

**Report Title: Children and Social Work Act - Implications for the WSCB**

**Report Date: 26<sup>th</sup> September 2017**

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## **1.0 Background and Introduction**

1.1 The foundations of the Children and Social Work Act, insofar as it applies to Local Safeguarding Children Boards, lie in the Wood Review of LSCBs. The aim of the review was:

*‘To lead a fundamental review of the role and functions of Local Safeguarding Children Boards (LSCBs) within the context of local strategic multi-agency working. This will include the child death review process, and consideration of how the intended centralisation of serious case reviews (SCRs) will work effectively at local level’.*

1.2 The report, published on 26 May 2016 made a total of 34 recommendations, the chief of which – accepted by the Government – was the proposal to replace the existing statutory framework for LSCBs with a new statutory framework for multi-agency arrangements for child protection; to require all areas to move towards new multi-agency arrangements; to require the three key agencies (health, police and local authorities) to design multi-agency arrangements for protecting children, and to work together on key strategic issues; to place an expectation on schools and other relevant agencies involved in the protection of children to co-operate with the new multi-agency arrangements; to end the existing system of serious case reviews, and replace it with new national learning framework overseen by a new independent body; and to transfer national oversight of Child Death Overview Panels from the Department for Education to the Department of Health.

1.3 The changes required legislation and was introduced in the House of Lords as the ‘Children and Social Work Bill’ in May 2016.

## **2. Children and Social Work Act**

2.1 The Children and Social Work Act received Royal Assent on the 27<sup>th</sup> April 2017. The Act was introduced to make provision about looked after children; to make provision in relation to the welfare of children; and to make provision about the regulation as social workers. The Act aims to:

- improve support for looked after children in England and Wales especially for those leaving care
- enable better learning about effective approaches to child protection and care in England
- establish a new regulatory regime for the social work profession in England

2.2 As well as the central provisions the Act also introduces changes which have major implications for LSCB’s, including making provision for new local safeguarding arrangements; replacing Serious Case Reviews and reforming Child Death Overview Panels. The Act also contains important proposals on social work regulation through creation of a new organisation called Social Work England who will take over regulatory responsibility from the HCPC and the statutory inclusion of PHSE in schools and other clauses.

2.3 The controversial 'different ways of working' provisions were dropped by the government at the report stage.

2.4 As the Act received Royal Assent immediately prior to the dissolution of Parliament it was published without any accompanying guidance or a timetable for implementation.

### 3. Children Looked After

3.1 In respect of children looked after the Act includes:

- corporate parenting principles to which local authorities must have regard
- local authorities in England must publish a Local offer for care leavers, providing information about services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living
- extension of local authority support to Care Leavers to age 25, including provision of Personal Advisers, assessment needs and preparation of a Pathway Plan
- educational achievement of previously looked after children - local authorities in England must make advice and information available for the purpose of promoting the educational achievement of previously looked after children educated in their area; schools must designate a member of the staff as having responsibility for promoting the educational achievement of previously looked after children
- additional considerations in relation to the permanence provisions which a court, when deciding whether to make a care order, is required to consider: the impact on the child concerned of any harm that he or she suffered or was likely to suffer; the current and future needs of the child (including needs arising out of that impact); the way in which the long-term plan for the upbringing of the child would meet those current and future needs;
- **schedule 1** - Placing children in secure accommodation elsewhere in Great Britain - **has come into force**. This allows local authorities in England and Wales to place children in secure accommodation in Scotland under the Children Act 1989

### 4. Implications for the WSCB

4.1 Key aspects of the Act relevant to WSCB are:

- *child Safeguarding Practice Review Panel*
- *local arrangements for safeguarding and promoting welfare of children*
- *child Death Reviews*

#### 4.2 Child Safeguarding Practice Review Panel – National Responsibility

- will replace the National Panel for SCR's
- panel will consist of chair and members appointed by the Secretary of State
- the functions of the panel are to:
  - identify *serious child safeguarding cases* in England which raise issues that are complex or of national importance, and
  - where they consider it appropriate to arrange for those cases to be reviewed under their supervision

