

BRIEFING FOR LEAD MANAGERS ON – CHILDREN ISSUES

INTRODUCTION

This Briefing has been issued by the Public Protection Unit regarding children's issues.

Our aim is to co-ordinate contact from the centre, identify/promote best practice and provide guidance about the emerging range of issues arising from a number of agendas. These include the implementation of the different sections of the Children Act 2004 and the National Reducing Re-offending Delivery Plan. This would be supplementary to the National Children's Reference Group which will be meeting quarterly. The last meeting was held in January 2006.

FINANCIAL CONTRIBUTIONS

The issue of being requested to make additional financial contributions seems to be common to many areas. It is clearly a tricky issue and one that can only be resolved locally. However, areas might want to consider introducing the value of what MAPPAs can offer Local Safeguarding Children Boards (LSCBs) as a significant local contribution. It is also recognised that the new arrangements demand a significant additional input of senior management time and these should be factored into the arrangements for the local pooling of budgets. Areas might also find it helpful to consider the following two pieces of guidance:-

Local Safeguarding Children Boards guidance document issued December 2005 (para 3.77)

"The core contributions (for LSCBs) should be provided by the Responsible Local Authority, the Primary Care Trusts and the Police. Other organisations' contributions will vary to reflect their resources and local circumstances. For some, taking part in LSCB work may be the appropriate extent of their contribution. Other organisations may wish to contribute by committing resources in kind, rather than funds, as provided for in the legislation"

PC22/2005 "Implementing Section 10 of the Children Act 2004 - Inter Agency Co-operation To Improve The Wellbeing of Children – Children's Trusts" (para 5.5.2)

"It is recommended that areas apply the following considerations when deciding their financial contributions to LSCBs:-

- The size of the different organisations involved in the local arrangements (as determined by annual budgets)

- The proportion of business involving direct work with children/child protection (safeguarding)/child development
- Contributions to training to reflect planned use by each organisation and the extent of shared training initiatives
- The existing arrangements for funding the Youth Offending Services locally”

JOINT AREA REVIEWS (JARs)

We have arranged a meeting in the near future with HMIP to specifically discuss JARs and what guidance/assistance we may give areas in order to assist them in preparing for these inspections. However, it has already been confirmed that field visits will not take place to areas and so the focus will be on Areas’ inter organisational processes, including their contributions to LSCBs.

Once we have any further information we will circulate it. In the meantime, we would welcome hearing from areas about their experiences.

RISK TO CHILDREN PROCESSES

We assume areas have been able to implement the guidance provided in PC32/2005 - Identification of Individuals who Present a Risk to Children: interim guidance and PC87/2005 - Recording Information on Individuals who Present a Risk to Children.

We acknowledge that this interim position needs to be resolved as soon as possible. A key objective therefore for next year for this unit is to work with the Prison Service and other relevant government departments to introduce revised process guidelines for implementing these new processes.

LOCAL SAFEGUARDING CHILDREN BOARDS (LSCBs)

These Boards will replace ACPCs and need to be in place by 1st April.2006.

The guidance document on Local Safeguarding Children Boards which was issued in December 2005 will be incorporated as chapter 3 into the final version of “Working Together to Safeguard Children”, which is due to be published soon. This guidance will replace the previous version of “Working Together” which was published in 1999.

CHILDREN AND YOUNG PERSON’S PLANS (CYPPs)

We know areas are starting to be consulted on their local CYPPs. It seems likely that probation would benefit from some changes being made into the central template and we will try to do this for next year. In the meantime, areas might like to consider the following points when considering their input:-

- Has specific consultation taken place with local MAPPA SMBs, domestic violence fora and LCJBs? Is there cross referencing of Business Plans with these authorities?

- Although the national guidance doesn't make strengthening existing safeguarding work a priority, areas may like to suggest that their local arrangements "don't lose sight of the ball" and that some priority is given to existing safeguarding arrangements.
- Is the language up to date? e.g. "safeguarding children" instead of "child protection", "risk to children" instead of "schedule 1"

DRAFT NOMS STRATEGY FOR WORKING WITH CHILDREN AND FAMILIES

Work has commenced to develop a NOMS strategy for working with children and families. It is hoped that there will be a series of regional, consultation events to run later this year which will inform the content of this strategy. If Areas have any suggestions as to how such events could be run in order to be of most benefit, please contact us.

ARRANGEMENTS FOR VETTING THOSE WORKING WITH CHILDREN AND BARRING THOSE WHO ARE UNSUITABLE

You will be aware of the statement made by the Secretary of State for Education, Ruth Kelly to the House of Commons on 12 January 2006 regarding the above. It may be helpful to outline the focus of the recent review which has taken place:-

List 99 is the list of individuals who are barred from working in schools, FE colleges and LEA education services. The review focused on cases in which a decision was taken by Ministers or their officials not to include an individual on List 99, despite them being on the Sex Offenders Register. It also considered decisions taken by Ministers and officials on cases since 1997 where the relevant offences were committed prior to the Sex Offenders Register being introduced (and hence the individual concerned has not been placed on the Sex Offender Register).

As a result of this review, the following immediate reforms are being introduced:-

- **Improving the alignment between List 99, the offences which trigger the notification requirements of the Sex Offenders Register and other data sources.**

In practice this means that anyone who is convicted or cautioned for sexual offences against children and for a range of other serious offences against adults will be entered automatically on List 99.

