



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 1

#### CHILDREN

### CHAPTER 2

#### SAFEGUARDING OF CHILDREN

##### *Child Safeguarding Practice Review Panel*

VALID FROM 29/06/2018

#### **12 Child Safeguarding Practice Review Panel**

In the Children Act 2004, before section 17 insert—

*“Child Safeguarding Practice Review Panel*

#### **16A Child Safeguarding Practice Review Panel**

- (1) The Secretary of State must establish a panel to be known as the Child Safeguarding Practice Review Panel.
- (2) The Secretary of State may make any arrangements that the Secretary of State considers appropriate for the establishment of the Panel in accordance with this section.
- (3) The Panel is to consist of a chair and members appointed by the Secretary of State.
- (4) A person may be appointed for a particular period or otherwise.

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*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, CHAPTER 2. (See end of Document for details)*

- (5) The Secretary of State may remove the chair or a member of the Panel if satisfied that the chair or member—
  - (a) has become unfit or unable to discharge his or her functions properly, or
  - (b) has behaved in a way that is not compatible with continuing in office.
- (6) The arrangements that may be made by the Secretary of State under subsection (2) include arrangements about—
  - (a) the Panel's proceedings;
  - (b) annual or other reports.
- (7) The Secretary of State may provide staff, facilities or other assistance to the Panel (and the arrangements that may be made under this section include arrangements about those matters).
- (8) The Secretary of State may pay remuneration or expenses to the chair and members of the Panel.”

### 13 Functions of the Panel

In the Children Act 2004, after section 16A (inserted by section 12), insert—

#### “16B Functions of the Panel

- (1) The functions of the Child Safeguarding Practice Review Panel are, in accordance with regulations made by the Secretary of State—
  - (a) to identify serious child safeguarding cases in England which raise issues that are complex or of national importance, and
  - (b) where they consider it appropriate, to arrange for those cases to be reviewed under their supervision.
- (2) The purpose of a review under subsection (1)(b) is to identify any improvements that should be made by safeguarding partners or others to safeguard and promote the welfare of children.
- (3) Where the Panel arrange for a case to be reviewed under their supervision, they must—
  - (a) ensure that the reviewer provides a report on the outcome of the review;
  - (b) ensure—
    - (i) that the reviewer makes satisfactory progress, and
    - (ii) that the report is of satisfactory quality;
  - (c) provide the report to the Secretary of State.
- (4) The Panel must publish the report, unless they consider it inappropriate to do so.
- (5) If the Panel consider it inappropriate to publish the report, they must publish any information relating to the improvements that should be made following the review that they consider it appropriate to publish.
- (6) Regulations under this section may include provision about—

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- (a) criteria to be taken into account by the Panel in determining whether serious child safeguarding cases raise issues that are complex or of national importance;
  - (b) eligibility for appointment as a reviewer;
  - (c) the selection process for appointment of a reviewer;
  - (d) the person who is to select a reviewer;
  - (e) the supervisory powers of the Panel in relation to a reviewer;
  - (f) removal of a reviewer;
  - (g) payments of remuneration or expenses to a reviewer by the Secretary of State;
  - (h) the procedure for a review;
  - (i) the form and content of a report;
  - (j) the time when a report is to be provided to the Secretary of State, or published.
- (7) The Panel must have regard to any guidance given by the Secretary of State in connection with functions conferred by this section.
- (8) Guidance given by the Secretary of State may include guidance about—
- (a) circumstances in which it may be appropriate for a serious child safeguarding case to be reviewed;
  - (b) matters to be taken into account in deciding whether a review is making satisfactory progress or whether a report is of satisfactory quality.
- (9) In this section—
- a “reviewer” means any one or more persons appointed to review a case under the supervision of the Panel;
  - “safeguarding partners” means persons who, under section 16E, are safeguarding partners in relation to one or more local authority areas in England (see subsection (3) of that section);
  - “serious child safeguarding cases” means cases in which—
    - (a) abuse or neglect of a child is known or suspected by a local authority or another person exercising functions in relation to children, and
    - (b) the child has died or been seriously harmed;
  - “serious harm” includes serious or long-term impairment of mental health or intellectual, emotional, social or behavioural development.”

#### Commencement Information

**II** S. 13 in force at 19.3.2018 for specified purposes by S.I. 2018/346, reg. 3(a)

VALID FROM 29/06/2018

#### 14 Events to be notified to the Panel

In the Children Act 2004, after section 16B (inserted by section 13), insert—

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### **“16C Events to be notified to the Panel**

- (1) Where a local authority in England knows or suspects that a child has been abused or neglected, the local authority must notify the Child Safeguarding Practice Review Panel if—
  - (a) the child dies or is seriously harmed in the local authority's area, or
  - (b) while normally resident in the local authority's area, the child dies or is seriously harmed outside England.
- (2) A local authority in England must have regard to any guidance given by the Secretary of State in connection with their functions under this section.
- (3) In this section “serious harm” has the meaning given by section 16B(9).”

