

## Constitutional and Legislative Affairs Committee

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Meeting Venue:  
**Committee Room 2 – Senedd**

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Meeting date:  
**16 July 2012**

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Meeting time:  
**14:30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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### Agenda

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- 1. Introduction, apologies, substitutions and declarations of interest**
- 2. Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

#### Negative Resolution Instruments

**CLA167 – The Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2012**  
Negative Procedure. Date made 4 July 2012. Date laid 6 July 2012. Coming into force date 30 July 2012

**CLA168 – The Education (Middle Schools) (Wales) Regulations 2012**  
Negative Procedure. Date made 6 July 2012. Date laid 10 July 2012. Coming into force date 1 September 2012

#### Affirmative Resolution Instruments

None

- 3. Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3**

## Negative Resolution Instruments

### **CLA166 – The Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012** (Pages 1 – 22)

Negative Procedure. Date made 30 June 2012. Date laid 3 July 2012. Coming into force date 1 January 2013

## Affirmative Resolution Instruments

None

### **4. Committee Inquiries: Inquiry into the establishment of a separate Welsh jurisdiction**

Present:

- Theodore Huckle QC, Counsel General, Welsh Government

### **5. Paper(s) to note** (Pages 23 – 24)

CLA(4)-17-12 – Report of the Meeting 9 July 2012

### **Date of the next meeting**

24 September 2012

### **6. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**

A Committee may resolve to exclude the public from a meeting or any part of a meeting where:

(vi) the Committee is deliberating on the conclusions or recommendations of a report it proposes to publish

### **7. Consideration of the evidence submitted to Inquiry to date**

### **8. Consideration of the Draft Report on the School Standards and Organisation (Wales) Bill** (Pages 25 – 286)

The following papers were made available as part of the pack for the committee's meeting on the 9 July 2012

Papers:

CLA(4)-17-12(p4) – Draft Report

CLA(4)-17-12(p2) – Request for additional information from the Chair

CLA(4)-17-12(p3) – The Minister's response

CLA(4)-12-12(p9) – School Standards and Organisation (Wales) Bill

CLA(4)-12-12(p10) – Explanatory Memorandum

### **Transcript**

View the [meeting transcript](#).

## Constitutional and Legislative Affairs Committee Draft Report

CLA166

### **Title: The Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012**

These Regulations amend the Local Safeguarding Children Board (Wales) Regulations 2006 which provide for functions of Welsh Local Safeguarding Children Boards in relation to the objective set for them by section 32 of the Children Act 2004. These Regulations introduce child practice reviews which replace serious case reviews in Wales which were provided for in regulation 4 of the Local Safeguarding Children Board (Wales) Regulations 2006.

#### **Procedure: Negative**

#### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument at this stage.

#### **Merits Scrutiny**

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

- These regulations revoke the requirement that Local Safeguarding Children Boards undertake a Serious Case Review, where abuse or neglect is known or suspected in the death or serious harm of a child, in order to identify steps to prevent similar harm occurring.
- The regulations replace the Serious Case Review procedure with a new Child Practice Review framework (which is described in the Explanatory Memorandum accompanying the Regulations).
- The policy intention behind the Regulations does not appear to have been considered in any recent depth by Assembly Members either in Committee or in Plenary.

The Committee agreed:

- that the decision to revoke the requirement for Serious Case Reviews is a significant matter of public policy; and
- to report to the Assembly under Standing Order 21.3(iii) that the regulations gives rise to a matter of public policy likely to be of interest to the Assembly."

#### **Legal Advisers**

Constitutional and Legislative Affairs Committee  
June 2012

## Response to the Merits Report from the Welsh Government

### Explanation

1. The Explanatory Memorandum accompanying the Regulations sets out the context of the public consultation on the Child Practice Review framework – *Protecting Children in Wales, Arrangements for Multi-Agency Child Practice Reviews* – the workshops to engage key stakeholders and the considerable practitioner based involvement in both developing the framework and in testing it in pilot projects. The results of this public engagement will feed into the preparation of the final guidance.

