

Responding to Lord Laming's recommendation for further guidance on effective practice for Local Safeguarding Children Boards

A Summary Outline for
consultation and a call for evidence

December 2009



Local Safeguarding Children Boards Practice Guidance – Summary

Introduction

Lord Laming's Progress Report

On 12 November 2008 Ministers announced to Parliament that they had asked Lord Laming to prepare an independent report on the progress being made across the country to deliver effective arrangements to protect children, and to identify any barriers to effective, consistent implementation and how these might be overcome.

Lord Laming published *The Protection of Children in England: A Progress Report*¹ on 12 March 2009. In his report Lord Laming recommended that "The Department for Children, Schools and Families must provide further guidance to Local Safeguarding Children Boards on how to operate as effectively as possible following the publication of the Loughborough University research on Local Safeguarding Children Boards (LSCBs)". The interim findings of the research from Loughborough University were published in June 2009². It is expected that the final report will be published by the end of March 2010.

The publication of this summary outline builds on the progress already made in addressing Lord Laming's recommendations. The Social Work Task Force published its final report on 1 December 2009 and the Government accepted its recommendations. The Government has also consulted on the development of new safeguarding indicators and statutory targets, and issued a pre consultation paper on revisions to *Working Together to Safeguard Children*. The Apprenticeships, Skills, Children and Learning Act 2009, which received Royal Assent on 12 November, made the appointment of lay members and the production of an annual report a statutory obligation for LSCBs. It is expected that these will come into force from 1 April 2010.

Proposed treatment

The Government aims to issue, for full consultation, draft non-statutory practice guidance to support LSCBs to operate as effectively as possible, alongside the fully revised *Working Together to Safeguard Children* guidance, in March 2010.

Summary outline and call for evidence

As a preliminary step the National Safeguarding Delivery Unit (NSDU) is publishing this summary outline as a call for evidence of effective local practice in the areas identified throughout this document. The key findings of Loughborough University's interim report are

1 <http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-330.pdf>

2 <http://www.dcsf.gov.uk/research/programmeofresearch/index.cfm?type=5>

the basis for this summary. The final research findings will underpin the development of the draft practice guidance for consultation, but this will also be informed by:

- recommendations from Lord Laming's report;
- priorities from the Government's Action Plan;
- new statutory requirements;
- recommendations from other reports relating to the work of LSCBs, such as the *Independent Review into Use of Restraint in Juvenile Secure Settings* (Dec 2008)³;
- the third *joint Chief Inspectors' report on arrangements to safeguard children* (2008)⁴;
- issues on which LSCBs have indicated they would value further guidance; and
- recent national developments in safeguarding, such as the UK Border Agency's new statutory duty to safeguard and promote the welfare of children.

The draft guidance to be published for consultation next year will reflect other interdependent work including, for example the Centre for Excellence and Outcomes in Children and Young People's Services' (C4EO's) work on validated local practice. It will also cover in more detail those areas on which LSCBs and other stakeholders have indicated they would welcome greater clarity and guidance to help improve their effectiveness.

The NSDU invites your views on:

- the proposed outline and issues that the practice guidance should cover;
- the style and format of the practice guidance, and whether LSCBs would welcome national templates or models (for example for annual reports) that can be adopted to reflect local needs; and
- how to produce the final practice guidance. The current thinking is that an online resource for LSCBs would be the most useful and appropriate approach since it would allow the NSDU to update the guidance and links to other developments when needed and ensure that the guidance is consistently relevant and up to date.

The NSDU also welcomes contributions of evidence of models or templates of effective local practice, exemplars of good practice and case studies which relate to any of the proposed issues identified here.

The NSDU would welcome responses by 29 January 2010 emailed to lscb.guidance@nsdu.gsi.gov.uk or posted to:

LSCB Practice Guidance Outline – call for evidence
National Safeguarding Delivery Unit,
Department for Children, Schools and Families,
Level 1, Sanctuary Buildings,
Great Smith Street, London SW1P 3BT

3 <http://www.justice.gov.uk/publications/restraint-review.htm>

4 <http://www.safeguardingchildren.org.uk/>

Key themes

Section one – Governance

The NSDU proposes that the guidance covers a number of key themes ranging from Governance in section one to training in section six. In each relevant area, the NSDU has indicated what the Loughborough University's interim research report key findings have said on the issue and set out what the NSDU proposes to address in the full practice guidance. The NSDU welcomes comments and contributions on all the issues and areas covered in this document.

