

# INTERDISCIPLINARY ALLIANCE FOR CHILDREN

## GOVERNMENT CONSULTATION ON REVISED SAFEGUARDING GUIDANCE

*Working Together to Safeguard Children*

*Framework for the Assessment of Children in Need and their Families*<sup>1</sup>

### RESPONSE

4<sup>th</sup> September 2012

#### Introduction

1.1 The Interdisciplinary Alliance for Children (IAC) welcomes a review of key safeguarding guidance as an opportunity to support and improve social work practice, improve a child-centred approach alongside explicit provision of services for vulnerable families. We support a central tenet of the Munro Report regarding the development of social work so that social workers are better supported, freed-up to spend more time with children and able to express evidence-based professional judgement in those areas where they are competent to do so - but we have some serious concerns about the proposals as they stand.

#### 1.2 Summary of key concerns

- (a) ambiguities and technical problems in the proposals;
- (b) absence of a real consideration of how the loss of basic national minimal standards will impact on vulnerable children and parents;
- (c) an absence of 'joined-up' thinking about the interconnection between proposals on assessments and removal of national timeframes and the Family Justice Review and proposals for the modernisation of family justice;
- (d) lack of consideration of the impact of proposed changes in assessments and timescales for the pre-proceedings protocol and public law proceedings;
- (e) no attention to the position of vulnerable children and young people outside of their birth families (those trafficked, homeless, at risk of gang violence etc.). The removal of an initial assessment for this group of children is dangerous; they may be 'at risk' but this is not immediately identifiable.<sup>2</sup> It is likely they will therefore form a group of low priority and remain unprotected until a full assessment is completed. Given the proposals on timescales that could take many weeks or months in which time children can be moved/simply 'disappear';

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<sup>1</sup> We have not been able to address Serious Care Reviews in our response.

<sup>2</sup> Grooming and coaching of these children and young people mean that they may not be identified as 'at risk' on first meeting – proper engagement requires knowledge and experience, and time and skills with this group of children.

- (f) failure to address the implications of the proposals on assessments and timescales for 'children in need'. For example, initial assessments can provide a means of understanding the basic needs of a child while in-depth assessments are undertaken; lack of a requirement to undertake an initial assessment may result in undue delay in making service available to children and young people – and indeed families;
- (g) a decision taken within a day of referral (historically often a crisis management decision) does not in our view replace an initial assessment;
- (h) the risk of a further decline in public confidence in social workers where the removal of national guidance occurs in the absence of structural changes and support for front line social work practice;
- (i) a failure to place proposed changes in the context of the rights of children and young people. For example, the consultation makes no reference to the United Nations Convention on the Rights of Children (UNCRC) and the duties owed to children generally and to disabled children under the Equality Act 2012; this is a surprising omission given that the Government has an obligation to ensure that all its policies are convention compliant;
- (j) weakening of the child's participation in child protection conferences and the removal of the reference to advocacy for children and indeed parents;
- (k) effective control can only be achieved by independent reviews and monitoring with robust measures to ensure assessments and care plans are put in place; and,
- (l) we do not agree with the suggestion that an Ofsted inspection provides an accountability mechanism in individual cases: it is '*after the event*', too late to ensure the rights of children are adhered to, or to ensure their welfare and well-being is secured by a local authority.

## **2 Rationale for change**

2.1 We agree that it is necessary to achieve a better balance between centrally dictated guidance and opportunities for social workers to exercise professional judgement – and to increase the time social workers spend in direct work with children and families. However current concerns regarding local authority practices are not limited to an unequal balance between guidance and the capacity of social workers to exercise appropriate individual judgement.

2.2 It is somewhat surprising that issues of poor quality, incomplete or lack of a core assessment in cases did not form part of the rationale for change. Eliminating national timescales for producing assessments will not necessarily provide solutions to these problems. Indeed modelling presumes 'new' cases and previously unknown families; in practice research evidence over many years demonstrates that most children at the 'hard' end of assessment and protection process are in fact well known to local authority children's social care. This group are not reflected in the review and plans for assessments and localised timescales.

