

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 58

Brighton & Hove City Council

Subject: Effectiveness of Safeguarding practice
Date of Meeting: 25th March 2009
Report of: Director of Children's Services
Contact Officer: Name: **Steve Barton** Tel: **29-6105**
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Wards Affected: All

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following events in the London Borough of Haringey (the Baby P. case) all Local Authorities and NHS organisations are required to take stock of the effectiveness of safeguarding practice in their areas including a review of assurance arrangements at Board level.
- 1.2 This report summarises the actions taken so far by the Children and Young People's Trust (CYPT), the Local Safeguarding Children Board (LSCBs) and the PCT, on behalf of the local health economy.
- 1.3 This report has come to CYPOSC as it is one of the Children's Services and to make CYPOSC aware of the follow up work with the Board/LSCB and PCT.

2. RECOMMENDATIONS:

- 2.1 That CYPOSC comments on the content of this report and decides if there are any additional actions the Board wishes to take as part of the overall review process.
- 2.2 That CYPOSC agrees to receive a further report outlining the findings and recommendations of Lord Laming's second report 'The Protection of Children in England: A Progress Report (published March 12th 2009) and providing an update of the review of safeguarding practice in Brighton and Hove.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1. Chronology of key events:

November 12th 2008:

- Ed Balls, Secretary of State for Children, Schools and Families received the Serious Case Review Overview Report from Haringey Council in respect of the Baby P. Case and immediately initiated an urgent inspection of safeguarding in Haringey by Ofsted, the Healthcare Commission and the Chief Inspector of Constabulary

November 17th 2008:

- The Secretary of State for Children, Schools and Families and Beverly Hughes, Minister of State for Children, Young People and Families asked Lord Laming to prepare an independent report on progress implementing effective arrangements for safeguarding children and specifically to make recommendations to improve the effectiveness of local children's Safeguarding Boards (LSCBs) and the quality, consistency and impact of Serious Case Reviews.

December 1st 2008:

- Publication of Joint Area Review of Haringey services for children and young people with particular reference to safeguarding
- Letter from the Secretary of State to all Directors of Children's Services and Lead Members for Children's Services requiring them to 'take stock of the effectiveness of safeguarding practice in their own areas'
- Statement by Alan Johnson the Secretary of State for Health announcing the Healthcare Commission's 'swift review' of Health Board assurance arrangements for safeguarding
- Letter from David Nicholson NHS Chief Executive to ensure every NHS organisation actively considers the issues raised by Ofsted, and the further action they need to take
- Publication of the letter from Lord Laming to the Secretary of State for Children, Schools and Families recommending that the government should not undertake a Public Inquiry into the Haringey case but should, instead, recognise the 'robustness of the foundation on which current children's services are based' and focus on ensuring that the system is fully implemented across the country and on improving the effectiveness of Serious Case Reviews
- Publication by Ofsted's report 'Learning lessons, taking action' evaluating serious case reviews in the year to March 2008
- Publication of government's response to the Joint Chief Inspectors' Report July 2008 accepting all of the safeguarding recommendations

December 16th 2008:

- Letter from Beverly Hughes, Minister of State for Children, Young People and Families detailing the action to be taken by any LSCB responsible for a Serious Case Review judged by Ofsted to be inadequate.

December 23rd 2008:

- Letter from the Healthcare Commission outlining the Safeguarding Children Review announced on December 1st

March 12th 2008:

- Publication of Lord Laming's second report 'The Protection of Children in England: A Progress Report

3.2. Arrangements to ensure the effectiveness of safeguarding practice in Brighton and Hove are set out in Appendix 1. These arrangements ensure compliance with legislation and statutory guidance including the Children Act 2004, Working Together 2006 and the new Children's Trust Guidance on Interagency Cooperation 2008. The arrangements also ensure compliance with external inspection regimes and national standards including Ofsted's Annual Performance Assessment and Standards for Better Health (Core Standard 2). In summary the arrangements are:

- Appointment by the local authority of a Director of Children's Services and designation of a Lead Member for children's services (Children Act 2004)
- Creation by the local authority of a Local Safeguarding Children's Board (Children Act 2004 and Working Together 2006)
- Establishment of a Children and Young People's Trust to ensure planning and commissioning of services takes account of the need to safeguard and promote children's welfare (Statutory Guidance 2008)
- A Quality and Performance Branch in the CYPT to provide offline assurance for Trust services including safeguarding and child protection. And to provide management support to the LSCB and host the designated professionals for child protection who provide assurance for the local health economy.
- Area and city wide safeguarding and child protection services, which include management and assurance process to ensure effective delivery.
- An integrated Safeguarding Children Training and Development Strategy and Workforce Development Strategy

3.3. Safeguarding and child protection services provided or commissioned by the CYPT were judged to be adequate by the Joint Area Review in 2006 and improved to good in Ofsted's Annual Performance Assessment (APA) in 2007 and 2008. For 2007/8 all NHS Trusts in Brighton and Hove reported themselves to be compliant with Core Standard 2 Safeguarding Children (see Appendix 2).

