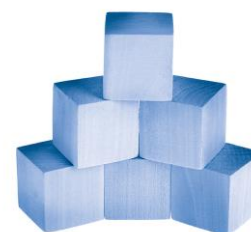


Working Together to Safeguard Children, July 2018

Katie Rigg & Jane Foster | 12 July 2018



Last week, the Department for Education (DfE) published a long-awaited update to [Working Together to Safeguard Children \(July 2018\)](#) (WTSC), which comes into force immediately, replacing Working Together to Safeguard Children (2015). This guidance sets out additional safeguarding responsibilities for organisations working with children and introduces a new model for inter-agency working, which will see the disappearance of Local Safeguarding Children’s Boards (LSCBs) and the introduction of three local ‘Safeguarding Partners’.

Meanwhile, the Equality and Human Rights Commission (EHRC) has published new [guidance](#) for tackling prejudice-based bullying. Although the guidance is aimed at schools, its principles are applicable to all organisations working with children.

This article highlights the key changes to WTSC and the main features of the EHRC Guidance. It also sets out some of the steps that organisations can take in response to these developments.

Working Together to Safeguard Children (July 2018)

Voice of the Child

WTSC includes a greater emphasis on the voice of the child, which now includes a list of requests that children made when asked what they wanted from an effective safeguarding system. These include:

- **vigilance:** to have adults notice when things are troubling them
- **understanding and action:** to understand what is happening; to be heard and understood; and to have that understanding acted upon
- **stability:** to be able to develop an ongoing stable relationship of trust with those helping them
- **respect:** to be treated with the expectation that they are competent rather than not
- **information and engagement:** to be informed about and involved in procedures, decisions, concerns and plans

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- **explanation:** to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response
- **support:** to be provided with support in their own right as well as a member of their family
- **advocacy:** to be provided with advocacy to assist them in putting forward their views
- **protection:** to be protected against all forms of abuse and discrimination and the right to special protection and help if a refugee

WTSC makes it clear that these requests should guide the behaviour of all practitioners working with children. WTSC also now requires practitioners to put in place special provision to support dialogue with children who have communication difficulties, unaccompanied children, refugees and those children who are victims of modern slavery and/or trafficking.

Organisations' Safeguarding Duties

There is an increased focus on the safeguarding duties of 'organisations', which are now mentioned alongside 'agencies' throughout WTSC.

Chapter Two of WTSC sets out the safeguarding duties of organisations working with children. The list of organisations has been expanded. In addition to **statutory agencies, schools and colleges, voluntary, faith-based, and private sectors**, WTSC now also refers:

- **to Sports Clubs/Organisations** - these are required to have in place the safeguarding arrangements described in Chapter Two of the Guidance (set out below). WTSC now requires all National Governing Bodies of Sport that receive funding from either Sport England or UK Sport to aim to meet the, [Standards for Safeguarding and Protection Children in Sport](#), issued by the Child Protection in Sport Unit.
- **to Charity and Social Enterprise Organisations** – previous references to 'voluntary sector' have been replaced by 'voluntary, charity, social enterprise' (VCSE), which are required to have appropriate arrangements in place to safeguard children from harm. WTSC now includes specific requirements on charity trustees who are 'responsible for ensuring that those benefitting from, or working with, their charity, are not harmed in any way through contact with it'. WTSC also directs charities to the Charity Commission's [Strategy for dealing](#)

[with safeguarding issues in charities](#), and requires charities to follow Charity Commission guidance on charity compliance.

WTSC also includes additional requirements for organisations that were referred to in the previous version of the guidance. For example, **Early Years providers** now need to ensure that they are alert to any issues of concern in the child's life and that they implement a policy and procedures to safeguard children. This policy must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff. It must also cover the use of mobile phones and cameras in the setting, and training must enable staff to understand their safeguarding policy and procedures.

In addition to these specific requirements, all organisations referred to in Chapter Two are required to comply with the general responsibilities set out in this Chapter, which are primarily set out at Paragraphs 3 to 9. As with the previous version of the guidance, organisations are required to have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. The list of examples that fall within this overarching responsibility has been expanded to include:

- The senior board level that takes leadership responsibility for the safeguarding arrangements must now have **the required knowledge, skills and expertise or be sufficiently qualified and experienced** to undertake the role;
- **Clear escalation policies** for staff to follow when their child safeguarding concerns are not being addressed within their organisation or by other agencies;
- **Ongoing safe working practices**; and
- **Creating a culture, of safety, equality and protection** within the services they provide.

