

## **Working Together to Safeguard Children: changes to statutory guidance**

### **Response from the Association of School and College Leaders**

#### **A Introduction**

- 1 The Association of School and College Leaders (ASCL) represents nearly 19,000 heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of maintained and independent schools and colleges throughout the UK. ASCL has members in more than 90 per cent of secondary schools and colleges of all types, responsible for the education of more than four million young people. ASCL has many members that work across the full range of alternative provision including Pupil Referral Units (PRUs) and hospital schools. This places the association in a unique position to consider this issue from the viewpoint of the leaders of schools and of colleges of all types.
- 2 ASCL welcomes the opportunity to submit evidence to this consultation. We have collected information from a range of members and discussed this matter at our recent national committee meeting to inform this response.
- 3 Our submission is organised as follows:
  - A Introduction**
  - B General points**
  - C Answers to specific questions**

#### **B General points**

4. ASCL members' experiences paint a varied national picture of how well their Local Safeguarding Children Boards (LSCBs) are currently working to safeguard children.
5. While the association appreciates the rationale for increased local autonomy and flexibility to enable all those concerned with children's safeguarding to respond appropriately to local needs we consider that these changes come with some increased risks and have the potential to create inconsistency in the quality of safeguarding protocols and practice.
6. By reducing schools and education bodies to 'relevant agencies' rather than statutory partners there is an inherent indication that the statutory partners have a more important role in safeguarding children. We do not believe that this is the case.
7. Schools and colleges can contribute valuable intelligence and data at a strategic level to shape new approaches and ways of working and it is essential that their inputs are fully utilised and not missed or ignored.
8. Schools and colleges can also develop and implement effective strategies for early intervention before the safeguarding partners are involved with a child and can have a depth of knowledge of the child and therefore a perspective at a strategic level that may not be held by other agencies.

9. Schools and colleges must be fully engaged at all levels as their direct regular contact with children means that they are in a good position to have early awareness of risks to vulnerable children and young people. They, therefore, must have the opportunity to influence service development and implementation. This is especially important when creating multiagency approaches. We support an approach which has social workers designated to clusters of schools to support the most vulnerable children.
10. Many schools have children from more than one Local Authority (LA) and, particularly in urban areas, schools sometimes have to deal with several LAs and their different systems and processes. Schools find it complex to follow more than one set of arrangements, especially if there are different thresholds and differing funding arrangements. The guidance needs to be clear what schools and colleges' responsibilities are in this situation.
11. Our members feel very strongly that the role of education has been especially important at times of uncertainty or failure on the part of other agencies for example in Rotherham.
12. **In order to minimise the increased risks described above it is imperative that:**
  - **There are proper mechanisms in place for schools and colleges to input into local safeguarding arrangements.** Arrangements must reference how they plan to engage with and communicate with schools and colleges and how this will work in practice.
  - **There are robust information sharing and communication procedures.** There needs to be sufficient, regular communication shared by the partners with schools and colleges and all those working with children in the local area; for example ways in which a school finds out about something important that might have been identified by another agency.
  - **The arrangements acknowledge and take account of the fact that schools and colleges have regular contact with and knowledge of the children and young people in their care.**
  - **The arrangements enable a specific 'conduit' role as a go-between between all the partners and local schools and colleges.**
  - **There is transparency and clarity in the roles, functions and actions of the safeguarding partners,** which must be understandable to all parties including children and families.
  - **Safeguarding partners are required to examine and act upon relevant data including in relation to demographic changes.**
  - **Safeguarding partners are required to produce a clear strategy based on evidence which is shared and disseminated across the area served.**
  - **Implementation of such strategy must be robustly monitored and the safeguarding partners held to account.**
  - **Thresholds are absolutely vital and must be statutory and must not vary from one region to another.** Vulnerable young people and families often move from one region to another and need to know that thresholds, support and safeguarding thresholds will remain consistent so that the level of support can remain consistent.
13. The Encompass Programme is a good example of where communication works well; the police undertake to contact schools when a home intervention has occurred within 24 hrs. This needs to be widened across the country so that all incidents involving a child are communicated to their school – an indication of the nature of the incident is sometimes all that is needed.

