



Department
for Education

Revised Safeguarding Statutory Guidance

Consultation Response Form

The closing date for this consultation is: 4
September 2012

Your comments must reach us by that date.

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.

Reason for confidentiality:

Name	Cathy Ashley
Organisation (if applicable)	Family Rights Group
Address:	The Print House 18 Ashwin Street London E8 3DL

If your enquiry is related to the policy content of the consultation you can contact the Department on 0370 000 2288 or email: workingtogether.consultation@education.gsi.gov.uk.

If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please indicate one category which best describes you as a respondent

<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"/> Other		

Please Specify:

The revision of statutory guidance is an important part of the reforms taking place across the child protection system. Your views on these documents are welcome.

Working Together to Safeguard Children

1 Does the draft guidance make the essential legislative requirements clear - so all organisations know what the law says they and others must do? If not, please explain why and how you think the guidance should be made clearer.

Yes

No

Not sure

Comments:

The guidance needs to explain the law on parental responsibility and who has authority in the child protection process to make decisions and plans for a child who is at risk of harm. See answer to Q2 below.

2 Are any key requirements missing? If yes, please say in the comment box what is missing and where it should be in the document.

Yes

No

Not Sure

Comments:

Both sections of the guidance (i.e. 'Working Together' and 'Managing individual cases') should clearly set out:

- the law on parental responsibility including who may have parental responsibility for a child; and
- that parental responsibility confers on the person with parental responsibility the right to make decisions about and agree plans for a child who is subject to safeguarding proceedings

This is necessary for two reasons:

1. The law: Parental responsibility is defined in s. 3 Children Act 1989 as being 'all the rights, duties, powers and responsibility which by law a parent has in relation to the child and his property.' Any person who has parental responsibility can exercise their right to make decisions about a child independently of anyone else with parental responsibility.

Mothers, most father and some other carers (for example family and friends carers with a residence or special guardianship order), have parental responsibility for children who are subject to safeguarding

proceedings¹. The local authority does not have parental responsibility at this stage unless they have successfully applied to court for an emergency protection or care order. Hence unless the authority has an order, the agreement of only one person with parental responsibility is required to any decisions about the child resulting from any child protection plan.

2. It is central to working in partnership and keeping children safe: This is not only confirmed by research evidence² (discussed further under Q7 below) but is also evidenced by the fact that 93% of children on child protection plans live at home with their families³. Hence the agreement of parents/another person with parental responsibility to the child protection plan is key because in the main it is they who are responsible for the child's day to day care.

3 Is the guidance clear enough on what Local Safeguarding Children Boards need to do to be effective? If not, please explain why.

Yes

No

Not Sure

Comments:

4 Please use this space for any other comments you would like to make

¹ S.2 CA 1989

² DoH, 1995, Child Protection Messages from Research, page 86

³ DfE, Referrals, Assessment and Children and Young People on Child Protection Registers: Year ending 31 March 2009

Comments:

Managing Individual Cases: the Framework for the Assessment of Children in Need and their Families

5 Will local frameworks for assessment, which are timely and transparent, allow professionals to exercise their judgment and respond in a way that is proportionate to the needs of children and their families?

Yes

x No

Not Sure

Comments:

We welcome steps that should enable professionals to focus on proportionality and a meaningful assessment and agree that,

- *'An assessment should be a continuous process, which has the needs of the child at the centre'* (para 1.4) and
- assessments must be *'informed by the child and their family members'* (para 1.6)

However we fear the impact of the removal of nationally prescribed practice standards, including any reference in the new guidance to children and families' race, culture and barriers to communication, alongside the absence of timescales in favour of an emphasis on local procedures. We are concerned this will result in drift and delay in some areas and a lottery in terms of how assessments and safeguarding procedures are conducted, the support available and how much information is available to help families understand the procedures to which their children are subject.