Multi-Agency Working – Local Safeguarding Partners

In May 2016 Alan Wood's review of the role and functions of LSCBs was published. This review proposed a new multi-agency child safeguarding model that was designed to ensure collective accountability across local authorities, the police and health. The review's key recommendations are now included in the Children and Social Work Act 2017, and in WTSC.

What are the key changes?

Under the new model LSCBs will be disbanded and replaced with a partnership system whereby three local Safeguarding Partners will have a shared and equal duty to 'make arrangements' to work with each other and with the 'relevant agencies' that they select, to safeguard and promote the welfare of all children in their local area, and to act as a strategic leadership group in supporting and engaging others.

The new model places greater emphasis on partnership working across organisations and agencies, with WTSC repeatedly emphasizing the risks to children and inefficiencies that can be caused by fragmented provision of services. It urges Safeguarding Partners and other local organisations to develop processes that facilitate action beyond usual institutional constraints, and to share and 'co-own' the vision for how to achieve improved outcomes for vulnerable children.

When will these changes take place?

The DfE has published [transitional guidance](#) for LSCBs, local authorities, safeguarding partners, child death review partners and the Child Safeguarding Practice Review Panel, which provides guidance on how local authorities can transition from the current model to the new model. This guidance makes it clear that this transition must be completed by **29 September 2019**.

Who are the local Safeguarding Partners and Relevant Agencies?

The three local Safeguarding Partners

- ❖ the Local Authority;
- ❖ a clinical commissioning group for an area, any part of which falls within the local authority; and
- ❖ the chief officer of police for a police area, any part of which falls within the local authority area.

The geographical boundaries for the new arrangements are based on local authority areas. Every local authority, clinical commissioning group and police force must be covered by a local safeguarding arrangement.

Relevant agencies

Relevant agencies are those organisations and agencies whose involvement the Safeguarding Partners consider is required to safeguard and promote the welfare of local children. For local arrangements to be effective, they should engage organisations and agencies that can work in a collaborative way to provide targeted support to children and families as appropriate.

For the purposes of the underlying Regulations,¹ relevant agencies include (but are not limited to):

- ❖ proprietors of independent schools² and Academy schools³ including 16-19 Academies⁴ and alternative provision Academies;⁵

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¹ [The Child Safeguarding Practice Review and Relevant Agency \(England\) Regulations 2018](#)

² registered under section 95(1) of the Education and Skills Act 2008([4](#))

³ within the meaning given by section 1A of the Academies Act 2010([1](#))

⁴ within the meaning given by section 1B of the Academies Act 2010

⁵ within the meaning given by section 1C of the Academies Act 2010

- ❖ the governing body of a maintained school⁶ and nursery school;⁷
- ❖ pupil referral units;⁸
- ❖ charities;⁹
- ❖ religious organisations;¹⁰ and
- ❖ any person or body involved in the provision, supervision or oversight of sport or leisure.

WTSC allows any national or local organisation to be named as a 'relevant agency' in the local safeguarding procedures (see below), regardless of whether they constitute a 'relevant agency' for the purposes of these underlying Regulations.

How will the new child safeguarding model work in practice?

WTSC leaves it to the local Safeguarding Partners to reach their own conclusions on how best to discharge their safeguarding duties and achieve active engagement of individual institutions in a meaningful way. Local arrangements may therefore differ significantly from one another. WTSC does include some requirements that all local arrangements should comply with, including that Safeguarding Partners and relevant agencies should:

- ❖ **develop and publish procedures** which must include:
 - arrangements for the Safeguarding Partners to work together to identify and respond to the needs of children in their area;
 - arrangements for commissioning and publishing local child safeguarding practice reviews;
 - arrangements for independent scrutiny of the effectiveness of the arrangements;
 - names of all organisations and agencies that the Safeguarding Partners will work with and an explanation of how they will collaborate and work together to improve outcomes for children and families;
 - information about how inter-agency training will be commissioned, delivered and monitored for impact; and

⁶ within the meaning given by section 20(7) of the School Standards and Framework Act 1998(2)

⁷ within the meaning given by section 22(9) of the School Standards and Framework Act 1998

⁸ unit within the meaning given by section 19(2) of the Education Act 1996(3)

⁹ as defined in section 1 of the Charities Act 2011(29)

