

## Decision Report – Cabinet decision

- 8<sup>th</sup> July 2019

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### **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

Lead Officer: Julian Wooster, Director of Children's Services

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|                                | <b>Seen by:</b>  | <b>Name</b>  | <b>Date</b>      |
|--------------------------------|--|--|------------------|
|                                | County Solicitor   | Thomas Woodhams  | 24/06/19         |
|                                | Monitoring Officer   | Scott Wooldridge   | 24/06/19         |
|                                | Corporate Finance  | Sheila Collins   | 24/06/19         |
|                                | Human Resources  | Chris Squire   | 24/06/19         |
|                                | Property   | Paula Hewitt   | Sent 27/06/19    |
|                                | Procurement / ICT  | Simon Clifford   | 24/06/19         |
|                                | Senior Manager   | Julian Wooster   | 24/06/19         |
|                                | Commissioning Development Team   | Vikki Hearn  | Sent 27/06/19    |
|                                | Local Member(s)  |  |                  |
|                                | Cabinet Member   | Cllr Frances Nicholson – Lead Member for Children's Services       | 24/06/19         |
|                                | Opposition Spokesperson  | Cllr Jane Lock – Opposition Spokesperson for Children and Families | Sent 27/06/19    |
|                                | Relevant Scrutiny Chairman   | Cllr Leigh Redman for Scrutiny Children & Families,                | Briefed 27/06/19 |
| <b>Forward Plan Reference:</b> | FP/19/06/01  |  |                  |
| <b>Summary:</b>                | The three Somerset Safeguarding Partners (Avon and Somerset Constabulary, Clinical Commissioning Group and County Council) are |  |                  |

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|                                | <p>required to publish new safeguarding children arrangements by 29 June 2019 that become operational by 30 September 2019, replacing the Somerset Safeguarding Children Board with a Somerset Safeguarding Children Partnership.</p> <p>Cabinet has agreed an amalgamation of the Children’s Trust Board Executive &amp; Board with the current Somerset Safeguarding Board governance group and wider Board from 30 September 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 and 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>For the avoidance of doubt in this paper and in its background paper, the terms ‘scrutiny’ and ‘scrutineer’ concern independent scrutiny and challenge analogous to and building on earlier arrangements that then included an Independent Chair of the Local Safeguarding Children Board. Where Somerset County Council’s Scrutiny Committee and/or scrutiny function is referenced ‘SCC’ will always be used.</p> <p>Further discussions with Somerset Safeguarding Partners are taking place in relation to ensuring that scrutiny arrangements 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, although the appointment of an Independent Person or body to provide scrutiny is a requirement under the new arrangements.</p> <p><b>The published new arrangements are attached as a background paper.</b></p> |
| <p><b>Recommendations:</b></p> | <p><b>That the Cabinet approves and endorses:</b></p> <ol style="list-style-type: none"> <li><b>1. The proposal to implement new Safeguarding Partnership arrangements alongside changes to the Children’s Trust arrangements at Executive (Tier 1) and Partnership (Tier 2) level.</b></li> <li><b>2. The publication of the new safeguarding arrangements in June 2019 on behalf of the County Council, CCG and Avon and Somerset Constabulary by 29 June, as delegated to the Director of Children’s Services in March 2019.</b></li> <li><b>3. Sign-off on the published arrangements by the County Council Chief Executive.</b></li> </ol>   |

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|   | <p><b>4. That the Director of Children Services and the Head of Legal services undertake further discussions with local and regional 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.</b></p>   |
| <p><b>Reasons for Recommendations:</b></p>  | <p>The Children and Social Work Act (2017) and the statutory guidance Working Together to Safeguard Children (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><b>New safeguarding arrangements will be published by 29 June 2019, with authority for the County Council arrangements delegated to the Director of Children’s Services in March 2019. These arrangements become operational by 30 September 2019 and are attached for Cabinet endorsement.</b></p>   |
| <p><b>Links to County Vision, Business Plan and Medium-Term Financial Strategy:</b></p> | <p>The merger of the Children’s Trust Board Executive &amp; 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. 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. The amalgamated Executive also holds responsibility for oversight of the Somerset Plan for Children, Young People and Families (2019-2022).</p> <p>The new arrangements support 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><b>Consultations and co-production undertaken:</b></p>                               | <p>Members of the existing Somerset Safeguarding Children Board and the Children’s Trust Board have been consulted on the changes to the new safeguarding arrangements. In addition, there has been a wider partnership consultation via SurveyMonkey.</p> <p>Feedback has shown that there is broad agreement to having a Partnership Forum for the engagement of relevant agencies at the level below the Executive. All respondents were interested in being involved in future partnership meetings, with most wanting meetings three times per year. There was interest from most in multi-agency training, newsletters and learning bulletins and further development of virtual involvement (e.g. webinars). Respondents identified the following as working well and having scope for future development:</p>  |

