

WIRRAL COUNCIL

CABINET - 15 APRIL 2010

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES AND THE DIRECTOR OF ADULT SOCIAL SERVICES

PROPOSAL TO ESTABLISH A "REVIEW GROUP ON SAFEGUARDING"

1. EXECUTIVE SUMMARY

- 1.1 This report proposes the establishment of a Review Group on Safeguarding for the Authority as a working party of the Cabinet. The purpose of the Review Group on Safeguarding is to assist the most senior community leaders of the Council, through its leading Members and Chief Executive Officer, to carry out their responsibilities of safeguarding children and adults in Wirral. The proposal is made in the light of changed statutory guidance in respect of safeguarding children, including specific requirements on the Leader of the Council and the Chief Executive Officer and developing arrangements in respect of safeguarding vulnerable adults. The report sets out the background to the issue and suggests membership and terms of reference for the new group.

2. INTRODUCTION

- 2.1. The Children Act (2004) and subsequent guidance, titled "Working Together to Safeguard Children" (2010), set out the current framework for safeguarding children including its relationship with child protection flowing from the Children Act (1989). Although it encompasses child protection, safeguarding is defined much more broadly. It includes all issues relating to the safety of children, for example road safety and preventing accidents and, where possible, deaths. Safeguarding Adults is developing this broader approach to include matters such as Trading Standards protection.
- 2.2. Local Safeguarding Children Boards (LSCB) was established by statute in 2006 as a multi-agency partnership under accompanying Children Act Regulation. The Council was designated as the Children's Services Authority with a duty to lead the partnership. Key features of this system include the following:
 - There are statutory members including the Council, NHS Wirral, Merseyside Police, Wirral and Cheshire NHS Partnership Trust, the Offender Management Service (Probation), CAFCASS. Each has a "duty to co-operate" to safeguard children;
 - In Wirral additional members were also engaged. These include representatives from primary, secondary and special schools, the third sector and housing;
 - LSCB activities are funded by the partners. Principal amongst these is the Council with a significant contribution from NHS Wirral. Other partners make small or zero financial contribution. There is no national formula and the pattern regionally and nationally varies widely. The Council is the employer for LSCB staff and is the accountable body for its activities;
 - As Children's Services Authority, the Council is designated as the lead agency for child protection;
 - Two thirds of LSCBs nationally were chaired by the Director of Children's Services, a very small number by other partners such as Police and the remainder by

independent persons recruited using LSCB resources to undertake the role. Where the DCS has chaired, this has often led to a focus on development and action. Independent chairs have sometimes focussed on accountability. Wirral's LSCB is currently chaired by the DCS which will change in June 2010 when the independent chair, Mr Charlton, assumes this responsibility;

- Cabinet members for children's services and other elected members were specifically barred from membership of the LSCB. In Wirral this has been supplemented by an arrangement where, following each LSCB meeting and on other occasions as necessary, the cabinet member, the chair of the Children and Young People's Overview and Scrutiny Committee and the Liberal Democrat spokesperson on children are briefed in detail by the DCS, the Head of Children's Social Care and the Strategic Service Manager (Safeguarding). The Chief Executive is similarly briefed.

2.3 Following the tragic death of Peter Connolly in Haringey, several changes are being introduced. Some have already been announced in the Government's response to Lord Laming's second report and the national guidance on Serious Case Reviews (Part 8) was introduced in December 2009, followed by the revision of Working Together published in March. The changes include the following:

- Membership of the LSCB and the duty to co-operate are to be extended to schools, colleges, general practitioners, housing and adult social services as well as a statutory requirement to recruit two lay people to represent the local community. *These changes have already been implemented in Wirral;*
- LSCB must have an independent chair. *Recruitment has taken place and Mr. Charlton takes up chairing in June, 2010;*
- Cabinet Members for Children's Services will be required members of the LSCB as a 'participating observer' and the DCS will be held to account for the effective working of the LSCB by the Chief Executive.
- The LSCB will be required to produce an annual report. *The report will include a comprehensive analysis of the local safeguarding provision, progress made on priority issues and a realistic assessment of challenges. It is also expected to include the actions the Council and its partners have taken on recommendations from Serious Case Reviews. This becomes a statutory requirement effective from April 2010 with the first report expected by 2011;*
- The role of the Leader of the Council and the Chief Executive Officer in respect of safeguarding children has been enhanced. The role includes a supervisory responsibility and a requirement that they jointly "sign off" the annual report. Working Together para 3.69 states 'every year, as part of the annual report, the Chief Executive and the Leader of the Council should make an assessment of the effectiveness of local governance and partnership arrangements for improving outcomes for children and supporting the best possible standards for children'.