- **Improving and monitoring the rigour of on-appointment checks on the school workforce**

On-appointment CRB checks for all new appointments to schools, FE colleges and LEA education services will now be mandatory.

- **Improving procedures and working effectively with external agencies**

Much of this relates to police procedures, but it is clear also that this relates to the MAPPA processes.

- **Wider expert input into Ministerial decision-making**

An expert panel, chaired by Sir Roger Singleton, former Chief Executive of Barnados, to assist in this process, is to be established. The Public Protection Unit here at NPD is currently being consulted on both membership of this panel and whether we can contribute to the development of suitable risk assessment models.

ADDITIONAL INFORMATION

The following legislative reforms have also been proposed:-

- **Implementation of the Bichard Inquiry Report**

The Safeguarding and Vulnerable Groups Bill will be introduced later this month. It will introduce a centralised vetting and barring scheme, integrating the current barring schemes to create a central record of all bars and restrictions placed on people working with children where they pose a risk to children and a separate, but aligned, record of all bars and restrictions on people working with vulnerable adults.

We hope this briefing helps. If anyone has any ideas or feedback please contact:

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FURTHER INFORMATION:

Further Briefings like this one will be produced as necessary and will be posted on the National Probation Service website at: www.probation.homeoffice.gov.uk>News and Updates>Briefings
Issued by NPD Communications

Local Safeguarding Children Board Guidance – Covering Note

This guidance document on Local Safeguarding Children Boards (LSCBs) will be incorporated as chapter 3 into the final version of *Working Together to Safeguard Children*, due to be published early in 2006. This guidance will replace the previous version of *Working Together*, which was published in 1999.

Chapter 3 is being published in advance in order to help Local Authorities and their partners set up LSCBs, which will need to be in place by 1 April 2006, replacing Area Child Protection Committees. The chapter sets out the role, functions, governance and operational arrangements of LSCBs. It replaces Chapter 4 in the 1999 version of *Working Together*, which contained guidance on Area Child Protection Committees.

This document is one of a suite of five which give guidance on children's trust governance and strategic planning, and on the cross cutting issue of safeguarding and promoting the welfare of children. All these documents are accessible through www.everychildmatters.gov.uk/strategy/guidance.

The other four key documents also support provisions in the Children Act 2004 and underpin Every Child Matters: Change for Children:

(1) Inter-Agency Co-operation to Improve Wellbeing of Children: Children's Trusts describes the duties placed on Local Authorities and other key partners to co-operate to improve the wellbeing of children and young people. The guidance sets out the features of cooperation through children's trusts and provides a strategic framework within which all children's services in an area will operate.

Statutory guidance on the (2) Duty to Make arrangements to Safeguard and Promote the Welfare of Children sets out the key arrangements agencies should make to safeguard and promote the welfare of children in the course of discharging their normal functions.

Guidance on the (3) Children and Young People's Plan supports the fulfilment of both the co-operation and safeguarding and promoting welfare duties. The regulations to which this guidance refers require Local Authorities to work with partners to produce a strategic plan describing the actions and provisions by which they will achieve the five outcomes for children and young people.

Guidance on the governance, leadership and structures required within the new strategic framework is provided by (4) The Role and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services

Chapter 3 contains some cross-references to other parts of *Working Together to Safeguard Children*, but the essential guidance on the set-up and operation

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of LSCBs is all contained in this chapter. This covering note is accompanied by a glossary which provides definitions of some key terms used in the guidance.

Chapter 3 will be incorporated into Part 1 of the final version of Working Together. Like the rest of Part 1 this chapter is statutory guidance issued under Section 7 of the Local Authority Social Services Act 1970, which requires Local Authorities, in exercising their social services functions, to act under the general guidance of the Secretary of State. It should be complied with by Local Authorities unless local circumstances indicate exceptional reasons which justify a variation. Chapter 3 is also issued under section 16 of the Children Act 2004, which says that Children's Services Authorities (county level and unitary Local Authorities, see glossary) and each of the statutory partners must, in exercising their functions relating to an LSCB, have regard to any guidance given to them for the purpose of the Secretary of State.

Glossary

Term used in this document	Means
Abuse and neglect	Forms of maltreatment of a child.
Child protection	Process of protecting individual children identified as either suffering, or at risk of suffering, significant harm as a result of abuse or neglect.
'children's social care' or 'Local Authority children's social care'	The work of Local Authorities exercising their social services functions with regard to children. This is not meant to imply a separate 'children's social services' department.
Local Authorities	In this guidance this generally means Local Authorities that are Children's Services Authorities – effectively, Local Authorities that are responsible for social services and education. Section 63 of the Children Act 2004 defines a Children's Services Authority in England as: a county council in England; a metropolitan district council; a non-metropolitan district council for an area where there is no county council; a London borough council; the Common Council of the City of London and the Council of the Isles of Scilly.
Safeguarding and promoting the welfare of children	The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care which is undertaken so as to enable children to have optimum life chances and enter

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	adulthood successfully.
Well-being	Section 10 of the Children Act 2004 requires Local Authorities and other specified agencies to co-operate with a view to improving the well being of children in relation to the 5 outcomes first set out in "Every Child Matters".

