

## Department for Education

# EQUALITY ANALYSIS SAFEGUARDING STATUTORY GUIDANCE

### Title

Revising and, following consultation, publishing key safeguarding statutory guidance.

### Description of policy

#### Background

1. In June 2010, the Secretary of State for Education, the Right Honourable Michael Gove MP, asked Professor Eileen Munro to conduct an independent review of child protection in England. A central question when the review was commissioned was '*what helps professionals make the best judgements they can to protect a vulnerable child?*'<sup>1</sup> In the final report of her review, *A child centred system*, Professor Munro concluded that the system has become too focused on compliance and procedures and has lost its focus on the needs and experience of individual children. The Government agreed with Professor Munro's analysis and published a formal Government response in July 2011.<sup>2</sup>
2. As part of the response the Government stated its intention to implement one of the recommendations from the Munro review by making an interim amendment to the *Framework for the Assessment of Children in Need and their Families* by December 2011. This was subject to the emerging findings of the trials of new assessment processes by eight local authorities. This was in response to Professor Munro's recommendation to remove the distinction between the initial and core assessments and the related timescales and clarify the parameters for a good assessment. In a response to a parliamentary question on 13 December 2011, the then Parliamentary Under Secretary of State for Children and Families announced that the emerging findings from the eight local authorities trialling flexibilities in this area were encouraging but more time was needed to explore further the impact of the changes.<sup>3</sup> The trials were extended and it was announced that the changes proposed for December 2011 to the assessment process would be part of a consultation on revised statutory guidance.

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<sup>1</sup>Letter from the Secretary of State for Education to Professor Munro 10 June 2010.

<http://www.education.gov.uk/munroreview/downloads/MichaelGovetoEileenMunro100610.pdf>

<sup>2</sup> A child-centred system: The Government's response to the Munro review of child protection July 2011.

<http://www.education.gov.uk/munroreview/downloads/GovernmentResponsetoMunro.pdf>

<sup>3</sup> Full response to named day parliamentary question 13 December 2011.

<http://www.education.gov.uk/munroreview/downloads/PQ.pdf>

3. On 12 June 2012, the Government launched a 12 week public consultation covering the following three documents:
  - *Working Together to Safeguard Children*: draft guidance on what is expected of organisations, individually and jointly, to safeguard and promote the welfare of children;
  - *Managing Individual Cases: the Framework for the Assessment of Children in Need and their Families*: draft guidance on procedures and principles for undertaking assessments of all children in need; and
  - *Statutory Guidance on Learning and Improvement*: draft guidance on proposed new arrangements for Serious Case Reviews (SCRs). The guidance also covers reviews of child deaths and other learning processes led by Local Safeguarding Children Boards (LSCBs).

#### An overview of the proposals

4. Following consultation the **Government has published, (alongside this EQUIA), a revised document – *Working Together to Safeguard Children*** (hereafter referred to as *Working Together*), which includes all the “must do’s” and covers the need to safeguard children in need, under section 17 of the Children Act 1989, and to protect children, under section 47 of the Children Act 1989. It incorporates information from the three consultation documents (listed in the paragraph above): *Working Together*, the *Learning and Improvement* guidance; as well as the process for assessment and clarification of the parameters of a good assessment from *Managing Individual Cases*.
5. The decision to have this single source document, which covers the process for assessment, was taken, in part, to respond to requests for the continuum of assessment from early help through to child protection plans to be in one place. This revised document covers the process for both statutory and non-statutory assessments and follows the child’s journey from needing to receiving help, whether that help is given to children and families as an early help offer, as a child in need or as a child in need of protection.
6. In setting out the process of assessment, the document seeks to define the parameters for a good assessment. Research has shown that taking a systematic approach to enquiries using a conceptual model helps to deliver a comprehensive assessment for a child. The revised guidance refers to using a conceptual framework (*Framework for Assessment*) but it does not preclude local areas from developing this model further to suit local need. *Working Together* retains the framework for assessment in the form of the three domains: child’s developmental needs; parenting capacity; and family and environmental factors. Chapter 2 of the now superseded, *The Framework for the Assessment of Children in Need and their Families (2000)* may offer additional practice guidance in relation to the individual dimensions of the three domains. **This EQUIA reflects the changes and covers *Working Together to Safeguard Children* in its entirety.**

7. The guidance in the revised *Working Together* has been radically reduced from the 2010 version. It strips back to the core legal requirements making much clearer what individuals and organisations should do to keep children safe.
8. The revised statutory guidance *Working Together* sets out to:
  - make the legislative requirements clear so all organisations know what the law says they and others must do or are expected to do;
  - provide the essentials that will enable and encourage good cross-agency working, so all organisations understand what they should do to provide a coordinated approach to child protection;
  - reverse the reliance on centrally issued guidance; and
  - set out a clear, strong role for LSCBs to monitor, challenge and hold local agencies to account.
9. For the process of assessment, *Working Together*:
  - states that within one working day of a referral being received, a local authority social worker should make a decision about the type of response that is required;
  - places the focus of assessment on the needs of the individual child to improve the outcomes for each child;
  - removes the requirement to have separate initial and core assessments and the related ten day timescale for completion of the initial assessment; and
  - retains for the time being 45 working days as the maximum time for an assessment to complete, such that it is possible to reach a decision on next steps.
10. It should be noted that the legislative framework that underpins the process for assessments of children in need and their families and the definition of a child in need under the Children Act 1989 remains the same.
11. For learning and SCRs, *Working Together*:
  - sets out a less prescriptive process for conducting SCRs and allows LSCBs the flexibility to select a learning approach which suits the circumstances of the case being reviewed. This will enable LSCBs to use the 'systems methodology' recommended by Professor Munro. The guidance no longer specifies that Individual Management Reviews should be commissioned from all agencies involved with the child; or that there should be a full chronology of the case and a genogram; and there is no longer a standard format for SCR documents;
  - requires LSCBs to conduct reviews in a way which is proportionate to the case being reviewed. They should follow a set of underlying principles, including transparency, independence and family involvement. They should also ensure that there is a thorough analysis of what happened in the case and why, and what improvements need

to be made to reduce the risk of recurrence. This approach to the guidance was recommended by a group of SCR experts who advised the Government prior to the consultation; and

- puts a stronger emphasis on ensuring that SCR reports are written in a way which is suitable for publication, and reminds LSCBs of their duty in law and the very strong public interest in publishing reports so that important lessons can be learnt both locally and nationally to help vulnerable children.