2. Work on the operational detail of the new Child Practice Review framework started following the publication in October 2009 of the Care and Social Services Inspectorate Wales (CSSIW) report *Improving Practice to Protect Children in Wales: An Examination of the Role of Serious Case Reviews*. On **20 October 2009**, in her oral statement to the Assembly, the Deputy Minister for Children and Social Services welcomed the report and its recommendations, and two others published by CSSIW and the Healthcare Inspectorate Wales on safeguarding children. The Deputy Minister announced that she had asked for specific proposals to be developed to implement the ideas in the report and that she would give Assembly Members a further opportunity to debate the reports on 17 November 2009.

3. A number of Assembly Members contributed to the debate on **17 November** – *Safeguarding and Protecting Children in Wales* – and the Deputy Minister reaffirmed that she had commissioned further work, which would determine how the future framework could be delivered in practice, and set out a timetable for the completion of that work.

4. On **1 February 2011**, the Deputy Minister made an oral statement to the Assembly – *Future Framework for Learning from Serious Case Reviews* - in which she set out progress in the work and the Welsh Government's plans to implement a new national programme for reviewing and learning to help improve child protection arrangements. The Deputy Minister set out the main planks of operational detail on which the framework was to be built and said that, supported by practitioners, the Welsh Government was preparing detailed practice guidelines to support the new framework. This work would help determine the quality of future reviews, and would be subject to public consultation later. The approach being proposed by the Deputy Minister was welcomed by all parties in the discussion that followed this statement.

5. The Deputy Minister also set out her intention to ensure that the new arrangements were evaluated fully a year or so after implementation. While some matters of operational practice, and terminology, have changed, the policy and detail of the arrangements which were consulted upon in early 2012 were set out by the Deputy Minister during the debate.

6. On **17 February 2011**, the Welsh Government published *Sustainable Social Services for Wales: A Framework for Action* which set out the

programme of change for social care services in Wales. The development of the new Child Practice Review framework was one of the key actions outlined in the document and an oral statement was made by the Deputy Minister on **1 March 2011**.

7. On **18 October 2011**, the Deputy Minister made a written statement to the Assembly setting out her broader arrangements for safeguarding and protection – *Safeguarding and Protection of People at Risk* – to be taken forward in the Social Services (Wales) Bill. The development and implementation of the new Child Practice Review framework is fundamental to those arrangements.

**2012 No. 1712 (W. 222)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**The Local Safeguarding Children  
Boards (Wales) (Amendment)  
Regulations 2012**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Local Safeguarding Children Board (Wales) Regulations 2006 which provide for functions of Welsh Local Safeguarding Children Boards in relation to the objective set for them by section 32 of the Children Act 2004.

These Regulations introduce child practice reviews which replace serious case reviews in Wales which were provided for in regulation 4 of the Local Safeguarding Children Board (Wales) Regulations 2006.

Regulation 3 replaces serious case reviews with child practice reviews.

Regulation 4 makes provision for the carrying out of child practice reviews.

Regulation 5 makes provision for an annual programme of multi-agency professional forums.

**2012 No. 1712 (W. 222)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**The Local Safeguarding Children  
Boards (Wales) (Amendment)  
Regulations 2012**

*Made* 30 June 2012

*Laid before the National Assembly for Wales*  
3 July 2012

*Coming into force* 1 January 2013

The Welsh Ministers, in exercise of the powers conferred on them by sections 32(2) and (3), 34(1) and 66(1) of the Children Act 2004<sup>(1)</sup> make the following Regulations:

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 January 2013.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations “the Principal Regulations” (“*y Prif Reoliadau*”) means the Local Safeguarding Children Boards (Wales) Regulations 2006<sup>(2)</sup>.

**Amendment of regulation 2 of the Principal Regulations**

2.—(1) In regulation 2(1) of the Principal Regulations (interpretation)—

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(1) The power conferred on the National Assembly for Wales to make regulations under the Children Act 2004 was transferred to the Welsh Ministers under Schedule 11 to the Government of Wales Act 2006.

(2) S.I. 2006/1705 (W.167).