To address these shortcomings, we consider that this guidance needs to state explicitly that:

- There should be retained a maximum limit of 35 working days for a single assessment to take place. It is reasonable to expect that all authorities should be able to carry out a single assessment within this timescale.
- Local frameworks for assessment should involve telling the family specifically:
 - why there needs to be an assessment,
 - what is to be assessed,
 - how the assessment will be carried out

- who will be involved in the assessment (including both parents and child’s wishes and feelings)
 - when the assessment will be completed
 - if and when child protection enquiries are being commenced and why; and
 - as soon as s.47 enquiries begin, every family should be given information about local and national advice and advocacy organisations which specialise in giving advice to parents on child protection issues, what they can realistically expect, and how to challenge constructively.
- *“Issues of race and culture ...are integral to the assessment process. From referral through to core assessment, intervention and planning, race and culture have to be taken account of using an holistic framework for assessment.” (2.27 Framework for Assessment of Children in Need and their Families, 2000)⁴.*
 - Consideration be given as to whether an interpreter/sign language facilitator or other aid to enabling the child and family to fully participate in the assessment process and express themselves to the best of their ability.⁵
- These points are discussed further under Q7 below.

6 Do you think that having an internal review point for completing assessments within your local framework, will provide sufficient control to avoid unacceptable delays for children? If not, how best might such control be achieved?

Yes X No Not sure

Comments:

For the revised assessment system to work effectively, it is essential that the assessment process and decision making is transparent and accountable and that the process for challenge is clear. Thus, it will only be sufficient if the guidance explicitly:

- requires local authorities to inform and explain clearly to the family both verbally and in writing, how the internal review point/mechanism works and what they can do to challenge where appropriate;
- states that families should be given information about sources of independent advice and advocacy particularly where they wish to challenge – the rationale for this is discussed further under Q7 below; and
- requires that the single assessment is completed within a maximum of 35 working days.

7 Please use this space for any other comments you would like to make

⁴ Also see para 10.9-10.3 [Working Together To Safeguard Children 2010](#)
⁵ Also see para 10.7-10.8 [Working Together To Safeguard Children 2010](#)

Comments:

The three new documents which make up the revised safeguarding statutory guidance 2012 replace Working Together 2010 and the Framework for Assessment of Children in Need and their Families 2000. We understand the rationale for streamlining procedures and cutting back on bureaucracy.

Indeed we welcome:

- steps that should enable professionals to focus on proportionality and a meaningful assessment (Managing Individual Cases para 1.4 and 1.6)
- the clear guidelines about expectations for professionals to conduct interagency working which is grounded in the legislative framework. (Working Together guidance)
- the acknowledgement of the importance of early help for children (Working Together pt 7)
- the explicit statement that support should be provided where necessary without waiting for the end of an assessment. (Managing Individual cases para 1.25)
- the clear requirement for the lead social worker to ensure that services to families are delivered in a 'transparent and co-ordinated way' (Working Together page 12 pt 61)

However we are concerned that, if the guidance is published without amendment, it could result in vulnerable children being at greater risk of harm. The main issues which need to be addressed are as follows:

Children in need:

- From our experience of advising thousands of families involved in child protection processes each year, we know that many families ask for help when difficulties first emerge but report that they do not even get an assessment unless/until there are child protection concerns. In the new safeguarding guidance we are concerned by the loss of focus on children in need/family support, the removal of minimum standards on how assessments will be conducted and the removal of nationally applicable timescales. We fear that this may result in significant local inconsistencies, with many more children in need not getting the help they need when they first require it and ending up in child protection procedures as a result.
- The Framework for Assessment of Children in Need and their Families 2000 was incorporated into the previous Working Together document, and as such there was a very clear focus on children in need as well as those in need of protection within the safeguarding process. It was the task of the social worker to assess if the child was in need as well as assessing if the child was in need of safeguarding. *"Local Authority social services departments working with other local authority departments and health authorities have a duty to safeguard and promote the welfare of children in their area who are in need and to promote the upbringing of such children, wherever possible by their families, through providing an appropriate range of services. A critical task is to ascertain **with** (our emphasis added) the family whether a child is in need and how that child and family might best be helped. (Assessment Framework, 2000 pg viii).* This principle appears to now have been lost as the tone of the Managing Cases document is child protection focused. The preface is exclusively

focused on abuse and harm – it sets out a framework for managing cases when there are concerns about a child’s safety. Although section 2 of the document states that it sets out the process for assessment and decision making relating to individual cases of children in need and those suffering harm, the emphasis is very much on child protection cases.