## The evidence base

### Overview

1. Professor Munro's review (which comprised three separate reports, the final one being published in May 2011) was informed by a call for evidence and her later consultations with those working in the sector, including local leaders, managers and frontline practitioners. The call for evidence for Professor Munro's review included the views of children and young people and their advocates. Professor Munro also worked closely with the Office of the Children's Rights Director (OCRD) and the Office of the Children's Commissioner to collect and consider children's views and experiences as part of her review and recommendations.<sup>4</sup>
2. In May 2012, Professor Munro published a report on progress on implementing her review findings alongside some case studies that exemplify some of the reforms proposed in her report. Professor Munro's assessment was that progress is being made but the pace of reform needed to be faster. She went on to say that the revisions to statutory guidance would offer an opportunity for radical change at local level and would clearly indicate that the Government trusts professionals and local government in making decisions.<sup>5</sup>
3. The consultation and revision of the statutory guidance, *Working Together*, published today forms part of a wider programme of reforms. Reforms include: building a better qualified, more professional and confident social work workforce with authoritative leadership; a new inspection framework, which has been in place since May 2012, with a stronger focus on the quality of practice and the effectiveness of help provided to children, including early help; and, in June 2012, a children's safeguarding performance information framework was published to help shift the focus away from process indicators towards performance measures that improve professional understanding and drive improvements locally.<sup>6</sup>
4. A public consultation on changes to the statutory guidance ran for 12 weeks (12 June until 4 September 2012). It produced over 460 responses and in addition a number of consultation events were held. Responses were received from a range of individuals and organisations including key partners such as the Association of Directors of Children's Services (ADCS), Local Government Association, Ofsted, NSPCC and charities who work with disabled children and young carers. The consultation responses have been analysed and have informed the revised guidance.

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<sup>4</sup> The reports can be downloaded from <http://www.education.gov.uk/munroreview/>

<sup>5</sup> <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/protection/a00209245/munro-progress>

<sup>6</sup> Children's safeguarding performance information framework (June 2012 updated following further consultation October 2012).

<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/protection/b00209694/perf-info>

The formal Government response to the consultation has been published;<sup>7</sup> alongside this EQUIA and an updated impact assessment.<sup>8</sup>

5. In addition to this information and the key facts (discussed in the next section) the following has informed policy.

#### Professor Munro's review

6. Evidence provided to Professor Munro's review showed that many social workers described themselves as working in 'an over standardised framework which makes it difficult for them to tailor their responses to the specific circumstances of the individual child'.
7. In her final report, *A child centred system*, Professor Munro recommends that the child protection system should be flexible enough to allow all professionals to exercise their professional judgement in responding to the needs of individual children and families. The recommendation called on the Government to 'remove the constraints to local innovation and professional judgement which are created by prescribing or endorsing particular approaches e.g. national performance indicators associated with assessment' and specifically required the Government to 'remove the distinction between initial and core assessments and associated timescales'.
8. Specifically in relation to the assessment of children, Munro concluded that arbitrary national timescales drive practice and behaviours and remove the scope for social workers to exercise their judgement. She observes that the importance of making a proportionate assessment seems to be overlooked in the current system:

*'For some children, a brief assessment is all that is required prior to offering services and for others the assessment needs to be more in-depth, broader in scope, and take longer to get a sufficiently accurate understanding of the child's needs and circumstances to inform effective planning. A decision about the length and breadth of an assessment should be made at a local level, rather than having to follow a centrally prescribed formula'.*

9. In support of this recommendation, the review found that:
  - *Working Together to Safeguard Children* (2010) guidance on assessment creates a false divide between different stages of assessment. This results in duplication and makes assessment a stop/start approach for children and families. As such, assessment is seen by social workers (and families) as a discrete activity and help is

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<sup>7</sup> The Government consultation response can be downloaded from the Department for Education website at <https://www.education.gov.uk/consultations/index.cfm?action=conResults&consultationId=1839&external=no&menu=3>

<sup>8</sup> The updated impact assessment can be downloaded from the Department for Education website at <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/protection>

- not given to, and interventions do not take place with, children and families quickly enough;
- the national timescales associated with assessment have become performance indicators, against which Ofsted have made value judgements and so the potential for innovation has been stifled by the need to meet statutory timescales;
  - the quality of assessments has been challenged via court proceedings. There is not enough analysis of the evidence and there is too much emphasis on the process and filling out of national forms which may not address the right issues; and
  - change is needed to put children at the centre of assessment. The complexity of the case and the needs of the child should drive the length and depth of the assessment, not a national timescale or centrally prescribed process.

#### Professional groups and research following Professor Munro's review

10. The Government held discussions with key partners including the Professional Advisory Group, set up to work with the Government on the revisions to statutory safeguarding guidance, and the Implementation Working Group, a group established to consider the Government response to the Munro recommendations.
11. The Working Together Professional Advisory Group was convened specifically to provide advice on the revision of the *Working Together to Safeguard Children* guidance and the *Framework for the Assessment of Children in Need and their Families*, in line with the recommendations of the Munro review, and to provide advice to the consultation process. The Advisory Group included The Association of Directors of Children's Services (ADCS) representatives, Ofsted, NSPCC and Children England and they discussed and commented on drafts of the revised guidance.
12. The Munro review Implementation Working Group (IWG) was set up in May 2011 to:
  - consider Professor Munro's report and advise on the content of the Government's response to the Munro review; and
  - advise on how implementation of the review should proceed following the Government response to the Munro review.
13. This group, chaired by the former Parliamentary Under-Secretary for State – with representatives from central and local Government, local authority and voluntary sector children's services, education, health services, the police, inspection agencies, and children's rights groups - discussed and agreed the direction of travel for the revisions to *Working Together* and the *Framework for Assessment* guidance.
14. Evidence from the report of the OCRD on *children's experiences of child protection procedures* was also used to inform Professor Munro's progress

