

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

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PROPOSED SAFEGUARDING PARTNERSHIP ARRANGEMENTS

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Summary

This paper sets out the emerging proposals for the new safeguarding partnership arrangements for children in Medway in accordance with the Children and Social Work Act 2017 and associated statutory guidance. The Committee is asked to comment on these proposals.

1. Budget and Policy Framework

- 1.1 The proposed safeguarding partnership arrangements set out within the report align with Theme 1 of the Joint Health and Wellbeing Strategy, “Giving every child a good start”, and the Council Plan priority “Supporting Medway’s people to realise their potential.”
- 1.2 The proposals are driven by the Children and Social Work Act 2017 and associated statutory guidance.

2. Background

- 2.1 The Children and Social Work Act 2017 introduced a new duty to be placed on three agencies, namely the Local Authority, the Chief Officer of Police and Clinical Commissioning Group (referred to as Safeguarding Partners), to make arrangements for safeguarding and promoting the welfare of children in the area.
- 2.2 Working Together to Safeguard Children (2018) was published in July 2018 setting out:
 - 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;

- to fulfil this role, the three safeguarding partners must set out how they will work together and with any relevant agencies; and
- all three safeguarding partners have equal and joint responsibility for local safeguarding arrangements.

2.3 The three safeguarding partners have until 29 June 2019 to publish their arrangements, and have to notify the Secretary of State for Education when they have done so. They then have until 29 September 2019 to implement them. The arrangements will replace the current Local Safeguarding Children Board (LSCB).

2.4 As part of the new arrangements, the three safeguarding partners must set out how they will work with the relevant agencies and schools, colleges and other educational providers.

2.5 *“The three safeguarding partners must set out how they will work together and with any relevant agencies whose involvement they consider may be required to safeguard and promote the welfare of children in particular agencies. They must also set out how their arrangements will receive independent scrutiny”* (Working Together, 2018)

3. Comparison of current Local Safeguarding Children Board (LSCB) functions against new safeguarding arrangements

3.1 The main responsibilities for Local Safeguarding Children Boards (LSCBs) are defined under regulation 5 of the Local Safeguarding Children Board Regulations and include:

- developing policies and procedures for safeguarding and promoting the welfare of children in the area of the Council, including policies and procedures;
- communicating to persons and bodies in the area of the Council the need to safeguard and promote the welfare of children;
- monitoring and evaluating the effectiveness of what is done by the Council and their Board partners individually and collectively to safeguard and promote the welfare of children and advising them on ways to improve;
- participating in the planning of services for children in the area of Council; and
- undertaking reviews of serious cases and advising the council and their board partners on lessons to be learned.

3.2 There are many similarities between the current functions carried out by Local Safeguarding Children Boards (LSCBs) and the new safeguarding arrangements as defined in the draft statutory guidance and these include:

- a requirement to undertake case reviews in certain circumstances;
- scrutinising the effectiveness of arrangements;
- defining how agencies will work together to improve outcomes for children and families;
- using data to assess effectiveness;
- learning lessons and improving outcomes for children and families;
- publication of an annual report; and

- Expectations around shared funding.

3.3 Some of the more significant changes between the current arrangements and the new requirements include:

- flexibility over how independent scrutiny is built into the arrangements;
- broadening of responsibility to three safeguarding partners;
- local choice around which organisations should be included within the arrangements ('relevant agencies' selected from a national list of options rather than a defined list of LSCB members);
- choice around geographic area and delegation of safeguarding partner responsibilities; and
- separation of the child death review function.

4. Process for developing new arrangements

4.1 The three safeguarding partners for Medway, Medway Council, Kent Police and Medway Clinical Commissioning Group (CCG) set up planning meetings from July 2018 to develop the new arrangements for Medway. John Drew, Medway Safeguarding Children Board (MSCB) Independent Chair attends the meetings as an advisor on the new arrangements.

4.2 Four meetings have been held to date. Discussions at the early meetings focused on the scope of the new arrangements and identifying activities that may be covered by pan-Kent arrangements. At the meeting on 13 November 2018, it was agreed that a Working Group would be set up with Kent to consider joint working between Kent and Medway under the new arrangements.

4.3 In addition, all three safeguarding partners also attended the Department for Education (DfE) conference on 22 November 2018 around implementing the new arrangements and learning from the Early Adopter sites.

