

CHILDREN AND YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 20

Brighton & Hove City Council

Subject: Safeguarding practice - update
Date of Meeting: September 16th 2009
Report of: Director of Children's Services
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This is the fifth in a series of reports and presentations that have been made to the Children & Young People's Trust (CYPT) Board following events in the London Borough of Haringey (the Baby P. case). Those events precipitated a fundamental review of national safeguarding policy and an acceptance by Government that there needs to be "a *step change in the arrangements to protect children from harm*".
- 1.2 Regular internal and external scrutiny has confirmed that arrangements in Brighton and Hove are secure, but areas for development arising as a result of the Laming report have been identified and are covered later in the report.
- 1.3 The purpose of this report is to summarise for the Children and Young People's Overview and Scrutiny Committee the implications for safeguarding practice in Brighton and Hove of the government's response to Lord Laming's report 'The Protection of children in England' and to provide the Board with a progress report on action taken by the CYPT and the Local Safeguarding Children Board (LSCB).

2. RECOMMENDATIONS:

- 2.1 To note the implications outlined in this report of government's response to Lord Laming's report 'The Protection of children in England' and the action taken in response by the CYPT and the LSCB.
- 2.2 To consider whether the CYPOSC should take any further action in respect of the 2009/10 work programme.

3. BACKGROUND INFORMATION

CYPT Board:

- 3.1 The CYPT Board has taken the follow action in response to events in the London Borough of Haringey:
- Received two reports at the 19th January 2009 meeting: one setting out the government's requirement for all local authorities and health organisations to undertake a stock take of the effectiveness of their safeguarding arrangements: and one summarising safeguarding arrangements in Brighton and Hove including evidence of assurance previously provided by external inspections and recommendations for further assessment and improvement work to be undertaken.
 - At the March 2nd meeting the Board heard a presentation about front line child protection services and participated in discussion groups with second and third tier managers from the CYPT.
 - At the April 20th meeting the Director of Children's Services set out the implications of Lord Laming's report 'The Protection of children in England' and drew particular attention to the recommendations which addressed the future relationship between Children's Trust Boards and the Local Safeguarding Children Board (LSCB).

Reports addressing local safeguarding arrangements have also been taken to the Integrated Governance Committee at NHS Brighton and Hove and to the LSCB.

Government Response to Lord Laming:

- 3.2 The Government's response to Lord Laming's recommendations has significant implications for the CYPT Board. The response is divided into 6 sections: national leadership and accountability; a more rigorous inspection framework; local leadership and accountability; supporting the front line; reducing delay in care proceedings; and court fees.
- 3.3 National leadership and accountability includes new initiatives designed to drive continuous improvement of safeguarding and child protection arrangements across England including:
- A commitment by December 2009 to revise Working Together 2006, the fundamental statutory guidance that underpins all interagency safeguarding practice. Separate consultation on proposals to clarify arrangements in respect of Serious Case Reviews will be published in July 2009.
 - The appointment of Sir Roger Singleton as the Chief Advisor on the Safety of Children responsible for a new National Safeguarding Delivery Unit to 'challenge and support every Children's Trust' in the country to deliver the best possible arrangements for keeping children safe

- 3.4 Ofsted is the lead inspector for children's services within the Audit Commissions new Comprehensive Area Assessment Regime. Publication of Ofsted's new inspection framework was delayed to take full account of the government's response to Lord Laming's report. The CYPT's senior management team is considering the implications of the new framework including preparation for the unannounced inspection of our contact, referral and assessment arrangements expected before the autumn.

The Government's response also recognises the key role of the Care Quality Commission (CQC), Her Majesty's Inspectorate of Constabulary and Her Majesty's Inspectorate of Probation. Of particular importance to the CYPT is the new regulatory framework established by the Health and Social Care Act 2008, which takes effect from 2010, and which will now include a major new thrust on safety and safeguarding to accommodate Lord Laming's recommendations. We are awaiting the outcome of the twin surveys of safeguarding arrangements in the local health economy undertaken earlier this year for the CQC and Strategic Health Authority.

- 3.6 Clarification of arrangements to strengthen local leadership and accountability are complex and, in part depend on the passage of the Apprenticeships, Skills, Children and Learning Bill. Currently before parliament the Bill sets out proposals to strengthen Children's Trusts which will impact on local safeguarding arrangements i.e.