1.1 Chair of the LSCB

Loughborough university research *'shows that key issues for Chairs and Business Managers were how chairs;*

- *Established their authority and commanded respect without dominating;*
- *Managed relationships between different agencies with varying levels of familiarity with safeguarding children and families;*
- *Clarified lines of accountability; and,*
- *Adopted strategies to embed the LSCB within wider strategic partnerships, without compromising the separate identity, role and remit of the Board'.*

Having a chair who is skilled, and has strong leadership ability is critical to the effective operation of LSCBs. As outlined in the Government's action plan there should now be a presumption that the Chair will be someone independent of the local agencies so that the LSCB can exercise its local challenge function effectively. Lord Laming and Department for Children, Schools and Families (DCSF) have recognised the need for training for independent Chairs as an area for development to ensure they can work effectively at the local level. [See also section on training].

Membership and the size of Boards

1.2 Structure and the number of members

Loughborough university research – *'LSCBs have created various structures to support their operation. Four-fifths have established Executive groups. Although the roles fulfilled by these groups vary, an important reason for their formation is the separation of operational issues from strategic business. Boards also have a wide range of subgroups to support their work... The effectiveness of these is influenced by levels of commitment, clear priorities and terms of reference. To assist with the effective operation of the LSCB the majority of areas have appointed Business Managers and additional support staff'.*

The NSDU welcomes examples of the different structures LSCBs have adopted. The different models and their relative strengths and weaknesses will be explored in the full guidance.

Loughborough university research – *‘LSCBs have faced the challenge of trying to balance the need for a broad and inclusive LSCB membership against the need to have a Board that is a manageable size. The decisions taken on who to include on the main Board vary considerably across the country, although the average Board has 26 representatives’.*

Further consideration will be given on how to try to balance representation, involvement and a breadth of knowledge and experience while ensuring that the size of meetings is manageable and facilitates effective outcomes.

1.3 The nature of members

Loughborough university research – *Chairs and Business Managers identified difficulties in maintaining continuity of membership and regular attendance once agency representation has been secured... Not all Board members were sufficiently senior and lacked the authority needed to fulfil their responsibilities. The mapping data also indicates that the majority of LSCBs do not have the most senior representatives of their agencies on the Board. However, while seniority is clearly important, specialist knowledge and expertise in the area of safeguarding children were also necessary considerations. Developing shared language and understanding in this respect is important as is establishing engagement from those who may have traditionally had a less prominent role in work with children and young people. Changing organisational cultures and finding new ways of working always takes substantial time and although there is evidence that this process is underway it remains ‘a work in progress’ for most LSCBs.*

The NSDU proposes that the guidance therefore consider the issues highlighted:

- achieving the right balance between seniority and /or specialist knowledge;
- how members bring about organisational culture and practice;
- how partners take shared ownership and responsibility for shaping the agenda; and
- how partners set the strategic focus of their LSCB.

The NSDU welcomes examples from LSCBs that are successfully tackling these challenges.

1.4 New members

- i) From 1 April 2010 [to be confirmed] local authorities must take all reasonable steps to ensure schools are represented on the LSCB. It would be impracticable for every school to attend the LSCB so a robust and fair system of representation should be set up to enable all schools to receive information and feed back comments to their representatives on the LSCB. Where appropriate the LSCB should build on existing arrangements and avoid duplication. The relationship with the school representatives that sit on the Children’s Trust Board should be explored. The school representatives need to effectively speak for, and on behalf of, the body of schools they represent as a whole. This will require an efficient and effective means to communicate with all schools both to seek their views on issues and to feed information back. This will be explored further in the final practice guidance.

- ii) **Lay members** – LSCB arrangements are to be opened up to wider public scrutiny through the appointment of two lay members drawn from the local community. This will support stronger public engagement in, and understanding of, children’s safety issues. This became law under the Apprenticeships, Children, Skills and Learners Act which received Royal Assent in November 2009. It is expected that this requirement will come into force from April 2010.

The Children’s Workforce Development Council (CWDC) are developing an LSCB training programme that will include advice and training on the role of lay members.

The NDSU would welcome comments on whether to provide specific guidance on the recruitment and role of lay members and whether the guidance should cover specific issues including:

- job specification – national template or open to local interpretation?
- eligibility and declarations of interest/change of circumstances;
- skills & qualities needed – how to ensure high quality candidates;
- induction, training and support and length of office; and,
- confidentiality and access to confidential data.

1.5 Other members

Loughborough University research – *‘shows that the involvement of other relevant local organisations is mixed. Historically there has been a perception that safeguarding children is the responsibility of children’s social care, rather than everyone’s responsibility. The challenge lies in breaking down organisational structures to ensure effective cooperation to improve outcomes’.*

The local authority should secure the involvement of other relevant local organisations. *Working Together to Safeguard Children* sets out those local organisations who should be represented as a minimum. The NSDU would welcome evidence of models of local practice where LSCBs have been effective in developing relationships with key local organisations.

1.6 Involvement of other agencies and groups

Loughborough University research – *‘Challenges exist in terms of fully engaging with the third sector, there is a need to understand and ensure effective communication with smaller agencies and organisations’.* (See section on communications functions below)

There will be other organisations with whom the LSCB will need to make appropriate links to by inviting them to join the LSCB or through some other mechanism. LSCBs will also need to draw on the work of key national organisations and liaise with them when necessary. The guidance will highlight effective practice in linking LSCBs to other partnerships, for example, Crime and Disorder Reduction Partnerships, in working to safeguard specific groups of vulnerable children and young people (e.g. those affected by gang activity). The NSDU would welcome examples of effective engagement with other agencies and cross cutting streams of work.

The NSDU would particularly welcome examples of where LSCBs have successfully drawn in the fire service and accident prevention agencies to help meet its broader safeguarding remit and further, how the role of Children and Young People’s Safeguarding Boards have helped to ensure the voice of the child is heard.

1.7 Financing

Loughborough University research – *‘It is clear that an adequate budget and resources are important to facilitate the effective operation of the LSCB. Making sure an appropriate infrastructure is in place, that is funded appropriately is critical if LSCBs are to be effective. A large proportion of Chairs feel that the budget remains inadequate and has the potential to impact on the delivery of activities and responsibilities necessary to meet their statutory duties’.*

The budget for each LSCB and the contribution made by each member organisation should be agreed locally. The member organisations’ shared responsibility for the discharge of the LSCB’s functions includes shared responsibility for determining how the necessary resources are to be provided to support it. The NSDU would welcome evidence of where LSCBs have established an effective infrastructure for pooling resources. In addition, the guidance will reflect on the local funding mechanisms and formulas that the research found helpful.

1.8 Staffing

Loughborough University research – *‘A major player in the support network for LSCBs is the Business Manager. This is a new post that has grown as a result of the arrangements being put in place. From the research it is clear that the role is central to the successful operation of LSCBs. Not only do Chairs rely upon their guidance and active involvement in the administration of the process but they also have a critical role in taking a lead on certain tasks (eg LADO) and for networking’.*

The working practices of LSCBs need to be determined locally, with a view to securing effective operation of LSCB functions. The interim findings from the research found that each area employed people as was thought appropriate for their own circumstances and linked to their plans under their own Business Plans. The NSDU welcomes examples of staffing structures. The guidance will provide advice on the strengths and weaknesses of different models of working. It will also consider how training opportunities for Business Managers are included as part of the training offered by LSCBs.

1.9 Communications and information sharing (policies & procedures)

LSCBs have an obligation to communicate to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done, and encouraging them to do so.

Loughborough University research – *‘LSCBs tend to assume that information on policy and procedures is communicated to statutory agencies via the Board Members. Interview data suggests that Chairs and Business Managers are uncertain about the mechanisms in place to ensure this happens or whether information is disseminated effectively to agencies or the general public. At the moment little is known about what works best and how best to ensure that information is shared effectively. Given the importance of effective communication and publicity it would be desirable for LSCBs to focus attention more attention on this’.*

The DCSF is developing a LSCB Safeguarding Communications online resource to help LSCBs deliver effective communications. This resource will also help LSCBs strengthen public engagement in, and understanding of, children’s safety issues. The resource will cover what constitutes best practice and the key elements which should also be included within the resource content. The NSDU would welcome comments in order to inform the development of this resource which is expected to be available in spring 2010.

Key themes

Section two – Accountability

2.1 Loughborough University research – *‘accountability is a major requirement for strategic partnerships such as LSCBs. It would seem that if processes and practices of accountability are not clearly defined this can create confusion or possible conflict and also has the potential to delay the LSCB’s progress and development’.*

Strengthening national and local leadership and accountability is central to Lord Laming’s recommendations, and the Government’s response acknowledged the importance of this. Under the *Working Together to Safeguard Children* guidance the Children’s Trust and LSCB will be chaired by different people and the LSCB Chair will be selected with the agreement of a group of multi-agency partners.