CHAPTER 3 – Local Safeguarding Children Boards

3.1 Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. For this reason, the Children Act 2004 requires each Local Authority to establish a Local Safeguarding Children Board (LSCB).

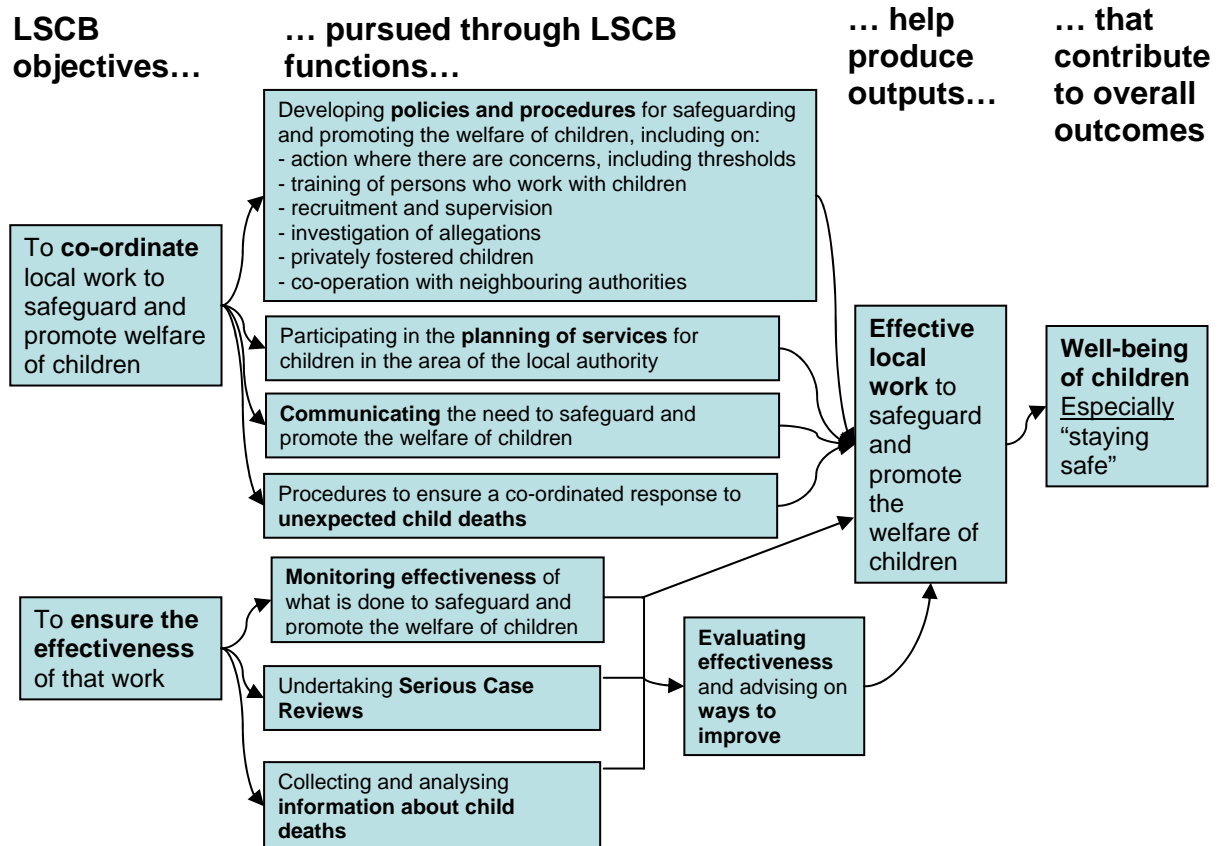
3.2 The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do.

LSCB Role

The LSCB’s relationship with wider arrangements to improve outcomes for children

3.3 The work of LSCBs is part of the wider context of children’s trust arrangements that aim to improve the overall wellbeing (i.e. the five Every Child Matters outcomes) of all children in the local area.

3.4 Whilst the work of LSCBs contributes to the wider goals of improving the wellbeing of all children, it has a particular focus on aspects of the ‘staying safe’ outcome.



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3.5 Whereas the children's trust has a wider role in planning and delivery of services, LSCB objectives are about co-ordinating and ensuring the effectiveness of what their member organisations do individually and together. They will contribute to delivery and commissioning through the Children and Young People's Plan and the children's trust arrangements.

3.6 There is flexibility for a local area to decide that an LSCB should have an extended role or further functions in addition to those set out in this chapter. Those must of course still be related to its objectives. The decision should be taken as part of the scope of the wider children's trust. However, the Local Authority and its partners should make sure that any extended role does not lessen the LSCB's ability to perform its core role effectively.

Objectives

3.7 The core objectives of the LSCB are set out in section 14(1) of the Children Act 2004 as follows:

- a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority; and,
- b) to ensure the effectiveness of what is done by each such person or body for that purpose.

3.8 As explained in chapter 1, safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment;
 - preventing impairment of children's health or development;
 - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care;
- ...and undertaking that role so as to enable those children to have optimum life chances and enter adulthood successfully.

3.9 The LSCB will therefore ensure that the duty to safeguard and promote the welfare of children will be carried out in such a way as to improve all five outcomes which are of importance to children.