¹⁰ as set out in regulation 34 of, and Schedule 3 to, the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012(30)

- an explanation of how the arrangements will be funded. The WTSC requires the Safeguarding Partners will be responsible for agreeing the level of funding secured from each partner, and any contributions from relevant agencies, to support local arrangements.
- ❖ **develop and publish local protocols for assessment**, which should clarify how organisations, agencies and practitioners undertaking assessments and providing services can make contributions, and how children and families can challenge assessments. These should also ensure that different assessments are co-ordinated and that children do not become lost between different organisational procedures;
- ❖ **monitor the effectiveness of inter-agency training** on the partnership's child protection arrangements, including early help;
- ❖ **publish a threshold document** which should include the process for the early help assessment, the criteria, including the level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services, and clear procedures and processes for a number of cases including those relating to the abuse, neglect and exploitation of children; and
- ❖ **publish a report at least once a year** setting out what the Safeguarding Partners have done as a result of the arrangements, and how effective these arrangements have been in practice.

How will Serious Case Reviews (SCRs) and child death reviews be carried out under the new model?

Under the new model SCRs will be replaced with **Child Safeguarding Practice Reviews (CSPR)**. These may be carried out at a local level or, where they raise issues that are complex or of national importance, they may be overseen by the newly created Child Safeguarding Practice Review Panel. The Safeguarding Partners are responsible for identifying cases that require a CSPR. The key criteria for triggering a CSPR remains the same as for SCRs, namely where (i) abuse or neglect of a child is known or suspected; and (ii) the child has died or been seriously harmed, albeit the definition of 'serious harm' has changed slightly. Although under the old model, where these criteria were met a SCR was automatically triggered, that is no longer the case under the new model where safeguarding Partners will have discretion over whether a CSPR is necessary. As with SCRs, a CSPR may be commissioned where the criteria are not met. WTSC includes a helpful list of additional criteria for Safeguarding Partners to consider when determining whether to carry out a CSPR. In addition, a new model for child death reviews is in place with local authorities and clinical commissioning groups as the child death review partners who must make arrangements to review all deaths of children normally resident in their area.

How will organisations' safeguarding duties change under in the new model?

The nature and extent of change will depend on the local safeguarding procedures that are developed and published by the Safeguarding Partners and relevant agencies. Organisations that are named in the local safeguarding procedures may be required to

contribute to funding the local arrangements (see above). Named organisations that also constitute a 'relevant agency' for the purposes of the underlying Regulations will also be under a statutory duty to comply with local safeguarding arrangements. WTSC states that it expects schools, colleges and other educational providers to be named as relevant agencies in the procedures. It is silent on whether it expects charities, sports clubs/organisations and faith-based organisations also to be named, and it makes it clear that the number and identity of named organisations should change over time. Organisations that are not named in the local procedures can nonetheless be asked to cooperate as part of the local arrangements and should do so.

Once the new model is in place, organisations will be expected to engage actively with, challenge appropriately and hold to account their local Safeguarding Partners and relevant agencies, always following up concerns if they are not satisfied with the response from a local organisation or agency. They will also be required to inform the Safeguarding Partners of any incident which they think should be considered for a CSPR.

Other changes to WTSC

Contextual safeguarding - WTSC includes a new section on contextual safeguarding which clearly explains how children may be vulnerable to abuse or exploitation from contexts outside their families such as their school, peer groups, wider community and/or online. WTSC requires practitioners who are carrying out assessments on children to consider whether wider environmental factors are present in a child's life and are a threat to their safety and/or welfare. It also states that interventions should focus on addressing any wider environmental factors that have been identified in the assessment, and should look to support parents and carers to keep the child safe and understand and assess any potential risks to the child.

Information Sharing - WTSC places greater emphasis on information sharing, requiring practitioners to be proactive about sharing information to protect children. It also requires practitioners to be alert to sharing information about any adults with whom the child has contact, which may impact on the child's safety or welfare. WTSC makes it clear that information may be shared without consent in certain circumstances. It also includes a 'myth-busting' guide which dispels myths such as 'data protection legislation is a barrier to sharing information'. The new guidance also makes it clear that under the new model, Safeguarding Partners will be able to require any person, organisation or agency with specified information. Provided this information enables Safeguarding Partners to perform their functions, the person must comply with the request or the Safeguarding Partners may take legal action against them.

