

Response ID ANON-RZFY-NZK6-M

Submitted to **Working Together to Safeguard Children: changes to statutory guidance**

Submitted on **2017-12-07 19:53:46**

Introduction

What is your name?

Name:

The National Network of Parent Carer Forums

What is your organisation?

Organisation:

National Network of Parent Carer Forums

What is your email address?

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info@nnpf.org.uk

Would you like us to keep your responses confidential?

No

Reason for confidentiality:

Revisions to chapter three: Multi-agency safeguarding arrangements; and new regulations on relevant agencies

1 As set out in paragraphs 4-7 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 it will be the responsibility of the safeguarding partners' representatives to determine how they work together in respect of their arrangements. All three partners have equal and joint responsibility for local safeguarding arrangements, and each safeguarding partner will appoint their own representative. We do not propose to set out in statutory guidance who these representatives should be, as it is a matter for safeguarding partners. Do you agree with this approach?

Yes

Question 1 - Leadership - reasons :

The NNPCF welcome the provisions that establish new arrangements for child safeguarding partnerships between different agencies. We acknowledge previously published research which highlighted issues with the current operation of local safeguarding children boards (LSCBs) and support the call for local authorities and their partners to have the freedom to develop a more flexible approach that fits local circumstances. However, the NNPCF would ask for caution around the role of agencies other than local authorities, health and the police and would ask that this is clarified in guidance, particularly in relation to schools

We know that disabled children are at an increased risk of being abused compared with their non-disabled peers. They are also less likely to receive the protection and support they need when they have been abused. The NNPCF are very concerned that the proposal not to set out in statutory guidance who the safeguarding partners' representatives should be may led to in unsuitable individuals being appointed and a possible lack of accountability at local and national level. There is much research which has identified the factors that increase risk and lessen protection for disabled children. These include:

>attitudes and assumptions – e.g. a reluctance to believe disabled children are abused

>a lack of professional skills, expertise and confidence in identifying child protection concerns and the lack of an effective child protection response.

Finally, the NNPCF believe that the proposal that all partners will have equal and joint responsibility will require a formal agreement/MOU to be in place to prevent any one partner from not fulfilling their responsibilities.

2 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. The 'Local Safeguarding Partner (Relevant Agencies) (England) Regulations' details the specific agencies which safeguarding partners can choose from. It is important to note that 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 come under NHS England, and housing under the local authority. Do you agree with this indicative list?

Yes

Question 2 - Relevant Agencies reasons:

See above

Question 2 - Relevant Agencies - agencies to add or remove:

3 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. As set out in paragraphs 18-19 of Chapter 3 of the draft 'Working Together to

Safeguard Children' 2018 we expect all local safeguarding arrangements to contain explicit reference to how the safeguarding partners plan to involve, and give a voice to, all local schools and academies in their work. Do you agree that this expectation should be stipulated in statutory guidance?

Yes

Question 3 - Schools and other educational partners - reasons:

Safeguarding should be everyone's business.

Research suggests that:

- >disabled children are at a greater risk of physical, sexual and emotional abuse and neglect than non-disabled children
- >disabled children at greatest risk of abuse are those with behaviour/conduct disorders. Other high-risk groups include children with learning difficulties/disabilities, children with speech and language difficulties, children with health-related conditions and deaf children.
- >disabled children in residential care face particular risks
- >bullying is a feature in the lives of many disabled children

4 The safeguarding partners must include arrangements for scrutiny by an independent person of the effectiveness of safeguarding arrangements, and how best to implement a robust system of independent scrutiny will be a local decision. Paragraph 20 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 states that safeguarding partners should involve a person or persons who are independent, for example by virtue of being from outside the local area or having no prior involvement with local agencies. Do you agree with this?

Yes

Question 4 - Independent Scrutiny - reasons:

The NNPCF believes that there is a need to share and build on existing knowledge and good practice and work together towards ensuring equal protection for disabled children.

There is a need:

- >to develop a wider and deeper evidence base to help us better understand the vulnerability of disabled children to abuse and how they can be protected.
- >to raise awareness about the abuse of disabled children and challenge attitudes and assumptions that act as barriers to protection
- >to promote safe and accessible services
- >to raise disabled children's awareness of abuse and ability to seek help including access to personal safety skills training
- >for agencies to build on good practice and measures already in place that help ensure the effective delivery of child protection and criminal justice services for disabled children

It maybe helpful therefore to identify an independent person to scrutinise local safeguarding arrangements but the question should be whether or not they have the relevant knowledge and experience to effectively review local arrangements. Local area knowledge may prove to be extremely valuable in undertaking this role. They crucial point is that they should be independent and impartial not where they live or work.