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|                                       | <p>section 11 peer review, communication with schools, 'Think Family' approach, and encouraging a broad multi-agency approach to training.</p> <p>There was widespread support for strengthening the voice of children and young people in safeguarding arrangements, to developing stronger links with education, and to developing greater rigour in reporting to the three Safeguarding Partners. These aspects are already under development, led by the three key Safeguarding Partners.</p> <p>Young people have also been involved in early consultation about the new arrangements.</p>   |
| <p><b>Financial Implications:</b></p> | <p>In March 2019, Cabinet agreed that the County Council would retain the existing level of financial contribution for the year 2019-2020. Avon and Somerset Constabulary and the Clinical Commissioning Group have also agreed to retain the current budget for this first year. Relevant agencies who have made smaller contributions have also been requested to maintain their levels of contribution, and to date there has been no dissent.</p> <p>Together, the three Safeguarding Partners will identify efficiencies for 2020/21 to allow a reduced budget to be set for this area, based on 'proportionate and equitable' principles, as set out in 'Working Together to Safeguard Children' (2018).</p> <p>Expectations of agencies are also being set out regarding 'in kind' contributions e.g. rooms to accommodate meetings, and training and partner contributions to the delivery of multi-agency training.</p>  |
| <p><b>Legal Implications:</b></p>     | <p>'Working Together to Safeguard Children' (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 and/or make use of an independent scrutineer.</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. 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 contractual arrangements</p> |

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|  | <p>which protect the body responsible for the function against liabilities arising from its performance.</p> <p>This is equally true of the regional arrangements. The regional Safeguarding Partners have also agreed to establish a non-binding memorandum of understanding between themselves. At present, scrutiny arrangements will remain place-based within Somerset, with consideration of future contractual arrangements for delegation at a regional level.</p>   |               |          |                   |          |  |                   |          |               |          |                   |          |
| <b>HR Implications:</b>  | <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>   |               |          |                   |          |  |                   |          |               |          |                   |          |
| <b>Risk Implications:</b>                                      | <p>There are a number of risks associated with the proposals:</p> <p>There is minimal risk of not meeting the statutorily prescribed timescales, as agreement has been reached amongst the Safeguarding Partners for publication of new safeguarding arrangements by 29 June 2019 and implementation from 30 September 2019, attached as a background paper.</p> <p>The Somerset Safeguarding Children Board, current SSCB 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 which completed a compliance check on the new arrangements in June 2019.</p> <p>There is a risk that other statutory partners (relevant authorities) may not commit resources to the partnership. Discussions are ongoing to avoid this outcome from 2020-2021 and beyond.</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 to mitigate this risk.</p> <table border="1" data-bbox="528 1675 1481 1738"> <tr> <td data-bbox="528 1675 740 1738"><b>Likelihood</b></td> <td data-bbox="740 1675 847 1738"><b>2</b></td> <td data-bbox="847 1675 1023 1738"><b>Impact</b></td> <td data-bbox="1023 1675 1137 1738"><b>3</b></td> <td data-bbox="1137 1675 1362 1738"><b>Risk Score</b></td> <td data-bbox="1362 1675 1481 1738"><b>6</b></td> </tr> </table> |               |          |                   |          |  | <b>Likelihood</b> | <b>2</b> | <b>Impact</b> | <b>3</b> | <b>Risk Score</b> | <b>6</b> |
| <b>Likelihood</b>  | <b>2</b>   | <b>Impact</b> | <b>3</b> | <b>Risk Score</b> | <b>6</b> |  |                   |          |               |          |                   |          |
| <b>Other Implications (including due regard implications):</b> | <p><b><u>Equalities Implications</u></b></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"> <li>• The use of plain English</li> <li>• Any need for translation or interpretation services</li> <li>• Accessibility</li> <li>• Vulnerable Groups</li> </ul>  |               |          |                   |          |  |                   |          |               |          |                   |          |