3.10 Safeguarding and promoting the welfare of children includes protecting children from harm. Ensuring that work to protect children is properly co-ordinated and effective remains a key goal of LSCBs and they should not focus on their wider role if the standard of this core business is inadequate. However, when this core business is secure, LSCBs should go beyond it to work to their wider remit, which includes preventative work to avoid harm being suffered in the first place.

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Scope of the role

3.11 The scope of LSCBs' role includes safeguarding and promoting the welfare of children in three broad areas of activity.

3.12 First, activity that affects all children and aims to identify and prevent maltreatment, or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care. For example:

- mechanisms to identify abuse and neglect wherever they may occur;
- work to increase understanding of safeguarding children issues in the professional and wider community, promoting the message that safeguarding is everybody's responsibility;
- work to ensure that organisations working, or in contact with children, operate recruitment and HR practices that take account of the need to safeguard and promote the welfare of children;
- monitoring the effectiveness of organisations' implementation of their duties under section 11 of the Children Act 2004;
- ensuring children know who they can contact when they have concerns about their own or others' safety and welfare;
- ensuring that adults (including those who are harming children) know who they can contact if they have a concern about a child or young person.

3.13 Second, proactive work that aims to target particular groups. For example:

- developing / evaluating thresholds and procedures for work with children and families where a child has been identified as 'in need' under the Children Act 1989, but where the child is not suffering or at risk of suffering significant harm.
- work to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population, for example children living away from home, children who have run away from home, children in custody, or disabled children.

3.14 Thirdly, responsive work to protect children who are suffering, or at risk of suffering harm, including:

- children abused and neglected within families, including those harmed:
 - in the context of domestic violence
 - as a consequence of the impact of substance misuse;
- children abused outside families by adults known to them;
- children abused and neglected by professional carers, within institutional settings, or anywhere else where children are cared for away from home;
- children abused by strangers;

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- children abused by other young people;
- young perpetrators of abuse; and
- children abused through prostitution.

3.15 Where particular children are the subject of interventions then that safeguarding work should aim to help them to achieve all five outcomes, to have optimum life chances. It is within the remit of LSCBs to check the extent to which this has been achieved as part of their monitoring and evaluation work.

Accountability for operational work

3.16 Whilst the LSCB has a role in co-ordinating and ensuring the effectiveness of local individuals' and organisations' work to safeguard and promote the welfare of children, it is not accountable for their operational work. Each Board partner retains their own existing lines of accountability for safeguarding and promoting the welfare of children by their services. The LSCB does not have a power to direct other organisations.

LSCB Functions

3.17 The core functions of an LSCB are set out in regulations. This guidance gives further detail on what is required as well as examples of how the functions can be carried out. In all their activities, LSCBs should take account of the need to promote equality of opportunity and to meet the diverse needs of children.

Policies and procedures function

3.18 This general function has a number of specific applications set out in regulations.

a) Developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in relation to:

(i) The action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention

3.19 This includes concerns under both s17 and s47 of the Children Act 1989. It may mean for example:

- setting out thresholds for referrals to children's social care of children who may be in need, and processes for robust multi-agency assessment of children in need.
- agreeing inter-agency procedures for s47 enquiries and developing local protocols on key issues of concern such as children abused through prostitution; children living with domestic violence, substance abuse, or parental mental illness; female genital mutilation; forced marriage; children missing from school; children who may have been trafficked, and safeguarding looked after children who are away from home.

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- setting out how s47 enquiries and associated police investigations should be conducted, and in particular, in what circumstances joint enquiries are necessary and/or appropriate.

3.20 Chapter 4 includes some further key points on which LSCBs should ensure that they have policies and procedures in place.

3.21 Clear thresholds and processes and a common understanding of them across local partners may help to reduce the number of inappropriate referrals and to improve the effectiveness of joint work, leading to a more efficient use of resources.

(ii) Training of persons who work with children or in services affecting the safety and welfare of children

3.22 It is the responsibility of the LSCB to ensure that single agency and multi-agency training on safeguarding and promoting welfare is provided in order to meet local needs. This covers both the training provided by single agencies to their own staff, and multi-agency training where staff from more than one agency train together.

3.23 LSCBs may wish to carry out their function by taking a view as to the priorities for multi-agency and single-agency child protection training in the local area and feeding those priorities into the local Workforce Strategy. LSCBs will also wish to evaluate the quality of this training, ensuring that relevant training is provided by individual organisations, and checking that the training is reaching the relevant staff within organisations.

3.24 In some areas it may be decided that the LSCB should also organise or deliver multi-agency training. As explained in Chapter 8 of *Working Together to Safeguard Children*, this is not part of the core requirement for LSCBs.

(iii) Recruitment and supervision of persons who work with children

3.25 For example by establishing effective policies and procedures, based on national guidance, for checking the suitability of people applying for work with children and ensuring that the children's workforce is properly supervised, with any concerns acted on appropriately.

(iv) Investigation of allegations concerning persons working with children

3.26 For example policies and procedures, based on national guidance, to ensure that allegations are dealt with properly and quickly.