5 Paragraph 24 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 makes it clear that 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. Do you agree that this is the right approach?

No

Question 5 - Funding - reasons:

The NNPCF strongly believes that all agencies and professionals should work together to ensure that the needs of disabled children are fully understood and addressed. We welcome the legislation's strong focus on support for safeguarding all children, acknowledging that safeguarding is the most important roles councils, agencies, schools and academies have.

However, we have real concerns around the proposal that funding decisions are for local determination. All agencies including schools/academies are feeling the impact of austerity and the reduction in real terms to their budgets. The NNPCF calls for local safeguarding arrangements to be fully funded to ensure that resources are not diverted from other services for vulnerable children which are already stretched.

Safeguarding children should not and can not be an area that is compromised due to pressures on budgets.

The NNPCF would like to see a equitable and proportionate national funding formula for safeguarding children and strong leadership and guidance from Government.

6 Safeguarding partners must publish a report at least once in every 12 months, setting out what they (and their relevant agencies) have done as a result of the arrangements, and how effective the arrangements have been. These reports will be a key element of local accountability and self-assessment. At paragraph 29 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 we have set out a non-exhaustive list of parameters for these reports in guidance, to ensure a nationally consistent set of useful and high quality publications. Do you agree with this approach?

No

Question 6 - Reporting - reasons:

The NNPCF welcome the provisions that establish new arrangements for child safeguarding partnerships between different agencies. We acknowledge previously published research which highlighted issues with the current operation of local safeguarding children boards (LSCBs) and support the call for local authorities and their partners to have the freedom to develop a more flexible approach that fits local circumstances.

However, the NNPCF have concerns about a stand alone local accountability and self-assessment framework as a means to measure effectiveness of local safeguarding arrangements.

This approach has been used by Local Authorities and CCGs to delivery the SEND Reforms introduced through the Children and Families Act 2014. The Ofsted/CQC SEND Local Area Inspections have identified a large proportion on Local Areas that have been required to produce written statements of action due to major areas of weakness following inspection.

This would indicate that local accountability and self-assessment alone are not adequate measures to monitor the effectiveness of local safeguarding arrangements.

Again the NNPCF would request that there is strong leadership and accountability at Government level in addition to any local arrangements that are put in place.

7 The safeguarding partners should consider carefully how multi-agency safeguarding arrangements will work in their area. 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. We are not proposing to specify in statutory guidance how, and in what format, the safeguarding partners should make their criteria for action available. Do you agree with this approach?

No

Question 7 - Threshold document - reasons:

In 2015, the National Working Group on Safeguarding Disabled Children (NWGSDC) carried out a survey of Local Safeguarding Children Boards (LSCBs) to establish the effectiveness of local arrangements to protect disabled children

The survey responses uncovered many examples of good practice but, overall, findings indicate that LSCBs have not made sufficient progress against Ofsted's recommendations. The report highlights 4 key issues:

- 1) a significant number of respondent LSCBs had not prioritised disabled children in the current or previous 2 years.
- 2) many respondent LSCBs were not systematically gathering and evaluating information on disabled children.
- 3) less than half of respondent LSCBs had implemented measures to ensure that thresholds for child protection were understood and applied.
- 4) survey responses indicate that overall there is a lack of strategic, preventative approaches to safeguarding disabled children.

Given these findings, the NNPCF are concerned about a local safeguarding partners setting clear criteria for taking action for children and young people with special educational needs and disabilities.

The NNPCF would like to see clear guidance from the Government.

Revisions to chapter four: Learning from serious cases; and new regulations on local and national reviews

8 Paragraphs 15-17 of Chapter 4 of the draft 'Working Together to Safeguard Children' 2018 set out the actions the safeguarding partners should take on receipt of a notification of a child safeguarding incident, and the relationship between the safeguarding partners and Panel from then on. Do you agree with the procedure as set out?

Yes

Question 8 - procedure - reasons:

The NNPCF particularly welcomes the opportunity for families (including surviving children) to contribute to reviews.

