

Decision Report – Cabinet decision

- 11 March 2019

Proposals to implement the new Somerset Safeguarding Children Partnership arrangements

Cabinet Member(s): Cllr Frances Nicholson, Cabinet Member for Children and Families

Division and Local Member(s): All (if county wide) or name specific councillors & their Divisions

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	Seen by:	Name	Date
	County Solicitor	Honor Clarke	25.02.19
	Monitoring Officer	Scott Wooldridge	25.02.19
	Corporate Finance	Peter Lewis	
	Human Resources	Chris Squire	25.02.19
	Property	Paula Hewitt / Claire Lovett	
	Procurement / ICT	Simon Clifford	25.02.19
	Senior Manager	Julian Wooster	28.02.19
	Commissioning Development Team	Vikki Hearn	
	Local Member(s)		
	Cabinet Member	Cllr Frances Nicholson – Lead Member for Children and Families	
	Opposition Spokesperson	Cllr Jane Lock – Opposition Spokesperson for Children and Families	
	Relevant Scrutiny Chairman	Cllr Leigh Redman for Scrutiny Children & Families,	
Forward Plan Reference:	FP 19/01/06		

<p>Summary:</p>	<p>The three Somerset Safeguarding Partners (police, CCG and County Council) are required to publish new safeguarding children arrangements by 29 June 2019 that become operational by 30 September 2019, replacing the Somerset Safeguarding Children Board.</p> <p>It is proposed to use the measures within the new Children and Social Work Act 2017 and the existing flexibility of the Children’s Trust requirements to integrate the Somerset Children’s Trust with the new Safeguarding Partnership arrangements.</p> <p>The three partners are proposing an amalgamation of the Children’s Trust Board Executive & Board with the current Somerset Safeguarding Board governance group and wider Board from October 2019 to create efficiencies both for the Council and partners in terms of the resources available and senior leadership availability.</p> <p>It is proposed to enter into contractual arrangements for the performance of appropriate safeguarding activity with partners in a regional Safeguarding Partnership, based on the Avon & Somerset Constabulary boundaries, in consultation with local Safeguarding Partners. Initial discussions have taken place with regional partners on the practice and financial benefits of sharing activities and combining capacity at a regional level. Areas under discussion include: contextual safeguarding, practice guidance and quality assurance arrangements.</p> <p>Further discussions with partners are to take place in relation to ensuring that arrangements are developed to secure sufficient challenge and independence in the new Safeguarding Partnership. It is currently not planned to have an independent chair as current thinking is that a different arrangement may be more effective.</p>
<p>Recommendations:</p>	<p>That the Cabinet approves and endorses:</p> <ol style="list-style-type: none"> 1. The proposal to implement new Safeguarding Partnership arrangements alongside changes to the Children’s Trust arrangements. 2. Consultation with the wider partnership on the proposed new integrated arrangements to meet the Council’s and other local agencies’ duties to children under the Children and Social Work Act 2017 and Children Act 2004. 3. That the Director of Children Services and the Head of Legal services undertake further discussions with local Safeguarding Partners with a view to agreeing contractual arrangements whereby certain safeguarding duties and tasks will be undertaken by identified members of the regional Safeguarding Partnership. 4. Delegation to the Director of Children’s Services of final approval of the Somerset Safeguarding Partnership arrangements to be published by 29 June 2019

