

# 'Working Together' 2018

## AILC Briefing - updated with Transition Timetable July 24<sup>th</sup> 2018



Association of  
Independent  
LSCB Chairs

### 1.0 INTRODUCTION

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This is an AILC Briefing paper on the new government guidance 'Working Together to Safeguard Children' (WT18) and associated documents, with sections on Transition timetables, and Content.

- 1.1 This summary outline was produced early in July 2018, a few days after WT18 publication, for use by LSCBs and interested parties to help begin conversations and make change plans, following which a new S4 on the Transition Timetable was added on July 24<sup>th</sup>. This briefing is not a comprehensive coverage of all aspects of the new related guidance documents, rather these can be found within the list below at the following [link here](#).
- 1.2 **Key elements for attention by LSCBs/Multi-Agency Safeguarding Arrangements (MASAs) have been emboldened** throughout here – so that **these can be used as a checklist by such partnerships** in formulating change locally.
- 1.3 This will complement guidance available from other sources and will be added to through further briefings, the Association Newsletter and networking across the membership.
- 1.4 LSCBs/MASAs will see little change in the final WT18, compared to drafts earlier in the year. Please see section 5 for some of our early observations and we will welcome any feedback.

### 2.0 SOURCE DOCUMENTS & CONTEXT

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- 2.1 The main document is '**Working Together to Safeguard Children**' July 2018. This is 'a guide to inter-agency working to safeguard and promote the welfare of children'.
- 2.2 An associated document covering transition arrangements between June 2018 and September 2020 is '**Working Together: Transitional Guidance**' July 2018.
- 2.3 Also relevant for LSCBs is the recent parallel safeguarding guidance relating to schools and educational establishments, '**Keeping Children Safe in Education**' May 2018 – WT18 states that it should be read in conjunction with this (use the same gov.uk link as above). **NB: revised guidance comes into operation on 3<sup>rd</sup> September 2018 and LSCBs/MASAs are likely to want to address/take into account any implications for present and future arrangements.**
- 2.4 '**Information Sharing Advice for Safeguarding practitioners**' July 2018 is also new and relevant for LSCBs/MASAs – this is advice for practitioners providing safeguarding services to children, young people, parents and carers produced to support practitioners in the decisions they take to share information, which reduces the risk of harm to children. It has been updated to reflect the General Data Protection Regulation (GDPR) and Data Protection Act 2018, it supersedes the HM Government '*Information Sharing: Guidance for Practitioners & Managers*' March 2015.
- 2.5 Regulations related to WT18, entitled '**The Child Safeguarding Practice Review & Relevant Agency (England) Regulations 2018**' cover specifically national and local reviews, together with a list of relevant agencies. These regulations can be found [here](#).
- 2.6 **In terms of status, WT18 guidance is issued under various legislation** including:  
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, and Section 10(8) and 11(4) of the Children Act 2004, which requires each person or organisation to which the section 10/11 duty applies to have regard to any guidance given to them by the Secretary of State.

### 3.1 The **three safeguarding partners** should:

- Agree on ways to co-ordinate their safeguarding services;
- Act as a strategic leadership group in supporting and engaging others; and
- Implement local and national learning incl. serious child safeguarding incidents

**Safeguarding partners are the LA, CCG and Chief Officer of Police.**

**The three safeguarding partners must set out how they will work together and with any relevant agencies.** Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need.

### 3.2 The **purpose of these local arrangements** is to support and enable local organisations and agencies to work together in a system where:

- **Children are safeguarded, and their welfare promoted**
- Partner organisations and agencies collaborate, share and **co-own the vision**
- Organisations and agencies **challenge appropriately and hold one another to account**
- There is **early identification and analysis of new safeguarding issues**
- **Learning is promoted and embedded** in a way that local services for children and families can become more reflective and implement changes to practice
- **Information is shared effectively** to facilitate more accurate and timely decision making for children and families

### 3.3 These arrangements should link to other strategic partnerships including:

- Health and wellbeing boards
- Adult Safeguarding Boards
- Channel Panels
- Improvement Boards
- Community Safety Partnerships
- Local Family Justice Board and
- MAPPAs

### 3.4 The **LEAD representatives** for safeguarding partners are: the local authority **Chief Executive**, the **Accountable Officer** of a clinical commissioning group, and a **Chief Officer** of police, with **equal and joint responsibility** for safeguarding arrangements.