report.<sup>9</sup>

15. The biennial research reports on SCRs commissioned by the Government provide an analysis of the characteristics of children who were the subject of SCRs and reflect on key themes and findings. The latest report was published in June 2012.<sup>10</sup> Its findings have informed the development of the guidance and this EQUIA.
16. The guidance around SCRs has also been informed by a group of experts drawn from a range of sectors including health, aviation, police and local authority children's social care. This group helped to develop the set of principles for reviews which are set out in the guidance. References to family involvement have been informed by the recent report by the British Association for the Study and Prevention of Child Abuse and Neglect.<sup>11</sup>
17. Also, the Government has been working with three pilot areas which are testing a systems approach to SCRs. A study of the three is published<sup>12</sup> alongside the revised guidance. The study shows that the new approach has strengths but recommends that further work is needed to develop and embed the new approach. The findings of this study have informed the final guidance.

## Work with the assessment trial authorities

### Overview

18. The work on assessment has been informed by work with eight local authorities to test flexible approaches to assessment.<sup>13</sup> This includes emerging findings from the trial authorities and an independent evaluation carried out by the Childhood Wellbeing Research Centre (CWRC).<sup>14, 15</sup> In addition, six regional events were held throughout July 2012 (in London, Liverpool, Sheffield and Coventry) to discuss all three consultation documents and to hear specifically from the eight authorities trialling the

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<sup>9</sup> <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/protection/a00209245/munro-progress>

<sup>10</sup> *New Learning from Serious Case Reviews: a two year report for 2009-2011*, Brandon et al, available at:

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-RR226>

<sup>11</sup> *A study of family involvement in case reviews: messages for policy and practice*, Morris, Brandon, Tudor, November 2012

<sup>12</sup> The study of the three pilot areas testing a systems approach to SCRs is published on the Childhood Wellbeing Research Centre at <http://www.cwrc.ac.uk/projects/1043.html>

<sup>13</sup> From March 2011, Cumbria; Knowsley; Hackney and Westminster. From September 2011, Wandsworth; Islington; Hammersmith and Fulham; and Kensington and Chelsea.

<sup>14</sup> The impact of more flexible assessment practices in response to the Munro Review of Child Protection: Emerging findings from the trials July 2012.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CWRC-00088-2012>

<sup>15</sup> Emerging findings from the trial authorities August 2012.

<http://media.education.gov.uk/assets/files/pdf/t/trial%20authorities%20%20emerging%20findings.pdf>



more flexible approaches to assessment.<sup>16</sup> Ministers and officials have also visited the local authority areas where trials are being conducted.

#### The assessment trial authorities

19. Trials were initially established to provide evidence for Professor Munro's report to Government, *A child centred system* which concluded that professional guidance, recording forms and targets have driven practice to the extent that they limit professionals' ability to take responsibility for how they practice.
20. In March 2011, the Secretary of State made directions, made under section 7A of the Local Authority Social Services Act 1970, that enabled four local authorities – Cumbria; Knowsley; Hackney; and Westminster - to trial more flexible approaches to the assessment process. A further four similar directions were made in September 2011 in relation to: Hammersmith and Fulham; Islington; Kensington and Chelsea; and Wandsworth.
21. The directions focused mainly on the flexibility to remove the distinction between initial and core assessments and their related timescales. The trial authorities have been developing local frameworks for assessments which have considered timeliness, the quality of assessments and the effectiveness of help offered to children and families.
22. Throughout the trials, the Department for Education (DfE) has received feedback from the eight authorities, including through evaluation reports and monitoring meetings. In addition, in April 2012 the CWRC was commissioned by DfE to undertake a piece of rapid response work between April and July 2012 to evaluate the impact that the flexibilities granted to local authorities had on the assessment process for children and families.
23. The CWRC evaluation report, *The impact of more flexible assessment practices in response to the Munro Review of Child Protection: Emerging findings from the trials July 2012*, shows some positive findings. It is especially positive about the removal of the distinction between initial and core assessments, and how a single assessment with less prescription can improve the assessment process.
24. The evaluation by CWRC also acknowledges the risk of possible 'drift'. At that time some of the local authorities reported that some children were not being seen by social workers as quickly under the trial processes as prior to it, once a referral had been made. The local authorities concerned are now addressing this issue with robust management oversight of assessments which is proving essential to the timeliness of assessments.

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<sup>16</sup> Collated presentation from the trial authorities can be downloaded from <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/protection/a00198964/the-trial-authorities#>

The latest information from the trials show the length of assessment is reducing with the use of locally set review points to monitor potential drift.

### The child's voice during the trials

25. Professor Munro asked OCRD to consult children who had recently had an experience of the child protection system in some of the local authorities that had been given permission by the Secretary of State to trial flexible approaches to assessment.<sup>17</sup>
26. Professor Munro wanted to assess whether children's views and experiences were being taken on board and this informed her independent report on the progress of reforms, *Progress Report: Moving towards a child centred system*, published in May 2012.<sup>18</sup>

### Evidence from Ofsted inspections

27. To date six out of the eight trial authorities have had an Ofsted safeguarding inspection since operating flexibilities to their assessment processes. Extracts from some of the inspections are below:

Kensington & Chelsea – April 2012

- *The diverse needs of children, including those with disabilities or from minority communities, are considered well within assessments and plans and specialist support enables them to make their views known so that their needs can be met. However case file front sheets do not consistently record religion, though ethnicity is normally recorded well.*

Westminster – September 2011

- *The views of service users also inform service development well. For example, parents of children with learning difficulties and/or disabilities are routinely involved in consultations and commissioning. Most parents, children and young people are satisfied with the quality of services received and some have expressed very high levels of satisfaction...*
- *The quality of user engagement is good. Formal arrangements ensure that the views of children and young people, including those gathered through complaints, shape service development.*