(v) Safety and welfare of children who are privately fostered

3.27 For example, by ensuring the co-ordination and effective implementation of measures designed to strengthen private fostering notification arrangements. These measures were amendments to the Children Act 1989 made by section 44 of the Children Act 2004, the Children (Private Arrangements for Fostering) Regulations 2005, and National Minimum Standards (NMS) for private fostering, which came into effect in July 2005. LSCBs may also want to consider how they raise awareness in the community of the requirements and issues around private fostering.

(vi) Co-operation with neighbouring children's services authorities (i.e. Local Authorities) and their Board partners

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3.28 For example, by establishing procedures to safeguard and promote the welfare of children who move between Local Authority areas, in line with the requirements in Chapters 4 and 5 of *Working Together to Safeguard Children*. This might include harmonising procedures, where appropriate, to bring coherence to liaison with an organisation (such as a police force) which spans more than one LSCB area. This could be relevant to geographically mobile families such as: asylum seeking children; traveller children; children in migrant families; and children of families in temporary accommodation.

Other policies and procedures

3.29 LSCBs should consider the need for other local protocols under this function, beyond those specifically set out in regulations, including:

- quick and straightforward means of resolving professional differences of view in a specific case, for example, on whether a child protection conference should be convened;
- attendance at child protection conferences, including quora;
- attendance at family group conferences;
- involving children and family members in child protection conferences, the role of advocates, criteria for excluding parents in exceptional circumstances;
- a decision-making process for the need for a child protection plan based upon the views of the agencies present at the child protection conference; and
- handling complaints from families about the functioning of child protection conferences.

Communicating and raising awareness function

b) Communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done, and encouraging them to do so

3.30 For example, by contributing to a public campaign to raise awareness in the wider community, including faith and minority communities, and among statutory and independent agencies, including employers, about how everybody can contribute to safeguarding and promoting the welfare of children. By listening to and consulting children and young people and ensuring that their views and opinions are taken into account in planning and delivering safeguarding and promoting welfare services.

Monitoring and evaluation function

a) Monitor and evaluate the effectiveness of what is done by the Local Authority and board partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve

3.31 The LSCB has a key role in achieving high standards in safeguarding and promoting welfare, not just through co-ordinating but by evaluation and continuous improvement.

3.32 For example, by asking individual organisations to self evaluate under an

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agreed framework of benchmarks or indicators and then sharing results with the Board. It might also involve leading multi-agency arrangements to contribute to self evaluation reports.

3.33 To evaluate multi-agency working they could perform joint audits of case files, looking at the involvement of the different agencies, and identifying the quality of practice and lessons to be learned in terms of both multi-agency and multi-disciplinary practice.

3.34 The LSCB should have a particular focus on ensuring that those key people and organisations that have a duty under section 11 of the Children Act 2004 or section 175 or 157 of the Education Act 2002 are fulfilling their statutory obligations about safeguarding and promoting the welfare of children.

3.35 The function also includes advising the Local Authority and Board partners on ways to improve. The LSCB might do this by making recommendations (such as the need for further resources), by helping organisations to develop new procedures, by spreading best practice, by bringing together expertise in different bodies, or by supporting capacity building and training. Where there are concerns about the work of partners and these cannot be addressed locally, the LSCB should raise these concerns with others, as explained further in paragraph 3.86 below.

Function of participating in planning and commissioning

b) Participating in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account

3.36 For example, by contributing to the Children and Young People's plan, and ensuring in discussion with the children's trust partnership that all planning and commissioning of services for children within the Local Authority area take account of the need to safeguard and promote children's welfare.

3.37 Where it is agreed locally that the LSCB is the 'responsible authority' for 'matters relating to the protection of children from harm' under the Licensing Act 2003, it must be notified of all licence variations and new applications for the sale and supply of alcohol and public entertainment.

Functions relating to child deaths

3.38 From 1 April 2008 each LSCB will have the functions set out in regulations relating to child deaths. They become compulsory on LSCBs by that date, but can be carried out by any LSCB from 1 April 2006.

c) Collecting and analysing information about the deaths of all children in their area with a view to identifying:

i) any matters of concern affecting the safety and welfare of children in the area of the authority, including any case giving rise to the need for a serious case review;

ii) any general public health or safety concerns arising from deaths of children.

d) Putting in place procedures for ensuring that there is a co-ordinated

response by the authority, their Board partners and other relevant persons to an unexpected death of a child.

3.39 Chapter 7 of *Working Together to Safeguard Children* explains how these functions should be implemented.

Serious case review function

e) Undertaking reviews of cases where a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected and advising on lessons that can be learned

3.40 By developing procedures and the detail of organisations' and individuals' roles in accordance with Chapter 8 of *Working Together to Safeguard Children*, and ensuring that organisations undertake those roles. All relevant staff should be aware of when Serious Case Reviews are required or should be considered.

3.41 By defining terms of reference, commissioning organisational and management reviews and an independent person to compile the overview report, receiving and endorsing the report, agreeing recommendations and an action plan, ensuring the action plan is carried out and that learning is disseminated, lessons acted on and local policy and practice improved.

Other activities

3.42 The regulations make clear that in addition to the functions set out above:

An LSCB may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.

3.43 These further activities should be discussed and agreed as part of wider children's trust planning.

3.44 For example, the LSCB could agree to take the lead within a children's trust on work to tackle bullying, or could lead an initiative on domestic violence.