**Should the lead representatives delegate their functions they remain accountable for any actions or decisions taken.** If delegated, it is the responsibility of the lead representative to identify and nominate a senior officer in their agency to have responsibility and authority for ensuring full participation with these arrangements.

The representatives, or those they delegate authority to, should - as previously required - be able to: speak with authority for the safeguarding partner they represent; take decisions on behalf of their organisation and commit on policy, resourcing and practice; hold their own organisation to account on how effectively they participate and implement arrangements.

### 3.5 **Local arrangements can cover two or more local authorities.** Where more than one local authority joins together, the local authorities can agree to delegate their safeguarding partner duties to a single authority.

### 3.6 **Relevant Agencies**

**Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider is required** to safeguard and promote welfare of children.

The **safeguarding partners must set out in their published arrangements which organisations and agencies they will be working with.**

When selected by the safeguarding partners to be part of the local safeguarding arrangements, **relevant agencies must act in accordance with the arrangements.**

Safeguarding partners should make sure the relevant agencies are aware of the expectations placed on them by the new arrangements. They should **consult relevant agencies in developing the safeguarding arrangements** to make sure the expectations take account of an agency's structure and statutory obligations.

**Safeguarding partners should consider how they would secure the clinical expertise of designated health professionals** for safeguarding children within their arrangements.

The **published arrangements should set out clearly any contributions agreed with relevant agencies, including funding, accommodation, services and any resources** connected with the arrangements.

In setting out how they will work with relevant agencies, **the safeguarding partners should be clear how they will assure themselves that relevant agencies have appropriate, robust safeguarding policies and procedures in place** and how information will be shared amongst all relevant agencies and the safeguarding partners.

**Safeguarding partners may include any local or national organisation or agency** in their arrangements, **regardless of whether they are named in relevant agency regulations.**

**Organisations and agencies that are not named** in the relevant agency regulations, whilst not under a statutory duty, **should nevertheless cooperate and collaborate.**

**Safeguarding partners should communicate regularly with their relevant agencies** and others they expect to work with them. It is for the **safeguarding partners to determine how regularly their list of relevant agencies will be reviewed. Information should be given about how to escalate concerns and how any disputes will be resolved. This should give details of the independent scrutiny and whistle blowing procedures.**

**The safeguarding partners should make arrangements to allow all schools** (including multi academy trusts), **colleges and other educational providers, in the local area to be fully engaged,** involved and included in the new safeguarding arrangements.

**Safeguarding partners may require any person or organisation or agency to provide them with specified information,** including as related to local and national child safeguarding practice reviews. **The person or organisation to which a request is made must comply** with such a request and if they do not do so, the safeguarding partners may take legal action against them.

### 3.7 Independent Scrutiny

**The role of independent scrutiny is to provide assurance in judging the effectiveness of multi-agency arrangements** to safeguard, including arrangements to identify and review serious child safeguarding cases.

**Safeguarding partners should ensure that the scrutiny is objective, acts as a constructive critical friend and promotes reflection to drive continuous improvement.**

**The independent scrutiniser should consider how effectively the arrangements are working for children and families as well as for practitioners, and how well the safeguarding partners are providing strong leadership** and agree with the safeguarding partners how this will be reported.

**The published arrangements should set out the plans for independent scrutiny-**

**Safeguarding partners should also agree arrangements for independent scrutiny of the report** they must publish at least once a year

### 3.8 Funding

**Agencies should collaborate on how they will fund their arrangements.** The three safeguarding partners and relevant agencies for the local authority area should make payments towards expenditure incurred.