- The CYPT Board is likely to be given a statutory responsibility to produce and implement a Children and Young People's Plan which must prioritise the improvement of safeguarding arrangements
- Current statutory targets, which apply only to early years and school attainment, will be extended to include safeguarding
- The revision of Working Together 2006 will include proposals to clarify the 'important but distinctive roles' that the CYPT and LSCB have to keep children safe
- Revised statutory guidance will be published in June 2009 to clarify the roles of DCS and Lead Members. This will include the requirement for every Children's Trust to produce an annual report part of which must include an assessment by the council's Chief Executive and Leader of the Council into the effectiveness of local governance and partnership arrangements for improving outcomes for children and supporting the best possible standards for safeguarding children.

- 3.7 Supporting the front line: the government believes that while strong leadership and effective governance are essential what matters most to children and families is the support they receive day to day from front line services. Their response to Lord Laming identifies key areas for action: Early Intervention – schools and children's centres; Information Sharing and Assessment; the Police; the Health Service; and Social Work Reform including the Integrated Children's System (ICS) and the Social Work Transformation Fund. This section highlights the issues in the Government's response to Lord Laming which are most relevant to the Board and outlines action which has already been taken locally.

- 3.7.1 Early Intervention: schools and children's centres: the Government's response is relatively light in this area, apart from announcing a forthcoming 21st Century Schools White Paper which will set out a national framework for early intervention to meet children's additional needs specifying the roles and responsibilities of schools and other services.
- 3.7.2 Information Sharing and Assessment: Lord Laming recommended that all Children's Trusts should ensure the consistent application of the Government's Information Sharing Guidance. A report setting out the necessary local policy and protocols will come to the Board for approval. In addition Brighton and Hove continues to be compliant with the national Contact Point implementation plan. Progress on the introduction of a Common Assessment Framework is included in the Board's quarterly Performance Improvement Report.
- 3.7.3 The Police: The Government have announced the development of a new Strategic Framework for Delivering Protective Services which will prioritise child protection. By December 2009 the National Policy Improvement Agency's Specialist Child Abuse Investigators Development Programme will be updated to reflect the findings of the Laming report. Working relationships between Sussex police and the CYPT Partnership, including the LSCB are well established and strong although representation at CYPT Board level needs to be addressed.
- 3.7.4 The Health Service: Lord Laming challenged the Department of Health to prioritise the commitment to promote the recruitment and professional development of Health Visitors made in 'Healthy Lives, Brighter Futures' the joint strategy with the DCSF for children and young people's health. In response the Government outlined a new Action on Health Visiting Programme and work by the National Clinical Director for Children to improve training, development and support for staff across health services involved in safeguarding. In Brighton and Hove we are finalising proposals to comply with the requirement to separate the Designated and Named Nurse (Safeguarding) functions across the local health economy, which will improve support and multi-agency training provision to front line practitioners including Health Visitors. In addition, NHS Brighton and Hove and the CYPT are reviewing the recommendations in 'Healthy Lives, Brighter Futures' as part of developing options to address the implications of the Action on Health Visiting Programme.
- 3.7.5 Social Work: In its response to Lord Laming the government makes clear the pivotal role social workers have in protecting children. The Social Work Task Force will report in October 2009 with proposals to implement recommendations in the Laming report. The Government has committed to bringing forward a comprehensive programme of reform for the profession at that stage. In the meantime urgent action is being taken in respect of:

The Integrated Children's System (the electronic business and data collection system used by front line social workers to record their work): the Government will act on early recommendations from the Social Work Task

Force to enhance the positive elements of the system by making it more flexible and by supporting its record keeping capacity, while stripping out other, unnecessary features.

Brighton and Hove has been consistently compliant with the national ICS programme and has, as result, often experienced problems earlier than other authorities.

The Social Work Transformation Fund: the Government has announced a number of measures to improve capacity in the workforce including:

- measures to increase the supply of social workers including a Return to Social Work Scheme and a Graduate Recruitment Scheme
- rolling out the Newly Qualified Social Worker pilot scheme
- introduction of the Advanced Social Work Professional Status

The CYPT has already put in place arrangements to address the recruitment and retention of social workers, as part of its wider Children's Workforce development Strategy. These arrangements have been discussed at the Board and will be included in the quarterly Performance Improvement Report.

- 3.7.6 Reducing the delay in care proceedings and Court Fees: The Ministry of Justice and the DCSF are working together to address both of these issues and will bring forward proposals.

The CYPT: safeguarding arrangements

- 3.8 The Government's response to Lord Laming's report raises key issues for the CYPT as the major provider of children's social work services in the city. The Director of Children's Services has completed a phased review of management and leadership arrangements. A new second tier structure has been in place since April 1st 2009. Phase two of the restructuring will be completed by October 1st 2009. Key principles underpinning the review are directly relevant to the safeguarding agenda i.e.