2.4 Following events in Haringey and elsewhere there has also been a very significant increase in public concern about the safety of children and a consequent increase in public scrutiny. The relationship between:

the **Council**, as the lead agency for child protection,

the **Children's Trust**, as the multi-agency partnership responsible for outcomes for children and

the **LSCB**, as a multi-agency partnership responsible for safeguarding,

is not well understood. There has been a debate about the proper balance between on the one hand public openness to maintain confidence and accountability and on the other, confidentiality to ensure that individual children's interests are protected and that professionals can improve practice. A successful joint conference was organised in Wirral in January between the Children's Trust, including lead elected members, and the LSCB to clarify these issues. Self-assessment at the conference indicated that members believed that arrangements in Wirral are generally working well but also highlighted a number of areas for action. These have been developed into an action plan which is in the process of implementation. The proposal in this report to establish a Review Group on Safeguarding is intended to assist in this issue.

- 2.5 The legal framework in respect of safeguarding adults is different from that for children and is not so prescriptive. In many respects, however, the issues are the same. The current Minister has indicated that he intends to move adult safeguarding on to a statutory basis though details are lacking at this time. In the interim, the Director of Adult Social Services recommends that similar arrangements are put in place as those for children to strengthen further the safeguarding of adults in the borough. Specifically this will involve revising the membership and terms of reference of the Local Safeguarding Adults Board and moving to appoint an independent chair. These proposals for revised arrangements were presented to the Safeguarding Adults Partnership Board on 15 February - the proposal in this report will further strengthen the arrangements.

3. REVIEW GROUP ON SAFEGUARDING

3.1 Purpose

The Council has a principal responsibility to do all in its power to ensure that Wirral children and vulnerable adults are kept safe. It is the Children's Services Authority for Wirral that has the lead responsibility for child protection. The Council, through the Department of Adult Social Services is the lead agency for safeguarding vulnerable adults although close partnership arrangements exist to deliver the agenda. The purpose of the Review Group for Safeguarding is to ensure that the most senior community leaders of the Council, through its leading Members and Chief Executive Officer, are enabled to carry out their responsibilities of safeguarding children and adults in Wirral.

3.2 Accountability

The Review Group on Safeguarding will be accountable, through the Leader of the Council, to the Council's Executive and through that to the full Council.

It is recognised that safeguarding is a multidisciplinary function. Wirral's Children's Trust is multi-agency and has a responsibility, amongst other things, for children staying safe. The Children's Trust acts as lead for children within the Local Area Agreement and so is overseen by the Local Strategic Partnership. The Local Strategic Partnership, which includes the key agencies involved in the LSCB, has a significant part to play. Similarly with vulnerable adults, the Health and Well-being Partnership and the Safeguarding Adults Partnership Board are multi-agency arrangements accountable to the LSP.

3.3 **Membership, Chairing and Attendance**

Establishing the group as a working party of the Cabinet allows it to have membership drawn from all parties represented on the Council.

The proposed membership of the RSG is:

The Leader of the Council;
The leaders of the second and third largest groups on the Council;
The cabinet member for children and young people (when it meets to discuss children's issues);
The cabinet member for adult social services (when it meets to discuss adult issues);
The Chair of the Children and Young People's Overview and Scrutiny Committee or Social Care Health and Inclusion Overview and Scrutiny Committee as appropriate;
The spokesperson on children (or adults) from the third political party;
The Chief Executive Officer.

It is proposed that the RSG be chaired by the Leader of the Council.

For meetings concerning children, it is proposed that in attendance should be:

The Director of Children's Services
The Head of Children's Social Care
The Strategic Service Manager (Safeguarding)
A representative of the Director of Law, HR and Asset Management;
The independent chair of Wirral LSCB.

