

Working Together to Safeguarding Children 2018

Briefing

[Working together to safeguard children 2018](#) and the accompanying statutory framework were re-published on 9 December 2020. The guidance is still referred to as Working together to safeguard children 2018.



Mainly there are factual changes in relation to the homelessness duty and information sharing with additional references to/definitions of domestic abuse and coercive control.

Key changes

The key changes are summarised below.

There are additional references throughout the guidance to domestic abuse including controlling and coercive behaviour and the impact of this on children. Definitions of domestic abuse also controlling and coercive behaviour are now included in the glossary in Appendix A.

Chapter 1: Assessing need and providing help

- there is an additional paragraph for schools on children's mental health
- there is a new reference to practitioners considering whether a referral to local authority children's social care is necessary where a child or young person is admitted to a mental health facility
- in the information sharing section, there are additional references to the General Data Protection Regulations and a guide has been added in further sources of information in Appendix B
- a new section on the homelessness duty and the Homelessness Reduction Act 2017 has been included. Guidance on the prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation and the homelessness guide for local authorities have been added in further sources of information in Appendix B
- the 'Contextual safeguarding' section has been renamed as 'Assessment of risk outside the home'

Chapter 2: Organisational responsibilities

- there is an additional criterion for allegations against a person who works with children - behaved or may have behaved in a way that indicates they may not be suitable to work with children

Chapter 3: Multi-agency safeguarding arrangements

- multi-agency safeguarding arrangements should link to Violence Reduction Units, where relevant, as part of their strategic partnership work

Chapter 4: Improving child protection and safeguarding practice

- the link to the Child Safeguarding Online Notification form for local authorities to notify incidents to the national Panel has been updated
- a new section on how to notify a serious incident, rapid review, and local child safeguarding practice review has been added

Chapter 5: Child death reviews

- There are no substantial changes apart from taking out the wording 'once operational' to the National Child Mortality Database which is now operational. Therefore these changes are not shown in Appendix 1 below.

Appendix B - Further sources of information also now contains the following links in addition to those above:

- Child exploitation disruption toolkit
- Commissioning framework for CSA support
- Draft domestic abuse statutory guidance framework

More detail is shown in Appendix 1.

Appendix 1

The following paragraphs have been changed and additions are highlighted in blue with deletions highlighted in red:

Section Title	Page/Para	Changed Content
Introduction	P 6	Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as: <ul style="list-style-type: none"> • protecting children from maltreatment • preventing impairment of children's mental and physical health or development • ensuring that children grow up in circumstances consistent with the provision of safe and effective care • taking action to enable all children to have the best outcomes
A child centred approach to safeguarding	P 9 Para 12	Children may be vulnerable to neglect and abuse or exploitation from within their family and from individuals they come across in their day-to-day lives. These threats can take a variety of different forms, including sexual, physical and emotional abuse; neglect; domestic abuse, including controlling or coercive behaviour ; exploitation by criminal gangs and organised crime groups; trafficking; online abuse; sexual exploitation and the influences of extremism leading to radicalisation. Whatever the form of abuse or neglect, practitioners should put the needs of children first when determining what action to take.
Chapter 1: Assessing need and providing help		
Identifying children and families who would benefit from early help	P 13 Para 5	Multi-agency training will be important in supporting this collective understanding of local need and the services available to support children and young people . Practitioners working in both universal services and specialist services have a responsibility to identify the symptoms and triggers of abuse and neglect, to share that information and provide children with the help they need. To be effective, practitioners need to continue to develop their knowledge and skills in this area and be aware of the new and emerging threats, including online abuse, grooming, sexual exploitation, child criminal exploitation and radicalisation. Practitioners should also continue to develop their understanding of domestic abuse, which includes controlling and coercive behaviour from perpetrators of domestic abuse, and the impact this has on children . To enable this, the three safeguarding partners should consider what training is needed locally and how they will monitor and evaluate the effectiveness of any training they commission.
	P 14 Para 6	Practitioners should, in particular, be alert to the potential need for early help for a child who: <ul style="list-style-type: none"> • is disabled and has specific additional needs • has special educational needs (whether or not they have a statutory Education, Health and Care Plan) • is a young carer