Wandsworth – May 2012

- *There is excellent and 'routine' engagement with children and young people and other service users. There are many examples of how their views are listened to and of how their feedback has been used to drive*

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<sup>17</sup> <https://www.rights4me.org/en/home/library/reports/report-childrens-experiences-of-child-protection-procedures.aspx>

<sup>18</sup> <https://www.education.gov.uk/publications/eOrderingDownload/moving%20towards%20a%20child%20centred%20system.pdf>

*service improvement...*

- *The introduction of the single child and family assessment, replacing initial and core assessments, has improved the overall quality of assessment undertaken. Most assessments seen by inspectors are thorough, include the views and observations of children and parents, and are informed by the contribution of other agencies. They balance strengths and risks leading to appropriate outcomes for children.*

Hackney – May 2012

- *Children and young people are routinely and regularly seen during the assessment process. Their views are sought, are clearly recorded and inform assessments. Where children are too young to express a view, there are some good observations of their presentation which is reflected in assessments. Inspectors saw evidence of creative engagement with disabled young people to ascertain their wishes and feelings. Assessments are routinely shared with parents...*

What was consulted on?

28. Based on the evidence submitted to the Munro review, research and on-going lessons from the trial authorities, the consultation version of the guidance (*Managing Individual Cases*) stated that:

- local authorities with their partners must develop and publish their own local frameworks for assessment;
- there should be clear, transparent arrangements for how cases will be managed once a child is referred into local authority children's social care; and
- the local authority is publicly accountable for this framework.

29. How quickly an assessment is carried out after a child's case has been referred into local authority children's social care would be determined by the individual circumstances and needs of the child. This would require judgements to be made by the social worker in discussion with their manager on every case. The consultation version of the guidance stated that:

- urgent cases must be prioritised but delay must not be a feature in any case that requires a statutory assessment under the Children Act 1989;
- it is vitally important that children have their needs met at the right time throughout their lives; and
- it is the responsibility of the social worker to make clear to children and families how the assessment will be carried out and when they can expect a decision to be made on next steps.

## What the evidence shows – key facts

1. The Department for Education publishes data collected from local authorities about the characteristics of children who are in need of social care support and children who are in need of protection.
2. The latest statistics for year ending 31 March 2012 show that there continued to be an increase in much of the assessment and child protection activity during the year 2011-2012.<sup>19</sup>
3. The primary need at initial assessment of the 369,400 children in need in England at 31 March 2012 is as follows:<sup>20</sup>
  - 168,270 (45.5%) abuse or neglect
  - 43,500 (11.8%) the child's disability or illness
  - 12,090 (3.3%) the parent's disability or illness
  - 35,460 (9.6%) the family in acute stress
  - 66,930 (18.1%) family dysfunction
  - 7,210 (2.0%) socially unacceptable behaviour
  - 1,670 (0.5%) low income
  - 11,750 (3.2%) absent parenting
  - 4,200 (1.1%) the need was other than children in need
  - 17,780 (4.8%) the need was not stated
  - 560 (0.2%) the need was missing or unknown
4. The SCR biennial research shows certain groups (for example disabled children) are slightly over represented in terms of the proportion subject of an SCR as compared to the proportion of disabled children in the general population. So, ensuring that SCRs are published and lessons are learnt should have a positive impact on future services for children in those groups as well as other children who are subject of an SCR.
5. Local authority children's social care services are targeted at vulnerable children so improving these services will have a disproportionately positive effect on these groups.
6. By improving social workers' ability to respond in a more flexible way to the varied needs and circumstances of individual cases, the proposed changes are intended to improve outcomes for all children within the system. As outlined, there are certain groups who are disproportionately over represented in safeguarding and should therefore see particular benefit. It must be taken into consideration that all children in contact with local authority children's social care are potentially vulnerable and may

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<sup>19</sup> <http://www.education.gov.uk/rsgateway/DB/SFR/s001095/index.shtml>

<sup>20</sup> Table B5 Numbers of children in need 31 March 2012 by primary need at initial assessment. <http://www.education.gov.uk/rsgateway/DB/SFR/s001095/sfr27-2012v4.xls>

have an additional need for care, support and protection, irrespective of any other characteristics.

### Age and gender

7. Longitudinal data shows a roughly even split between boys and girls being referred to local authority children's social care and assessed. All those being assessed will be children by the United Nations Convention on Rights of the Child (UNCRC) definition, and a small proportion of those involved may be unborn. Parents involved in these cases may also be children themselves by the UNCRC definition.

#### **Of the 369,400 children in need in England at 31 March 2012<sup>21</sup>**

- 195,400 (52.9%) are male, of these:
  - 10,200 (2.8%) are under one year old
  - 40,200 (10.9%) are 1-4 years
  - 48,200 (13.0%) are 5-9 years
  - 59,900 (16.2%) are 10-15 years
  - 36,900 (10.0%) are 16 and over
- 166,500 (45.1%) are female, of these:
  - 9,700 (2.6%) are under one year old
  - 36,400 (9.8%) are 1-4 years
  - 39,700 (10.7%) are 5-9 years
  - 50,900 (13.8%) are 10-15 years
  - 29,900 (8.1%) are 16 and over
- 7,500 (2.0%) are unborn or have unknown gender

#### **Of the 52,120 children who became subject of a child protection plan during the year ending March 2012<sup>22</sup>**

- 25,900 (49.7%) are male, of these:
  - 4,180 (8.0%) are under one year old
  - 7,830 (15.0%) are 1-4 years
  - 7,290 (14.0%) are 5-9 years
  - 6,020 (11.6%) are 10-15 years
  - 580 (1.1%) are 16 and over
- 25,070 (48.1%) are female, of these:
  - 4,020 (7.7%) are under one year old
  - 7,250 (13.9%) are 1-4 years
  - 6,750 (13.0%) are 5-9 years
  - 6,200 (11.9%) are 10-15 years

<sup>21</sup> Table B2 provides data on numbers of children in need at 31 March 2012, by gender and age. <http://www.education.gov.uk/rsgateway/DB/SFR/s001095/sfr27-2012v4.xls>

<sup>22</sup> <http://www.education.gov.uk/rsgateway/DB/SFR/s001095/sfr27-2012v4.xls>

- 850 (1.6%) are 16 and over
  - 1,140 (2.2%) are unborn or have unknown gender
8. In 2009-2011 the biennial research shows a slightly higher proportion of boys than girls were the subject of SCRs: the percentage of SCRs on boys has remained constant at around 56% since 2003. Equally, there are a slightly higher proportion of boys than girls who are children in need or children subject of a child protection plan.

