

Working together to safeguard children 2023 and extra-familial harm

Key additions and relevant Contextual Safeguarding resources for practice

May 2024

The Contextual Safeguarding Network

Introduction

In December 2023, the Department for Education published a new edition of its statutory guidance Working together to safeguard children, replacing the previous edition of 2018. The 2018 version, for the first time, included 'extra-familial harm' (EFH) as a category of harm that child protection systems should be equipped to identify and respond to. This document provides a top-line summary of key additions in the 2023 version that are related to EFH and signposts to relevant resources on the Contextual Safeguarding website. These are thematically organised under three key areas of practice. The final section of the document highlights where we feel further consideration is needed in each of these areas.

The name of each resource mentioned in this document is highlighted in bold. Each can be freely accessed by typing its name in the search function on: www.contextualsafeguarding.org.uk

Key additions for addressing extra-familial harm

1. Considering extra-familial harm in assessments and planning

Additions

- Assessments should include risks outside of the home and consider contexts (including peer groups and online) (see sections 162-164)
- All children, including those who may be causing harm to others, should receive a safeguarding response first (195)
- The assessment triangle has been revised to include 'extra-familial contexts' when considering 'Family and environmental factors' (150)
- Professionals should assess whether a child who is experiencing or at risk of experiencing harm outside the home is in need under section 17 or 47 of the Children Act 1989 (196)
- Indications of what a good assessment in cases of EFH should do, including: build a holistic and strength-based understanding of the child; address all vulnerabilities and/or challenges faced by the child, including within the home; be informed by the child's past experience of trauma; explore how the child's experiences with families and other networks, including friendship and peer groups, interplay with the risk of harm; be collaborative with parents, carers and wider family networks and consider the risk of EFH for siblings (196)
- Where there are concerns that more than one child may be experiencing harm in an extra-familial context, practitioners should consider the individual needs of each child as well as work with the group (197)
- Practitioners need to build an understanding of the context in which the harm is occurring and draw on relevant knowledge and information from children and wider partners to decide on the most appropriate interventions. Practitioners should consider the influence of groups or individuals perpetrating harm, including where this takes place online, and identify patterns of harm, risk and protective factors in these contexts (198)

- Key decisions should be recorded and communicated to both the child and their parents/carers, and there should be clarity across all partners on how actions contribute to safeguarding and promoting the welfare of the child (199)
- Decisions to return looked after children home should be based on whether the needs previously identified have been addressed, included when the child has been placed out of area to ensure their immediate safety in instances of harm outside of the home (176)
- Additions to the list of what practitioners should be alert to the potential need for early help concerning online and school contexts (124) Body
- The role of education and childcare settings in early help is emphasised with more references to EFH and the need to be trauma-informed (125-130)

Contextual Safeguarding resources

- The **Scale Up** toolkit offers a broad range of resources about the process of creating contextual approaches to EFH in casework and through broader systems change. It includes sections dedicated to building assessments and safety plans for individual young people, peer groups, schools and locations.
- The **Response and outcomes** section of the **Scale Up** toolkit focuses on creating responses that increase safety for young people and how to measure the outcome of these responses.
- To create safety in contexts, practitioners need to learn about the places and peer groups young people spend time and in. Developing collaborative and trusted relationships with young people is crucial to this work. The **Young people's relationship framework** outlines what young people said they want from relationships with professionals.
- Resources were produced as part of the **Securing Safety** study for young people, parents/carers and professionals to support decision-making about out of area placements for young people at risk of EFH.

2. Working with parents as partners and looking beyond parental capacity

Additions

- The guidance places more emphasis throughout on whole-family approaches and partnership working with parents/carers, including where harm is outside of the home (180)
- Four key principles when working with parents and carers are outlined (18)
- Referrals need to include information about the capacity of 'family networks' in addition to parents/carers' capacity to meet the child's developmental needs (150). The wider family network is defined as '*a blood-relative, or a non-related connected person, such as a family friend or neighbour*' (Introduction).
- The guidance recognises that parents may feel blamed and judged and that practitioners need to work collaboratively with them. Family group conferencing is cited as a way to promote the involvement of the family network in decision-making about a child's safety (185)

Contextual Safeguarding resources

- A case study on **Working with parents**
- Resources to run **Community Group Conferences**, outlining how the Family Group Conferences methods, informed by Contextual Safeguarding, can be employed within children's safeguarding to address risk in community contexts
- The **Locations and Peers** sections of the Scale Up Toolkit include resources for building guardianship around young people in their community
- **Watching over or working with** resources about the types of relationships we form with young people, their parents/carers, and communities when we do Contextual Safeguarding

