

# **Child safeguarding practice review panel: terms of reference and code of practice**

**April 2019**

# Contents

Terms of reference	4
Role and purpose	4
Membership and appointments	4
Terms of appointment	5
Funding	5
Scope and constraints	5
Timescales for national reviews	5
Standards for Members & Governance of Panel Business	6
Performance management	6
What is expected of the Chair	7
What is expected of Members	8
Decision Making	9
Financial Arrangements	9
Frequency of Meetings and provision of advice	9
Publication of Reports	10
Press Enquiries	10
Secretariat	10
Review	10
Code of practice	11
Transparency and Declarations/Handling Conflicts of Interest	11
General declarations to DfE	11
Declarations relating to specific cases	12
Communications and Outputs	12
Reporting to Government	12
Communications Plan	12
Other administrative and practical arrangements	13
Personal liability of members	13
Engagement with Ministers	13
Working Groups and additional expertise	13
Risks	13
Resources	14

Annex A: Further Information Terms of Reference	15
Remit	15
National Child safeguarding practice reviews	15
Annex B: Role of Secretariat	18

## Terms of reference

These terms of reference should be read alongside the statutory guidance [Working Together \(2018\)](#) and any successor version of this guidance.

## Role and purpose

The Children and Social Work Act 2017 provides for the creation of a new Child Safeguarding Practice Review Panel. The Panel is appointed by the Secretary of State for Education but is independent of Government.

The Child Safeguarding Practice Review Panel is responsible at a national level for identifying and overseeing the review of serious child safeguarding cases which in its view raise issues that are complex or of national importance. It became operational on 29 June 2018.

The Panel should monitor, and report on, the response and progress in implementing the impact of its recommendations and of its work. The Panel will work closely with the What Works Centre for Children's Social Care to ensure that lessons are disseminated effectively.

In addition, during the transitional period whilst local areas have yet to develop new safeguarding partnerships, it will advise Local Safeguarding Children Boards (LSCBs) about:

- whether LSCBs should carry out a Serious Case Review (SCR); and,
- the proposed approach to publishing SCRs and to the sharing of learning.

## Membership and appointments

The Panel comprises a Chair, and up to seven other members. The remaining members should include people with relevant sector experience from the three main safeguarding partners – local authority, health and the police.

In addition, the Chief Social Worker for Children and Families is a member of the Panel bringing a national perspective and his or her extensive professional and operational experience, into the Panel's discussions.

The Panel is appointed by the Secretary of State for Education who in doing so will seek to ensure that the Panel is representative of diversity in accordance with guidance the Cabinet Office set out in [Public Appointments Guidance to departments March 2015](#), with particular regard to the guidance set out in [Public appointments diversity plan](#).

The Chair and members of the Panel are independent appointments made through open competition, in line with OCPA guidelines on best practice for making public appointments. DfE will agree the plans for each recruitment exercise.

The Panel is classified as an 'expert committee', in accordance with the [Cabinet Office guidance on classifications of arm's length public bodies](#).

The Senior Responsible Owner is the Director General for Social Care, Mobility and Equalities, Department for Education (DfE) acting on behalf of the Secretary of State.

## **Terms of appointment**

Members, including the Chair, are appointed by the Secretary of State in accordance with the Code of Practice for Ministerial Appointment to Public Bodies. Terms of office will usually be for periods of up to three years (except in the case of that allocated to the Chief Social Worker for Children and the representative from the What Works Centre) and members may be reappointed for further terms. In accordance with rules laid down by the Office of the Commissioner for Public Appointments, the total length of service on the Panel should not exceed ten years, except in the case of the Chief Social Worker post which is tied to their specific role.

Appointments (of Members, including the Chair) may be terminated at a Member's request or by the Secretary of State following advice from the Chair and/or the Senior Responsible Officer (Director General SCME) if Members fail to perform as expected of them, with notice periods of no more than three months.

## **Funding**

The Panel is funded by the Department for Education in order to fulfil its functions. The relationship is governed by these Terms of Reference and the Code of Practice.

## **Scope and constraints**

The Panel's responsibilities relate to England only.

The number of national reviews commissioned in any year is not set. However, the Department has allocated spend for each year until 2020 (funding for future years will be confirmed in due course). If the Panel require more than the allocation agreed for any financial year it will need to seek agreement from the Secretary of State.

## **Timescales for national reviews**

The Child Safeguarding Practice Review Panel is responsible for commissioning and supervising reviewers for national child safeguarding practice reviews. Reports should be

completed and published within six months from the date of the commencement of a review.

