

Title: Revision of Working Together to Safeguard Children IA No: Lead department or agency: Department for Education Other departments or agencies: Department of Health, Home Office, Department for Communities and Local Government, Ministry of Justice.	Impact Assessment (IA)		
	Date: 19/03/2012		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Other		
Contact for enquiries: Jonathan Bacon (020 77838154)			

Summary: Intervention and Options **RPC Opinion: GREEN**

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£43m	£9.9m	-£1.2m	Yes OUT

What is the problem under consideration? Why is government intervention necessary?
 Professor Eileen Munro's review of child protection, 'A child-centred system', found that a radical reduction in statutory guidance is needed. This change to Government issued guidance is necessary to support professionals move from a tick box approach to safeguarding and promoting the welfare of children to one that puts professional judgment and the child at its heart. Intervention by the Government is necessary as Working Together to Safeguard Children is statutory guidance. The Government will be undertaking a full formal 12 week consultation from June 2012, with final publication in the autumn.

What are the policy objectives and the intended effects?
 To revise the Working Together guidance to reduce the level of centrally-issued practice guidance, giving professionals greater freedom to exercise their own judgment. This approach will allow local authorities and partners to develop innovative approaches to safeguarding and improve their ability to respond to the varied needs of individual children, young people and families. The objective is to create the conditions for sustained, long-term reform which enables and inspires professionals to do their best for vulnerable children and their families.

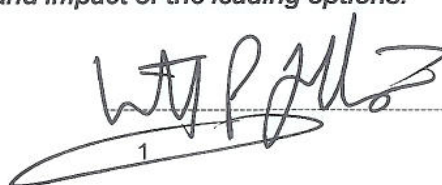
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
 Option 1: to undertake a revision in line with the recommendation of the Munro Review. The recommendation to revise the guidance is supported by evidence from an extensive review of child protection, which drew on the expertise of professionals from all sectors of the child protection system, including the views of children and young people. The revision is necessary in order to support professionals to move away from a compliance culture in which professionals focus on adherence to the guidance in its entirety, to a 'learning culture' which focuses on the needs of the individual child and in which professionals exercise their professional judgment to improve outcomes for children and young people in need of safeguarding. The extent and detail of the revision will be consulted on as part of a full, 12 week consultation.
 Option 2: To retain the current statutory guidance.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 07/2013

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro No	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



Date:

19/3

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: £15m	High: £70m	Best Estimate: £43m

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£3m	1	£0	£3m
High	£9m		£0	£9m
Best Estimate	£6m		£0	£6m

Description and scale of key monetised costs by 'main affected groups'

Transition costs to the main users of the Working Together guidance. These are opportunity costs, not financial costs, falling to local authorities, social workers, frontline health professionals, police, judicial services (including judges and youth offending teams), teachers, early years settings and the United Kingdom Border Agency.

Other key non-monetised costs by 'main affected groups'

We cannot estimate the potential costs of innovation at this stage since we do not know to what degree and at what speed local authorities and professionals will choose to develop new practices. Further work will be undertaken during the consultation to understand the potential for innovation and the monetised benefits this will bring.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	£0	1	£3m	£25m
High	£0		£8m	£73m
Best Estimate	£0		£5m	£49m

Description and scale of key monetised benefits by 'main affected groups'

We do not anticipate any one-off benefits here. We have estimated ongoing benefits for reduced burdens to all staff using the guidance as they will no longer feel obliged to adhere to what was a 400 page document, and will have a clearer sense of their statutory responsibilities. At this stage we cannot be sure of the exact impact so have tried to reflect the proportional impact on different groups with estimates of time saved. We will seek to improve these estimates at the next stage of IA.

Other key non-monetised benefits by 'main affected groups'

There will be benefits from enabling greater local innovation and professional judgment. However, we cannot attempt to monetise this as the benefits are unquantifiable (i.e. that children in need of protection will receive a more personalised service which better serves their needs). At this stage we cannot estimate the full extent of the impact that the proposed changes will produce and will seek to improve our understanding during the consultation.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

There is a potential risk of a negative impact on children and young people if central government removes prescriptive practice guidance as professionals may be using this guidance. However, statutory safeguarding processes will remain in place, the Ofsted inspection framework provides an accountability mechanism, current practice guidance will remain available for a transition period and ongoing work will continue to strengthen social workers' initial training and continuing development.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: £0.2	Benefits: £1.5m	Net: £1.2m		

Evidence Base (for summary sheets)

Background

Working Together to Safeguard Children (Working Together) sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people. The statutory guidance is issued under section 7 of the Local Authority Social Services Act 1970 and under section 16 of the Children Act 2004.