**The safeguarding partners should agree the level of funding secured from each partner, which should be equitable and proportionate, and any contributions from each relevant agency should be transparent to children and families, and sufficient to cover all elements of the arrangements,** including the cost of local child safeguarding practice reviews.

### 3.9 Publication of Arrangements

Once agreed, **safeguarding arrangements must be published and must include:**

- Arrangements for the **safeguarding partners to work together to identify and respond to needs of children** in the area
- Arrangements for commissioning & publishing **local child safeguarding practice reviews**
- Arrangements for **independent scrutiny of the effectiveness of the arrangements**
- **Who the three local safeguarding partners are**
- **Geographical boundaries**
- The **relevant agencies** the safeguarding partners will work with, and **why chosen**
- **How they will collaborate and work together to improve outcomes**
- **How all educational establishments will be included** in the safeguarding arrangements
- How **any youth custody and residential homes** for children will be included
- How the safeguarding partners will **use data and intelligence to assess the effectiveness** of the help being provided to children and families, including early help
- **How inter-agency training will be commissioned, delivered and monitored for impact** and **how they will undertake any multiagency and interagency audits**
- **How** the arrangements will be **funded**
- The **process for undertaking local child safeguarding practice reviews**, setting out the arrangements for **embedding learning** across organisations and agencies
- How the arrangements will include the **voice of children and families**
- **How the threshold document setting out the local criteria for action aligns** with the arrangements
- **Public bodies that fail to comply with their obligations are held to account through regulatory and inspection activity.** In extremis, non-compliance is referred to Secretary of State.

**Safeguarding partners must publish a report at least once every 12 months with:**

- **What they have done as a result of the arrangements**, including on child safeguarding practice reviews, **and how effective** these arrangements have been in practice.
- **Evidence of the impact** of the work of the safeguarding partners and relevant agencies, including training, on outcomes for children and families from early help to looked-after children and care leavers
- **An analysis of any areas where there has been little or no evidence of progress** on agreed priorities
- **A record of decisions and actions taken by the partners in the report's period (or planned to be taken) to implement the recommendations of any local and national child safeguarding practice reviews**, including any resulting improvements
- **Ways in which the partners have sought and utilised feedback from children and families** to inform their work and influence service provision
- Safeguarding partners should **make sure the report is widely available.**
- **A copy of all published reports should be sent to the Child Safeguarding Practice Review Panel and What Works Centre for Children's Social Care within seven days.**
- **Where there is a secure establishment in a local area, safeguarding partners should include a review of the use of restraint within that establishment** in their report, and the findings of the review should be reported to the Youth Justice Board.

### 4.0 TRANSITION TIMETABLE FOR ARRANGEMENTS, REVIEWS, AND CHILD DEATHS

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- 4.1 This section is based upon the DfE's Transitional Guidance. The guidance applies across England from 29<sup>th</sup> June 2018 and expires 29<sup>th</sup> September 2020. **From 29<sup>th</sup> June 2018, the transition from LSCBs to safeguarding partner and child death review partner arrangements should begin, to be completed by 29<sup>th</sup> September 2019.**
- 4.2 After new safeguarding partner and child death review partner arrangements are set up, **LSCBs have a statutory 'grace' period of up to 12 months to complete and publish outstanding SCRs** and of up to four months to complete outstanding child death reviews.

They should, however, seek to **complete these reviews as soon as possible and in the case of outstanding SCRs, no later than six months from the date of the decision to initiate a review. LSCBs must complete all child death reviews by 29<sup>th</sup> January 2020 and all SCRs by 29<sup>th</sup> September 2020 at the latest.**