14. ASCL believes strongly that it is important to share good practice, including case studies. We understand the DfE may create a 'toolkit'; this approach would be welcome.
15. ASCL members have raised particular concerns about the role, capacity and occasionally capability of the Health Service, in particular, the capacity of Clinical Commissioning Groups to fulfil their safeguarding role. Members consistently raise concerns about challenges in communicating with Health, the lack of appropriate communication pathways and of a lack of shared language.
16. We also feel compelled to lay out our member's very real and significant concerns about what they tell us are rising thresholds for access to Children's Social Care, even in cases where child protection is an issue. Members have told us that thresholds have risen across all levels of intervention: early help; services for children in need; child protection and taking children into care. They tell us that this issue has become considerably worse over the last couple of years. The result is that schools and colleges are carrying extra burdens at the very time when they themselves are facing severe funding pressures and shrinking budgets. A selection of quotes from ASCL Council members is given in Appendix 1.
17. Members tell us that one of the issues they are constantly engaging with is having to work with different authorities, each with a different system of accessing provision. One member said
 

"Knowing the key people is imperative to conducive working relationships, but they tell us that they don't always know who these are. This could be resolved by having a representative from schools with a similar demographic present at the main authorities cluster/network meetings. If each area is going to have a different structure - we need to know about it. There should be a clear system of 'who's who' and who is responsible for what. A consistency in names would be really helpful - with their contact details and a table showing the hierarchy and job titles. If each area is outcome focused - they will have different priorities - which will mean some will find one agency - while another won't. We need a clear cut outline of which key areas are funded. We could end up with a post code lottery of provision - more than we already have. Threshold boundaries for intervention would need to be the same for each area and we need a strategy for working together where families have moved across areas."
18. We are pleased to see that the guidance and regulations use the term 'arrangements' rather than plan as we suggested in earlier dialogue with the DfE.

## C Answers to specific questions

### Question 1

*It will be the responsibility of the safeguarding partners (LAs, chief officers of police, and CCGs) to determine how they work together in respect of their arrangements. All three partners have equal and joint responsibility for local arrangements, and each will appoint their own representative. We do not propose to set out in statutory guidance who these representatives should be, as it is a matter for safeguarding partners. Do you agree with this approach?*

19. ASCL has serious reservations about bringing leadership within three safeguarding partners. See comments in Section B above. Our members tell us that getting a clear sense of direction and vision when you have joint leadership from three distinct agencies is very challenging and could potentially lead to a lack focus, clarity and purpose.

20. Independent leadership is vital but also critically important is the need for highly experienced and skilled neutral leaders. In this way they could gain support from all the local bodies working with children and give a broader context to their leadership and bring a sense of confidence to their leadership of partner meetings and decision making.
21. The association believes the safeguarding partners should ensure consistent messaging to all agencies working with children and young people and wherever possible continuity of representation by the individuals representing the safeguarding partners and other agencies in the arrangements.

### Question 2

*Safeguarding partners can choose specific agencies which they believe to be relevant to the work of safeguarding and promoting the welfare of children in their area. The 'Local Safeguarding Partner (Relevant Agencies) (England) Regulations' details the specific agencies which safeguarding partners can choose from. It is important to note that certain key agencies are not listed, as their functions are commissioned or otherwise overseen by one or more of the safeguarding partners - for example, general practitioners come under NHS England, and housing under the local authority. Do you agree with this indicative list?*

22. Suggested additions to the indicative list of relevant agencies include:

- How to include 'trips', for example the centres / settings that host activities or trips for children.
- How "commissioned services" are covered – for example where the service is no longer part of the authority, but has been commissioned out to another organisation.
- Whether something around private health care should be included, to cover services where parents opt to use private health services.
- All forms of alternative provision as well as pupil referral units.
- How to include children's sports academies, for example football club youth academies.

### Question 3

*All schools (including maintained schools, special schools, independent schools, academies and free schools) have key duties in relation to safeguarding children and promoting their welfare. As set out in paragraphs 18-19 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 we expect all local safeguarding arrangements to contain explicit reference to how the safeguarding partners plan to involve, and give a voice to, all local schools and academies in their work. Do you agree that this expectation should be stipulated in statutory guidance?*

23. Yes, please see Section B above. Children and young people spend a significant amount of their time in education settings. We believe it is essential that school leaders retain a role in providing strategic input, scrutiny and support to the arrangements and to holding the safeguarding partners to account.
24. It is essential that independent schools are given a voice and kept 'in the loop' with communication, training and information sharing. Independent school members tell us they are too often missed out of Children's Social Care and Local Authority information and support networks due to presumption (contrary to KCSIE) of "it doesn't happen here".

#### Question 4

*The safeguarding partners must include arrangements for scrutiny by an independent person of the effectiveness of safeguarding arrangements, and how best to implement a robust system of independent scrutiny will be a local decision. Paragraph 20 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 states that safeguarding partners should involve a person or persons who are independent, for example by virtue of being from outside the local area or having no prior involvement with local agencies. Do you agree with this?*

25. Yes, independent scrutiny is essential, see Section B.

#### Question 5

*Paragraph 24 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 makes it clear that safeguarding partners should agree the level of funding secured from each partner and relevant agency, to support the new safeguarding arrangements. Decisions on funding are for local determination, but contributions should be equitable and proportionate to meet local needs. Do you agree that this is the right approach?*

26. We do not consider this to be the right approach. It is imperative that funding is dedicated through an agreed formula to enable direct accountability for actions and prevent unnecessary debate amongst the partners who will all want to support their own (perhaps differing) priorities.