It is a document that includes guidance that is underpinned by statute (statutory guidance) and other non-statutory, practice guidance. The former consists of some statutory guidance issued under provisions which require local authorities to act in accordance with guidance issued by the Secretary of State and of other statutory guidance to which other bodies and professional must have regard (i.e. they should follow it but can depart from it if they have clear reasons to do so). The non-statutory guidance sets out good or best practice in certain areas which professionals may choose to follow. The non-statutory guidance has increased over the years and accounts for much of the volume of the guidance.

There is evidence that including both types of guidance in one lengthy document is hindering professionals' ability to exercise judgment to respond effectively to the wide range of varied needs and circumstances with which they are faced when dealing with children and young people in need of protection. This was highlighted by Professor Munro in her final report, *A child-centred system*, following extensive consultation as part of a year long review of the child protection system. The Review found that the distinction between statutory and practice guidance in *Working Together* is not clear, and is therefore creating an over-bureaucratized culture in which practitioners feel obliged to comply with the guidance as a whole. Professor Munro recommended that the Government should revise the document as a result.

The Government agreed with this recommendation, and has stated that there needs to be a better balance between central prescription and professional judgment. This will require a radical reduction in the amount of central prescription and unnecessary bureaucracy set out in the current guidance. The aim is to distinguish the rules that are essential for effective working together from guidance that informs professional judgment, so that professionals can move from a compliance culture to one of learning. This is in line with Professor Munro's findings, and is set out in greater detail in the 'Rationale for Intervention' section, below.

A commitment was made to work in partnership with local government and leaders of children's services, the College of Social Work, the Association of Chief Police Officers, health service organisations' leaders, education and early years sectors, children's organisations in the voluntary and community sector, the inspectorates and others to revise *Working Together*. A full, formal 12 week consultation will take place from June 2012, with final publication in the autumn.

The revised *Working Together* guidance, when published, will also reflect a number of changes on specific policy or procedural issues. The changes on the dissemination of Local Safeguarding Children Boards' (LSCBs) annual report and the role of LSCBs in monitoring and evaluation, are not considered by the Department's Better Regulation Unit to meet the criteria for requiring an Impact Assessment, so will not be assessed. Changes to statutory guidance on conducting Serious Case Reviews, comprising Chapter 8, and the Child death review process, comprising chapter 7, of the current *Working Together* guidance, have been considered under a separate Impact Assessment.

A summary of these changes can be found at **Annex A**.

Rationale for intervention

Over recent years a substantial increase in central prescription through statutory guidance has taken place in the child protection system, with a consequential decrease in the scope for individual judgment and local innovation. This is demonstrated by the fact that the statutory guidance *Working Together* is now 55 times longer than it was in 1974, mainly due to increasing amounts of non-statutory guidance on best practice that has been included over the years.

Evidence submitted to Professor Munro's Review suggested that the current statutory guidance 'has become too long to be practically useful' and that the current form of the guidance makes it difficult for practitioners to differentiate practice guidance from statutory regulation that must be followed. Munro noted that too great a degree of central prescription can be dangerous, because guidance becomes 'hard to use' and 'prevent[s] workers from moving quickly enough to seize opportunities' (Munro: 3.13). Overall, this encourages a practice which is focused on compliance with the guidance as a whole, rather than on understanding the core principles that underpin it and judging how best to apply them in practice, taking account of the specifics of the child or young person's circumstances and needs.

The over-standardised approach that the current guidance promotes makes it difficult for professionals to take a personalised, child-centred approach to cases. A failure to do so can have an adverse impact on outcomes for children and young people. This is highlighted by evidence provided to the Munro Review by the Children's Commissioner, which 'reveals the distress children feel at receiving an impersonal service where insufficient time is given to helping them understand what is happening to them'.

However, it would not be possible to completely remove the *Working Together* guidance. The responsibility of individuals and agencies to safeguard and promote the welfare of children is underpinned by a legislative framework, and *Working Together* is the statutory guidance which sets out these responsibilities. By removing this guidance, individual and agencies would be not be aware of their legal obligations, which would pose significant risk to the effective working of the child protection system.

The statutory guidance within *Working Together* will set out how organisations and individuals should work together to safeguard and promote the welfare of children. This will provide a national framework within which agencies and professionals at local level – individually and jointly – draw up and agree on their own ways of working together to safeguard and promote the welfare of children. Safeguarding and promoting the welfare of children – and in particular protecting them from significant harm – depends on effective joint working between agencies and professionals that have different roles and expertise. Individual children, especially some of the most vulnerable children and those at greatest risk of suffering harm and social exclusion, will need coordinated help from health, education, early years, children's social care, the voluntary sector and other agencies, including youth justice services. The statutory elements of *Working Together* are therefore of vital importance to maintaining a rigorous and coordinated child protection system, and should therefore be retained.