3.45 The LSCB will not in general be an operational body or one which delivers services to children, young people and their families. Its role is co-ordinating and ensuring the effectiveness of what its member organisations do, and contributing to broader planning, commissioning and delivery. It may however take on operational and delivery roles under this part of the regulations.

LSCB Governance and Operational Arrangements

3.46 County level and unitary local authorities are responsible for establishing an LSCB in their area and ensuring that it is run effectively.

3.47 An LSCB can cover more than one Local Authority area. Local Authorities and their partners will wish to consider whether this is desirable, perhaps to ensure a better fit with the areas covered by other bodies, or because issues are common to different areas.

Independence

3.48 It is important that, whilst operating in the context of the children's trust and developing a strong working relationship with the wider strategic partnerships within a local authority area, LSCBs exercise their unique statutory role effectively. They must be able to form a view of the quality of local activity, to challenge organisations as necessary, and to speak with an independent voice. To ensure that this is possible LSCBs must have a clear and distinct identity within local children's trust governance arrangements. They should not be an operational sub-committee of the children's trust board.

Chair

3.49 It is the responsibility of the Local Authority, after consultation with the Board partners, to appoint the chair. The chair may be a local authority employee, such as the Director of Children's Services (DCS) or the Local Authority Chief Executive, a senior employee of one of the Board partners, or another person contracted with or employed specifically to fulfil this role. Where the chair is not a senior person from the Local Authority, such as the DCS or Chief Executive, they will be accountable to the Local Authority, via the DCS, for the effectiveness of their work as LSCB chair. The Chair should not be an Elected Member – for more detail on the role of Elected Members, see paragraphs 3.56 – 3.57 below.

3.50 The chair will have a crucial role in making certain that the board operates effectively and secures an independent voice for the LSCB. He or she should be of sufficient standing and expertise to command the respect and support of all partners. The chair should act objectively and distinguish their role as LSCB chair from any day to day role, for example, as an employee of the Local Authority.

Relationship between the LSCB and the children's trust

3.51 The LSCB and its activities are part of the wider context of children's trust arrangements. The work of LSCBs contributes to the wider goals of improving the wellbeing of all children. Within the wider governance arrangements its role is to ensure the effectiveness of the arrangements made by individual agencies and the wider partnership to safeguard and promote the welfare of children.

3.52 The LSCB should not be subordinate to or subsumed within the children's trust arrangements in a way that might compromise its separate identity and independent voice. The LSCB should expect to be consulted by the partnership on issues which affect how children are safeguarded and their welfare promoted. The LSCB is a formal consultee during the development of the Children and Young People's Plan.

3.53 The LSCB and the wider children's trust arrangements need to establish and maintain an ongoing and direct relationship, communicating regularly. They need to ensure action taken by one body does not duplicate that taken by another and work together to ensure there are no unhelpful strategic or operational gaps in policies, protocols, services or practice.

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Membership

The nature of members

3.54 As far as possible, organisations should designate particular, named people as their LSCB member, so that there is consistency and continuity in the membership of the LSCB.

3.55 Members will need to be people with a strategic role in relation to safeguarding and promoting welfare of children within their organisation. They should be able to:

- speak for their organisation with authority
- commit their organisation on policy and practice matters
- hold their organisation to account.

Role of Elected Members

3.56 Local Authority Elected Members and non-executive directors of other board partners should not be members of a LSCB. Their role, through their membership of governance bodies such as the cabinet of the local authority or a scrutiny committee or a governance board, is to hold their organisation and its officers to account for their contribution to the effective functioning of the LSCB.

3.57 The Lead Member for Children's Services within the Local Authority will have a particular focus on how the Local Authority is fulfilling its responsibilities to safeguard and promote the welfare of children and will hold the DCS to account for the work of the LSCB.

Statutory Members

3.58 The LSCB should include representatives of the Local Authority and its Board partners, the statutory organisations which are required to co-operate with the local authority in the establishment and operation of the board and have shared responsibility for the effective discharge of its functions. These are the Board partners set out in section 13(3) of the Children Act (2004):

- District Councils in local government areas which have them;
- the Chief Officer of Police for a police area any part of which falls within the area of the local authority;
- the Local Probation Board for an area any part of which falls within the area of the local authority;
- the Youth Offending Team for an area any part of which falls within the area of the local authority;
- Strategic Health Authorities and Primary Care Trusts for an area any part of which falls within the area of the local authority;
- NHS Trusts and NHS Foundation Trusts all or most of whose hospitals or establishments and facilities are situated in the local authority area;

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- the Connexions Service providing services in any part of the area of the local authority;
- CAFCASS (Children and Family Courts Advisory and Support Service);
- the governor or director of any Secure Training Centre in the area of the local authority; and
- the governor or director of any prison in the local authority area which ordinarily detains children.

3.59 The Local Authority should ensure that those responsible for adult social services functions are represented on the LSCB, because of the importance of adult social care in safeguarding and promoting the welfare of children. Similarly health organisations should ensure that adult health services and in particular adult mental health and adult disability services are represented on the LSCB.

3.60 It will also be important to ensure that the LSCB has access to appropriate expertise and advice from all the relevant sectors, including a designated doctor and nurse.

3.61 The Children Act 2004 says that the Local Authority and its partners must co-operate in the establishment and operation of an LSCB. This places an obligation on Local Authorities and statutory LSCB partners to support the operation of the LSCB.