For meetings concerning adults, it is proposed that in attendance should be:

The Director of Adult Social Services;
An appropriate Head of Branch;
A senior officer responsible for safeguarding adults;
A representative of the Director of Law, HR and Asset Management;
The independent chair of the Local Safeguarding Adults Board.

3.4 **Terms of Reference**

Detailed Terms of Reference will be presented to the first meeting of the RSG for debate and agreement. They will then be presented to cabinet for approval.

It is important that the Review Group on Safeguarding does not duplicate or overlap the functions already carried out by the LSCB, the SAPB, the Children's Trust or the Overview and Scrutiny Committees. The terms of reference are therefore likely to include:

- Consideration of the Annual Report on Safeguarding prior to it being signed off by the Leader and the Chief Executive;
- Consideration of the progress of recommendations from Serious Case Reviews undertaken by Wirral LSCB or SAPB;
- Consideration of any safeguarding issues appertaining specifically to Wirral Council services (such as social care, schools, children's centres, day centres or

commissioned services) raised through the activities of the LSCB and SAPB.

3.5 Meetings

It is proposed that there are four standing meetings per year, two for children and two for adults.

For each group, one meeting will receive and interrogate the Annual Report on Safeguarding before it is presented to Cabinet.

A second meeting, approximately six months separated, will receive an interim report on safeguarding in Wirral Council services.

Dates of these meetings will be fixed when further guidance on Annual Reports is received.

In addition to these standing arrangements, a meeting will be convened on receipt from the LSCB or SAPB of any Serious Case Review Report concerning a Wirral child or vulnerable adult.

3.6 Confidentiality

Current advice regarding confidentiality on these matters is as follows:

- The Annual Report on Safeguarding Children will be a public document. It will take the form of a report to the Cabinet and will therefore be published on the Council's website as is the case with any other report. It will become public on the "live date" for the relevant cabinet meeting.
- Executive Summaries for Serious Case Reviews are also public documents. They are published on the Wirral LSCB website when they are graded by OFSTED and have been received by the LSCB.
- Full serious case review reports are not, under the current law, public documents and are exempt from the Freedom of Information Act. For children, they are the property of the LSCB that commissions them. The Director of Law, HR and Asset Management has advised that the status of the Council as the lead agency for child protection, responsible for maintaining the LSCB, means that such documents can be disclosed, under conditions of confidentiality, to leading Members under the Local Government Act. Furthermore, Serious Case Reviews often touch on Council services in contact with children and the new requirements on Leaders and Lead Members for Children make it important that they see all appropriate reports.

4. FINANCIAL AND STAFFING IMPLICATIONS

4.1 There are none arising directly from this report.

5. EQUAL OPPORTUNITIES/HEALTH IMPACT ASSESSMENT IMPLICATIONS

5.1 An initial equality impact assessment has been carried out. It indicated no issues for further investigation.

6. COMMUNITY SAFETY IMPLICATIONS

- 6.1 This report is centrally concerned with the safety of children and vulnerable adults and their right to be protected from harm and exploitation.

7. LOCAL AGENDA 21 IMPLICATIONS

- 7.1 There are none arising directly from this report.

8. PLANNING IMPLICATIONS

- 8.1 There are none arising directly from this report.

9. ANTI-POVERTY IMPLICATIONS

- 9.1 There are none arising directly from this report.

10. SOCIAL INCLUSION IMPLICATIONS

- 10.1 There are none arising directly from this report.

11. LOCAL MEMBERS SUPPORT IMPLICATIONS

- 11.1 There are no specific implications for any Member or Ward.

12. BACKGROUND PAPERS

Children Act (1986)

Children Act (2004)

Working Together to Safeguard Children (DCSF, 2010)

A Progress Report (DCSF, Laming, 2009)

Lord Laming's Report: The Government Response (DCSF, 2009)

No Secrets Policy - Safeguarding Adults (DoH Home Office, 2000)

Ministerial Statement - government response to Safeguarding Adults consultation:

Review of No Secrets Guidance (January 2009)

13. RECOMMENDATIONS

- 13.1 A Reference Group on Safeguarding is established as described in the report.

- 13.2 A further report to Cabinet is presented setting out proposals for the detailed Terms of Reference for the group.

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