The *Working Together* guidance is of fundamental importance to a wide range of professionals who safeguard and promote the welfare of children. The proposed revision is a radical change to the current form of the guidance. It is therefore important that a full, formal consultation is carried out, and that the final guidance is informed by views from all parts of the child protection system. We therefore intend to put forward a draft version of the revised guidance for consultation from June 2012.

Policy objective

- To encourage local innovation, professional judgment and a learning culture amongst professionals who safeguard and promote the welfare of children and young people by reducing the degree of central prescriptive practice guidance set out in statutory guidance.

Description of options considered (including do nothing)

There are two options which have been considered:

1. Revision of statutory guidance *Working Together to Safeguard Children* (preferred option)

Any revision of the guidance would constitute a regulatory option as it is a statutory document.

This option would achieve the necessary improvements to the guidance in order to address the issues highlighted in Professor Munro's Review. It would consist of radically reducing the guidance from its current form to contain only statutory guidance: the 'must-dos' and the rules that are essential for effective working together. The regulatory framework for safeguarding would remain unchanged.

The exact changes to the guidance will be decided post-consultation, depending on the responses which are received. However, we are proposing the following changes as the basis for the consultation:

- i. Remove and replace statutory guidance as well as removing non-statutory, practice guidance that has been developed over time to advise professionals on how to implement the guidance.

This option would see the revised guidance become a national framework for working together to safeguard children. The revised guidance will be clear about what is expected of all in discharging their statutory responsibilities while looking to wean people away from a dependency on central missives which drives risk aversion. This will sit alongside revised guidance on *The Framework for the Assessment of Children in Need and their Families*; and on learning, drawing together learning from Serious Case Reviews and all child deaths (this would replace chapters 7 and 8 of the current *Working Together* guidance). Separate Impact Assessments have been completed for these documents.

This option would radically reduce the degree of central issued guidance that in some cases prescribes actions for professionals. This would incentivise a learning culture, local innovation, and the use of professional judgment, which would improve outcomes for children and young people by enabling practitioners to develop a more personalised, child-centred approach to supporting children. Encouraging sectors to lead the development of practice guidance will also mean that it is informed by their research and local evidence bases. This supports the

Government's wider agenda of localism and sector-led practice improvement, as well as wholly achieves its stated aim for the revision of *Working Together*, as set out in its response to the Munro Review.

- ii. Reflect and consult on a number of editorial changes on specific policy issues in the revised *Working Together*.

The revised *Working Together* guidance will also reflect a number of editorial changes on specific policy issues, which are supported by evidence resulting from the Munro Review. These are outlined in more detail in annex A. In summary, they involve re-emphasising the need for local authorities to provide early help services as part of their duty to safeguard children within their area; to include advice on which local organisations should be actively sent a copy of the LSCB's annual report (which they are already required to produce and publish); and to re-emphasise that LSCBs should focus on early help within their existing monitoring and evaluation role. The draft guidance reflects these changes as a basis for consultation. These changes are not considered by the Department's Better Regulation Unit to meet the criteria at this stage for requiring an Impact Assessment, so will not be assessed.

These changes are purely indicative at this stage, and are subject to change as a result of the consultation. This Impact Assessment will also be revised to reflect further changes, and to incorporate evidence collected from the consultation.

Costs and Benefits

While we have attempted to give an estimate of the likely monetised costs and benefits as a result of the proposed changes to the *Working Together* guidance, it has not been possible to give an exact representation of the likely impacts. This is because we do not have adequate data at this point in time to make well-evidenced assumptions, and not all costs or benefits are quantifiable. It is also not possible to complete this task to a high degree of accuracy since we cannot know how LAs will react to the proposed changes. It may be that LAs choose to keep their current systems in place, regardless of the fact that they no longer form part of centrally-issued practice guidance, or some LAs may use the revision to the guidance as a prompt to overhaul their own guidance systems, which could take a substantial amount of time to complete. There may also be LAs who have undertaken substantial overhauls already, in recognition of the fact that the practice guidance elements which we are proposing to remove from the *Working Together* document have an advisory and not statutory function. It has therefore not been possible to estimate the impacts of these proposed changes.