The research found that a number of accountability mechanisms have developed in relation to the Board and the Chair. It is proposed that the guidance explore accountability in terms of:

- management of LSCBs;
- chairing arrangements;
- accountability to the Lead Member and the Scrutiny Committee;
- accountability through/to the Director of Children’s Services; and;
- accountability to the Children’s Trust/challenging the Children’s Trust.

The NSDU would welcome models of effective local practice.

2.2 Relationship between the LSCB and the Children’s Trust and independence

There must be a clear distinction between the roles and responsibilities of the LSCB and the Children’s Trust Board to ensure appropriate challenge, scrutiny and impartiality. LSCBs must be able to form a view of the quality of local activity, to challenge organisations as necessary, and to speak with an independent voice. To ensure that this is possible LSCBs must have a clear and distinct identity within local Children’s Trust governance arrangements. They should not be an operational sub-committee of the Children’s Trust Board.

The NSDU published a pre-consultation document outlining the proposed treatment of the 17 recommendations from Lord Laming’s progress report that will be addressed through revisions to *Working Together*. Annex B of this pre-consultation paper sets out a three page guide on what the full guidance might include on this relationship. This can be found online at: <http://www.dcsf.gov.uk/nsdu/consultations.shtml>

The LSCB practice guidance will take on board the responses from the pre-consultation and the consultation on the revised *Working Together to Safeguard Children* but would welcome further contributions on this key issue.

Key themes

Section three – New developments relating to LSCB functions

3.1 It is anticipated that in this section the guidance will focus on, firstly three reviews with recommendations that relate to LSCBs and accepted by Government:

- *Independent Review into Use of Restraint in Juvenile Secure Settings* (Dec 2008) which recommended, for example, that LSCBs must be properly linked in with any secure setting in its area and should be able to scrutinise restraint techniques, the policies and protocols which surround the use of restraint, and incidences and injuries.
- *Review of Elective Home Education in England* (June 2009)⁵ which recommended, for example, that the Children’s Trust Board ensures that the LSCBs reports to them on an annual basis with regard to the safeguarding provision and actions taken in relation to home educated children.
- *Review of Safeguarding Arrangements in Independent Schools* (March 2009)⁶ which recommended, for example, that the DCSF should reinforce in revisions to statutory and non-statutory guidance, LSCBs’ existing responsibilities to reach out to all schools in their area, and ensure that the advice and training needs for all schools are taken into account in local safeguarding arrangements overseen by the LSCB.

The NSDU would welcome comments and examples of where LSCBs have already successfully developed good practice in helping meet its broader safeguarding remit in regard to these developments.

Secondly, this section will provide guidance on new developments with implications for the work of LSCBs, for example:

- The Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children. In areas where there is an airport or seaport, an asylum screening unit or a number of asylum seeking families or unaccompanied asylum seeking children or a number of migrants with children, the UK Border Agency should be included in LSCB arrangements.
- The cross-Government strategy *Together We Can End Violence Against Women and Girls: a Strategy* (2009⁷) was launched on 24 November 2009. The strategy states that the Government will provide support to Multi Agency Risk Assessment Conference and LSCBs to agree joint working arrangements for identifying, protecting and supporting children affected by domestic violence.

⁵ <http://www.dcsf.gov.uk/everychildmatters/ete/independentreviewofhomeeducation/irhomeeducation/>

⁶ <http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/safeguarding/>

⁷ <http://www.homeoffice.gov.uk/documents/vawg-strategy-2009/>

The NSDU would welcome comments and examples of where LSCBs have already successfully developed good practice in helping meet its remit of safeguarding these groups of vulnerable children.

Key themes

Section four – Self-evaluation and monitoring

- 4.1** The pre-consultation paper on the revision of *Working Together* published on 20 November set out a number of proposals in paragraph 2.6 and includes at Annex A, a three page draft template identifying what the **LSCB Annual Report** might include. This paper can be found online at – (<http://www.dcsf.gov.uk/nsdu/consultations.shtml>). The NSDU welcomes views on these proposals and examples of good practice where LSCBs have developed an annual report process.
- 4.2** It is intended that the practice guidance will provide information on how Chairs can demonstrate whether the LSCB is operating effectively or moving towards being effective, outside of the Joint Area Review process. The NSDU calls for evidence from LSCBs that have set themselves measurable **success criteria & targets** distinct from key performance indicators.
- 4.3** The Government remains committed to working with **Ofsted** to develop further the relationship between the requirements set out in the *Working Together to Safeguard Children* statutory guidance and Ofsted’s evaluation frameworks.
- 4.4 Government Office support and challenge.** From April 2010, a new cadre of specialist advisers – Children and Learner Strategic Advisers (CLSAs) – will support Directors for Children and Learners in the regions in leading and coordinating high level strategic support and challenge to local authorities across all ECM outcomes. In addition a new cadre of Safeguarding Advisers will also be in place from April 2010 focusing wholly on the Stay Safe outcome and working on behalf of NSDU. The practice guidance will provide additional information about the support and challenge role of the Government Office, including the specific roles of the CLSA and Safeguarding Advisers and how they will work with the LSCB partners and the Board on areas where they may need improvement support.

Key themes

Section five – Child Death Review Processes, Serious Case Reviews and information sharing

5.1 Functions relating to child deaths

Loughborough University research – *‘Chairs and Business managers felt that greater clarity and guidance on child death review processes and the interrelationship between rapid response and overview panels would be beneficial to them’.*

This was reflected in feedback from the Child Death Overview Panels autumn regional seminars organised by DCSF where attendees requested case studies on the processes involved. The DCSF would welcome examples of effective local practice.

5.2 Serious Case Review function

Loughborough University research - showed that:

- *‘Quality of independent management reviews remain a challenge to LSCBs;*
- *Additional clarification of expectations regarding Ofsted evaluations would be helpful;*
- *More attention should be paid to learning lessons from reviews; and,*
- *Ensuring this had an impact upon practice.’*

The Government published a **response to the consultation on Serious Case Reviews (SCR)** on 18 December 2009. Respondents were asked to comment on the revised Chapter 8 of *Working Together*. The Government response is available at: <http://www.dcsf.gov.uk/nsdu/index.shtml>.

A number of themes emerged from the consultation responses which reflect the Loughborough University research findings. The Government will provide greater clarity on the SCR criteria, the relationship between SCRs and related processes, and governance arrangements where appropriate in the revised *Working Together* and through other actions underway to implement Lord Laming’s recommendations.

Two of the NSDU priority projects for 2009–2010 are firstly to develop a model for the recruitment and training of independent SCR panel chairs and authors and, secondly, to embed the lessons of SCRs and Child Death Overview Panels.

The NSDU welcomes examples of good practice, in particular where LSCBs have effectively ensured that the lessons learned have had an impact on practice.

5.3 Information sharing purposes of LSCBs (confidentiality, freedom of information and data protection)

In some situations practitioners still feel uncertain as to when they can lawfully share information. That is why the Government has provided express provision in the **Children, Schools and Families Bill** for information sharing purposes of LSCBs, such as SCRs, so that the LSCB can require information to be disclosed to it where it is not provided voluntarily. The aim is that improved information sharing for LSCB purposes will help to ensure that the lessons to be learnt across all the partners are identified. All information-sharing under the clause will have to comply with the **Data Protection Act 1998**. That Act provides a framework to protect personal information and ensure that if disclosed by one person or organisation to another it is disclosed appropriately. It strikes a balance between the many benefits of public organisations sharing information, and maintaining and strengthening safeguards and privacy of the individual. The guidance will explore the position of LSCBs in relation to issues surrounding the **Freedom of Information Act 2000** and sharing confidential information and its interaction with the Data Protection Act 1998.

The NSDU is working to recommend how to embed good practice in information sharing amongst all partners in Children's Trusts to ensure that information is shared where it is necessary to keep children safe; and identify the gaps in and blocks to implementing current guidance, and potential solutions.

Key themes

Section six – Training

- 6.1** As part of the Safeguarding Children Research Initiative the DCSF and DH published a project research brief *The organisation, outcomes and costs of interagency training for safeguarding children (2009)*⁸ on 26 November 2009. This research studied the training provided by eight LSCBs in England, asking how training was organised, what training was provided and by whom, whether it was effective and how much it cost. It highlighted implications for policy and practice for LSCBs and training subgroups.

It is intended that the practice guidance will identify models of good practice from this research exercise and provide further advice and guidance on ensuring effective single and multi-agency safeguarding training.

- 6.2** The Children's Workforce Development Council, working closely with the NSDU is developing an LSCB training programme that will potentially include advice and training for independent chairs amongst other areas. The NSDU would welcome views on the areas that this training could cover.

⁸ <http://www.dcsf.gov.uk/research/programmeofresearch/projectinformation.cfm?projectId=14957&type=5&resultspage=1>

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