2.3 We agree that it is important that professionals and organisations are clear about their roles and responsibilities both individually and collectively in keeping children safe – and this includes awareness of rights under the UNCRC and the Human Rights Act 1998. We appreciate the pressures on social workers of increasing numbers of children in need and at risk and that adherence to practice guidance may prove difficult but we do not agree that practice is driven by a need to eliminate all risk; research and long established clinical guidance is clear that risk cannot be eliminated, rather it requires clarity in identification, analysis and management.<sup>3</sup> This, of course, has implications for the training, skills, resources and support of practitioners. However, current survey evidence of social workers indicates high case loads, excess administration, cuts administrative support, inadequate supervision, high job vacancy rates and a bullying culture.<sup>4</sup> Further work in one authority mirrored those findings which, among other things, result in the loss of more experienced social workers.<sup>5</sup> Where guidance and procedures to protect children are failing therefore, we are concerned that Government proposes to remove safeguards rather than explore failures with agencies and work to improve practices.

2.4 We agree that this is an opportunity to take a new approach to practice that changes behaviour and helps create a culture in which professional judgement and local innovation are allowed to flourish, however we would welcome a much clearer recognition that this cannot be achieved solely through guidance. This constitutes a one dimensional approach which fails to recognise the nature of professional development and autonomy.

2.5 Experienced social workers are not created overnight but acquire skills and learn about the appropriate exercise of professional discretion through a continuous process of knowledge, learning and development supported by regular reflective, as well as managerial supervision and annual appraisal - which is itself clearly linked to an individual professional training and development plan.

2.6 We therefore suggest that any change in guidance is accompanied by the launch of a nationally funded and co-ordinated, interdisciplinary child protection and training development strategy. Such a strategy would signal a change of approach and could lay down some clear practice principles and draw on existing reservoirs of social work expertise in order to assist in the necessary work force development.

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<sup>3</sup> For example, see the Royal College of Psychiatrists' Special Working Party on Clinical Assessment and Management of Risk (1996) Assessment and Clinical Management of Risk of Harm to Other People. Council Report No.CR53. Royal College of Psychiatrists.

<sup>4</sup> British Association of Social Workers (2012) The State of Social Work. Available from: [http://cdn.basw.co.uk/upload/basw\\_23651-3.pdf](http://cdn.basw.co.uk/upload/basw_23651-3.pdf).

<sup>5</sup> Middlesbrough Council Review – See, <http://www.gazettelive.co.uk/news/teesside-news/2012/08/09/report-reveals-need-for-more-social-workers-in-middlesbrough-84229-31584900/>

Such a strategy would not only improve the consistency of the delivery of high quality service provision but would avoid costly errors and the even more costly litigation that follows such errors.

2.7 A revision of centrally-issued guidance giving professionals greater freedom to exercise their own judgement and the capacity to develop innovative approaches to safeguarding must be built on clarity arising from assessments of children and parents and on which judgements must be based. This relates to both the assessment of harm and risk of harm – but also the welfare test (i.e. assessment of current and future parenting capacity to meet the needs of children/young people – and where appropriate, the assessment of extended family members as potential carers).

2.8 We agree that it would be helpful to set out the legislative *requirements* and demonstrate what this means in practice so far as effective inter-agency working is concerned but we have some concerns about how some aspects of provision are currently working and thus hope government will take this opportunity to address those areas of provision which are known to be problematic (see below).

### **3 Removal of basic minimum standards and timescales for assessments**

3.1 This move involves high risks for children. It may, for example, result in a raising of local threshold criteria resulting in delays in bringing cases to court than would have otherwise have been the practice and thus leaving children in high risk circumstances.

3.2 Leaving aside problems for some children (see below), a move to localised models and timescales will not, of itself, necessarily free up social workers. There is also a risk that national standards will be replaced by those driven by management/budgetary considerations and ongoing IT/software problems experienced with the Integrated Children's System (ICS).<sup>6</sup>

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<sup>6</sup> The Integrated Children's System (ICS) provided a framework for development of electronic recording systems for children's social care in accordance with the assessment framework and other guidance and regulation. Local authorities were originally *required* to commission or develop a system in accordance with this framework. These requirements were relaxed in 2009 and an "expert panel" established to develop proposals for improvement and simplification of systems. Following the Munro Review (June 2010) and a recommendation that getting effective recording systems in place to support practice is critical, mandatory requirements to use the prescribed recording system were formally removed. However the DfE report that most systems currently in use were developed on the original remit; it remains unclear whether fundamental changes in systems/programmes will reflect the concerns practitioners relayed to the Munro inquiry, whether the system will be largely/entirely dropped and the timescales for change but one learning point from the exercise is that the issue of trust in social workers is far more complex than was evident in submission to the Family Justice Review and trust, professional competence and allowing social workers the freedom to engage in dynamic social work with families is also an internal issue for local authorities.

3.3 In the current economic climate there is a real danger that local authority budget constraints will determine timescales which are too 'generous' given risks to children.