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|  | <p><b><u>Community Safety Implications</u></b></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><b><u>Sustainability Implications</u></b></p> <p>There will be a positive impact on time, cost and travel, and hence pollution, from reducing the number of meetings.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>There are no Health and Safety implications to the proposed merger of governance arrangements.</p> <p><b><u>Privacy Implications</u></b></p> <p>There are no known privacy implications to the proposals.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>The merger of the Children’s Trust arrangements with the new safeguarding arrangements promotes the welfare of children and young people in the context of their families and communities and promotes independence. This therefore supports the priorities in the Health and Wellbeing strategy, and the Health and Wellbeing Board will be the local forum for the twelve-monthly activity report to be tabled.</p>  |
| <p><b>Scrutiny comments / recommendation (if any):</b></p> | <p>Reports on the new Safeguarding Partnership requirements and local progress to deliver these arrangements were presented to the SCC Children’s Scrutiny Committee on 14 June 2019.</p> <p>The role of independent scrutiny is critical to provide assurance in assessing the effectiveness of the new safeguarding arrangements in Somerset, including arrangements to support Child Safeguarding Practice Reviews, which replace Serious Case Reviews. Independent scrutiny will operate at all tiers of the partnership, from the Executive to frontline practice, to ensure the partnership’s line of sight to children in Somerset. It should be noted that, unlike the current Independent Chair of the Safeguarding Board, there is flexibility under the new arrangements to appoint more than one individual to carry out independent scrutiny activity.</p> <p>The SCC Children and Families Scrutiny Committee has a function to ensure accountability for the County Council. The panel will also have a function to seek assurance from the independent scrutineer(s) on the effectiveness of the new arrangements.</p> <p>Members of the SCC Children and Families Scrutiny Committee have indicated that they wish to be part of wider scrutiny arrangements with the police and the Clinical Commissioning Group, as well as to</p> |

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|  | <p>participate in 'look and see' activity with children, young people and practitioners.</p> |
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A further progress report will be submitted to the SCC Children and Families Scrutiny Committee on 15 November 2019.

## **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. The local authority is no longer the lead agency.

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

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

## **1.2 Resources**

In March 2019, Cabinet agreed that the County Council would retain the existing level of financial contribution for the year 2019-2020. Avon and Somerset Constabulary and the Clinical Commissioning Group have also agreed to retain the current budget for this first year. Relevant agencies who have made smaller contributions have also been requested to maintain their levels of contribution, and to date there has been no dissent. 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**

The flexibility of the new Children and Social Work Act 2017 and the existing flexibility of the Children's Trust statutory requirements allows for the integration of the Somerset Children's Trust with the new Safeguarding Partnership arrangements. This will address areas of duplication.

The Executive for the Somerset Safeguarding Children Partnership comprises the three key Safeguarding Partners. They work in partnership to fulfil their statutory duties as set out in the Children and Social Work Act (2017) and Working Together to Safeguard Children (2018). The Executive holds responsibility for wider duties to safeguard and promote the welfare of children under Section 11 of the Children Act



(2004). There is 'a shared responsibility between organisations and agencies to safeguard and promote the welfare of all children in a local area' Working Together to Safeguard Children (2018).

It will also ensure that duties placed on local authorities under Section 10 of the Children Act (2004) to make arrangements to promote co-operation between the authority, each of the relevant partners and such other persons or bodies working with children in the local authority's area, as the authority considers appropriate.

It is important to emphasise that the concept of safeguarding as described above is wide ranging resulting in both considerable overlap in previous arrangements especially in areas such as early help and self-harm and the same time from some practitioners a confusion between safeguarding and child protection.

Accountability for safeguarding children lies with the Chief Constable, Avon and Somerset Constabulary, the Chief Executive Officer, Somerset County Council, and the Chief Accountable Officer, Somerset Clinical Commissioning Group, who have delegated responsibility to the three named Safeguarding Partners.

Somerset Safeguarding Children Partnership activity will be reported within Somerset via a twelve-monthly report to the Somerset Health and Wellbeing Board.

The new Somerset Plan for Children, Young People and Families contains four priority areas from 2019, underpinned by our collective safeguarding responsibilities and the 'Think Family' strategy, and work is underway to align the business plans.

#### 1.4 **Partnership engagement**

Somerset safeguarding arrangements to engage with relevant agencies will comprise a Partnership Forum (*working title*) which will have a focus on themed learning, as priorities and areas for development arise across the Partnership. The three Somerset Safeguarding Partners are developing the Partnership Forum, amalgamated with the Children's Trust Board, which will meet at least three times per year in conference style to address regional and local priorities, and maintain communication and engagement. Consultation has taken place with partners on this proposal and there is broad agreement for themed partnership events.

This tier of leadership and engagement will be informed by learning from local and regional intelligence and national responses to emerging safeguarding themes.

The Partnership Forum will be one of a range of methods for relevant agencies to engage with the safeguarding arrangements which include, but are not limited to, opportunities for digital engagement, safeguarding bulletins, and scrutiny activity.