3.4. In order to take stock of the effectiveness of safeguarding practice, and in the absence of guidance from the DCSF or the Healthcare Commission, the CYPT's senior management team (DMT) developed an interim assessment framework with assistance from the Children's Service Advisor at the Government Office for the South East GOSE) which included

- The main findings of the Joint Area Review of children's services in Haringey
 - Preliminary issues identified by the Healthcare Commission
 - An early draft Children's Social Care Performance Framework and LSCB Quality Assurance checklist developed by GOSE
 - A Social Care Governance Exercise completed by CYPT Area Managers (7th January 2008)
- 3.5. As a result of applying the assessment framework the following work programme was agreed by the Children and Young People's Trust (CYPT) Board on January 19th 2008:
- Self Assessment Programme - see paragraph 3.6.
 - Review of Safeguarding Services for the local health economy (Healthcare Commission and Strategic Health Authority): this work is being coordinated by the Designated Nurse
 - Review of functioning of the Local Children's Safeguarding Board (LSCB): this work is being coordinated by the LSCB Manager and will be reported to the LSCB in March
 - Presentation of further evidence and discussion at the CYPT Board March 2nd 2009
- 3.6. The self-assessment programme addresses the following issues:
- Compliance with the recommendations of the Climbié Inquiry (2005)
 - The structure and content of the CYPT's Monthly Monitoring Reports of social care and safeguarding data
 - The operation of the CYPT Area Panels for complex, high risk cases
 - 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 commissioned or provided by the CYPT
 - The effectiveness of CYPT safeguarding and child protection audit programmes and, following discussion with the its new Executive Group, the multi-agency file audit undertaken by the LSCB
 - Summary Report on progress/implications of the ICS programme for safeguarding and child protection practice in Brighton and Hove
 - Recruitment and retention of social care staff.
 - Standards of record keeping on case files with particular reference to safeguarding and child protection and to consulting with and recording the wishes and feelings of children and young people and obtaining user feedback generally
- 3.7. The programme is project managed by the Quality and Performance Branch and is integrated with reviews of safeguarding services required by the Healthcare Commission and the Strategic Health Authority, and an operational review of Brighton and Hove's LSCB.

4. CONSULTATION

- 4.1 The content of this report has been jointly developed by senior managers in the CYPT and in the PCT. A parallel report was taken to the PCT Integrated Governance Committee.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of the assessment programme will be met from within existing CYPT revenue budgets. Any recommendations made as a result of this programme may have financial implications. These will need to be assessed at the time and funding identified from within the CYPT budget. It is currently estimated that the recruitment and retention strategy will cost approximately £90k per annum. This figure may change depending on the final package of measures adopted. Resources to fund this on an ongoing basis will need to be identified from within the CYPT budget.

Finance Officer Consulted: Jeff Coates

Date: 13/03/2009

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.

The report concludes that the CYPT 's safeguarding arrangements are compliant with both the Children Act 2004 and statutory guidance and sets out the proposals for the further action to be taken, following the findings which have arisen from the Joint Area Review in Haringey.

Lawyer Consulted: Hilary Priestley

Date: 19/01/2009

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.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of safeguarding arrangements
2. Summary of the assurance provided by external inspection that safeguarding practice in Brighton and Hove is effective

Appendix 1

Summary of safeguarding arrangements

The Children and Young People's Trust:

Brighton and Hove's Children and Young People's Trust is compliant with legislation and statutory guidance, i.e., in line with the Children Act 2004 the City Council has appointed a Director of Children's Services (DCS) and designated a Lead Member for children's services with responsibility for all relevant functions including the arrangements to secure co-operation and establish LSCB. The DCS and Lead Member both fulfil a key leadership role in bringing together local partners, both statutory and non statutory across the full range of children's services.

Also in line with the Children Act 2004, and in accordance with the statutory guidance 'Working Together 2006', the city council has established a Local Safeguarding Children's Board (LSCB). The Board includes representatives of relevant persons and bodies in the city (see below).

