

Cabinet

12th February 2019

Name of Cabinet Member:

Cabinet Member for Children and Young People - Councillor P Seaman

Cabinet Member for Education and Skills - Councillor K Maton

Cabinet Member for Adult Services- Councillor F Abbot

Cabinet Member for Public Health and Sport - Councillor K Caan

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

None

Title: Revised Safeguarding Arrangements and Local Assurance Framework

Is this a key decision?

Yes - the report proposes a number of changes to Safeguarding Arrangements for children in Coventry which will be significant in terms of its potential impact on communities living or working across all wards in the city.

Executive Summary:

The purpose of this report is to advise Cabinet of the proposed transfer from the current Safeguarding Children Board to a new Safeguarding Children's Partnership and related changes within the wider safeguarding arrangements across children and adults services in respect of the independent chair role.

The report summarises the legislative changes within Children and Social Work Act 2017 and updated guidance in Working Together 2018 which impact directly on Local Safeguarding Children's Boards as well as outlining a proposal to ensure compliance with the changes locally. There is no corresponding change for adults safeguarding at this time although it should be noted that the Care Act 2014 placed adult safeguarding boards on a statutory footing for the first time, thus giving an equivalent obligation to that which existed for children. The Coventry Safeguarding Adults Board has been in existence since before the Care Act recognising the City's approach to adopting best practice for adult safeguarding arrangements.

This report also presents a revised assurance document which outlines recommendations to satisfy the City Council that local arrangements continue to be effective in discharging the duties of the key statutory roles of Director of Children's Services, Director of Adult Services and Director of Public Health.

Recommendations:

Cabinet is recommended to:

1. Approve the proposal for the creation of the Safeguarding Children’s Partnership.
2. Approve the continuation of the separate existing adult safeguarding board arrangements noting that opportunities for learning and consistency between boards is achieved through the single Safeguarding Board Chair.
3. Note the outcome of the Local Assurance review in respect of the roles of the Director of Children’s Services and Director of Adult services and support the recommendation that the changes in appointments identified are implemented.

List of Appendices included:

Appendix One: Local assurance review

Appendix Two: Safeguarding Partnership arrangements

Background papers:

None

Other useful documents:

The Wood Review

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/526329/Alan_Wood_review.pdf

Working Together 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf

Guidance for Directors of Children’s Services

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/271429/directors_of_child_services_-_stat_guidance.pdf

Guidance for Directors of Adult Services

<https://democracy.leeds.gov.uk/documents/s2405/Adult%20Service%20Appendix%201.pdf>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report Title: Revised Safeguarding arrangements and Local Assurance Framework

1. Context (or background)

- 1.1. Local authorities have a statutory responsibility for safeguarding in respect of both children and adults.
- 1.2. For adult services this is enshrined within the Care Act 2014 with a duty to work in partnership with health to promote well-being within communities. Local authorities must make enquiries if they believe an adult is, or is at risk of, being abused or neglected. This duty applies to people who have a physical or mental impairment resulting in the need (or the appearance of need) for care and support as defined within the Care Act 2014, and as a result of these needs are unable to protect themselves from the suspected abuse. The local authority must also establish a safeguarding adult board including key stakeholders. As well as overseeing the effectiveness of local safeguarding arrangements this board will carry out safeguarding adult reviews when people die or are subject to significant harm, as a result of neglect or abuse and there is a concern that the local authority, or its partners, could have done more.
- 1.3. Local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children in their area. The Children Act 2004, sets out the duty of the local authority to make arrangements to promote co-operation between itself and organisations and agencies to improve the wellbeing of local children. This co-operation should exist and be effective at all levels of an organisations from strategic level through to operational delivery. The Children Act 2004, has now been amended by the Children and Social Work Act 2017 which provides the basis for the revised safeguarding partnership.
- 1.4. A distinction in the responsibilities in respect of Adults and Children safeguarding responsibilities is that for children it is a 'whole child population' responsibility whereas for Adults the responsibility extends only to those with eligible care and support needs.
- 1.5. Alan Wood's review of the role and functions of Local Safeguarding Children Boards, published in May 2016, found widespread agreement that the current system of local multi-agency safeguarding arrangements for children needed to change. He proposed a new model that would ensure collective accountability across Local Authorities, Police and Health. He also recommended a new system of local and national reviews, to replace serious case reviews; and the transfer of responsibility for child death review policy from the Department for Education to the Department of Health.
- 1.6. The review's key recommendations are now included in the Children and Social Work Act 2017 which sets out provisions which will:
 - replace Local Safeguarding Children's Board with new and flexible local safeguarding arrangements led by three safeguarding partners: Local Authorities; Chief Officers of Police; and Clinical Commissioning Groups. This places a duty on those partners to make arrangements to work together and with any relevant agencies for the purpose of safeguarding and promoting the welfare of children in their area.
 - require safeguarding partners to identify and arrange for the review of serious child safeguarding cases which they think raises issues of importance in relation to their area.