#### 1.5 **Delivery arrangements**

At the level of subgroup delivery activity, relevant agencies and wider partners are expected to:

- Ensure appropriate seniority of representation, attendance and commitment to the Somerset Safeguarding Children Partnership subgroups.

- Share the responsibility of ensuring that the Business Plan and Somerset Plan for Children, Young People and Families (2019-2022) are delivered.
- Ensure that policies are in place which are compliant with partnership arrangements to safeguard children and young people.
- Promote the voice of the child to inform local safeguarding arrangements.
- Attend and contribute to multi-agency safeguarding training.
- Act as a channel of communication for proactive dissemination of information and learning within agency/sector (and beyond as appropriate).
- Ensure, as part of the Child Safeguarding Practice Reviews, that single and multi-agency action plans are implemented in a timely manner.
- Make arrangements for financial or 'in-kind' contributions to the Somerset Safeguarding Children Partnership.
  - Provide professional challenge, as appropriate.

### **Scrutiny of Safeguarding Partnership Arrangements**

- 1.6 Further discussions with partners are taking place to ensure that arrangements secure sufficient challenge and independence in the new Somerset Safeguarding Children Partnership.

The Safeguarding Partners are required jointly to ensure independent scrutiny to assure the effectiveness of the new Somerset safeguarding arrangements. Working Together to Safeguard Children (2018) states that:

*The role of independent scrutiny is to provide assurance in judging the effectiveness of multi-agency arrangements to safeguard and promote the welfare of all children in a local area, including arrangements to identify and review serious child safeguarding cases.*

*The independent scrutineer should consider how effectively the arrangements are working for children and families as well as for practitioners, and how well the Safeguarding Partners are providing strong leadership and agree with the Safeguarding Partners how this will be reported. (WT2018)*

The role of independent scrutiny is critical to provide assurance in assessing the effectiveness of the new safeguarding arrangements in Somerset, including arrangements to support Child Safeguarding Practice Reviews. Independent scrutiny will operate at all tiers of the Partnership, from the Executive to frontline practice, to ensure the Partnership's line of sight to children in Somerset and that there is no dilution of core child protection responsibilities.

It should be noted that, unlike the current Independent Chair of the Safeguarding Board, there is flexibility under the new arrangements to appoint more than one individual to carry out independent scrutiny activity.

An independent scrutineer will have the experience and skills to carry out robust scrutiny. In the longer term, it is expected that the five Local Authority areas in the Avon and Somerset Constabulary region will look to appoint a pool of independent scrutineers with sufficient experience, knowledge and skills to undertake scrutiny activity across the region.

Partnership-wide scrutiny and quality assurance arrangements will ensure that the new arrangements for safeguarding children are robust and satisfy the 'Working Together to Safeguard Children' (2018) statutory guidance.

Given that regional arrangements are not yet fully developed, scrutiny will be place-based within Somerset at the inception of the new arrangements. Locally, a framework will be developed which builds on existing scrutiny and quality assurance activity and which includes, but is not limited to:

- multi-agency audits
- thematic and learning reviews
- Section 11 audits and associated multi-agency peer challenges to audit findings
- peer reviews
- Section 157/175 audits of education providers
- a twelve-monthly report in line with Working Together to Safeguard Children (2018) guidance.

The lived experience of children and young people in a multi-agency context will be at the centre of scrutiny activity in Somerset. Likewise, the views of and learning from frontline practitioners are central to scrutiny arrangements and ensure that the line of sight on children and young people is maintained.

Somerset Safeguarding Children Partnership arrangements will also be scrutinised through the three key partners' organisational scrutiny functions to ensure accountability at the level of Chief Executive (Somerset County Council), Chief Operating Officer (Clinical Commissioning Group), and Chief Constable (Avon and Somerset Constabulary). Therefore, the SCC Children and Families Scrutiny Committee has a function to ensure accountability for the County Council. The Committee will also have a function to seek assurance from the independent scrutineer(s) on the effectiveness of the new arrangements.

Members of the SCC Children and Families Scrutiny Committee have indicated that they wish to be part of wider scrutiny arrangements with the police and the Clinical Commissioning Group, as well as participating in 'look and see' activity with children, young people and practitioners to ensure a line of sight on frontline practice.

Regulatory inspections (e.g. Ofsted, CQC, JTAI, HMIC) will also contribute to scrutiny arrangements.

## 1.7 **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
  - 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 Somerset Children, Young People and Families Plan (2019-2022). 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**

**Somerset Safeguarding Children Partnership New Arrangements June 2019**