- It has long been established by research that children are best protected when there is a continuum of service provision between family support and child protection, rather than focusing on isolated incidents of abuse⁶. As Lord Laming concluded in The Victoria Climbié Inquiry: “ *It is not possible to separate the protection of children from wider support to families... The needs of the child and his or her family are often inseparable*”⁷ Yet, despite there not being any new research evidence to the contrary, the new guidance fails to embed this principle.
- We entirely support the importance of screening children for risk of harm across a range of settings, for example para 1.3 (Managing individual cases) ‘*Understanding families and the experiences of children within them can be complex and signs of low level abuse and neglect may be misleading. Professionals working in universal services ...have a responsibility to identify the early signs of abuse and neglect...and work together to provide children with the help they need*’. However, we are concerned that the shift of emphasis in the new guidance away from family support towards child protection will be potentially detrimental to children. This seems to go much further than Professor Munro’s review of the child protection system intended⁸ and is worrying for two reasons:
 - a) There is a wide population of children in need who are not at risk of harm. For example, there are over 700,000 children with disabilities who may require family support services such as respite care, or additional assistance within the home – the vast majority of these children will never be in need of safeguarding, but do require services to promote their health and development.
 - b) The proposed new SEN provisions to support children who are assessed as needing support via an Education Health Care Plan^[5] overlooks children on school action and school action plus and fail to dovetail coherently with the support framework for children in need;
- Although we note that the guidance states that social workers should ‘*Inform, in writing, all the relevant agencies and the family of their decisions, and if the child is a child in need, of the plan for providing support*’. (p11), we are concerned that there this is no mention of

⁶ DoH, 1995, *Child Protection Messages from Research*

⁷ DoH, 2003, *The Victoria Climbié Inquiry: Report of an inquiry by Lord Laming*, Para 1.30

⁸ The very first paragraph of the Executive Summary to the consultation introductory document (<http://media.education.gov.uk/assets/files/pdf/r/revised%20safeguarding%20statutory%20guidance%20consultation%20document.pdf>) states that Professor Munro concluded that ‘the child protection system has become too focused on compliance and procedures’ (emphasis added).

- the term 'realistic plan of action' (as used in the current framework 2000 guidance (para 4.1)).
- We are aware that social work practitioners and managers from trial authorities report that the new approach to assessment timescales has led to earlier and more effective support to families. They attribute this in part to practitioners having more time to build relationships with family members leading to better assessment and provision of support even before the end of the assessment process. However in our view, it would be very unwise to rely entirely on this evidence as being indicative of the impact of the new approach if it were rolled out nationally, since these trial authorities are highly motivated and have been selected for their stable work forces and commitment to implementing the new approach effectively, not least because they are being monitored by the DfE. We would also point out that the evaluation did not address the perspective of the children and families.

To address these shortcomings, we consider that:

- It is essential that the emphasis in existing guidance (WT 2010 and Framework for Assessment) on children at risk of harm being considered as part of a wider group of children in need for whom effective support should be provided is imported into this guidance, otherwise many more children may be at risk of harm. As noted in WT 2010, *'Help and support to children in need and their families may prevent problems escalating to a point where a child is abused or neglected (para 5.7)*. Also it is clearly stated that *'the focus of the initial assessment should be both on the safety and welfare of the child...even if the reason for a referral was a concern about abuse or neglect that is not subsequently substantiated, a child and family may still benefit from support and practical help to promote a child's health and development (para 5.46)*.
- There should be retained a maximum limit of 35 working days for a single assessment to take place. It is reasonable to expect that all authorities should be able to carry out a single assessment within this timescale.
- Local frameworks for assessment should involve telling the family specifically:
 - why there needs to be an assessment,
 - what is to be assessed,
 - how the assessment will be carried out
 - who will be involved in the assessment (including both parents and child's wishes and feelings)
 - when the assessment will be completed
 - if and when child protection enquiries are being commenced and why; and
 - as soon as s.47 enquiries begin, every family should be given information about local and national advice and advocacy organisations which specialise in giving advice to parents on child protection issues, what they can realistically expect, and how to challenge constructively.