- provide for the establishment of a national Child Safeguarding Practice Review Panel. The panel will commission and publish reviews of serious child safeguarding cases which it thinks raise issues that are complex or of national importance.
 - give clinical commissioning groups and local authorities joint responsibility for child death reviews, and enable a wider geographical footprint for these partnerships in order for them to gain a better understanding of the causes of child deaths.
- 1.7. The Wood Review also made a number of comments in respect of Adults Safeguarding including:
- The case for keeping Adults and Children Safeguarding Board separate due to the distinct differences in respect of rights, capacity and coercion and the concern that the 'high profile' nature of child protection will 'drown out' the needs of Adults.
 - As one of a number of other strategic partnership forums there is the need to ensure that partnerships within the area are working effectively together with clear governance and responsibilities.
- 1.8. Working Together 2018 has moved responsibility for reviewing child deaths from the Department for Education to the Department for Health. The guidance replaces the need for Safeguarding Children Boards to ensure that child death reviews are undertaken by a child death overview panel (CDOP) with the requirement for 'child death review partners' (consisting of local authorities and any clinical commissioning groups for the local area) to make arrangements to review child deaths.
- Children are safeguarded and their welfare is promoted.
 - Partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children.
 - Organisations and agencies challenge appropriately and hold one another to account effectively.
 - There is early identification and analysis of new safeguarding issues and emerging threats.
 - Learning is promoted and embedded in a way that local services for children and families can become more reflective and implement changes to practice.
 - Information is shared effectively to facilitate more accurate and timely decision making.
- 1.9. Once agreed, local safeguarding arrangements must be published and must include:
- Arrangements for the safeguarding partners to identify and respond to the needs of children in the area.
 - Arrangements for commissioning and publishing local learning reviews.
 - Arrangements for Independent Scrutiny of the effectiveness of the arrangements.
- 1.10. The Head of Paid Service for the Local Authority has a statutory responsibility to ensure that the Safeguarding Partnership arrangements are appropriate and fit for purpose and

that the Chair(s) feel that they have sufficient resource and leadership support to discharge their responsibilities effectively.

1.11. Local assurance review

- 1.11.1. The statutory roles and functions of the Director for Children Services are contained within the Children Act 2004, Statutory Guidance and the City Council constitution. The Director of Children's Services (DCS) is appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible for include (but is not limited to) responsibility for children and young people receiving education or children social care services in their area and all children looked after by the local authority or in custody.
- 1.11.2. The statutory guidance provides the government expectations about local authorities' role in education and children and young people services. The statutory DCS function is to achieve an integrated children's services focus, ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision. The statutory DCS role has lead professional responsibility for children's services, including operational matters and a key leadership role within the local authority and working with other local agencies to improve outcomes for children and young people.
- 1.11.3. In addition to children's social care and safeguarding responsibilities, the education statutory responsibilities which remain with the local authority are:
 - (i) School organisation and capital development;
 - (ii) Education entitlement;
 - (iii) Education standards and improvement; and
 - (iv) Special educational needs and disabilities.
- 1.11.4. The Director of Adult Social Services (DASS) is a statutory post under the Local Authority Social Services Act. In respect of the DASS, the statutory duties of the DASS were set out in May 2006 (Best Practice Guidance on the role of the Director of Social Services, Department of Health) which identifies the following responsibilities:
 - (i) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - (ii) Professional leadership, including workforce planning;
 - (iii) Leading the implementation of standards;
 - (iv) Managing cultural change;
 - (v) Promoting local access and ownership and driving partnership working;
 - (vi) Delivering an integrated whole systems approach to supporting communities; and
 - (vii) Promoting social inclusion and wellbeing;
- 1.11.5. This guidance was not updated when the Care Act was introduced so does not detail additional responsibilities under the care act for market shaping and ensuring continuity of care in matters of provider failure.
- 1.11.6. Given the breadth and importance of both children's and adults services functions that the DCS and DASS cover, local authorities are advised to give due consideration to protecting the discrete roles and responsibilities of the DASS and DCS before allocating any additional functions to individuals performing these roles, it is however commonplace across a number of authorities for both DASS and DCS portfolios to contain other responsibilities. The Deputy Chief Executive (People) is currently appointed as the statutory DCS and DASS although on a day to day basis these functions have been

discharged through the Director of Children's Services, Director of Education and Skills and Director of Adult Services, mirroring the portfolio cabinet member arrangements.