VALID FROM 29/06/2018

## **15 Information**

In the Children Act 2004, after section 16C (inserted by section 14), insert—

### **“16D Information**

- (1) The Child Safeguarding Practice Review Panel may, for the purpose of enabling or assisting the performance of a function conferred by section 16B, request a person or body to provide information specified in the request to—
  - (a) the Panel,
  - (b) a reviewer, or
  - (c) another person or body specified in the request.
- (2) The person or body to whom a request under this section is made must comply with the request.
- (3) The Panel may enforce the duty under subsection (2) against the person or body by making an application to the High Court or the county court for an injunction.
- (4) The information may be used by the Panel, reviewer, or other person or body to whom it is provided only for the purpose mentioned in subsection (1).
- (5) In this section “reviewer” means any one or more persons appointed to review a case under the supervision of the Panel.”

*Local arrangements for safeguarding and promoting welfare of children*

## **16 Local arrangements for safeguarding and promoting welfare of children**

After section 16D of the Children Act 2004 (inserted by section 15 of this Act) insert—

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*“Safeguarding partners for local authority areas*

**16E Local arrangements for safeguarding and promoting welfare of children**

- (1) The safeguarding partners for a local authority area in England must make arrangements for—
  - (a) the safeguarding partners, and
  - (b) any relevant agencies that they consider appropriate,to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area.
- (2) The arrangements must include arrangements for the safeguarding partners to work together to identify and respond to the needs of children in the area.
- (3) In this section—

“relevant agency”, in relation to a local authority area in England, means a person who—

  - (a) is specified in regulations made by the Secretary of State, and
  - (b) exercises functions in that area in relation to children;

“safeguarding partner”, in relation to a local authority area in England, means—

  - (a) the local authority;
  - (b) a clinical commissioning group for an area any part of which falls within the local authority area;
  - (c) the chief officer of police for a police area any part of which falls within the local authority area.”

**Commencement Information**

**I2** S. 16 in force at 19.3.2018 for specified purposes by S.I. 2018/346, reg. 3(b)

**17 Local child safeguarding practice reviews**

After section 16E of the Children Act 2004 (inserted by section 16 of this Act) insert—

**“16F Local child safeguarding practice reviews**

- (1) The safeguarding partners for a local authority area in England must make arrangements in accordance with this section—
  - (a) to identify serious child safeguarding cases which raise issues of importance in relation to the area, and
  - (b) for those cases to be reviewed under the supervision of the safeguarding partners, where they consider it appropriate.
- (2) The purpose of a review under subsection (1)(b) is to identify any improvements that should be made by persons in the area to safeguard and promote the welfare of children.

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- (3) Where a case is reviewed under the supervision of the safeguarding partners, they must—
  - (a) ensure that the reviewer provides a report on the outcome of the review;
  - (b) ensure—
    - (i) that the reviewer makes satisfactory progress, and
    - (ii) that the report is of satisfactory quality;
  - (c) provide the report to the Secretary of State and the Child Safeguarding Practice Review Panel.
- (4) The safeguarding partners must publish the report, unless they consider it inappropriate to do so.
- (5) If the safeguarding partners consider it inappropriate to publish the report, they must publish any information relating to the improvements that should be made following the review that they consider it appropriate to publish.
- (6) The Secretary of State may by regulations make provision about—
  - (a) criteria to be taken into account by the safeguarding partners in determining whether serious child safeguarding cases raise issues of importance in relation to the area;
  - (b) the appointment or removal of a reviewer by the safeguarding partners, including provision for a reviewer to be appointed by the safeguarding partners from a list provided by the Secretary of State;
  - (c) the time when a report is to be provided to the Secretary of State or the Child Safeguarding Practice Review Panel, or published;
  - (d) the procedure for a review;
  - (e) the form and content of a report.
- (7) In this section “reviewer” means any one or more persons appointed to review a case under the supervision of the safeguarding partners for a local authority area.”

#### Commencement Information

**I3** S. 17 in force at 19.3.2018 for specified purposes by S.I. 2018/346, reg. 3(c)

## 18 Further provision about arrangements

After section 16F of the Children Act 2004 (inserted by section 17 of this Act) insert—

### “16G Further provision about arrangements

- (1) This section applies in relation to arrangements made under section 16E or 16F by the safeguarding partners for a local authority area in England.
- (2) The safeguarding partners must publish the arrangements.
- (3) The arrangements must include arrangements for scrutiny by an independent person of the effectiveness of the arrangements.
- (4) The safeguarding partners and relevant agencies for the local authority area must act in accordance with the arrangements.

