



House of Commons
Education Committee

**Children First: the child
protection system in
England: Responses
from the Government
and Ofsted to the
Committee's Fourth
Report of Session
2012–13**

Fourth Special Report of Session 2012–13

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The Education Committee

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Fourth Special Report

On 7 November 2012 we published our Fourth Report of this Session, *Children First: the child protection system in England*.¹ The responses from the Government and Ofsted were received on 8 February 2013 and 25 January 2013 respectively, and are published as Appendices 1 and 2 to this Report.

Appendix 1

Government response

Introduction

1. The Government would like to thank the Committee for its very thorough enquiry into child protection. The Committee's report is a welcome contribution to the current debate on child protection reform. While the report recognises many recent positive developments, it also identifies some areas for the Government and local agencies to consider so we can strengthen the child protection system further.
2. The Committee has provided us with a thoughtful analysis of these problems and the 40 recommendations make a number of constructive and creative proposals for the Government to consider. Below we have set out under each recommendation our initial response. The report is much more than the sum of its recommendations. It presents a coherent analysis of where the current system is failing children, including particular groups of children, and our reforms need to be similarly coherent.
3. The Secretary of State for Education's speech on 16 November 2012, a week after the Committee's report, highlighted where the Government believes the child protection system is currently failing children. The speech drew on and acknowledged the Committee's three main themes: the lack of attention being paid to the needs of older children; the scale of, and response to, those suffering neglect; and the effect of the current application of thresholds on those children. The speech also coincided with the publication of Lord Carlile's review *The Edlington Case* that laid bare a range of failings in the system. Many of Lord Carlile's findings resonated compellingly with the Committee's report, such as his concern about thresholds, while he also highlighted other areas that need improvement such as how we learn from serious incidents.
4. An expert, confident social work workforce is the basis of sound practice and must

¹ Education Committee, Fourth Report of Session 2012–13, *Children first: the child protection system in England*, HC 137-I

underpin reforms in all three areas identified by the Committee. In this regard, the Secretary of State for Education's speech praised Professor Munro's review which, in turn, built on the work of the Social Work Task Force. In particular, both Professor Munro and the Social Work Task Force focused on building greater trust in, and the expertise of, professionals so they can play a greater role in improving children's lives. The Committee has highlighted across its three themes the key importance of social workers and other professionals being trained and expert in child development, giving due priority to older children, and being able to spot and respond effectively to areas like neglect.

5. The Government is now urgently and systematically reviewing what more we can do to improve the social work workforce, building on our reforms to date. We need to improve the calibre and training of people entering the profession and improve the professional development and retention of those already in the profession. So, for example, we have discussed with the Institute for Public Policy Research (IPPR) its proposals for a programme known as *Frontline* intended to attract the best graduates into social work. It is an excellent idea which builds upon the existing *Step Up to Social Work* programme. 80% of the first cohort of 168 participants in this programme have gained jobs in the local authority which hosted them, and it is now sponsoring a further 227 participants across 45 local authorities who will complete their training in August 2013. Local authorities have been invited to bid for a new cohort from January 2014. Agreement for *Frontline* to go ahead will depend on the strength of the business case being developed now. In addition, Sir Martin Narey, who has been advising the Government on reforms to the adoption system, has been asked by the Secretary of State for Education to take a broader role as adviser on children's social care. In this capacity, Sir Martin has been asked by the Secretary of State to look into the quality of training for child and family social workers.
6. Professor Munro concluded that the child protection system has become too concerned with compliance and procedures and has lost its focus on the needs and experiences of children. The Government agrees with her analysis and that is why we will shortly be publishing revised *Working Together to Safeguard Children* statutory guidance. The guidance is being radically stripped down to focus on the 'must dos', seeking to provide greater clarity on the core requirements of different professionals and agencies whilst freeing up professionals to spend more time with children and families. We are reflecting on the Committee's findings as we finalise the guidance and have sought to bring out more clearly the importance of those groups who are often overlooked or helped inconsistently.

Neglect

7. The Committee's analysis concludes that more needs to be done to support professionals to respond effectively and consistently to the early signs of neglect. Professionals working in universal services—health, education, police and early years—have a responsibility to identify the symptoms and the triggers of abuse and

neglect and to provide children and their families with the help they need. To do this, practitioners need to develop their own knowledge and skills. They need to have access to the latest research, guidance and training to identify neglect, respond early and to know what types of interventions are the most effective. The revised safeguarding statutory guidance will set out the processes to be followed when there are concerns about a child's safety and welfare and the importance of ensuring that children are consistently and adequately safeguarded over time.

8. The Government agrees with the Committee that the civil definition of neglect is fit for purpose and we are working across Government, including with the Crown Prosecution Service (CPS), to check that the criminal definition does not need revising. Our focus, as recommended by the Committee, will be on exploring what further research is needed in this area.

Older children

9. The Government believes that the safety and wellbeing of all children is of paramount importance. It is therefore of concern that the Committee has clearly shown how older children - and in particular specific vulnerable groups - are not always given the priority and the help they deserve. In some instances, the system has become more focused on younger children and some professionals assume older children have a greater level of resilience than is often the case. This must be challenged. As we revise safeguarding statutory guidance, we have considered how we can emphasise more clearly the need to give due weight to all children based on their individual needs irrespective of age.
10. Universal services such as schools and police are well placed to notice older children in need of help. They also need to be able to access expertise from social workers and other professionals and draw on the latest evidence-based practice to address specific forms of abuse such as those the Committee has highlighted. It is therefore vital for organisations to work together to provide a more coherent approach to child protection. Many areas are developing co-located multi-agency teams as recommended in the Committee's report, with access to social work expertise, to respond to referrals and decide what help is needed.

Thresholds for intervention

11. The Government welcomes the Committee's thoughtful discussion and analysis about a broad range of issues surrounding intervention and services for children. These range from early help assessments, such as the common assessment framework, through to thresholds for statutory assessments and intervention including care and adoption. We recognise that there is local variation in the application of thresholds for statutory intervention in a child's life. As the Secretary of State for Education's recent speech set out, the Government believes this can often result in help and interventions taking place too late, or not at all, with the

needs of adults being prioritised over the needs of children. A successful child protection system is one in which the individual child's needs are paramount and which provides the right support for each individual child at the right time.

12. The Government also supports the Committee's view about the importance to children's wellbeing of professionals sharing information. The emergence of multi-agency working, including on a single site, is one way of enabling that. Local Safeguarding Children Boards (LSCBs) have an important role to play in developing mechanisms to support information sharing and addressing any barriers to it, including through multi-agency training.
13. As we revise safeguarding statutory guidance, we are considering how we can emphasise more strongly the importance of providing early help and of professionals and agencies working closely together. As the Committee has recognised, there are no easy solutions or 'quick fixes' to ensure early and decisive intervention in all cases and all local areas. We welcome the Committee's call for more research. Child protection inspections by Ofsted are helping to build up a picture of local practice. We will look to work with Ofsted to get a better understanding of the factors which influence decisions taken by social workers to intervene in a child's life—particularly in cases of neglect when the signs of neglect may be unclear. Given the importance of the issues the Committee's report has raised with regard to thresholds for intervention, we are considering what further research and policy development may be necessary in this area.

Responses to the Committee's recommendations

Below we have set out the Committee's recommendations in **bold text** and the Government's initial responses in plain text. The issues raised by the Committee are important and often complex. There are a number of areas where we will want to explore further the issues raised by the Committee, its recommendations and ensure this informs related policy developments.

The responses below have followed the order of the Committee's recommendations and the three themes of neglect, older children and thresholds for intervention, except where we have responded to two or more recommendations together to avoid duplication.

Recommendations on neglect

1. We recommend that the Government investigate thoroughly whether the narrow scope of the definition contained in the Children and Young Persons Act 1933 is causing problems in bringing criminal cases of neglect. (Paragraph 45)

The Children and Young Persons Act 1933 is part of a comprehensive legislative framework for protecting children and keeping them safe from harm. For example, section 17 of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children who are in need. Under section 47, local authorities

have a duty to make inquiries when there is reasonable cause to suspect that a child in their area is suffering or is likely to suffer significant harm.

We are aware of the views that some of the language in the 1933 Act may now be considered old-fashioned, but our understanding is that the courts interpret the elements of the offence in the light of contemporary circumstances. We are also aware that the Association of Directors of Children's Services (ADCS) does not think amending the criminal definition is necessary and the Crown Prosecution Service is not aware of any difficulties experienced by prosecutors in using section 1 of the 1933 Act. We will, however, continue to keep abreast of emerging evidence as to how effectively the existing law is working.

2. We recommend that the Government commission research to investigate whether similar situations and behaviours are being classified as neglect in different local authorities. (Paragraph 54)

Addressed alongside recommendation 27.

3. An understanding of the long-term developmental consequences of neglect and the urgency of early intervention should be built into child protection training and guidance for all front-line professionals, including those in health and education. This would mean a strong focus, both in initial training and in continuing professional development (CPD) courses, on normal child development, in terms of emotional, intellectual, behavioural and physical development, and the impact upon it of parental behaviour, including neglect. The training should extend to the developmental impact of neglect on adolescents and the potential long-term effects for this group of children. It would be highly advantageous for CPD in this area to be offered to professionals from different disciplines training together, and we call on the Government and the College of Social Work to take this forward. (Paragraph 65)

7. Both the College of Social Work, in outlining curricula, and individual institutions delivering social work training must ensure that teaching delivers an understanding of the effect of maltreatment on older children, their ability to cope with it and the long-term implications for their future well-being. (Paragraph 82)

16. We recommend that the College of Social Work take a leading role in co-ordinating and promoting awareness of CPD training in specialised forms of abuse and in encouraging other disciplines to participate in relevant courses. For more general use, if the guidance on specialised forms of abuse is to be deleted from Working Together, the Government needs to make clear where such guidance will be found in future and how it will be updated and signposted to social workers and other professionals. (Paragraph 133)

Good assessments depend on a highly skilled and confident workforce with an excellent understanding of child development. The importance of this training has been highlighted in numerous reports over recent years, including in the Social Work Task

Force's final report and Professor Munro's review of child protection. While this is an important component of initial training for social workers, it is equally important for all professionals working with children to have a sound understanding of child development that is deepened by practice and continuing professional development (CPD). It is vital that all professional bodies work to ensure that child development is embedded in training for all the relevant professions involved in child protection.

For example, the Childhood Wellbeing Research Centre published in November 2012 a distillation of the evidence on child development and the impacts of delay in court proceedings (*Decision-Making Within a Child's Timeframe*). As well as assisting decision-making by the courts, the research has broad application for social workers in drawing out aspects of parenting and the child's relationships which have a negative impact on a child's development. The report can be accessed at: <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CWRC-00117-2012>.

However, it is equally important that this extends to ensuring a thorough understanding of the impact of maltreatment on older children. This includes specialised forms of abuse, the strategies that can be deployed to prevent them and how to provide appropriate responses when maltreatment has occurred. We will ensure that, following our forthcoming revision of *Working Together*, relevant practice guidance on these issues remains accessible.

To date, the regulation by Government of degree content for social work has been light touch. As part of the social work reform programme, guidance has been produced in the form of initial training curriculum guides and the Professional Capabilities Framework (PCF). Regulation of content of CPD for social workers is similarly light touch but the PCF is intended to provide guidance. These products are new and their impact is being assessed, but the Government is committed to seeing social workers suitably equipped with the knowledge and skills they need at all levels of their career. We will be discussing with the College of Social Work and the Health and Care Professions Council (HCPC) how we can ensure that the necessary training and CPD content is covered.

The Government recognises this is an important area and more needs to be done. That is why we are attracted to the IPPR's proposals for a programme known as *Frontline*, which is intended to attract the best graduates into social work.

4. We believe that the needs of children and the importance of acting quickly to secure early intervention for children are all too often not given enough priority. Securing positive outcomes and meeting the needs of the child should come before all other considerations. There needs to be a continued shift in culture so that there is earlier protection and safeguarding of the long-term needs of the child. (Paragraph 66)

Addressed alongside recommendation 25.

5. We recommend that Cafcass continue to monitor the responsiveness of local authorities to neglect through the timeliness and quality of care applications. If there are signs that improvement is not being sustained, the Government must be prepared to act to ensure that local authorities respond promptly in cases of neglect. (Paragraph 67)

As set out under recommendation 38, research by Cafcass into the timeliness of care applications, including those relating to cases of neglect, has yielded valuable information. The Government agrees that there is merit in continuing to monitor the responsiveness of local authorities to neglect through the timeliness and quality of care applications, but we shall need to consider how the processes for gathering the information might fit with other research, including work to capture more information on the outcomes of care cases brought to the courts.

The Government agrees that local authorities must respond promptly in cases of neglect. Decisions about how to safeguard and promote the welfare of children who are being neglected are made under the Children Act 1989. *Working Together* does, and will continue to, set out the processes to be followed when there are concerns about a child's safety and welfare. These concerns may be serious enough to justify initiating action in the family court. The threshold criteria set out in section 31 of the Children Act 1989 is used by judges when deciding whether a child has suffered significant harm and should be the subject of a statutory care or supervision order.

6. In cases of domestic violence, there should be no presumption that an abused parent cannot be a good parent. Wherever possible, the focus should be on supporting that parent and helping them to protect their children themselves, rather than on removing the children. But the interests of the children must come first. Guidance and specialised training in this sensitive area should be reviewed and updated and highlighted to all social workers. The Department for Education must liaise more closely with the Home Office on issues relating to child protection and domestic abuse. (Paragraph 72)

There should not, of course, be any presumption that an abused parent cannot be a good parent. It is important to remember the principle, set out clearly in this recommendation, that the interests of the children concerned must come first. Where the interests of the children can be protected, the Government agrees that those working with a family should seek to help the abused parent support and promote the welfare of their children. However there may be some cases where this is not possible and the children have to be removed.

The College of Social Work has produced guidance on this issue as part of the curricula guide for neglect, violence and abuse of children and adults. They will want to consider any necessary changes to that guide in the light of this recommendation.

The Department for Education already works closely with the Home Office on a wide range of issues relating to child protection and safeguarding and will continue to do so.

The two Departments contributed to the new definition of domestic violence, announced by the Deputy Prime Minister in September 2012, which brings victims aged 16 or 17 within the scope of work on domestic violence from the end of March 2013.

Recommendations on older children

7. Both the College of Social Work, in outlining curricula, and individual institutions delivering social work training must ensure that teaching delivers an understanding of the effect of maltreatment on older children, their ability to cope with it and the long-term implications for their future well-being. (Paragraph 82)

Addressed alongside recommendations 3 and 16.

8. Practitioners of all disciplines, including social workers, the police, GPs and others, must demonstrate greater awareness of the fact that older children may also be vulnerable and be a ‘child in need’. The Government and LSCBs should remind practitioners of their statutory duty to assess the needs of those children and to offer support. (Paragraph 87)

Addressed alongside recommendation 25.

9. We recommend that Ofsted monitor and report as a standard part of all inspections on the quality and suitability of the provision made by local authorities for older children, taking into account the views of the children themselves. It is essential that as much attention is paid to the care options provided for vulnerable young people as to those provided for younger children. (Paragraph 92)

Just as all services should provide help to children based on their individual needs not their age, so it is of course right that inspectorates reflect this too. The specific detail of Ofsted’s inspection regime is for them and they have responded separately direct to the Committee. What is clear from early feedback from Ofsted’s new inspection of local authority child protection arrangements is that the stronger focus on practice, observing social work and engaging children and families is shining a light on more areas of provision, including for older children. The introduction of joint inspection of child protection arrangements from June 2013, to be undertaken by all relevant inspectorates, will allow an even stronger focus on the provision for all children by all agencies.

10. We are particularly concerned about the position of care-leavers and the accommodation and range of support provided for them. The impact on their life chances is highly significant and this area needs further detailed examination. (Paragraph 93)

The Government is committed to improving outcomes for this group of older children. The Minister for Children and Families, Edward Timpson, has recently written a letter to Directors of Children’s Services asking them to take action in a number of areas, including: improving outcomes for care leavers; signing the Care Leavers’ Charter; paying a suitable Setting Home Allowance which covers local costs (minimum £2000,

ideally £3000); and ensuring care leavers are always living in safe, secure accommodation with which they are happy.

The Government has recently published a Care Leavers' Charter. This summarises young people's statutory entitlements, as well as making clear the core expectations, values and intentions around good corporate parenting. All care leavers should have a choice of suitable accommodation. Statutory guidance has a checklist that helps to identify the characteristics of suitable accommodation. The Charter is designed to give older children a voice in how they are treated. We want the Charter to result in all local authorities delivering the best service for all children. This means listening to these older children and providing them with on-going support according to their needs.

There is encouraging evidence from the *Staying Put* pilot, which began in 11 local authorities in July 2008. This is targeted at young people who have established relationships with foster carers and offers this group the opportunity to remain with their carers until they reach the age of 21. The best local authorities are using *Staying Put* arrangements to ensure that care leavers can continue to live and get support from their former foster carers when they leave care. We continue to urge all local authorities to look at how they might expand *Staying Put* arrangements so more young people can stay in their home until aged 21, including where these young people are in further or higher education.

The Government recognises that children in care often have chaotic lives in their school years and many achieve less well than their peers. A key aim has therefore been to maximise the incentives to care leavers to attend further and higher education courses. Since April 2011, local authorities have had a duty to provide care leavers with a Personal Adviser where they wish to resume education and training up to aged 25 (previously this was up to the age of 21).

Other incentives include a Further Education Bursary (EMA replacement) which is an entitlement for care leavers if they are attending an FE course. The Government also funds local authorities to give care leavers a Higher Education Bursary of £2,000 if they are attending a university. From 2012 a new Junior Individual Savings Account worth an initial £200 has been opened for every young person who has been in care for more than a year. As of 31 December 2012, 11,728 accounts have been opened. Young people will be able to access these accounts once they turn 18. A related priority is to increase employment opportunities. The Department for Education is therefore funding the *From Care2Work* programme, run by the National Care Advisory Service.

The Department for Education is working with other Government Departments including BIS and DWP to see what more support can be offered to assist a successful transition out of care and into independent living.

Outcomes for care leavers, more generally, will be a key focus in the integrated looked after children inspections due to start later this year which will be a powerful driver on

practice and identifying and sharing good practice. This is the responsibility of Ofsted who have responded directly to the Committee.

11. The issues raised by trafficked children, and possible changes to the guardianship system, require far more detailed attention than we have been able to give in the course of this inquiry. We share ECPAT’s concerns about the number of children going missing once identified by the authorities and the likely numbers of those who are not discovered in the first place. The Government must act faster and more effectively work with others to address this. (Paragraph 103)

The Government accepts the importance of working quickly and effectively to safeguard these very vulnerable children. The *Missing Children and Adults* strategy, statutory guidance on children who run away and go missing from home or care, and the *Tackling Child Sexual Exploitation* action plan all address the situation of children who run away and how local authorities and their partners should be working together to safeguard them.

When trafficked children come into care they receive the full range of support and care to which all looked after children are entitled. This includes access to health and education services and appropriate and safe accommodation, whether via a foster care arrangement, children’s home or supported accommodation. We therefore do not accept the need for there to be guardians for unaccompanied migrant children who may have been trafficked.

We are committed to ensuring we gain a better understanding of how our policies are operating in practice so we get to the heart of children’s experiences and ensure they receive the care and support they need. We have therefore recently awarded a grant to the Refugee Council and The Children’s Society to undertake a joint independent scoping review on the practical care arrangements for trafficked children in care. The review will look at the experiences of trafficked children and practitioners with a view to gaining an understanding of the experiences of trafficked children in the care system. It will highlight any issues as well as good practice. This will add to our understanding of the issues affecting the lives of this vulnerable group of young people and will be useful in shaping future policy and enhancing practice in this area.

In addition, the Government is currently consulting on revised guidance on *Children Missing Education*, which clarifies the roles of schools and local authorities in addressing children that go missing from school.

12. We are also concerned by the treatment of children found in criminal settings. The police and the UKBA have a focus on detecting crime and implementing immigration policy which can lead to the criminalisation of abused and vulnerable children found in these situations. Such children must always be treated as victims—and children—first and not just as criminals. Training and guidance should be given to police and UKBA front-line staff to this effect. (Paragraph 104)

The Government is clear that when children are found in criminal settings they should be recognised as children first and foremost and it is imperative that all agencies locally and nationally do that. In relation to trafficked children, the *Human Trafficking Strategy* highlights the acute vulnerabilities of children and dedicates a separate chapter to child victims. The Strategy makes clear that the Government is committed to ensuring that trafficked children are not unnecessarily criminalised.

All frontline police and UK Border Agency staff are required to undertake child safeguarding training to help them identify safeguarding concerns and then refer to the statutory agencies that have a child protection or child welfare role.

13. Children’s charities and others have raised legitimate concerns about the correlation between Government policies on immigration and the incidence of destitution amongst asylum-seeking and migrant children. It would be outrageous if destitution were to be used as a weapon against children because of their immigration status. We call on the Government to review the impact of immigration policy upon child protection and children’s rights to ensure that this is not the case. (Paragraph 109)

The Government agrees that it would be totally unacceptable for destitution to be used as a weapon against children. We do not believe that it is.

The children of asylum seekers are supported with their families by the UK Border Agency. The support includes the provision of accommodation and a weekly cash allowance to meet essential living needs. The support does not stop unless the asylum claim is accepted, in which case the family can access mainstream benefits, or the family leaves the UK.

Local authorities support unaccompanied asylum seeking children under their Children Act duties, irrespective of their immigration status. When the young person reaches 18, their immigration status becomes relevant if their application to stay in the UK and any appeal have been finally rejected. However, even in that instance the local authority would be under a duty to continue support for human rights reasons if the person was temporarily unable to leave the UK and needed support in the meantime. In all other cases, support would be available in the same way as it is for other young people in the care system.

We do not believe that there is a need to review our policies on this question. There may be a need for some improvements in local practice, and we would want all local authorities to come up to the standard of the best.

In response to another aspect of immigration processes upon children’s wellbeing, the Government committed to ending the detention of children for immigration purposes. The Yarl’s Wood Immigration Removal Centre (IRC) closed in December 2010, and since May 2011 no children should be detained in any IRC, with the exception of border cases and high risk cases.

14. We are concerned that abuse between teenagers is an overlooked issue in the child protection system. There is a need for the issue to be recognised and for strategies to be developed to deal with the complications involved in assisting victims and perpetrators out of the abusive situation. We welcome the current Government plan to extend the definition of domestic abuse to under 18s and to include “coercive control”. Teenagers in such situations need appropriate support from all those with whom they come into contact. We consider that training for social workers must include specific input on these issues. We also recognise that abuse between teenagers is most likely to be dealt with by schools and youth workers who need training and guidance to be confident in their role. Finally, there is a need for greater willingness to take action on the part of the authorities. There is research evidence that those who have experienced abusive relationships are more likely to have children who also experience abuse. This makes it all the more important to stop the cycle as effectively and as quickly as possible. (Paragraph 114)

The Government takes abuse and violence between teenagers extremely seriously. This is why we have taken steps, as the Select Committee has acknowledged, to extend the definition of domestic violence to include those aged 16 and 17 from March 2013. It will also include ‘coercive control’, a complex pattern of abuse using power and psychological control. In March 2012 the Government launched the Teenage Rape Prevention Campaign to change and challenge attitudes to rape and prevent teenagers from becoming victims and perpetrators of sexual violence and abuse. To build on the success of the campaign, it was re-run in December 2012. The Teenage Relationship Abuse Campaign will also be re-run from February.

Schools are already required to have a behaviour policy, which must include measures to prevent all forms of bullying among pupils, including sexual or gender based bullying and harassment. The behaviour policy should set out the standard of behaviour expected of pupils and make clear what sanctions will be used when a pupil’s behaviour does not meet these standards. Furthermore, DfE’s guide to schools on behaviour and discipline reminds them of their duty to comply with the Equalities Act 2010. This guidance can be viewed via the following link:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076803/behaviour-and-discipline-in-schools---a-guide-for-headteachers-and-school-staff>

One emerging form of abuse is ‘sexting’ where we are working with the internet industries through the UK Council for Child Internet Safety who are developing practice guidance for professionals.

We do believe, however, that more needs to be done to help older children who are subjected to such abuse and violence. Practitioners across all agencies must be able to identify the signs of abuse so they can intervene at an early stage to stop problems escalating.

15. We welcome the Government’s plans to increase protection of children against forced marriage, and the recent efforts made to highlight the issue. We urge the Government to increase awareness of the availability and use of Forced Marriage Protection Orders and to take steps to improve the monitoring of compliance with such orders. (Paragraph 124)

The Government has published a range of information on forced marriage, such as leaflets and guidance and, in June 2012, the Forced Marriage Designated Courts Resource Manual was published on the Ministry of Justice website. The manual is intended for professionals practising in the area of forced marriage as well as for members of the general public. It explains the background to the Forced Marriage (Civil Protection) Act 2007 and includes information on who can apply for a forced marriage protection order (FMPO) and the specified courts that deal with FMPO applications.

The Government has also produced multi-agency statutory guidance on handling forced marriage, which includes guidance on monitoring procedures for FMPOs. The Government’s review of its implementation recommended that the Forced Marriage Unit and the Ministry of Justice work together to set out information about FMPOs for practitioners, including best practice on monitoring cases.

This will form part of the wider programme of work announced by the Government in June 2012 to accompany the prospective forced marriage legislation which includes criminalising the breach of a FMPO. Once enacted, we will take action to raise awareness of the new legislation across a range of sectors.

16. We recommend that the College of Social Work take a leading role in co-ordinating and promoting awareness of CPD training in specialised forms of abuse and in encouraging other disciplines to participate in relevant courses. For more general use, if the guidance on specialised forms of abuse is to be deleted from Working Together, the Government needs to make clear where such guidance will be found in future and how it will be updated and signposted to social workers and other professionals. (Paragraph 113)

Addressed alongside recommendations 3 and 7.

17. We are also concerned that professionals faced with a specific type of abuse with which they are not familiar should have an identifiable source of expertise to consult in person. Local authorities should nominate a specialised child abuse practitioner to lead on such matters. Where an authority has a low incidence of a particular form of child abuse, they should be able to draw on the expertise of nominated practitioners in other authorities. (Paragraph 134)

The Government agrees that professionals faced with unfamiliar types of abuse should be able to consult an identifiable source of expertise within the local authority to support them in their work. Professor Munro proposed that each local area should designate a Principal Child and Family Social Worker (PCFSW) who is a senior manager with lead responsibility for practice in the local authority. They would still be actively involved in

frontline practice and able to report the views and experiences of the front line to all levels of management.

The Government accepted this recommendation and the argument that there needs to be a channel through which frontline practitioners can notify those in authority of how operational arrangements are affecting their work. This can include highlighting and responding to emerging issues about specific forms of abuse.

We are aware that some areas have already identified individuals to undertake this challenging and critical role. For example, Cornwall County Council has appointed a PCFSW at a senior level who leads on the redesign of social work in Cornwall and is responsible for making research in practice, policy and guidance readily available to all social workers. The PCFSW is also responsible for promoting a web-based resource library to underpin evidence based practice. Cornwall has also allocated Principal Social Workers in every team who act as advanced practitioners with a small caseload and are responsible for supervision, mentoring and support to other social workers. They work with the PCFSW to raise the expertise and status of children's social work, to improve the quality of practice and their aim is to become one of the best services in the country.

The London Borough of Hackney has also undergone a process of service redesign and appointed Consultant Social Workers (CSWs) who work within autonomous Social Work Units alongside other professionals to undertake a comprehensive assessment of the risks to the child and a broader assessment of interventions. The recruitment of high quality practitioners with a shared vision to radically improve the quality of social work is a priority in Hackney.

18. We agree that the primary aim within Government must be effectiveness but we are not convinced that the system at the moment enables vulnerable children to be treated as children first. Other agencies, such as those involved in immigration and crime, cannot reasonably be expected to put the interests of the child before their statutory responsibilities on their own initiative. We therefore recommend that the Department for Education be given explicit overall responsibility for the welfare of all children, including those who have been trafficked or who are seeking asylum. (Paragraph 136)

It is absolutely right that vulnerable children should be treated as children first and it is imperative that all agencies locally and nationally do that. However, the Government is strongly of the view that this is not achieved by taking that focus on children's welfare and bestowing it on one body alone such as the Department for Education.

Instead, it is critical that each Government Department recognises the imperative of placing the needs of children first and ensures that services for which it is responsible reflect that. The Government's objective, therefore, is not that *one* Department is responsible for the welfare of children, but *every* Department is. Our forthcoming revised statutory guidance will reinforce the principle that safeguarding children is everyone's responsibility. This should be as true at national level as it is at local level.

The Department for Education will, of course, continue to support and challenge other Departments in fulfilling their roles in this area.

19. We recommend that local authorities monitor the situation with regard to youth services and report to the Government on the impact of cuts in the provision of such services upon safeguarding. We also recommend that LSCBs work together to establish best practice in raising awareness of and ensuring a better response to child abuse amongst older children through the co-ordination of the efforts of all the agencies in their local area. (Paragraph 140)

The Government agrees that local authorities should monitor the situation with regard to youth services. Local authorities already have a statutory duty under section 507B of the Education Act 1996 to secure access for young people to a sufficient local offer of positive activities. But it is clear that there is no ‘one size fits all’ approach and decisions about the services for young people are quite rightly a matter for each local area. It is not for the Government to determine what local priorities are or should be.

Local authorities have greater freedom and flexibility in how they use the funding available to them. We collect, under section 251 of the Apprenticeships, Skills, Children and Learning Act 2009, budget data showing planned and actual expenditure on youth services. We publish both sets of data annually—most recently the outturn expenditure for 2011-12 was published on 24 January 2013—to enable local authorities to compare their planned spending with other areas to help inform future decision making.

We agree with the need to establish best practice in youth services, including awareness raising and co-ordination of the agencies in a local area. We believe that the best people to help lead improvements in youth services are those from local government who have outstanding track records. This is why we have committed to funding the work done by the Local Government Association, the ADCS and SOLACE through the Children’s Improvement Board (CIB) for another year. Their approach teams strong councils with weaker councils to improve performance.

As we revise safeguarding statutory guidance we are considering how best to strengthen the focus on the role of the LSCB to evaluate and monitor what is being done by the local authority and their Board, individually and collectively to safeguard and promote the welfare of all children.

20. We recommend that local authorities encourage schools and other universal settings to provide more peer-led support, such as peer safeguarding forums and peer mentors. They should seek to learn and apply lessons learnt from the apparent success of the schemes described to us by The Children’s Society. (Paragraph 142)

Schools have an important role to play in protecting children, including older children, by spotting the first signs of abuse and making appropriate referrals. They are under a statutory duty to safeguard and promote the welfare of their pupils. We would encourage schools to deliver age-appropriate information to children that will enable

them to understand and manage risks and make informed positive choices. This information will not necessarily always be presented to pupils by teachers; the voluntary sector can play a key role in providing children with information about related risks and how to keep themselves safe. Organisations like Barnardo's, the Children's Society and Safe and Sound Derby are experienced at going into schools and undertaking preventative work. CEOP also provides education materials to schools and awareness opportunities through its ThinkUKnow programme.

Issues relating to sexual exploitation can be covered as part of Personal, Social, Health and Economic (PSHE) education in schools. We encourage all schools to provide a broad programme of sex and relationships education (SRE) as part of this. When schools provide SRE they must have regard to the Secretary of State's Guidance on Sex and Relationship Education. This makes clear that schools should ensure pupils learn how to make safe and informed choices, as well as to recognise and avoid exploitation and abuse.

The Government is currently tendering for some phased light touch monitoring with a small representative group of authorities, Academies and schools to understand how both roles within the school system and the education services market are evolving and developing. One of the areas that we will be exploring is the support available for vulnerable children. Amongst other things, the work will explore how authorities are exercising their duties on safeguarding and whether there are any barriers to ensuring Academies' compliance. It will also explore what the impact of becoming an Academy has had on local safeguarding arrangements.

21. We recommend that the Government encourage local authorities to include on their website information aimed at older children on how to make a self-referral. This information should also clearly set out what children can expect once the referral has been made in order to remove the sense of loss of control and uncertainty that children needing support may experience. (Paragraph 148)

The Government agrees with the Committee about the importance of older children being able to self-refer to children's social care and knowing what to expect when they do so. The revised safeguarding statutory guidance will continue to set out what local authorities and others working with children must do to keep children safe, including making clear how to make a referral. The guidance will also be clear that contact details must be clearly signposted by local authorities so that children, parents and other family members are aware of whom to contact if they require advice or support. It is for local authorities and others working with children to use this guidance to design, deliver and assess the effectiveness of local services, including the provision of information for children.

22. We recommend that local authorities include in their 'pledge' a requirement for all social workers and carers to ensure that children know about and have access to their local Children in Care Council and other advocacy support in their area. (Paragraph 148)

The Government has supported the development of Children in Care Councils to share best practice and argue for the best from their local authorities. The current statutory framework requires local authorities to ensure that looked after children are able to have access to independent advocates. Statutory guidance requires that access to advocates should not just be confined to complaints procedures and that children should be provided with support from an advocate whenever they wish to make representations about the services they receive.

Local authorities are also expected to publicise their arrangements for the provision of advocacy services and to provide information about children's rights which is age appropriate and wide-ranging to reflect the various needs of all children. The Department for Education has published a list of entitlements for looked after children and care leavers and these have been distributed through the Department's Children in Care newsletter.

23. If the current discussions with CEOP do not resolve the limitations in the technical support available to ChildLine on a permanent or sustainable basis, then we recommend that the Government consult the police and ChildLine on possible legislative solutions to their difficulties in identifying those at risk of immediate harm. (Paragraph 151)

We will await the outcome of discussions between ChildLine and CEOP and then assess the situation. If we conclude from that assessment that further work is required to improve levels of child protection we will review how that might best be achieved. We expect ChildLine, CEOP, other agencies and their staff and agents to make the best use of existing legislation in order to protect children.

24. We recommend that ChildLine be assisted and enabled by the Government to market its existence and services more widely, especially to older children. ChildLine should also review how it could improve its services for particular groups of children. We would expect the Government to look favourably upon financing or otherwise aiding any proposals which would improve the effectiveness of ChildLine in reaching these groups. (Paragraph 155)

ChildLine has many thousands of contacts from children and young people every year and is better placed than Government to determine what measures are needed to market its services to older children more effectively. The Government is providing £11.2 million over the period 2011-15 to fund ChildLine and NSPCC Helpline activities, including marketing of services, on condition that helplines successfully meet a range of key performance indicators (KPIs). We will continue to keep those KPIs under review in order to make sure that ChildLine is offering the type of services that best meet the needs of children, including older children, and that the needs of different groups of children are balanced.

4. We believe that the needs of children and the importance of acting quickly to secure early intervention for children are all too often not given enough priority.

Securing positive outcomes and meeting the needs of the child should come before all other considerations. There needs to be a continued shift in culture so that there is earlier protection and safeguarding of the long-term needs of the child. (Paragraph 66)

8. Practitioners of all disciplines, including social workers, the police, GPs and others, must demonstrate greater awareness of the fact that older children may also be vulnerable and be a ‘child in need’. The Government and LSCBs should remind practitioners of their statutory duty to assess the needs of those children and to offer support. (Paragraph 87)

25. We recommend that the Government urgently review the support offered by the child protection system to older children and consult on proposals for re-shaping services to meet the needs of this very vulnerable group. (Paragraph 157)

The Government agrees that any concerns about a child’s welfare, regardless of their age, must be identified early and appropriate action taken. This is so that children and their families get the early help they need to prevent problems from escalating. Timeliness in identifying a need, assessing the nature and level of any risk and offering help and support is critical to securing good outcomes for our most vulnerable children.

Identifying early signs of abuse and neglect can be difficult and this may be more challenging with older children. It is important that services give equal weight to understanding the needs of older children and respond to them in an appropriate way. We expect local leaders to consider whether their child and family social work services are appropriately configured to meet the needs of all vulnerable children and families.

We welcome the commitment of local authorities in making the provision of early help a reality on the ground, as many have already. Local authorities and their partners should start an ongoing process to review and redesign the ways in which child and family social work is delivered. It is a matter for local discretion, taking into account views of service users, how redesign is taken forward and subsequently reviewed to test its effectiveness. Ofsted, through inspection, are monitoring the effectiveness of the services provided and *Working Together*, which is to be published shortly, will support improved practice.

Recommendations on thresholds for intervention

26. We acknowledge the strenuous efforts made by individual local authorities to minimise the impact of cuts on their child protection services but we are concerned that this position might prove difficult, if not impossible, to maintain as authorities are forced to find further savings in future years. We recommend that the Government commission work to monitor the impact of the current economic situation and cuts in local authority services on child-safeguarding. (Paragraph 164)

The Government is pleased to note that local authorities have, by and large, been protecting child protection services when making spending decisions. The Government already monitors patterns of spending on local authority services via the s251 returns. In addition, there is evidence available in terms of Ofsted inspections of safeguarding services and our on-going dialogue with the local government sector, including that which takes place through the Children’s Improvement Board.

2. We recommend that the Government commission research to investigate whether similar situations and behaviours are being classified as neglect in different local authorities. (Paragraph 54)

27. We recommend that the Government commission research to understand the impact of varying thresholds in different areas, and whether thresholds for section 17 and section 47 interventions are too high and/or rising in some areas. The data should be published. Ofsted should also monitor and report on the variation between local authorities’ provision and changes over time. LSCBs should use this data to ensure that any variation in their own area is justified by local circumstances. (Paragraph 165)

We agree that there is variability in the application of thresholds for both entry into statutory children’s social care and for moving cases on from children in need cases to child protection cases, to be investigated under section 47 of the Children’s Act 1989. As the Secretary of State for Education’s speech on 16 November set out, the Government believes this all too often results in interventions taking place too late, or not at all, with the needs of adults being prioritised over the needs of children.

Inconsistency in the application of thresholds also causes confusion for those professionals working in universal services—teachers, health visitors, midwives, GPs and the police—about when and what to refer. A clear understanding about what to refer and when is central to an effective child protection system—one which creates confidence for professionals to use their judgement set against clear thresholds.

LSCBs are responsible for agreeing threshold levels with the local authority and partners. In our revised safeguarding statutory guidance we have clarified these responsibilities and emphasised the importance of intervening early.

As the Committee has recognised, there are no easy solutions or ‘quick fixes’ to ensure early and decisive intervention in all cases and all local areas. We welcome the Committee’s call for more research. In addition, child protection inspections by Ofsted are helping to build up a picture of local practice. However, given the importance of the issues the Committee’s report has raised with regard to thresholds for intervention we are considering the need for further research and policy development in this area based on a sound understanding of the reasons behind the inconsistency of threshold application.

Identifying neglect and the impact it has on the long-term outcomes for children can be

difficult but this cannot be an excuse for leaving children too long in households where care is not appropriate. There must be recognition by everyone of the damage that long-term neglect has on a child's life and outcomes. Neglect often presents as a series of minor incidents with the trigger for action only occurring after a longer period of mounting concern. What we want to see is early analysis of the impact of neglect on the individual child which then translates into the right help early on.

To help practitioners develop their knowledge and skills in this area, the Department published training materials commissioned from Action for Children and the University of Stirling in June last year. These materials, *Childhood neglect: Improving outcomes for children*, contain guidance and training resources to help staff identify and respond early to neglect and to know what types of interventions are the most effective. These materials can be downloaded at:

<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/childhoodneglect>

Poor attendance at school can also be a sign that there may be issues at home. Charlie Taylor, the then Government Expert Adviser on Behaviour, recommended in his review of school attendance that failure to send children to school is a clear sign of neglect, and that local authority children's social care services should work with schools to address any underlying difficulties.

In response, the Government is due to publish revised advice to schools on attendance. This will highlight that the law requires all schools to inform relevant local authorities when any of their pupils has regular absence or missed school for up to 10 days without the school's permission. Schools should also make appropriate referrals to local authority children's social care if unexpected or troubling attendance gives school staff cause for concern about a pupil's welfare.

28. The referrals process needs to be able to account for 'soft' intelligence, and get better at trusting the judgement of front-line professionals. Where possible, those making the referral should be involved in decision-making about what action to take. (Paragraph 168)

29. We recommend that Ofsted monitor the re-referral rates in local authorities and make a judgment whether they are a sign of underlying systemic problems in particular areas. (Paragraph 170)

30. We recommend that children's services initial response (or equivalent) teams be required by their LSCBs to feedback simply and quickly to the person making a referral on whether and what action is taken in response. Ofsted should consider whether local authorities are giving adequate feedback to referrers, as part of its investigations under the new inspection framework. (Paragraph 171)

We agree with the Committee about the importance of trusting the judgement of front-

line professionals and involving them as much as possible in deciding on further action for those children they refer to children's social care. We are considering how our revised safeguarding statutory guidance, *Working Together*, can be clear that children's social care must give feedback to the referrer on the decisions taken and, where appropriate, the reasons why a case may not reach the statutory threshold to be considered by children's social care for assessment.

Where it is considered that the child may be a child in need as defined in the Children Act 1989 or that the child has suffered significant harm or is likely to do so, a referral must be made to children's social care. Through our revised guidance we are considering how to be clearer about the need for referrers to be able to discuss concerns they may have about a child and family with a social worker in the local authority.

The number of repeat referrals can provide information on how well the system is working in terms of whether children are being given the services they require the first time they are referred. However, in some cases the re-referral will be entirely appropriate as an indication that new information has come to light meaning an assessment of the child's needs may be required. The Department for Education already collects and publishes data on re-referrals. In addition Ofsted asks local authorities to supply data when it inspects and these include whether a referral is a re-referral.

31. We commend greater use of multi-agency training, in particular for GPs, police, teachers and social workers, who were identified as having very different understandings of risk and thresholds. We also encourage LSCBs to take the initiative in finding further ways to enhance mutual understanding between those making referrals and social workers. (Paragraph 175)

We agree that multi-agency training has value and the LSCB has a role in multi-agency understanding of thresholds. *Working Together* does, and will continue to, make clear the statutory function of the LSCB in developing policy and procedures including in relation to thresholds for intervention. Guidance also makes clear the LSCB role in monitoring and evaluating the effectiveness of training, including multi-agency training, to safeguard and promote the welfare of children. Research has shown this training to be effective.

32. We recommend that the Government ensure that the guidance for professionals in all the relevant agencies is absolutely clear about their statutory duties on data protection and data-sharing with regard to protecting children, and that LSCBs take a leading role in ensuring that this guidance is understood and acted upon in their areas. (Paragraph 180)

33. We consider that information-sharing would form an important component of the multi-agency training we call for and that LSCBs should work together to develop and support the provision of such courses. The revised Working Together guidance should reinforce this. (Paragraph 181)

We are considering how we can address this issue through the forthcoming revisions to *Working Together*. Partners and agencies should proactively share information with each other and with the LSCB. The LSCB should also play a strong role in developing mechanisms for supporting this information sharing between and within organisations and addressing any barriers to information sharing. This should include ensuring that relevant guidance is understood and supports information sharing; that multi-agency training covers information sharing; and that a culture of information sharing is developed.

In addition, as we consulted on *Working Together* over the summer, we also set out our intention to commence legislation putting a legal requirement on relevant agencies to comply with a request for information from the LSCB. This is only where the information is essential to carrying out LSCB statutory functions. Our consultation was clear that, should this legislation be commenced, LSCBs would need to ensure any requests for information about individuals were 'necessary' and 'proportionate' to the reasons for the request. They would also need to be mindful of the burden they would be placing by making requests for information and would need to explain to the record holder why the information was needed.

34. We strongly encourage all local authorities to consider the merits of moving to multi-agency co-location models. For best practice, this should include co-location of local police child abuse teams with children's social care. (Paragraph 189)

There are currently a number of good examples of multi-agency co-location models (for example, the Multi-Agency Safeguarding Hubs) helping to drive more effective and joined up responses to issues of child protection.

The Government is working in partnership with the Association of Chief Police Officers (ACPO) to improve national and local understanding of the different local multi-agency models in place to support information sharing around particular safeguarding issues (for example, trafficked children, vulnerable adults, domestic violence victims and missing people).

The project, led by the Home Office and working with ACPO and others, will undertake work with a selection of local areas to understand these models and identify critical success factors or any common barriers. These lessons can then be shared with other areas that are looking to develop their multi-agency working and information sharing arrangements. The national picture will be included in a final project report.

In addition, Ofsted will evaluate the quality of local practice through individual inspections. The Children's Improvement Board, which is working with local areas to deliver sector led improvement, will also help spread good practice.

35. We recommend that the Government reconsider its rejection of the need for a statutory duty to secure the provision of early help by a range of partner agencies. (Paragraph 193)

The Government response to Professor Munro’s report accepted the principles of her recommendation—transparency about local arrangements and improved co-ordination among statutory partners—and agreed to consider whether a statutory duty to secure early help for children and families was needed.

In autumn 2011 we engaged with ADCS, representatives from health, police and education bodies to consider the most appropriate route to deliver early help. There were wide-ranging views from the sector. It was clear that there were different local approaches and being prescriptive on how to deliver early help could constrain innovation. In December 2011, the Government concluded that we do not need a duty to deliver early help as existing legislation applies. Multi-agency working is key to the timely delivery of early help and this is underpinned by section 10 of the Children Act 2004. Our position has not changed.

We have been clear that our forthcoming revised safeguarding statutory guidance will emphasise the importance of progressing early help without being prescriptive about how this should happen. Our *Working Together* consultation proposed a continuum of help for a child and family from early help through to statutory intervention. It proposed that local agencies should have in place processes for the effective assessment of the needs of individual children who may benefit from early help services. These assessments, such as a common assessment framework (CAF), would identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the Children Act 1989.

We continue to work with ADCS, the Local Government Association (LGA), the Society of Local Authority Chief Executives (SOLACE) and the Children’s Improvement Board on mapping and sharing good practice. Ofsted inspections are specifically looking at the effectiveness of early help by undertaking case file audits and examining the child’s journey from needing help to receiving it and will share good practice when it is found. We will through *Working Together* set out our expectations for how LSCBs will monitor the impact of early help.

The Government is continuing to work with other partners to look at some of the innovative approaches to deliver early help. The Children’s Improvement Board is working with local authorities through a number of demonstrator sites to learn from different approaches to service improvement and development with respect to early help. We are pleased that the recent ADCS Safeguarding Pressures report acknowledges that local areas are already working hard, and with notable success, to address this issue.

36. We welcome the reassurance offered by the Minister about the impact of the Government’s health reforms upon child protection but all the evidence to us strongly suggests that more needs to be done to provide clarity and shore up confidence. There is a real and urgent fear amongst health professionals in child protection and their partners about the place and priority of child protection in the reformed NHS. The Department of Health urgently needs to clarify where and how safeguarding and child protection accountabilities will work under the new

structures, in particular in the new clinical commissioning groups and Health and Wellbeing Boards, and how these bodies will relate to LSCBs. It should also confirm its continuing commitment to the role of named and designated doctors and nurses for child protection. (Paragraph 199)

Working Together will continue to set out the essential statutory requirements on all organisations including NHS organisations as they relate to child protection. In parallel with the revision of *Working Together*, the Government has been working with the NHS Commissioning Board (NHS CB) and other partners to develop an accountability and assurance framework for safeguarding in the future NHS. In September 2012, the NHS CB Authority published interim advice which expanded on the requirements, with regard to safeguarding, for clinical commissioning groups (CCGs) to demonstrate in order to be authorised—including that they secure the expertise of designated professionals. The NHS CB will be publishing alongside *Working Together* an update to that interim advice that provides further clarity on accountabilities for safeguarding children in the NHS.

In addition, the 2012-13 Operating Framework for the NHS set out the expectation on Primary Care Trust clusters to ensure a sustained focus on robust safeguarding arrangements, to ensure ongoing access to the expertise of designated professionals in line with local need, and to work with CCGs as they develop to ensure they are well prepared for their safeguarding responsibilities and that robust local arrangements are put in place.

Our consultation on *Working Together* was clear that the LSCB should link effectively with other local partnerships and arrangements including, for example, the health and wellbeing board. It proposed that the LSCB should either include on its Board, or be able to draw on in its ongoing work, appropriate expertise and advice including a designated doctor and nurse and the Director of Public Health.

37. To ensure that priority is given to the child protection in the new structures and to provide a point of contact with the LSCBs, we recommend that one of the chairs of the Health and Wellbeing Boards be nominated as a national lead on safeguarding children. (Paragraph 200)

The Government's Mandate to the NHS Commissioning Board (NHS CB) for 2013–15 includes a clear expectation that the NHS, working together with schools and children's social services, will support and safeguard vulnerable, looked after and adopted children, through a more joined-up approach to addressing their needs. The Mandate sets the Board an objective of continuing to improve safeguarding practice in the NHS.

The NHS CB will lead and define improvement in safeguarding practice and outcomes in the NHS and should ensure that there are effective mechanisms for LSCBs and health and wellbeing boards to raise concerns about the engagement and leadership of the local NHS. The Chief Nursing Officer in the NHS CB provides national leadership for safeguarding in the NHS.

38. We welcome the research by Cafcass into applications for care orders and recommend that this work be repeated on a regular basis. An assessment of the reasons behind the local variability in care applications is needed. We also believe that it is essential to promote a more positive picture of care to young people and to the public in general. The young people to whom we spoke were generally very positive about their experiences, including those who had spent time in children's homes. This is backed by academic research on outcomes. Ministers should encourage public awareness of the fact that being taken into care can be of great benefit to children. (Paragraph 208)

To date, Cafcass's care application study has been undertaken twice and yielded valuable information on the timeliness and appropriateness of care applications. We agree in principle that there should be further updates to the research but we will need to consider with Cafcass how this might sit alongside the need to also gather more information on the outcomes for children of cases put to the courts.

Some initial work to investigate the variations in care application rates has been undertaken and we are currently exploring the options for further investigations which could yield important lessons about practice within the system.

We strongly agree with the Committee that the experience of care can often be a very positive one, bearing in mind how vulnerable children entering care can be and their experiences before being taken into care. We have made it clear that the best interests of the child will often mean taking them into care, and doing so as quickly as a possible, rather than continuing to help the family to look after them in the hope that matters improve. Local authorities need then to ensure that children in care have the right placements and the best possible support. For some children the right placement will be in a children's home. There is some excellent practice in children's homes but there is an urgent need for reform to ensure consistently high standards of care wherever a child is placed. It is particularly concerning that a disproportionate number of children are placed in residential care a long way from their home area. We therefore committed in July 2012 to reform children's residential care.

39. We endorse the Government's current policy emphasis on increasing the number of children adopted, speeding up the process and facilitating foster-to-adopt arrangements. Adoption is clearly the preferred route to permanence and stability for some children. However, the same goal can be achieved by other means and it is vital that the Government and those in local authorities continue to concentrate effort and resources on prioritising stability in placements for all children, whether through long-term fostering, Special Guardianship or residential care. We would welcome greater debate on policies which might bring this about and greater encouragement from Government for these alternative solutions. In particular, while we recognise that an artificial limit on the number of times a child can be moved within the system would be unworkable, there should be increased emphasis in central guidance aimed at limiting the disruption and damage caused to vulnerable children by frequent changes. (Paragraph 216)

We welcome the Committee's endorsement of the Government's policy of increasing the number of children adopted from care, and of speeding up the adoption processes. The latest data shows a 12% increase in 2012 in the number of children adopted. We are determined to maintain the momentum here, and to ensure that all children able to benefit from the care of a loving adoptive family are able to do so. However, we recognise that, for many looked after children, adoption will not be appropriate. For children who may return to live with their birth families, or alternatively remain in care until they leave as young adults, we want to see high quality care placements and high expectations. Foster carers have a key role to play, which is why we launched a programme last May to streamline the processes, improve recruitment and further empower individual foster carers. In July 2012, the Government committed to reform children's residential care in order to improve the quality of children's homes.

The Committee is also right to emphasise the importance of avoiding frequent moves between different placements. Although the latest data shows that 67% of looked after children had only one placement in the course of the year, it also shows that 11% had three or more moves. Therefore, we will continue to work with the sector to improve the care and placement planning that helps keep placement moves to a minimum. Children in care have also said we should focus on other issues which impact on stability, including school moves and frequent changes of workers such as social workers and Independent Reviewing Officers. We are therefore considering how we can measure stability in the care system more broadly.

40. An appeals mechanism against “forced” adoption is an interesting idea and we look forward to examining the Minister's proposals when they are published. (Paragraph 217)

The law and guidance on adoption make clear that children cannot be adopted without their parents' consent unless the court is satisfied that the welfare of the child requires their consent to be dispensed with. In addition, birth parents can challenge the making of an adoption order with the leave of the court. There are currently no plans to change this. However, the Government has commissioned a small scale research project to consider the robustness of adoption procedures and the quality of local practice, and to establish what, if any, changes are required to ensure that local authority and court case handling and decision making are consistent with the principles underpinning the current legal framework. This research will be published in due course.

Appendix 2

Ofsted response

Response to recommendations from the Office for Standards in Education, Children's Services and Skills (Ofsted)

Introduction

1. Ofsted very much welcomes this report. Many of its conclusions are strongly supported by our inspection evidence. Inspection emphasises the importance of recognising the impact of long term neglect and acting decisively to intervene to safeguard and protect the long term needs of children where necessary. Clear, appropriate, well-understood and consistently applied thresholds are essential. The particular vulnerability of older children and young people within both the child protection and care systems, which the Committee highlights, is also something on which Ofsted has focused attention. In our survey of lessons learned from our evaluation of serious case reviews between 2007 and 2011, *Ages of Concern: learning lessons from serious case reviews* (October 2011), we identified the failure, in many of the incidents which led to the reviews evaluated, to recognise that young people up to the age of eighteen are children first and foremost, and to over-emphasise their ability and readiness to take responsibility for crucial decisions. The analysis also highlighted the way in which vulnerable young people too often move in and out of contact with different agencies, with no one agency taking clear responsibility for their welfare or achieving a comprehensive assessment and understanding of their needs.
2. Ofsted, like the Committee, welcomes the Government's current policy emphasis on increasing the number of children adopted, where that is the right option for the individual child, and on speeding up the adoption process. We also recognise, however, that adoption is only ever likely to be the right option for a minority of children who enter the care system; and that the overriding responsibility of a local authority is to achieve the right form of permanence and stability for every individual child who comes into its care—whether that be a planned and supported return home, adoption, secure foster care, high quality residential care for older young people, kinship care, or any other of a range of options. In the new framework for the inspection of services for children looked after, which will be implemented in April 2013, we propose to make a key judgement on the effectiveness with which the local authority achieves permanence for every child in its care. Inspectors will evaluate the extent to which:
 - care planning and case management result in appropriate and permanent placements in timescales that meets children's and young people's needs
 - children and young people are effectively prepared for and carefully matched with a permanent placement, their wishes and feelings are understood and taken into account appropriately resulting in high quality life story work and

materials which are available to the child and family when and wherever the child is placed

- children and young people are living in a home of choice and do not drift in inappropriate placements that cannot meet their assessed needs
 - placements are secure, safe, with siblings where this is in their best interests, and meet children and young people's needs, including those, where appropriate, for contact with family and friends. In these placements, children and young people are provided with emotional support and long term trusting relationships with adults and are able to develop or maintain an affirming and secure sense of identity.
3. Recognising the particular importance of adoption, both in policy terms and in terms of the uniquely life changing opportunity it offers to children, we propose to make a sub-judgement, within the 'achieving permanence' judgement, on adoption performance. This will focus in particular on whether children for whom adoption is the right plan are identified early and are successfully placed in adoptive families with the minimum of delay.
 4. The Committee notes that "there have been significant and very positive developments and changes in the child protection system in the last few years". Inspection has also recognised this, although huge challenges remain, particularly in terms of the variability in performance both between individual local authorities and at a regional level. We plan to explore this further in Her Majesty's Chief Inspector's annual report on social care, which will be published in the summer of 2013.
 5. It might be helpful to clarify the current position in terms of Ofsted's main programmes of inspection of local authority children's social care services.
 - Between June 2009 and June 2012, we completed a full programme of safeguarding and looked after children inspections in every local authority with children's services responsibilities in England, including a number of reinspections.
 - In June 2012 Ofsted began a programme of full unannounced local authority child protection inspections (referred to in the text below as 'the current inspection programme'). As of 21 January 2013, we have published reports on 23 inspections under this framework, and a further seven inspections are in progress.
 - In April 2013 we will implement a new framework for the inspection of local authority services for children looked after and care leavers. This inspection will be a joint inspection with the Care Quality Commission. Every local authority with children's services responsibilities in England will be inspected under this framework over a four year period. The framework is at an advanced stage of development and piloting.
 - In June 2013, following one of the key recommendations of the Munro Review, the current child protection inspection programme will be replaced

by a fully multi-agency, multi-inspectorate inspection of child protection in local areas. Inspection teams, led by Ofsted, will also include inspectors from the Care Quality Commission, HMI Constabulary, HMI Probation, and, where there is a custodial establishment for juveniles in the area, HMI Prisons. An inspection will take place in the area of every local authority with children's services responsibilities in England over a three year period. This framework is also at an advanced stage of development and piloting.

6. We set out below our response to those recommendations in the Committee's report which make specific reference to Ofsted.

Recommendation 9—We recommend that Ofsted monitor and report as a standard part of all inspections on the quality and suitability of the provision made by local authorities for older children, taking into account the views of the children themselves. It is essential that as much attention is paid to the care options provided for vulnerable young people as to those provided for younger children. (Paragraph 92)

We accept this recommendation. In the current inspection programme, inspectors evaluate both the quality and impact of early help for children and young people that may be at risk of harm and the quality of help and protection for children and young people where concerns have reached the threshold that the child is believed to be suffering or at risk of suffering significant harm. There is a strong emphasis throughout the framework and in the judgements that inspectors make on how well the local authority takes account of the wishes and feelings of children and young people, and the extent to which this informs every aspect of their care. There is an important focus on education and the safety of older young people who are missing from education. Alongside the main inspection report, we also publish a version of the inspection report written for children and young people.

7. In the multi-agency inspections of child protection arrangements to be introduced in June 2013, we will strengthen the focus on the particular needs of older young people. The draft inspection framework explicitly recognises that there are particular groups of older children and young people who are especially vulnerable. These include children missing from home and from education; children at risk of sexual exploitation; children whose offending behaviour places them at risk or potential risk of significant harm; and children in custody. As a multi-inspectorate team we will consider and evaluate how well local agencies identify and respond to children and young people who find themselves in difficult circumstances. The expertise and influence of a wider group of inspectorates will be brought to bear on scrutinising the effectiveness of police, probation, health and youth offending services.
8. Children and young people have been fully engaged in the development of both the multi-agency child protection inspection framework and framework for the inspection of services for children in care and care leavers. Young people's versions of the consultation documents for both frameworks were published. 155 children and young people responded to the consultation in relation to children looked after

inspections, and 183 responded to the consultation on multi-agency child protection inspections. As part of the framework development, Ofsted staff have also met face to face with four groups of young people who were or had been looked after.

9. The inspection of services for children looked after to be introduced in April 2013 will have a particular focus on the experiences of older young people. Our original proposal was to make a key judgement on “the experiences and progress of, and outcomes for, children and young people looked after and care leavers”. Following consultation, we have decided to separate this into two separate and independent judgements:
 - The experiences and progress of, and outcomes for children and young people looked after; and
 - The experiences and progress of, and outcomes for, care leavers

In relation to care leavers, we propose to evaluate the extent to which care leavers:

- form and sustain strong positive relationships with former or existing carers and adults from the local authority and develop supportive relationships within the community, including where appropriate contact with family and friends
 - are confident that the local authority, represented by their social worker and /or personal advisor, will act as a reasonable parent in supporting their transition into adulthood
 - are safe and feel safe, particularly where they are living, and avoid exposure to the risk of sexual exploitation and involvement in criminal behaviour
 - are positive about themselves, are developing emotional resilience and taking responsibility for their behaviour
 - achieve as well as or better than their peers with regard to their physical, emotional, and psychological health, and are supported to maximise their capacity to be successful adults
 - succeed in their transition to greater independence and adulthood and where relevant maximise their chances of successful parenthood
 - are supported to regularly attend and achieve well in training, further/ higher education or employment or are effectively supported as parents
 - have access to high-quality support and permanent and affordable accommodation, where they can stay, and live in a setting which meets their needs as care leavers and where relevant as parents.
10. The new framework will look at the experiences of children across the age range of looked after children and young people and care leavers up to the age of 25. We will consider throughout the inspection how local authorities seek the involvement and views of children and young people and how these influence practice development. We originally proposed that the inspection would be wholly

unannounced. However, following piloting, we now intend to give a week's notice of inspection, in order to ensure that the full engagement of children and young people themselves in the inspection can be effectively facilitated.

11. In addition, our inspections of children's homes, fostering services and adoption agencies prioritise the account taken of the views of children and young people. In 2012, we introduced online questionnaires as a way of seeking these views, replacing our previous reliance on paper questionnaires. The response rate has been very significantly higher. 3,913 children and young people responded in 2012 to the online questionnaires, giving their views of the quality of care they were receiving. This accounted for 15% of the total responses received (26,246), which also included responses from staff, parents, placing social workers, commissioners and others.
 - Developments in the inspection of children's homes are also particularly relevant to the needs and interests of older children and young people, as the great majority of residents in children's homes are aged over 12 years, with a preponderance of adolescents. We have given high priority to strengthening our inspection of children's homes since the introduction of a new children's homes framework in April 2011. In making a judgement on the overall effectiveness of a children's home, inspectors give particular consideration to:
 - the effectiveness with which the home provides personalised, well- planned care, taking full account of the individual needs of each child and young person, and promoting positive outcomes for all children and young people
 - the views of the children and young people about the quality of care in the home
 - the quality of the relationships between staff and young people in the home
 - whether children and young people are safe and feel safe; and
 - how well leaders and managers know and understand the strengths and weaknesses of the home and have taken action to secure improvement.
12. In April 2012 we significantly raised the bar in our inspection of children's homes through a revision of the evaluation criteria applied in inspection. This has had a significant impact on the outcomes of inspection. Between 1 April 2012 and 30 September 2012, 13% of children's homes were judged to be outstanding, compared to 22% in the same period in 2011, and 26% in the whole of the year 2011/12. 6% of homes were judged to be inadequate, compared to 2% in the corresponding period in 2011. We have also strengthened our approach to the use of our enforcement powers, where homes are judged to be inadequate. A judgement of inadequate will always lead to the consideration of statutory enforcement action; and inspectors will always notify any local authority with children placed in the home, in order that they can take the necessary steps to consider any action required in the best interests of the child for who they are responsible.

13. These developments in the regulation and inspection of children's homes are an important aspect of a strengthened focus on the experiences of and outcomes for older young people in care.

Recommendation 27—We recommend that the Government commission research to understand the impact of varying thresholds in different areas, and whether thresholds for section 17 and section 47 interventions are too high and/or rising in some areas. The data should be published. Ofsted should also monitor and report on the variation between local authorities' provision and changes over time. LSCBs should use this data to ensure that any variation in their own area is justified by local circumstances (Paragraph 165).

In the current child protection inspection programme, inspectors give explicit consideration to whether thresholds for access to services are clear, understood and implemented locally by all professionals working with children, young people and families. This will also be a focus of attention in the new multi-agency inspection framework. Ofsted has reported in previous annual reports from the Chief Inspector on the variability in thresholds between local authorities, and will continue to do so. We are not, however, in a position to monitor and report on this issue other than through inspection. It should be noted that while inspection has certainly identified the risks of thresholds being set too high, it has also reported on the consequences of their being apparently too low, or insufficiently clear—the potential diversion from a focus on the cases where there is greatest risk to children, and a high rate of referrals deemed to require no further action, potentially dissipating resources.

The Committee note also the merits of the move some local authorities are making, away from an emphasis on thresholds towards a more integrated model in which all children receive some appropriate help. Inspection evidence strongly supports these comments. Thresholds are sometimes treated or experienced as barriers to services. If a family is above the threshold, they are able to receive a service. If they are below it, services are not offered. This has not been the case in well-performing authorities inspected. The development of multi-agency hubs, the integration of consultative services with the work of referral and assessment teams, the co-location of a Common Assessment Framework co-ordinator with the duty service, are all examples of ways in which good authorities and partnerships have helped to make the negotiating of thresholds less adversarial and to ensure that children and young people's needs are met at different levels by the appropriate agency.

We are currently planning a thematic inspection in a number of local authority areas on the application of thresholds and decision making with particular regard to children who are subject to neglect. We expect to publish the outcomes and findings of this survey later in 2013.

Recommendation 29—We recommend that Ofsted monitor the re-referral rates in local authorities and make a judgment whether they are a sign of underlying systemic problems in particular areas (Paragraph 170).

We consider data on re-referral rates in our current child protection inspection programme, and will continue to do so in the multi-agency child protection inspections

to be introduced in June 2013. We agree that high rates of re-referral can be an indicator of underlying systemic problems, particularly in relation to the level at which thresholds are set, the clarity with which they are understood across a partnership, or the consistency with which they are applied. It may also reflect on the quality of risk assessment and planning and the effectiveness of interventions.

Recommendation 30—We recommend that children’s services initial response (or equivalent) teams be required by their LSCBs to feedback simply and quickly to the person making a referral on whether and what action is taken in response. Ofsted should consider whether local authorities are giving adequate feedback to referrers, as part of its investigations under the new inspection framework (Paragraph 171).

We accept this recommendation, and will ensure that this is explicitly considered in the multi-agency child protection inspection framework to be introduced later this year. Current statutory guidance, (Working Together 2010) requires that local authorities notify referrers of their intended response to a referral within one working day. Inspectors do and will continue to test with professionals who have made referrals to social care whether they feel they have been adequately informed of the outcome of the referral. Our ability to test more rigorously the interface between the local authority and partner agencies, including in relation to referrals, will be strengthened by the development of joint inspection. A multi-agency inspection team will be better placed to corroborate findings across the whole local system, including both the responsiveness of the local authority to referrals of children who are believed to be at risk of significant harm and whether all partners with duties under sections 10 and 11 of the Children Act 2004 are safely identifying, assessing and resourcing local help to families whose needs do not require the support of statutory child protection services.