#### Question 6

*Safeguarding partners must publish a report at least once in every 12 months, setting out what they (and their relevant agencies) have done as a result of the arrangements, and how effective the arrangements have been. These reports will be a key element of local accountability and self-assessment. At paragraph 29 of Chapter 3 of the draft 'Working Together to Safeguard Children' 2018 we have set out a non-exhaustive list of parameters for these reports in guidance, to ensure a nationally consistent set of useful and high quality publications. Do you agree with this approach?*

27. Yes, we agree that reporting should be statutory and annual.

#### Question 7

*The safeguarding partners should consider carefully how multi-agency safeguarding arrangements will work in their area. This includes determining how best to ensure that clear criteria for taking action are made available to relevant agencies and others in a transparent, accessible and well-understood way. Currently, Local Safeguarding Children Boards are required to produce a threshold document. We are not proposing to specify in statutory guidance how, and in what format, the safeguarding partners should make their criteria for action available. Do you agree with this approach?*

28. ASCL most strongly disagrees with this approach. Thresholds are absolutely vital and we believe it is imperative that there is a statutory duty on the partners to make them clear. We do not however think that thresholds should be allowed to vary from one region to another. Vulnerable young people and families who move between regions could be left unprotected. Thresholds, should remain consistent across areas.

*Questions 8 – 27*

29. We are not contributing to the questions about changes to serious case reviews and child deaths as this is not within the expertise of our members.
  
30. We hope you find this evidence helpful and would be very pleased to be contacted should further information be required.

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**Appendix 1: A selection of ASCL members' comments on rising Children's Social Care thresholds**

1. "Most referrals are returned asking school staff to lead an early intervention/support process where they take on the role of a social worker and link with all professionals and parents to list concerns, agreed actions and coordinate and minute meetings."
2. "TAF meetings increasingly aren't attended by any external professionals and at a lower level we are supporting an ever growing number of families with parenting - getting their children to bed on time, keeping uniforms in school so there is no battle about putting it on at home, supporting older children with routines such as regular showers and teeth brushing etc."
3. "One family currently has a case going through the CPS in relation to their daughter but this is constantly extended and at the first TAF meeting the Social Worker asked the school to take over as the Lead Professional. The EHA is not sufficiently complete and subsequent TAFs have not been attended by the Police, CAMHs or the Counselling Service who are the only three agencies involved (there are no problems in school) so it ends up just being family and school as no other professional turn up or contribute with any reports (we are putting in support to children and parents because they are not getting it from elsewhere)."
4. "One family has a father in and out of prison with substance abuse and theft, Social Care have again refused to take on Lead Professional role. The only child in the school is coping very well but no other agencies are involved so it is down to us to lead the meeting and gather information on the rest of the family when the impact is not being felt in school and then help mum/dad find the help that they need without the knowledge to know who to ask."
5. "Our SAFE (these are pastoral workers attached to individual year groups) workers are now providing the early intervention that once would have been provided by Children's Social Care ... once students do meet the threshold, we find that Social Care are keen to close the case quickly or move the case between teams which is not helpful for our students who frequently suffer attachment disorder and take a long time to build trust in a social worker."

6. "I contacted Social Services on numerous occasions re housing and financial support but they kept saying that she was 'nearly 18'. I pointed out very directly that she was NOT yet 18 ... but they dragged their heels at every step and then closed the case. There have been a few cases where Sixth Form students are not offered support because they are already 18 or are approaching 18."
7. "I know how to make a referral yet Children's Social Care are constantly knocking referrals back despite the vulnerability of cases. This can be for children that have had evidence of repeated level 2 support from a wide range of agencies to no avail and also cases that involve CP plans/CIN plans. In each case I was told that the child's situation did not meet CSC threshold."
8. "The pressure we've found is that every time we have a meeting about a child, Children's Social Care representatives seem to come in with an agenda to downgrade the case, almost regardless of the actual situation. We therefore find ourselves having to big up our concerns to ensure that the child retains appropriate levels of support. And that can be really difficult because nearly all these meetings take place with the parents present – so we're having to emphasise the negative when long-term, we need to work with the parent"
9. "This absolutely is a growing issue for us. It's not appropriate for untrained staff (teachers) to provide support for these most vulnerable young people. To respond to the situation we now have a full time in-house Safeguarding Officer, School Health Nurse (funded by X County Council - for the moment), School Counsellor (plus additional trainees) and an Educational Psychologist (shared across a number of our partnership schools)....The situation is putting vulnerable young people increasingly at risk."