Other Members

3.62 The Local Authority should also secure the involvement of other relevant local organisations and the NSPCC where a representative is made available. The knowledge and experience of the NSPCC is an important national resource on which LSCBs will want to draw. At a minimum local organisations should include faith groups, state and independent schools, Further Education Colleges including 6th Form Colleges, children's centres, GPs, independent healthcare organisations, and voluntary and community sector organisations including bodies providing specialist care to children with severe disabilities and complex health needs. In areas where they have significant local activity, the armed forces (in relation both to the families of service men and women and those personnel that are under the age of 18), the Immigration Service, and National Asylum Support Service should also be included. Where the number or size of similar organisations precludes individual representation on the LSCB, for example in the case of schools or voluntary youth bodies, the LA should seek to involve them via existing networks or forums, or by encouraging and developing suitable networks or forums to facilitate communication between organisations and with the LSCB.

Involvement of other agencies and groups

3.63 The LSCB should make appropriate arrangements at a strategic management level to involve others in its work as needed. For example, there may be some organisations or individuals which are in theory represented by the statutory board partners but which need to be engaged because of their particular role in service provision to children and families or role in public protection. There will be other organisations which the LSCB needs to link to, either through inviting them to join the LSCB, or through some other mechanism. For example:

- the coronial service;

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- Dental health services;
- Domestic Violence Forums;
- Drug and alcohol misuse services;
- Drug Action Teams
- Housing, culture and leisure services;
- housing providers;
- Local Authority legal services;
- Local MAPPA;
- Local sports bodies and services;
- Local Family Justice Council;
- Local Criminal Justice Board;
- other health providers such as pharmacists;
- representatives of service users;
- Sexual health services.
- the Crown Prosecution Service;
- witness support services.

3.64 LSCBs will also need to draw on the work of key national organisations and liaise with them when necessary, for example, the new Child Exploitation and On-Line Protection Centre.

The Role of Members

3.65 The individual members of LSCBs have a duty as members to contribute to the effective work of the LSCB, for example, in making the LSCBs' assessment of performance as objective as possible, and in recommending or deciding upon the necessary steps to put right any problems. This should take precedence, if necessary, over their role as a representative of their organisation. Members of each LSCB should have a clear written statement of their roles and responsibilities.

Ways of Working

3.66 The working practices of LSCB members need to be considered locally with a view to securing effective operation of LSCB functions and ensuring that all member organisations are effectively engaged.

3.67 Where there are multiple organisations of a particular kind in the Local Authority area, for example NHS Trusts or District Councils, they may decide to share attendance at meetings. Organisations pooling representation in this way need to agree how they will be consulted and how their views will be fed in to Board

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discussions.

3.68 It may be appropriate for the LSCB to set up working groups or sub-groups, on a short-term or a standing basis to:

- carry out specific tasks, for example: maintaining and updating procedures and protocols; reviewing serious cases; and identifying multi-agency training needs;
- provide specialist advice, for example: in respect of working with specific ethnic and cultural groups, or with disabled children and/or parents;
- bring together representatives of a sector to discuss relevant issues and to provide a contribution from that sector to LSCB work, for example: schools, the voluntary and community sector, faith groups; and,
- focus on defined geographical areas within the LSCBs boundaries.

3.69 It is possible to form a 'core group' or 'executive group' of LSCB members to carry out some of the day-to-day business by local agreement.

3.70 When LSCBs begin to operate the new child death review processes set out in chapter 7 of *Working Together to Safeguard Children*, they will need to set up a Child Death Overview Panel which has a standing membership and whose Chair is a member of the LSCB. This panel can be set up by two or more LSCBs to cover their combined area.

3.71 All groups working under the LSCB should be established by the LSCB, and should work to agreed terms of reference, with explicit lines of reporting, communication and accountability to the LSCB. This may take the form of a written constitution detailing a job description for all members and service level agreements between the LSCB, agencies and other partnerships. Chairs of sub groups should be LSCB members.

3.72 Where boundaries between LSCBs and their partner organisations such as the health service and the police are not co-terminous, there can be problems for some member organisations in having to work to different procedures and protocols according to the area involved, or having to participate in several LSCBs. It may be helpful in these circumstances for adjoining LSCBs to collaborate as far as possible on establishing common policies and procedures, and joint ways of working, under the function around "Co-operation with neighbouring children's services authorities and their Board partners".

3.73 LSCBs should consider how to put in place arrangements to ascertain views of parents and carers and the wishes and feelings of children (including children who might not ordinarily be heard) about the priorities and the effectiveness of local safeguarding work, including issues of access to services and contact points for children to safeguard and promote welfare. LSCBs should also consider how children, parents and carers can be given a measure of choice and control in the development of services.

Financing and Staffing

3.74 To function effectively LSCBs need to be supported by their member organisations with adequate and reliable resource.

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3.75 Section 15 of the Children Act 2004 sets out that statutory Board partners (or in the case of prisons, either the Secretary of State or the contractor) may:

- make payments towards expenditure incurred by, or for purposes connected with, an LSCB, either directly, or by contributing to a fund out of which payments may be made;
- provide staff, goods, services, accommodation or other resources for purposes connected with an LSCB.