3.4 Statutory guidance should ensure timescales for assessments are based on the practitioner's decision as to what is best for a child and family. However there are dangers in placing individual social workers in a more vulnerable position so far as accountability and public confidence is concerned if they are not, at the same time, provided with the training, support and resources to underscore an evidence-based approach.

3.5 Additionally, there is a risk that current problems regarding a lack of analysis in some reports and drift in cases may be exacerbated by the withdrawal of national standards. This is well evidenced from the history of practices predating national assessment timeframes<sup>7</sup> and research highlighting concerns about a lack of analysis in some core assessments.<sup>8</sup>

#### **4 Ambiguities in the proposals**

4.1 There is a lack of clarity regarding the precise features of the Framework for Assessment that will remain 'mandatory' and what is to be left to local determination.

4.2 Additionally, the consultation is at times confusing with regard to issues of 'assessment' and 'investigation'; there appears to be some conflation between the two exercises (the former, an assessment of need, the latter an investigation of the risk of significant harm).

4.3 In particular the consultation defines the framework of assessment as setting out '*clear transparent arrangements for how cases will be managed once a child is referred into children's social care*' (para.1.23). This assumes (erroneously in our view) that assessment is primarily to do with monitoring an organisational process rather than dynamic, diagnostic engagement with the family.

4.4 Moreover, with regard to proposal for an independent review point for cases, the review does not address the need for safeguards in this respect. Against a background of declining resources and the proposed removal of statutory timescales for assessments, the powers and independence of the chair of 'review points' for cases would need to be set out in statutory guidance - if this model is to achieve professional and public confidence. It is important that the model does not repeat the problematic history of the IRO service, thus the key to the success of a truly independent chair and review procedure lies in setting out in statutory guidance clear

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<sup>7</sup> Paragraph 3.7, Department of Health, Department for Education and Employment and Home Office (2000) *Framework for the Assessment of Children in Need and their Families*. London: TSO.

<sup>8</sup> Brophy J (1999) *Expert Evidence in Child Protection Litigation: Where do we go from here?* London. TSO.

powers, the need for independence and thus that the chair should be someone not connected with the local authority in any other capacity.

## **5 The risks associated with removal of national timescales for completion of assessments**

5.1 This proposal raises several problems for children, parents, courts and child care advocates. For children there is a risk that the removal of national timescales for an assessment will result in a degree of drift in local practices (one reason for the original introduction of timescales) and thus delay in a proper determination of the child's needs and parenting capacity. The notion of a child's timescale remains a fairly nebulous concept (e.g. outside of concrete dates such as school terms times/imminent changes of school etc, and attachment issues for babies and very young children). There is already anecdotal evidence indicating some local authorities are considering timescales that are well in excess of the current national timescales. A national maximum timescale is likely to be necessary (see below - Section 9) with some flexibility where necessary; evidence from the early trials of flexible assessments indicates some support of continuing to work to existing national timescales<sup>9</sup>.

5.2 For parents, assessment as a continuous process with completion according to localised timescales may lead to considerable drift for them and they may remain in 'limbo' for longer periods than at present. Increased timescales may also reduce the likelihood that certain children will be able to return to parental care. For example, children who are already living away from a parent(s) and under a s20 agreement would generally be deemed not to be in immediate risk - compared with other children resident with a parent and for whom the local authority has concerns. Thus locally determined timescales may put certain s.20 children lower down the criteria for assessment.<sup>10</sup> This is likely to increase the length of separation from a birth parent(s) and thus the strength of the status quo position and (other things being equal) it may make rehabilitation with a birth parent/family member less likely.

5.3 Moreover, if one result of localised timescales is to make parents more likely to contest issues (e.g. where they have experienced delay in completion of an assessment or where they have not been assessed pre-proceedings or in new circumstances, or where they have had insufficient time to digest findings from an assessment) – the advantages said to attach to localised timescales may be lost.

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<sup>9</sup> See Munro E R and Lushey C (2012) The Impact of more flexible assessment practices in response to the Munro Review of Child Protection: Emerging findings from the Trials. Loughborough University, Childhood Wellbeing Research Centre. (<https://www.education.gov.uk/publications/standards/>)

<sup>10</sup> And bearing in mind where a child is accommodated under s 20 of the Children Act 1989, the duty of the local authority is to 'safeguard and promote his welfare' (s 22 (3) (a) CA 1989) but such welfare is not the 'paramount consideration' as determined by s1 of the Children Act where a court is determining any question as to the upbringing of a child.