What we have endeavoured to do is to give an estimate of the likely impacts to each sector proportionately .e.g. we have assumed that LAs and social workers would spend the most time reading and digesting the new guidance but would also receive the greatest benefit in terms of time saved through working with reduced guidance. In comparison other professionals may only refer to the new guidance when needed, so would spend less time absorbing the changes. We have therefore used a range of estimates to try and encompass this wide variety of changes, and have also assumed some proportionality in these estimates. We will endeavour to refine our assumptions before the next stage of the IA.

Costs:

The potential one-off costs as a result of the proposed changes are estimated to be between £3.2m-£9.3m. These are opportunity costs, not financial costs.

They are estimated to fall on LAs, social workers, frontline health professionals, police, frontline judicial services, teachers, early years providers and United Kingdom Border Agency staff. These are all professions that will have a safeguarding role towards children, so will have cause to use the *Working Together* guidance. They will therefore be affected by the proposed changes to the guidance. As discussed above we have not been able to use robust estimates of the time costs of reading and digesting the guidance for these professionals, and have therefore produced indicative figures that give an idea of the scale of the costs and benefits which we hope to update and improve after the consultation. These estimates attempt to be proportional to reflect the differing involvement of these different professionals with the *Working Together* guidance.

Even though the estimates of time are indicative we have endeavoured to use appropriate wage estimates and figures on the numbers of different professionals to place a monetary value on the opportunity costs. The following table shows how the estimates have been constructed, using an estimate of the time taken to read and digest the new guidance, wage estimates and the number of staff in each sector (or, in some cases, the number of organisations). The estimates are discussed in more detail in the 'assumption and sources' section below. An upper and lower estimate has been made for each group by varying the time and wage assumptions.

		Time (hours)	Wage (£)	No. of staff	Total cost
Local authority	Lower	21	12	152	£46,000
	Upper	70	26	152	£335,000
Social workers	Lower	3.5	17	20,800	£1,500,000

	Upper	7	21	20,800	£3,700,000
Frontline health professionals	Lower	1	51	1,100	£68,000
	Upper	3.5	51	1,100	£237,600
Police	Lower	1	30	6,400	£232,000
	Upper	3.0	30	6,400	£697,000
Other judicial services	Lower	1	60	4,150	£301,000
	Upper	3.0	60	4,150	£904,000
Teachers	Lower	1	22	24,500	£652,000
	Upper	3.5	22	24,500	£2,300,000
Early Years Settings	Lower	1	7	20,000	£169,000
	Upper	3.5	9	20,000	£762,000
UK Border Agency	Lower	1	29	7,000	£200,000
	Upper	2	29	7,000	£400,000
Total	Lower				£3,200,000
	Upper				£9,300,000

There were no on-going monetised costs identified, but a number of on-going non-monetised costs, which it is not possible to monetise. There are likely to be non-monetised costs of innovation triggered by the changes to guidance. This could be in the form of extra administration hours spent to amend guidance and procedures or could be LA managerial staff meeting to discuss how they will change their procedures. We cannot know the extent of the changes that will ensue from the proposed changes. However, we can confidently say that LA staff would not undertake these changes without there being at least equivalent benefits to them of making the changes.

Benefits:

We do not estimate that there will be any one-off financial benefits as a result of the proposed changes. However, we estimate that there are likely to be non-monetised benefits to all professionals who operate under the Working Together guidance since they will no longer feel obliged to adhere to the current prescriptive guidance, and will as a result be able to exercise greater professional judgment. This will have benefits in terms of increasing their ability to react to the individual needs of the children they have to work with; again, these benefits cannot be monetised.

We cannot estimate the full benefits since we do not yet know the extent of the changes that LAs may make as a result of the proposed changes to guidance, but we can assume that by slimming down the guidance and allowing for local innovation there are likely to be increased efficiencies and cost savings in the future. These monetised benefits are therefore likely to be an underestimate for some LAs as may lead to radically new and improved systems. Since we cannot know this, and some LAs may only make minimal changes we have simply attempted to estimate the reduction in burdens in reading and compliance time.

We estimate the ongoing opportunity benefits to be between £3m and £8m a year.

Again these estimates are made from indicative figures that give an idea of the scale of potential costs and benefits as we do not have adequate data to suggest approximate time saved as a result of the proposed changes. However, we have used ASHE data and appropriate workforce data to attempt to place a monetary value on the opportunity costs in these estimates. These are set out in the table below. Again, the benefits have been estimated using estimates for time, wages and number of staff (or in some cases, organisations) and an upper and lower estimate has been given based on the upper and lower values respectively of the various variables. The assumptions and evidence used in these estimates are detailed below.