- There is a need to ensure safeguarding arrangements meet Laming recommendations and emerging government guidance.
- The development of effective, integrated Area/Locality working is central to the work of the CYPT.
- Strengthening and clarifying linkages/pathways between universal, targeted and specialist services.
- Ensuring safe services and protecting front-line delivery.

Two central proposals focus on improving safeguarding and child protection arrangements:

Development of area/locality working: these proposals will be completed as part of stage 3 of the review of management and leadership arrangements. They will take forward Brighton and Hove's innovative model of integrated local provision to improve the support to front line safeguarding and child protection services. Specifically the proposals will address issues raised by

Lord Laming in respect of contact, referral and information services which will also be the focus of Ofsted's new unannounced annual inspections.

Secondly the CYPT has established a new Head of Safeguarding post and has transferred all strategic responsibility for safeguarding to the Strategic Commissioning and Governance Branch. The Head of Safeguarding will:

- lead the Safeguarding Unit, providing clear and coordinated governance for safeguarding and child protection activity across the CYPT partnership including an integrated response to developments in national policy
- manage the work of the Safeguarding Unit: working closely with the Clinical Director and Head of Governance to line manage the Nurse Consultant/Designated Nurse; manage the Senior Independent Reviewing Officer, the Service Manager for the Clermont Child Protection Unit and the LSCB Development Officer
- fulfil statutory and senior management functions on behalf of the CYPT relating to safeguarding and social care functions

3.9 The Government's response to Lord Laming's report also raises key issues for the CYPT and NHS Brighton and Hove which, together commission children's social work services in the city. Safeguarding has been identified as one of the 5 priorities for our work programme with the national Commissioning Support Programme (funded by the DCSF and Department of Health to improve commissioning practice across Children's Trusts nationally). Events in Haringey, and the subsequent raft of policy initiatives clustered around Lord Laming's Report, have irrevocably changed the nature of safeguarding and child protection practice. In this context the CYPT Board, in partnership with the LSCB, may wish to review how safeguarding and child protection services are commissioned, including whether a local Section 10 Agreement between partner agencies to create a pooled budget would be of benefit.

CYPT – Safeguarding Stock take:

3.10 There is a firm connection between the priorities in the Government's response to Lord Laming's report and the issues identified in the report to the Board on 19th January 2009 as requiring further attention:

3.10.2 Compliance with the recommendations of the Climbie Inquiry (2005): A review has been completed and necessary adjustments made by the CYPT.

3.10.3 Structure and content of the CYPT's Monthly Monitoring Reports of social care and safeguarding data: a comprehensive review has been completed and new arrangements are in place

3.10.4 Operation of the CYPT Area Panels for complex, high risk cases: This work has been completed and found that risk and safeguarding issues are being well managed by the panels. A draft report and recommendations will be considered by Senior Managers as part of finalising the CYPT's phase 3 restructuring proposals.

- 3.10.5 Compliance with the CYPT Supervision Policy with particular reference to safeguarding and child protection: Thresholds or access criteria for targeted and specialist safeguarding and child protection services: and the effectiveness of CYPT safeguarding and child protection audit programmes: an external consultant was commissioned to review these 3 issues and her final report has been received. The Head of Nursing and Head of Workforce development are, as a result of the report and recommendations within the Laming Report, rewriting the current Supervision Policy for the CYPT. The CYPT has also engaged external consultants to undertake a dry run unannounced inspection of the CYPT's contact, referral and assessment systems and this will include updating of our current internal audit process.
- 3.10.6 Standards of record keeping on case files: it was agreed to defer this work until the outcomes of the other issues were fully evaluated

CYPT Partnership – safeguarding activity levels:

- 3.11 The CYPT Board's quarterly Performance Improvement Report has tracked the steady increase in safeguarding activity since quarter two 2008, specifically the steady increase in the number of children requiring a child protection plan. The CYPT's annual return to the DCSF for Child Protection and Referrals (CPR3) records the 2008/9 end of year figure as 291 children compared to 184 for 2007/8. Despite this increase the CPR3 return, and the companion 903 return (which records a range of other social care indicators) shows overall performance to be good and, for a significant number of indicators to be very good.
- 3.12 The CYPT Senior Management Team is currently assessing the likely resource implications for the CYPT of the government's response to Lord Laming, some of which have already been noted in this report including the additional support for newly qualified staff. Other recommendations and statements by Lord Laming have significant operational implications e.g.
- The DCSF should revise *Working Together to Safeguard Children* to set out clear expectations at all points where concerns about a child's safety are received, ensuring intake/duty teams have sufficient training and expertise to take referrals and that staff have immediate, on site support available from an experienced social worker. Local authorities should take appropriate action to implement these changes.
 - Children's Trusts must ensure that all assessments of need for children and their families include evidence from all the professionals involved in their lives, take account of case histories and significant events (including previous assessments) and above all must include direct contact with the child.
 - In recent years the term 'threshold' has been increasingly used amongst professionals in children's services and their partner agencies. Thresholds are an attempt to limit access to services either because of finance or staffing constraints. Thresholds have no statutory basis and are not part of the *Framework for the Assessment of Children in Need and their Families*.