- 1.11.7. Given the demanding nature of the DASS and DCS roles, local authorities should consider all aspects of any combined posts (e.g. the impact on both children and adult services) where there is a joint DCS and DAS. It is good practice for local authorities to undertake a local test of assurance so that the focus on discharging the responsibilities of both the DASS and the DCS are not weakened or diluted as a result of adding such other responsibilities.
- 1.12. Previous assurance
 - 1.12.1. The local assurance review has been undertaken on four previous occasions as a result of new arrangements being put in place or as a review as reassurance that the arrangements continue to enable the council to discharge our adult social care, public health, education and children's social care functions effectively.
 - 1.12.2. With the current directorate structure and diversification and expansion of the role of the Deputy Chief Executive (People) to include responsibilities that previously sat within the Resources Directorate (now disbanded) a further review was considered necessary to ensure local arrangements do not have the potential to be diluted by the expansion of the Deputy Chief Executive role. This local assurance review has noted that the existing arrangement does not provide the level of assurance required and concludes that the statutory role of DCS should now sit with the Director of Children Services and the statutory role of the DASS with the Director of Adult Services to align with the position of the other key statutory officer namely the Director of Public Health. On a day to day basis this does not change the lead responsibilities and position of the Director of Education and Skills in delivering the education functions.

2. Options considered and recommended proposal

- 2.1. The proposal in respect of the Coventry Safeguarding Children's Partnership includes:
 - The safeguarding arrangements will cover the geographical area within the Coventry boundary only and relate purely to the citizens of Coventry.
 - The 3 main partners are Coventry Local Authority, Coventry and Rugby Clinical Commissioning Group (CCG) and West Midlands Police force. It should be noted that both Coventry and Rugby CCG and West Midlands Police cover an area larger than Coventry but these arrangements relate purely to the citizens of Coventry.
 - The lead representatives for the Safeguarding arrangements are; the Chief Executive of Coventry City Council, the Chief Superintendent of Coventry Neighbourhood Policing Unit (NPU) and the Accountable Officer of Coventry and Rugby CCG.
 - The Partnership will be led by an Executive Group, made up of the Lead representatives and their delegated officers from each of the three partners and it will be chaired by an Independent Scrutineer. The purpose of the Executive Board will be to ensure that statutory duties have been fulfilled and to ensure that work is undertaken that drives action beyond usual institutional and agency constraints and boundaries.
 - The Executive Board will set priorities based on audits, data, national and local learning and the voice of the child, with the Key lines of enquiry being ; What is working well, What are we worried about and what needs to happen.
 - An Implementation Group will be formed made up of Senior Officers from a wider set of partners. The Partnership priority areas that are identified by the Executive Board

will be held on an action plan that will be owned and monitored by the Implementation Group.

- Processes will be built in which afford themselves to the continuous cycle of improvement.
- Relevant agency forums will be held for middle managers from all of the relevant agencies to ensure that learning from local and national reviews, audits, data and service user feedback will be shared with frontline staff and acted upon.
- A number of sub groups will be required to carry out the work of the Partnership, these include; Coventry Safeguarding Practice Review Group, Child Death Overview Panel, Coventry Workforce Development sub group, Coventry Policies and Procedures sub group, Coventry contextual Safeguarding sub group, MASH sub group, Multi agency Early Help group. Full details on the functions of the groups can be found in appendix 2.
- The Board team currently incorporates:
 - FTE Safeguarding Board Manager
 - FTE Training Officer
 - FTE Quality Assurance Manager
 - FTE Business Development Officer
 - 2 x FTE Team leader administrators

2.2. The role of the team is to support both the Safeguarding Partnership and the Safeguarding Adults Board. It is envisaged that there will be a need for the team to remain in its current form in order to carry out the proposed work and to ensure that both boards work effectively together with clear governance and accountability. The team currently supports the Safeguarding Children and Adults Boards and this arrangement offers an opportunity to identify cross cutting issues such as sexual exploitation and transitions. The current arrangements are led and scrutinised by two separate Independent Chairs, opportunities will be sought to recruit one Chair for both the Safeguarding Partnership and the Safeguarding Adults Board in order to maximise the potential of joint working on cross cutting issues and to provide a whole family approach for vulnerable residents within the City.