The DfE is responsible for issuing contracts to reviewers following advice from the Panel. The Panel will supervise and commission all national reviews to ensure that the reviewer is making satisfactory progress and meeting the timescales set out in the contract. It will advise the Secretariat of any contractual issues which DfE will consider and take any action which may be required if a contractor is failing to meet his or her contractual obligations.

The Child Safeguarding Practice Review Panel is bound by the [Seven Principles of Public Life](#) and [The code of conduct for board members of public bodies](#).

However, against this general background it is good practice to set out specific elements of a bespoke Code of Practice for the Panel. This Code sets out the standards that members are expected to adhere to, the governance of Panel business, and various other administrative and practical arrangements.

## **Standards for Members & Governance of Panel Business**

Members should at all times:

- Observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of the Panel;
- Be accountable to the sponsoring department for its activities and for the standard of advice and decisions it makes;
- Act in accordance with the Code of Conduct for Board Members of Public Bodies (June 2011) and the Seven Principles of Public Life;
- Comply with this code and ensure they understand their duties, rights and responsibilities and that they are familiar with the function and role of this body and any relevant statements of Government policy;
- Not misuse information gained in the course of their public service for personal gain or political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and,
- Not hold any paid or high-profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of this body. When engaging in other political activities, members should be conscious of their public role and exercise proper discretion.

## **Performance management**

The Chair should periodically review the performance of the Panel, including the contribution, performance and conduct of individual members. Individual feedback should

be provided to individual Panel members and in exceptional circumstances the Chair may submit advice to DfE Ministers' if satisfied that a Member;

- (a) has become unfit or unable to discharge his or her functions properly, or
- (b) has behaved in a way that is not compatible with continuing in office.

The Director General of SCME should periodically reviewing the performance of the Chair and may submit advice to the Secretary of State if satisfied that the Chair or a Member;

- (a) has become unfit or unable to discharge his or her functions properly, or
- (b) has behaved in a way that is not compatible with continuing in office.

## **What is expected of the Chair**

The Chair has responsibility for:

- Providing effective leadership to the Panel;
- Arrangements for reviewing the performance of the Panel as a whole and as individual Members (see above)
- The Secretary of State is responsible for appointing Panel members, but the Chair may steer and advise the Secretary of State on the appointment of Panel members;
- Ensuring that the Panel works in accordance with the guidance set out in legislation and Working Together (2018) and this Code of Practice and Terms of Reference;
- Ensuring there is a process for decision-making;
- Ensuring that the Panel meets at appropriate and agreed intervals;
- Chairing all Panel meetings (having agreed arrangements for a deputy chair in the chair's absence);
- Making the final decision on whether to commission or publish a national review and/or which reviewer to engage, or recommend a local child safeguarding practice review (serious case review if the local area has not yet put in place new safeguarding partner arrangements);
- Making sure that arrangements are in place so that the Panel sets up, and maintains, a credible pool of potential reviewers to conduct reviews of serious child safeguarding cases;
- Making sure the Panel selects reviewer/s from the pool to conduct reviews and that a selection of another person is made where no one suitable with availability or the necessary experience is available within the pool;
- Making sure the Panel supervises reviewers conducting a national review, including monitoring the time taken to conduct a review and the quality of the review;

- Making sure the Panel provides a copy of all national reports, or information relating to improvements to be made, to the Secretary of State no later than 7 days prior to the date of publication;
- Making sure all reports, or information relating to improvements to be made, are made publicly available for a minimum of three years;
- Making urgent decisions on behalf of the Panel (in exceptional circumstances);
- Advising Ministers on behalf of the Panel on how the review system is working (making policy recommendations as necessary);
- Acting as the public figurehead for the Panel when engaging externally with the media and other interested parties.
- Work closely with the new What Works Centre for Children’s Social Care, providing it with copies of reviews or learning from reviews as applicable, to enable the What Works Centre to identify themes and issues across areas and to disseminate learning that will be useful for practitioners working with children.