3.13 Placed alongside the increase in safeguarding activity in Brighton and Hove, (which predates events in Haringey) these statements make it clear that the CYPT partnership faces significant resource implications in respect of safeguarding and child protection services. Lord Laming recommended that the Government ‘must ensure children’s services, police and health services have protected budgets for the staffing and training for child protection services’. In response the Government states:

“Children’s Trusts will prepare their annual assessments of need on which the financial contributions made by local partners to jointly-funded safeguarding initiatives will be based, taking account of other local priorities. These will be set out each year in the Children and Young People’s Plan”.

The Local Children’s Safeguarding Board:

3.14 The LSCB has already taken steps to address issues raised by Lord Laming by identifying additional partnership funding to:

- appoint an Independent Chair for the LSCB
- engage independent chairs and independent overview report authors for future Serious Case Reviews
- to appoint a new LSCB Manager/Development Officer post (hosted by the CYPT and reporting to the new Head of Safeguarding) to support the work of the LSCB, and undertake audit and practice development functions; and has
- held an LSCB conference in early June to review our local response to the Laming Report and specifically to focus on key recommendations which address front line referral, assessment and thresholds (see recommendations 6, 11, 12, 13, 14, 19, 20, 21) and to continue to meet the priorities in the Children and Young People’s Plan

3.15 The response to Lord Laming’s recommendations provides some interim guidance as to the relationship between the CYPT Board and the LSCB:

‘The Children’s Trust is accountable for ensuring that services deliver better outcomes, with the Children’s Trust Board being specifically accountable for overseeing the delivery of the Children and Young Peoples Plan. The LSCB should be responsible for challenging every member of the Children’s Trust, through the Children’s Trust Board, on their success in ensuring that children and young people are kept safe. The LSCB should publish an annual report on the effectiveness of arrangements locally, and the contribution and activities of each local partner, for keeping children safe, as recommended in Lord Laming’s report. The complementary roles of the two bodies – and the challenge of the LSCB to the Children’s Trust – will only work effectively if the two bodies are chaired by different people. There will now be a presumption that the LSCB is chaired by someone independent of the local agencies so that the LSCB can exercise its local challenge function effectively’. (Paragraph 47).

4. CONSULTATION

4.1 This report has been jointly developed by senior managers in the CYPT.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are potentially significant financial implications arising from this report. At this stage it is not possible to fully quantify them. They will need to be properly costed and reported to the Board.

Finance Officer Consulted: Jeff Coates

Date: 27/05/2009

Legal Implications:

- 5.2 This report sets out the context for reviewing safeguarding practice as required by the Secretary of State following events in the London Borough of Haringey, and identifies the areas where further action will be needed in the light of anticipated statutory and regulatory developments. The framework of the Brighton and Hove CYPT and LSCB is designed to ensure that the safeguarding agenda is delivered as required.

The challenge for both Boards will be in ensuring confidence in the front line services to meet the increased expectations in safeguarding children, and that the budgets are available to meet the challenges and expectations described in the report. There has already been a significant increase in the number of care proceedings issued both nationally and locally. The availability of specialist, expert and experienced legal advice to those front line services is likely to be of vital in supporting those services in meeting and delivering the increased demands of the safeguarding agenda.

Lawyer Consulted: Natasha Watson

Date: 27/05/09

Equalities Implications:

- 5.3 Statutory Guidance (Working Together 2006) and local procedures (Pan Sussex Child Protection Procedures) take full account of the equalities issues in ensuring the safeguarding of all children, especially those from vulnerable or marginalized groups.

Sustainability Implications:

- 5.4 There are no immediate sustainability implications.

Crime & Disorder Implications:

- 5.5 There are no immediate Crime & Disorder implications.

Risk & Opportunity Management Implications:

- 5.6 Effective management of risk is a central feature of safeguarding children and is at the heart of this report.

Corporate / Citywide Implications:

- 5.7 Events in the London Borough of Haringey following the Joint Area Review of children's services demonstrate that the effectiveness of safeguarding children arrangements have very significant implications for the city council and all of its partners.

6. SUPPORTING DOCUMENTATION

Appendices:

Documents in Members' Rooms:

Background Documents: