



HM Government

# **Changes to statutory guidance: Working Together to Safeguard Children; and new regulations**

**Government consultation response form**

**Launch date 25 October 2017**

**Respond by 31 December 2017**

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## Issue date

The consultation was issued on 25 October 2017

## Deadline

The consultation closes on 31 December 2017

## Enquiries

If your enquiry is related to the policy content of the consultation, you can contact:

[WorkingTogether2017.consultation@education.gov.uk](mailto:WorkingTogether2017.consultation@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [consultation.unit@education.gov.uk](mailto:consultation.unit@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](http://GOV.UK DfE consultations).

## The response

The outcome of the consultation and the government's response will be [published on GOV.UK](#) in due course.

# Introduction

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**What is your organisation?**

**What is your email address?**

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**Yes**

**No**

**Reason for confidentiality**

# 1. Revisions to Chapter Three: Multi-agency safeguarding arrangements; and new regulations on relevant agencies

## Question 1: Leadership

As set out in paragraph 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

No

**If no, please explain why.**

## Question 2: Relevant Agencies

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

No

**If no, please explain why.**

**Should any agencies be added or removed?**

### Question 3: Schools and other educational partners

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

No

**Please explain your answer**

### Question 4: Independent Scrutiny

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

No

**If no, please explain why.**

### Question 5: Funding

Paragraph 24, of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018,

### Question 5: Funding

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?**

Yes

No

**If no, please explain why.**

### Question 6: Reporting

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?**

Yes

No

**If no, please explain why.**

### Question 7: Threshold document

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?**

Yes

No

**If no, please explain why.**

## 2. Revisions to Chapter Four: Learning from serious cases; and new regulations on local and national reviews

### Question 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**



**Question 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

No

**If no, please explain why.**

**Question 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**

### Question 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?

Yes

No

**If so, please provide details below.**

### 3. Revisions to Chapter Five: Child death reviews

#### Question 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

No

**If no, please explain why.**

#### Question 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

No

**If no, please explain why.**

### Question 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?**

Yes

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**

### Question 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 (see Appendix 4 of the Child Death Review Statutory Guidance). We propose that CDOP administrators should 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**

### Question 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?**

Yes

No

**Are the suggested approaches for each of these appropriate and workable?**

Yes

No

**If no to either or both of these questions please explain why.**

### Question 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?**

Yes

No

**If no, please explain why.**

## 4. Transitional arrangements

### Question 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

No

**If no, please explain why.**

### Question 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

No

**If no, please explain why.**



**Question 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

No

**If no, please explain why.**

**Any other comments**

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



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