		Time (hours)	Wage (£)	No. of staff	Total cost
Local authority	Lower	3.5	12	152	£8,000
	Upper	21	26	152	£100,000
Social workers	Lower	3.5	17	20,800	£1,500,000
	Upper	7	21	20,800	£3,700,000
Frontline health professionals	Lower	0.2	51	1,100	£11,000
	Upper	1	51	1,100	£68,000
Police	Lower	0.2	30	6,400	£46,000
	Upper	1	30	6,400	£232,000
Other judicial services	Lower	0.2	60	4,150	£50,000
	Upper	1	60	4,150	£301,000
Teachers	Lower	1	22	24,500	£652,000
	Upper	3.5	22	24,500	£2,300,000
Early Years Settings	Lower	1	7	20,000	£169,000
	Upper	3.5	9	20,000	£762,000
UK Border	Lower	1	29	7,000	£200,000

Agency	Upper	2	29	7,000	£400,000
Total	Lower				£2,700,000
	Upper				£7,900,000

There are also a number of on-going non-monetised benefits. We estimate that there could potentially be large benefits as a result of local innovation changes. Since we do not know the extent of the changes that LAs may be prompted to make on the back of the revised guidance we have not attempted to monetise here. However these benefits could potentially be large since the changes to guidance may prompt LAs to completely overhaul their current systems which could lead to efficiencies, cost reductions and potentially have substantial benefits to children, young people and families. Evidence found in Munro's evidence collection exercise also found that recruitment and retention issues were exacerbated by overly prescriptive guidance. There is therefore a potential that the proposed changes could reduce recruitment and increase retention, but again since we do not know the extent of this across LAs (this was anecdotal evidence) we do not monetise here.

Therefore as a summary we estimate that option 1, the preferred option, is likely to give the following estimated costs and benefits as well as the non-monetised opportunity costs and benefits discussed above:

COSTS	lower	Upper
One-off costs	£3.2m	£9.3m
On-going costs	£0m	£0m
Total over 10 years	£3.2m	£9.3m
PV over 10 years	£3.0m	£9.0m

BENEFITS	lower	Upper
One-off benefits	£0m	£0m
On-going benefits	£2.6m	£7.8m
Total over 10 years	£26m	£78m
PV over 10 years	£25m	£73m

This gives an NPV of between £15m-£70m with a best estimate of £43m.

This is the recommended option, and is the basis of the draft guidance which has been developed for consultation.

2. Do nothing – retain the current guidance. This is the only non-regulatory option, as Working Together is a statutory document.

The Government could retain the statutory guidance in its current form and communicate with the sector that it does not have to follow centrally-issued, prescriptive practice guidance that is stifling local innovation.

A number of local areas have started to undertake reviews of local policies and procedures to safeguard and promote the welfare of children. In light of these reviews, new ways of working have been developed that place the child at the heart of the local system and which aim to reduce unnecessary bureaucracy. Central Government could retain the current statutory guidance and seek to encourage more local areas to undertake similar exercises. There is compelling evidence, however, that a radical revision and reduction in the degree of centrally prescribed guidance is required to foster new local innovative approaches to safeguarding children, such as that set out by Professor Munro in her recent Review. The revision is also required in order to make the necessary amendments to policy and procedural issues referred to annex A namely, to re-emphasise the importance of early help provision by local authorities and the role of LSCBs in monitoring and evaluating such provision.

The Government is in favour of such a revision, and has publically committed to:

'work[ing] in partnership with local government and leaders of children's services, the College of Social Work, the Association of Chief Police Officers, health service organisations' leaders, education and early years sectors, children's organisations in the voluntary and community sector, the inspectorates and others to revise *Working Together to Safeguard Children*'.

Costs – none

This option represents the current baseline and therefore would have **no additional costs** to LAs, social workers, teachers, health professionals, etc

Benefits – none

This option represents the current baseline and therefore would have **no additional benefit or offer potential savings** to LAs, social workers, teachers, health professionals, etc

This is therefore not a recommended option.

Assumptions and sources

As discussed above we do not currently have robust evidence to help us estimate the likely transition costs and reduction in burdens as a result of the proposed changes to guidance or the change in culture and improvement in outcomes that a reduction in prescription should bring about. We have estimated the approximate transition costs and reductions in burdens that are likely to fall on the bodies and professionals that are affected by *Working Together* guidance. We will endeavour to collect more information for the next stage of the IA. We have also attempted to ensure that the estimates are proportional so that those most involved and most heavily affected by the changes to guidance are reflected in the time estimates used. We have used as much evidence and robust data sources as possible to find wage estimates and workforce numbers. These estimates and source are listed below:

- Wage estimates: ONS annual survey of hourly earnings (ASHE) 2010. have used ranges for most estimates to cover the wage of occupations that may be affected within each group, but have also used medians for certain occupation groups since the majority of employees in these occupation groups will be of lower wages so skews the upper limit if we were to use a range. Estimates of the cost of time for health staff use the median full time equivalent total earnings from the NHS Staff Earnings Estimates, April to June 2011 and additional costs identified from the Unit Costs of Health and Social Care, 2010. The estimates include an uplift of 21% to account for non-wage labour costs.
- Numbers of LAs staff: we have estimated that there will be 1 FTE LA member of staff per LA that would be engaged with the changes for between 3-10 days with a wage range from an administrative LA worker to a more senior LA staff member. We have estimated between 0.5 days and 3 days a year for reduction in burdens since we cannot know the full extent of the benefits to LA staff but assume that it could potentially be quite large over the long term.
- Number of social workers: used Children Workforce Development Council (2010) 'the state of young people and children's workforce' estimates that there are approx 20,800 children and families social workers. This evidence also suggests that 39% of the social work sector is independent (private or voluntary) which we have used as an estimate of OIOO costs and benefits. We have estimated between 0.5 and 1 full day to complete this as social workers will be directed by LA changes, but are more involved than other members of staff in these estimates. For the benefits we have estimated between 0.5-1day as potentially benefits could involve efficiencies but also improvements to ways of working (some of which is also captured in the non-monetised benefits).
- Number of health professionals: staff assumed to have a good working knowledge of the guidance, and therefore incur the costs and benefits, include Board leads of Primary Care Trusts, Board lead of Trusts, designated doctors, designated nurses, named doctors, named nurses and named midwives. In total there are **1,100** of these staff. We estimated that it would take 1 FTE staff between 1hr and 0.5days since it is likely that there will be a few members of staff that will digest the new guidance and pass on information to others. We have estimated between 10 mins to 1 hour per year as for majority of staff it may only make marginal benefit over time but it could improve ways of working particularly for key members of staff involved with child protection.
- Number of police: as it is not possible to estimate the number of police officers involved in child protection issues, we have used the number of police inspectors (6,400) as a proxy for the number of people in the police force who will read and digest the new guidance. We estimated 1-3 hours transition costs for these members of staff to read and disseminate the guidance to other members of staff. They may be some small knock on costs and benefits for other staff within the police but these have not been quantified here. On the benefits side, we have estimated between 10 minutes and 1 hour per year through improved ways of working and possible efficiencies although the impact on some staff may be minimal.
- Number of judicial services: we have assumed that one person in each organisation (youth offending teams and judges) responsible for safeguarding policy will take time to read and digest the new guidance, and also benefit from savings in future years. Data from the Youth Justice Board shows there are 157 youth offending teams in England. There are approximately 4,000 judges, all of whom are assumed to read the guidance. We estimated approx 1-3hrs transition costs for these key members of staff to read and disseminate the guidance to other members of staff within their team/unit. There may be some small knock on costs and benefits for other staff within judicial services but these have not been quantified here. Have estimated between 10 mins and 1 hour per year as could improve ways of working and lead to efficiencies but may have minimal impact for some staff.
- Number of teachers: we have used DfE SFR on school workforce in England, June 2011 which showed that there are 24,507 schools (including 2,415 independent schools) in England <http://www.education.gov.uk/rsgateway/DB/SFR/s001012/sfr12-2011.pdf> . Approximately 10% of schools are in the independent sector, used in the OIOO benefit and cost calculations. We estimated that one person in each school would take between 1hr and 0.5 days to read and digest the new guidance, and then disseminate this knowledge to other staff through existing channels. There may be some small knock-on costs and benefits to other staff within the school but these have not been quantified here. We have estimated savings of between 1 hour and 0.5days as may lead to efficiencies for those members of staff who lead on safeguarding issues within schools.
- Number of early years settings: the early years census says that there are approx 20,000 providers in early years settings. We have estimated here the time cost per setting rather than per member of staff as we do not have

adequate estimates of the number of staff presently – again we hope to improve this by the next stage of the IA. We have estimated between 1 hour and 0.5 days for transition costs as these are similar settings to schools where all staff should be aware but there is likely to be a key member of staff who disseminates the key messages. We have estimated savings of between 1 hour and 0.5 days as may lead to efficiencies for some members of staff but may impact less on other staff members.

- Number of United Kingdom Border Agency staff: Estimates from the Home Office assume that nearly 7,000 United Kingdom Border Agency staff (Assistant Immigration Officers, Immigration Officers, Chief Immigration Officers, Immigration Inspectors and Grade 7s) will read and digest the new guidance. We have estimated between 1 and 2 hours for transition costs, and the same for estimated savings.

