



Department
for Education

Consultation Response Form

Consultation closing date: 3 February 2015

Your comments must reach us by that date

Working together to safeguard children: revisions

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

The purpose of this consultation is to seek views about three substantive changes to the statutory guidance Working Together to Safeguard Children, 2013. The intention is to make only the changes set out here, together with some additional updates and clarifications, in particular amendments to legislation resulting from the Children and Families Act 2014.

Following this consultation, the government proposes to update and replace the current statutory guidance Working Together to Safeguard Children revised and published in 2013.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Chloë Cockett	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of organisation (if applicable): The Who Cares? Trust	

Address: 15-18 White Lion Street, London, N1 9PG

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

Please specify the category which best describes you as a respondent. If other, please specify.

<input type="checkbox"/> Local Safeguarding Children Board	<input type="checkbox"/> Local authority	<input type="checkbox"/> School
<input type="checkbox"/> Social worker	<input type="checkbox"/> Health sector	<input type="checkbox"/> Police
<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Child/Young person	<input checked="" type="checkbox"/> Voluntary and community sector
<input type="checkbox"/> Barrister/Solicitor/Law group	<input type="checkbox"/> University/FE provider	<input type="checkbox"/> Consultant/Adviser
<input type="checkbox"/> Non-departmental body/association	<input type="checkbox"/> Trade union	<input type="checkbox"/> Other

Please Specify:

1 Do you agree that allegations against people who work with children should be routed through children's social care, so that they are dealt with alongside child welfare concerns in a coordinated manner?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
------------------------------	--	-----------------------------------

Comments:

The role of the LADO and those who deal with child welfare concerns are different and as such we do not think that these concerns should be dealt with by the same team, or first point of contact. We think that this change does not need to happen for concerns to be dealt with in a co-ordinated manner.

We are also very concerned that child protection teams are already stretched and by increasing their workload and responsibilities, this will put additional pressure on already very busy staff doing very important work.

The LADO offers advice to staff and organisations and needs to have specific knowledge about HR policies and working with professionals and volunteers. It is very important that this knowledge and expertise is not lost by amalgamating responsibilities and creating one single role. In addition, the LADO also has to ensure that cases are dealt with in a consistent and fair manner (including for those facing allegations). If the officer or team is also responsible for the welfare of the child we are concerned that this could potentially lead to difficulty in the staff being able to remain objective.

We are concerned that if an allegation is made against children's social care staff, either in a professional capacity or in a voluntary capacity, that it may be difficult for the designated officer/team to maintain objectivity and investigate the allegation without bias. Where teams are based in the same office, work closely together and develop relationships, there is potential for this to happen.

2 Do you agree that the officer or officers managing allegations against those who work with children should be qualified social workers? Please explain your answer.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
------------------------------	-----------------------------	--

Comments:

If the role is a role that is working directly children then yes, those who do so should be qualified social workers.

However, if the role does not involve working with children and young people, then we would consider that it is sufficient for officers to be able to draw on the expertise and support of qualified social workers from within the local authority if necessary.

3 Are there any aspects of the revised text in this area that you think could be made clearer? If so, please explain why and suggest how the text could be improved.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
---	-----------------------------	-----------------------------------

Comments:

There is no reference to how to react to children who are making allegations against other children, for example allegations of peer to peer abuse in schools. Guidance should be clear for professionals about the action that they should take in such situations.

The current wording and guidance refers to people who work directly with children. However, we know that children can be abused by adults in position of trust or power who come into contact with children, but who do not work directly with them. We would like to see this amended in guidance so it is clear that it applies to all who may be in contact with children.

4 Do you agree that the addition to Chapter 4 of guidance on notifiable incidents makes the essential requirements clear - so all organisations know what they are required to do? If not, please explain why and how you think the guidance in this section should be made clearer.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
------------------------------	--	-----------------------------------

Comments:

As the guidance stands, it is not clear enough as to when a SCR must be commissioned. It would be helpful to have clear examples, including of when not to commission a SCR.

5 Do you agree that the addition to Chapter 4 guidance on the definition of serious harm will support LSCBs in determining whether or not serious harm has occurred? If not, please explain why and how you think the guidance in this section should be made clearer.

Yes

No

Not Sure

Comments:

Paragraph 5) This is unclear because while it lays out a list of cases where serious harm will have occurred, it then goes on to state that the definition is not exhaustive.

While we appreciate that writing a definitive list is not possible, we suggest that there is some guidance to LSCBs and others reading the guidance as to where they can go if they are unclear and need more support.

For instances of neglect, there can be more than one incident, which do not individually meet the threshold, but if considered together as a pattern of behaviour and the cumulative effects considered, would be considered 'serious harm'. We therefore suggest that cumulative effects are explicitly included within the definition.

It is not clear what is meant by long term, and it can be difficult to determine whether long term harm has occurred within the short timescales of deciding whether to commission a SCR. The effects of abuse and neglect on children may become more apparent as a child grows up. We would suggest that 'potential' is included so that any potential long term harm would trigger a SCR.

The current definition does not enable systemic failure to be picked up. For example, children may be significantly, but not seriously harmed due to systemic failure, but because these incidents may be isolated and not 'serious', any systemic failure will not be picked up.

Serious Care Reviews are also meant to be undertaken when near misses occur. However, with the requirement that a serious impairment has to have been sustained at the time of the incident, this means that near misses will not be identified and investigated. We therefore refer back to our earlier point and suggest that 'potential or actual' is included within the definition to ensure that SCRs will be commissioned where near misses have occurred.

Paragraph 7) It is unclear how the LSCB would be able to be clear that there are no concerns about inter-agency working without undertaking a SCR. We therefore suggest that a SCR must be commissioned, even if the LSCB considers that there are no concerns about inter-agency working. In addition, we are not clear what the definition of 'being considered' is, and would like to see this explained in guidance.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	x
Email address for acknowledgement: chloe.cockett@thewhocaretrust.org.uk	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key consultation principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy

- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected
-

Completed responses should be sent to the address shown below by **3 February 2015**.

Send by post to:

John Leppard
Department for Education
Floor 1, Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Send by email to: WorkingTogether2015.CONULTATION@education.gsi.gov.uk

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Co-ordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.