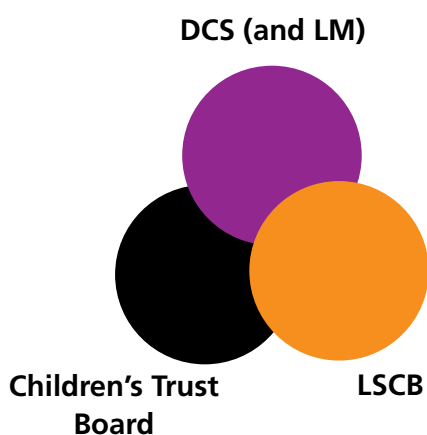


- Ensuring that local services implement safe recruitment practices and follow good practice in ensuring the good conduct of those working with children, young people and their families.



The framework for safeguarding and promoting the welfare of children

The framework for safeguarding children is a threefold one. The roles and responsibilities of the Lead Member, the DCS, the members of the local Children's Trust Strategic Partnership Arrangements and the members of the LSCB all have differing, but complementary roles.



The DCS and LM have the lead responsibility for ensuring all children are safeguarded, their welfare promoted and their wellbeing enhanced. The LSCB has the lead responsibility for ensuring that the welfare of all children is safeguarded, and more specifically for ensuring children are actively protected from harm. The Children's Trust Board has the primary responsibility for promoting children's welfare and for generally ensuring vulnerable children, and children in need are receiving support to improve their outcomes and live safe, fulfilled lives. These responsibilities are complex but necessarily overlap and there is the potential for confusion. Because of this it is important that the different kinds of accountability set out below are agreed and properly understood locally.

The LSCB through its chair is accountable to the DCS. The LSCB however holds the Children's Trust Board accountable for its work on safeguarding children. The DCS is held to account by the Chief Executive of the Local Authority and the Lead Member by the Leader of the Council. The Children's Trust Board is held to account by all the partners together for achieving improvements in overall outcomes for children and young people. In turn Overview and Scrutiny committees hold officers and executive members to account.

Whilst the parts of the system are not always directly accountable to each other, they are responsible for holding each other to account within the system. Strong leadership from the DCS, the Lead Member and the LSCB Chair, working closely together, is required to ensure these responsibilities are discharged effectively.

Box 2 - The LSCB is required to

'co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority, and to ensure the effectiveness of what is done by each such person or body for that purpose' (Section 14(1) Children Act 2004)

LSCBs were established in April 2006 to replace the child protection arrangements previously undertaken by the Area Child Protection Committee (ACPC). The Board has more authority and a wider remit. They are statutory bodies. The chair of the LSCB is currently either an independent person or a senior officer with a safeguarding background from one of the partner organisations.

The functions for the LSCB are defined in The Local Safeguarding Children Boards Regulations (2006) and *Working together to Safeguard Children (2006)* (soon to be updated).

The LSCB is expected to take an objective independent perspective in relation to the work of the partner agencies both individually and collectively. It is important for the effectiveness of the LSCB that this independence is maintained despite members having roles and responsibilities within their own organisations and partnership bodies which may come under scrutiny. What is always necessary is a combination of independence and co-operative collaborative work between partners.

The role of overview and scrutiny committees

Established by the Local Government Act 2000, OSCs provide a view from the local community including a lay perspective of services and experiences. OSCs by scrutinising what is actually happening (in terms of outcomes, daily practice, performance and effectiveness) in a particular field, service or department, focus on creating improvement across public services. They also have a role in identifying important local issues by reaching out to the public and communities in different ways.

An OSC may look at issues ranging from the delivery of services to their development or by scrutinising how trends influence service improvement. The role is, therefore, essential in holding services to account in the public interest. There is also a leadership role for OSCs in encouraging services to learn the lessons from the past. It is important that OSCs are not seen as professional auditors or performance managers but are involved in providing a 'reality check' on services.

They have a potentially crucial role in influencing the ways in which safeguarding arrangements are framed and developed and making sure that barriers to effective safeguarding arrangements are identified, tackled and removed.

OSCs can choose a variety of ways by which they can discharge their responsibilities. They can undertake single one off scrutiny events or exercises, they can build specific areas of work into their regular work programme by integrating them into every activity they undertake, they can involve a wide range of individuals both co-opted onto the panel or in giving evidence and providing information. They can consult, or go out to meet and see practice in action, or they can do a combination of all of these things. They can and should also use regular performance reports, inspection reports, and other data such as complaints information as a way to maintain an effective scrutiny and overview of a specific service area.

An OSC may choose to undertake a major scrutiny exercise looking at safeguarding arrangements. Nonetheless it still needs to ensure that every scrutiny activity relating to children's services includes a focus on safeguarding. It is important that safeguarding is seen in the context of children's services responsibilities of councils as a whole.

Some methods of scrutinising safeguarding arrangements

Buckinghamshire County Council is currently scrutinising its transport services for children and are including an examination of the safeguarding arrangements made by those transport services in that exercise

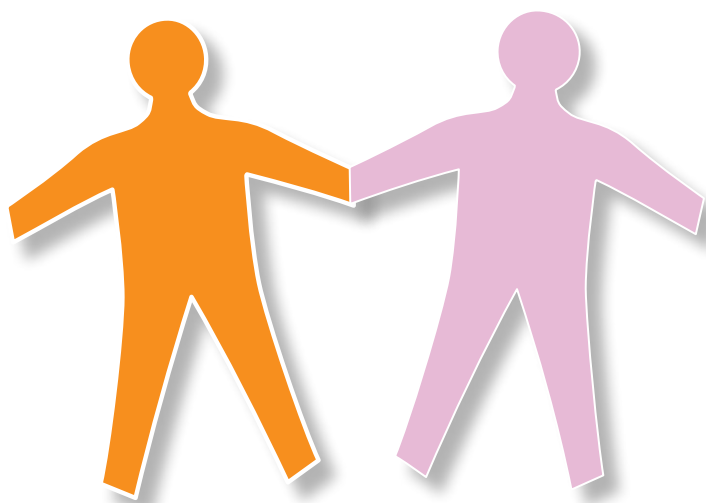
Coventry City Council Scrutiny Committee goes out to meet frontline services involved in safeguarding children and promoting their welfare regularly and builds this into the committee's regular work programme

Birmingham City Council has conducted a scrutiny exercise into children's social care, and published its report online: *The Who Cares? Protecting Children and Improving Their Care Scrutiny Review report* www.birmingham.gov.uk



What do we know so far?

- There is little statutory or practice guidance on the role of elected members in safeguarding children. *Working Together to Safeguard Children 2006* sets out that their role, through their membership of governance bodies such as the cabinet of the local authority or a scrutiny committee or a governance board, is to hold their organisation and its officers to account for their contribution to the effective functioning of the LSCB.
- There appears to be uneven progress in developing the role of OSCs with regard to safeguarding with most scrutiny of 'children's safeguarding' arrangements limited to receiving the annual report from the LSCB and questioning the relevant officers on these reports.
- Within the scrutiny arena, there are few examples of how OSCs have engaged with children's safeguarding policy and practice. There appears to be a degree of uncertainty in many areas about how elected members can best contribute to the process.
- No information is available about the application of a systematic approach to involving children, young people, families and carers in feeding back on their experience of safeguarding arrangements.
- The profile given to safeguarding arrangements within councils appears to vary which will (and does) impact on the priority given to this work by OSCs.



Opportunities and risks

Involving OSCs in scrutinising safeguarding and the work of the LSCB brings a number of real opportunities such as:

- it promotes public involvement through giving local people a say and holding councils accountable for their performance
- it provides an opportunity to build relationships between the OSC, the Children's Trust or Strategic Partnership and the LSCB based on trust and mutual respect
- it raises the profile of safeguarding children and reinforces that arrangements are there to protect children and young people from harm
- it stimulates a culture of continuous improvement in the current climate of change
- it demonstrates that needs have been properly identified and that services delivered by partner agencies do indeed promote the safeguarding of children and young people they are designed to protect.

Inevitably it will bring with it some potential threats, which, once identified can be mitigated against. Risks may be seen as:

- members of OSCs not being given appropriate training to support them in tackling the complexity of 'safeguarding children and young people'
- insufficient resources made available to support OSCs in providing external (i.e. independent, objective and evidence based) scrutiny
- duplicating or confusing the roles of the LSCB and the OSC in quality assurance and performance management of safeguarding practice and the safeguarding system
- weak OSC links to the wider 'children's safeguarding' system
- the attitude of partner agencies involved in scrutiny process
- cultural resistance to changing professional behaviours



Breaking new ground – deciding to scrutinise safeguarding arrangements

Confidence in safeguarding practice, particularly public confidence, is currently low. Effective scrutiny of safeguarding practice, performance, policy and outcomes can help build a clearer picture of what is really happening for children, young people, parents and carers. This will influence the work of the local authority, the Children's Trust and the LSCB. Including scrutiny of safeguarding arrangements as an explicit part of the OSC role; whether as a discrete review or as part of their regular programme will increase public confidence.