		<ul style="list-style-type: none"> • is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups • is frequently missing/goes missing from care or from home • is at risk of modern slavery, trafficking or exploitation • is at risk of being radicalised or exploited • is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse • is misusing drugs or alcohol themselves • has returned home to their family from care • is a privately fostered child • has a parent/carer in custody
	P 14 Para 7	In schools, it is important that staff are aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem, however school staff are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that school staff are aware of how these children's experiences can impact on their mental health, behaviour and education.
Effective assessment of the need for early help	P 15 Para 10	For an early help assessment to be effective: <ul style="list-style-type: none"> • it should be undertaken with the agreement of the child and their parents or carers, involving the child and family as well as all the practitioners who are working with them. It should take account of the child's wishes and feelings wherever possible, their age, family circumstances and the wider community context in which they are living • practitioners should be able to discuss concerns they may have about a child and family with a social worker in the local authority. Local authority children's social care should set out the process for how this will happen • In cases where consent is not given for agreement to an early help assessment cannot be obtained, practitioners should consider how the needs of the child might be met. However, practitioners should still inform individuals that their data will be recorded and shared and the purpose explained to them. If at any time it is considered that the child may be a child in need, as defined in the Children Act 1989, or that the child has suffered significant harm or is likely to do so, a referral should be made immediately to local authority children's social care. This referral can be made by any practitioner.
Referral	P 18 Para 20	Where a child or young person is admitted to a mental health facility, practitioners should consider whether a referral to local authority children's social care is necessary.
Information sharing	P 19 Para 26	Information sharing is also essential for the identification of patterns of behaviour when a child is at risk of going missing or has gone missing, when multiple children appear associated to the same context or locations of risk, or in relation to children in the secure estate where there may be multiple local authorities involved in a child's care. It will be for local safeguarding partners to consider how they will build positive relationships with other local areas to ensure that relevant information is shared in a timely and proportionate way.
	P 19 Para 27	The Data Protection Act 2018 and General Data Protection Regulations (GDPR) do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children, which must always be the paramount concern. To ensure effective safeguarding arrangements: <ul style="list-style-type: none"> • all organisations and agencies should have arrangements in place that set out clearly the processes and the principles for sharing information. The arrangement should cover how information will be shared within their own organisation/agency and with others who may be involved in a child's life • all practitioners should not assume that someone else will pass on information that they

		<p>think may be critical to keeping a child safe. If a practitioner has concerns about a child's welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with local authority children's social care and/or the police. All practitioners should be particularly alert to the importance of sharing information when a child moves from one local authority into another, due to the risk that knowledge pertinent to keeping a child safe could be lost</p> <ul style="list-style-type: none"> • all practitioners should aim to gain consent to share information, but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. When decisions are made to share or withhold information, practitioners should record who has been given the information and why • the GDPR provides a number of bases for sharing personal information. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child provided that there is a lawful basis to process any personal information required. The legal bases that may be appropriate for sharing data in these circumstances could be 'legal obligation' or 'public task' which includes the performance of a task in the public interest or the exercise of official authority. Each of the lawful bases under GDPR has different requirements (14). In some circumstances, it may be appropriate to obtain consent to share data but it is important to note that the GDPR sets a high standard for consent which is specific, time limited and can be withdrawn (in which case the information would have to be deleted)
	P 19 Ref 14	Further ICO guidance on lawful bases to share information can be found at Appendix B.
	P 20 Para 28	<p>Practitioners must have due regard to the relevant data protection principles which allow them to share personal information, as provided for in the Data Protection Act 2018 and the GDPR. To share information effectively:</p> <ul style="list-style-type: none"> • all practitioners should be confident of the lawful bases and processing conditions under the Data Protection Act 2018 and the GDPR which allow them to store and share information for safeguarding purposes, including information which is considered sensitive and personal, and should be treated, such as health data, known under the data protection legislation as 'special category personal data' • where practitioners need to share special category personal data, they should be aware that for example, where information obtained is sensitive and needs more protection, they should always consider and identify the lawful basis for doing so under Article 6 of the GDPR, and in addition be able to meet one of the specific conditions for processing under Article 9. In effect, the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information, including without consent, if it is not possible to gain (where in the circumstances consent cannot be given, it cannot be reasonably expected that a practitioner gains obtains consent or if to gain consent would place a child at risk). However, practitioners should be mindful that a data protection impact assessment for any type of processing which is likely to be high risk must be completed, and therefore aware of the risks of processing special category data
Myth-busting guide to information sharing	P 21	<p>Consent is always needed to share personal information</p> <p>No – you do not necessarily need consent to share personal information. Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given. There may be some circumstances where it is not appropriate to seek consent, because the individual cannot give consent, or it is not reasonable to obtain consent, or because to gain consent would put a child's or young person's safety at risk.</p> <p>No – you do not need consent to share personal information. It is one way to comply with the data protection legislation but not the only way. The GDPR provides a number of bases for sharing personal information. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child provided that there is a lawful basis to process any personal information required. The legal bases that may be appropriate</p>

