

Key provisions introduced in Working together to safeguard children 2018, and updates added in 2020

Statutory guidance on inter-agency working to safeguard and promote the welfare of children in England

December 2020

Introduction

This Department for Education (DfE) statutory guidance sets out what organisations and agencies who have functions relating to children must and should do to safeguard and promote the welfare of all children and young people under the age of 18 in **England**. The 2018 edition replaced Working Together to Safeguard Children (2015).

This briefing highlights the key provisions in the Department for Education statutory guidance **Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children (PDF)** introduced in 2018; and sets out updates made in 2020 in relation to: information sharing, homelessness duty, references to domestic abuse and child mental health.

Please note that, despite updates made in December 2020, the online version of the guidance continues to be dated July 2018.

Key updates to Working together to safeguard children introduced in 2020

The December 2020 updates to Working together to safeguard children includes additional guidance covering:

- information sharing: the guidance clarifies that the Data Protection Act 2018 and General Data Protection Regulations (GDPR) do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.
- homelessness duty: the guidance includes a new section on the homelessness duty. This duty requires public authorities – including social services functions like early help, leaving care and child protection - to refer any service users they consider to be homeless, or threatened with homelessness, to a housing authority.
- domestic abuse: the updated guidance expands the list of potential threats to children and young people's safety to include domestic abuse, including controlling or coercive behaviour. It states that practitioners should continue to expand their understanding of domestic abuse and the impact it has on children. Definitions of domestic abuse and controlling or coercive behaviour have also been added to the glossary.
- child mental health: the updated guidance states the importance of staff awareness in schools that mental health problems can be an indicator that a child has suffered abuse, neglect or exploitation.

Key additions to Working together to safeguard children published in 2018

Assessing need and providing help

The guidance highlighted specifically that "practitioners should, in particular, be alert to the potential need for early help for a child who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- is a young carer

- is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is a privately fostered child".

The 2020 update adds "having a parent/carer in custody" to this list.

The guidance also included:

- a new section on referral highlighting that anyone with a concern about a child's welfare should make a referral to local authority children's social care
- a myth busting guide to information sharing
- a new section on assessment of disabled children and their carers; young carers; children in secure youth establishments;
- a new section on contextual safeguarding (renamed Assessment of risk outside the home in the 2020 update).

Organisational responsibilities

The 2018 guidance included for the first time a section on "people in positions of trust" highlighting that "organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children".

Other changes include:

- specified that the guidance applies in its entirety to **all schools**
- introduced a requirement that **early years and child care** settings must have and implement a policy and procedures to safeguard children
- introduced a section on **designated health professionals**
- introduced a section on **children's homes**
- introduced a section on **Multi-Agency Public Protection Arrangements (MAPPAs)**
- highlighted that all practitioners working in **voluntary, charity, social enterprise, faith-based organisations and private sectors** who are working with children and their families are subject to the same safeguarding responsibilities, whether paid or a volunteer. Also highlighted that, "charity trustees are responsible for ensuring that those benefiting from, or working with, their charity, are not harmed in any way through contact with it".

Multi-agency safeguarding arrangements

Local Safeguarding Children Boards (LSCBs) were replaced by “safeguarding partners” in the 2018 guidance.

The three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.

The geographical footprint for the arrangements is based on local authority areas. Every local authority, clinical commissioning group and police force must be covered by a local safeguarding arrangement.

Safeguarding partners

- 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 including from serious child safeguarding incidents.
- To fulfil this role, the three safeguarding partners must set out how they will work together and with any relevant agencies.
- All three safeguarding partners have equal and joint responsibility for local safeguarding arrangements.

Relevant agencies

Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider is required to safeguard and promote the welfare of local children. For local arrangements to be effective, they should engage organisations and agencies that can work in a collaborative way to provide targeted support to children and families as appropriate. The safeguarding partners must set out in their published arrangements which organisations and agencies they will be working with to safeguard and promote the welfare of children.

Schools, colleges and other educational providers

- All schools, colleges and other educational providers have duties in relation to safeguarding children and promoting their welfare.
- 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 safeguarding arrangements.
- local safeguarding partners are expected to name schools, colleges and other educational providers as relevant agencies.

- Once designated as a relevant agency, schools and colleges, and other educational providers, in the same way as other relevant agencies, are under a statutory duty to co-operate with the published arrangements.

Local and national child safeguarding practice reviews

The guidance set out the process for new national and local reviews. The responsibility for how the system learns the lessons from serious child safeguarding incidents moved at the national level to the Child Safeguarding Practice Review Panel (the Panel) and at the local level to the safeguarding partners. The Child Safeguarding Practice Review Panel considers all notifications of serious incidents.

Child Safeguarding Practice Review Panel

- 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.
- The Panel must decide whether it is appropriate to commission a national review of a case or cases
- The Panel set up a pool of potential reviewers who can undertake national reviews, a list of whom must be publicly available.

Local safeguarding partners

- Local 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.
- A copy of the rapid review should be sent to the Panel who decide on whether it is appropriate to commission a national review of a case or cases.
- The safeguarding partners are responsible for commissioning and supervising reviewers for local reviews.

Information on the rapid review process and criteria, and guidance safeguarding partners must consider is also included in the 2018 guidance.

Child death reviews

The guidance replaced the requirement for LSCBs to ensure that child death reviews are undertaken by a child death overview panel (CDOP) with the requirement for "child death review partners" (consisting of local authorities and any clinical commissioning groups for the local area) to make arrangements to review child deaths.

The guidance specified that:

- “child death review partners may, if they consider it appropriate, model their child death review structures and processes on the current Child Death Overview Panel (CDOP) framework”
- there should be reviews of all deaths children normally resident in the local area and, if they consider it appropriate, for any non-resident child who has died in their area
- reviews have “the intention of learning what happened and why, and preventing future child deaths” and that “the information gathered ... may help child death review partners to identify modifiable factors that could be altered to prevent future deaths” (replacing the previous wording that set out that CDOPs should look to determine “whether the death was deemed preventable”).

Read the Department for Education guidance

Department for Education (2018) **Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children (PDF)**. London: Department for Education.

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722305/Working_Together_to_Safeguard_Children_-_Guide.pdf>

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