4.4 On 11 December 2018, a joint meeting was held with the safeguarding partners from both Kent and Medway. The proposals made at that meeting have been included in the arrangements below but include:

- There will be separate Safeguarding Partnership arrangements for both Medway and Kent.
- There will be some joint sub groups which will cover both Kent and Medway. These joint sub groups will exist where they will support shared learning across both Kent and Medway, cut down on duplication of meetings and enable Partners' resources to be used more effectively. It will be important that the terms of reference and membership of these groups are clear to ensure that the issues for both areas are equally represented through the work of the sub groups.
- The new partnerships for Kent and Medway will continue to work closely together and to jointly coordinate activities where it is of benefit and where it will support agencies who work across both areas (e.g. in the coordination of submissions for Section 11 audits).

4.5 The three safeguarding partners met on 21 December 2018 to consider the following proposals and have future meetings planned in February, March and April 2019.

5. Proposals for New Arrangements

5.1 **Geographical Area** - The new arrangements will cover Medway specifically but it has been recommended that within the arrangements there should be some areas of joint working with Kent, particularly where the nature of exploitation, and expertise to combat this is best shared. This will include some shared sub groups which are set out in paragraph 5.9 of the report.

5.2 **Three Safeguarding Partners** - Medway's arrangements will be led by the three named statutory partners, Medway Council, Kent Police and Medway Clinical Commissioning Group (CCG). Working Together 2018 names the lead representatives from each of the three Safeguarding Partners as the Local Authority Chief Executive, the Accountable Officer of the Clinical Commissioning Group, and a Chief Officer of Police.

5.3 In Medway, the senior officers with responsibility for the three Safeguarding Partners are:

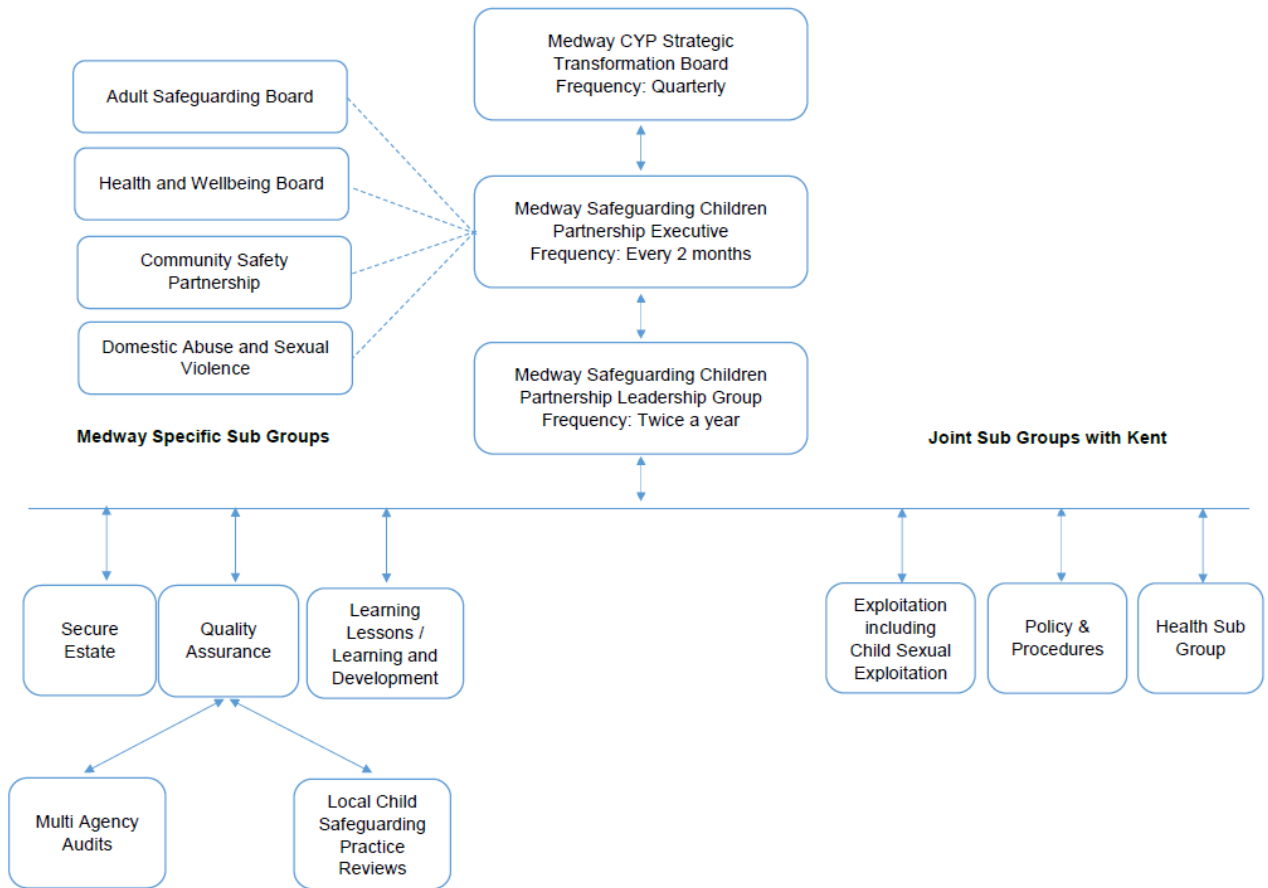
Ian Sutherland	Director of People – Children and Adults Services	Medway Council
Paula Wilkins	Chief Nurse	Medway Clinical Commissioning Group (CCG)
Andrew Pritchard	Chief Superintendent	Kent Police