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- (5) Subsection (6) applies where a person is specified in regulations under section 16E(3) for the purposes of the definition of “relevant agency”.
- (6) The regulations may make provision for the enforcement against the person of the duty imposed by subsection (4), if the Secretary of State considers that there would otherwise be no appropriate means of enforcing that duty against the person (but the regulations may not create criminal offences).
- (7) At least once in every 12 month period, the safeguarding partners must prepare and publish a report on—
  - (a) what the safeguarding partners and relevant agencies for the local authority area have done as a result of the arrangements, and
  - (b) how effective the arrangements have been in practice.”

#### Commencement Information

**I4** S. 18 in force at 19.3.2018 for specified purposes by S.I. 2018/346, reg. 3(d)

VALID FROM 29/06/2018

## 19 Information

After section 16G of the Children Act 2004 (inserted by section 18 of this Act) insert—

### “16H Information

- (1) Any of the safeguarding partners for a local authority area in England may, for the purpose of enabling or assisting the performance of functions conferred by section 16E or 16F, request a person or body to provide information specified in the request to—
  - (a) the safeguarding partner or any other safeguarding partner for the area,
  - (b) any of the relevant agencies for the area,
  - (c) a reviewer, or
  - (d) another person or body specified in the request.
- (2) The person or body to whom a request under this section is made must comply with the request.
- (3) The safeguarding partner that made the request may enforce the duty under subsection (2) against the person or body by making an application to the High Court or the county court for an injunction.
- (4) The information may be used by the person or body to whom it is provided only for the purpose mentioned in subsection (1).”

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VALID FROM 29/06/2018

## 20 Funding

After section 16H of the Children Act 2004 (inserted by section 19 of this Act) insert—

### “16I Funding

- (1) The safeguarding partners for a local authority area in England may make payments towards expenditure incurred in connection with arrangements under section 16E or 16F—
  - (a) by making payments directly, or
  - (b) by contributing to a fund out of which the payments may be made.
- (2) The payments that may be made include payments of remuneration, allowances or expenses to a reviewer or an independent person.
- (3) The safeguarding partners for a local authority area in England may provide staff, goods, services, accommodation or other resources to any person for purposes connected with arrangements under section 16E or 16F.
- (4) Relevant agencies for a local authority area in England may make payments towards expenditure incurred in connection with arrangements under section 16E—
  - (a) by making payments directly, or
  - (b) by contributing to a fund out of which the payments may be made.
- (5) In this section an “independent person” means an independent person mentioned in section 16G(3).”

VALID FROM 29/06/2018

## 21 Combining safeguarding partner areas and delegating functions

After section 16I of the Children Act 2004 (inserted by section 20 of this Act) insert—

### “16J Combining safeguarding partner areas and delegating functions

- (1) The safeguarding partners for two or more local authority areas in England may agree that their areas are to be treated as a single area for the purposes of sections 16E to 16I and subsections (3) to (5) of this section.
- (2) References in sections 16E to 16I and in subsections (3) to (5) of this section to a local authority area are to be read in accordance with any agreement under subsection (1).
- (3) Where a local authority is a safeguarding partner for the same local authority area as another local authority (as a result of an agreement under



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subsection (1)), the authorities may arrange for one of them to carry out functions under sections 16E to 16I on behalf of the other.

- (4) Where a clinical commissioning group is a safeguarding partner for the same local authority area as another clinical commissioning group, the groups may arrange for one of them to carry out functions under sections 16E to 16I on behalf of the other.
- (5) Where a chief officer of police is a safeguarding partner for the same area as another chief officer of police, the officers may arrange for one of them to carry out functions under sections 16E to 16I on behalf of the other.”

VALID FROM 29/06/2018

## 22 Guidance by Secretary of State

After section 16J of the Children Act 2004 (inserted by section 21 of this Act) insert—

### “16K Guidance by Secretary of State

- (1) The safeguarding partners and relevant agencies for a local authority area in England must have regard to any guidance given by the Secretary of State in connection with functions conferred on them by sections 16E to 16J.
- (2) Guidance given by the Secretary of State in connection with functions conferred by section 16F may include guidance about—
  - (a) circumstances in which it may be appropriate for a serious child safeguarding case to be reviewed;
  - (b) matters to be taken into account in deciding whether a review is making satisfactory progress or whether a report is of satisfactory quality.”

VALID FROM 29/06/2018

## 23 Interpretation

After section 16K of the Children Act 2004 (inserted by section 22 of this Act) insert—

### “16L Interpretation of sections 16E to 16K

In sections 16E to 16K—

- “reviewer” has the meaning given by section 16F(7);
- “safeguarding partner”, in relation to a local authority area, has the meaning given by section 16E(3);
- “serious child safeguarding cases” has the meaning given by section 16B(9);

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“relevant agency”, in relation to a local authority area, has the meaning given by section 16E(3).”