- (a) omit the definitions of “overview report” (“*adroddiad trosolwg*”) and “serious case review” (“*adolygiad achos difrifol*”);
- (b) insert the following into the list of definitions in the appropriate places in the alphabetical order—

““action plan” (“*cynllun gweithredu*”) means a written plan produced by the Board at the same time as the child practice review report, detailing action to be taken by the representative bodies as a result of the findings and recommendations of a child practice review report;

“child practice review” (“*adolygiad ymarfer plant*”) means either a concise child practice review as provided for in regulation 4A(3) or an extended child practice review as provided for in regulation 4A(4);

“child protection register” (“*cofrestr amddiffyn plant*”) means a list created and held by a local authority which contains the names of children who are the subject of a child protection plan as a result of a decision of a child protection conference that the child is at continuing risk of significant harm in the form of physical abuse, emotional abuse, sexual abuse or neglect;

“in writing” (“*yn ysgrifenedig*”) means electronically or in manuscript;

“looked after child” (“*plentyn sy’n derbyn gofal*”) means a child looked after by a local authority under section 22(1) of the Children Act 1989<sup>(1)</sup>;

“multi-agency learning event” (“*digwyddiad dysgu amlasiantaethol*”) is an event which forms part of the child practice review process to which the Board invites practitioners and managers from representative bodies and any other bodies or persons deemed relevant by the Chair of the Board and who are or have been involved with the child<sup>(2)</sup> who is the subject of the review, with the purpose of improving future child protection policy and practice;

“multi-agency professional forum” (“*fforwm proffesiynol amlasiantaethol*”) means a forum, arranged and facilitated by the Board for practitioners and managers from representative bodies and other bodies

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(1) 1989 c.41.

(2) Section 65(1) of the Children Act 2004.

or persons deemed relevant by the Chair of the Board, with the purpose of learning from cases, audits, inspections and reviews in order to improve future child protection policy and practice.”

(2) In regulation 3(1)(e) of the Principal Regulations (Functions of a Board in relation to its objective) for the words “serious case reviews” substitute “child practice reviews”.

### **Revocation of regulation 4 of the Principal Regulations and insertion of regulations 4A and 4B**

**3.** Regulation 4 of the Principal Regulations is revoked and substituted by the following regulations—

#### **“Child practice reviews**

**4A.**—(1) A Board must undertake child practice reviews in accordance with this regulation.

(2) The purpose of a child practice review is to identify any steps that can be taken by Board partners or other bodies to achieve improvements in multi-agency child protection practice.

(3) A Board must undertake a concise child practice review in any of the following cases where, within the area of the Board, abuse or neglect of a child is known or suspected and the child has—

- (a) (i) died; or
- (ii) sustained potentially life threatening injury; or
- (iii) sustained serious and permanent impairment of health or development; and,
- (b) the child was neither on the child protection register nor a looked after child on any date during the 6 months preceding—
  - (i) the date of the event referred to in sub-paragraph (a)(i) or (a)(ii); or
  - (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004<sup>(1)</sup> or body mentioned in section 175 of the Education Act 2002<sup>(2)</sup> identifies that a child has sustained serious and permanent

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(1) 2004 c.31.  
(2) 2002 c.32.

impairment of health and development.

(4) A Board must undertake an extended child practice review in any of the following cases where, within the area of the Board, abuse of a child is known or suspected, and the child has—

- (a) (i) died; or
  - (ii) sustained potentially life threatening injury; or
  - (iii) sustained serious and permanent impairment of health or development; and,
- (b) the child was on the child protection register and/or was a looked after child on any date during the 6 months preceding—
- (i) the date of the event referred to in sub-paragraph (a)(i) or (a)(ii); or
  - (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004<sup>(1)</sup> or body mentioned in section 175 of the Education Act 2002<sup>(2)</sup> identifies that a child has sustained serious and permanent impairment of health and development.

(5) In undertaking a child practice review the Board must—

- (a) ask each representative body to provide the Board with information in writing about its involvement with the child who is the subject of the review;
- (b) ensure that the perspective of the child who is the subject of the review is obtained and that the child's perspective contributes to the child practice review process, so far as practicable and appropriate to the circumstances of the case;
- (c) ensure that the perspectives of members of the family of the child who is the subject of the review are obtained and that these perspectives contribute to the child practice review process, so far as practicable and appropriate to the circumstances of the case;
- (d) hold a multi agency learning event following receipt of the written

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(1) 2004 c.31.  
(2) 2002 c.32.