5.4 **Name of new arrangements** – It is proposed that the new arrangements will be called the Medway Safeguarding Children Partnership (MSCP).

5.5 **Proposed structure** - The proposed structure chart sets out the safeguarding partnership arrangements for Medway. The Medway Safeguarding Children Partnership will report to and be accountable to the Medway Children and Young Peoples Strategic Transformation Board. The first meeting of the multi-agency CYP Strategic Transformation Board was held in January 2019. The multi-agency Board coordinates strategic planning and leadership on a multi-agency basis for children across Medway.

5.6 **MSCP Executive:** The MSCP Executive would be the main business forum ensuring that the partnership maintains its main focus on the strategic priorities that impact on safeguarding and promoting the welfare of children in Medway. It is proposed that the Executive will be led by the three safeguarding partners – Police, CCG and Local Authority. The Executive will be jointly chaired by the three partners on a rotational basis and will meet every two months. Ian Sutherland, Director of People –Children and Adults Services, Medway Council will chair the Executive for the first year.

5.7 The Executive will report to the Medway CYP Strategic Transformation Board which will be chaired by the Lead Member for Children's Services.



5.8 **MSCP Leadership Group:** The Medway Safeguarding Children Partnership Leadership Group will replace the current Medway Safeguarding Children Board (MSCB) Main Board. It is proposed that the Leadership Group will be run as twice yearly Safeguarding Conferences, half day conferences given over to one or at most two topics as determined by the Executive. The Leadership Group will be held twice a year.

5.9 **Sub Group Structure:** The proposed sub group structure is set out below. Terms of Reference for each of the sub groups will be developed including chairing arrangements, Membership, frequency of meetings etc.

Medway Specific Sub Groups

- Secure Estate
- Quality Assurance
- Multi Agency Audits
- Learning Lessons/ Learning and Development

Joint Sub Groups with Kent

- Policy and Procedures
- Exploitation including Child Sexual Exploitation (This is currently represented through the Risks, Threats and Vulnerabilities sub group and the Multi Agency Sexual Exploitation (MASE) sub group)
- Health Safeguarding Group

- 5.10 **Other Options Considered** - As part of the development of the proposals for the Medway Safeguarding Children Partnership, the three safeguarding partners have considered the following additional options.

Additional Option 1: Medway could decide to keep all current arrangements as they are. However, whilst partners want to take advantage of the existing strengths from the current arrangements, this would not take advantage of the flexibility offered by the new guidance and would not address the challenges identified in the Wood Review.

Additional Option 2: Medway could decide to agree full cross authority safeguarding arrangements with Kent. This would reduce the demand on resources to attend meetings as it would potentially result in less meetings for partners working across both Kent and Medway to attend (Kent Police and Clinical Commissioning Group (CCG)). However, this could lead to the reduced ability to focus on the specific needs of children in Medway.