### Disability

#### **Of the 369,400 children in need in England at 31 March 2012**

- 51,800 (14%) had a disability recorded.<sup>23</sup>

Of the 14% of children who have a disability recorded the following percentage of disability are reported:

- 45.9% Learning
- 27.7% Autism/Asperger Syndrome
- 22.4% Mobility
- 22.1% Communication
- 22.0% Behaviour
- 20.1% Other Disability
- 15.1% Personal Care
- 9.1% Incontinence
- 8.6% Vision
- 6.5% Consciousness
- 5.9% Hand Function
- 5.3% Hearing

#### **Of the 42,850 children who were the subject of a child protection plan at 31 March 2012 secondary analysis of the data shows the following:**

- 1,400 (3.2%) had a disability recorded

Of the 3.2% of children who have a disability recorded the following percentage of disability are reported:

- 37.0% Learning

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<sup>23</sup> Table B4 provides this information along with a breakdown of the 14% by disability type <http://www.education.gov.uk/rsgateway/DB/SFR/s001095/sfr27-2012v4.xls> Numbers include estimates for missing data and have been rounded to the nearest 100. A child may have none, or more than one disability and so the total number of disabilities will differ from the number of children. The Disability Discrimination Act defines a disabled person as a person with a "physical or mental impairment which has a substantial and long term adverse effect on his ability to carry out normal day to day activities". The condition must have lasted or be likely to last at least 12 months in order to be classed as a disability.

- 25.3% Behaviour
  - 18.3% Other Disability
  - 16.0% Autism/Asperger Syndrome
  - 15.1% Communication
  - 13.7 % Mobility
  - 7.7% Personal Care
  - 5.8% Incontinence
  - 5.3% Vision
  - 4.5% Hearing
  - 2.5% Consciousness
  - 2.0% Hand Function
9. There were 0.8 million children with disabilities in the UK in 2010-2011. This constitutes 6% of the total child population.<sup>24</sup>
10. The data shows that there is a greater proportion of children in need of social care support who have a disability recorded (51,800 children or 14% of children in need) when compared with:
- disabled children in the wider population (6%); and
  - of children who are subject of a child protection plan who have a disability recorded (1,400, 3.2%).
11. We would expect a higher proportion of disabled children to be receiving support as children in need, when compared with the wider child population, as the definition of a child in need includes a child who is disabled.<sup>25</sup> However, children with a disability appear to be under represented in terms of being the subject of a child protection plan when compared to the wider population and over represented in terms of SCRs when things have gone wrong.
12. There is a growing body of knowledge about the enhanced vulnerability of disabled children to abuse and this seems to be reflected in the SCR statistics although not in the statistics around children subject of a child protection plan.<sup>26</sup> 12% of SCRs related to children who had disabilities. The biennial research on SCRs found evidence from a number of cases involving children with a disability that the risk of significant harm went unrecognised, including in some cases where the family presented as loving and cooperative, this may partly help explain disabled children being under represented in the number of children subject of a child protection plan.

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<sup>24</sup> DWP: Disability prevalence estimates 2010/11.

<http://odi.dwp.gov.uk/docs/res/factsheets/disability-prevalence.pdf>

<sup>25</sup> Children in Need are defined in section 17 of the Children Act 1989.

<sup>26</sup> PM Sullivan and JF Knutson, 'Maltreatment and disabilities: a population-based epidemiological study', *Child abuse and neglect*, 24(10), 2000, pp 1257–1273; <http://childabusemd.com/disabilities/disabilities-resources.shtml>.



13. The Ofsted thematic review '*Protecting disabled children: thematic inspection*' published in August 2012 also showed that disabled children are more dependent than other children on their parents and carers for their day-to-day personal care; for helping them access services that they need to ensure that their health needs are met; and for ensuring that they are living in a safe environment.<sup>27</sup> The impact of neglect on disabled children is therefore significant. This is not always recognised in time. In many of the child protection cases examined by inspectors, where neglect was the key risk, children had previously received support as children in need for a long time. Despite the lack of improvement for the child there were delays in recognising that the levels of neglect had met the threshold for child protection. In many of these cases the impact of poor parenting on the child was not clearly seen and the focus on the child was lost.

### Ethnicity

#### **Of the 369,400 children in need in England at 31 March 2012**

- 269,590 (73.0%) are White
- 25,480 (6.9%) are Black or Black British
- 24,640 (6.7%) are Mixed race
- 21,440 (5.8%) refused to provide the information or the information was not obtained.
- 20,120 (5.4%) are Asian or Asian British
- 8,150 (2.2%) are of Other Ethnic Groups

#### **Of the 42,850 children who were the subject of a child protection plan at 31 March 2012**

- 32,540 (75.9%) are White
- 3,390 (7.9%) are Mixed race
- 2,320 (5.4%) are Asian or Asian British
- 2,090 (4.9%) are Black or Black British
- 1,980 (4.6%) refused to provide the information or the information was not obtained.
- 530 (1.2%) are of Other Ethnic Groups

14. In 2009-2011, 80% of SCRs related to children of white origin. This was a slightly higher proportion than in previous two-year periods.

15. There was a slight over representation of children of black or black British ethnicity in SCRs: 8% as compared with a total child population of 3%. This is similar to the over representation of black or black British children in the population of looked after children (7%). Children of mixed race were also slightly over represented in SCRs: 6% compared with a total population of 4%.