5.4 We are concerned that the proposals encourage differential definitions of local need, by being required to publish their own local frameworks for assessment (para.1.22). The dangers of introducing regional and local variations of definitions of need were fully rehearsed in the discussions which preceded the amendment of s17 CA 1989 by the Children Act 2004.

5.5 These problems are compounded by the introduction of the concept of 'proportionality' (para.1.15 and 1.23); this is a subjective term which is not reflected in the statutory framework and which risks being defined in terms of what resources are available rather than that of what services are necessary for a child and family.

5.6 '*Too little, too late*': A key finding in research with child and family mental health specialists in proceedings is that social work referrals to them are often made too late in cases for alternative measures/support to be tried with parents.<sup>11</sup> Moreover clinicians also argue that, far from proceedings being issued too early (because professionals are 'risk averse'), in many cases proceedings should have been initiated earlier.<sup>12</sup> Those findings should be born in mind in further clarification of what constitutes 'risk aversion' and 'risk sensible' approaches to casework.

5.7 In the absence of immediate measures to improve resources and support for social workers (and training for those without substantial experience of direct work with children) locally driven timescales risk significant drift in cases. As indicated above this has implications for parents but also extended family members who may wish to be considered as potential carers.

## **6 Removing the distinction between initial and core assessments**

6.1 There is a danger that lack of resources and time for comprehensive (in-depth) assessments may result in pragmatic moves by local authorities to develop 'initial' 'interim' and full assessments as a response to widely differing family circumstances, risks and needs - and in the face of increasingly limited resources.

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<sup>11</sup> Brophy J (2001) Child Psychiatry and Child Protection Litigation. London. Royal College of Psychiatrists (Gaskill).

<sup>12</sup> Brophy J, Jhutti-Johal J and Owen C (2003) Significant harm: Child Protection Litigation in a Multi Cultural Setting: London. MOJ. This study was based on a random sample of 153 care cases across eight ethnic groups including white British; it also addressed the timing of applications and whether there was evidence that these were issued too early. There was no evidence of trends in overly early applications however a subsample of case profiles was independently reviewed by a consultant child and family psychiatrist; the view of this clinician was that the clinical profile of children and parents indicated that far from initiating proceedings too early, many local authorities should have started proceedings earlier.

## **7 Framework for Assessment of Children in Need and their Families (DoH 2000)<sup>13</sup>**

7.1 This should continue to underpin the way in which assessments are conducted across a range of social services (including LAC children, adoption and fostering); it is underscored by research, practice experience and clinical evidence, it is sufficiently flexible to allow for the incorporation of new evidence as this emerges across clinical and social work practice and research and as such should be retained as statutory guidance.

7.2 However the aim, where necessary, should be to also improve the analytical quality of assessments as a robust document and a transparent basis for key decision making and planning. We therefore strongly support retention of the dimensions for the assessment as these are set out in chapter 2 of the Framework. Without this comprehensive and national approach to the dimension of a proper assessment, there are serious risks to children and the real risk that limited, inaccurate, and untested judgements may be made about parenting.

7.3 While there are advantages to continuous assessment that can become a position which masks inactivity, a lack of analysis of information and decision making on the part of a local authority. It can result in drift in cases; children and parents need to know the key questions about children's care and protection and the timescale in which these questions are to be answered and shared, in writing, with parents and where appropriate, children and young people.

## **8 Forces driving social work practice**

8.1 We accept that in certain instances the current Framework for Assessment has become dominated by recording forms and processes which, as the subject of performance targets, have become the driving force of social work practices (Munro Report 2011).<sup>14</sup> However, as indicated above, the existing document – in its best form – provides an evidence-based approach to identifying children's needs and the capacity of parents/others to meet those needs, providing a transparent format for planning and protective measures.

8.2 The issue therefore is not the framework for assessment as such but rather bureaucratic systems for recording information, domination of practice by a target driven culture, and a substantial period in which social workers have not been able to develop the necessary diagnostic skills and experience in investigation, assessment and direct, ongoing work with children and families.

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<sup>13</sup> Department of Health, Department for Education and Employment and Home Office (2000) *Framework for the Assessment of Children in Need and their Families*. London: TSO.

<sup>14</sup> The Munro Report of Child Protection: Final Report. A Child-Centred System. (<https://www.education.gov.uk/publications/standard/.../CM%208062>).