- information referred to in sub-paragraph (a);
- (e) in the case of a concise child practice review, ensure that the multi – agency learning event referred to in sub-paragraph (d) is organised and facilitated by a single reviewer appointed by the Board;
  - (f) in the case of an extended child practice review, ensure that the multi – agency learning event referred to in sub-paragraph (d) is organised and facilitated by two reviewers appointed by the Board;
  - (g) ensure that any reviewer referred to in sub-paragraph (e) or (f) is independent of direct involvement in case work or case management in respect of the child who is the subject of the review;
  - (h) produce a child practice review report which recommends action to be taken following the multi – agency learning event;
  - (i) ensure that the child practice review report does not reveal the identity or whereabouts of the child who is the subject of the review or the child’s family;
  - (j) produce an action plan detailing action to be taken by the representative bodies to implement the recommendations of the child practice review report;
  - (k) provide the child practice review report and action plan to the Welsh Ministers;
  - (l) make the child practice review report publicly available;
  - (m) undertake periodic progress reviews on the implementation of the action plan;
  - (n) provide a written report to the Welsh Ministers following any progress review referred to in sub-paragraph (m), reporting on progress in implementing the action plan and the impact on child protection policy and practice in Wales;
  - (o) have regard to any guidance given to it by the Welsh Ministers, in exercising its functions under this regulation.

**Multi –agency professional forums**

**4B.** The Board must arrange and facilitate an annual programme of multi–agency professional forums.”

*Gwenda Thomas*

Deputy Minister for Children and Social Services  
under the authority of the Minister for Health and  
Social Services under the authority of the Welsh  
Ministers

30 June 2012

Explanatory Memorandum to The Local Safeguarding Children Boards (Wales)  
(Child Practice Reviews) (Amendment) Regulations 2012

This Explanatory Memorandum has been prepared by the Department for Health, Social Services and Children and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Local Safeguarding Children Boards (Wales)(Child Practice Reviews) (Amendment) Regulations 2012.

Gwenda Thomas  
Deputy Minister for Children and Social Services  
30 June 2012

## **1. Description**

- 1.1. These Regulations revoke Regulation 4 of the Local Safeguarding Children Boards (Wales) Regulations 2006 ('the Regulations') that requires that an LSCB undertake a Serious Case Review (SCR). The purpose of a SCR is to identify steps that might be taken to prevent a similar death or harm occurring to a child.
- 1.2. Regulation 4A is inserted in the Regulations which replaces the current SCR procedure with a new Child Practice Review (CPR) framework. The new framework will lead to a new more coherent tool for reviewing, learning and improving inter-agency child protection policy and practice.
- 1.3. Regulation 4B is inserted in the Regulations which imposes a duty on Local Safeguarding Children Boards to arrange and facilitate an annual programme of multi-agency professional forums.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

- 2.1. None.

## **3. Legislative background**

- 3.1. These Regulations amend the Local Safeguarding Children Board (Wales) Regulations 2006 which provide for functions of Welsh Local Safeguarding Children Boards in relation to the objective set before them by section 32 of the Children Act 2004.
- 3.2. These Regulations introduce CPRs which replace SCRs in Wales which were provided for in regulation 4 of the Local Safeguarding Children Board (Wales) Regulations 2006.
- 3.3. This instrument is subject to the annulment by the National Assembly for Wales (the negative procedure).
- 3.4. The Regulations will come into force on 1 January 2013.

## **4. Purpose and intended effect of the legislation**

- 4.1. The purpose of these Regulations will be to introduce a CPR framework to replace the current SCR process.
- 4.2. Currently Local Safeguarding Children Boards have a statutory requirement to undertake a SCR where abuse or neglect is known or suspected in the death or serious harm of a child in order to identify

steps to prevent similar harm occurring. In October 2009 the Care and Social Services Inspectorate Wales published its report *Improving Practice to Protect Children in Wales: An Examination of the Role of Serious Case Reviews*. This report highlighted that LSCBs had expressed concerns about their taking too long and about the balance of resources invested. The length of time to complete some reviews reduced their contribution to achieving timely change and improvement in practice. At the same time, it was suggested that the balance of resources may be wrong, with more being directed at the process of reviewing and less at bringing about changes in practice.

