
Children's Commissioner response to Working Together to Safeguard Children Consultation Response

September 2023

The Children's Commissioner has submitted the following response to the recent consultation on changes to be made to 'Working Together to Safeguard Children' statutory guidance. The following are the responses to the specific questions asked in the consultation response.

Is there anything else you want to comment on in Multi-agency safeguarding arrangements? In your feedback, please highlight what your comment relates to i.e. roles and responsibilities, partnership chair, relevant agencies, VCSE, accountability.

The Children's Commissioner welcomes the greater focus on involvement of education in multi-agency safeguarding arrangements – it is essential that education does become the fourth statutory safeguarding partner. However before this happens this guidance could go further in setting out expectations in how nurseries, schools, colleges and AP settings should engage with safeguarding arrangements.

The guidance should include a best practice guide for establishing local forums for bringing together designated safeguarding leads of settings, and nominating representatives to be included in both the strategic and operational decision making boards. These forums must be appropriately resourced so that all schools can participate.

There is still further to go in making sure that relevant agencies are able to effectively work together. The consultation notes the many different local arrangements in place which will address some of the key issues for children and families. The Children's Commissioner wants to see greater streamlining of funding, accountability and performance frameworks so that these arrangements are focused more coherently on the needs of families and children, not services.

Is there anything else you want to comment on in Help and support for children and families? In any feedback, please highlight what your comment relates to i.e. early help, family networks, section 17, support for disabled children.

The Children's Commissioner welcomes the focus on attendance as a potential indicator of need, but would like to see a greater emphasis placed both on how attendance issues can be a flag of need and how children's social care partners should focus on improving school attendance in support plans. To help make this a reality 'Working Together to Improve School Attendance' should be included as an annex to this guidance.

The Commissioner would particularly like to see more guidance about tailored approaches to safeguarding older children and teenagers, where attendance issues and the role of schools and colleges will be particularly important.

The Commissioner would like to see greater clarity about how the primary need and purpose of an assessment will shape how the assessment is completed. In particular, the purpose of an assessment and the nature of a plan will be quite different for children who are referred because of a disability and children who are referred for a safeguarding reason. Currently some of the guidance about how assessments should be conducted, and how progress can be monitored – by considering how much improvement parents and carers have made - would not be relevant to disabled children's plans.

The Commissioner is concerned about the changes in support for children in receipt of help under section 17 of the Act. The changes to guidance to clarify that a 'lead practitioner' rather than a social worker can hold child in need cases runs a risk of concentrating social worker resource purely on child protection cases, when child in need cases can often be just as complex and benefit from experienced and professional leadership. If this change goes ahead, much greater clarity is required about when a social worker should have to be involved in the case – for example by setting clear plan review time periods and clarifying that a social worker has to approve the decisions made.

The Commissioner would like to see much greater guidance on the use of s17 support in general – including consistent thresholds for support across the country, as set out in her independent Family Review.

This section includes a note that when a child has nowhere to live they should be accommodated under s20. It would be helpful to include wording to clearly state that this includes any child aged 16 or 17 who presents as homeless. While the joint DfE/DLUCH guidance is referenced further on, our research which is soon to be published shows that too many children are still being accommodated under housing legislation or s17 rather than s20. Clear guidance within Working Together could help address this.

There are several references to the involvement of advocates in assessment and decision making, particularly for decision making. The Commissioner would welcome greater clarity on children's entitlements to advocacy, and what practitioners should do to ensure that an advocate is available and involved in appropriate ways.

The Commissioner welcomes the focus on a whole family approach, as set out in the independent Family Review, but would welcome more examples of what whole family working looks like in terms of assessment and practice – such as ensuring that adult substance abuse services ask about children in the family, for example. This should also ensure that there are more consistent thresholds between difference services – to avoid circumstances where children's services may identify a family risk that requires support for an adult, but adults services do not consider the adult requires support.

While the Commissioner welcomes the focus on providing Family Group Conferencing, the definition may benefit from acknowledging that a family will need independent support for a successful conference.

Is there anything else you want to comment on in Decisive multi-agency child protection? Please indicate what your comment relates to i.e. improving multiagency responses to child protection, multi-agency practice standards for child protection, harm outside the home.

The focus on extra-familial harm is welcome. It would be particularly welcome if this section focused on the heightened risk that unaccompanied children seeking asylum may face in this regard. In addition, although the Commissioner acknowledges that the term 'teenage relationship abuse' is the term used in the Domestic Abuse guidance, it is not a helpful term. Children under the age of 13 can and do experience abuse in their own relationships, and this term risks minimising that fact.

Is there anything else you want to comment on in Learning from serious child safeguarding incidents?

The Children's Commissioner believes that the data on deaths of care leavers should be mandated for collection within this guidance, even without legislative change.