## What is expected of Members

All Members, including the Chair, have collective responsibility for the operation of the Panel. They should:

- Work in accordance with the guidance set out in legislation and [Working Together \(2018\)](#) and this Code of Practice and Terms of Reference;
- Engage fully in collective consideration and decision-making, taking account of the full range of relevant factors. This means that once the Panel has made a decision, all members should support that decision;
- Review all cases and other information prior to Panel meetings;
- Participate in discussion and decision-making as to whether to commission a national review or recommend a local practice review (or serious case review if the local area has not yet put in place new safeguarding partner arrangements);
- Support the setting up and recruitment of a credible pool of potential reviews to conduct reviews of serious safeguarding cases;
- Support the appointment of reviewer(s) to conduct individual national reviews and agree terms of reference and timelines for conducting reviews;
- Supervise individual national reviews including monitoring progress and the quality of individual national reviews, in cases of failure to deliver against the terms and conditions issued to a reviewer/s it should escalate to the Secretariat for action to be taken in line with DfE policy and procedures;
- Regularly audit progress on the implementation of national-level improvements;
- Ensure that final reports following national reviews include a summary of the improvements to be made and an analysis of any systemic or underlying reasons why actions were taken or not;

- Decide when to publish a report – all reports should be published, unless the Panel considers it inappropriate to do so. In such cases they must publish any information about the improvements that should be made;
- Ensure that the Panel works in accordance with its Terms of Reference;
- Act as public figureheads for the Panel when engaging externally with the media and other interested parties.
- Read the papers prepared before each meeting and formulate a view on items scheduled for discussion, as required. When there are large and complex reports/documents to review and summarise, the Chair may appoint one or more rapporteurs, drawn from the members, for this purpose. Occasionally, sub-groups of members may be established to discuss specific cases/issues and report back; and,
- Work closely with the new What Works Centre for Children's Social Care, providing it with copies of reviews or learning from reviews as applicable, to enable the What Works Centre to identify themes and issues across areas and to disseminate learning that will be useful for practitioners working with children.

## Decision Making

All decisions, except in exceptional circumstances, should be made by a quorate Panel (comprising at least four members of the Panel). In exceptional circumstances, or where agreement cannot be reached by a majority, the decision will rest with the Chair, or in his or her absence, his or her Deputy.

## Financial Arrangements

The expectations in terms of time commitments associated with Panel membership are set out in the Terms of Appointment letters sent to each Panel Member (including the Chair). These Terms of Appointment letters also detail the expectations of remuneration of daily fees and reimbursement of costs incurred in travelling (standard class) to and from meetings, including any necessary overnight stays, and for any necessary meals and refreshments covering the period of travel.

Financial information on the Panel should be included in the Panel's Annual Report. Annual reports will be sent to the Secretary of State prior to publication.

## Frequency of Meetings and provision of advice

The Panel should hold meetings every two to three weeks to carry out its functions. The frequency of meetings will be reviewed by the Panel in the summer of 2019. Meetings will be held in closed session. In addition to Panel members and the secretariat, attendees may include (following agreement with the chair) other officials from DfE, other

Government Departments and agencies. Invited experts and speakers (following agreement with the chair) may also be asked to attend meetings.

## Publication of Reports

All publications should adhere to the guidance set out in [Working Together \(2018\)](#).

## Press Enquiries

Any member receiving a request from the press to comment on matters which fall within the Panel's remit should in the first instance contact the Chair and Secretariat for advice. The Chair and the Secretariat will determine whether a response is necessary and, if so, whether it should be handled, in the first instance, by Government officials. If the response requires handling by the Panel, the Chair should identify the most suitable member to deal with the response. The Secretariat will provide briefing, if required.

## Secretariat

The Panel is supported by a Secretariat is provided by and comprised of civil servants from the Department for Education and can be contacted at:

[Mailbox.NationalReviewPanel@education.gov.uk](mailto:Mailbox.NationalReviewPanel@education.gov.uk)

The Secretariat is responsible for delivering services on behalf of the Panel to support it in carrying out its full range of functions including, ensuring the Panel's compliance with relevant codes and standards, effective governance of Panel business and for ensuring that the Panel does not exceed its remit. The Secretariat is also the normal channel for communication between the Panel, senior civil servants and Ministers, and between the Panel and other internal and external interests. The Panel Secretariat's specific responsibilities are set out in more detail at [Annex B](#) below.

## Review

Once agreed by the Panel, these Terms of Reference should be reviewed in July 2019 and annually thereafter.

## Code of practice

### Transparency and Declarations/Handling Conflicts of Interest

The Panel should comply with the Government's requirements on transparency and be as open as possible about the decisions and actions it takes. The Panel should give reasons for its decisions and restrict information only when the public interest clearly demands.

The Panel should publish on its webpage on gov.uk:

- The Panel's Code of Conduct & Terms of Reference;
- A register of members' interests;
- List of names of National Pool Reviewers;
- Copies of its published national reviews, or information relating to the improvements which should be made following the review, for a minimum period of three years; and,
- Annual Reports and other information including Panel expenditure and details of fees and expenses paid to the Chair and Panel Members.