- “Issues of race and culture ...are integral to the assessment process. From referral through to core assessment, intervention and planning, race and culture have to be taken account of using an holistic framework for assessment.” (2.27 Framework for Assessment of Children in Need and their Families, 2000)⁹.
- Consideration be given as to whether an interpreter/sign language facilitator or other aid to enabling the child and family to fully participate in the assessment process and express themselves to the best of their ability.¹⁰

Partnership:

- 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 at risk of harm. As stated in answer to Q2 above, it is well established that partnership working is key to children at risk of harm being kept safe,¹¹ which is not surprising given that 93% of children on a child protection plan live with their families.¹² It is therefore the parents who are responsible for implementing the child protection plan on a daily basis. Family engagement is key to safeguarding, however challenging that may be for social work practice. Yet this consultation document makes no mention of the importance of working in an open partnership with families. This is a major omission which could result in more children being unsafe if it is not rectified.
- Parents’ wishes and feelings: When deciding which services to provide within the child protection process, there is mention of the need to ascertain the child’s wishes and feelings but no mention of ascertaining those of the parents. As stated in answer to Q1, parents typically have parental responsibility and care for the child day to day. This means that, in practice, they are therefore very likely to be responsible for their child’s safety and welfare on a daily basis. In our view it is therefore essential from a pragmatic as well as a legal point of view that the guidance states the importance of ascertaining the parents' wishes and feelings.
- We therefore propose that, in order to promote effective partnership working, the guidance should explicitly address:
 - a. Partnership working: Social workers should work in partnership with families where it is safe to do so. The section above sets out how we propose this could be addressed during the assessment process. The revised safeguarding statutory guidance 2012 should cite long established evidence that partnership is key to keeping children safe¹³ and it should reiterate statements in current

⁹ Also see para 10.9-10.3 *Working Together To Safeguard Children 2010*

¹⁰ Also see para 10.7-10.8 *Working Together To Safeguard Children 2010*

¹¹ DoH 1995 *Child protection messages from research* page 86

¹² DfE, Referrals, Assessment and Children and Young People on Child Protection Registers: Year ending 31 March 2009

¹³ DoH 1995 *Child protection messages from research* page 86

Working Together 2010 about how partnership may be supported by practitioners, for example:

- 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.¹⁴
- 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.¹⁵ Parents (including non-resident parents) should be "*helped to participate fully*"¹⁶ 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*"¹⁷
- 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.¹⁸
- 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.*"¹⁹
- 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.²⁰
- The core group is '*an important forum for working with parents, wider family members and children of sufficient age and understanding.*'²¹ 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.²²

¹⁴ Para 5.8-5.88 *Working Together To Safeguard Children 2010*

¹⁵ Para 5.89 *Working Together To Safeguard Children 2010*

¹⁶ Para 5.65 *Working Together To Safeguard Children 2010*

¹⁷ Para 5.86 *Working Together To Safeguard Children 2010*

¹⁸ Para 5.95 *Working Together To Safeguard Children 2010*

¹⁹ Para 5.93 *Working Together To Safeguard Children 2010*

²⁰ Para 5.112 *Working Together to Safeguard Children 2010*

²¹ Para 5.117 *Working Together to Safeguard Children 2010*

²² Para 5.127 *Working Together to Safeguard Children 2010*. Note we are concerned that the revised draft statutory safeguarding procedures states authorities should 'Develop the outline child protection plan into a more detailed inter-agency plan and circulate to relevant

- 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.²³

- b. Parental advice and advocacy in child protection: Parents/carers should be given information about advice and advocacy agencies and explain they may bring an advocate, friend or supporter to a conference as should the child (subject to consideration about their age and understanding).^{24 25}

Research shows that such advice and advocacy helps parents to engage more effectively in child protection cases and is therefore helpful in promoting co-operation between the parents and the social worker²⁶. Specifically it gives parents/carers a chance to talk through the local authority's concerns with someone independent who can advise them on the legal position and help them to work through the realistic options open to them, given the local authority's concerns, in order to ensure their child is safe. If they do not agree with the social worker's concerns or view, the adviser can also help them to challenge constructively whilst still working with the local authority. The guidance should therefore be amended to state that:

- parents should have access to independent advice and advocacy throughout the child protection process, and
- parents should be able to take someone with them to the child protection conference and related meetings (ideally an advocate but if not then a supporter or friend).