- 4.3. The report recommended that a new, more coherent framework for reviewing, learning and improving policy and practice in child protection, which would embed learning into everyday action be developed.
- 4.4. Proposals were developed by a practitioner and policy based group – the Serious Case Review Advisory Group – which recommended different types of reviews dependent on the nature of the incident and circumstances of the child involved.
- 4.5. Under these Regulations, when abuse or neglect of a child is known or suspected and criteria specified in the Regulations are met, the Local Safeguarding Children Board must undertake concise child practice review or extended child practice review, depending on the circumstances.
- 4.6. Concise child practice reviews will be undertaken where the child was not on the child protection register within the six months preceding the relevant trigger event specified in the regulations. Extended child practice reviews will be undertaken where the child was on the child protection register within the six months preceding the relevant trigger event specified in the regulations.
- 4.7. The different categories of review ensure that appropriate issues are considered in a proportionate fashion and reflects the greater multi-agency involvement that will have taken place. Therefore the extended views will address additional issues such as the case history, robustness and appropriateness of the child protection plan and whether the respective statutory duties of agencies working with the child were fulfilled. This additional level of scrutiny is not required when a concise child practice review is undertaken.
- 4.8. These formal reviews will be under-pinned by Multi-Agency Professional Forums which will be held frequently and should allow practitioners and managers regular opportunity to examine multi-agency practice and inform future training and professional and personal development priorities.
- 4.9. The Regulations specify that when undertaking a CPR the review must ensure that perspectives of members of the family of the child are

obtained and that these family members contribute to the child practice review process, so far as is practicable and appropriate to the circumstances of the case.

4.10. Key elements of the CPR framework, set out in the Regulations are that:

- as part of a review a Multi-Agency Learning Event must take place. This is a planned and facilitated practitioner focused learning event with multi-agency practitioners who are, or have been, involved with the child and family. The purpose of the event is to examine recent practice and to improve future child protection policy and practice.
- they are organised and facilitated by a reviewer appointed by the LSCB. For a Concise Review there should be a single reviewer, but to ensure additional scrutiny and rigour two reviewers would be appointed when undertaking an Extended Review. Reviewers would be independent of direct involvement in the case work or case management in respect of the child who is the subject of the review.

4.11. At the conclusion of the review, the Regulations require that an anonymised CPR Report is produced and published which recommends the actions to be taken following the learning event; an action plan is also to be produced detailing the actions to be taken by the representative bodies to implement the recommendations of the child practice review report. The CPR report is to be submitted to the Welsh Government and published by the LSCB. This differs from the current SCR process which requires an overview report to be produced and only an Executive Summary published.

4.12. It is the responsibility of the LSCB to review and monitor the progress of the action plans as they should lead to improvements in child protection practice. In addition, the LSCB should include any issues which emerge from a CPR in the Board's future training and audit programmes or incorporate them into the work plan of the Multi-Agency Professional Forums.

4.13. A timeframe for carrying out a review will be set out in the supporting practice guidance to ensure that learning from reviews is still applicable and relevant. There is an expectation that the process will be completed as soon as possible, but in no more than six months from a referral to the LSCB for either a Concise or Extended Review.

## **5. Consultation**

5.1. Whilst there has been no consultation on these Regulations, a full consultation has been undertaken on draft practice guidance produced to support the new framework. The Regulations are designed to be

enabling with the main detail of the new framework contained in the practice guidance. Every aspect of the Child Practice Review framework set out in provision in these Regulations was contained in the draft guidance consulted upon.

- 5.2. In addition, the underlying principles and mechanisms of the new framework on which the Regulations are based, prior to the public consultation been subject to extensive discussion and feedback, including a workshop of key stakeholders from across Wales held in June 2011.
- 5.3. The public written consultation on draft guidance for *Protecting Children in Wales, Arrangements for Multi-Agency Child Practice Reviews* ran for 12 weeks between January and April 2012.
- 5.4. In total there were 21 responses from a range of stakeholders including LSCBs and their statutory members. A copy of the Welsh Government's response to this consultation is included at Annex A.
- 5.5. As part of the consultation process, two practitioner workshop events were held - in Swansea and Conwy. Both events were well attended with in total over 60 practitioners from a range of agencies taking part. The purpose of these workshops was to raise awareness and seek practitioner views on the proposed new CPR arrangements.
- 5.6. In addition to the workshops the proposals for CPRs have been tested by three LSCBs in pilot reviews and their experiences have also fed back into helping to inform the development of the practice guidance. Two Concise and one Extended review have been undertaken.
- 5.7. Overall the response to the draft guidance and process was very positive. The consultation and engagement with stakeholders have helped to inform the development of the Regulations and practitioner guidance.