- 4.3 **From 29<sup>th</sup> June 2018, the Child Safeguarding Practice Review Panel (“the Panel”) may commission and publish national reviews** of serious child safeguarding cases which they consider are complex or of national importance.
- 4.4 **From 29<sup>th</sup> June 2018, local authorities are required, under a new statutory duty, to notify the Panel of incidents** where they know or suspect that a child has been abused or neglected and the child has died or been seriously harmed.
- 4.5 **LSCBs must continue to carry out all of their statutory functions**, including commissioning SCRs where the criteria are met, **until the point at which safeguarding partner arrangements begin to operate** in a local area.
- 4.6 Before safeguarding partner arrangements begin to operate in a local area, **LSCBs should plan how and when to hand over all relevant data and information they hold to the safeguarding partners**. In doing so, they should **comply with the Data Protection Act 2018 and the General Data Protection Regulation, and provide a clear audit trail** including any decisions on SCRs which are outstanding at the time of handover.
- 4.7 **LSCBs should ensure the retention of pertinent historical records**, including (for example) any that might be relevant to the Independent Inquiry into Child Sexual Abuse. **They should also pass on copies of these to the new safeguarding partners for their area.**
- 4.8 **SCRs and REVIEWS**

Edward Timpson, Chair of the Child Safeguarding Practice Review Panel says [here](#):

*“in the first six months our focus will be on working with you to make sure that we develop a system which is dynamic and effective as well as one which secures the timeliness we all appreciate is required. As a result, Working Together 2018 does not set timescales for conducting rapid reviews or the Panel response – these will be set out in practice guidance the Panel intends to issue once we have tested our approach and agreed how the system should best operate. We expect to be in a position to agree these revisions with Government following discussion with our key partners in six months’ time.*

**From 29<sup>th</sup> June 2018 we expect Local Authorities to notify the Panel of any serious incident within five working days; and,**

**Safeguarding Partners, or Local Safeguarding Children Boards where the new partnership arrangements are not yet in place, to undertake a rapid review into all serious child safeguarding cases promptly and complete this within fifteen working days of becoming aware of the incident. The Panel will be meeting every two to three weeks from July to December and we will aim to respond promptly with a decision on the majority of cases within fifteen working days of a rapid review being received.”**

**In the 12 month grace period the LSCB may not commission any further SCRs or continue with any other former activities.**

**While the LSCB remains in existence in the local area, the local authority should report to the LSCB any child safeguarding incidents which they are notifying to the Panel. They should do this within five working days of becoming aware that the incident has occurred.**

**When a serious incident becomes known to the LSCB, the LSCB should promptly undertake a rapid review of the case. The aim is to enable the LSCB to:**

- Gather the facts about the case, as far as they can be readily established at the time
- Discuss whether any immediate action is needed to ensure children’s safety and share any learning appropriately
- Consider the potential for identifying improvements to safeguard and promote the welfare of children
- Decide what steps they should take next, including whether to commission an SCR

As soon as the rapid review is complete, the LSCB should send a copy to the Child Safeguarding Practice Review Panel. They should also share with the Panel any thoughts they have had on whether the case may raise issues which are complex or of national importance such that a national review may be appropriate, and on whether they plan to carry out an SCR. They may also do this if, during the course of an SCR, new information comes to light which changes their judgment and suggests a national review may be appropriate.

If the Panel does decide to undertake a national child safeguarding practice review, the LSCB should take this into account when making a final decision on whether to undertake an SCR of any case covered by a national review.

If an SCR is not completed or not published by the end of the grace period, the LSCB must pass the complete but unpublished SCR or where it has not been completed, all information relating to the review (which should include learning arising from it), to the safeguarding partners, the Child Safeguarding Practice Review Panel and DfE.

Safeguarding partners are not required to publish completed but unpublished SCRs. However, they may do so, if they agree this is appropriate. In the interests of clarity, they should make clear that the review was commissioned and approved by the former LSCB.

In all cases, safeguarding partners should ensure that their arrangements to work together to identify and respond to the needs of children in the area include provision to consider what improvements to practice can be made, based on information from SCRs. It should be made clear in the arrangements that this provision is applicable whether the SCRs are published, complete but unpublished or still incomplete at the point of transition to the new safeguarding partner arrangements.