## 9 Safeguarding, the Family Justice Review (FJR) and Judicial proposals for Modernisation of Family Justice (JPMFJ)<sup>15</sup>

9.1 Key features in both the FJR and the JPMFJ are the reduction of unnecessary delay in cases, appropriate use of clinical and welfare expertise (hence proposals for amending the FPR and Practice Direction 25A), the timing and quality of local authority evidence – and the use of research evidence. The safeguarding review however makes no links to these documents or the implication of proposals on assessments and localised timescales for the programme of change proposed for courts and family justice professionals in s.31 applications (see below).

### 9.2 Inconsistencies

Applications for care orders concern children and young people at the ‘hard’ end of the child protection continuum; they form a small part of all families who are the subject of local authority concerns (compared to ‘children in need’ and those at risk but which do not result in care proceedings). They do however represent the most difficult and complex cases. It is somewhat surprising therefore when one part of the family justice system (under Part IV of the CA 19189) - in an effect to increase the focus on children, is *introducing timescales* (e.g. some local practice directions insist on a three month deadline for expert reports and a national 26 week deadline for the completion of cases has been introduced<sup>16</sup>) - while the other part of the process (under Part III of the CA 1989 and local authority evidence therein) is *removing* key issues and timescales.

### 9.3 Impact of localised timescales on courts

It also should be noted that most courts serve several local authorities areas for the purposes of care applications. An increase in the variety of styles and frameworks for assessment (alongside existing variations in safeguarding procedures and thresholds) coupled with a multiplicity of timescales for completion of the work pre proceedings may well mean courts will be faced with a wide diversity of practices and approaches to the preparation of key evidence. The impact of this on courts, family justice professionals – and in the light of HMCTS budget constraints and against the new judicial programme for reducing delay and improving case management, does not appear to have been considered (see below).

9.4 As indicated above, the consultation paper does not address the fact that a significant proportion of applications lack a core assessment at the start of proceedings, or cases where a core assessment is out of date and has not/cannot be updated by a local authority applicant. While the ICS (with varying software programmes) may have contributed to this pattern it would be a mistake to assume it

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<sup>15</sup> Ryder J (2012) Judicial proposals for the modernisation of family justice (final report) ([http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/ryderj\\_recommendations\\_final.pdf](http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/ryderj_recommendations_final.pdf))

<sup>16</sup> In anticipation of the FJR’s proposed statutory 26 week target for completion of care proceedings.

is responsible for the trend; research evidence on proceedings demonstrates this problem predated the introduction of the ICS.<sup>17</sup>

9.5 It is acknowledged by government that there are problems with electronic social care records; it is also argued by others that there are problems in updating assessments for courts. If that is indeed the case – and the original document is effectively locked once finalised on the system – changes to timescales and guidance for assessments will not alleviate problems for social workers or courts where local authorities continue to use the ICS system without new software.

9.6 If courts are to be less dependent on *certain* types of expert assessment they will, by definition, be increasingly dependent on a proper and comprehensive assessment of children and parents by social workers.

9.7 Front loading of cases by the local authority means that local authority assessments, of necessity, will have a higher profile in cases and will be assessments on which the court *must* be able to rely. Thus quality, relevance and availability of such reports for the start of s.31 proceedings (under stage one of the current PLO guidance) must be part of new guidance.

9.8 Assessments of ‘new’ and ‘known’ families  
Problems with the current quality and timing of some assessments are complex; they are not simply reducible to too tight timescales for the work or wide ranging practice guidance. For example it should be noted that a significant percentage of children subject to care applications are likely to be well known to children’s services prior to proceedings; many are already living away from birth parents at that point (one study found over 50% of children were already living apart from a parent, accommodated under s.20 of the CA 1989).<sup>18</sup> These cases should have had a relevant parenting assessment at the point of application.

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<sup>17</sup> For example, in one study in 1996 (one local authority area, all care cases over a four month period totalling 65 cases, 114 children) some 46% contained a parenting risk assessment undertaken during proceedings; a national random survey of care cases in 1999 (557 cases, just under 1,000 children) found some 23% of cases contained a parenting assessment commissioned during proceedings; a further study in 2003 found 34% of cases required such an assessment during proceedings. For a review of evidence to 2006 see Brophy J (2006) Research Review: Child Care Proceedings under the Children Act 1989. London: DCA, Pages 27 and 33. Available from - [http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/research/2006/05\\_2006.htm](http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/research/2006/05_2006.htm)). Subsequent findings - Masson J M, Pearce J F & Bader K F (2008) Care Profiling Study, Research Series 4/08, MoJ & DCSF (<http://www.justice.gov.uk/docs/care-profiling-study.pdf>), and Jessiman P, Keogh P and Brophy J (2009) An Early Evaluation of the Public Law Outline in Family Courts. Research Series 10/09. MoJ (<http://www.justice.gov.uk/downloads/protecting-the-vulnerable/care-proceeding-reform/public-law-family-courts-process-evaluation.pdf>) continue to support the trend – the latter study finding some 40% of cases lacked a core assessment at the start of proceedings.

<sup>18</sup> See, Jessiman, Keogh and Brophy (2009:13) note 16 above (56% of children in this study sample were already living apart from parent(s); see Brophy et al. (2003) note 11 above (50% of children in this study were living apart from parent(s) - Table 2.2).

## 9.9 Impact on judicial case management

The removal of timescales for the production of assessments does not of itself address a lack of relevant assessment in care cases – indeed the proportion of such cases may increase. That would increase problems for courts trying to improve case management when faced with incomplete evidence from a local authority applicant. It also has major implications for the proposed updating of the Public Law Outline on filing requirements for applicants, case management issues and delay in cases.

## 10 Improving statutory provision to support local authorities

10.1 It is surprising that in looking at interagency working the review of Working Together has not taken the opportunity to address those areas of statutory provision which are known to be problematic but which should assist local authorities. For example, s.27 CA 1989 (at instigation thought to be one of the most innovative parts of the Act) and facilitating the provision of health services to assist local authorities has in practice proved unsuccessful.

## 11 Omissions and reduction of statutory guidance to a list of those things which must be done

### 11.1 Working Together

Given what we know from research and practice evidence over many years regarding the profile of children and parents where there are child protection concerns, we have serious concerns about the omission of chapters 1, 4, 6, 9 and 12 from Working Together (2010). Case profiles demonstrate high levels of domestic abuse, adult mental health problems and substance abuse in parents subject to child protection procedures (first with children on the CPR, now with child protection plans) – and higher levels of all these variables in cases which result in care proceeding. The evidence is robust and longstanding.<sup>19</sup> We therefore question the rationale for this move at a time where these are clear indications of the need for established relations with, for example, the police, and adult and child and family mental health professionals.

11.2 Moreover in the face of serious crimes against children and the need for highly specialised work in cases of organised child abuse, trafficked children and those sexually exploited – guidance is a crucial tool.

11.3 In addition, the complexities of working ‘cross culturally’, the need for cultural literacy in professional practice and the dangers of cultural relativism are well documented in a wide range of research, clinical and practice materials. In the face of diverse religious and ethnic communities in England and Wales and a statutory

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<sup>19</sup> This research evidence (based on the seminal work of Hunt J, Macleod A and Thomas C (1999) *The Last Resort*. London TSO) taken forward by Brophy et al. 1999; 2003; 2009 (and reviewed in an over view of research evidence on care proceedings under the Children Act to 2006 - see note 16 above); the work by Masson et al (2008) (see note 16 above) - using the profile categories of that earlier work continues to support key findings on the profile of parents subject to care proceedings.

obligation to have particular regard to these issues (e.g. s.1 (3) (b) CA 1989) this omission in the revised version of Working Together is surprising and requires explanation.

11.4 For some agencies safeguarding is a small but crucial part of their remit. Documents need to ensure however that keeping children safe is a core part of their responsibility; they thus need to establish clarity of roles, responsibilities and action in coordinating multi-agency work – and assist those for whom it is not a daily activity

11.5 It would be helpful to start by a statement clarifying those aspects of practice which are and which it is proposed will be directed by statutory provision and thus, the avenues for redress (i.e. through Judicial Review) where the local authority as a public body fails to comply with those duties. It will also be necessary to extend those duties slightly. This is in part because local authorities are expected to meet the filing requirements of the Public Law Outline (PLO) in care proceedings in order for courts to meet the challenges of the FJR and the programme of change under the modernisation agenda. The PLO currently lists the core assessment and care plan as documents to be filled at application (stage one of the PLO). Parents cannot comply with their obligations under stage one – to file an initial position statement - if they had not seen and had a chance to reflect on and respond to an assessment.

#### 11.6 Assessments

With regard to guidance to sharpen the existing statutory framework in the light of emerging evidence, we would reiterate that the *Framework for Assessment of Children in Need and their Families* is a flexible tool. It already allows for developments in clinical and research evidence both with regard to the emotional and developmental needs of children and young people, and key indicators to assist in assessing current and future parenting capacity. Information in this field is not static, thus social workers and courts require a dynamic model for assessments. The framework was specifically developed with a capacity to evolve as knowledge about children and parenting develops and we would be concerned about any move which appeared to reduce the capacity of the framework to respond to change.

11.7 With regard to the proposed removal of statutory guidance on timescales, these proposals lack discussion of safeguards for children and families and measures to enable local authorities – as public bodies – to be held accountable when timescales fail children. We could not support a return to the position of the 1980s where each locality had their own child protection procedures – it was an impossible situation for professionals, families and courts to which the Children Act and attendant Guidance was a much needed solution.

## 12 Consultation format

12.1 We are concerned that the consultation response document is not designed to allow a detailed response to questions which make certain assumptions about practice and involve complex issues. For example, Question 5 speaks of being 'transparent and timely' but the proposals give no information on how that is to be achieved; draft guidance does not ensure these features and it is not underpinned by a specific statutory duty of timeliness - making the question unanswerable. Overall, there are also concerns about the absence of detailed evidence from trials<sup>20</sup> and that these concerned an astonishingly small number of local authorities (three) for some issues and over a very short time period.

12.2 The provision of "Yes", "No" "Not sure" boxes may result in a "skewing" of response data if reliance is simply based on counting the first two boxes without reference to any conditions, complexity or key further information provided.

12.3 Proposals will need to be assessed in the context of new inspection framework and children's safeguarding performance indicators in order for *all* stakeholders to be in a position to provide a realistic view as to the degree to which the measures are likely to improve individual professional practice and support and develop social workers and others involved in safeguarding children.

12.4 Professionals in the family justice system (judges, magistrates, children's guardians and child care advocates – indeed clinical experts such as child and family psychiatrists - are key audiences and evaluators for assessments of families and it is somewhat surprising therefore that they are not catered for as distinct – and separate - categories in the response boxes.

12.5 This consultation paper is complex and contains many gaps. It has been undertaken too quickly and wholly inappropriately over a key holiday period (mid June to 4 September) when Parliament is in recess, schools are closed and professionals and families are away on holiday. It is also the case that there have been some 12 other consultations on issues within the safeguarding and family justice during this period. Consultation within and across and professionals groups - let alone with families - is made difficult if not impossible in the timescale. This is especially the case where in the current economic climate one/two people in organisations are responsible for seeking views and drafting responses. It would appear to conflict with the spirit – if not the 'rules' - of the Cabinet code of guidance on public consultations and their timing to allow realistic and useful public responses.

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<sup>20</sup> Munro E R and Lushey C (2012) The Impact of more flexible assessment practices in response to the Munro Review of Child Protection: Emerging findings from the Trials. Loughborough University, Childhood Wellbeing Research Centre. (<https://www.education.gov.uk/publications/standards/>)

## We do not require our response to be kept confidential

c/o Julia Higgins – The Administrator on behalf of the Interdisciplinary Alliance for Children

Organisation (if applicable)

### THE INTERDISCIPLINARY ALLIANCE FOR CHILDREN

Address: - E-mail: [julia@alc.org.uk](mailto:julia@alc.org.uk)

Tel: 0208 224 7071

Please indicate one category which best describes you as a respondent

Local Safeguarding  
Children Board

Local Authority

School

Social Worker

Health Sector

Police

Parent/Carer

Child/Young  
Person

Voluntary and  
Community Sector

Other

Please Specify:

One of the boxes represents the Alliance; it consists of a range of organisations representing voluntary, community, child health and development, social work, children's guardians, child care law policy and practice, adoption policy, research, and children and young peoples' organisations and advocacy services.

It is a matter of concern that respondent boxes are restrictive and do not seek the distinctive views of judges, magistrates, child care lawyers and children's guardians as key audiences for assessments and guidance. This is a serious failure in 'joined up' thinking given the FJR and other inquiries have urged starting from an analysis of the journey of the child and thus the need to address the system as whole to better understand the experiences of children and parents, and to end the fragmentation of policy and silo cultures.

Please see our comments on the timing of these three consultations – Para 12.5 above

## 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:

**No we do not - please see above – key concerns and substantive issues - Section 11, Para 11.1 and 11.2 – 11.5 above, which *among other things* highlights:**

- For agencies where safeguarding is a limited part of their remit and resources, documents must be clear that, nevertheless, safeguarding is a core duty.
- Documents must be clear about who within the organisation holds responsibility for coordinating multi-agency action; there must be clarity regarding responsibility of all agencies to report concerns and where possible to work with families to resolve problems.
- In particular for adult mental health services – documents should reflect the findings of research and clinical evidence – that patients may also be parents and thus the implications for parenting addressed.
- See Para 11.1 – and concerns about the implications of deletion of chapters in the light of practice and research evidence
- Our concerns about deletions – and thus the implications for multi and interdisciplinary training raises substantial concerns – not least further erosion of joint working and training – for example between police and social workers (except where clear evidence of crime) and crucially, the loss of multidisciplinary joint training (see Para 2.5 above).

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:

**Yes, some key issues are missing** - see Q1 above and Section 11 above – Omissions - Paragraphs 11.1 – 11. 7.

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:

**It is almost impossible to answer this question with any confidence.** There is a real concern - given our concerns with regard to the implications for children and parents of removing national standards and timescales – that LSCBs will suffer a decline in their capacity to be effective.

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

Comments:

**Please see** above – key concerns and substantive issues - **Section 2, Para 2.4** re the need to place guidance in context of other issues pertaining to improving practice, and **Section 11, para11-1, 11 - 7** key omissions -

- We agree that this is an opportunity to take a new approach to practice that changes behaviour and helps create a culture in which professional judgement and local innovation are allowed to flourish, however as indicated above, we would welcome a much clearer recognition that this cannot be achieved solely through guidance.
- Dispensing with key chapters in WT which address core issues in the profile of families subject to child protection procedures (see Para 11.1 above) and those concerning children exploited outside of families, issues of religious and cultural diversity – given what we know from practice experience, the views of children and young people, and research evidence this seems to be a substantial oversight.
- We are also concerned about the lack of discussion regarding attention to the voice of the child and the relevance of the UNCRC|

***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

No

Not Sure

Comments:

**No – and this question, at best, is poorly drafted.**

Please key concerns and substantive issues above at;

Section 2 – rationale for change – and the gaps

Section 3 – removal of minimum standards and timeframes, and Section 5 - the risks

Section 4 – ambiguities in the proposals

Section 6 – removing the distinction between initial and core assessment – likely results

Section 7 - strengths and weaknesses of the current framework for assessment, plus Para 11.6 – and Section 11 - Para 11.5, and 11.7 re public accountability

Section 9 – lack of connection between proposals and the needs of courts – particularly lack of attention to the ‘fit’ between proposed local models and the needs of courts serving several local authorities (and therefore potentially facing a multiplicity of frameworks and timeframes) – and in the context of requirements of the family justice modernisation programme and the filing requirements of the PLO in particular.

And please note

Section 8 – forces that have drive social work practice (Para 8.1 and 8.2) and Para 3.2 – impact of ICS on social work practice.

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

No

Not sure

Comments:

**No - not as it stands.** At the moment there is a lack of clarity as to what it will mean in practice (e.g. a point for reflective practice with another professional (for example, a manager) to support a social worker, a point at which adherence to timetables is checked, a mechanism for audit, transparency/ public accountability). And see summary – Para K – necessary criteria: effective independent reviews and monitoring with robust measures to ensure assessments and care plans are put in place.

**Please see above key concerns and substantive issues - Section 4 - Ambiguities in the proposals – Para 4.4**

key concerns include:

- Against a background of declining resources and the proposed removal of statutory timescales for assessments, the powers and independence of the chair of 'review points' for cases would need to be set out in statutory guidance - if this model is to have some 'teeth' and achieve professional and public confidence in locally driven frameworks and timescales.
- Independence is a key feature and thus it should be someone not connected with the local authority in any other capacity.

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

Comments:

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:

**Please see Section 12 –paragraphs 12.1 – 12.5; in particular we would re-emphasise some major difficulties with certain questions posed in the absence of sufficient information/detail.**

**Also our major concerns arising from the limited scope of the document. In particular a lack of attention to ‘children in need, and to public law proceedings and the implications for courts under the PLO and as a major audience for assessments - and for whom timescales for completion of assessments are going to be crucial (see Section 9, paragraphs 9.1 -9.7; 9.8 -9.9).**

**We would also question how accessible – and meaningful - these documents are for young people and parents likely to become involved in child protection procedures.**

Endorsed by:

Association of Lawyers for Children (ALC)  
National Association of Probation and Family Court Officers (NAPO)  
The Professional Association for Children's Guardians, Family Court Advisers  
and Independent Social Workers (NAGALRO)  
National Youth Advocacy Service (NYAS)  
The Law Society of England and Wales  
Women's Aid  
Together Trust  
Family Law Bar Association (FLBA)  
VOICE  
The AIRE Centre  
British Association of Social Workers (BASW)  
Children's Rights Alliance for England (CREA)  
Coram Children's Legal Centre