



HM Government

# **Local safeguarding - transitional arrangements**

**Statutory guidance for local authorities,  
LSCBs, safeguarding partners, child  
death review partners, and the Child  
Safeguarding Practice Review Panel**

**April 2018**

# Contents

Summary	3
About this guidance	3
Expiry date	3
What legislation does this guidance refer to?	3
Who is this guidance for?	3
Main points	3
1. Transition to new local safeguarding arrangements	4
1.1 Guidance to LSCBs	4
1.2 Guidance to safeguarding partners	5
1.3 Guidance to child death review partners	6
2. Transition from serious case reviews to national and local reviews	7
2.1 Guidance to local authorities	7
2.2 Guidance to LSCBs	7
2.3 Guidance to safeguarding partners	8
2.4 Guidance to the Child Safeguarding Practice Review Panel	9
Further information	10
Useful resources and external organisations	10
Other relevant departmental advice and statutory guidance	10
Other departmental resources	10

# Summary

## About this guidance

This is statutory guidance. This means that recipients must have regard to it when organising and carrying out their transition from the current system of local safeguarding involving Local Safeguarding Children Boards (LSCBs) and serious case reviews (SCRs), to the new system described in the Children and Social Work Act 2017.

## Expiry date

This guidance will cease to apply when: the Child Safeguarding Practice Review Panel is established and operational; all local authority areas in England have completed their transition from LSCBs to safeguarding partnerships and child death review partnerships; and the 'grace' period for LSCBs to complete outstanding SCRs is over.

## What legislation does this guidance refer to?

- The Children Act 2004
- The Children and Social Work Act 2017 and associated regulations

## Who is this guidance for?

This guidance is for:

- Local Safeguarding Children Boards
- Safeguarding partners and child death review partners
- Local authorities
- The Child Safeguarding Practice Review Panel

## Main points

- In section one, this guidance describes the transitional arrangements which should be followed during the transition from LSCBs to safeguarding partners and child death review partners
- In section two, the guidance describes the transitional arrangements which should be followed during the transition from the system of SCRs to the new national and local review arrangements

# 1. Transition to new local safeguarding arrangements

The Children and Social Work Act 2017 (the Act) replaces Local Safeguarding Children Boards (LSCBs) with new local safeguarding arrangements, led by three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups). It also places a duty on child death review partners (local authorities and clinical commissioning groups) to review the deaths of children normally resident in the local area - or if they consider it appropriate, for those not normally resident in the area.

The following sections contain guidance on the arrangements which should operate as part of the transition from LSCBs to safeguarding partner and child death review partner arrangements<sup>1</sup>.

## 1.1 Guidance to LSCBs

LSCBs must continue to carry out all of their statutory functions, until the point at which safeguarding partner arrangements begin to operate in a local area<sup>2</sup>. They must also continue to ensure that the review of each death of a child normally resident in the LSCB area, is undertaken by the established child death overview panel (CDOP), until the point at which new child death review partner arrangements are in place<sup>3</sup>.

In the period following the commencement of the Act's provisions to establish new safeguarding partner arrangements, and **before** safeguarding partner arrangements begin to operate, LSCBs should plan how and when to hand over all relevant data and information they hold to the safeguarding partners. In doing so, they should ensure they comply with data protection law (seeking legal advice if necessary), and provide a clear audit trail on the handling of all documentation, any decisions made and any actions taken or outstanding at the time of handover.

LSCBs should ensure the retention of pertinent historical records, including (for example) any that might be relevant to the Independent Inquiry into Child Sexual Abuse (IICSA). They should also arrange to pass on copies of these records to the new safeguarding partners for their area.

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<sup>1</sup> Safeguarding partners legally become 'safeguarding partners', and child death review partners legally become 'child death review partners' at the point that the relevant provisions of the Children and Social Work Act are commenced.

<sup>2</sup> Subject to the grace periods/transitional arrangements detailed in this guidance.

<sup>3</sup> As footnote 2 (above)

Transitional arrangements covering the issue of incomplete serious case reviews (SCRs), and a 'grace period' to extend the functions of the LSCB specifically in relation to SCRs within that period, are set out in section 2.2.

Before new child death review arrangements have been implemented in a local area, LSCBs should ensure that the CDOP shares copies of all relevant data and information with the child death review partners.

Where any child death reviews have not been completed at the point the new child death review arrangements begin to operate, the established CDOP will have **up to two additional months** to complete those reviews and pass the information to the child death review partners. Any CDOP set up under 'Working Together 2015' must not undertake any new child death reviews during this two month period.

If any child death reviews remain incomplete by the end of the two month period, the LSCB should ensure that the CDOP shares all relevant information with the child death review partners.

## 1.2 Guidance to safeguarding partners

In the period following the commencement of the provisions in the Act, safeguarding partners will have **up to 12 months** to agree the arrangements for themselves, and any relevant agencies they consider appropriate, to work together to safeguard and promote the welfare of children in their area. The arrangements must be subject to independent scrutiny.

Safeguarding partners must publish their arrangements, and should notify the Secretary of State for Education when they have done so *[link]*. They must have published their arrangements by the end of the 12 month period, but may do so at any time before the end of that period.

Following publication of their arrangements, safeguarding partners will have **up to three months** to implement the arrangements.

Once the arrangements have been published and implemented, the LSCB for the local area will cease to exist<sup>4</sup>.

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<sup>4</sup> Subject to the grace period described in section 2.2 below.

## 1.3 Guidance to child death review partners

In the period following the commencement of the provisions in the Act, child death review partners will have **up to 12 months** to agree arrangements for the review of every child death in their area.