The Panel should inform the relevant LSCB promptly following receipt of the rapid review if they consider that: a national review is appropriate, setting out the rationale for their decision and next steps and whether further information is required to support the Panel's decision-making. If the Panel decides to undertake a national review they should discuss with the LSCB the potential scope and methodology and how they will engage with them and those involved.

#### 4.9 Child Deaths

Before new child death review arrangements begin to operate in a local area, LSCBs should pass copies of all relevant data to the child death review partners.

Where any child death reviews have not been completed at the point the new child death review arrangements begin to operate, the LSCB has **up to four additional months** to complete those reviews. **The latest date for completion is 29<sup>th</sup> January 2020.**

**Child death review partners should publish their arrangements, and should notify NHS England when they have done so, at [England.cypalignment@nhs.net](mailto:England.cypalignment@nhs.net). At the end of the 12-month period, or at any time before, child death review partners have up to three months to implement the arrangements.**

If the child death review partner arrangements are in place and ready to operate before the safeguarding partner arrangements for a local area, **the child death review partners may begin child death reviews and their analysis of information from them, without waiting for the safeguarding partner arrangements to begin.**

**Child death review partners should consider any incomplete child death reviews passed to them by former CDOPs, and take appropriate action.**

#### 4.10 Arrangements

Safeguarding partners have up to 12 months, from 29<sup>th</sup> June 2018, to agree their local arrangements and which relevant agencies they consider appropriate should work with them to safeguard and promote the welfare of children in their area.

Safeguarding partners must publish their arrangements, and should notify the Secretary of State for Education when they have done so, by sending the published link to [safeguarding.reform@education.gov.uk](mailto:safeguarding.reform@education.gov.uk). They should also notify the chair of the relevant LSCB(s). They must have published their arrangements by 29<sup>th</sup> June 2019, but may do so at any time before the end of that period.

Following publication of their arrangements, safeguarding partners have up to three months from the date of publication to implement the arrangements. The implementation date should be made clear in the published arrangements. **All new local arrangements must have been implemented by 29<sup>th</sup> September 2019.**

#### 5.0 OTHER PARTS of WT18 OF RELEVANCE TO LSCBs/MASAs

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In addition to Chapter 3 of WT18 directly relating to LSCBs/MASAs, all other sections should also be considered by partnerships – it is not possible to cover those 100+ pages here, so AILC has initially identified the following for LSCB/MASA attention;

- 5.1 **Assessing need**, including **Thresholds**, referrals, assessments, investigations, conferences. LSCBs/MASAs should note that in this section (not Chapter 3), it states re **thresholds**:
- “The safeguarding partners should publish a threshold document, which sets out the local criteria for action in a way that is transparent, accessible and easily understood, to include:*
- *The process for the early help assessment and the type and level of early help services*
  - *The criteria, including the level of need, for when a case should be referred*
  - *Clear procedures and processes for cases relating to abuse, neglect and exploitation of children; children managed within the youth secure estate; disabled children”*
- 5.2 **Organisational responsibilities including S11** requirements are noted for all agencies to have;
- A clear line of accountability for services to safeguard
  - A senior board level lead to take responsibility for safeguarding
  - A culture of listening and taking into account children wishes and feelings
  - Whistle blowing, and Escalation procedures
  - Information sharing processes
  - Designated/named practitioner with role description in JD
  - Safe Recruitment practices
  - Supervision and support for staff including safeguarding training, mandatory safeguarding induction and regular reviews
  - A culture of safety, equality and protection
- 5.3 **People in Positions of Trust - Local authorities should have designated a particular officer, or team of officers** (either as part of local multi- agency arrangements or otherwise), **to be involved in the management and oversight of allegations against people who work with children. Any new appointments** to such a role, other than current or former designated officers moving between local authorities, **should be qualified social workers.**
- 5.4 A new section of **Contextual Safeguarding** (Chapter 1, para 34) remains in the final version. This section clearly states that **‘interventions should focus on addressing...wider environmental factors’** that are identified during assessment – signalling the need for intervention plans that target contexts as well as the young people such contexts affect.
- 5.5 **Improving CP and Safeguarding Practice** - this section is all about **reviews**, much of which is covered in this briefing above in SCRS/REVIEWS, and in summary:
- **The responsibility for how the system learns the lessons from serious child safeguarding incidents lies at a national level with the Child Safeguarding Practice Review Panel (the Panel) and at local level with the safeguarding partners.**