	<p>5. The retention of a maximum of the current Somerset County Council budget allocation for this first year, and the identification of efficiencies with partners for 2020/2021, hence delivering a reduced budget requirement in future years.</p>
<p>Reasons for Recommendations:</p>	<p>The Children and Social Work Act 2017 and the statutory guidance Working Together 2018 remove the requirement for a Local Children’s Safeguarding Board. Instead of the local authority being the lead agency the new Act apportions equal responsibility for making multi-agency safeguarding arrangements between three ‘Safeguarding Partners’ who have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in a local area.</p> <p>The Government carried out a review of local safeguarding children boards (LSCBs) in 2016 and concluded that for multi-agency working to be strong and effective it needs to be responsive and involve the right people. A new system is required that will guarantee accountability. The review found that overall LSCBs, including their independent chairs were remote from front-line practice, with the board arrangements overly bureaucratic and not providing the accountability grip on multi-agency working.</p> <p>Under the new legislation, the three Safeguarding Partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.</p> <p>New safeguarding arrangements must be published by 29 June 2019 and become operational by 30 September 2019.</p>
<p>Links to County Vision, Business Plan and Medium-Term Financial Strategy:</p>	<p>The merger of the Children’s Trust Board Executive & Board with the current Somerset Safeguarding Board governance group and wider Board is a strategic partnership development which builds on Somerset Children’s Trust arrangements as well as partnership safeguarding arrangements (See appendix). It links them to the County Vision of partnership working for the benefit of children and families, with a focus on those most in need of safeguarding to promote the best possible outcomes for children.</p> <p>The merged group will take ownership of the revised Children and Young People’s Plan and strengthen links to other relevant strategic partnerships that have a role in safeguarding children and young people.</p> <p>The proposal supports better integration with health partners in line with the Somerset Four Year Efficiency Plan (Partnership and Integration) and promotes stronger communities by taking an overarching strategic approach to working with children and families (Think Family).</p>

<p>Consultations and co-production undertaken:</p>	<p>The other Safeguarding Partners have been consulted and are in agreement with this proposal. It is proposed to consult with other relevant agencies (members of the Somerset Safeguarding Children Board and sub-groups)</p>
<p>Financial Implications:</p>	<p>Funding to support the activity of the current Board is received from all the relevant agencies, with the largest financial contributions made by the Local Authority, the police and the Clinical Commissioning Group (CCG). In kind contributions are also received in the form of rooms/parking to accommodate meetings and training and partner contributions to the delivery of multi-agency training.</p> <p>In the new guidance, there is no prescription regarding other statutory (Section 11) partners (e.g. CAFCASS, District Councils etc) who currently make smaller contributions to the operation of the Safeguarding Children Board. The guidance requires the Safeguarding Partners to set out how 'relevant' agencies are to contribute to the new arrangements.</p> <p>The Police and the CCG have agreed to retain the current budget for this first year and the County Council is recommended to do the same. Together the Safeguarding Partners will identify efficiencies for 2020/21 to allow a reduced budget to be set for this area.</p>
<p>Legal Implications:</p>	<p>Working Together 2018 sets out the requirements for the Safeguarding Partnership. The lead representatives for the Safeguarding Partners are the local authority chief executive, the accountable officer of the clinical commissioning group, and the chief officer of police.</p> <p>All three Safeguarding Partners have equal and joint responsibility for local safeguarding arrangements. In policy situations that require a clear, single point of leadership all three Safeguarding Partners should decide who will take the lead on issues that arise.</p> <p>Everyone working with children and families, including those who work with parents / carers, understands the role they should play and the role of other practitioners. They should be aware of, and comply with, the published arrangements set out by the local Safeguarding Partners.</p> <p>For the time being it is proposed that arrangements between the partners remain informal in legal terms. The Safeguarding Partners have agreed to establish a non-binding memorandum of understanding between themselves, the terms of which have yet to be agreed, while they explore opportunities for further and closer joint working. This joint working could include the possibility of some delegation of functions to a jointly established body where appropriate as well as the implementation of cost-saving measures where synergies have been identified. Until a joint committee between the Safeguarding Partners has been formally constituted (which would require a delegation from the Council) any function undertaken by one Safeguarding Partner on behalf of another must be underpinned by</p>

	<p>contractual arrangements which protect the body responsible for the function against liabilities arising from its performance.</p> <p>These arrangements are to be strongly promoted at a local level through the commitment of chief officers in all organisations and agencies, in particular those representing the Safeguarding Partners.</p>						
HR Implications:	<p>There are no known HR implications for the first year. Business Unit staff hold contracts of employment with the Local Authority. Any future reduction in funding from the three partners could have implications for these staff in later years.</p>						
Risk Implications:	<p>There are a number of risks associated with the proposals:</p> <p>There is a risk of not meeting the statutorily prescribed timescales if agreement cannot be reached amongst the Safeguarding Partners for publication of new safeguarding arrangements by 29 June 2019 and implementation from 30 September 2019.</p> <p>The Safeguarding Children Board, current governance group, Independent Chair, and Board Business Manager are monitoring progress towards the new arrangements monthly. Progress is also being monitored nationally through the Department for Education.</p> <p>There is a risk that other statutory partners (relevant authorities) may not commit resources to the partnership. Discussions are ongoing in order to avoid this outcome.</p> <p>There is a risk that integrating children's trust and safeguarding functions may dilute the focus on core child protection responsibilities. Increased scrutiny of front-line safeguarding practice is a key feature of the new arrangements. All three partners have committed to developing a framework which strengthens accountability, improved scrutiny and independent challenge.</p> <table border="1" data-bbox="528 1294 1482 1352"> <tr> <td>Likelihood</td> <td>3</td> <td>Impact</td> <td>3</td> <td>Risk Score</td> <td>9</td> </tr> </table>	Likelihood	3	Impact	3	Risk Score	9
Likelihood	3	Impact	3	Risk Score	9		
Other Implications (including due regard implications):	<p><u>Equalities Implications</u></p> <p>An Equalities Impact Assessment is not required as there are no service implications to the proposed merger of governance arrangements</p> <p>However, due regard will be given to the following:</p> <ul style="list-style-type: none"> • The use of plain English • Any need for translation or interpretation services • Accessibility • Vulnerable Groups <p><u>Community Safety Implications</u></p> <p>There are no community safety implications to this proposal but there may be opportunities in the future to align with the Safer Somerset Partnership to promote children's safeguarding and well-being.</p> <p><u>Sustainability Implications</u></p>						

	<p>There will be a positive impact on time, cost and travel, and hence pollution, from reducing the number of meetings.</p> <p><u>Health and Safety Implications</u></p> <p>There are no Health and Safety implications to the proposed merger of governance arrangements.</p> <p><u>Privacy Implications</u></p> <p>There are no known privacy implications to the proposals.</p> <p><u>Health and Wellbeing Implications</u></p> <p>The proposals for the Children’s Trust Board Executive to merge with governance for new safeguarding arrangements safeguard and promote the welfare of children and young people in the context of their families and communities and promoting independence. They therefore support the priorities in the Health and Wellbeing strategy.</p>
<p>Scrutiny comments / recommendation (if any):</p>	<p>See paragraph 1.4 and noting the need for further engagement on the proposed new arrangements with Scrutiny Committee for Children and Families.</p>

1. Background

- 1.1 The Children Act 2004 gave lead responsibility for arrangements to safeguard and promote the welfare of children in a local area to the Chief Executive of the top tier local authority, working alongside the Lead Member for Children's Services and the Director of Children's Services. Specified organisations and agencies were required to work together with the local authority to achieve this. Responsibility for coordinating and ensuring the effectiveness of such services lay with the Local Children's Safeguarding Board, working directly to the Local Authority Chief Executive.

The Children and Social Work Act 2017 changed this arrangement and apportions equal responsibility for this join-up locally between three 'Safeguarding Partners' who have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in a local area.

A Safeguarding Partner in relation to a local authority area in England is defined under the Children Act 2004 (as amended by the Children and Social Work Act, 2017) as:

- (a) the local authority
- (b) a clinical commissioning group for an area any part of which falls within the local authority area
- (c) the chief officer of police for an area

Under the new legislation, the three Safeguarding Partners must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.

New arrangements must be published by 29 June 2019 and operational by 30 September 2019.

1.2 Resources

The proposal to Cabinet by the three key Safeguarding Partners recommends the retention of current budget for this first year, and the identification of efficiencies with partners for 2020/2021.

Funding to support the activity of the current Board is received from all the relevant agencies, with the largest contributions made by the Local Authority, the police and the Clinical Commissioning Group. Securing ongoing contributions from partners currently making smaller contributions is proposed for the first year of the new arrangements. It is not intended that the Council, or other larger partners, will make up the deficit should these contributions not be secured.

1.3 Local Executive arrangements (Tier 1) (See Appendix)

It is proposed to use the flexibility of the new Children and Social Work Act 2017 and the existing flexibility of the Children's Trust arrangements to integrate the Somerset Children's Trust with the new Safeguarding Partnership arrangements.

The Safeguarding Partners are proposing an amalgamation of the Children's Trust Board Executive & Board with the current Somerset Safeguarding Board governance group and wider Board from October 2019 to create efficiencies both for the Council

and partners in terms of funding and senior leadership availability. A number of existing partnerships in Somerset (but notably the Children's Trust Board) have terms of reference which interface with and overlap those of the Somerset Safeguarding Children Board (SSCB) and whose activities have significant impact on the safeguarding children agenda and therefore the proposals support making efficiencies.

Somerset Children's Trust Executive has jointly agreed a framework for commissioning of safeguarding services. It oversees the preparation and implementation of the Children and Young People's Plan to reflect identified local need. It also seeks to ensure there is no overlap and duplication between services provided by different organisations, ensures alignment of priorities with Somerset's Health and Wellbeing Strategy and reflects the voice of the child and families. The Trust also commissions relevant services. The new Children and Young People's Plan proposes four priority areas from 2019, underpinned by our collective Safeguarding responsibilities and the 'Think Family' strategy.

By combining the Children's Trust Executive with the governance group responsible for new safeguarding arrangements, a small executive group of senior leaders from the Safeguarding Partners, with the addition of other partners as appropriate, meeting regularly, would be in a position to set a coherent strategic direction, align funding and resources, agree the business plan, manage risks, monitor effectiveness, impact and outcomes, and provide accountability.

Both the Children's Trust Executive and the Somerset Safeguarding Children Board governance group regularly meet separately. In joining together, they would fulfil the safeguarding governance requirements, create efficiencies and reduce demand on the safeguarding leadership capacity across the partners by reducing the number of meetings with separate agendas.

Under the new safeguarding arrangements there are no prescribed functions of the executive, but a requirement to:

- act as a strategic group in supporting and engaging others
- have equal and joint responsibility for making local safeguarding arrangements (Working Together to Safeguard Children 2018).

A new body which encompasses all strategic planning for children would take responsibility for and maintain a focus on safeguarding responsibilities. Furthermore, an overarching 'Think Family' approach strengthens Somerset's wider agenda for children such as preventative work/early help and aligns with the work of other strategic boards represented on the Joint Protocol Strategic Partnership Chairs group.

Participation arrangements for the new safeguarding arrangements would be reinforced by the Children's Trust's framework for children and young people's involvement. In turn, the SSCB has a strong tradition of partnership working to further enhance the Children's Trust Board arrangements. Amalgamation of the governance of both would strengthen both areas.

1.4 **Scrutiny of Safeguarding Partnership Arrangements**

Further discussions with partners are to take place in relation to ensuring that arrangements are developed to secure sufficient challenge and independence in the new Safeguarding Partnership. The Safeguarding Partners are required jointly to appoint an Independent Person to scrutinise the effectiveness of the safeguarding arrangements and have also discussed the possibility of asking regional partners (outside Somerset) to scrutinise the arrangements. It is currently not planned to have an independent chair of the Safeguarding Partnership Executive and a different model will be developed.

There is a risk that integrating children's trust and safeguarding functions may dilute the focus on core child protection responsibilities.

Partnership-wide scrutiny and quality assurance arrangements will ensure that this is not the case and that the new arrangements for safeguarding children are robust and satisfy the Working Together to Safeguard Children (2018) statutory guidance. Scrutiny of safeguarding of children is a key feature of the new arrangements. A framework will therefore be developed which builds on existing scrutiny and quality assurance activity which includes, but is not limited to, multi-agency audits, Section 11 audits, peer reviews and a statutory annual report. In addition, Working Together (2018) stipulates the need for independent scrutiny which is likely to be provided both by local peer review and by engagement of independent scrutineers/independent auditors.

1.5 **Wide partnership engagement (Tier 2)**

Building on the current SSCB Board structures, the three Somerset Safeguarding Partners are working towards the development of the current SSCB into a Somerset Safeguarding Children Partnership (*working title*), meeting at least three times per year in conference style to address regional and local priorities, and maintain communication and engagement. This tier of leadership and engagement will be informed by learning from local and regional intelligence and national responses to emerging safeguarding themes. Partners will need to consider a range of options, which include whether this will be linked to district council areas or based on a Somerset-wide approach.

1.6 **Delivery arrangements (Tier 3)**

Under the new arrangements, the three Safeguarding Partners have agreed the need to retain a local focus on some core activities, such as learning and improvement (e.g. transition from Serious Case Reviews to Child Safeguarding Practice Reviews).

It is proposed to enter into contractual arrangements for the provision of appropriate safeguarding tasks with the partners of a regional Safeguarding Partnership, based on the Avon & Somerset Constabulary boundaries, and in consultation with local Safeguarding Partners. Initial discussions have taken place with regional partners on the practice and financial benefits of sharing activities and combining capacity at a regional level. Areas under discussion include: contextual safeguarding, practice guidance and quality assurance arrangements. Regional activity will be undertaken where it improves service delivery and efficiency.

The existing SSCB is further informed by a Health Advisory group and an Education Advisory group, and it is proposed that these advisory boards continue to support new safeguarding arrangements, with revised terms of reference. The engagement of education in the new safeguarding arrangements will be a key area for consideration in line with the statutory guidance 'Keeping Children Safe in Education'. Educational involvement is currently being reviewed.

Children and young people are telling us that their priorities are:

- Education and preparing for adulthood
- Health – physical and emotional
- Support for parents/carers and children and young people
- Positive activities

These will be reflected in the new Children and Young People's Plan, effective as of 1 April 2019. All four priorities are underpinned by a responsibility for children and young people's safety and security and are therefore aligned with the safeguarding agenda. There may be opportunities in the future to align existing work programmes e.g. from the Children and Young People's Plan/ Safer Somerset Partnership/Somerset Safeguarding Adults Board (e.g. incorporating Domestic Homicide Reviews from a learning perspective).

1.7 **Child Death Overview Panel**

The Child Death Overview Panel (CDOP) sits under the SSCB arrangements at present but will fall outside new statutory safeguarding arrangements as of October 2019.

Through annual reporting, the executive Safeguarding Partners will seek assurance from the CDOP in relation to safeguarding matters.

1.8 **Timeline**

- Publication of new safeguarding arrangements: **29 June 2019**
- Cessation of current Somerset Safeguarding Children Board arrangements: **30 September 2019**
- New safeguarding children arrangements effective: **30 September 2019**
 - Proposed new safeguarding governance arrangements operational
 - New CDOP arrangements effective
 - Progress Report to Children's Scrutiny – **15 November 2019 (Publish on 7 November)**

2. Options considered and reasons for rejecting them

- 2.1 Alignment with the Somerset Safeguarding Adults Board has been considered. At this stage there is a more natural alignment and opportunity for efficiency with the priorities identified by children and young people for the next Children and Young People's Plan. Similarly, the Safer Somerset Partnership governance does not align as closely with the safeguarding arrangements as the Children's Trust Executive at present. However, there may be opportunities to align future arrangements to create leadership capacity and further back office efficiencies.

3 Background papers

None