At the end of the **12 month period**, or at any time before, child death review partners will have **up to two months** to implement the arrangements.

If the child death review partner arrangements are in place and ready to operate before the safeguarding partner arrangements for a local area, the child death review partners may begin child death reviews and their analysis of information from them, without waiting for the safeguarding partner arrangements to begin.

Child death review partners must ensure that any child death reviews passed to them by CDOPs set up under 'Working Together 2015' are finalised, and the data is recorded. If, as a result of finalising these reviews, the child death review partners identify any matters relating to the deaths that are relevant to the welfare of children in the area, or to public health and safety, and they identify that it would be appropriate for anyone to take action (for example, the safeguarding partners), they must inform that person or body.

## 2. Transition from serious case reviews to national and local reviews

The following sections cover guidance on the transitional arrangements which should operate as part of the transition from serious case reviews (SCRs) to the new national and local review arrangements.

### 2.1 Guidance to local authorities

While the LSCB is operating in the local area, the local authority should report to the LSCB any incidents which they are reporting to the Child Safeguarding Practice Review Panel (the Panel)<sup>5</sup>. They should do this within **five working days** of becoming aware that the incident has occurred. Where a looked after child has died (including cases where abuse or neglect is not known or suspected), they should also report this to the LSCB.

### 2.2 Guidance to LSCBs

Subject to the arrangements for the 'grace period' described below, LSCBs must continue to carry out all their statutory functions, including commissioning SCRs, until the point at which safeguarding partner arrangements begin to operate in a local area.

In the period following the establishment of the Child Safeguarding Practice Review Panel, but **before** safeguarding partner arrangements begin to operate in a local area, the Panel may arrange for a case to be reviewed as a national child safeguarding practice review. This may be a case which the LSCB would otherwise have reviewed under the SCR criteria set out in the 2006 LSCB regulations. If the Panel does decide to undertake a national child safeguarding practice review, the LSCB should take this into account when determining whether to undertake an SCR of the case. The LSCB must comply with any requests from the Panel for information, to enable the Panel to fulfil its functions. LSCBs are not required to inform the Panel about decisions on SCR initiation or publication.

Once new safeguarding partner arrangements are operating in a local area, LSCBs should transfer relevant information to safeguarding partners regarding outstanding cases of serious incidents reported to them. This should take place both where no decision on SCR initiation has been taken and (subject to the 'grace period' described below) where SCRs have been initiated and are still in progress.

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<sup>5</sup> As set out at paragraph 11 of Chapter 4 of *Working Together to Safeguard Children 2018*

Where SCR's have not been completed and published at the point that the new safeguarding partner arrangements begin to operate in all areas covered by the LSCB, the LSCB has **up to 12 additional months** to complete and publish these SCR's.

This does **not** include a power to commission new SCR's, even if the incident occurred before the date of transition.

During this 'grace period' of up to 12 months, LSCBs should make every effort to complete and publish any outstanding SCR's. They should also pass on to safeguarding partners any information relating to learning arising from such SCR's (including where these are still in progress), so that the safeguarding partners can consider follow-up actions as appropriate.

If an SCR is not completed or not published by the end of the 12 month grace period, the LSCB should pass the incomplete or complete but unpublished SCR, any information relating to it, and learning arising from it, to the safeguarding partners. If the LSCB consider it appropriate, they should also pass these details to the Child Safeguarding Practice Review Panel.

## 2.3 Guidance to safeguarding partners

The safeguarding partners must identify serious child safeguarding cases which raise issues of importance in relation to the area and review cases where they consider it appropriate. Serious child safeguarding cases are cases where a child has died or been seriously harmed, and abuse or neglect is known or suspected.

In considering such cases, they should take into account any decision previously made by the LSCB regarding whether or not an SCR should be initiated. Particularly (though not exclusively) if further information comes to light about a case which was notified before the date of transition, they may decide to commission a local review, **even if** the former LSCB has previously determined not to initiate an SCR of the same incident.

Safeguarding partners should determine how to make use of information from SCR's which remain incomplete (or complete but unpublished) at the end of the 12 month grace period<sup>6</sup>.

Safeguarding partners may conclude, for example, that the information gathered during the course of the incomplete or unpublished SCR gives rise to the need for a local review. They may therefore decide to appoint a reviewer to undertake a local review, if

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<sup>6</sup> Safeguarding partners have no statutory functions relating to SCR's.

they decide this is appropriate<sup>7</sup>. The reviewer should be given access to the information from the incomplete SCR for use as appropriate.

Safeguarding partners are not required to publish completed but unpublished SCRs. However, they may do so, if they agree this is appropriate. In the interests of clarity, they should make clear that the review was commissioned and approved by the former LSCB.

In all cases, safeguarding partners should ensure that their arrangements to work together to identify and respond to the needs of children in the area include provision to consider what improvements to practice can be made, based on information from SCRs. It should be made clear in the arrangements that this provision is applicable whether the SCRs are published, complete but unpublished or still incomplete at the point of transition to the new safeguarding partner arrangements.

## **2.4 Guidance to the Child Safeguarding Practice Review Panel**

Where an LSCB passes information regarding a case to the Panel, the Panel should take this information into account in considering if a national child safeguarding practice review is appropriate.

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<sup>7</sup> This approach would also be needed in any cases where the safeguarding partners believe the SCR needs amendment prior to publication, for example at the conclusion of a court case.

## Further information

### Useful resources and external organisations

- [\[Placeholder\]](#)

### Other relevant departmental advice and statutory guidance

- [\[Placeholder\]](#)

### Other departmental resources

- [\[Placeholder\]](#)



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