Risks

There is a potential risk associated with reducing centrally-issued practice guidance before the system has fostered a learning culture and developed the necessary skills and expertise amongst professionals. This is acknowledged in the Government response to the Munro Review: 'Moving away from a culture of compliance by reducing central prescription and placing a greater emphasis on the appropriate exercise of professional judgment represents a fundamental system-wide change. It will take time for the necessary skills and knowledge to develop and for experience of new ways of working to become fully embedded and effective' (page 13). However, this should not prevent us from reforming the guidance, since the benefits that revision would bring cannot be realised otherwise, and we will take steps to mitigate the associated risk. As Professor Munro stated, 'removing prescription without creating a learning system will not secure the desired improvements in the system. On the other hand, delaying the removal of prescription until services show they can take responsibility prevents them from demonstrating it' (*A child-centred system*: 8.28).

The risk of negative impact on current safeguarding procedures will be mitigated in a number of ways. Firstly, the regulatory framework for safeguarding will remain unchanged and in force, and the statutory responsibilities of organisations and professionals will in fact be made clearer by the recommended revision. Secondly, a new Ofsted inspection framework is being developed in parallel to the revised guidance, which will deliver an improved accountability mechanism.

The work that the Government is undertaking to raise standards in the social work profession is also a crucial part of the aim to encourage local innovation, professional judgment and a learning culture amongst professionals who safeguard and promote the welfare of children and young people. The Government is taking forward work that will strengthen social workers initial training and the continuing development of their knowledge, skills and abilities. For example the Newly Qualified Social Worker (NQS) Programme, a 12 months programme for social workers graduating from university that runs in almost every local area has improved the level and quality of support social workers receive in their first year of work. It includes protected time for them to undertake training and development, a managed caseload and regular supervision.

The Early Professional Development Programme builds on the NQS programme and supports the transition from the first year in employment to experienced practitioner in the second and third years of work, by providing a framework that helps social workers operate with greater confidence and autonomy. Alongside this Universities are raising the standards of entrants to social work degrees. The new curriculum framework for the social work degree will be based on the new Professional Capabilities Framework, which sets out what will be expected of social workers at different stages in their career, and will cover specific capabilities for Child Protection. A new Continuing Professional Development Framework to promote and support all social workers to develop their skills and knowledge to deal with increasingly complex and specialist work is also being set up. These reforms to raise standards in the social work profession need to sit alongside a reduction in prescriptive practice guidance from central Government to allow greater local innovation and freedom for professionals to use their judgment.

The proposed revision should therefore not present a risk to safeguarding; rather, it has the potential to improve outcomes for children and young people by increasing professionals' ability to exercise judgment to respond appropriately to the varied circumstances and needs with which they are faced. However, we are conscious that this is a radical revision of the current guidance, which is why we are planning to conduct a full, 12 week consultation so that any potential risks to safeguarding can be highlighted and addressed.

It must be accepted, however, that an inherent uncertainty will always exist within the child protection. As Professor Munro highlighted, 'mistakes in assessing risk can be either of under-estimating (false negative) or over-estimating (false positive) the danger to the child [final report: 1.11], and that 'trying to reduce one type of error increases the other' [part 1: 1.43]. By working towards a culture in which professionals can develop and exercise judgment, both by reducing the degree of over-standardised, centrally prescribed guidance, and by working with sectors to develop evidence-based practice guidance, we will ensure that this risk is managed more effectively, by helping professionals learn to be 'risk sensible'.

Direct costs and benefits to business calculations (following OIOO methodology)

We have estimated the direct costs and benefits to the private sector for schools, social workers and early years staff since proportions of these staff work in the private or voluntary sector. Data from the Childcare and Early Years providers survey 2009 suggests 42% of providers are public sector therefore 58% are private sector. This gives OIOO costs of approx £270,000 and on-going annual benefits of approx £270,000 therefore on-going benefits to the early years private sector.

DfE data shows that 16% of schools are independent schools, giving one-off costs of £235,000 and on-going annual benefits of £235,000.

CWDC 'state of the children and young people's workforce (2010) estimated that approx 39% of the social worker workforce was independent, working for the private or voluntary sector and therefore would have OIOO costs and benefits imposed on them estimated at approx £1,013,000 one-off costs and £1,013,000 per year annual benefit.

Overall, expressed in 2009 prices and using a 2010 present value base year, this gives OIOO costs and benefits as:

	Lower	Upper
One-off costs	£700,000	£2.1m
On-going benefits	£700,000	£2.1m
OIOO benefits over 10 years	£7.3m	£20.8m
NPV	£3.8m	£16m

This gives an approx **best estimate of £9.9m benefit** to private and voluntary sectors over 10 years

Wider impacts

New Burdens

A new burdens assessment has been conducted. The new burdens assessment will be revised against the final version of the guidance ahead of publication in the autumn, as it is liable to change as a result of evidence collected from the consultation.