VALID FROM 29/06/2018

### *Child death reviews*

#### **24 Child death reviews**

After section 16L of the Children Act 2004 (inserted by section 23 of this Act) insert—

*“Child death review partners for local authority areas*

#### **16M Child death reviews**

- (1) The child death review partners for a local authority area in England must make arrangements for the review of each death of a child normally resident in the area.
- (2) The child death review partners may also, if they consider it appropriate, make arrangements for the review of a death in their area of a child not normally resident there.
- (3) The child death review partners must make arrangements for the analysis of information about deaths reviewed under this section.
- (4) The purposes of a review or analysis under this section are—
  - (a) to identify any matters relating to the death or deaths that are relevant to the welfare of children in the area or to public health and safety, and
  - (b) to consider whether it would be appropriate for anyone to take action in relation to any matters identified.
- (5) Where the child death review partners consider that it would be appropriate for a person to take action as mentioned in subsection (4)(b), they must inform that person.
- (6) The child death review partners for a local authority area in England must, at such intervals as they consider appropriate, prepare and publish a report on—
  - (a) what they have done as a result of the arrangements under this section, and
  - (b) how effective the arrangements have been in practice.”

#### **25 Information**

After section 16M of the Children Act 2004 (inserted by section 24 of this Act) insert—

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#### **“16N Information**

- (1) Any of the child death review partners for a local authority area in England may, for the purpose of enabling or assisting the performance of functions conferred by section 16M, request a person or body to provide information specified in the request to—
  - (a) the child death review partner or any other child death review partner for the area, or
  - (b) another person or body.
- (2) The person or body to whom a request under this section is made must comply with the request.
- (3) The child death review partner that made the request may enforce the duty under subsection (2) against the person or body by making an application to the High Court or the county court for an injunction.
- (4) The information may be used by the person or body to whom it is provided only for the purpose mentioned in subsection (1).”

#### **26 Funding**

After section 16N of the Children Act 2004 (inserted by section 25 of this Act) insert—

#### **“16O Funding**

- (1) The child death review partners for a local authority area in England may make payments towards expenditure incurred in connection with arrangements under section 16M—
  - (a) by making payments directly, or
  - (b) by contributing to a fund out of which payments may be made.
- (2) The child death review partners for a local authority area in England may provide staff, goods, services, accommodation or other resources to any person for purposes connected with arrangements under section 16M.”

#### **27 Combining child death review partner areas and delegating functions**

After section 16O of the Children Act 2004 (inserted by section 26 of this Act) insert—

#### **“16P Combining child death review partner areas and delegating functions**

- (1) The child death review partners for two or more local authority areas in England may agree that their areas are to be treated as a single area for the purposes of sections 16M to 16O and subsections (3) and (4) of this section.
- (2) References in sections 16M to 16O and in subsections (3) and (4) of this section to a local authority area are to be read in accordance with any agreement under subsection (1).

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- (3) Where a local authority is a child death review partner for the same local authority area as another local authority (as a result of an agreement under subsection (1)), the authorities may arrange for one of them to carry out functions under sections 16M to 16O on behalf of the other.
- (4) Where a clinical commissioning group is a child death review partner for the same local authority area as another clinical commissioning group, the groups may arrange for one of them to carry out functions under sections 16M to 16O on behalf of the other.”

## 28 Guidance and interpretation

After section 16P of the Children Act 2004 (inserted by section 27 of this Act) insert—

### “16Q Guidance and interpretation

- (1) The child death review partners for a local authority area in England must have regard to any guidance given by the Secretary of State in connection with functions conferred on them by sections 16M to 16P.
- (2) In this section and sections 16M to 16P “child death review partners”, in relation to a local authority area in England, means—
  - (a) the local authority;
  - (b) any clinical commissioning group for an area any part of which falls within the local authority area.”

### *Miscellaneous*

## 29 Regulations under provisions inserted by sections 13, 16 and 17

In section 66(3) of the Children Act 2004 (regulations subject to affirmative procedure), after “12B(1)(b)” insert “, 16B (whether alone or with regulations under section 16F), 16E(3) ”.

### Commencement Information

**15** S. 29 in force at 19.3.2018 by S.I. 2018/346, reg. 3(e)

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## 30 Abolition of Local Safeguarding Children Boards

Omit sections 13 to 16 of the Children Act 2004 (Local Safeguarding Children Boards).

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**31 Chapter 2: consequential amendments**

Schedule 2 contains amendments consequential on this Chapter.

**Status:**

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