This is important to ensure that the child/young person is at the centre of the process. This is in line with Section 19 principles of the Children and Families Act 2014.

For disabled children and young people or those with special educational needs, there will be a need for them to understand how they are going to be involved and supported.

The child/ young person and their families should be able to share their views and feeling and felt they are listened to. Their expectations should be managed appropriately and sensitively.

9 The Act makes clear that the Panel and safeguarding partners respectively have responsibility to determine whether a review is appropriate, on the basis of whether the review may identify improvements that should be made to safeguard and promote the welfare of children. Regulations may require the Panel and safeguarding partners to take certain matters into account when taking the decision on cases to review, and guidance may support this. Regulation 4 sets out national review criteria which the Panel would be required to take into account when deciding whether to commission a national review. Regulation 18 sets out local review criteria which safeguarding partners would be required to take into account when deciding whether to commission a local review. Paragraphs 20 and 37 of Chapter 4 of the draft 'Working Together to Safeguard Children' 2018 set out additional circumstances for consideration. Do you agree with these

criteria and circumstances?

Yes

Question 9 - criteria and circumstances reasons:

The NNPCF request that the reference to 'whether the case raises or may raise issues relating to the safeguarding and promotion of the welfare of children in institutional settings' should be clarified further to include residential special schools and colleges. Short Break centres for disabled children/young people and Assessment and Treatment units.

Furthermore, it would be helpful to add a further point to the criteria i.e. whether the case raises or may raise issues relating to the safeguarding and promotion of the welfare of a particular cohort of children e.g. disabled children or those with SEND.

10 Paragraphs 23-24 and 41-42 of Chapter 4 of the draft 'Working Together to Safeguard Children' 2018 set out the factors which the safeguarding partners and the Panel respectively should consider when commissioning reviewers for local and national reviews. Do you agree with these factors?

Yes

Question 10 - factors - reasons:

At paragraphs 23 and 41 the NNPCF would like to the following addition to the list of factors:

Knowledge and understanding of research relevant to disabled children's safeguarding issues.

11 Paragraphs 25-28 and 43-46 of Chapter 4 of the draft 'Working Together to Safeguard Children' 2018 set out the procedures which the safeguarding partners and the Panel respectively should follow when supervising local and national reviews. Regulations 12-14 of the 'National and Local Child Safeguarding Practice Review (England) Regulations' add requirements regarding the Panel's supervisory powers. We do not propose to include further details in the regulations relating to procedures for reviews. Do you agree with these proposals?

Yes

Question 11 - proposals - reasons:

12 Paragraphs 30-33 and 48-52 of Chapter 4 of the draft 'Working Together to Safeguard Children' 2018 set out the expectations for the final report which the safeguarding partners and the Panel respectively should follow. These paragraphs also cover timescales for publication and arrangements for submitting final reports. Do you agree with these expectations and timescales?

Yes

Question 12 - expectations and timescales - reasons:

The NNPCF welcomes the focus on improving outcomes for vulnerable children/young people and their welfare.

13 The Act allows the Secretary of State to make regulations to set up a list of reviewers, from which safeguarding partners could be required to select reviewers for local reviews. To maintain maximum flexibility in the system, we do not propose to set up such a statutory list at this time. Do you agree with this approach?

Yes

Question 13 - approach - reasons:

14 Do you have any comments on the content of the 'National and Local Child Safeguarding Practice Review (England) Regulations which you have not already covered above?

No

Question 14 - content of Review Regulations:

Revisions to chapter five - Child death reviews

15 In reviewing the circumstances around the death of a child, the overarching aim is to prevent future child deaths. We have heard from stakeholders that the term "preventable" has posed a hindrance to learning. Instead of asking about preventability, we propose that the child death review process should consider and identify "modifiable factors". That is, contributory factors to a death, that could be modified to reduce the risk of future child deaths. Do you agree with this approach?

Yes

Question 15 - modifiable factors - reasons:

16 We have heard from stakeholders that the distinction between 'expected' and 'unexpected' child deaths can lead to confusion (partly because it may depend from whose viewpoint the question is being considered). We propose a new approach, which allows each individual death to be responded to appropriately, rather than determining whether or not a death meets certain criteria for investigation. This is about working differently, and changing the initial stages of the process. It does not imply an additional burden. Do you agree with this approach?