Because Brighton and Hove's CYPT has been established since November 2006, it is in a strong position to demonstrate compliance with the new Children's Trusts Statutory Guidance on inter-agency cooperation to improve well-being of children, young people and their families (November 2008), particularly in respect of safeguarding and child protection, i.e. 'Safeguarding children depends on effective joint working between agencies and professionals that have different roles and expertise. In order to achieve this joint working, the Children's Trust needs to take a strong lead in emphasising to all partners the importance of universal, targeted and responsive safeguarding. It has a key role to play in ensuring that planning and commissioning of services takes account of the need to safeguard and promote children's welfare. The Children's Trust should consult the Local Children's Safeguarding Board on coverage and performance of services that contribute to the 'staying safe' outcome (2.12)'.

The CYPT's Quality and Performance Branch provides offline assurance and support to all of the Trust's services including safeguarding and child protection arrangements in order to ensure compliance with legislation, statutory guidance and national standards. The branch includes:

A Quality Assurance Programme Manager: to maintain an overview of quality assurance in social care services through regular case file auditing; act as LSCB Business Manager; and oversee safeguarding policies and procedures to ensure compliance to legislation.

The Senior Independent Review Officer (IRO); the IRO team chair both child protection conferences and looked after children (LAC) reviews. They are independent of operational and line management responsibility and have the status to ensure inter-agency commitment to effective safeguarding and child protection practice.

The Nurse Consultant Safeguarding & Designated Nurse: provides local health economy safeguarding children assurance and compliance to the PCT. The Head of Nursing, Governance and Safety; this new post is responsible for service governance and risk management across the CYPT, including the interface with the PCT and the city council, which underpins much of the work outlined in this section.

The Senior Performance Development Manager: the performance team provides operational managers with monthly monitoring reports of social care data including safeguarding and child protection.

The Manager for the Youth Advocacy and Participation Team: provides support to some children and young people involved in the safeguarding and children in care system

The CYPT has in place a comprehensive range of safeguarding and child protection services as a key element of its wider integrated provision, i.e. front-line safeguarding and child protection services are delivered primarily through area safeguarding teams as part of the CYPT's integrated locality based services, and include child protection support to the Social Work Team at the Children's Hospital. Each safeguarding team provides an immediate front line response to enquiries and referrals through their duty and assessment teams and on going casework support through their family support and long-term teams for looked after children and those with a child protection plan.

Safeguarding and child protection services are also provided by specialist services within the CYPT or commissioned from the Community and Voluntary Sector including: the CYPT's Integrated Disability Team, the Fostering & Adoption, the 16+ Team; Clermont Child Protection Unit; Safety Net; and RISE (Women's Refuge). Other Child Protection Services, and particularly those provided by Sussex Police fall under the remit of the LSCB.

A range of management and assurance process is in place to ensure the effectiveness of these services, i.e. the DMT Safeguarding Sub Group is a

meeting of 2nd and 3rd tier managers to oversee safeguarding and care pathways and to report to the CYPT's senior management team (DMT).

Front-line safeguarding and Child Protection arrangements include: all referrals are seen by the practice managers who oversee the allocation of cases; all social care staff provided with regular one to one supervision; Section 47 procedures in place to trigger child protection investigations including strategy discussions, initial child protection conferences, core group meetings, review child protection conferences. Multidisciplinary Area Panels chaired by Assistant Directors consider cases where children are at risk of exclusion, eviction or entering care. Specialist arrangements include placement stability meetings and disruption meetings, professional meetings for children in need planning

Arrangements to quality assure the work of front line services include:

A programme of quarterly case file audits and monthly Section 47 audits; LSCB bi-annual auditing of a sample of child protection cases to ensure compliance with procedures; an annual thematic audit by the LSCB, which is informed by performance data and challenge at the LSCB and includes scrutiny of case files to address specific issues of concern (e.g. 2006 Referrals and Re-referrals; 2007 Child Sexual Abuse).

Every school has a designated child protection co-ordinator and the CYPT has a named senior officer and three local authority designated officers (LADO's) to deal with allegations against members of staff.

In order to ensure front line staff have the support, skills and capacity to deliver effective safeguarding and child protection services the CYPT has in place: an integrated Safeguarding Children Training and Development Strategy 2007 –2010, that has been approved by CYPT DMT and LSCB. The strategy comprises staged approach to training and development in safeguarding with different staff being required to access specific levels dependant on the skills, knowledge and competencies that are needed to fulfill their role. The training programme is based on the Children's Workforce Development Council's common core of skills and knowledge. The CYPT's Workforce Development Strategy is underpinned by a range of professional leadership and development initiatives including post qualification training. The CYPT are partners in Research in Practice and Making Research Count both of which promote evidence based practice, and learning from child care research, to staff in the Trust.