#### Next Steps

- 5.8. One of the key messages that has arisen from the consultation and the pilot projects was the need for practitioners to have sound knowledge of the framework and that appropriate training is provided along with robust implementation arrangements to support LSCBs
- 5.9. Welsh Government has begun to consider the options for a programme of training, which includes the creation of a pool of skilled reviewers which LSCBs can access. The intention is that a programme of training to support the implementation of the framework should be carried out prior to the Regulations coming into force. We have written to LSCBs and partner agencies informing them of this.

## 6. Regulatory Impact Assessment (RIA)

- 6.1. A Regulatory Impact Assessment has not been prepared for this instrument as there are no additional identifiable costs to LSCBs associated with the implementation of these amended Regulations.
- 6.2. The new Regulations are not imposing any additional costs on LSCBs, rather they are replacing an old system widely regarded as inefficient with a new more streamlined and effective framework.
- 6.3. It is not possible to identify the exact costs for LSCB partner agencies in undertaking a SCR as they vary on a case by case basis and are dependent upon the complexity of the case. The majority of costs are, in any event, intangible costs based on the time spent undertaking a review by the various multi-agency practitioners.
- 6.4. The new CPR framework provides for a far more constructive and effective use of practitioners' time. For example, a CPR should be completed as soon as possible but no more than 6 months from a referral from the LSCB to the sub group. Under the old SCR process it has not been unusual for a review to take over two years to complete. The LSCBs who have undertaken pilot CPRs have confirmed that the new framework has resulted in savings that would have been the case had a SCR review been undertaken.

## Welsh Government response to the Consultation on “Protecting Children in Wales: Arrangements for Multi-Agency Child Practice Reviews – Draft Guidance”

### Introduction

1. A public consultation on the draft guidance for *Protecting Children in Wales, Arrangements for Multi-Agency Child Practice Reviews* was held between January and April 2012.
2. The draft guidance sets out arrangements for Child Practice Reviews (CPRs) in circumstances of a significant incident where abuse or neglect of a child is known or suspected. It is addressed to all Local Safeguarding Children Boards (LSCBs) and partner agencies. The draft guidance sets out a system for Multi-Agency Concise and Extended CPRs that are fit for purpose in circumstances of serious incidents resulting from abuse or neglect. These changes are expected to lead to new learning which can support a process of continuous improvement in inter-agency child protection.
3. Responses were generally very positive and welcoming of the decision to introduce a more coherent framework for improving policy and practice in child protection. There has been a clear pattern of themes arising; specifically the need for further clarification on dealing with parallel reviews, dissemination of learning, and support for reviewers. The Welsh Government will be considering these issues along with other points raised during the finalisation of the practice guidance. From responses received there was widespread agreement that the guidance was user friendly and easy to understand.
4. The Welsh Government would like to take this opportunity to thank all those who responded to this consultation exercise. This document provides the Welsh Government’s response to the consultation and includes a summary of many of the key issues raised.

### Responses

5. Respondents were invited to consider specific questions about the draft guidance and also encouraged to make any other points relating to them that they considered necessary.
6. In total there were 21 written responses received from the following groups:
  - LSCBs - 6
  - Health - 5
  - Local Authorities - 2
  - Police - 2

- Private Individuals - 1
- Other - 5

## **Preface**

7. It was generally agreed that the preface provides a clear explanation of the proposed changes and what the new framework hopes to achieve in respect of key learning.
8. Most respondents agreed that the difference between the current Serious Case Review system and the new approach to learning and reviewing is transparent and clearly laid out in the guidance. One responder felt that although the new process is clearly laid out, acknowledgement should be made to the many positives of the current system which works well and could potentially be maintained in the new format.
9. Several respondents highlighted typographical errors and amendments required to the implementation date. The Welsh Government will amend these errors in the final guidance.

## **Section 2: Principles**

10. This section sets out the principles which underpin the new process and the majority of respondents agreed that they are sufficiently clear and relevant.
11. There was the suggestion that a bigger emphasis should be put on the effective dissemination of learning regionally and nationally to ensure that all can learn from agency practice across Wales.
12. A high proportion of respondents welcomed the engagement, from the onset, of families in the process.
13. The Welsh Government is clear that the new framework should improve future practice so learning must be distributed on a regional and national basis; we will therefore aim to ensure that this is strengthened in the guidance. The inclusion of the child and family members is an important feature of the new process which hopes to foster the need to focus on accountability rather than culpability.