- c. Family Group Conferences: Parents/families should be offered a Family Group Conferences within the child protection process because it has been proven to help them engage the family in keeping the child safe²⁷. These are family led meetings in which an independent co-ordinator works with the child and their parents to identify and work with all in the family network. The family group conference allows the social worker and relevant agencies to set out the key concerns that need to be addressed and what support they may be available, and the family then make a plan which addresses the child protection concerns and meets the child's needs within the parameters set by the local authority. Further information about how FGCs operate and the research

professionals (and family where appropriate - emphasis added) p23 – this leaves too much discretion in professionals' hands. Instead there should be a clear written presumption of sharing information and working in an open and transparent way with parents unless to do so would place another person at risk of harm

²³ Para 5.125 & 5.127 *Working Together to Safeguard Children 2010*

²⁴ Para 5.86 *Working Together To Safeguard Children 2010*

²⁵ Appendix 1 sets out details of Family Rights Group's advice service

²⁶ Lindley et al 2001, Featherstone and Fraser 2011

²⁷ See Appendix 2 below

evidence on their efficacy can be found in Family Group Conferences in the Court Arena 2011²⁸. There have been a considerable number of research studies on FGCs which, collectively, suggest that they are a very effective way of engaging families including the young person, in drawing upon the families' strengths and resources, and in supporting the families to take responsibility for making and implementing safe plans for their children. The key findings are summarised in Appendix 2.

Family Group Conferences were referred to specifically in Working Together 2010 (page 284), and in our view ***it is crucial that there is a clear acknowledgement of their value in this revised guidance, not least because they are a key tool for exploring alternative family options prior to care proceedings*** (see no 5 below).

- d. Involving fathers in child protection planning: Unlike in Working Together 2010 (p290) there is no specific mention of working with fathers. Over the last 5 years we have led national research on how local authorities work with fathers whose children are involved with Children's Services because of need or welfare concerns. Our findings, consistent with those from other evidence including serious case reviews, has found that too often fathers, particularly non resident fathers, are overlooked by social workers as a risk or as a resource to their children²⁹. Children's Services fail to systematically and consistently maintain contact details for fathers, assess fathers, invite them to meetings or involve them in planning for their children, yet it is accepted that positive involvement of fathers can be a key contributor to good outcomes for 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. For example, a file audit of children in need and child protection cases involving domestic violence found that there was a lack of assessment and information about the parenting capacity of 61% of the fathers, in families where there was domestic abuse, although 90% of these fathers had some contact with their children (Ashley, 2011)³⁰ We consider that the guidance should require social workers and managers to be more proactive in involving fathers safely in the child protection process:

Accountability:

- We are also concerned that the absence of detailed centralised guidance on assessment and safeguarding procedures will reduce accountability of local services because there is no objective standard against which:
 - judgements can be made by Ofsted;
 - and parents and other professionals who disagree with a decision made by Children's Services following a s17 assessment can

²⁸ http://www.frg.org.uk/images/Policy_Papers/fgc-revised-practice-guidance-sept-2011-final.pdf

²⁹ Ref fathers matters

³⁰ Ashley (ed), (2011) *Working with Risky Fathers*, Family Rights Group

complain.

Link between child protection and pre-proceedings processes:

- This guidance should explicitly address how safeguarding processes dovetail with pre-proceedings processes conducted in accordance with guidance in Children Act 1989 Guidance and Regulations 1989 Volume 1 Court Orders prior to care proceedings being issued. Specifically chapter 3 of Volume 1 sets out the importance of local authorities working with the family for example using a Family Group Conference (discussed above), to:
 - i) support the parents to address the identified safeguarding concerns and
 - ii) explore alternative family options for the child if it seems likely that they cannot remain living with their parents.

It is therefore key to improving the overall system and outcomes for children that there is seamless service provision between these two stages of administrative planning for children at risk of harm before any court proceedings start, otherwise all the aspirations of reforms to the family justice system may be undermined.

Learning and Improvement Guidance

8 Will the new arrangements for Serious Case Reviews lead to better learning which helps to prevent future harm to children? If not please say in the comment box how the guidance could be made clearer.