Yes

Question 16 - expected / unexpected - reasons:

17 The Wood Review recommended that the area covered by child death reviews should cover 'a population size that gives a sufficient number of deaths to be analysed for patterns, themes and trends of death'. The new legislation gives the child death review partners flexibility to agree that two or more local authority areas may work together as a single area. We are proposing that the geographical 'footprint' of the arrangements should be locally agreed, based on patient flows across existing networks of NHS care. Child death review partners should come together to develop clear plans outlining the administrative and logistical processes for their new arrangements. Child death review 'footprints' should typically cover a child population such that they review 80-120 child deaths each year Do you agree with these proposals?

Not Answered

Question 17 - areas - reasons:

18 We propose that families should be assigned a "key worker" to act as a single point of contact who they can turn to for information on the child death review process, and who can signpost them to sources of support. This is already best practice and should not imply an additional burden. More information on the role of the key worker is available in chapter 6.5.1 of the Child Death Review Statutory Guidance. Do you agree with this proposal?

Yes

Question 18 - key workers - reasons:

19 We propose that every child's death is reviewed at a child death review meeting involving practitioners directly involved in the 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. It would (for example) take the form of a final case discussion following a Joint Agency Response to a sudden unexpected death in infancy; or a hospital-based mortality meeting following a death on a neonatal unit. The purpose of the child death review meeting is to ensure local learning and reflection. In contrast, the purpose of the CDOP is to provide independent scrutiny of each case, ensuring this is from a multi-agency perspective. Do you agree with this proposal?

Yes

Question 19 - child death review meeting - reasons:

20 Practitioners involved in the care of the child who died should be invited to attend the child death review meeting. If they cannot attend, they should submit a report, for which a Form B may be used. We propose that Child Death Overview Panel administrators work closely with child death review partners to gather and collate these reports. Please see Chapter 4 of the Child Death Review Statutory Guidance for more information on this process. Do you agree with this proposal?

Yes

Question 20 - reports for the child death review meeting :

21 A revised Form C is proposed at Appendix 5 of the Child Death Review Statutory Guidance. We have heard from stakeholders that two of the form's domains - 'family and environment' and 'parenting capacity' - are not helpful distinctions. We propose changing these domains to 'Social environment including family and parenting capacity', and 'Physical environment', respectively. Do you agree with this proposal?

Yes

Question 21 - revised Form C - reasons:

22 We have heard from stakeholders that in many cases reports from child death review meetings (particularly hospital mortality meetings) are not routinely sent to CDOPs. We propose that all child death review meetings should routinely send a report to the CDOP, to inform its independent review of the case. This approach is intended to strengthen the link between the local review and the CDOP process, while also allowing for the right balance between local reflection and independent scrutiny of practice. Do you agree with this proposal?

Yes

Question 22 - Child death review meeting report - reasons:

23 Chapter 7 of the Child Death Review Statutory Guidance 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. Do you feel we have covered an appropriate range of specific situations?

Not Answered

Not Answered

Question 23 - expectations - reasons:

24 We have heard from stakeholders that some types of deaths (e.g. suicides) may best be reviewed at a themed CDOP meeting. This may apply when deaths from a particular cause are of small number and/or require specialist expertise to inform the discussion. In these circumstances, we propose that neighbouring CDOPs and designated doctors for child death liaise and co-ordinate their approach. Do you agree with this approach?

Not Answered

Question 24 - child death review process focus - reasons:

Transitional arrangements

25 Paragraphs 14-15 of the transitional guidance explain the proposal that child death overview panels have a 'grace period' of up to two months following the start of the child death review partner arrangements in their area in which to complete any outstanding child death reviews. Do you agree with this proposal?

Yes

Question 25 - grace period - reasons:

26 Paragraphs 23-25 of the transitional guidance explain the proposal that Local Safeguarding Children Boards should have a 'grace period' of up to 12 months following the start of the safeguarding partner arrangements in their area in which to complete and publish outstanding serious case reviews. Do you agree with this proposal and with the guidance on handling information?

Yes

Question 26 - publish SCRs - reasons:

27 Paragraphs 27-31 of the transitional guidance set out how safeguarding partners should manage information emerging from serious case reviews. Do you agree with these proposals?

Yes

Question 27 - info from SCRs - reasons:

Any other comments

Are there any other comments you wish to make concerning the changes proposed?

Any other comments: