

3rd February 2015

By email to: WorkingTogether2015.CONULTATION@education.gsi.gov.uk

ADCS response to consultation on changes to Working Together Statutory Guidance

The Association of Directors of Children's Services Ltd (ADCS) is the professional association for directors of children's services and their senior management teams. Under the provisions of the Children Act 2004, the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care. The DCS provides a clear and unambiguous line of professional accountability for children's services and, as such, has a particular interest in the arrangements for and statutory guidance in respect of safeguarding.

In the main the proposed changes are uncontentious and will either reflect the best practice position or add some potential flexibility in areas which are not of major concern. There are some comments we feel are worth raising to the Department about this consultation and the plans for further development of the guidance. In regards to this, we do not consider it helpful or appropriate to only reference 'minor clarifications and updates' at Annex A. Given this is statutory guidance it would seem necessary to consult on the actual wording of these changes, some of which are significant in policy terms, which isn't reflected in the Annex. For example, the details of updates to reflect new information sharing guidance could be significant given what a complex and often misunderstood subject this is and the inherent link to safeguarding and working together principles. The young / other carers legislation is also significant and complicated in terms of crossover with the Care Act. Indeed, the Department of Health felt it necessary to produce, with ADASS, full guidance on undertaking 'whole family assessment'; a key tenet of the reforms affecting children and adults equally. Whilst Working Together is not now designed to provide detail on all aspects of practice or legislation in all circumstances in which there are risks or needs of children, we look forward to seeing how appropriate references are made to this kind of wider supporting guidance to provide clarity and ease of access to information for practitioners, commissioners and managers and hope that as the wording is developed there might be opportunity for our members – and other key partners - to reflect on the implications. These comments apply to nearly everything listed in the Annex for minor updates.

We would also appreciate clarification about plans for any further updates / amendments, including to related statutory guidance such as that for managing cases of child sexual exploitation, which has been referred to by various central government departments recently.

Main Changes:

Referral of allegations against those who work with children

It is not entirely clear what the evidence base is underpinning these proposed changes but it seems they will generally not affect arrangements that are in place currently, simply reminding colleagues about the importance of good oversight and links between social care, safeguarding more generally and management of allegations against those in positions of authority. This is something which is managed locally dependent on team structures, referral routes, staffing etc and it must be remembered that behaviour which would be relevant to the LADO in terms of supporting employers to manage risks and maintain healthy environments does not necessarily require social work intervention to protect the child. Whoever receives concerns of any kind, be that a separate LADO or social care staff, must be in a position to make an assessment with colleagues including the referring employer and this can be managed in a variety of ways locally, with the priority being that local staff and young people understand the routes to make concerns known. It is also critical that lower levels of concern about work colleagues can be discussed by someone with that specific area of expertise who understands the differing responses available.

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Notifiable incidents and definition of serious harm

We welcome the clarity in terms of requirements for notifiable incidents which was previously held separately. The definition of what constitutes serious harm which may help some LSCBs with this ambiguity and we appreciate that there have been some disagreements about when SCRs should be initiated, although we suspect given the complexity of cases and the difference in local arrangements and learning, there will still be those appropriate local – and in some cases national – debates. It is unlikely, though, that this will improve the fundamental challenges around learning from cases, some of which were rehearsed in our previous consultation response and which rest on proportionality of response and learning quickly and locally vs more in depth and beyond the areas involved. Some of the messaging around this with partners in the safeguarding system is causing confusion and inappropriate responses which will not help children, so we continue to urge caution and reason in this area, which must be based on robust information and appropriate methodology with a focus on scope for learning.

On a specific detail about notifying serious incidents within five days, we have some concerns about the feasibility of establishing the causes and therefore the links to abuse or neglect in that timescale, resulting in a much larger number of notifications with little or no information to assist in review at that stage. There is a significant risk of crossover or duplication with the CDOP system which could perhaps instead be utilised better for establishing the level of serious incidents and whether any further action is necessary.

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