Yes

No

Not sure

Comments:

9 What needs to happen to ensure that there are enough people who are trained and qualified to conduct high quality Serious Case Reviews?

Comments:

10 What arrangements should be put in place to ensure the quality of reviews and share learning at a regional and national level?

Comments:

11 Will the revised guidance make any difference to the cost of Serious Case Reviews?

Yes

No

Not sure

Comments:

12 Please use this space for any other comments you would like to make

Comments:

In detailing principles for learning and improvement, the new guidance makes a welcome reference to the fact that '**families, including surviving children, should be clear about how they are going to be involved in reviews and their expectations should be met.**' (p 4).

The guidance could add to this with information about the value of family involvement in supporting learning and also clearly set out an expectation that the family should be involved whilst recognising that the nature of that involvement will be determined on a case by case basis.

13 Please let us have your views on responding to this consultation (e.g. the number and type of questions, was it easy to find, understand, complete etc.).

Comments:

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

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

Yes

No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 0370 000 2288 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 4 September 2012

Send by post to: CYPFD Team, Department for Education, Floor 1C, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

Send by e-mail to: workingtogether.consultation@education.gsi.gov.uk.

Appendix 1 Family Rights Group

Established in 1974, Family Rights Group is the charity in England and Wales which specialises in advising and supporting families who are involved with, or require, local authority children's services, about the care, welfare and protection of their children.

We promote policies and practices that help children to be raised safely and thrive within their families and community. We campaign for effective support to help struggling parents and family and friends carers, who are raising children that cannot live at home.

We work to ensure that when the state is involved in families' lives, it draws upon their strengths to meet their children's needs.

What we do:

- **We run a free confidential telephone and email advice service and moderated electronic discussion forums**, so that families whose children are in need, at risk or in care, understand their situation, and the choices available to them. Our advisers are experienced, qualified childcare lawyers and social workers or have an equivalent knowledge and experience; Contact FRG's advice line for further advice, on 0808 801 0366 open Monday-Friday 9.30am-3.30pm or email advice@frg.org.uk or visit www.frg.org.uk
- **We help families to have a voice and make or influence decisions** about their children. For example we have pioneered family-centred approaches such as family group conferences, developing nationally recognised standards and an accreditation system, hosting the national Family Group Conference Network and helping local authorities to set up and commission family group conference services and to offer the approach in different contexts, including preventing school exclusions and planning for care leavers. We also run a professional advocacy service for families whose children are subject to child protection enquiries (funded by local authority spot purchasing) and have published national professional advocacy standards and a code of practice.
- We work with families, academics, voluntary and statutory agencies, practitioners and decision makers to **undertake research and champion legislative changes, policies and practices** that help families to support and protect vulnerable children. For example, we are at the forefront of action research on addressing obstacles to effective engagement with fathers whose children are involved with children's services, including 'risky' fathers where there is evidence of domestic abuse. We are the leading authority on family and friends care and host the Kinship Care Alliance, developing policies and campaigning so that more children are helped to live safely with relatives or friends, as an alternative to the care system.

Appendix 2 Key research findings on Family Group Conferences

Since their inception, there have been a considerable number of research studies on FGCs which, collectively, suggest that they are a very effective way of engaging families to make and implement safe plans for their children. The key research findings confirm that FGCs:

a) *Are effective in engaging families*

- They give children a voice and children view participation in their FGC very positively. Most felt they had their say and expressed a liking for this way of working as preferable to other types of meetings (Holland et al 2006).
- They are well received by families, young people and professionals (Holland et al 2007, Sandau-Beckler et al 2005), with family members expressing dissatisfaction in only 17% of responses compared with a dissatisfaction rate of 53% for traditional meetings (Walker 2005).
- They effectively engage fathers and paternal relatives with a reported higher rate of attendance by fathers and father figures at FGCs than at statutory meetings, such as child protection conferences (Ryan, 2000; Marsh and Crow, 1997; Holland et al, 2003). This means that there is a much greater chance of finding placements within the paternal family than in regular statutory processes.
- They are effective in engaging the wider network for the child in decision making, with an average of between 6-10 family members participating in each FGC (Marsh 2009, Holland et al 2007).