Early Help - The new guidance provides more information about Early Help, mirroring the recent changes made to Keeping Children Safe in Education (May 2018). This includes a list of children in relation to whom staff should be particularly alert to the potential need for early help, such as those who are disabled and have specific additional needs, are misusing drugs or alcohol themselves, or are showing signs of being drawn into anti-social or criminal behaviour.

Victims of modern slavery or human trafficking – WTSC requires practitioners who have concerns that a child may be a potential victim of modern slavery or human trafficking to make a referral to the [National Referral Mechanism](#).

The Equality and Human Rights Commission (EHRC) Guidance on prejudice-based bullying

In June 2018 EHRC published new [guidance](#) on prejudice-based bullying and anti-bullying strategies in schools, which includes [tips for tackling discriminatory bullying](#), a video describing the scale and long lasting impact of bullying on pupils' lives, guidance on what to do when prejudice-based bullying happens, and advice on [using data to inform and evaluate anti-bullying strategies](#).

'Prejudice-based bullying' is defined by EHRC as any type of direct physical or verbal bullying, indirect bullying or cyberbullying based on a 'protected characteristic' as set out in the Equality Act 2010, namely: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Although aimed at schools, the principles set out in this guidance are applicable to organisations in other sectors.

Although gender-based bullying has received a lot of attention from academics, organisations and policy makers, far less attention has been paid to bullying based on protected characteristics other than gender. This new guidance is therefore a welcome development that will encourage schools to tackle wider forms of bullying. The Guidance encourages schools to take a 'whole school' approach, to consider how they approach equality, inclusion and diversity issues generally and to use data to understand what type of bullying is taking place in their school. Guidance for responding to a bullying incident include taking every report seriously, not blaming the child who has allegedly been bullied and avoiding stereotypes.

This new Guidance will also feed into our peer-on-peer abuse toolkit for schools, which we are in the process of updating, in consultation with a number of external safeguarding experts. An interim version of the toolkit, designed in consultation with Dr. Carlene Firmin and published in December 2017, is available [here](#). A revised version will be published in September 2018.

What steps should organisations take in light of these developments?

- All senior leaders and frontline practitioners working with children should read and familiarise themselves with the changes that have been made to the WTSC;
- Senior leaders and designated safeguarding staff in organisations working with children should make any changes required by the revisions to Chapter Two of WTSC, which may include:
 - Taking any action (for example, providing additional training) necessary to ensure that the **Senior Board level with leadership responsibility for safeguarding** has the required knowledge, skills and expertise or is sufficiently qualified and experienced to undertake the role effectively;
 - Ensuring that their organisation's **safeguarding and whistle-blowing policies** cross-refer to each other and enable staff to escalate matters when their child safeguarding concerns are not being addressed within their organisation or by other agencies;

- Developing and effectively implementing (or reviewing where one is already in place) a **staff Code of Conduct** which is appropriately tailored to the specific context of the organisation and which is linked to the organisation's disciplinary procedures¹¹; delivering training to staff on safe working practice, which may include training on institutional grooming; reviewing and strengthening the organisation's procedures on **the identification and reporting of safeguarding concerns about adults** working in the organisation¹²; and
 - Reviewing the way that they tackle safeguarding and equality issues and speaking to children, staff and parents and making any changes necessary to ensure that they are **creating a culture, of safety, equality and protection** within the services they provide.
- All organisations should be aware of **how they need to work with the Safeguarding Partners and relevant agencies in a local area**. This may include contacting the organisation's LSCB or local authority to ask whether they are able to share any information about how their local authority proposes to implement the new multi-agency model and to ascertain whether there is anything that the organisation should be doing now to prepare for the changes.
 - Review any peer-on-peer abuse and anti-bullying policies to ensure that they refer to bullying based on protected characteristics and to incorporate key elements from the EHRC Guidance.

¹¹ For guidance on staff Codes of Conduct, please see [Guidance for safer working practice for those working with children and young people in educational settings \(October 2015\)](#) and [Guidance for safer working practice for adults who work with children and young people \(January 2009\)](#)

¹² For guidance on allegations against staff, Part Four of [Keeping Children Safe in Education \(September 2018\)](#) may be helpful. Although it only applies to schools and colleges, a number of the principles contained within Part Four are applicable across sectors. For guidance on concerns that do not meet the threshold of an allegation, please see [Safeguarding Children: dealing with low-level concerns about adults](#)