- 5.11 **Independent Scrutiny** - The role of independent scrutiny is to provide assurance, through monitoring and challenge, in judging the effectiveness and quality of multi-agency arrangements to safeguard and promote the welfare of all children in a local area. This is undertaken through objective scrutiny, acting as a constructive critical friend, promoting reflection to drive improvements, and reporting how well the safeguarding partners are providing strong leadership to fulfil their safeguarding children role.
- 5.12 Proposals for the Independent Scrutiny role for Medway were considered by the three safeguarding partners in February 2019. It is proposed that the Independent Scrutiny role for Medway will also include specific elements of scrutiny of the safeguarding arrangements for the children's custodial estate in Medway (HMP Cookham Wood, and HM Secure Training Centre Medway).
- 5.13 It is proposed that an Independent Scrutineer is appointed for approximately 15 days per year. Their role will be to attend the Quality Assurance sub group meetings and provide a scrutiny role around:
- Learning from and action plans for Serious Case Reviews/ Practice reviews and Case File audits,
 - How the partnership uses data, and
 - Outcome of audits – both multi agency and single agency.
- 5.14 The Independent Scrutineer will review the Safeguarding Partnership's annual report and will comment on this in a section of the plan. The Independent Scrutineer will also attend at regular intervals the Executive Group and the Strategic Group to present progress reports, and at least annually the Local Authority Oversight and Scrutiny Committee.
- 5.15 The Independent Scrutineer will also be consulted as part of the decision making around proposed Case and Practice Reviews, and will have a direct line of sight to frontline practice in all agencies involved in safeguarding children in Medway.
- 5.16 At all times the Independent Scrutineer will give particular attention to ensuring that the voice of the child is at the heart of all aspects of scrutiny.

5.17 Independent Scrutiny of Secure Estate – It is proposed that the independent scrutiny arrangements for the MSCB also include a specific function for the secure estates. This will include the appointment of an Independent Scrutineer for six days per year to undertake independent scrutiny of the safeguarding arrangements within the two secure establishments in Medway. This will include:

- Attending quarterly Secure Estate Quality Assurance meetings,
- Maintaining regular contact with key individuals involved in safeguarding (e.g. Local Authority Designated Officer, Head of Safeguarding in the establishments, other parties)
- Undertaking periodic visits to Cookham Wood and Medway STC.

5.18 The Independent Scrutineer will oversee the conduct of the annual 'Review of Safeguarding and Restraint' in the two establishments, and will report the outcome of this to the Safeguarding Partners as well as to HM Government.

5.19 This arrangement will initially be for one year and may subsequently be amended depending on the outcome of a national review of safeguarding being undertaken by the Ministry of Justice (MoJ).

5.20 These two independent scrutiny roles may or may not be carried out by the same person. In the first instance the current Independent Chair of the Medway Safeguarding Children Committee, John Drew, has indicated his willingness to continue in role for a limited period to help the safeguarding partners establish each role. The current plan is to appoint an Independent Scrutineer to the non-custodial role in the autumn of 2019.

5.21 **Relevant Agencies** - Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider is required to safeguard and promote the welfare of local children. For local arrangements to be effective, they should engage organisations and agencies that can work in a collaborative way to provide targeted support to children and families as appropriate. The safeguarding partners must set out in their published arrangements which organisations and agencies they will be working with to safeguard and promote the welfare of children. The Safeguarding Partners will regularly review the list of relevant agencies that will cover the areas below:

NHS Organisations	Youth Offending Service	National Probation Service and Community Rehabilitation Company	Adult Services
Primary Care	Schools, Colleges and other Education Providers	Early Years	Public Health
Housing	Early Help	British Transport Police	CAFCASS

Sports Groups/ associations	Voluntary Sector	Children's Homes	Prisons
Secure Estates			

5.22 **Funding and Support Arrangements** - It is proposed that the budget for the new arrangements for 2019-20 remains the same as the MSCB budget for 2018-19 and all agencies that contribute to the MSCB are asked to maintain their existing financial contributions for 2019-20. A full review of the funding arrangements will then be undertaken in 2019-20 once the MSCB transitions to the new safeguarding partnership arrangements.

5.23 The MSCB is currently supported by a staff team. It is proposed that the three safeguarding partners agree to the current staffing arrangements in place for 12 months once the MSCB transitions to the new safeguarding partnership arrangements. The requirements will then be reviewed in 2020.

5.24 A Diversity Impact Assessment has been undertaken and is attached.

6. Child Death Review Arrangements

6.1 The responsibility for ensuring child death reviews are carried out is held by "Child Death Review Partners" who are defined as the Local Authority for the area and any Clinical Commissioning Group (CCG) operating in the Local Authority area.

6.2 Child Death Review Partners for two or more Local Authorities may combine and agree their area may be treated as a single area for the purpose of undertaking child death reviews. There is detailed guidance on the requirements of Child Death Review Partners who must make arrangements to review all deaths of children normally resident in their area and if they consider it appropriate for any non-resident child who died in their area.

6.3 Working Together 2018 require Child Death Review Partners to cover a geography that could expect at least 60 child deaths per year. The current Medway Child Death Overview Panel (CDOP) reviews circa 20 deaths per year. A proposal is being developed to introduce E-CDOP in Medway by April 2019 to support reporting to the new national mechanism. E-CDOP is an online system for recording, casework and reporting for child deaths and is used by the Kent CDOP. It is proposed that Kent and Medway CDOP Panels merge by October 2019, with meetings alternating between Kent and Medway Directors of Public Health. The proposals for the new arrangements for Child Death Reviews are being led by the Director of Public Health.

7. Consultation and timeline

7.1 The Department for Education's (DFE's) timeline for agreeing, publishing and implementing the new safeguarding partnership arrangements is set out in the additional guidance on the transition arrangements, Working Together

Transitional Arrangements 2018. Statutory guidance requires the publication of local arrangements by 29 June 2019. The transition to the new arrangements must be completed by 29 September 2019.

- 7.2 The Council has been given a very clear prompt from the Department for Education (DfE) not to submit our final agreed plans at the last moment. The proposed timeline for consultation and sign off is below, Partners were consulted on the proposals at the MSCB Main Board meeting on 25 January 2019 where they supported the proposals. Because some agencies were not represented at the meeting, the proposals were resent to all Board members requesting any additional comments by 6 February 2019. MSCB Board members commented that once the plans are finalised and approved, a communication strategy will need to be put in place to ensure that all professionals are aware of the change and the role of the new partnership.

Partnerships

Meeting	Meeting Dates
Medway Safeguarding Children Board	25 January 2019

Local Authority

Meeting	Meeting Dates
Health and Wellbeing Board	19 February 2019
Children and Young People Overview and Scrutiny Committee	7 March 2019
Cabinet (Local Authority approval of arrangements)	9 April 2019

Clinical Commissioning Group

Meeting	Meeting Dates
QFP (Quality, Finance & Performance)	20 February 2019
Governing Body	27 March 2019

Police

Meeting	Meeting Dates
Child Centred Policing Board	25 February 2019
Protecting Vulnerable People Board	21 January 2019

8. Health and Wellbeing Board – 19 February 2019

- 8.1 The Health and Wellbeing Board considered the proposed safeguarding partnership arrangements at its meeting on 19 February 2019. The draft minutes of the discussion are set out below.
- 8.2 The Director People - Children and Adults Services presented the report which set out details of the proposed safeguarding partnership arrangements which were required as a consequence of the Children and Social Work Act 2017. This Act placed an equal and joint responsibility on the Local Authority, the Chief Officer of Police and the Clinical Commissioning Group (CCG) to make arrangements for safeguarding and promoting the welfare of children in the area. The arrangements would replace the current Local Safeguarding Children Board (LSCB) and it was proposed that it would be called the Medway Safeguarding Children Partnership (MSCP).
- 8.3 The significant changes between the current arrangements and the new requirements were highlighted to the Board and were set out at paragraph 3.3 of the report and the proposed arrangements, as set out in section 5 of the report, were outlined in detail. In particular, it was explained to the Board that there would be separate arrangements for both Medway and Kent. However, where it was considered appropriate there would be some joint sub groups covering both Kent and Medway. The Board was advised that the MSCP would report into the Children and Young Peoples Strategic Transformation Board which was well positioned to align the work of the MSCP with other strategic initiatives, such as the Children and Young People Plan.
- 8.4 It was explained the three safeguarding partners had until 29 June 2019 to publish their arrangements and notify the Secretary of State for Education when they have done so. The arrangements then needed to be implemented by 29 September 2019.
- 8.5 In respect of the joint sub group on exploitation and in response to a request from a Member, the Director of People – Children and Adults undertook to reference Child Sexual Exploitation (CSE) and County Lines.
- 8.6 Clarification was sought regarding the role of the Children and Young People's Overview and Scrutiny Committee. It was confirmed that the existing protocols between Committees and key strategic boards in Medway would continue to exist. In addition, there would still be a requirement to produce an annual report which would be presented to the Overview and Scrutiny Committee as it had done under the existing arrangements.
- 8.7 The Health and Wellbeing Board:
- a) commented, as set out within the minute, on the proposed safeguarding partnership arrangements for children in Medway set out within the report; and
 - b) noted the proposed timeline for consultation and approval set out at paragraph 7.2 of the report.

9. Protocol setting out the Relationship between key strategic Boards in Medway

- 9.1 There are a number of strategic boards and partnerships, with complementary roles and functions, all of which have a role in relation to safeguarding. As established by previous Ofsted inspections of Children's Social Care Services, there is a need for a clear and agreed protocol, signed by strategic partnerships, which clarify respective roles and responsibilities.
- 9.2 A Protocol was agreed in 2014 and subsequently revised in 2017. This protocol sets out an expectation that each named strategic board would have the opportunity to see, comment on and challenge the safeguarding priorities of other strategic bodies and be updated on progress on their work. The statutory and constitutional functions of the Council's Overview and Scrutiny Committees that scrutinise health-related matters are unaffected.
- 9.3 Following the agreement of the proposed new local arrangements, the Protocol will be updated and presented to the Health and Wellbeing Board and other named bodies.

10. Risk management

- 10.1 The table below sets out the potential risks and mitigations associated with the proposed safeguarding partnership arrangements.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Statutory timescales for publication are not met.	The three safeguarding partners have to publish their arrangements by 29 June 2019. There is a risk that the new arrangements are not approved in time to publish by 29 June 2019.	Planning meetings have been held since July 2018 and are planned up until transition. A timeline has been developed and is included in Section 6.	D2
Financial implications of new model	Under the new arrangements, the three safeguarding partners, the Council, Clinical Commissioning Group (CCG) and the Police have equal and joint responsibility for local safeguarding arrangements. There is a risk that the wider partners will not maintain the current financial contributions that they make to the MSCB.	Partner agencies are being consulted on the plans through MSCB Board meetings and are being asked to endorse the proposal to maintain their existing financial contributions for 2019-20.	C2

11. Financial implications

11.1 The finance implications are set out at paragraphs 5.14 and 5.15 of the report.

12. Legal implications

- 12.1 The Children and Social Work Act 2017 introduced the requirement for safeguarding partners for a local authority to make arrangements for the safeguarding partners, and any relevant agencies that they consider appropriate, to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area. Safeguarding partners are defined as the local authority, the CCG for the area and the Police. These arrangements should (a) identify serious child safeguarding cases which raise issues of importance in relation the area, and (b) for those cases to be reviewed under the supervision of the safeguarding partners, where they consider it appropriate. The purpose of a review is to identify any improvements that should be made by persons in the area to safeguard and promote the welfare of children. These arrangements will replace the requirement for local authorities to establish a Local Safeguarding Children Board that had been introduced under the Children Act 2004. The statutory requirements for these new arrangements are set out in section 16A – 16Q of the Children Act 2004 and guidance is contained in the new Working Together to Safeguard Children, 2018. There is also guidance published in relation to the transitional arrangements for moving from LSCBs to safeguarding partner and child death review partner arrangements. Local authority areas must begin the transition from 29 June 2019 which must then be completed by 29 September 2019.
- 12.2 The Health and Wellbeing Board has a statutory obligation under section 195 of the Health and Social Care Act 2012 to encourage persons who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purposes of advancing the health and wellbeing of the people of Medway. Considering the development of the local safeguarding arrangements is therefore within the remit of the Health and Wellbeing Board. However, the Health and Wellbeing Board does not have any executive decision-making powers. For the Council, approval of the arrangements is a matter for the Cabinet.

13. Recommendations

- 13.1 The Committee is asked to:
- a) Comment on the proposed safeguarding partnership arrangements for children in Medway set out within the report; and
 - b) Note the proposed timeline for consultation and approval set out at paragraph 7.2 of the report.

Lead officer contact

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Appendices

Appendix 1 – Diversity Impact Assessment

Background papers

Working Together to Safeguard Children (2018) -

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

WT2018: Transitional Guidance -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/722306/Working_Together-transitional_guidance.pdf