

**OVERVIEW AND SCRUTINY COMMITTEE
TUESDAY 11 JUNE 2013**

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

11

TITLE OF REPORT : ANNUAL SAFEGUARDING PERFORMANCE FOR APRIL 12 - MARCH 13

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 and 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. RECOMMENDATIONS

- 2.1 That the Overview and Scrutiny Committee receive and comment on the report of progress made against this Council's application of the statutory duty to maintain a safeguarding function with regard to children.
- 2.2 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 that an annual review and presentation to this committee should continue.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendation(s) contained within paragraph 2.1 and 2.2 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.

4. ALTERNATIVE OPTIONS CONSIDERED

None applicable

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

None applicable

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 Section 11 of the Children 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 also have regard to that need.
- 7.2 The Children 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).
- 7.3 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.
- 7.4 To assist HSCB in monitoring the effectiveness of local agencies including District Councils against what are known as the "Section 11 requirements" stemming from that section of the Children Act, an electronic tool was developed by the Eastern region and adopted by HSCB in 2009. The audit and assessment tool was completed by all District Councils in January 2010 and repeated in January 2012. We do not know at this stage when the audit will be repeated.
- 7.5 This is a self assessment audit designed for agencies which have much broader responsibilities for safeguarding than a District Council, those authorities with a Children Schools and families team, or social work input for example. Therefore, whilst this self assessment cannot give a reliable quantitative measure of our performance compared to others, it does provide a useful tool for recording our progress and identify any areas for development. It should also be noted that our response to safeguarding, or individual elements of it, are also subject to review by our Shared Internal Audit Service (SIAS) who are currently reviewing our 'safe staffing' policy, i.e. how we ensure the correct steps are taken during the recruitment, selection and employment of staff to ensure the safety of any children/young people staff and contractors may work with.

8. ISSUES

- 8.1 The table in appendix one below lists areas in which we assessed ourselves as in need of improvement in January 2012. It also describes action that has already been taken in this area and whether action, or further action, is still required.
- Significant improvements have been made and four of the eight actions we needed to undertake have been completed. We now have trained Designated Safeguarding Officers at senior management level throughout the organisation, robust procedures for responding to concerns, managing allegations against staff or members and compliant recruitment and complaint procedures.

Of the remaining four, a new safeguarding policy and information management policy are now in final draft form with estimated completion and adoption by late summer 2013 to allow its progress through the committee system. The leisure contracts will have new requirements added by the latest April 2014 and senior delegations will be confirmed in job descriptions by July 2013 following the appraisal cycle.

8.2 Rates of referrals April 2012 – March 2013

One outcome of the audit is that the Council has introduced a centralised, password protected record keeping system for safeguarding referrals. All departments now pass on details of referrals to the Named Safeguarding Officer. We can analyse these referrals for comparison to measure activity year on year. In the year April 2012 to March 2013, 100% of those areas where concern was raised, progressed to formal referrals. Responsibility for further investigation then remains with Herts County Council with NHDC officers being involved if requested.

It should be noted that Housing Needs joined the Single Record Point system in October 2012 and therefore only six months of referrals have been recorded for this service.

<i>Referring Department</i>	<i>Play Services</i>	<i>Environmental Health</i>	<i>Community Safety</i>	<i>Housing Needs</i>	<i>TOTAL</i>
<i>Number of referrals</i>	1	1	4	3	9

8.3 Below for information is a list of the areas of concern for these referrals.

- Non-compliant practice within a registered childcare setting
- E-safety concerns
- Neglect
- Emotional abuse
- Child present during domestic violence
- Homelessness
- Child and vulnerable adult referral, where one may have greater impact on the other

8.4 It is difficult to make any useful comparison between our own referral rates and those of our neighbours since, firstly, there is no 'average' prevailing rate one may expect to find in one location against another, and levels of exposure of officers visiting homes or other locations where children are present may vary depending on working practices. At present Stevenage Borough Council are the only other District authority who collate this data centrally. During the same time period, 165 referrals were made by Stevenage Borough Council, however it should be noted that their levels of service provided far exceed what we deliver locally due to their own council/local priorities, thus bringing them into closer contact with thousands more families every year. 65% of the referrals made by Stevenage Borough also related to domestic violence incidents where children are present in the home.

9. LEGAL IMPLICATIONS

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- 9.1 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”.
- 9.2 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).
 - Section 13 gives district councils representation on, and participation in, Local Safeguarding Children’s Boards (LSCBs).
- 9.3 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 being experienced, or has taken place, or indeed the nature of any abuse. The role of the member, employee, volunteer or contracted service provider is to inform and report concerns, 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.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no additional financial implications for us to continue to meet our obligations. Ongoing training for staff will be funded from existing budgets.

11. RISK IMPLICATIONS

- 11.1 Progress on developing a Corporate Policy on Safeguarding Children is tracked on the risk register: RRA1491.
- 11.2 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.

12. EQUALITIES IMPLICATIONS

- 12.1 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 9.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 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.
- 12.3 Due to their age, development and dependency on adults, children are vulnerable and therefore often more open to abuse. They have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour. The Equality Act supports the Children Act 2004 to provide this protection to vulnerable children.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The HR role in safeguarding is in the main covered by processes contained in recruitment and the Disclosure Barring Service Policy and the links from that policy to other policies. The Disclosure Barring Service Policy has just been updated to reflect the changes brought in by the Protection of Freedoms Act 2012 amending the Safeguarding Vulnerable Groups Act 2006.