Panel members should not misuse information gained in the course of public service for personal gain or for political purpose.

Panel members should not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after Members have left the Panel.

Members should not be influenced, nor appear to be influenced, by their private interests in the exercise of their public duties. All members should therefore declare any personal or business interest that may, or may be perceived (by a reasonable member of the public), to influence their judgement. This should include, but not be confined to, personal direct and indirect pecuniary interests. It should normally also include, such interests of close family members (a member's partner or immediate family member who is a dependent of the member (or of whom the member is a dependent)), friends and/or acquaintances and of people living in the same household. In case of doubt, a conflict of interest should be declared.

### General declarations to DfE

On appointment members of the Panel should inform the Secretariat in writing of their current interests. Members should also inform the Secretariat of any change in their personal interests. They will be asked to declare relevant interests on an annual basis and these will be published on the Panel's gov.uk webpage.

## Declarations relating to specific cases

If Panel members have any personal or business interests relating to a specific case/cases or themes which come before the Panel, they should:

- Declare this to the Secretariat as soon as they are aware of it;
- Absent themselves from any Panel discussion or consideration of the case(s); and,
- Ensure that they make no personal or business use of any insights gained through sight of Panel papers on the case(s).

The Secretariat should:

- Ensure that other Panel members are promptly made aware of the declared interest;
- As soon as the interest is known, not send information concerning the case to the relevant Panel member or members;
- Keep a record of the declared interest, including when and how the declaration was made; and,
- In correspondence on each relevant case, clarify which Panel member(s) had no involvement in discussion because of a declared interest.

## Communications and Outputs

### Reporting to Government

The Panel should publish an Annual Report on its website to report their views on how the Child Safeguarding Practice Review Panel and system for learning from serious and complex child safeguarding cases is working.

### Communications Plan

The Panel should develop a communication plan to raise the profile and credibility of the Panel among its key stakeholders, including children, young people and families, and the wider public. It will aim to engage and communicate through new channels and maximise audience reach.

Particular communication activities it will undertake are:

- Launch a webpage on GOV.UK
- Undertake selected events as agreed.

## **Other administrative and practical arrangements**

### **Personal liability of members**

Legal proceedings by a third party against individual panel members of advisory bodies are very exceptional. A member may be personally liable if they make a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or criminal offence if they misuse information gained through their position.

However, the Government has indicated that individual members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources, any personal civil liability which is incurred in execution or purported execution of their functions. Members who need further advice should consult the Secretariat.

### **Engagement with Ministers**

The Panel is independent of Ministers. While most of the Panel's engagement will be with officials and its Secretariat, it has the right, where appropriate, to make direct approaches to Ministers.

Communication between the Panel and Ministers will generally be through the Chair except where the Chair and members have agreed that an individual should act on their behalf.

When the Panel decides that it is appropriate to issue advice/recommendations to Ministers, including those in other Government departments, the Secretariat will prepare a draft for the Chair. The Chair will agree the final advice, consulting members where appropriate. The Secretariat will distribute advice to departments and feedback responses to the Panel.

In the event that urgent advice is required, it will fall to the Chair to provide this initially, or brief the Secretariat to do so.

### **Working Groups and additional expertise**

Subject to the availability of funds, the Panel may: establish groups to support aspects of its work; and, bring in additional expertise to advise on specific issues.

### **Risks**

The Secretariat will work with the Panel to identify the key procedural and operational risks and incorporate these into a risk register. The register will be reviewed by the Panel on a quarterly, by the Secretariat on a monthly basis (initially) and they will escalate risks as necessary.

The register will be updated as appropriate.

## **Resources**

DfE provides the Panel with its annual budget. The Secretary to the Panel is the designated accounting officer and will be responsible for providing assurances to DfE with regard to the management and control of its resources.

# Annex A: Further Information Terms of Reference

## Remit

1. The Panel is responsible at a national level for identifying and overseeing the review of serious child safeguarding cases which in its view raise issues that are complex or of national importance.
2. 'Serious child safeguarding cases' are those in which:
  - a) abuse or neglect of a child is known or suspected and
  - b) the child has died or been seriously harmed
3. 'Serious harm' includes serious and/or long-term impairment of children's mental health or intellectual, emotional, social or behavioural development. It should also cover impairment of physical health. This is not an exhaustive list. When making decisions, judgment should be exercised in cases where impairment is likely to be long-term, even if this is not immediately certain<sup>1</sup>.
4. The Panel, with the safeguarding partners, have a shared aim in identifying improvements to practice and protecting children from harm. For that reason, the Panel and the safeguarding partners should maintain an open dialogue on an ongoing basis. This will enable them to work in partnership to share concerns, highlight commonly-recurring areas that may need further investigation (whether leading to a local or national review), and share learning, including from success, that could lead to improvements elsewhere.