3. Multi-agency safeguarding partnerships

Additions

- New multi-agency expectations for practitioners structured across three levels for Strategic leaders, Senior and middle managers and Direct practice, with added emphasis on the following (25-27):
 - Collaboration and shared goals
 - Learning with and from each other drawing on evidence from direct practice and peer learning
 - Resource: ensuring children receive holistic support drawing on expertise from range of agencies
 - Inclusivity: promoting diversity and inclusion
 - Mutual challenge: constructive challenge within and across agencies
- Greater emphasis placed on partnership working and information sharing (including around context/locations of risk)(30)
- Reference to the need for prompter and more effective responses when there is a risk of significant harm (40)
- The role of education in multi-agency safeguarding arrangements is made more explicit (79)
- More emphasis on the role of voluntary, community or social enterprise organisations (VCSE) practitioners in building relationships with young people and the value of including them in local safeguarding arrangements (82-83)
- Additions concerning the organisational responsibilities of the Police:
 - regarding children who are encountered as offenders or alleged offenders being '*entitled to the same safeguards and protection as any other child and due regard should be given to their safety and welfare at all times (...) Consideration should be given to the potential impact an arrest or seizure of items may have upon a child's immediate and ongoing safety and whether there is actual or likely significant harm.*'(256)
 - Police power to remove a child to suitable accommodation under sec 46 – should only be when necessary and where police, decision made by a court (248)
 - Addition re the use of Civil Orders as tools to disrupt exploitation for criminal purposes (250)
- New section on Serious violence duty (289-291)

- To guide the development of 'Risk Outside the Home' (ROTH) child protection pathways
- On Effective chairing and collaboration in multi-agency panels for EFH
- To support the development of Context conferences for a particular context (like a peer group, school or other location), including exemplar ToR and information-sharing protocol
- About The conditions for a welfare response to children involved in serious violence and criminal exploitation.
- Improving multi-agency partnerships resources to help partnerships understand the challenges involved in doing Contextual Safeguarding work within a multi-agency setting.
- The Beyond Referrals Toolkit includes resources for schools, VCS organisations and multi-agency partners to address EFH
- Contextual Safeguarding Emerging Implications for Policing webinar

Further considerations

There remain additional considerations that the most recent changes don't address. We continue to work with the Contextual Safeguarding UK Advisory Group to discuss these matters. We summarise key ones below.

Considering extra-familial harm in assessments and planning

- More reference to guidance on how to assess and build safety in extra-familial contexts as well as on how to include consideration of extra-familial contexts (like peer influence) in child and family assessment would be helpful in sections 196-8.
- While acknowledging that assessments might involve peer networks who might not be known to social care, there is no guidance about thresholds for involving those children/notifying their parents/carers.
- The document makes no mention of racism and its impact on safeguarding. Our research indicates that structural biases and discrimination mean that current, and even redesigned, safeguarding systems may not be experienced the same by all young people; steps must be taken to identify and mitigate this
- There is no mention of unaccompanied asylum-seeking children's specific needs/vulnerabilities. This guidance applies to them, as to all children.

Working with parents as partners and looking beyond parental capacity

- More guidance would be helpful to support practitioners to look beyond parent/carers' safeguarding capacity when building assessments and safety plans. For example, beyond 'family networks', assessments should consider broader safeguarding capacity in the spaces and places where young people spend time – including the specific contexts/locations associated with harm – to identify safe adults in the community. These can include professionals, residents, shop vendors, bus drivers, etc. who can look out for young people's wellbeing and safety.

Multi-agency safeguarding partnerships

- Despite the increased emphasis on information sharing, there is a lack of ethical considerations around balancing information sharing requirements with working collaboratively with young people.
- The section on 'common myths that hinder effective information sharing' (p.21) is problematic. Our research shows that information shared about young people is often shared against their knowledge which leads to further harm and alienation from services. We do not believe that Working Together should underplay the importance of centering consent with young people. The use of the word myth implies that currently thresholds for consent are too high whereas our research suggests it is the other way around.
- It would be helpful to outline what framework partners can use to develop a shared vision (25). Our research suggests that certainly in the context of EFH, a vision for changing the behaviour of young people tends to dominate over a vision for altering the environment and this is often due to the power imbalances within the multiagency partnerships.
- The formation of multi-agency safeguarding arrangements (36) should not be seen as an end point. Instead, we suggest it should be noted that these arrangements should be interrogated with a view to upholding children's rights and balancing sharing information with their consent.
- Children's welfare and best interests must be paramount in decisions about EFH and take precedence over community safety or justice objectives. Social care leadership is critical in coordinating interagency responses to EFH, with services delivered by the organisations and individuals that young people trust. Therefore, we believe that the partnership chair should represent social care (and not be opened to any agency as currently suggested)(61).
- VCSE organisations can be crucial safeguarding partners are are often well placed to provide contextual responses to EFH, in collaboration with young people and families. However, our research shows that despite their unique strengths, they are often excluded from multi-agency safeguarding partnerships. It would be helpful to have greater clarity on the independence of the VCSE sector (which our research indicates is important to young people) and how to protect this.
- The new subsection on Serious violence duty (289-291) is strongly orientated towards community-safety and does not make it clear whether community safety or social care should lead for young people under-18. We believe that children social care should always lead in order to ensure a welfare-led response.