

***WORKING TOGETHER* REVISION DOCUMENTS ARE NOT FIT FOR PURPOSE.  
A CRITICAL FOCUS ON TWO DOCUMENTS *WORKING TOGETHER TO  
SAFEGUARD CHILDREN* AND *MANAGING INDIVIDUAL CASES*.**

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**Biographies**

**Liz Davies** is a registered social worker. As a team manager in the 90s, she exposed child abuse within the care system in the London Borough of Islington and subsequently, as a child protection manager, she developed her specialism in child interview skills and the investigation of organised abuse networks. Since 2002, she has taught social work at London Metropolitan University, and has co-authored child protection training manuals and a key text *Proactive Child Protection in Social Work* (2008). Her PhD thesis (2010) was entitled *Protecting children; a critical contribution to policy and practice development*. Liz Davies contributes regularly to media coverage of child protection issues, provides consultancy and acts as expert witness for social workers.

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## **1. Summary of concerns**

1.1 The current proposals to revise *Working Together* are seriously flawed and dangerous. There are significant, and fundamental misunderstandings of what is required to protect children from harm. We are convinced the proposals will undermine multi-agency and multi-disciplinary working. The failure to be sufficiently prescriptive and mandate certain measures will lead not only to confusion and mistakes but will undermine the ability of staff within each agency to prioritise and access resources to support the work of child protection.

1.2 The proposals appear to be driven by a desire to, ‘cut red tape’ but are undoubtedly part of the Government’s localism agenda. Through deregulation and the privatisation of services the proposals are just one aspect of the rolling back of the Welfare State. No evidence has been provided that such fundamental changes will improve child protection or responses to children in need, or that even the status quo will be maintained. We believe that, in fact, the proposed changes constitute a serious risk to vulnerable children. We strongly recommend that this revision be withdrawn so that a more considered, evidence based discussion can take place about what changes might be needed to *Working Together* in order to support good practice by the national provision of proportionate and relevant statutory guidance that is fit for purpose.

1.3 The objectives of the Revision include, ‘to provide the essentials that will enable and encourage good cross-agency working – so that all organisations understand what they should do to provide a coordinated approach to safeguarding’ (DfE 2012). In this submission we argue that, should it be approved as guidance, it will achieve the exact opposite. It is a non-evidence based attempt to drastically reduce the statutory guidance and we believe it will certainly leave the most vulnerable children at risk of harm unprotected as well as risk a reduction in services for those assessed as children in need.

1.4 The Revision promotes a form of professional dangerousness where children are placed at risk by the actions and omissions of policy makers. For reasons, presumably, of expediency, the guidance appears to have been cut merely to reduce page length and the impact assessments (2012 a&b) are clear that the changes would lead to cost cutting. The Revision sits well with government agendas of privatisation, deregulation and cuts. As the campaign *Every Child in Need* cites, ‘basic minimum national standards and requirements are essential. A hands-off approach, allowing local authorities to do what they want, when they

want, is dangerous. Even the Government's own impact assessment recognises this – it accepts that, “*there is a risk of negative impact on children if central government is less prescriptive (DfE 2012b)* That is not a risk we should be taking’ (Every Child in Need Campaign 2012).

1.5 These changes come at a time when there is evidence of unprecedented increase in serious crime against children. Child abuse occurs within families and this context provided the focus of the Laming and Munro reviews (2009 and 2011). However, there is a vast international child abuse industry that exploits children and includes trafficking for commercial, domestic and sexual exploitation, online abuse, the illegal adoption trade, the illegal organ trade, forced marriage and the trade in abusive images. These are not marginal issues but are addressed by child protection professionals on a regular basis and yet the Laming and Munro reviews (2009 and 2011) were narrow in focus relating only to abuse within the family. Therefore the Revision, which is based on models of practice recommended in these recent reviews, omits examination of complex joint investigative work required to identify and target perpetrators and protect numbers of children in the context of organised crime. Ironically, the government only recently published an action plan with regard to child sexual exploitation (DfE 2011a) and yet comprehensive, existing *Working Together* guidance is being discarded (DfES 2009).

1.6 In response to a parliamentary question, Tim Loughton M.P. made reference to, ‘reducing bureaucracy and making it easier for the front line to use their professional judgement through revisions to Working Together to Safeguard Children and the Framework of Assessment’ (DfE 2011b). Yet, the bureaucracy which overwhelms practitioners and Munro’s ongoing critique of the proceduralisation of social work, was mainly with reference to the Assessment processes and Performance Indicators and Targets. In her final review, Munro (2011:3.13) made reference to an article by Professor Nigel Parton (2011), who in a historical overview of child protection processes cited the increased number of pages of *Working Together* – it being 55 times longer than it was in 1974.

1.7 Parton, however, did not argue for a reduction of the guidance per se. He suggested a navigable web based version and a short practitioner guide and also he sought clarification in order to distinguish the statutory and non-statutory aspects of the guidance. He certainly did not recommend tampering with the statutory guidance. Munro stated that, in submissions to her Review, it was strongly suggested that the current guidance had become too long to be

practically useful (2011:3.13). However, the Revision proposal offers no evidence that practitioners from any of the key child protection agencies have criticised the length or detail of the statutory guidance. Rather we contend that the current guidance provides the essential basis, across all agencies and professions, for the effective protection of children.

1.8 In order to protect children there is a need for a proportionate intervention by the state in family life and the *Working Together* guidance did provide that proportionate response with all the necessary caveats. It has been tried and tested over 30 years in its various formats as valuable guidance and the single most constant criticism of professional practice during that time has been professional non-compliance. The answer surely is not to abolish the guidance but to make sure professionals have the training and safe working environments to ensure they can comply with it.

## **2. The shift from national to local responsibility and accountability for guidance**

2.1 Tim Loughton MP at the Community Care Live Conference (2012), responding to a question about the *Working Together* Revision, stated that he would, ‘be ripping up the guidance’. He situated his comment in the government’s desire to free social workers from central government prescription and to support Munro’s arguments for increased scope for professionals to use their judgement, unrestricted by bureaucratic processes and procedural requirements. The Executive Summary (DfE 2012: 1.2) refers to, ‘greater trust and responsibility in skilled professionals at the front line’. The new proposals are said to be supportive of local innovation and the Local Safeguarding Children Boards will have responsibility for the development and implementation of local frameworks for practice.

2.2 A shift to local guidance steered by professional bodies is a very serious mistake which will inevitably result in children being subject to postcode lotteries with major difficulties in professional co-ordination and communication across authority boundaries. This will be complicated and compounded by the increasing privatisation of local services and cuts in welfare provision. In addition, some localities will, of course, see the lack of prescription as an invitation to cut even further the most basic services for children. ‘Many local authorities – cash-strapped following swingeing cuts to their budgets – are happy to take this lifeline, which will mean less pressure to act quickly when a child in need comes to their attention’

(Every Child in Need Campaign 2012). We believe that it will be difficult for Directors of Children's Services to argue for resources from local councils if the statutory requirements are so severely minimised.

2.3 There is much contemporary pressure and action towards outsourcing assessments and even the suggestion, notably in Suffolk, of outsourcing statutory child protection, although to date this move has been resisted (Garboden 2011). The government is however strongly promoting children's services provided by social enterprises, financed by Big Society capital (<http://www.bigsocietycapital.com/>). As deregulation facilitates a more easy transition to privatisation, this Revision will propel the agenda forward. The proposed changes must also be seen in the context of the focus on the assessment of 'troubled families' which Levitas succinctly analyses as more aptly entitled 'troublesome families' and suggests it is a control agenda stigmatising poor families (Levitas 2012).

2.4 Local Safeguarding Children Boards which currently have comprehensive protocols will be compelled to revise these in line with any new national guidance. The London Safeguarding Children Board has already stated, 'While considering the implications of the significantly reduced national role in local arrangements, London also has important decisions to make on the extent to which this guidance is retained at a regional level' (LSCB 2012).

### **3. The conflation of assessment and investigation**

3.1 Throughout the Revision documents the concept of assessment has been conflated with that of investigation. This will render children in need open to assessment processes which may be unnecessary and subject children in need of protection to assessment processes which are not fit for the purpose of investigating child abuse.

3.2 The Children Acts 1989 and 2004 remain the legislative framework for child protection policy and practice in England with Section 47 as the cornerstone. Section 47 is the investigative duty required of local authorities when there is reasonable cause to suspect actual or likely significant harm to a child. The 2006 and 2010 editions of the statutory guidance *Working Together to Safeguard Children*, undermined the effective implementation of this duty by confusing the very different professional tasks of assessing children's needs and the investigation of child abuse. *Working*

*Together to Safeguard Children* states that, ‘the core assessment is the means by which a section 47 enquiry is carried out’ (2010:5.62). This is not the case and this erroneous, and flawed approach to both children in need and children in need of protection continues to be evident throughout the Revision documentation.

3.3 Section 47 involves an investigative process implemented by social workers, police and other agencies to protect children from harm. This current error in *Working Together* guidance which defines the process as a core assessment confuses two distinct processes. Assessment is relevant to the needs of the child and family within the legislative context of section 17 (Children Act 1989). In assessment processes parental and carer consent is required for any contact with the child, the work is conducted throughout in partnership with the family and timescales apply. However, there can be no time limitation for an investigation of child abuse – the investigation continues until the child is made safe. The impact of this confusion may lead to a delay in immediate intervention to protect a child and a delay in the sharing of information across key agencies. Whether or not information may be shared without parental agreement is decided within section 47 processes.

3.4 When a section 47 investigation has been agreed between police and social workers there is no requirement to gain parental or carer consent to child interviews or medical examinations if to do so may place the child at risk of harm. The work may be conducted in partnership with families and often results in a family support approach. However, it may involve challenging and confronting parents and carers about the detail of the alleged or known abuse of child/ren and/or intervention to protect the child by removing the alleged or known perpetrator from the family or removing the child from the family.

3.5 The conflation of assessment and investigation has led to a lack of investigation and therefore an increased risk of false positives and false negatives. Assessing a child’s needs does not facilitate a child abuse investigation which may include - medical and forensic evidence, investigative interviewing, interviewing of the alleged perpetrator, intelligence gathering, profiling of alleged and known offenders, collation of information about modus operandi, venues, contacts, associates etc. The section 47 process may also involve large scale, national and international investigations of institutional and organised crime against children. Sometimes the family may be involved as perpetrators or be in collusion with the abuse. The Revision documentation reduces all child in need and child in need of protection work to simplistic statements which do not allow for the complexity and specialism of the professional tasks.

3.6 Recommendation 13 of the Victoria Climbié Inquiry Report (Laming 2003) suggested the need for a step by step guide on how to manage a case through either a Section 17 (child in need) or a Section 47 (child in need of protection) track as separate and distinct processes. This recommendation was not developed in *The Protection of Children in England* (Laming 2009) or in *The Munro Review of Child Protection* (Munro 2011). It was Munro who expressed concerns at where the language of child protection had gone (Munro and Calder 2005), yet some key child protection terms and protocols related to investigation of harm were not evident in her review. The review of the use of more flexible assessment processes in eight trial authorities following the Munro Review (Munro 2011, Munro and Lushey 2012) focuses entirely on assessment processes and particularly on the specificity of timescales and does not examine the impact on the protection of children through statutory protocols.

#### 4. **The diminished role of the police in child protection investigation**

4.1 Critically, the shift in emphasis has led to the diminished role of police and probation in child protection. Lord Laming recommended that, *the Working Together arrangements must be amended to ensure the police carry out completely and exclusively, any criminal investigation elements in a case of suspected injury or harm to a child* (Laming 2003:14.57). This recommendation was interpreted by police as limiting their role in child protection cases to the investigation of crime resulting in less police involvement in the investigation of significant harm. It is now difficult for social workers to engage police in child protection matters which do not clearly constitute a potential or actual crime. The impact of this change is that social workers are now often isolated in undertaking single agency investigations whereas in the past this would have been a joint process from the point of referral. The close working that there used to be between police child protection officers and social work specialists in protecting children has therefore been minimised. An exception is seen in the MASH model where police are co-located with social workers and health professionals in intake teams (Golden et al 2007). The Revision has the probability of limiting the work of the MASH teams given the lack of requirement for much of their work. It is worth noting that the Scandinavian system of the Barnahus provides an excellent model of good child protection practice, based on a children's rights approach, central to which is joint investigation and joint investigative interviewing by police and social workers (Davies 2011).

4.2 Police have a prime role in criminal investigation but in child abuse investigations they cannot do

the job without the involvement of social workers in joint investigation because social workers know children and the world of the children. Similarly social workers cannot protect children without police and probation involvement because these agencies know the world of the perpetrators . Only when agreed together through a strategy discussion (or meeting) police may investigate single agency e.g. in historic abuse cases, and social workers may investigate single agency e.g. in cases of emotional abuse or some cases of neglect.

4.2 The decision as to whether or not to remove a child from their parents is more likely to be flawed if there is no joint investigative process to inform the decision. Assessment processes do not adequately inform care proceedings or the decision about whether or not to pursue legal safeguards. The lack of investigation leads to faulty decision making. Children are more likely to be separated from their families without good reason and to be kept within their families when they need to be separated in order to protect them from harm.

[NB: In Davies L and Duckett N (2008) the authors describe and provide practice examples of the distinction between assessment and investigation processes].

## **5. The Revision perpetuates the policy shift away from proactive child protection**

5.1 Since the mid-90s, policy and practice has moved away from proactive child protection. This has led to the demise of child protection systems and structures which had previously enabled children to seek justice and gain effective protection. The most significant change was the abolition of the child protection register in 2008. The word *Register* was airbrushed out of policy from that date. The Register was abolished on the basis of no research findings (Dhanda 2007) even though it was known that very few children who died from abuse had been the subject of registration (Reder et al 1993 and Brandon 2009). Intervention processes failed children who had not had the benefit of a protection plan and were either unknown to agencies or defined as *children in need* rather than *child protection*. The Register provided an essential alarm to the emergency services and triggered a specialist response to children identified as at high risk of harm. A survey of hospitals (Rose 2009) suggested that many hospitals no longer received the alert once the Register was abolished.



5.2 However, Munro (2011) concluded that there was no compelling case for a *national signposting system* of identifying whether or not a child is or has been the subject of a child protection plan and recommended local authorities providing 24 hour access to concerned ‘others’ who could phone children’s services, and make checks (Munro 2011:148). It is important to understand that, the Register was never dependent on an individual becoming concerned as the alert went directly to the emergency services routinely without the need for a request. A *National Child Protection Register* would protect children more effectively than local registers and should include missing children. Such a register would be a proportionate response to high risk situations and would assist the task of keeping children safe from harm across authority boundaries.

## **6. Lack of multi-disciplinary context**

6.1 The Revision documents place the sole emphasis on the role of the social worker in child protection with other agencies in subsidiary roles. This is a serious mistake. The need for an explicit requirement to work in a multi-disciplinary and multi-agency manner is essential given the rapidly increasing fragmentation and diversity of both education and health service provision. In an environment where health, education, probation and police services are under immense funding pressures, without such a requirement it will be inevitable that other agencies will reduce their involvement. This will be exacerbated by the Revision’s failure to make mandatory child protection timescales, particularly for convening child protection conferences and core groups.

## **7. The omission of Chapters 4, 6 , 9, 10,11 and 12 (WT 2010)**

7.1 Chapter 4 is addressed in our discussion of the police role.

7.2 The omission of Chapter 6 is an extremely serious one. Each of the Supplementary guidance sections address very important aspects of abuse of children and serious crime against children. The investigation of organised abuse, for instance, is distinct and specific, and has been carefully developed since the inquiries of the 80s and 90s. The application of the statutory guidance has resulted in hundreds of children being protected and many criminals convicted. It seems that this is now viewed as of no importance.

7.3 *Working Together* has been guidance for a very wide range of professionals and organisations. Some receive little or no training in child protection at all and, for them, *Working Together* is a lifeline. Some may encounter a specific abuse situation once in a career and others will be working continually with trafficked children or children who are sexually exploited. For each and every one of those working with children, the guidance is an essential tool for the job. For vulnerable children the guidance is the difference between being abused and being protected. It seems this is no longer regarded as important.

7.4 There are many types and forms of professional dangerousness which act as barriers to the effective protection of children (Calder 2008, Reder et al 1993). Cultural assumptions and relativism are examples of such dangerousness, and Chapter 6 clearly defines types of abuse prevalent in specific communities.

7.5 Similarly, Chapter 11 has been omitted which addressed further specialist areas of child protection work. Chapter 12 focused on perpetrators. None of these sections should be omitted. Chapters 9 and 10 could be a separate publication covering research findings and principles of working with children and families. However, for those practitioners and managers who work with children, *Working Together* has been an invaluable source of knowledge and guidance, and is widely used in informing training and supervision, the investigation of complaints and disciplinaries, court hearings (both civil and criminal), direct work with children, therapeutic work with children and families and offenders, the work of MARAC and MAPPAs, local councillors, policy development etc. The list is endless.

7.6 To remove this guidance and to rely on Local Safeguarding Children Boards to invent their own, is to expose both abused and non-abused children to potentially diverse systems that will differ from authority to authority, and will make case co-ordination almost impossible to achieve. Liz Davies, and many of the endorsers, have worked within such disjointed services in the 70s and attest to the frustration and mayhem in working across different authority and agency boundaries, particularly in relation to organised abuse investigation.

## **8. Issues relating specifically to social work**

### **8.1.1 Implication of the abolition of the General Social Care Council *Code of Conduct***

8.1.2 The proposed changes in *Working Together* coincide with the replacement of the clear and explicit requirements contained in the General Social Care Council (GSCC) *Code of Practice* (2003) by the much more general requirements of the Health and Care Professions Council (HCPC) *Standards of Conduct Performance and Ethics* (2008) which is neither as precise nor clear as the following GSCC Code requirements (amongst others):

- Bringing to the attention of your employer or appropriate authority resource or operational difficulties that might get in the way of the delivery of safe care (3.4)
- Seeking assistance from your employer or the appropriate authority if you do not feel able or adequately prepared to carry out any aspects of your work or you are not sure about how to proceed in a work matter (6.4)
- (You must help) service users and carers to make complaints, taking complaints seriously or passing them to the appropriate person (3.7)

8.1.3 The effect will be to disempower social workers and their managers who may wish or need to raise concerns. The abolition of the GSCC was widely criticised, not least as its abolition following the publication of, *Liberating the NHS: Report of the arms-length bodies review* (Department of Health 2010), was driven by a desire for deregulation not by any evidence that its abolition would improve the protection of the public. NB: Aspect's *Response to the Consultation on the draft standards of proficiency for social workers in England* set out in detail how the HCPC Standards fell short of the requirements of the GSCC (Aspect 2011).

## **8.2 Removal of the requirement that certain functions are only undertaken by skilled and experienced social workers**

8.2.1 *Working Together* (2010) required that certain crucial aspects of the management of individual cases are only undertaken by more experienced and qualified social workers. These include;

- The initial assessment should be led by a qualified and experienced social worker who is supervised by a highly experienced and qualified social work manager (5.41)
- The strategy discussion should be convened and led by local authority children's social care

and those participating should be sufficiently senior and able, therefore, to contribute to the discussion of available information and to make decisions on behalf of their agencies (5.56)

- The core assessment .... should be led by a qualified and experienced social worker (5.62)
- In accordance with the practice guidance *Achieving Best Evidence*, all such joint interviews with children should be conducted by those with specialist training and experience in interviewing children (5.68).
- Local authority children's social care should take carefully any decision not to proceed to a child protection conference where it is known that a child has suffered significant harm. A suitably experienced and qualified social work manager within local authority children's social care should endorse the decision (5.80)

These requirements are now absent.

### **8.3 The Revision is based on assumptions about workforce in relation to social workers.**

8.3.1 The entire document, given the absence of relevant child protection timescales, the removal of key specific responsibilities and deletion of the wealth of specialist child protection guidance, appears to be premised on the existence of sufficient numbers of appropriately qualified staff, with the resources to support them, provided with adequate social work supervision, and competently managed by managers who are themselves properly supported.

8.3.2 Unfortunately, despite the efforts of the Social Work Task Force and the Social Work Reform Board over the last four years, this is simply not the case. Lord Laming's report following the tragedy of Peter Connolly, summarised his workforce findings as 'Frontline social workers and social work managers are under an immense amount of pressure. Low staff morale, poor supervision, high case-loads, under-resourcing and inadequate training each contribute to high levels of stress and recruitment and retention difficulties. Many social workers feel the size of the task in protecting children and young people from harm is insurmountable and this increases the risk of harm' (2009:5.4).

8.3.3 In 2009, *The First Report of the Social Work Task Force 2009* set out six main themes about the current obstacles to the delivery of consistently high quality social work across the country, as they had emerged from initial evidence gathering and extensive discussion with stakeholders. These included that social workers were over-stretched by staff shortages and were tied up with bureaucracy

lacking the tools and support required to do the job. The report highlighted that new social workers were often not properly prepared for the work and that systems for managing social work performance were not driving quality first and foremost. The report concluded that the social work profession was under-valued and poorly understood.

8.3.4 The final report of the Social Work Task Force: *Building a safe, confident future* (2009) stated;

- We are in no doubt that too many social workers are carrying caseloads which can be too high and make it hard for them to do their job well. There is very strong evidence that the absence of effective management of workload makes practitioners feel de-skilled, lowers their morale and can lead to poor health (2.4)
- In these circumstances, service users can end up with a patchy, unreliable service. In cases of serious risk, the judgement and decision making of social workers can be impaired (2.5)
- However, surveys continue to show that too many social workers do not get access to this type of supervision (2.14)
- We have heard about excellent practice in management and supervision. However, we are also concerned about the overall quality and consistency of frontline management, and the pressures under which managers and supervisors are working, on a number of counts (2.16)

8.3.5 One element of the Board's response to these pressures was to publish *Standards for employers and supervision framework* (Social Work Reform Board 2011). These welcome (albeit voluntary) standards were published just as demands on social workers rose as a result of the recession. It is not surprising that the pressures on social workers remain. The British Association of Social Workers (BASW 2012) surveyed 1100 members and reported that deep cuts to social work services are already impacting on the frontline. 88% stated that lives were placed at risk by government cuts and 77% said that their caseloads were unmanageable. The survey revealed widespread concerns, anger and frustration at the extent of the cuts, with social workers highlighting the job losses and very low morale.

## **9. Comments on specific aspects of Revision document Working Together to Safeguard Children**

### **9.1 The police (paras 9-32)**

- There is no mention at all in this section of section 47 joint investigation of significant harm.
- Document 1:31: ‘Dedicated child protection police officers will receive specialist training in investigating child abuse cases’. This sentence significantly omits the phrase, ‘involving social care colleagues’ (WT 2010:2.124).
- Chapter 4 (WT 2010) concerning multi agency training has been entirely omitted.

### **Comment**

*Working Together* (2010:127) provides detailed guidance on various level of child protection training. It mentions Group 4 level training in section 47 enquiries including investigative interviewing. It is important to note that government commissioned research, cited in *Working Together* (DfE 2010:112), omitted to include this aspect of child protection training (Carpenter 2009). Liz Davies was informed, by Professor Carpenter, that this was because it did not fall within the remit of Local Safeguarding Children Board responsibilities as it involved just two agencies - police and social work. This important aspect of specialist training was also not addressed by Laming (2009) or Munro (2011). Also, joint training should be available to all police working with and interviewing children, not solely those in the Child Abuse Investigation teams. It is of significance that neither Lisa Arthurworrey (social worker for Victoria Climbié) nor Maria Ward (social worker for Peter Connolly) had undertaken this specialist advanced level joint training with police (Davies 2008).

9.2 In the absence of specialist joint training, practitioners will make errors of judgement through lack of expert knowledge, the risk of false positives and false negatives will be high and the quality of information available to child protection processes and court proceedings will be poor. The London Safeguarding Children Board cites on its website that a review of joint police/social work training, ‘took place as a response to concerns about the poor quality of interviews taking place with regards to child victims’. Abused children seek and deserve the highest standards of justice. The *Working Together* Revision has entirely ignored this aspect of child protection.

9.3 The *Achieving Best Evidence* guidance requires a child-centred interview to be conducted

collaboratively by police and social workers (Ministry of Justice 2011:2.22). However, there has been a reduction in the provision and availability of joint child protection training at advanced level between police and social workers in section 47 investigation and investigative interviewing of children. With few social workers now trained in these skills, it is not uncommon for police to conduct child interviews without social work involvement. The Chair of the House of Commons Children, Schools and Families Committee, Barry Sheerman MP commented on Liz Davies's evidence on this topic, that, 'it was important to get on record that you are saying that something quite dramatic changed in terms of how the police pursued the possibility of a child being at risk' (House of Commons Children, Schools and Families Select Committee 2009:76). Abused children deserve the highest standard of investigative interview conducted by police and social workers, trained together and combining their specialist approaches and skills.

#### **9.4 Probation Service (para 36)**

‘....to manage and reduce the risk of harm to children’

##### **Comment**

It is not possible to protect children without also focusing on perpetrators. Probation are professionals involved in the section 47 enquiry and investigation with a focus on protection of the child and the identification and targeting of perpetrators. This role goes way beyond the above statement as it involves proactive child protection work with other agencies. Their contribution to the MAPPA is especially essential to the protection of children. Fitzgibbon (2011) in her recent book, addressed the impact on children, families and professionals of the split between probation and social work.

#### **9.5 The armed services (para 52)**

##### **Comment**

This section omits *Working Together* (2010 2.177) which provides guidance about the protection needs of UK child soldiers as young recruits and trainees which include the specific needs of young care leavers.

#### **9.6 Multi-agency responsibilities once a referral has been made to children's social care (para 61)**

‘A qualified social worker must see the child as soon as possible if the decision is taken that the referral requires further assessment’

##### **Comment**

This statement is over simplistic and has no caveats. There are situations where if a social worker saw the child it could place the child at increased risk. This is a complex specialist decision made by the Strategy Meeting including decisions about who is best to see the child, where, when and in what circumstances. This is another example of how conflating assessment and investigation is dangerous for the child who needs protection.

### **9.7 Statutory functions of an LSCB (para 72)**

‘Assessing the effectiveness and impact of the help being provided to children and families including early help..’

#### ***Comment***

This should include a statement about assessing the effectiveness of child protection enquiries and investigative processes including whether justice has been achieved for the child.

## **10. Comments on specific aspects of Revision document Managing individual cases: the Framework for the Assessment of Children in Need and their Families**

**Title:** This title is inherently flawed. It assumes that all responses to children who need protecting from harm are contained within the remit of the Assessment Framework. This is very seriously wrong.

### **10.1 Preface (paras 1.1-1.4)**

‘If children and families are to receive the right help..’ (1.1)

‘Concerns about a child’s welfare..’ (1.2)

‘Concerns about a child’s safety..’ (1.4)

#### ***Comment***

The terminology of ‘concerns’ has replaced ‘children at risk of likely or actual significant harm’ (WT 2010:51) and ‘ help’ is the new buzz word instead of ‘protection’. The new terminology minimises the abuse of children and serious crime perpetrated against children and minimises the level of proactive, protective professional response required. What should be in the Preface is the paramountcy of the child’s best interests and the right of the child to protection as enshrined in law.

‘Understanding families and the experiences of children within them can be complex and signs of low level abuse and neglect may be misleading.’ (1.3)

#### ***Comment***



There is no hierarchy of abuse. This statement demonstrates the Revision Committee's lack of consultation with survivors of child abuse. The signs of **all forms** of child abuse are complex.

## **10.2 Who is the guidance for? (para 1.13)**

‘This guidance is for all those who work with children and with adults with parenting responsibilities’.

### ***Comment***

This section omits the additional bullet point in *Working Together* (2010 p7) ‘organisations that have a particular responsibility for safeguarding and promoting the welfare of children and young people’. Professionals in all agencies do of course work with adults who do not have, ‘parenting responsibilities’ but where their work is essential to the protection of children. 1.13 is inadequate and wrongly situates the work only with parents and carers. Among other factors, this of course overlooks the organised abuse of children by networks of criminals unrelated to the child but have access to them directly or indirectly.

## **10.3 What does the guidance cover? (para 1.14)**

‘The guidance covers assessment, assessment checkpoints and the processes for managing individual cases, where a child may be in need or suffering or likely to suffer significant harm’.

### ***Comment***

The Revision conflates assessment and investigation – two very distinct processes.

## **10.4 Statutory assessments under the Children Act 1989 (paras 1.15, 1.16 and 1.17)**

### ***Comment***

These sections indicate that assessment, ‘will inform decisions about whether a child is a child in need or is suffering, or likely to suffer, significant harm’. This will confuse practitioners who will think that they have to conduct an assessment before they can move towards a section 47 (enquiries or investigation). It is of course true that an assessment of a child in need may well inform professionals of the need for a section 47 but it is also true that professionals may at the point of referral immediately commence a section 47 in responding to a child's need for protection. The Multi Agency Safeguarding Hubs facilitate this process of a speedy protective response when indicated.

## **1.17 Section 47 (1) of the Children Act 1989 - omits the Local Authority Duty to Investigate.**

### **10.5 Response to a referral (page 8)**

‘there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm and must be assessed under section 47 of the Children Act 1989’.

#### ***Comment***

This sentence has combined two bullet points from *Working Together* (2010: 5.38) which concern the Initial Assessment as a ‘brief assessment’ to determine whether;

- There is reasonable cause to suspect the child is suffering, or likely to suffer, significant harm
- A further, more detailed core assessment should be undertaken...

Here the section 47 enquiry/investigation is conflated with a brief assessment which is erroneous but might at least lead to an investigative process. However, the Revision compounds this error leaving no room for any other process than assessment.

Yet at the end of this section it is stated that, ‘when a section 47 enquiry is being undertaken, the police should work jointly with the local authority’. The process whereby they would do this, i.e. joint investigation, is not included.

### **10.6 Assessment checkpoints (page 9)**

‘Feedback must be given to the referrer on decisions made and action being taken. The child and family must be informed of the action to be taken’

‘The child must be seen by a qualified social worker as soon as possible following a referral’

‘The child’s wishes and feelings must be taken into account when deciding what services to provide’

#### ***Comment***

Because assessment and investigation have been conflated the above advice is flawed in relation to an investigative process. There are no caveats such as, ‘unless to do so would place the child at likely or actual risk of harm’. Feedback to the child, family and referral is decided at a strategy meeting with due consideration to the protection of the child and others. Similarly it may not be appropriate for the social workers to see the child. Child protection is complex and there are situations where this would not be the recommended way forward.

The statement about the child’s wishes and feelings, although accurate, should be framed within the paramountcy of the child’s best interests as in the field of child protection the two may be very different such as a young person who wishes to live with a known or suspected child abuser.

### **10.7 Flow chart 1 (page 10)**

In situating 'Assessment required' above 'Concerns about child's immediate safety' this chart suggests that professionals should wait until an assessment is completed prior to taking emergency protection action. This will lead to unsafe practice. The first decision to be made at the point of referral is whether or not immediate protective action is needed.

### **10.8 Immediate protection (page 12)**

*Working Together* (2010:5.53) includes a section about the exclusion of perpetrators. This has been omitted from the Revision.

### **10.9 Flow chart 3 (page 14)**

At the top of this chart it states, 'feedback to referrer'. In a child protection context this statement could be unsafe and such a decision would be made at a strategy meeting with all the facts available to the professionals to facilitate a complex process of decision making.

'Social worker leads assessment, other professionals contribute'. This statement exposes the author's ignorance of child protection processes where a section 47 investigation will be agreed by police and social workers as single agency social work, single agency police or joint agency.

### **10.10 Strategy discussion (page 15)**

'Attendees; the professional/agency who made the referral'

#### ***Comment***

Strategy meetings are for professionals only. This is important as it relates to professional accountability. If an agency is not a professional agency then the referrer may provide information but not be present for the meeting.

**Strategy discussion tasks:** These do not include, 'to protect the child from harm'. *Support* is insufficient for the need of the abused child for protection. *Working Together* (2010 5.57) added, 'provide services' which although inadequate did widen the possibilities of professional response beyond that of 'support'. *Working Together* (5.57 and 5.58) should remain in the guidance.

There is no mention of the need for a contingency plan should the plan made at the strategy meeting not succeed in protecting the child as stated in *Working Together* (2010 5.123).

### **10.11 Flow chart 4 (page16)**

‘Social worker leads assessment under section 47 of Children Act 1989 and other professionals contribute’.

The Children Act 1989 describes the section 47 as the Duty to Investigate. It is not an assessment of need but of whether a child is likely to suffer or has suffered significant harm. The fact that the Revision has removed Initial and Core assessments is neither here nor there. A child in need assessment is a parallel process to that of child abuse investigation.

#### **10.12 Initiating section 47 enquiries (page 17)**

‘Assessments must be carried out as set out on pages 3-9 of this guidance’

##### ***Comment***

This is very seriously flawed guidance as pages 3-9 are for assessment of need and are not transferable to an investigation of child abuse.

Social workers and managers should, ‘See the child who is the subject of concern to ascertain their wishes and feelings, assess their understanding of the situation , their relationships and circumstances more broadly’.

##### ***Comment***

*Working Together* (2010:5.58) states the child should be seen alone with the caveat, ‘unless to do so would be inappropriate for the child’. This has been omitted in the Revision.

#### **The police should ... (page 17)**

##### ***Comment***

In this section the role of the police does not include the single or joint investigation of child abuse. The process of gathering evidence is defined as only to inform discussions about the child’s welfare not to be a joint process with social work to protect the child.

#### **Health professionals should ...(page 17)**

##### ***Comment***

Does not include the role of health visitor or school nurse. The publication by the Department of Health of its own accountability framework to ‘replace’ *Working Together* is likely to lead to further confusion in practice. It is entirely unclear as to why a combined document has not been produced.

#### **All involved professionals should.. (page 17)**

### ***Comment***

*Working Together* (2010: 5.67) provides important detail about speaking to a child without the knowledge of the parent or caregiver. Again this Revision is too simplistic risking misinterpretation.

### **10.13 Outcome of section 47 enquiries: Where concerns are not substantiated (page 18)**

‘Social workers should discuss the case with the child, parents and other professionals’.

### ***Comment***

There is no caveat provided to this statement. This is simplistic and does not allow for the complexity and specialist nature of child protection work. *Working Together* (2010:5.76) provides very important guidance about when concerns are not substantiated but there may still be concerns and the need for monitoring to continue. A strategy meeting would make a decision about what is required to be cautionary in relation to the protection of the child. It is not unusual in child protection to have serious concerns but be unable to gain sufficient evidence to enable protective action to be taken. The collation of evidence is often very slow and painstaking.

### **10.14 Outcome of section 47 enquiries: Where concerns are substantiated and the child is judged to be continuing or likely to suffer significant harm (page 19)**

#### **Convene an initial child protection conference...**

### ***Comment***

The decision to convene a conference is made at a Strategy Meeting where decisions will be made about whether to hold a conference, invite parents and/or the child and what information can/should be shared about the alleged perpetrator. In cases of Fabricated or Induced Illness for example involvement of parents may escalate the abusive parental behaviour and place the child at increased risk.

In this section the *Working Together* (2010: 5.85) section about the need for a conference to be quorate has been omitted.

The need for pre-birth conferences *Working Together* (2010:5.16 and 5.149) has also been omitted.

### **10.15 Initial child protection conference (page 20)**

‘An initial child protection conference brings together family members (and the child where appropriate) with the supporters, advocates and professionals most involved with the child and family’.

### ***Comment***

The conference also includes professionals with a contribution to make e.g. a specialist medical practitioner or forensics expert.

‘Social workers and their managers should’;

### ***Comment***

The assessment triangle may not be required. Whether or not an assessment of the child’s needs is necessary will be a decision of the Strategy Meeting. E.g. if a child has been a victim of abuse by a teacher there wouldn’t necessarily be a need for a parental capacity assessment.

## **10.16 The child protection plan: Responsibilities of the lead social worker: lead core group activity (page 22)**

### ***Comment***

The emphasis on core groups as a means of implementing a child protection plan is flawed. Core groups are the means of carrying out the detail of a plan and involve mainly those closely involved with the child. They are chaired by the lead social worker. A Strategy Meeting is chaired by a senior social worker and is attended by child protection specialists from a range of agencies. If there are ongoing concerns then there should be review strategy meetings to retain the highly skilled and specialist level of investigation.

## **10.17 Child protection review conference: Purpose (page 23)**

### ***Comment***

*Working Together* (5.137) includes, ‘ensure the child continues to be safeguarded from harm’. This has been omitted.

## **11. Glossary (page 26)**

### ***Comment***

It is not appropriate to consign the categories of child abuse to a glossary. The definitions of child abuse are **absolutely central** to all work to protect children from harm and must be situated at the **forefront** of the guidance. The emotional abuse definition has been drastically cut and now does not include seeing or hearing the ill-treatment of another. This omission is tantamount to stating, for example, that children who witness domestic violence are not abused.

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