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<sup>27</sup> <http://www.ofsted.gov.uk/resources/protecting-disabled-children-thematic-inspection>



16. Children of Asian or Asian British ethnicity were slightly under represented in SCRs: 4% compared with a total population of 7%. Again, this proportion is similar to the percentage of looked after children who are of Asian or Asian British origin: 5%.

17. This over and under representation of ethnicity is also true of children in need and children subject of a child protection plan. A study in 2009 which compared the ethnic breakdown of children in England from the 2001 census with three sets of child welfare data: the Children in Need census (2003, 2005); the number of children on the protection register or subject to a child protection plan (2004, 2005 and 2006); and the number of children looked after (2004, 2005 and 2006) found that given proportions in the national population:<sup>28</sup>

- white children were represented proportionately on the children in need census and on the child protection register and as looked after children;
- children of mixed ethnic background were over represented on the children in need census, on the child protection register, and as looked after children;
- Asian children were under represented on the children in need census, on the child protection register and as looked after children; and
- black children were over represented on the children in need census and as looked after children.

#### Sexual identity and religion or belief

18. These data do not include references to religion or belief, sexual identity and gender identity. Nor is there qualitative research we are aware of in relation to the sexual identity, religion or belief of children subject of child protection or local authority children's social care assessment. In terms of assessment of the need for social care support or protection this will be based on the needs of the individual child including their sexual identity, religion, belief or culture. As we are unable to estimate how the population of children in the assessment process is composed by religion, belief or sexual identity we cannot make any assumptions as to how the proposed change will impact on these groups.

#### Assessment timescales and different categories of need<sup>29</sup>

19. For the first time in 2011-2012, the Department for Education published a detailed breakdown of days taken to complete an assessment.

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<sup>28</sup> Owen, Charlie, and Statham, June (2009) *Disproportionality in child welfare: prevalence of black and ethnic minority children within 'looked after' and 'children in need' populations and on child protection registers in England (PDF)*. London: Department for Children, Schools and Families (DCSF).

<sup>29</sup> Table C1 and C3 <http://www.education.gov.uk/rsgateway/DB/SFR/s001095/sfr27-2012v4.xls>

20. In 2012, the median number of days taken to complete an initial assessment was 7 working days. 95% of local authorities had a median value of between 4 and 10 working days to complete an initial assessment. In 2012, 349,500 (77.4%) initial assessments were completed within 10 working days (the statutory timescale), similar to last year (77.2%).
21. In 2012, the median number of days taken to complete a core assessment was 32 working days and 166,610 (75.5 %) core assessments were completed within 35 working days (the statutory timescale).
22. The tables in the following section are a secondary analysis of the CIN (children in need) census data for 2011-12 and show the timescales for initial and core assessment broken down by category of need. The timescales were broadly similar for different categories of need. For example, the median timescale of a child with the primary need code of abuse or neglect was 7 days for initial assessment and 31 for core assessment. The median timescale for assessment of a child with the primary need code of disability or illness was 7 days for initial assessment and 32 days for a core assessment.
23. The tables show that local authorities were sometimes taking longer than the statutory timescales at the time prescribed and sometimes taking less than the statutory timescale prescribed. So, 43% of children in need initial assessments take 6-10 days but 35% take less than 6 days and 23% take longer than 10 days. For core assessments, 29% take 31-35 days, but 47% take less than 31 days and 24% take 36 days or longer. This is broadly the case whatever the primary need for the assessment and shows that local authorities are taking differentiated approaches. What the raw data does not show is whether the assessments are capturing the right information or the reasons why different assessments are taking longer or are carried out more quickly. The data provides a mechanism for understanding whether the changes made to the statutory timescales have an impact on the timescales in relation to different categories of need in the future.

Further analysis of the CIN census 2011-12 data shows the following when looking at the number of **initial assessments** completed by duration of assessment and primary need code

Primary Need Code	Total initial assessments completed	Start & end same day	1 to 5 days	6 to 10 days	11 to 15 days	16 to 20 days	21+ days	End before start / Missing	25th percentile	Median	75th percentile
<b>All need codes</b>	<b>451,460</b>	<b>54,940 12%</b>	<b>102,530 23%</b>	<b>192,110 43%</b>	<b>38,450 9%</b>	<b>18,380 4%</b>	<b>44,960 10%</b>	<b>100</b>	<b>3</b>	<b>7</b>	<b>10</b>
N1 Abuse or neglect	227,100	36,930 16%	53,780 24%	91,650 40%	17,010 7%	8,020 4%	19,670 9%	50	2	7	10
N2 Child's disability or illness	13,430	1,050 8%	3,260 24%	5,770 43%	1,100 8%	590 4%	1,660 12%	0	4	7	10
N3 Parental disability or illness	12,620	890 7%	2,670 21%	5,860 46%	1,240 10%	600 5%	1,350 11%	10	5	8	11
N4 Family in acute stress	50,910	3,690 7%	11,030 22%	23,590 46%	4,980 10%	2,290 5%	5,330 10%	10	5	7	10
N5 Family dysfunction	100,660	7,590 8%	21,150 21%	46,860 47%	9,410 9%	4,640 5%	11,000 11%	20	5	8	10
N6 Socially unacceptable behaviour	10,450	850 8%	2,330 22%	4,530 43%	1,050 10%	490 5%	1,210 12%	0	5	7	11
N7 Low income	2,170	160 7%	660 30%	920 42%	190 9%	80 3%	170 8%	0	3	7	10
N8 Absent parenting	6,030	850 14%	1,630 27%	2,400 40%	440 7%	210 3%	510 8%	0	3	7	10
N9 Cases other than children in need	5,240	560 11%	1,170 22%	2,270 43%	540 10%	200 4%	490 9%	0	4	7	10
N0 Not stated	22,750	2,370 10%	4,830 21%	8,210 36%	2,490 11%	1,260 6%	3,580 16%	10	4	8	13
Missing	100	10 10%	20 23%	50 48%	10 8%	0 2%	10 8%	0	5	8	10

Further analysis of the CIN census 2011-12 data shows the following when looking at the number of **core assessments** completed by duration of assessment and primary need code