3.76 The budget for each LSCB and the contribution made by each member organisation should be agreed locally. The member organisations' shared responsibility for the discharge of the LSCB's functions includes shared responsibility for determining how the necessary resources are to be provided to support it.

3.77 The core contributions should be provided by the responsible Local Authority, the Primary Care Trusts, and the police. Other organisations' contributions will vary to reflect their resources and local circumstances. For some, taking part in LSCB work may be the appropriate extent of their contribution. Other organisations may wish to contribute by committing resources in kind, rather than funds, as provided for in the legislation.

3.78 Where an LSCB member organisation provides funding, this should be committed in advance, usually into a pooled budget.

3.79 The board may choose to use some of its funding to support the participation of some organisations, such as local voluntary or community sector groups, for example, if they cannot otherwise afford to take part.

3.80 The funding requirement of the LSCB will depend on its circumstances and the work which it plans to undertake (which will in turn depend on the division of responsibilities between the LSCB and other parts of the wider children's trust). However, each LSCB will have a core minimum of work.

3.81 The LSCB's resources will need to enable it to have staff to take forward its business, whether those are paid for from a common fund, or seconded as part of a contribution in kind. The particular staffing of each LSCB should be agreed locally by the Board partners. An effective LSCB needs to be staffed so that it has the capacity to:

- drive forward the LSCB's day to day business in achieving its objectives, including its co-ordination and monitoring / evaluating work;
- take forward any training and staff development work carried out by the LSCB, in the context of the local workforce strategy;
- provide administrative and organisational support for the Board and its sub-committees, and those involved in policy and training.

Planning

3.82 On the basis of a new statutory duty, and building on best local planning practice, the Government intends that all local areas should produce a single, strategic, overarching plan for all services affecting children and young people. The

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Children and Young People's Plan (CYPP) and the process of joint planning should support local authorities and their partners as they work together, with the local authority taking the lead, to agree clear targets and priorities for all services to children and young people. It will also identify the actions and activities needed to achieve the targets and priorities and ensure delivery. Guidance on the CYPP was published in July 2005.

3.83 On the basis of the CYPP, children's trusts will develop joint commissioning arrangements. These will be based on assessment of local needs; agreeing priorities, planning provision and identifying the resources available across the partner agencies and the contribution each will make. LSCBs should contribute to, and work within, the framework established by the CYPP.

3.84 LSCBs' work needs to be properly planned. The LSCB's own activities would ordinarily be part of the overall CYPP. If not, LSCB planning should nevertheless fit clearly within the framework of priorities and action set out in the CYPP, or if there is no CYPP, within the authority's strategic planning framework. The LSCB should have a clear work programme, including measurable objectives; and a budget. It should include in any plan or annual report relevant management information on activity in the course of the previous year; and a review of its work in the previous year, for example, progress against objectives. This will enable the LSCB's work to be scrutinised by the Local Authority (perhaps by the overview and scrutiny committees), by other local partners, and by other key stakeholders as well as by the inspectorates. Local authorities and their partners may wish to take an overview of LSCB work jointly as part of the children's trust governance arrangements. It is recommended that any LSCB plan or report is endorsed by all the Board members and made publicly available.

Monitoring and Inspection

3.85 The LSCB's work to ensure the effectiveness of work to safeguard and promote the welfare of children by member organisations will be a peer review process based on self evaluation, performance indicators, and joint audit. Its aim is to promote high standards of safeguarding work and to foster a culture of continuous improvement. It will also identify and act on identified weaknesses in services. To avoid unnecessary duplication of work the LSCB should ensure that its monitoring role complements and contributes to the work of both the children's trust and the inspectorates.

3.86 Where it is found that a Board partner is not performing effectively in safeguarding and promoting the welfare of children, and the LSCB is not convinced that any planned action to improve performance will be adequate, the LSCB chair or a member or employee designated by the chair should explain these concerns to those individuals and organisations that need to be aware of the failing and may be able to take action. For example, to the most senior individual(s) in the partner organisation, to the relevant inspectorate, and, if necessary, to the relevant Government Department.

3.87 The local inspection framework will play an important role in reinforcing the ongoing monitoring work of the LSCB. A joint area review of children's services (JAR) will take place in each local authority area between 2005 and December 2008. JARs assess how children's services, taken together, contribute to improving outcomes for children and young people.

3.88 Individual services will be assessed through their own quality regimes.

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Annual performance assessment of council children's services (APA), by Ofsted and CSCI, looks at the contribution of local authorities to outcomes for children, with an overall judgement supported by separate judgements on social care services for children and on education services. It draws on performance information, inspection evidence, other documents and self assessment. These inspectorates in their other work, plus other inspectorates such as the Healthcare Commission, and Her Majesty's Inspectorates of Constabulary, Prisons, and Probation, will have as part of their remit considering the effectiveness of their agencies' role in safeguarding and promoting the welfare of children. The LSCB should draw on their work.

3.89 The LSCB will be able to feed its views about the quality of work to safeguard and promote the welfare of children into these processes.

3.90 The effectiveness of the LSCB itself should also form part of the judgement of the Inspectorates, particularly through the JAR. This may be done, for example, by examining the quality of the LSCB's planning and determining whether key objectives have been met. It will be for the Local Authority to lead in taking action, if intervention in the LSCB's own processes is necessary.