



Department
for Education

Consultation Response Form

Consultation closing date: 3 February 2015

Your comments must reach us by that date

Working together to safeguard children: revisions

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

The purpose of this consultation is to seek views about three substantive changes to the statutory guidance Working Together to Safeguard Children, 2013. The intention is to make only the changes set out here, together with some additional updates and clarifications, in particular amendments to legislation resulting from the Children and Families Act 2014.

Following this consultation, the government proposes to update and replace the current statutory guidance Working Together to Safeguard Children revised and published in 2013.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Fiona Smith	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of organisation (if applicable):Royal College of Nursing	

Address:
20 Cavendish Square
London
W1N 0RG

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's ['Contact us'](#) page.

Please specify the category which best describes you as a respondent. If other, please specify.

<input type="checkbox"/> Local Safeguarding Children Board	<input type="checkbox"/> Local authority	<input type="checkbox"/> School
<input type="checkbox"/> Social worker	<input type="checkbox"/> Health sector	<input type="checkbox"/> Police
<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Child/Young person	<input type="checkbox"/> Voluntary and community sector
<input type="checkbox"/> Barrister/Solicitor/Law group	<input type="checkbox"/> University/FE provider	<input type="checkbox"/> Consultant/Adviser
<input type="checkbox"/> Non-departmental body/association	<input type="checkbox"/> Trade union	<input checked="" type="checkbox"/> Other

Please Specify:

With a membership of around 420,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

1 Do you agree that allegations against people who work with children should be routed through children's social care, so that they are dealt with alongside child welfare concerns in a coordinated manner?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Our members welcome the revisions to ensure a joined up and coordinated approach stating that allegations against staff who work with children need to be investigated in a clear and methodical manner by dedicated staff. If Multi Agency Safeguarding Hubs (or the equivalent) are in place, this would seem to be the most appropriate route for ease of access to intelligence known to all agencies and joint assessment and management of risk. There are however concerns regarding the workload of social workers.

2 Do you agree that the officer or officers managing allegations against those who work with children should be qualified social workers? Please explain your answer.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

We wholeheartedly support that those undertaking such work must be qualified social workers. It is crucial that individuals have the required knowledge, skill and competence. There are however concerns about existing workloads of social workers and members highlight that protected time would need to be honoured to enable a full investigation. Members suggested that perhaps each LSCB should have dedicated staff whose role is to investigate poor practice by staff and allegations against staff within the LSCB area. That professional or professionals would then have the knowledge and skills required to deal with the complexities inherent in investigating and dealing with staff malpractice, especially when the malpractice relates to abuse.

3 Are there any aspects of the revised text in this area that you think could be made clearer? If so, please explain why and suggest how the text could be improved.

Yes

No

Not Sure

Comments:

Frontline practitioners highlight that there may need to be clarification regarding lines of accountability as they state that they perceive that the Chief Executive of Trusts are ultimately accountable if safeguarding had not been followed appropriately, thus ensuring that staffing and resources are in place.

Members have also highlighted that there seems to be an unintended distinction drawn between the duties of the local authority and those of voluntary organisations and, presumably the independent sector in this regard (see paragraphs 3 and 5).

Some members have however highlighted that the wording suggests that the guidance and reporting of allegations refers to only those people who in their work/volunteering/professional capacity **work directly** with children. However, in light of the Saville enquiries and other high profile media cases, it is known that children and young people have been abused by those who have **contact** with them, supervised or not, and may be in a position of authority or trust. They may not be considered to work directly with children, but they have access to children by nature of their position/role in an organisation.

4 Do you agree that the addition to Chapter 4 of guidance on notifiable incidents makes the essential requirements clear - so all organisations know what they are required to do? If not, please explain why and how you think the guidance in this section should be made clearer.

Yes

No

Not Sure

Comments:

The additions made to Chapter 4 add clarity within the guidance. Our members have highlighted that it will be important for LSCBs and local authorities to ensure guidance is in place so as all partner agencies are clear as to what is considered a notifiable incident and arrangements in place for reporting such incidences to the local authority

5 Do you agree that the addition to Chapter 4 guidance on the definition of serious harm will support LSCBs in determining whether or not serious harm has occurred? If not, please explain why and how you think the guidance in this section should be made clearer.

Yes

No

Not Sure

Comments:

We feel that the additions encompassed within Chapter 4 in respect of the definition will assist LSCBs and frontline practitioners to determine whether or not serious harm has occurred. Our members have highlighted that it would be helpful to have a complete list of all situations where a SCR is required, including death by suicide as currently 2(a) and 2(bi) do not stand out as only 2b(iii) has explanatory guidance provided.

The wording in para 6 i.e. **must always** and **should always** is felt to be ambiguous by some members and **must always** for both criteria would be clearer. The clarity of Paragraphs 6, 7 and 8 could be improved by indicating when (ie what criteria) a SCR is **required** and when a SCR should be **considered**. Perhaps by using sub headings and bullet pointing the criteria.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.

X

Email address for acknowledgement: Fiona.smith@rcn.org.uk

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key consultation principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected
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Completed responses should be sent to the address shown below by **3 February 2015**.

Send by post to:

John Leppard
Department for Education
Floor 1, Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Send by email to: WorkingTogether2015.CONSULTATION@education.gsi.gov.uk

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Co-ordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.