

Working Together 2013

The Government has recently issued new safeguarding guidance which represents a significant shift in the way that the child protection system will operate in England from April 15th 2013. The level of central prescription has been massively reduced with a greater emphasis now on local areas developing their own processes. This is in line with the Munro review of child protection (2011) which expressed concerns about unnecessary bureaucracy inherent in the child protection system, and which stressed the need to place greater trust and responsibility in front line professionals to make decisions.

Much of the good practice guidance from Working Together 2010 has been removed and instead local areas are advised to develop their own professional guidance for assessments informed by research evidence and the needs of children in that locality. We are extremely worried about the implications of this for children and their families, given that this could result in less efforts being made in many localities in effective partnership working with parents. There is a push in this guidance towards a narrow focus on child protection rather than an holistic approach to safeguarding and promoting children's welfare.

Chapter One of the guidance is of most direct relevance to children and families as it addresses 'Assessing need and providing help'

We specifically welcome the following:

- The emphasis on assessment of need and provision of early help – *'Providing help early is more effective in promoting the welfare of children than reacting later'* (para 1 page 11).
- Services being developed in response to local need *'Local agencies should have in place effective ways to identify emerging problems and potential unmet needs for individual children and families'* (para 3 pg 11).
- The statement that assessments must be clear about timescales, the action to be taken and services to be provided – this clarity will be helpful to the children and families involved. *Good assessments involve children and families, lead to action including the provision and review of services, and are transparent and open to challenge* (para 32 pg 19).
- The assertion of the need to respect the child's family structures, culture, religion, ethnic origins and other characteristics as promoted by the Children Act 1989.
- Some clear timescales so families know what to expect – for example that assessments shouldn't take longer than 45 days and that there should be a decision about response to referrals within 1 working day.
- Guidance (para 63) on what should be included in local protocols for assessment including the fact that they should
 - be timely, transparent and proportionate to needs of children and families,
 - have clear shared internal review points,

- ensure the child and family understands the type of help offered, and
- set out the process for challenge.
- It is helpful to remind social workers that families should be given information about advocacy agencies and told that they may bring an advocate, friend or supporter to the child protection conference. (pg 39)
- The clear statement that part of the purpose of the child protection plan is to *'support the family and wider family members to safeguard and promote the welfare of their child, provided it is in the best interests of the child.'* (pg 42)
- The clear requirements about the responsibilities of all the key agencies in safeguarding work, and the need for them to work together, most specifically detail about the responsibilities of the NHS Commissioning Board and police.
- The intention to strengthen the role of the Local Safeguarding Children's Boards and to ensure that serious case reviews are transparent and fit for purpose with a strong focus now on improvement rather than the conduct of individual professionals.

However Working Together 2013 remains a document very much focused on the activity of child protection rather than promoting the welfare of children in need, and we have serious concerns:

- Although the guidance refers to the importance of early help, the category of children in need remains undeveloped, and there is no mention of 'family support'. Specifically the loss of detail about working to engage families contained in the 'Framework for assessment of children in need and their families' (D of H 2000) means that there is a push in this guidance towards a narrow focus on child protection rather than an holistic approach to safeguarding and promoting children's welfare.
- We have serious concerns about the failure to mention the importance of the family and the local authority working in partnership when children are in need and/or at risk of harm. The rationale for partnership working with families has been lost - so although there is mention of the need to respect a family's race and culture etc this is not linked to the reasons why this is vital in ensuring full engagement of the family in the assessment process eg unlike in Working Together 2010, there is no mention of considering the family's need for an interpreter as soon as any assessment process begins. It is well established that partnership working is key to children at risk of harm being kept safe,¹ which is not surprising given that 93% of children on a child protection plan live with their families.² It is therefore the parents who are responsible for implementing the child protection plan on a daily basis. Family engagement is key to safeguarding. Yet the new guidance makes no mention of the need to ascertain parents' wishes and feelings in order to ensure they fully understand the assessment and planning process.
- There seems to be a significant shift away from a presumption of openness with families. For example in Working Together 2010 there was much more detail about the need for social

¹ DoH 1995 *Child protection messages from research* page 86

² DfE, Referrals, Assessment and Children and Young People on Child Protection Registers: Year ending 31 March 2009

workers to share the conference report with families before conference – ‘Where appropriate the parents and subject child should be provided with a copy of the report in advance of the conference. The contents of the report should be explained and discussed with the child and relevant family members in advance of the conference itself, in the preferred language(s) of the child and family members.’³ The new guidance states that the social worker should *share the conference information with the child and family beforehand (where appropriate)* and other professionals should only share their reports beforehand after discussion with police and conference chair. (pg 39 and 41)

- From the descriptor on page 40 and 41 there is no clear explanation that the initial child protection conference can decide that a child protection plan is not needed and there is no mention of the threshold for a plan or of the categories of abuse which previously served to remind professionals of the high threshold needed to meet requirements for child protection plan.⁴
- There is no specific guidance about the complex matter of safeguarding work with parents with an unborn baby. Research (Hodson 2011 and Ofsted 2011⁵) indicates that it is crucial that if concerns relate to an unborn baby then parents should be engaged at an early stage to ensure the most effective assessment and services in order to achieve the best outcome for the child – and it would have been helpful for more specific guidance on the timings of assessments, services and any initial child protection conference, rather than simply advising consideration of ‘*whether to hold a child protection conference prior to the child’s birth*’. (pg 40).
- Whilst we understand that local authorities must consider care proceedings when the child’s circumstances warrant it, we are concerned that fixing such consideration so explicitly within safeguarding guidance (pg 42 and 44) may mean that social workers and their managers consider an application to court but don’t fully review other effective ways of working with the family to explore safe family options to avoid proceedings (such as family group conferences or the use of an independent advocate). This point is demonstrated in reference to concerns about neglect. Social workers are rightly advised not to be over optimistic or to prioritise the needs of adults over the needs of children but we are extremely concerned about the terminology used regarding ‘*the need to rescue children from chaotic and abusive homes*. (para 46 pg 22)
- The document rightly emphasises that children’s needs must be paramount – ‘a child centred approach’. But we are concerned that the guidance treats children solely as individuals without sufficient reference to them being members of their family or community network.
- Parents are only mentioned as of concern in relation to their impact on their child, whereas they may need assistance in their own right as individuals, especially as many are subject to