2.3. The attached reviews Local Assurance Document at Appendix 1 details how the organisational arrangements will enable the Local Authority to fulfil its statutory duties.

2.4. The Assurance Document ensures that there is a clear understanding of the statutory role of the Director of Children's Services and Director of Adult Services and puts in place practical arrangements to ensure that there is effective oversight of their functions.

3. Results of Consultation undertaken

3.1. A number of meetings have taken place with the Police and the CCG and they are in agreement with the proposed new structure. The Director of Children Services, Director of Education and Skills, Director of Adult Services and Deputy Chief Executive, People are supportive of the proposals contained within this report.

4. Timetable for implementing this decision

4.1. The arrangements must be published by 29 June 2019 and implemented by 29 September 2019. Once such arrangements have been entered into, LSCBs will have a 'grace' period of up to 12 months to complete and publish outstanding serious case reviews and four months to complete outstanding child death reviews. The transfer of statutory responsibilities relating to the DCS and the DASS will be implemented as soon as possible.

5. Comments from the Director of Finance and Corporate Services

5.1. Financial implications

- 5.1.1. The current funding arrangement for the Safeguarding Boards are outlined below. Future funding arrangements are currently subject to local discussion and confirmation.

Organisation	Contribution to the LSCB
Coventry City Council	471
Clinical Commissioning Group	71
West Midlands Police	30
Children and Family Court Advisory Service and Support	1
Community Rehabilitation Company	2
National Probation Service	2
Total	580

5.2. Legal Implications

- 5.2.1. The Children and Social Work Act 2017 and Working Together 2018 requires that the three safeguarding partners should agree on ways to co-ordinate their safeguarding services; act as a strategic leadership group in supporting and engaging others; and implement local and national learning including from serious child safeguarding incidents.
- 5.2.2. The Children Act 2004 requires every upper tier local authority to appoint a statutory Director of Children's Services. The Director of Children's Services is appointed for the purposes of discharging the education and children's social services functions of the Local Authority.
- 5.2.3. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the Local Authority or in custody (regardless of where they are placed).
- 5.2.4. The Director of Adult Social Services (DASS) is a statutory post under the Local Authority Social Services Act with the purpose to deliver a range of local authority social services functions as described in 1.11.4 above.
- 5.2.5. Within this legal framework, it is for individual Local Authorities to determine their own organisational structures in the light of their local circumstances.

6. Other Implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

- 6.1.1. The Safeguarding Partnership arrangements contribute to the Council Plan by continuing to ensure the most vulnerable citizens of Coventry are protected and promoting their quality of life and life opportunities including health and education outcomes. The partnership aims to work together to ensure that children and adults are safe from harm and that families receive the help that they need at the earliest opportunity whilst enabling them to ensure that services are provided that offer them a degree of choice.

6.2. How is risk being managed?

6.2.1. There is appropriate governance in place within the safeguarding partnership arrangements to ensure that emerging threats are identified and that agencies work together to reduce the risk at every stage by sharing information and learning.

6.3. What is the impact on the organisation?

6.3.1. The proposed changes should address areas for improvement within the current system and result in better outcomes for vulnerable children and adults in Coventry.

6.4. Equalities / EIA

6.4.1. Both the Safeguarding Children's Partnership and Adult Safeguarding Board will continue to operate in line with anti-discriminatory practices.

6.5. Implications for (or impact on) the environment

6.5.1. There are no implications or impact upon the environment.

6.6. Implications for partner organisations?

6.6.1. The Partnership arrangements require a continued commitment from the safeguarding partners and relevant agencies to attend meetings, complete specific tasks and promote a whole system responsibility for safeguarding children and adults. These arrangements will improve information sharing and ensure that processes are put in place based on the most up to date learning and evidence to protect vulnerable children and adults and lead to improved outcomes.

6.6.2. Although board boards will remain separate, the proposal includes the recruitment of a Joint Independent Chair across both the Children's Safeguarding Partnership and the Safeguarding Adult Board. Many partners are members of both boards and the appointment of a single chair will add value to this and help ensure there is strong and consistent leadership to enable proactive and effective partnership working to identify and address cross cutting issues.

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Cabinet Member	Councillor Caan		8.1.19	21.1.19
Cabinet Member	Councillor Abbot		8.1.19	21.1.19
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