b) *Result in greater support being available from within family:*

FGC plans often involve drawing in a wide range of resources from the family, which social workers are often unaware of, ranging from babysitting to full time care (AHA 2009), Horwitz (2008) demonstrated that FGCs resulted in kin agreements to: help with children (88%), provide emotional support (75%), support with transport (44%) and emergency respite care of children (35%), and provide a home for the child (32%).

c) *Identify family placements, so reducing the number of children in care:*

- FGCs regularly result in family members stepping in to enable children on the edge of care to remain safely within their family network and children in care to be reunited with their families (Laws & Kirby 2007, Titcombe & LeCroy 2003, Sawyer and Lohrbach 2008, Kiely and Bussey 2001, Edwards et al 2007); and
- FGCs have been assessed as having prevented children going into public care (31%) and preventing court proceedings (47%) (Smith and Hennessey,

1998). There was a corresponding significant reduction in the number of proceedings after FGCs (Morris 2007, Sawyer and Lohrbach 2008, Walker 2005).

d) Keep children safe:

There is now substantial evidence of the efficacy of the model when there are concerns about the risks to children within families. FGCs have been successfully held with young people who have been subject to sexual, physical and emotional abuse, neglect and domestic violence etc (AHA 2009, Pennell and Burford 2000).

Marsh and Crow (1998) found FGCs reduced the need for child protection processes and care proceedings because family plans successfully “protect and benefit the children”. A longitudinal study by Kiely and Bussey (2001) also demonstrated that the welfare and safety of children is not compromised by FGCs in the longer term. This finding was echoed by Titcomb and Lecroy (2003) who found that 87% of children did not have substantial report of abuse or neglect up to three years following the meeting, and by Pennell et al who found that families suffered less maltreatment following FGCs (Pennell and Burford 2000). There is also a corresponding significant reduction in the number of proceedings after FGCs (Morris 2007, Sawyer and Lohrbach 2008, Walker 2005)

Are FGCs cost effective?

Research evidence suggests that FGCs result in substantial savings since they are likely to reduce the use and costs³¹ of court proceedings (Morris 2007, Sawyer and Lohrbach 2008, Walker 2005). This is supported by a more recent survey by Family Rights Group (2010)³² which shows that **for every £1 spent on delivering FGCs, the savings to the state could be as much as £11**: nine FGC projects which responded to the survey reported that they prevented 229 children becoming looked after in the previous year, including avoidance of proceedings for 116 children and resulted in 58 children returning to their family from local authority care. The combined savings from this amounted to an estimated £11,005,167. The combined FGC project budgets amounted to £1,467,700 in 2009/10 and whilst costs to public agencies of supporting the family plan must also be taken into account, nevertheless the savings are clear

Is there a need for more research into the FGC model?

The Family Justice Review says: “*The benefits of Family Group Conferences should be more widely recognised and their use should be considered before proceedings. [However] more research is needed on how they can best be used, their benefits and the cost.*”³³ Whilst further research as to its

³¹ The government’s Review of Child Care Proceedings (2008) identified the costs of proceedings per child to be £25 000. They are likely to be significantly more expensive now.

³² Family Rights Group survey of members of the National FGC network July 2010 (unpublished).

³³ Family Justice review Final Report 2011. P132. <http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/fjc/family-justice-review#headingAnchor1>

effectiveness would add to the knowledge base, it should also be noted that the FGC process and participants' views of outcomes have been more researched than other more established models of decision-making (Marsh P, 2009). Moreover, although the option of using randomised controlled trials (RCT) to test the efficacy of FGCs would be welcome, it would also be fraught with practical and ethical difficulties, in particular:

- It would be impossible to isolate the FGC as the sole reason for a particular outcome, as opposed to other factors which may affect the child and family's life; and
- Since FGCs are currently unregulated, RCT research into FGCs would be hindered by the variation in standards of FGC practice across a number of services (although this would become easier once an accreditation system for FGC projects, currently being developed and trialled by Family Rights Group is introduced).

In the absence of a RCT, quantitative and qualitative methodology (which has been used in the FGC research studies referred to above and has also been used to research other similar areas such as adoption) continues to be the most appropriate and effective way of answering key questions about FGCs.