- The Panel is responsible for identifying and overseeing the review of serious child safeguarding cases, which, in its view, raise issues that are complex, or of national importance.
- **Locally, safeguarding partners must make arrangements to identify and review serious child safeguarding cases, which, in their view, raise issues of importance in relation to their area.** They must commission and oversee the review of those cases, where they consider it appropriate for a review to be undertaken.

**5.6 Child Deaths** – as referred to above in Transitional Guidance, this **responsibility now passes to child death partners (LA and CCG).** There is a useful Flowchart at page 97, with links to the National Child Mortality Database.

## **6.0 SOME THOUGHTS TO PROMOTE REFLECTION**

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- Changes as a result of the consultation do not appear at this point to be significant
- The issues around balancing less prescription with a more permissive local approach variously configured in terms of footprint and functions are likely to be important in a) determining the end result and b) the extent to which these new arrangements are consistent across the country
- The previous importance of inspection as a form of feedback and a driver for improvement is likely to change, but new arrangements may want to consider how they address and respond to this kind of feedback over and above the JTAI inspection stream, noting that most inspections (from whatever source) either directly or indirectly address safeguarding
- Whilst statutory guidance may not address the softer elements of successful partnership arrangements and safeguarding generally, the reluctance to address issues around funding, conflicts of interest and how the new arrangement will achieve a clear position and relevant autonomy will disappoint some. This may suggest a need to consider issues over and above form, footprint and function
- The Association is looking forward to working with NCB in their role supporting and evaluating the early adopter projects being funded, especially in regard to consistency of approach and solutions to common challenges, as well as how the impact of new arrangements can be assessed
- The Association is already receiving enquiries from members especially in relation to overlap of new arrangements and their current role and responsibilities e.g. commissioning and decision making re reviews, transfer of governance links re CDOP. It is likely more issues will emerge
- In relation to SCR's and new reviews the guidance does not address the decision making process for the new arrangements in any detail and the Association hopes to engage with the new National Panel to explore how the accumulated expertise and experience of the present system can help shape new arrangements at a national and a local level
- The Association maintains the view that exploring and better understanding the nature of "independent scrutiny" arrangements is likely to be a significant part of the process and outcomes. The guidance does little to provide indications of how the inherent tensions and conflicts of interests should be managed in assessing matters around multi-agency practice and joint working
- New approaches and forms are implicit in the guidance, and our experience from the early adopters suggests that the need to attend to the impact of austerity may also be an influential variable that the new arrangements may want to formally acknowledge
- It is interesting to note that the requirements of Section 11 remain in place for all organisations, but there is no indication that the new arrangements should take account of this. The Association feels that it may be helpful to acknowledge the current levels of investment in Section 11 arrangements and the role these can play in promoting effective safeguarding, when local arrangements are being considered
- It is disappointing that there is little acknowledgment in the guidance to the role played by the current frameworks introduced as a result of the Munro Report in 2103 (Learning and

**Improvement and Performance Management and Quality Assurance) - these have provided the basis for how present arrangements have approached understanding and forming a view of the quality and impact of joint working arrangements.**

- **The early evidence suggests that in moving from arrangements focused on prescribed functions, on the basis of a status and positioning as a partnership that reflects an independent source of scrutiny, feedback and assurance, new arrangements will have to think carefully as to how any functions and frameworks they choose to carry forward translate into the new arrangement**

***Sarah Webb  
Richard Burrows  
Dated***

***AILC Policy Adviser  
AILC Vice Chair  
25<sup>th</sup> July 2018***