- panel have responsibility for appointing reviewers
- reports should identify any improvements to be made by safeguarding partners or others to safeguard and promote the welfare of children
- reports should be published but panel can choose not to if they consider it appropriate
- *serious child safeguarding cases* means cases in which:
  - abuse or neglect of a child is known or suspected by a local authority or another person exercising functions in relation to children, and
  - the child has died or been seriously harmed
- LA's must notify the Child Safeguarding Practice Review Panel if:
  - the child dies or is seriously harmed in the local authority's area, or
  - while normally resident in the local authority's area, the child dies or is seriously harmed outside England

#### **4.3 Local Arrangements for Safeguarding and Promoting the Welfare of Children**

Local Safeguarding Children Boards, which have been the statutory multi-agency partnership for ensuring effective child protection and the promotion of the welfare of children, are to be abolished and there is considerable uncertainty at the moment about the locally determined arrangements that will replace them. There is likely to be a patchwork of different arrangements across the country. The so-called "exemption clauses" of the Act attracted much debate, and were eventually removed. The main provisions for this part of the Act are:

- abolition of LSCB's and replacement with other local arrangements
- local arrangements are the responsibility of the three statutory *safeguarding partners*:
  - the local authority
  - Merseyside Police
  - Wirral Clinical Commissioning Group
- the safeguarding partners are responsible for ensuring *relevant agencies* work together to safeguard and promote the welfare of children and young people
- The safeguarding partners must also:
  - publish arrangements to safeguard and promote the welfare of children
  - include arrangements for the scrutiny of the effectiveness of the local arrangements by an independent person
  - publish an annual report about the effectiveness of local safeguarding arrangements
  - ensure adequate funding and resourcing of the local arrangements is in place, including for staff, goods, services, review costs, accommodation and other resources
- Safeguarding partner areas may be combined to include two or more local authority areas

#### **4.4 Local Child Safeguarding Practice Reviews**

- the safeguarding partners are responsible:
  - (a) to identify serious child safeguarding cases which raise issues of importance in relation to the area, and
  - for those cases to be reviewed under the supervision of the safeguarding partners, where they consider it appropriate
- the purpose of the reviews is to identify any improvements that should be made by persons in the area to safeguard and promote the welfare of children

- the safeguarding partners must share the report with the Safeguarding Practice Review Panel and publish it unless it is considered inappropriate to do so

#### **4.5 Child Death Reviews**

- *child death review partners* (the local authority and Wirral CCG) are responsible for making arrangements to review each child death
- the child death review partners must also make arrangements to collect and analyse information about child deaths in their area relevant to the welfare of children in the area or to public health and safety, and to consider whether it would be appropriate for anyone to take action in relation to any matters identified
- the partners must also publish reports about what they have done as a result of the child death arrangements and how effective the arrangements have been
- the partners are responsible for funding and resourcing the child death arrangements including staff, goods, services and accommodation
- two or more local authority areas may agree that their areas be treated as a single area for the purposes of reviewing child deaths

### **5. Implementation**

5.1 Implementation of the Act is the responsibility of the Department for Education. Draft orders, regulations and the revised guidance for '*Working Together*' (plus anything else if it does not all come as one document) will be prepared in the **summer 2017** and will be sent out for **12 week consultation in the autumn**. The expectation of the Association of Independent LSCB Chairs is that local plans will be drawn up and agreed for implementation by no later than **April 2019** and perhaps as early as April 2018 in areas where new arrangements have been agreed.

### **6. Recommendations**

#### **For the WSCB:**

- Ensuring early conversations begin between the LA, CCG and Police about how they want safeguarding arrangements to be shaped in the future, including funding, resourcing and governance arrangements
- Consider whether arrangements will exist at the current single LA footprint level or whether a wider footprint area is preferred (and how Merseyside CDOP might continue)
- For the WSCB to participate in the consultation

#### **For the Overview and Scrutiny Committee:**

- To be aware of the planned changes and the implications for the WSCB and oversight of safeguarding
- To participate in the consultation and help shape future local arrangements

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