a strong focus on the responsibilities of the NHS Commissioning Board to ensure that the health commissioning system is working effectively to safeguard children, and that mechanisms are in place for LSCBs and Health and Wellbeing Boards to raise any concerns locally. The guidance also stresses the importance of designated and named professionals for safeguarding children, and places a duty on Clinical Commissioning Groups to ensure that this expertise is retained locally. GP practices are now required to have a lead and deputy lead for safeguarding, working closely with named GPs.

There is greater detail on the responsibilities of the police, with a clear requirement that all police forces should have officers trained in child abuse investigation. Police officers are also reminded to consider the effect that incidents such as domestic abuse might have on children, and that children encountered as offenders or alleged offenders are entitled to the same safeguards and protection as any other child.

### **9.4 LSCB's**

The role of the LSCB as the key body for scrutinising local arrangements and holding partners to account is confirmed. The guidance also changes the governance arrangements for the independent LSCB Chair, and it is now the responsibility of the Chief Executive to appoint or remove the Chair, and to hold them to account for the effective working of the LSCB. This responsibility previously sat with the Director of Children's Services.

*Working Together* now gives greater detail on the content of the LSCB's annual report. Notably, the report is now required to list the contributions made to the LSCB by partner agencies (and to detail how this has been spent), and the guidance is clear that "members should share the financial responsibility for the LSCB in such a way that a disproportionate burden does not fall on a small number of partner agencies". The guidance also requires that an LSCB business manager should be available to support the Chair and LSCB,

alongside “other discreet support as is necessary”. Finally, LSCBs are still required to appoint lay members to represent the local community, but there is no longer a specific requirement to appoint two.

## 9.5 Serious Case Reviews

The final part of the guidance deals with learning and improvement, with a strong focus on serious case reviews. Professor Munro recommended that all future serious case reviews should be undertaken using systems methodology, which moves away from the specific features of an individual case to consider the deeper, underlying issues that influence multi-agency practice more generally. There is now an intention to establish a “national panel of independent experts on Serious Case Reviews”. This will oversee the serious case review process, advising and challenging LSCB Chairs on whether or not to initiate an SCR, whether to appoint certain reviewers, and whether to publish SCR reports. If the LSCB decides not to initiate a serious case review, the Chair may be required to attend the national panel to explain their decision. However, the guidance is also clear that “the final decision to conduct the SCR rests with the LSCB Chair”, and it is unclear what power the panel will have to override the Chair’s decision. These statutory reviews are seen as part of a wider framework of learning and development, to be developed locally by individual LSCBs.

## 9.6 Conclusion

*Working Together 2013* represents a fundamental shift in national child protection policy, placing greater emphasis on local areas to develop their own processes and encouraging stronger reliance on the professional judgement of individual practitioners. Partnership working is crucial to effective safeguarding children practice, especially at a time of such big change in the public sector, and it is right that this is given such a strong focus. There is also a strong focus on the role of the LSCB as a potentially powerful force for scrutinising local arrangements and holding partners to account. In London, *Working Together* is supported by the London Child Protection Procedures, a comprehensive document translating the broad principles of the national document into specific guidance for those working in the capital. This includes provisions for inter-borough working, and the procedures also contain large volumes of practice guidance.

## 10. LIST OF BACKGROUND PAPERS

- 10.1 [www.education.gov.uk/aboutdfe/statutory/g00213160/working-together-to-safeguard-children](http://www.education.gov.uk/aboutdfe/statutory/g00213160/working-together-to-safeguard-children)

Cleared by Finance (Officer’s initials)	JH
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