

OVERVIEW AND SCRUTINY COMMITTEE

17 January 2012

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

13

TITLE OF REPORT: SAFEGUARDING CHILDREN UPDATE

REPORT OF THE HEAD OF POLICY AND COMMUNITY SERVICES

1. SUMMARY

- 1.1 To provide an update to the Overview and Scrutiny Committee about the current performance of procedures at NHDC relating to the safeguarding of children.
- 1.2 To consider that performance in the light of the recommendation from the review of the Herts Childrens' Safeguarding Board performance recently, which requested;

".....Hertfordshire district/borough councils to consider undertaking a yearly scrutiny of their safeguarding function."

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan

3. BACKGROUND

- 3.1 Section 11 of the Childrens' Act 2004 places a duty on all statutory agencies working with children and young people to 'safeguard and promote their welfare'. The duty means that key people and bodies must make arrangements not only to ensure their functions are discharged with full regard to the needs to safeguard and promote the welfare of children but that services they contract out to others have regard to that need.
- 3.2 The Childrens' Act 2004 placed a duty on local authorities to establish an independent Local Safeguarding Children Board (LSCB). Locally, this is known as the Hertfordshire Safeguarding Children Board (HSCB).
- 3.3 The scope of the LSCB includes the role of "*monitoring the effectiveness of organisations' implementation of their duties*" which includes Hertfordshire County Council, all District and Borough Councils, the Police, Probation Service, NHS bodies and Youth Justice Service.
- 3.4 To assist HSCB in monitoring the effectiveness of local agencies including District Council's against the Section 11 requirements, an electronic tool was developed by the Eastern region and adopted by HSCB in 2009. The audit and assessment tool was sent to all statutory agencies and returned completed in January 2010.

- 3.5 Agencies evaluated themselves as “*less effective, effective or exceeding requirements*”. There were 8 key standards comprising a number of questions. In total there were 44 individual questions to answer.
- 3.6 Following a review of all the returns, the HSCB published some top line figures. These were reported back to the District Councils through the District Safeguarding Group, which Helen Turner, Children & Young Persons Development Manager, attends. HSCB have asked agencies to note the following cautions when reviewing the results:
- The audit tool is generic and as the core functions of some of the agencies may not fit the required standard, we need to be mindful that it may indicate a higher level or “less effective” for some partners. In particular the safeguarding requirements of District Councils are much leaner than those of the County Council or local health services, as they do not have the same degree of direct responsibility for safeguarding as upper tier authorities with social services, and ‘care’ staff in their direct employment do.
 - Agencies clearly used different thresholds when responding and where they saw themselves as “less effective”, another agency with similar procedures may have measured themselves differently.
- 3.7 Overall, the majority of key statutory agencies score “effective” in most areas. Some of the District and Borough Councils have assessed themselves as being “less effective” in meeting the standards. However, it is acknowledged that they do not have responsibility for the full range of services measured by the audit tool. The exercise of analysing effectiveness in itself provides a review ‘measure’ by which agencies can develop an improvement plan

4. NHDC SECTION 11 AUDIT RESULTS

- 4.1 The original NHDC audit was completed by Helen Turner, with Lynn Saville, and HR with input from Leisure in 2010; these were considered to be the NHDC departments with the most significant responsibility for safeguarding children under the Section 11 requirements,. In some Districts a corporate Safeguarding working group has been established to oversee the implementation of Safeguarding improvements, including both protection of children and vulnerable adults. It is proposed that NHDC will co-ordinate its corporate safeguarding through a six monthly agenda item considered by the Senior Management Team; this will also allow the wider ‘safeguarding’ agenda, to include not only children but vulnerable adults, to be considered and reviewed corporately across services.
- 4.2 Across all the 44 questions, NHDC scored 20% “less effective”, 80% “effective” and 0% “exceeding requirements”. A sample of the areas in which we deemed ourselves less effective are outlined below, alongside action which is required. All of these actions require responsible officers and target timescales for completion to be completed.

Standard	Action required
1.3) Responsibilities to safeguarding and promoting the welfare of children and young people are integrated into the Corporate Plan and where appropriate into the work objectives of individuals	Safeguarding needed to be included as a key action in the corporate plan. This has now been completed, but by ensuring safeguarding forms a regular agenda item for the Senior Management Team will retain focus and review processes going forward.
2.3) When other organisations are commissioned to provide services on the organisation's behalf there are mechanisms in place to ensure that those organisations also have regard to the requirements of section 11	<p>At the time of completing the audit it was not known whether organisations we had contracts with, or whom we held Memorandums of Understanding (MOU) with, have built into these a requirement to adhere to both NHDC and HSCB Safeguarding procedures, or whether there were systems in place for monitoring adherence to these.</p> <p>Update Dec 2011: Leisure contracts contain requirements for reporting and the general safeguarding duty as 'delegated' to them, and our MoU process for organisations which receive grants from NHDC has just been revised to take account of latest equalities legislation, national grants policy etc and safeguarding requirements have also been included as part of that improvement work.</p> <p>COMPLETED</p>
6.10) The organisation/agency has formally agreed procedures on discharging their duties in relation to allegations of abuse	<p>2003 Child Protection policy needs to be updated to make links with 2007 HCSB procedures and the role of the Local Authority Designated Officer (LADO). We have not updated our policy as HSCB stated they would develop a generic policy for the Districts to adopt in 2010/11. This has so far not been forthcoming. The Children's Services Team has an updated policy for their service but await the Hertswide plan.</p> <p>TO BE COMPLETED BY MAY 2012, SUBJECT TO HSCB PLAN BEING ISSUED SHORTLY</p>
6.12) A process is in place to support all staff who are subject to an allegation	<p>Staff who are subject to an allegation would be supported in line with the Disciplinary procedure. However no specific procedures exist as part of our Safeguarding procedures detailing the support staff would receive or how consideration would be given to whether staff members should be suspended.</p> <p>TO BE COMPLETED AS PART OF THE ROUTINE DISCIPLINARY PROCEDURE REVIEW BY HR</p>
8.1) A clear statement of the organisation's responsibility to share information relevant to the safeguarding of children in a secure manner	<p>Clear procedures are in place around Data Protection, Information Sharing and Freedom of Information. However these need to be formally integrated into a revised Safeguarding policy and make reference to latest, and updated HSCB procedures.</p> <p>TO BE COMPLETED BY MAY 2012, SUBJECT TO HSCB PLAN BEING ISSUED SHORTLY</p>

<p>8.2) Staff/volunteers are aware of this statement and their personal responsibilities relating to it, including the obtaining of consent where appropriate.</p>	<p>Information is shared in accordance with data protection and information sharing procedures but these are not formally integrated into, or formally 'branded' as safeguarding procedures TO BE COMPLETED BY MAY 2012, SUBJECT TO HSCB PLAN BEING ISSUED SHORTLY</p>
<p>8.3) If yes, how are they made aware of these – for example do you provide training on information sharing</p>	<p>Training is delivered on general data protection and information sharing requirements, but this is not formally integrated into safeguarding training. Entry level training on safeguarding issues and application of requirements is available as an 'e learning' package for officers and members at NHDC COMPLETED, BUT RETAINED UNDER REGULAR REVIEW TO INCORPORATE ANY NECESSARY CHANGES OR NEW STAFF/MEMBERS ETC</p>

5. LEGAL IMPLICATIONS

- 5.1 The terms of reference for Overview and Scrutiny Committee include to “question...appropriate officers about service performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects”.
- 5.2 The relevant legislation is the Children Act 2004, the key points of which are:-
- Section 11 places a statutory duty on key people and bodies – including district councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.
 - Section 10 outlines the duty to promote inter-agency cooperation between named agencies (including district councils).
 - There is a reciprocal duty on those agencies (including district councils) to co-operate with the Children’s Services Authority (CSA) (Herts CC) in budget pooling
 - Section 13 gives district councils representation on, and participation in, Local Safeguarding Children’s Boards (LSCBs).
- 5.3 The key responsibility for safeguarding in Hertfordshire lies with the County Council and it is important to remember that it is not the responsibility of any District Council Member, employee, volunteer or contracted service provider to determine whether abuse is or has taken place. The role of the member, employee, volunteer or contracted service provider is to inform, not to investigate or judge. A District Council is not responsible for investigating any safeguarding incidents or allegations, involving children, young people or vulnerable adults.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 Progress on developing a Corporate Policy on Safeguarding Children is tracked on the risk register: RRA1491.
- 6.2 The Section 11 audit outlines the various steps taken by North Herts District Council to reduce the risk to both employees and children and young people accessing our services, including procedures for safe recruitment, learning and development for employees and reporting procedures for employees with concerns.
- 6.3 There are no additional financial implications for us to continue to meet our obligations. Ongoing training for staff will be funded from existing budgets.

7. HUMAN RESOURCE IMPLICATIONS

- 7.1 The Council has robust recruitment procedures in place to ensure proper checks are carried out for posts that will come into contact with children and vulnerable adults. Staff working in such roles are provided with specific relevant training and development. In addition to this all the Council considers that all staff need to be aware of basic procedures to follow regardless of whether they regularly work with children or vulnerable adults and relevant training is provided to all staff.

8. EQUALITY IMPLICATIONS

- 8.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 8.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 8.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 8.3 Due to their age, development and dependency on adults, children are vulnerable to abuse. They have a legal right to be protected and for organisations to take appropriate to prevent abusive behaviour.

9. RECOMMENDATIONS

- 9.1 That the Overview and Scrutiny Committee receive and comment on the report of progress made against this Council's application of the statutory duty, and particularly the Hertfordshire safeguarding function with regard to children.
- 9.2 That the Overview and Scrutiny Committee agree that sufficient and robust processes are in place at NHDC for application and review of safeguarding processes, and particularly in the light of the recommendation from HCSB that review should take place annually.

10 REASONS FOR RECOMMENDATIONS

- 10.1 The recommendation(s) contained within paragraph 9 are made due to this being the best course of action that can be accommodated within the approved budget that will fulfil our statutory obligations but also ensure regular, corporate review exists.

11. CONTACT OFFICERS

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12. BACKGROUND PAPERS

- 12.1 *The role of district councils in safeguarding children and young people: Briefing for Councillors. Local Government Improvement and Development* (July 2010)