³ Working Together 2010 5.93

⁴ We are aware that the threshold in flowchart 4 on page 35 states that a child protection plan is drawn up when the conference decides that a child is *likely to suffer significant harm*, and the categories of abuse are in the glossary on page 85)

⁵ Ofsted (2011) Ages of Concern: Learning Lessons from Serious Case Reviews. Report number 110080

Hodson A (2011) Pre-birth assessment in social work <http://eprints.hud.ac.uk/13037/1/ahodsonfinalthesis.pdf>

domestic violence, have learning difficulties, mental health problems or other vulnerabilities. Many women whose children are removed become pregnant again soon after, so failure to address their needs, will potentially also have negative consequences on their future children, at significant cost to the child and the state.

- Whilst the emphasis on providing early help is positive we would express caution about such help always being provided through '*effective evidence based services*' (para 13 pg 13). Early help can encompass a very wide range of practical supports for people which could have a significant impact for the whole family – eg lifts to hospital to visit a sick child. We are concerned that the guidance may reinforce the emphasis on time limited parenting programmes and reduce flexibility in the family support activities available.
- There is no specific mention of the importance of working with fathers, unlike in Working Together 2010 (pg 290). It is established in research that positive involvement of fathers can be a key contributor to good outcomes for children and yet too often fathers, particularly non resident fathers, are overlooked by social workers as a risk or as a resource to their children. (Ashley et al 2006, 2008 and 2011⁶). Children's Services often fail to systematically and consistently maintain contact details for fathers, assess fathers, invite them to meetings or involve them in planning for their children. Instead our child protection system is predominantly focused on the ability of the mother to protect the child, even when she is a victim herself of domestic abuse.
- There is no mention of the value of family group conferences in work with families as referenced in Working Together 2010, (page 284), and in our view this is a serious omission, not least because they are a key tool for exploring alternative family options in a time efficient way prior to care proceedings. In fact the use of a family group conference is even more important in the accelerated planning and decision making process as detailed in the Children and Families Bill which could squeeze out suitable family members as potential carers for children who are unable to live safely with their parents.
- There is a lack of detail about how partnership with parents may be supported by practitioners and their right to be engaged in the child protection process and most particularly the conference process, and there are significant omissions in the new Working Together 2013 compared to Working Together 2010 as detailed below:

⁶ Fathers Matter research by Ashley et al 2006, 2008 and 2011 <http://www.frg.org.uk/involving-families/fathers>

What is missing from Working Together 2013 that was in the previous safeguarding guidance about the child protection conference process.

- Parents will be invited to attend the conference, and the purpose of the meeting should be explained to parents, children and involved family members as appropriate.⁷
- The chair of the conference's responsibilities include meeting with parents in advance and ensuring that they understand the purpose of the conference and what will happen.⁸ Parents (including non-resident parents) should be "*helped to participate fully*"⁹ and their and the child's involvement should be planned carefully to help all concerned to express themselves to the best of their ability. "*Where the child/family members do not speak English well enough to understand the discussions and express their views, an interpreter should be used.*"¹⁰
- Parents should be helped in advance to think about what they want to say to the conference and how best to get their points across on the day, which might include providing their own written report.¹¹
- Parents should be provided with a copy of the social work conference report (unless this is inappropriate), and "*the contents of the report should be explained and discussed with the child and relevant family members in advance of the conference itself in the preferred language(s) of the child and family members.*"¹²
- The child protection plan should taken into account the wishes and feelings of the child, and the views of the parents, insofar as they are consistent with the child's welfare.
- As soon as possible after conference a copy of the record of the conference should be sent to those family members who attended or were invited to attend the conference (except for any part of the conference from which they were excluded). The main decisions of conference should be shared within one working day of the conference.¹³
- The core group is '*an important forum for working with parents,*

⁷ Para 5.8-5.88 *Working Together To Safeguard Children 2010*

⁸ Para 5.89 *Working Together To Safeguard Children 2010*

⁹ Para 5.65 *Working Together To Safeguard Children 2010*

¹⁰ Para 5.86 *Working Together To Safeguard Children 2010*

¹¹ Para 5.95 *Working Together To Safeguard Children 2010*

¹² Para 5.93 *Working Together To Safeguard Children 2010*

¹³ Para 5.112 *Working Together to Safeguard Children 2010*

*wider family members and children of sufficient age and understanding.*¹⁴ and its membership includes the social worker, the child (if appropriate), family members and professionals or foster carers who will have direct contact with the family.

- The parents should receive a written copy of the plan so that they are clear about who is doing what when and the planned outcomes for the child.¹⁵
- All parties should be clear about the respective roles and responsibilities of family members and different agencies in implementing the child protection plan. If the family members' preferences for the child protection plan are not accepted, the reasons for this should be explained and families should be told about their right to complain and make representations, and how to do so.¹⁶

¹⁴ Para 5.117 *Working Together to Safeguard Children 2010*

¹⁵ Para 5.127 *Working Together to Safeguard Children 2010*.

¹⁶ Para 5.125 & 5.127 *Working Together to Safeguard Children 2010*