Primary Need Code	Total core assessments completed	0 to 10 days	11 to 20 days	21 to 30 days	31 to 35 days	36 to 40 days	41 to 50 days	51 to 60 days	61+ days	End before start / missing	25th percentile	Median	75th percentile
<b>All need codes</b>	<b>220,670</b>	<b>34,850 16%</b>	<b>32,950 15%</b>	<b>35,210 16%</b>	<b>63,610 29%</b>	<b>13,200 6%</b>	<b>12,780 6%</b>	<b>7,620 3%</b>	<b>20,350 9%</b>	<b>110</b>	<b>16</b>	<b>32</b>	<b>35</b>
N1 Abuse or neglect	125,470	20,300 16%	19,840 16%	20,060 16%	35,980 29%	7,080 6%	7,030 6%	4,170 3%	10,940 9%	60	15	31	35
N2 Child's disability or illness	9,080	1,370 15%	1,200 13%	1,550 17%	2,780 31%	530 6%	450 5%	330 4%	870 10%	0	18	32	35
N3 Parental disability or illness	6,620	930 14%	890 13%	1,020 15%	2,110 32%	400 6%	380 6%	250 4%	630 9%	0	18	33	36
N4 Family in acute stress	20,040	2,950 15%	2,640 13%	3,260 16%	6,130 31%	1,230 6%	1,180 6%	720 4%	1,940 10%	10	18	33	36
N5 Family dysfunction	41,840	6,380 15%	5,850 14%	6,410 15%	11,920 28%	2,800 7%	2,640 6%	1,520 4%	4,300 10%	10	17	32	36
N6 Socially unacceptable behaviour	4,160	580 14%	560 13%	650 16%	1,170 28%	300 7%	270 6%	170 4%	470 11%	0	19	33	37
N7 Low income	580	80 14%	100 17%	130 21%	160 27%	20 4%	40 6%	20 3%	50 9%	0	18	29	35
N8 Absent parenting	2,490	420 17%	420 17%	420 17%	660 26%	120 5%	140 5%	90 4%	240 10%	0	15	30	35
N9 Cases other than children in need	2,100	330 16%	260 12%	380 18%	650 31%	140 7%	140 6%	50 2%	150 7%	0	18	32	35
N0 Not stated	8,260	1,510 18%	1,200 14%	1,340 16%	2,020 24%	590 7%	520 6%	310 4%	770 9%	20	15	31	36
Missing	40	10 13%	10 13%	10 20%	20 40%	0 5%	0 5%	0 3%	0 3%	0	21.5	31.5	35

## Challenges and opportunities

1. The policy is aimed at creating general improvements to local authority children's social care including the assessment of children, support of children in need and the protection of children. Specifically we have aimed to do this in a way that helps the individual child and reduces suffering by providing help at the point it is needed. In addition, the policy changes are designed to improve practice for future children by learning lessons, including where things have not happened as they should.
2. As the analysis above shows that certain groups are disproportionately represented in this population, these groups should experience greater benefit from the positive impact of the policy changes.
3. The policy changes to SCRs should improve the quality of reports on serious incidents, getting to the heart of what happened in the case and why, and what improvements need to be made in order to reduce the risk of recurrence. Providing this deeper analysis of events, and sharing the findings publicly, will be at the heart of driving a stronger system of learning and improvement throughout children's services. This should have benefits for all children who receive those services, because professionals will be actively learning from others' practice (good and bad) and reflecting on how they can adapt their practice to reduce the likelihood of children coming to harm in future. There should also be particular benefits in improving services to those children who are currently at a higher risk of suffering abuse or neglect and who are over represented among the subjects of SCRs, namely boys, children with disabilities and children of Black or Black British origin.
4. Under the Government's changes local authorities will have greater freedom to design their own assessment process with set parameters and tailor this to meet the needs of individual children. This revised guidance covers assessment which follows the child's journey from needing to receiving help, whether that help is given to families as an early help offer, as a child in need or as a child in need of protection. The revised guidance published today now states that every child who has a referral into local authority children's social care must be treated as an individual and their individual needs must drive the length and breadth of the assessment process. The process, however, should take no longer than 45 working days from the date of referral into local authority children's social care to the date of a decision on next steps.
5. The emphasis is on face to face contact with children so that their needs can be properly understood. That in turn will allow professionals' decisions to be better informed so that the right action can be taken. The aim is for each assessment to be:
  - tailored to the individual needs of the child whatever their circumstances; and

- proportionate to the nature of each case, the needs of the child and/or the nature or risk of harm faced by the child.
6. This Government has made clear in the revised statutory guidance that a good assessment must be tailored to the needs of the individual child and be timely for that child; that social workers must have an active and ongoing dialogue with the child and the family and be clear on when they can expect a decision on next steps; and that the assessment must be proportionate.
7. This approach will require a behavioural change at local authority level. The proposed changes should have a significant impact on how professionals work with children and families, namely:
- social workers and other professionals taking decisions informed by the needs and the level of risk faced by the individual child;
  - greater professional judgement to be exercised based on knowledge and expertise;
  - assessment to be seen in parallel to intervention and providing help to children and families and not as a precursor to offering help;
  - space for more contact with the child and family;
  - more time for analysis of the information gathered in an assessment so that informed decisions are made about the type of help required;
  - decisions to be driven by evidence rather than by compliance with timescales; and
  - challenge and supervision by managers to deliver timely and proportionate assessments.