## National Child safeguarding practice reviews

5. The Panel is responsible for commissioning and supervising reviewers for national child safeguarding practice reviews. The purpose of a national child safeguarding practice review is to identify any improvements that should be made by safeguarding partners or others, including national government, to safeguard and promote the welfare of children (both collectively and individually). These improvements should help reduce the recurrence of similar incidents.

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<sup>1</sup> Child perpetrators may also be the subject of a review, if the definition of 'serious child safeguarding case' is met.

6. The Panel must decide when it is appropriate to commission a national review of a case or cases. When they do so, they must consider the criteria and guidance below.

**The criteria which the Panel must take into account include whether the case:<sup>2</sup>**

- a) highlights or may highlight improvements needed to safeguard and promote the welfare of children, including where those improvements have been previously identified
- b) raises or may raise issues requiring legislative change or changes to guidance issued under or further to any enactment
- c) highlights or may highlight recurrent themes in the safeguarding and promotion of the welfare of children.

**The Panel must also have regard to the following circumstances:**

- significant harm or death to a child educated otherwise than at school
- children who are seriously harmed or die while in the care of a local authority, or while on (or recently removed from) a child protection plan
- cases which involve a range of types of abuse<sup>3</sup>
- where the case may raise issues relating to safeguarding or promoting the welfare of children in institutional settings<sup>4</sup>

7. As well as considering notifications from local authorities and information from local child safeguarding practice reviews, the Panel should take account of a range of other evidence, including inspection reports and other reports and research. The Panel may also take into account any other criteria they consider

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<sup>2</sup> The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018

<sup>3</sup> For example, trafficking for the purposes of child sexual exploitation

<sup>4</sup> Includes children's homes (including secure children's homes) and other settings with residential provision for children; custodial settings where a child is held, including police custody, young offender institutions and secure training centres; and all settings where detention of a child takes place, including under the Mental Health Act 1983 or the Mental Capacity Act 2005.

appropriate to identify whether a serious child safeguarding case raises issues which are complex or of national importance.

8. The Panel should ensure that decisions on whether to undertake reviews are made transparently and the rationale communicated appropriately, including to families.
9. Chapter 4 of [Working Together \(2018\)](#) sets out detailed guidance for the Panel.

## Annex B: Role of Secretariat

In terms of roles and responsibilities it will:

- Provide an induction pack for chair and panel members, working with them to identify training needs and develop and deliver a training programme;
- Work with the Chair and Panel to develop a Code of Practice and Terms of Reference, determine ways of working and producing an annual report and other information as agreed;
- Monitor serious incident notifications and preliminary assessments, seek updates and further information from local areas, collate and provide advice for the Panel which should include relevant contextual information;
- Act as Private Secretary to the Chair for Panel business (including diary management, managing external invitations, briefings, communications (see \* below), managing budgets and providing monthly updates on finances);
- Manage a budget and report to DfE Sponsor Team on spend/risks etc.;
- Scrutinise, process and monitor payment of all invoices, expenses claims from Panel members;
- Work closely with local areas to make sure sufficient information provided to the Panel;
- Manage all logistics for Panel meetings;
- Produce accurate and timely paperwork for Panel meetings;
- Monitor progress on cases of interest to the Panel including progress in relation to local reviews, serious case reviews and national reviews and provide Panel with regular updates for action:
- Follow up and action Panel decisions including:
  - Informing local areas of Panel decisions;
  - Commissioning national reviews and organising/monitoring contractual arrangements with the appointed reviewer;
  - Arranging for publication of national reports (or information relating to recommendations if publication inappropriate);
- Develop content and maintain a CSPRP webpage on gov.uk;
- Develop, maintain and publish a Register of Members Interests on its webpages;
- Commission policy leads in relevant Government Departments, local areas and other stakeholders to report at Panel meetings on progress on the implementation of national-level improvements;
- Commission any legal advice required by the Panel and organising contractual arrangements with provider;
- Commission any analytical support which may be required (using the What Works Centre in the first instance);
- Commission any media/communications advice required by the Panel and organising contractual arrangements with provider\*;

- Provide support to the Panel in producing annual reports and any policy recommendations for Government;
- Provide reports to DfE Sponsor Team and DfE Ministers; and,
- Provide copies of reports to the What Works Centre and the relevant HM Inspectorate (Ofsted, HMICFRS and CQC).

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