		for sharing data in these circumstances could be 'legal obligation', or 'public task' which includes the performance of a task in the public interest or the exercise of official authority. Each of the lawful bases under GDPR has different requirements. ¹⁵ It continues to be good practice to ensure transparency and to inform parent/ carers that you are sharing information for these purposes and seek to work cooperatively with them.
Homelessness Duty	P 23 Para 29	The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas.
	P 23 Para 30	It added section 213B into the Housing Act 1996, which is a duty on certain public authorities to refer to a housing authority service users they consider are or may be homeless or threatened with homelessness (i.e. it is likely they will become homeless within 56 days).
	P 23 Para 31	The duty to refer applies to all social services functions, including early help, leaving care and child protection; and is intended to increase early identification and intervention, which is critical for safeguarding against homelessness. Earlier intervention can help prevent children and young people becoming homeless, and the possibility of them being considered 'intentionally homeless' and so not owed a long-term housing duty.
	P 23 Para 32	Before making a referral, a public authority must: <ul style="list-style-type: none"> • have consent to the referral from the individual • allow the individual to identify the housing authority in England which they would like the notification to be made to and • have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral
	P 23 Para 33	The referral to a housing authority must include the individual's name and contact details and the agreed reason for referral (e.g. that the individual is homeless or at risk of homelessness). Further referral information may include: <ul style="list-style-type: none"> • whether an individual is already homeless, and if not when they are likely to become homeless • whether the individual is at risk of rough sleeping on the date the referral is made and if so whether this is imminent • risk assessment information, considering risks to the individual and to others • key medical information where relevant
	P 23 Para 34	Full guidance can be found in the Homelessness Code of Guidance . Further guidance on how social care and housing authorities should work together to prevent 16- 17 year olds from becoming homeless, and how the duty to refer should operate in this context, can be found in the 'Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation' guidance.
Contextual Safeguarding Assessment of Risk outside the home	P 25 Para 40	As well as threats to the welfare of children from within their families, children may be vulnerable to abuse or exploitation from outside their families. These extra-familial threats might arise at school and other educational establishments, from within peer groups, or more widely from within the wider community and/or online. These threats can take a variety of different forms and children can be vulnerable to multiple threats, including: exploitation by criminal gangs and organised crime groups such as county lines; trafficking; online abuse ; teenage relationship abuse ; sexual exploitation and the influences of extremism leading to radicalisation. Extremist groups make use of the internet to radicalise and recruit and to promote extremist materials. Any potential harmful effects to individuals identified as vulnerable to extremist ideologies or being drawn into terrorism should also be considered.
Local protocols for assessment	P 26 Para 46	The local protocol should reflect where assessments for some children will require particular care. This is especially so for young carers, children with special educational needs (including to inform and be informed by Education, Health and Care Plans), unborn children where there are concerns, children in hospital, children in mental health inpatient settings , children with specific communication needs, asylum seeking children, children considered at risk of gang activity and association with organised crime groups, children at risk of female genital mutilation, children who are in the youth justice system, and children returning home.

Chapter 2: Organisational responsibilities			
People in positions of trust	P 60 Para 4	Organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has: <ul style="list-style-type: none"> • behaved in a way that has harmed a child, or may have harmed a child • possibly committed a criminal offence against or related to a child • behaved towards a child or children in a way that indicates they may pose a risk of harm to children • behaved or may have behaved in a way that indicates they may not be suitable to work with children 	
Police	P 65 Para 26	All police officers, and other police employees such as Police Community Support Officers, are well placed to identify early when a child's welfare is at risk and when a child may need protection from harm. Children have the right to the full protection offered by criminal law. In addition to identifying when a child may be a victim of a crime, police officers should be aware of the effect of other incidents which might pose safeguarding risks to children and where officers should pay particular attention. Harm may be indirect and non-physical as, for example, in the case of some domestic abuse which may involve controlling and coercive behaviour and economic abuse. An officer attending a domestic abuse incident should be aware of the effect of such behaviour on any children in the household. Children who are encountered as offenders, or alleged offenders, are entitled to the same safeguards and protection as any other child and due regard should be given to their safety and welfare at all times. For example, children who are apprehended in possession of Class A drugs may be victims of exploitation through county lines drug dealing.	
Chapter 3: Multi-agency safeguarding arrangements			
Safeguarding partners	P 76 Para 10	To be effective, these arrangements should link to other strategic partnership work happening locally to support children and families. This will include other public boards including Health and Wellbeing Boards, Adult Safeguarding Boards, Channel Panels, Improvement Boards, Community Safety Partnerships, the Local Family Justice Board, MAPPAs and, where relevant, Violence Reduction Units.	
Chapter 4: Improving child protection and safeguarding practice			
Duty on local authorities to notify incidents to the Child Safeguarding Practice Review Panel	P 86 Para 14	The duty to notify events to the Panel rests with the local authority. Others who have functions relating to children should inform the safeguarding partners of any incident which they think should be considered for a child safeguarding practice review. Contact details and notification forms for local authorities to notify incidents to the Panel are available from the notification to Ofsted page on Gov.uk The link to the Child Safeguarding Online Notification form for local authorities to notify incidents to the Panel is available from Report a serious child safeguarding incident page on Gov.uk .	
How to notify a serious incident, rapid review, and local child safeguarding practice review	P 96	Stage	Details
		Serious incident notification	All serious child safeguarding incidents must be notified to the Panel. Notifications should be sent within five working days of the local authority becoming aware of the incident. Notifications are made through the online notification system which is accessible 24 hours a day.
		The rapid review	Rapid reviews should be submitted to the Panel within 15 working days of the incident. This is a non-statutory requirement and more details can be found in the Panel's practice guidance . ⁹⁵ Rapid reviews should be submitted to the Panel secretariat at: Mailbox.NationalReviewPanel@education.gov.uk .
Local child safeguarding practice review	Full reports must be sent to the Panel and the Secretary of State for Education ⁹⁶ no later than seven working days before the date of publication. Final reports, information relating to improvements to be made following a review, and reasons for any delay, should be notified to Mailbox.NationalReviewPanel@education.gov.uk and Mailbox.CPOD@education.gov.uk		