## **Section 3: Learning and Reviewing Framework**

14. This section set out the key features of the new framework and feedback indicated that this has been clearly set out. A suggestion was made that it would be useful if the words 'the key features' were included in the title.
15. There were several suggestions regarding further information which should be contained in the guidance, such as dealing with cases of historic abuse, how to train as a facilitator and what support is available for practitioners.

16. The Welsh Government has started to consider historic abuse and this will be included in the final guidance. In addition, our intention is to contact stakeholders regarding plans for implementation and support of the new framework.

#### **Section 4: Multi-Agency Professional Forums**

17. Whilst the majority agreed this section explained clearly the role and purpose of Multi-Agency Professional Forums, several respondents thought that the intent was firm but that further clarity was needed especially in relation to dissemination of learning.
18. There were concerns raised regarding appropriate funding for LSCBs to carry out this work and it was considered to be beneficial for an audit tool relating to the new framework for LSCBs to be included in final draft of the guidance. The Welsh Government has considered these suggestions and will take them into account when finalising the draft guidance and looking at a programme of implementation.
19. Some respondents highlighted that potential practitioner culpability and representation needs should be addressed. Specifically, clarification was required on disciplinary procedures both in terms of staff in disciplinary processes being involved in the review process and in terms of sharing information that may lead to disciplinary procedures without undermining the need for openness and transparency in the process.
20. The Welsh Government will consider how to reflect this in the final guidance but is clear that the review process is about practice learning. If any issues of individual staff training needs or staff malpractice emerge during the course of a Concise Review, these matters should be managed through the relevant agency's own staff procedures.

#### **Section 5: Concise Reviews**

21. This section sets out the criteria for concise reviews and a high proportion of respondents agreed that it has been clearly explained.
22. Various respondents raised the need to be aware of the difficulties which may arise with parallel investigations such as homicide reviews and interaction with coroners and it would be welcomed if guidance on how to deal with any resulting delays could be provided. In addition, guidance was requested on cross border issues and reviews that straddle service providers in England.
23. Some respondents suggested that it would be helpful to include a paragraph on the role, function and membership of review sub-group panels.

24. One respondent stated that there was no longer a need for a specific reference to youth justice and that it was no longer appropriate for there to be a 'lead' agency for deaths in custody.
25. The Welsh Government intends to consider how to ensure this information is included succinctly in the finalised guidance.

### Timelines

26. A significant change in the new framework is the requirement to provide a timeline rather than the current chronologies. The majority of responders welcomed the timeline process and felt it would allow for a more focussed review although some thought that a degree of flexibility will be required.
27. A number of people who responded thought that a definition of 'timeline' might be useful and there was a suggestion that guidance was needed on what should be in the summary. It was also considered helpful if guidelines could be produced for requirements regarding individual agency timelines, analysis and recommendations.

### Reviewers

28. Most respondents agreed that there is sufficient independence in the proposed appointment of a reviewer. Some requested a clearer definition of the word 'independence'. A suggestion was made that it would be helpful and consistent to have a pool of trained and accredited reviewers.

## **Section 6: Extended Reviews**

29. This section set out the criteria for extended reviews and it was agreed that the purpose and criteria was clearly explained. The consensus was that the additional issues to be addressed for scrutiny purposes are appropriate, although one point that did arise was that the term 'external' needs to be defined.
30. The majority of consultees felt that the appointment of two reviewers was appropriate and viable and one respondent suggested that agencies should not use the same reviewer all the time to avoid familiarity. The need for a database or resource of reviewers was highlighted as something that could be helpful. Another suggestion for consideration was that there should be the opportunity to co-opt with other LSCBs regarding the additional reviewer.

## **Questions relating to both Concise and Extended Reviews**

### Review panel

31. Most respondents agreed that the responsibilities set out for the Review Panel in setting up and managing Concise and Extended Reviews through to completion were clear and logical, however, it was considered helpful if there could be a separate heading and section for panels. With this in mind, it was considered useful to have a written agreement setting out the role of the panel and reviewers.

#### Family involvement

32. Although the consensus was that the involvement of family was welcomed further advice would be helpful on how to include them effectively and how to agree the relevant family members. It was also suggested that there should be written information available for family members and the management of family expectation should be more clearly addressed.