Front line safeguarding and child protection services commissioned and provided by the CYPT are subject to regular external inspection. Foremost of these is Ofsted's Annual Performance Assessment of Children's Services, which will be revised as part of implementing the new Comprehensive Area Assessment regime from April 2009. In addition the GOSE Children's Service Advisor meets regularly with senior managers in the CYPT to review safeguarding and child protection practice, including Serious Case Reviews.

The Local Health Economy:

The PCT is expected to have an overview of local health economy Safeguarding Children arrangements in the city and be assured that NHS safeguarding functions are in place and undertaken. These functions include:

- Senior engagement at the Local Safeguarding Children Board
- Safeguarding Children Commissioning arrangements are in place
- Have a designated doctor and designated nurse for Safeguarding Children
- Ensure all statutory health trusts have a named doctor and named nurse in place and are compliant with all relevant NHS safeguarding standards.
- Have Child Death Overview Panel, Child Death Rapid Response and Serious Case Review processes in place
- Have a designated nurse and designated doctor for Looked After Children
- Ensure Safeguarding children is embedded within NHS governance systems across the city
- Allegations against staff are reported and managed in line with safer workforce guidance
- Safeguarding children in general practice is in place

A number of safeguarding children systems and arrangements are used in Brighton and Hove City to provide an overview of statutory health organisations, independent health providers and NHS staff learning and development. Statutory health organisations provide the PCT with a number of key safeguarding children documents to demonstrate safeguarding governance and Core Standard 2 compliance. These documents form part of the evidence required by health organisations for inspection purposes so do not create unnecessary additional work. If more detailed in depth service or practice information is required it can be requested from the NHS trust or independent provider. The LSCB undertakes multi-agency audit work which along side, complaints, plaudits, training and practice issues arising from other LSCB subgroups are used to identify when more in depth scrutiny is required.

A city wide 'Safeguarding Children Local Health Economy Quality Framework' (2007) makes explicit health sector safeguarding arrangements and systems. This document was endorsed by Brighton and Hove City PCT (B&HC PCT) during 2006, then by BSUH, SDHT, and SPT during 2006/07 and then by the Local Safeguarding Children Board in 2007. Since production of this document there has been organisational change in the city therefore safeguarding children lines of accountability have been reviewed and are being updated.

Safeguarding children developments during 2008 have included: setting up the Child Death Overview Panel, strengthening Child Death Rapid Response

practice and delivery, reviewing health sector input into the Brighton and Hove Multi-Agency Risk Assessment Committee (MARAC) and the wider domestic abuse agenda. Any gaps in connections and/or systems identified, or which emerge through service delivery, or case/service reviews and which impact on safeguarding children will be considered and where appropriate added into the PCT local health economy overview and made explicit as expectations in a PCT Safeguarding Children Policy which will be developed this year to replace the 'Safeguarding Children Local Health Economy Quality Framework' (2007).

Each Statutory health organisation providing services in the city is required to provide evidence of compliance with Standards for Better Health Core Standard 2 and NHSLA Risk Management Standards for child protection and safeguarding.

A summary of this evidence is shared with B&HC PCT via the designated nurse. An assurance review process for this evidence is currently being discussed to ensure and to inform full understanding of local health economy safeguarding children issues. 'Independent Health Care Provider Safeguarding Children Assurance packages also need to be in place. A GP Child Protection Local Enhanced Service (LES) is already in place and was reviewed during 2008. Others arrangements are required for: Dentists, Pharmacists, Opticians, large independent health care providers, and other community health care providers.

The PCT Named Doctor and Named Nurse have undertaken extensive work with GP surgeries. A Safeguarding children lead has been identified in each primary care team. A training programme has been delivered for GP Practices. A report has been produced for this committee outlining what has been achieved and next stage developments.

Some work is already underway with other independent providers to review and support their safeguarding children arrangements. Some of the larger providers are linked into the Brighton and Hove Safeguarding Children Co-ordinators group.

The CYPT provides assurance through its Children and Young People's Integrated Care Governance system that health care is safe, effective and informed by relevant evidence. Compliance with health care standards is provided through joint working with Southdowns Health NHS Trust, Sussex Partnership Trust and Brighton and Hove City PCT. The Designated Professionals for Child Protection (who are hosted in the CYPT) provide local health economy safeguarding children assurance and compliance evidence to the PCT via the PCT Integrated Governance Committee and PCT Child Protection & Safeguarding Lead Director. Accountability for delivery of this assurance is through the Section 75 Agreement.