A vital element of successful scrutiny is for OSCs to give time to explore the context of children's safeguarding arrangements in their local area and to decide how best to proceed.

Whether OSCs intend to undertake a major exercise or integrate scrutiny of safeguarding practice into rolling work programmes, the development of a brief agreement between OSCs and the LSCB will clarify their respective roles. Each has responsibilities to review, scrutinise, challenge and to hold to account. The agreement will avoid confusion, duplication and audit fatigue. It should cover how the scrutiny reports produced are to be considered by the LSCB and Children's Trust.

The quality of the pre-planning and preparation will determine the quality of the review and production of sound recommendations. It is important to agree what OSCs are trying to achieve whether it is a high level strategic review or one with a focus on a particular issue or aspect of service delivery. The principles of effective scrutiny, defined by CfPS, should be used in early planning and preparation with OSCs:

Box 3 - CfPS' four principles of good scrutiny:

- provides 'critical friend' challenge to executive policy-makers and decision makers
- enables the voice and concerns of the public and communities
- is carried out by 'independent minded governors' who lead and own the scrutiny process
- drives improvement in public services.

It may also be helpful to draw up guidelines for OSC members, or to appoint a specific adviser, to enable them to make the most of opportunities to meet and listen to children and their parents.

Where the decision is taken to undertake a major scrutiny review the preparation should follow the same stages as any other scrutiny exercise. Prior to the start of the review, scrutiny officers and elected members should prepare a scoping and implementation plan.

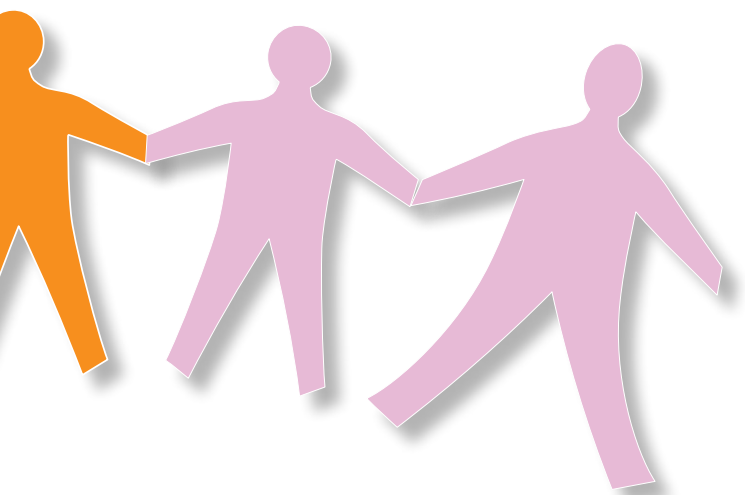
The participation of children, young people, families and carers in describing their experience of safeguarding arrangements will assist in determining appropriate lines of enquiry and will provide OSCs with evidence about how arrangements work in practice. However the involvement of children, young people and their parents is complex and takes time. Thought should be given to how best to facilitate participation that will enhance the process of the review.

OSCs will also want to consider how best to seek the views of frontline professionals (for example social workers, teachers, police) as well as those who have strategic responsibility for safeguarding as a whole.

However if OSCs decide to scrutinise safeguarding arrangements the preparation and process will need to deal with the following matters:

- establishing a clear focus for the specific activity or review
- identifying key lines of enquiry
- using the information available from Ofsted inspections
- considering the legislative framework and guidance
- the priorities identified in the Local Safeguarding Children Board annual business plan and the Children's Trust's children's plan
- the action plans of the LSCB and partners arising from serious case and child death reviews
- audit reports and plans, reports from the child death overview panel and any other service reviews
- the identification of relevant council officers, staff from partner agencies and service user and community representatives to participate in the OSC scrutiny process
- the learning and preparation requirements of members prior to the start of any scrutiny activity
- confidentiality and consent in hearing evidence and publishing reports
- support for OSC members in considering sensitive, and sometimes distressing information
- the timescale for the review
- sharing learning and experiences from other councils
- dealing with press and media interest in the review.

In holding the council and its partners to account it is not the function of the scrutiny review to try to allocate blame or determine individual failure in particular services or cases where there are failings. Rather it is to establish facts, identify benchmarks and performance comparisons and make recommendations for performance improvement.



Useful information

Government Publications

Legislation

- The Children Act 1989
- The Adoption and Children Act 2002
- The Children Act 2004

Statutory guidance under S7 of the Local Authority Social Services Act 1970

- Children Act (1989) Regulations and Guidance Volume 1 Court Orders (*updated 2008*)
- Statutory Guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (2007)
- Working Together to Safeguard Children 2006
- Safeguarding children and safer recruitment in Education 2006
- Safeguarding Children in whom illness is fabricated or induced 2008
- Children's Trusts: statutory guidance on inter-agency co-operation to improve well-being of children, young people and their families 2008
- Safeguarding children and young people from sexual exploitation 2009
- The Roles and Responsibilities of the Lead Member for Children's Services and the Director of Children's Services 2009

General Guidance

- DCSF (2009) *Guidance on the employment of children* HMSO
- DCSF (2009) *Safeguarding disabled children: Practice Guidance* HMSO
- DCSF (2008) *Leading and Managing Children's Services in England* HMSO
- DCSF (2007) *Safeguarding children who may have been trafficked* HMSO

- DCSF and DH (2007) *Statement on the duties of Doctors and other professionals in investigations of child abuse* HMSO
- DCSF (2007) *Safeguarding children from abuse linked to a belief in spirit possession* HMSO
- HM Government (2006) *What to do if you are worried a child is being abused*: DCSF

Policy

- DfES 2003 *Every Child Matters Green Paper* HMSO
- DCSF (2007) *The Children's Plan – Building brighter futures* DCSF HMSO
- DCSF (2008) *Staying Safe Action Plan* HMSO

Reviews and Audits

- HM Government (2009) *The protection of children in England: Action Plan* HMSO
- The Lord Laming (2009) *The Protection of Children in England: A progress report* HMSO
- Joint Chief Inspectors Report (2008) *Safeguarding the young and vulnerable: The Joint Chief Inspectors Report and the Government's response, one year on* Ofsted
- Brandon, M., Bailey, S., Belderson, P., Gardner, R., Sidebotham, P., Dodsworth, J., Warren, C., and Black, J. (2009) *Understanding Serious Case Reviews and their impact: A Biennial Analysis of Serious Case Reviews 2005 – 07* DSCF Research Report DCSF-RR129
- Brandon Marian et al (2009) *Understanding Serious Case Reviews and their impact: a biennial analysis of serious case reviews 2005-2007* London DCSF
- HM Government (2008) *Making Safeguarding everyone's business: The Government's response to the second joint Chief Inspectors' report on arrangements to safeguard children* HMSO
- CSCI et al (2005) *Safeguarding Children: The second joint Chief Inspectors Report on Arrangements to Safeguard Children* HMSO

- The Healthcare Commission (2007) *Safeguarding Children and Young People a shared responsibility*, HMSO
- Ofsted (2007) *Narrowing the Gap - Inspection of Children's Services* HMSO
- Ofsted (2009) *Learning Lessons, Taking Action; Ofsted's evaluations of serious case reviews: 1st April 2007 – 31st March 2008* Ofsted HMSO

Evidence Based Practice and Research

- Lord, P., Kinder, K., Wilkin, A., Atkinson, M and Harland, J. *Evaluating the early impact of integrated children's services: Round 1 Final Report*. Slough: NFER
- NtG, LGA, IDEA (2008) *Narrowing the Gap: Final Guidance Year 1* LGA
- Cleaver, H. and Nicholson, D. (2008) *Parental Learning Disability and Children's Needs* London Jessica Kingsley Publishers
- Cleaver, H. and Nicholson, D., Tarr, S., and Cleaver, D. (2008) *Child protection, domestic violence and parental substance misuse* HMSO
- Cleaver, H, Unell I and Aldgate J (forthcoming) 2009 *Children's Needs – Parenting Capacity: The impact of parental mental health, substance misuse, domestic violence, and learning disability on children's development 2nd Edition* London: The Stationery Office

Other resources

- Research in Practice Publications Research Briefings for Councillors (2009) '*Champions for children*' - Policy and practice messages
- Signposts: Safeguarding children IDeA/NSPCC (2006)
- DCSF/DH Safeguarding Children Research Initiative (2009)

Websites

- Every Child Matters: www.dcsf.gov.uk/everychildmatters
- Social Care Institute for Excellence: www.scie.org.uk
- Centre for Excellence in Outcomes: www.c4eo.org.uk
- LGA: www.lga.gov.uk
- IDeA: www.idea.gov.uk
- NSPCC: www.nspcc.org.uk

For further information about the guide or IDeA's safeguarding children programme, contact Jess O'Brien at jessica.obrien@idea.gov.uk. For information about CfPS' work and scrutiny guide series, contact Tim Gilling at tim.gilling@cfps.org.uk

