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## ADCS response to Working Together 2023 consultation

### 1. Introduction

The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs). Under the provisions of the *Children Act (2004)* the DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond formally to this important consultation by the Department for Education (DfE).

It is over five years since *Working Together 2018* was substantially reviewed and updated so there are some necessary and welcome changes in this latest draft. However, a number of ongoing challenges facing local partnerships across the country remain unsatisfactorily addressed, including the role of education in local safeguarding partnerships as well as the funding for, and scrutiny of, these arrangements.

ADCS members recognise we are at the beginning of a period of transition, with a reform programme rapidly taking shape following the *Independent review of children's social care*. However, the guidance somewhat prematurely references things that do not yet exist, such as the new national outcomes framework for children's social care, which is being developed on the same timeframe as updates to this guidance. Similarly, proposed changes in the early help sections have an eye on future reforms in this space, however, the first pathfinder areas who will test family help have only just been announced.

### 2. Shared endeavour

Whilst the principle of the new 'shared endeavour' chapter was generally supported, there were mixed views about the title, with "shared responsibilities" suggested as a preferable term. It was also noted in feedback that the guidance is still strongly framed from a local authority (LA) perspective, including in use of language, which runs counter to the aims here. The use of the term practitioner rather than the broader "frontline professional" which might feel more relevant to a police officer, for example, or a nursery worker, illustrates this point.

It would be helpful to align the language used here with the new national framework, a 'family first culture' is talked about here but the framework refers to "children, young people and families stay together and get the help they need." Whilst ADCS members do support the focus *Stable homes built on love* has on supporting families to stay together, it must be recognised that this will not always be possible or in the child's best interests.

The national framework for children's social care is referenced at P13, given it is being progressed on the same timeline as the guidance is being developed, is it helpful to make a more substantial and informed addition to future versions of the guidance, given the DfE has committed to annual updates going forward?

The principles for working with parents seem sensible and ADCS members felt the principles were broadly achievable for LAs, but it is less clear if this would be the case for all partners. Would a nursery worker or a teacher have received the necessary training in trauma informed responses, would they be confident in anti-discriminatory practice? Feedback indicated it would be helpful to

include a reference here to occasions where parents abdicate their responsibilities and the support frontline professionals may need to hold them to account.

The new expectations for multi-agency working are categorised by role and the list is incomplete; multi-academy trust leaders are listed but headteachers are not. LA chief executives are mentioned but DCSs are not. On balance it was felt more helpful to provide a strong definition of strategic leaders, middle managers and direct practitioners rather than a long list of professions, to avoid ambiguity or uncertainty. The principles mirror the direction of travel set out in *Stable homes...* in terms of better multi-agency and multi-disciplinary working. However, duties and expectations have long existed in this space, ADCS members believe shared accountability for outcomes is needed to shift the balance. At present partners have different priorities, different funding and regulatory arrangements, so it can be hard for us as local systems leaders to affect change without levers where engagement is not forthcoming or changes over time.

### **3. Multi-agency safeguarding arrangements**

The current draft appears to muddle up the purpose and/or function of local safeguarding partnerships. They are not delivery organisations but rather are a strategic body tasked with oversight of the local safeguarding system. At different points in the updated copy this purpose and remit appears to be blurred.

The addition of the new Delegated Safeguarding Partner role raised the most consistent concerns and greatest volume of feedback from ADCS members. It is the case that local partnerships already do have sub-groups and task and finish groups, so this addition feels duplicative and risks further muddying the waters in an already complex and crowded space, particularly in relation to the provision of scrutiny. Existing geographical challenges will be replicated in another set of expectations where a partnership covers multiple LA boundaries, multiple health footprints, or both. The police in particular may struggle to service this new requirement.

Changes proposed to independent scrutiny arrangements were met with a mixed reaction and concerns about duplication of efforts or the loss of an effective independent scrutineer were raised. The determination of the most suitable arrangements is best down to local decision making. ADCS members were also unclear how or why arrangements should change over time, as directed in the updated draft.

The role of education in safeguarding is vitally important and is recognised here to a degree. Expectations of education partners, including schools and early years settings, have been expanded here in line with the recommendations of two recent reviews but it appears the government continues to leave the question of best representation to local areas to resolve. Whilst making schools a fourth statutory partner appears to offer a solution here, there is no longer a clear or single place or person to locate the duty. Further, in a recent review of the 2017 reforms, Sir Alan Wood raised specific and urgent concerns about the visibility of children who are missing from education, particularly those who are educated at home (DfE, 2021). This is not recognised here, which is surprising given the focus and attention on school attendance and pupil absences post-pandemic.

Similarly, the updates do not significantly move us on in terms of securing equitable funding from all statutory partners for this purpose. This was a legacy issue with local safeguarding children boards that was not sufficiently addressed in the 2017 reforms. In 2021, Sir Alan Wood recommended clearer advice is provided on funding allocations and also called for greater clarity where multi-boundary issues are at play, both ongoing, knotty issues. It is the case the LAs continue to provide the bulk of funding and resources, including staffing, here. A clear national

formula should be established to ensure equitable funding is allocated by statutory partners if we are serious about shared responsibilities.

#### **4. Help and support for children, young people and their families**

Changes to the early help section were other key area of concern in feedback from ADCS members. The current draft shows some confusion over the definitions and boundaries between early help, targeted early help and children in need. It is not clear whether 'targeted early help' is Section 17, or not? Given the commitment to review *Working Together* guidance annually going forward, ADCS members felt caution should be exercised here given we know more frequent updates of this important guidance are planned.

Whilst some flexibility on the lead for assessments and case holding in the early help space is offered, it does not sufficiently deal with the lack of multi-agency capacity to act as the lead professionals or carry out early help assessments. The ability of the partnership to direct social worker capacity, as suggested in the current draft, could leave LAs unable to determine the deployment of our own resources. This is a significant concern. ADCS members report it can be hard to engage partners in the early help assessment space as it is; without additional leverage under Section 10 or 11 of the *Children Act 2004*, it is not clear changes as envisaged here will be realised in practice. The high level nature of Sections 10 and 11 compared to the specificity of Section 17 means that the other statutory partners continue to under resource their activity. It cannot be left to local area relationships to resolve this issue.

There are also questions about the skills and capacity of a teacher or school nurse to undertake a multi-agency assessment and lead the team around the family. Additional funding, training and support will be required to ensure all frontline professionals have the skills, experience and confidence to achieve this aim as well as the full backing and buy-in of other partners and government departments.

Consent remains an ongoing challenge to work in the early help space and risks can escalate if the child's parent or carer does not agree to proactive work with the LA or another partner. Information sharing advice is not easy to follow and the GDPR section requires further clarification for the benefit of practitioners and frontline professionals who are not experts in this space, or do not have wider organisational support to fall back on. A child minder, sports coach or small charity will not have access to wider advice e.g. a Caldicott Guardian or data protection team. On local protocols for assessment and timeliness, it would be helpful to recognise that many areas now have an integrated front door screening initial contacts and making decisions about early help pathways and responses.

Family group conferencing, which is a specific model, is referred to throughout the updated draft over the more general term "family-based decision making" used in *Stable Homes...* It is important to seek involvement from the wider family to get their perspectives and understand family dynamics, however, this is far from straightforward in terms of parents and carers agreeing to this, especially at an early help or child in need level.

On support for children in secure youth custody establishments, ADCS members felt this section should be strengthened and include a greater emphasis on the role of national departments and agencies given ongoing concerns about the performance profile of the secure estate. There is an important role here for the local authority designated officer (LADO), which is not referenced. There also needs to be a stronger emphasis on the duty establishments have to report incidents where a child in custody is seriously hurt. There is a disconnect between these settings and wider custom and practice elsewhere in the system, which requires further consideration.

## **5. Decisive multi-agency child protection**

The expansion of the section on extrafamilial harms (EFHs) is to be welcomed and more closely reflects the challenges we face in responding to the risks adolescents in particular face outside of the home. However, the processes and responses described here still closely reflect custom and practice in responding to intra-familial harms. There are strong examples of creative work in relation to EFHs in the early help and Section 17 space, which allow for sharing responsibility with partners more broadly. The current wording places a strong emphasis on parents and carers creating safety for the child, but this is a complex and dynamic situation for parents to manage, so the provision of support for them to be an active part of the solution is also important. The police have a very practical role here in terms of disrupting perpetrators of harm in order to keep children safe which would be helpful to reference here.

The revised draft includes multi-agency child protection standards which refer to the new national framework for children's social care, which as already stated has not been finalised. It would be helpful to allow for more detailed and focused consultation on the development of these new standards to ensure they make a helpful contribution and are relevant to all partners, agencies and the wider children's workforce.

## **6. Learning from serious child safeguarding incidents**

The rapid review process is important but prioritising timescales may lead to compromise in the quality of the learning to be gained. There is a requirement on local safeguarding partnerships to share their annual reports with both the National Panel and Foundations, but it is not clear what is done with them, there isn't yet any obvious analysis or research output which could benefit the system.

The new requirement to notify both Ofsted and the Secretary of State for Education when a care experienced young adult up to age 25 years dies was supported in feedback. However, it would be helpful to better understand how this information will be collated and shared back with the sector, and with other stakeholders, including government departments. As corporate parents, it is important to both learn and make improvements where we can.

ADCS would welcome further discussions about any of the points raised here, please contact the relevant policy officer in the first instance via [katy.block@adcs.org.uk](mailto:katy.block@adcs.org.uk).