The CYPT has separated named and designated nurse functions, which were co-located in the same post during 2008 so that the PCT can be assured there is no conflict of interest for assurance purposes for those undertaking these functions. Designated and named doctor functions will also be separated into separate posts during 2009. Safeguarding Children specialist roles will be regularly reviewed and updated.

A range of safeguarding commissioning indicators and a number of safeguarding service delivery standards have been developed which can be used to underpin commissioning contracts and service level agreements. Service Level Agreements/Understandings are being reviewed or developed to ensure transparency and clarity between and across the local health economy providers and commissioners.

Public involvement in the scrutiny and review of NHS safeguarding children arrangements is through non-executive membership of the Children and Young People Integrated Care Governance Board and through CYPT and PCT connections with patient forums. These links should be transparent and will be brought back to the PCT IGC for review and discussion.

The Local Children's Safeguarding Board (LSCB):

The LSCB is the key statutory mechanism to co-ordinate the safeguarding agenda in the city and ensure the effectiveness of local arrangements to safeguard and promote the welfare of children and young people.

The member agencies are: City Council and CYPT, Sussex Police, Brighton and Hove City Primary Care Trust, Brighton and Sussex University Hospitals NHS Trust, Southdowns NHS Health Trust, Sussex Partnership NHS Trust, South East Coast Ambulance Service, Sussex Probation, National Society for the Protection of Cruelty to Children, RISE (Women's Refuge), Children and Family Court Advisory Support Service, Community and voluntary Sector Forum (represented by Safety Net).

Partners have a duty under S.11 of the Children Act 2004 to ensure their functions are discharged with regard to the city's safeguarding agenda. The core functions of the LSCB are set out in Working Together 2006, and it achieves these through 7 sub groups: Planning & Review; Child Protection Liaison; Training; Health Advisory; Staying Safe; Education Child Protection; Safer Recruitment; and participation in the Pan Sussex Procedures Group.

The LSCB is the responsible body for reviews of serious cases, either as a formal Serious Case Review or through Individual Management Reviews. These run alongside the Serious Untoward Incident procedures for health and the Youth Offending Team Serious Incident Reporting. Lessons learned are disseminated to staff through bulletins and staff seminars approved by the Integrated Care Governance Board and the DMT Safeguarding Sub Group.

The LSCB is also responsible for ensuring the effective operation of the Child Death Overview Panel, strengthening Child Death Rapid Response practice and delivery, and reviewing health sector input into the Brighton and Hove Multi-Agency Risk Assessment Committee (MARAC) and the wider domestic abuse agenda.

The effectiveness of the LSCB is reviewed as part of Ofsted's Annual Performance Assessment of Children's Services. The LSCB has a three-year strategy and an annual business plan. Following a strategic review in August/September 2008 the LSCB made three significant changes in December 2008:

- To appoint an Independent Chair
- To create a new Executive Sub Group (and enable the Planning and Review Group to focus on monitoring and evaluation)
- To allocate more resources for the operating costs and responsibilities of the LSCB

Appendix 2

Summary of the assurance provided by external inspection that safeguarding practice in Brighton and Hove is effective

Ofsted Annual Performance Assessment:

Safeguarding and child protection services provided or commissioned by the CYPT were judged to be adequate by the Joint Area review in 2006 and improved to good in Ofsted's Annual Performance Assessment (APA) in 2007 and 2008.

In 2008 Ofsted found that in respect of Staying Safe:

'The contribution of services to improving outcomes for children and young people in this aspect is good. The council's analysis of its strengths and areas for development for this outcome area is consistent with the evidence.

The CYPT's major strengths were:

- Initial and core assessments of children in need are completed in a timely fashion.
- The LSCB works effectively at both a strategic and operational level to ensure children and young people are safeguarded.
- A range of new, targeted family support strategies and services offering early intervention and support, are beginning to have a good impact on improving outcomes for children and their families.
- Multi-agency Area Panels provide good managerial support and oversight of a range of work with children and young people at high risk in various circumstances.

Ofsted also identified the following important weaknesses and areas for development:

- The common assessment framework for children and young people with additional needs was not being used with all age groups by the required date of March 2008.
- The proportion of reviews of looked after children completed on time has fallen.

Better Standards for Health:

All NHS Trusts complete an annual Self Assessment for Standards for Better Health returns to the Healthcare Commission. For 2007/8 all NHS Trusts in Brighton and Hove reported themselves to be compliant with Core Standard 2 Safeguarding Children.

Also during 2007/8 the Safeguarding Advisor from the Department of H undertook, on behalf of the South East Coast Strategic Health Authority and independent review of NHS Trusts Safeguarding arrangements across the region. Brighton and Hove were classified as green and as having robust arrangements in place.