#### Child Practice Review Reports

33. Whilst the consensus was that there were no difficulties foreseen with the principles of transparency and accountability to publish anonymised reports of Concise and Extended Reviews, there were a few thoughts around these matters.
34. One such point was that there may, on occasion, be circumstances which would predicate against publication such as negative impact on family members or where there is potential for identifying the child involved. There must be scope to consider not publishing in these circumstances.
35. The Welsh Government has considered these suggestions and will take them into account when finalising the guidance.

#### **Annex**

36. The Annex was considered by the majority to be very helpful. Consultees provided helpful suggestions to enhance the information provided such as inserting hyperlinks to correlating information and flow charts to outline the process. There were also some typographical errors highlighted which the Welsh Government will amend in the final guidance.

#### **Next steps**

37. We have considered carefully the responses and revised the draft guidance accordingly. The Welsh Government believes that it is essential that the new framework is properly supported and that appropriate training is provided. Therefore, to ensure proper implementation arrangements are developed to support LSCBs we are currently considering what support we can put in place to ensure that the integrity of the new framework is not compromised. Alongside this work, we will amend the *Local Safeguarding Children Boards (Wales)*

*Regulations 2006* to support the new framework. It is anticipated that implementation of the new framework and regulations will occur on 1 January 2013. The Welsh Government will write to stakeholders to update them on implementation arrangements.

**Full list of respondents content to be identified.**

1. Aneurin Bevan Health Board
2. Bridgend County Borough Council
3. British Association for Adoption and Fostering Cymru
4. Buddeg Nelson
5. Cardiff and Vale University Hospital Board
6. Cardiff Local Safeguarding Children Board
7. Carmarthenshire Safeguarding Children Board
8. Dyfed – Powys Police
9. Flintshire & Wrexham Local Safeguarding Children Board
10. Merthyr Tydfil & Rhondda Cynon Taf Local Safeguarding Children Boards
11. NASUWT Cymru
12. NEWFOCUS – Foster Care Service
13. Powys County Council
14. Safeguarding Children Service, Public Health Wales
15. South Wales Police
16. Swansea Safeguarding Children Board
17. The Children’s Commissioner for Wales
18. Welsh Ambulance Services NHS Trust

(3 respondents wished to remain anonymous)

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



## **Constitutional and Legislative Affairs Committee**

**Report: CLA(4)-17-12 : 9 July 2012**

**The Committee reports to the Assembly as follows:**

**Instruments that raised no reporting issues under Standing Order 21.2 or 21.3**

### **Negative Resolution Instruments**

**CLA162 – The School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012**

**Procedure:** Negative.

**Date made:** 22 June 2012.

**Date laid:** 26 June 2012.

**Coming in to force date:** 1 September 2012

**CLA163 – The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) Regulations 2012**

**Procedure:** Negative.

**Date made:** 26 June 2012.

**Date laid:** 28 June 2012.

**Coming into force date:** 1 September 2012

**CLA164 – The Swansea Bay (Thomas Shellfish Limited) Mussel Fishery Order 2012**

**Procedure:** Negative.

**Date made:** 27 June 2012.

**Date laid:** 29 June 2012.

**Coming into force date:** 18 September 2012

**CLA165 – The Designation of Features (Notices) (Wales) Regulations 2012**

**Procedure:** Negative.

**Date made:** 28 June 2012.

**Date laid:** 29 June 2012.

**Coming into force date:** 20 September 2012

## **Affirmative Resolution Instruments**

None

## **Instruments that raised reporting issues under Standing Order 21.2 or 21.3**

## **Negative Resolution Instruments**

None

## **Affirmative Resolution Instruments**

None

## **Other Business**

### **Committee Inquiries: Inquiry into the establishment of a separate Welsh jurisdiction**

The Committee took oral evidence from Alan Trench, Honorary Fellow, School of Social and Political Science, University of Edinburgh.

### **Resolution to Meet in Private**

In accordance with Standing Order 17.42(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence submitted thus far on the Inquiry into the establishment of a separate Welsh jurisdiction and to consider the Draft Report on the School Standards and Organisation (Wales) Bill.

### **David Melding AM**

Chair, Constitutional and Legislative Affairs Committee

**9 July 2012**

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