Statutory Equalities Duties

An adverse impact is unlikely as a result of the proposed revision. On the contrary, a positive impact is likely as the revision will lead to improved outcomes for protected groups who we believe are likely to make up a disproportionate portion of the children and young people affected. There is insufficient evidence, however, for this analysis to be made with as much confidence as is desirable, and we will undertake a fuller analysis of the impact on equalities post-consultation, when we are developing the form of the final guidance.

Summary and preferred option with description of implementation plan.

Professor Munro's review of child protection, *A child-centred system*, found that the current version of the guidance *Working Together* has become too lengthy, through the inclusion of a large amount of non-statutory, practice guidance. It does not clearly distinguish the statutory rules that are essential to safeguard and promote the welfare of children from this non-statutory professional guidance. This is hindering professionals' ability to exercise judgment to respond to the varied needs and circumstances of individual children, encouraging instead a culture of compliance with the guidance as a whole.

We therefore recommend revising *Working Together*, radically reducing the guidance from its current form to contain only statutory guidance: the 'must-dos' and the rules that are essential for effective working together. By leaving the statutory guidance in place, the regulatory framework for safeguarding would remain unchanged and in force. However, practice guidance will no longer be centrally-issued; the Government would instead encourage sectors to lead the development of professional guidance which is informed by their research and local evidence bases to give greater opportunity for local innovation.

For such an important and far-reaching revision, we intend to carry out a full 12 week consultation. We intend to do so from June 2012, to allow enough time post-consultation for a thorough analysis and for responses to influence the final guidance in a meaningful way. This will be supported by a Professional Advisory Group which we have established, comprised of sectoral and local government organisations from all parts of the child protection system. Members will play a role in promoting the consultation to their networks, and will advise on the development of the guidance throughout the process. Officials will also be working with specific sector organisations towards sectors taking ownership of developing the practice guidance, as a secondary stage.

Annex A

Local Safeguarding Children Boards (LSCBs)

The Munro Review made two specific recommendations about LSCBs. The first, which Government accepted in its response, was that in order to maintain and strengthen LSCBs' local accountability role, the LSCB annual report should be submitted to the local authority Chief Executive and Lead Member and the future Chair of the Health and Wellbeing Board and the local Police and Crime Commissioner, if and when those posts are established in law. LSCBs are already obliged to produce a public, annual report, so this revision does not present a new burden; it will simply ensure that the report is actively distributed to the appropriate people. We have made an editorial amendment to the revised guidance to reflect this. The Better Regulation Unit has advised that the present change does not meet the criteria to require an IA.

The second change is in relation to LSCBs' existing monitoring and evaluating function. Existing requirements on LSCBs already include monitoring the effectiveness of activity by LSCB members (including all forms of help provided for the purposes of safeguarding and promoting the welfare of children), and the provision and evaluation of multi-agency training. We have made an editorial amendment to the revised guidance to re-emphasise the fact that LSCBs should focus on early help within this existing monitoring role. This is already a statutory part of their role – but can be lost amongst competing priorities. This therefore constitutes a re-emphasis of existing functions, and the change therefore does not require an Impact Assessment.

The third change is not a specific recommendation from the Munro Review but relates to the commencement of Section 8 Children Schools and Families (CSF) Act 2010. Section 8 confers a duty on a person or body to provide information requested by a LSCB in order to assist its statutory functions. For example, the LSCB could require a GP or the police to provide information about a specific child and/or family to assist with a Serious Case Review. Section 8 does not override the provisions of the Data Protection Act (DPA) 1998 so a person or body is not required to provide information to the LSCB unless the provisions of the DPA are met. Once a LSCB receives information they too are bound by the DPA and can only use it in connection with their functions.

The revised *Working Together* includes wording that emphasises these safeguards and the need for LSCBs to think carefully before using this power, because they can only do so if they request information that is relevant and needed. Health professionals and others who are themselves statutory members of LSCBs will provide an additional check and balance function to prevent placing unnecessary burdens or requests on practitioners. Similar wording already exists in *Working Together* 2010 and the revised wording does not increase burdens. However, when *Working Together* was last published the CSF Act was still before parliament so we could not commence Section 8. It is our intention to commence Section 8 following consultation on *Working Together* which will provide the opportunity to for people to say whether the additional safeguards in *Working Together* are appropriate.