## Equality analysis

1. For the reasons set out in this EQUIA a positive impact on equality is explicitly intended and very likely. An adverse impact is unlikely and, on the contrary, the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.
2. We have considered the evidence presented through the Munro review, the consultation, the advisory groups, the trials, the work undertaken by the CWRC, the OCRD and other information. This has included specific representations relating to the potential impact of the Government's proposed reforms on particular groups. Having considered this evidence very carefully, the Government does not believe that there is, or is likely to be, an adverse impact on particular groups of vulnerable children, such as disabled children or with particular protected characteristics under the Equalities Act. There is no reasoned basis on which to believe that there will be such an adverse impact given that the revised guidance seeks to ensure that local authority children's social care assessments (and the resulting help and support) are more focused on the particular needs and circumstances of each individual child.
3. *Working Together* makes the legislative requirements clear, so all organisations know what the law says they and others must, or are expected to do. The underpinning legislative framework has not changed, nor have the statutory responsibilities on local authorities and partners towards children in need. The revised guidance has a renewed emphasis on professionals supporting the individual needs of children. It also provides the essentials that will enable and encourage good cross-agency working so all organisations understand what they should do to provide a coordinated approach to safeguarding children.
4. A central theme of Professor Munro's review, and subsequent work by Government (described in this equality analysis), has been whether professionals are working individually and collectively to make sure the individual child is getting the help they need when they need it and that where things go wrong lessons are learnt.
5. At present, too many reports of SCRs are being written in a way which makes them difficult to publish. This leads to the reports not being published and, consequently, important lessons about how better to protect children are not shared fully. The revised guidance should help authors to write reports with publication in mind and it will help LSCBs. Ensuring that reports of SCRs are published will reverse the current situation whereby the findings from some serious child protection cases, but not others, are published, leading to a more equal approach in how different cases are handled.
6. The Government believes that the revised statutory guidance, in relation to assessment and timescales is unlikely to have an adverse impact on

protected groups of children. The quality of assessments should improve, with professionals having the freedom to exercise professional judgement as to the depth and nature of assessments. The policy intention is for the assessment of protected groups of children to improve.

7. Latest evidence from the trial authorities shows:

- there is no evidence that protected groups of children are receiving a detrimental service under the flexible arrangements for assessment;
- there is an improving trend in the speed in which services are being delivered to support children and assessments are being concluded. (*Wandsworth*);
- as the trial has become embedded, the performance and management of assessment timeliness has improved. (*Islington*); and
- social workers report that the flexibilities have encouraged a more thorough, in-depth assessment, where necessary, which, in turn, enables them to have a more informed view as to whether a child/family needs a child protection plan or child in need plan to address safeguarding concerns. (*Knowsley*)



## Next steps

1. Safeguarding children is the responsibility of local areas and it requires professionals and agencies to work effectively, both individually and collectively. The Government monitors local arrangements via a universal inspection programme whereby all local arrangements are inspected on a three year cycle. Following each local authority inspection a report is published including judgements about the quality of services. The inspection is focused on the social work practice and its impact on the child. This includes whether the help and protection given to children is accessible, and robust and sensitive and responsive to ethnicity, culture, religion, language or disability.<sup>30</sup>
2. In addition, each local authority must establish an LSCB. Board members include key agencies such as, health, police and local authority children's social care. The LSCB has the role of monitoring the effectiveness of local arrangement to safeguard children and promote their welfare. Each LSCB must publish an annual report on the effectiveness of safeguarding in their local area.
3. As described in the key facts section the CIN census data allows an understanding of the characteristics of children in need of social care support, children subject of assessment, children subject of child protection process and timescales for different parts of the process. These data are part of a wider children's safeguarding performance information framework which the Department published in July 2012 which has been developed in consultation with the sector.<sup>31</sup> It is intended to help move the focus of the child protection system from processes and indicators towards performance measures that improve professional understanding and drive improvements locally. The framework describes the key nationally collected data and the questions that should be asked at a local level to understand the impact and effectiveness of safeguarding children. The information within the framework will be kept under review. For example, the Department is collecting some new data in 2013-2014 which will be published in autumn 2014 and will provide more effective information on factors identified at assessment for example, mental health or disability of the child or their parent.<sup>32</sup> This information will be reviewed after the first year of collection.
4. The Government remains concerned about the quality of decision making about SCRs. The number of SCRs initiated has been dropping significantly in recent years. Research shows that over the two year period 2009-2011 there were 184 notifications relating to incidents which led to an SCR. This

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<sup>30</sup> Ofsted's evaluation schedule can be found on their website at <http://www.ofsted.gov.uk/resources/framework-for-inspection-of-local-authority-arrangements-for-protection-of-children>

<sup>31</sup> <http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/protection/b00209694/perf-info>

<sup>32</sup> <http://www.education.gov.uk/childrenandyoungpeople/strategy/research/a00215565/cin2013>

is 96 fewer than the number of incidents which led to SCRs in the previous two year period 2007-2009. Research highlights a drop in non-fatal cases which may suggest a new pattern of undertaking SCRs is emerging. The Government has decided that there is a need for independent scrutiny of decisions about initiation and publication of SCRs. From early 2013 there will be a national panel of independent experts which will provide advice to LSCBs on application of the statutory guidance on SCRs. The panel will look at decisions made by LSCBs not to conduct SCRs on cases which might meet the criteria in regulations. They will also advise on cases where an LSCB decides that publication of an SCR report is not feasible. The final statutory guidance makes reference to the existence of the panel and says that LSCBs should provide information to the panel and attend meetings on request.

5. The Government agrees with the responses about the need for further action at a national level to improve the skills of SCR reviewers. Although it is important that LSCBs develop capacity locally to deliver good quality reviews, the Government believes that some centralised support is justified. The Government has therefore decided to fund a national programme of training for SCR authors in 2013. A contract has been awarded to a consortium, led by NSPCC, to provide this programme.
6. There is strong support from the consultation responses for ending the distinction between the initial and core assessment. This serves to reinforce assessment as a continuous process and one which sees action and services provided in parallel. The independent evaluation by CWRC was very positive about this approach, seeing services being delivered to vulnerable children and families more quickly than under the current system.
7. The evidence from the trial local authorities shows that implementation takes time and careful planning, and some social workers may need support to move away from prescription. The Government, therefore, proposes a phased approach to the reforms, as follows:
  - remove the requirement for separate initial and core assessments and the 10 working day timescale related to the initial assessment from April 2013; and
  - retains 45 working days for an assessment to complete, such that it is possible to reach a decision on next steps.
8. We will evaluate the impact of this approach (for example through analysing the CIN census data), Ofsted inspections and continuing evidence from the trials.