In addition, final reports and information about improvements should also be sent to Ofsted SCR.SIN@ofsted.gov.uk

Appendix A: Glossary

Safeguarding and promoting the welfare of children	Pg. 106	Defined for the purposes of this guidance as: <ul style="list-style-type: none"> a. protecting children from maltreatment preventing impairment of children's mental and physical health or development b. ensuring that children are growing up in circumstances consistent with the provision of safe and effective care taking action to enable all children to have the best outcomes
Abuse	Pg. 106	A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children.
Domestic abuse	Pg. 110	Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. Domestic abuse is not limited to physical acts of violence or threatening behaviour, and can include emotional, psychological, controlling or coercive behaviour, sexual and/or economic abuse. Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and adolescent to parent violence. Anyone can be a victim of domestic abuse, regardless of gender, age, ethnicity, socio-economic status, sexuality or background and domestic abuse can take place inside or outside of the home. Domestic abuse continues to be a prevalent risk factor identified through children social care assessments for children in need. Domestic abuse has a significant impact on children and young people. Children may experience domestic abuse directly, as victims in their own right, or indirectly due to the impact the abuse has on others such as the non-abusive parent. More information can be found in the Draft Domestic Abuse Statutory Guidance Framework , including the new statutory definition of domestic abuse that will be introduced when the Domestic Abuse Bill is enacted.
Controlling or coercive behaviour	Pg. 111	Also known as coercive control, the use of control and coercion in relationships is a form of domestic abuse and, since December 2015, a criminal offence. Controlling and coercive behaviour is outlined in Government guidance issued under section 77 of the Serious Crime Act 2015 as part of the Government's non-statutory definition of domestic violence and abuse. It is described as: <ul style="list-style-type: none"> • Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour; and • Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim Coercive control is a form of abuse that involves multiple behaviours and tactics which reinforce each other and are used to isolate, manipulate and regulate the victim. This pattern of abuse creates high levels of anxiety and fear. This has a significant impact on children and young people, both directly, as victims in their own right, and indirectly due to the impact the abuse has on the non-abusive parent. Children may also be forced to participate in controlling or coercive behaviour towards the parent who is being abused. Controlling or coercive behaviour also form part of the definition of domestic abuse in section 1(3)(c) of the Domestic Abuse Bill. More information can be found in the Draft Domestic Abuse Statutory Guidance Framework .

Appendix B: Further sources of information

Department for Education guidance	Pg. 112	<ul style="list-style-type: none"> • Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation Department for Education and Ministry of Housing, Communities & Local Government
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Guidance issued by other government departments and agencies	Pg.113	<ul style="list-style-type: none"> • Child Exploitation Disruption Toolkit Home Office • Commissioning framework for CSA support Home Office • Draft Domestic Abuse Statutory Guidance Framework Home Office Homelessness code of guidance for local authorities Ministry of Housing, Communities and Local Government
Guidance issued by external organisations	Pg.115	<ul style="list-style-type: none"> • Guide to General Data Protection regulations (GDPR) - Information Commissioner's Office (ICO)