15.

The table below highlights standards in which officers assessed NHDC as in need of improvement.

Required Standard in Section 11 audit	Action completed Apr 12 – Mar 13	Action required	Target for completion
1.A named person at senior management level is identified and responsible for championing the importance of safeguarding and promoting the welfare of children and the championing role is clearly contained within the job description, with identified actions.	Named Senior Person for NHDC is Liz Green. This is published in NHDC's 'model for responding to concerns' and on the relevant intranet pages which all new starters are referred to in their first day welcome.	Whilst the general responsibilities lie with the Head of Policy and Community Service, this needs to be better identified in the HoS Job Description, which needs to be amended to include this (+ adult safeguarding) A Children's Champion needs to be identified at member level.	The update to the HoS job description will be effected in early summer 2013
2.Senior managers demonstrate a good understanding of safeguarding, are responsible for monitoring the actions of their staff to safeguard and promote the welfare of children and this is evidenced through supervision records, training, and active monitoring.	Designated Safeguarding Officers (DSO's) are in place throughout NHDC and received updated advanced safeguarding training, in Oct 2012. Contact details are published on the intranet. Single record point established and SMT and Overview and Scrutiny receiving an annual report on performance.	SMT and Overview and Scrutiny to receive annual report in June 2013. DSO's to receive updated training in October 2014. New DSO's to be trained on appointment.	This will form part of discussions for the Constitutional review. June 2013 October 2014
3.A clear Child Protection policy in line with HSCB guidance is in place within the organisation. Periodic audits are carried out by the organisation to ensure that staff are aware of how to access the policy, and of	2003 policy does not meet current legislative requirements. HSCB made a commitment to produce a District	A new NHDC policy has been drafted and work is being undertaken to amend relevant associated policies. Estimated adoption date October 2013.	Completion October 2013 or sooner if possible.

their particular responsibilities. Audit evidence is available for inspection. Policy available on a website or intranet (give address)

4. Effective systems in place for children, staff and other people to make a complaint about non-adherence to the agency's procedures. Child-friendly complaints information is available to all children and families. The organisation can clearly demonstrate the effectiveness of recommendations/outcomes on practice and these are reported to staff e.g. through the annual report.

5. Robust contractual arrangements concerning all facets of work and services procured are in place with explicit reference to safeguarding and promoting the welfare of children and that these are monitored annually. The organisation has a demonstrable understanding that it is their responsibility to ensure that organisations

specific policy for each District to adopt and this promise has been retracted. A new NHDC only policy has therefore been prepared and in draft form.

Whistleblowing policy amended to meet HSCB requirements. Corporate Comments, Compliments and Complaints system is available and advertised to all customers. Services working directly with children such as play development have appropriate methods of monitoring children's feelings and responses through discussions and feedback forms. To date, no method has generated a complaint or concern from the public about NHDC's adherence to procedures.

Memorandums of Understanding issued to organisations in receipt of grants has safeguarding clause contained.

Existing safeguarding

We are compliant with this standard.

New compliant safeguarding clause going into all leisure contracts by April 2014.

Any complaints received will need to be investigated appropriately and levels of complaints reviewed.

April 2014 (latest)

providing services on their behalf are compliant with s11. Commissioning arrangements include monitoring providers' compliance with s11 and sanctions are in place for non-compliance and any concerns are reported to the HSCB with recommendations for actions.

Effective processes are in place to record incidents, referrals and actions relating to children and young people. Routine audits of practice takes place to evidence that staff comply with processes.

6.The organisation has a recruitment and selection policy that makes particular reference to safeguarding, such as that outlined in Safeguarding Children and Safer Recruitment in Education and Bichard recommendations. The organisation can demonstrate that agencies which are commissioned to provide services on their behalf rigorously apply safer recruitment and employment practices. The organisation can demonstrate via audit activity that they have policy and procedures compliant with National Safeguarding Standards - www.bichardinquiry.org.uk/10663/report.pdf

7.The organisation has a defined business plan that ensures effective procedures for dealing with allegations against people who work with children are in operation and are monitored and reported on. Procedures are disseminated to all employees working with children and young people and guidance is available to those employees facing allegations of abuse. Evidence with the reporting to the HSCB from the LADO.

clause in leisure contracts does not meet current requirements.

NHDC has a comprehensive recruitment and selection policy. Safer staffing procedures have also been reviewed and updated with the advent of the Disclosure and Barring Service. This now links to the corporate safeguarding procedure which is compliant with HSCB requirements.

Model for responding to concerns, and Gross Misconduct policy are available to all staff. These now link to the corporate safeguarding procedure which outlines reporting systems compliant with HSCB requirements.

We are now compliant with this standard.

We are now compliant with this standard.

No immediate further action required but policy will be reviewed regularly and is currently under routine audit by SIAS.

No immediate action required but procedures will be reviewed annually or more often if legislative changes require this.

8. Information is shared in a way that is ethical and legal, and is in accordance with their own organisations, HM Government and LSCG guidance. The organisation can demonstrate that they have a clear policy which encourages appropriate information sharing and can evidence how this impacts on outcomes for children and families. Sharing of information is done via secure email accounts.

NHDC has a Data Protection, Information Security and Data Retention Policy compliant with general legislation in these areas.

A new information policy for safeguarding has been developed and is in final draft form. It will be submitted for approval and adoption alongside the main Safeguarding Policy by October 2013.

Completion by October 2013 or sooner if possible.

16. AUTHOR/CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 None