

Safeguarding Children

A practical guide for overview and scrutiny councillors



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Introduction

Promoting an effective role for scrutiny in children's safeguarding

The welfare of all children and young people in the local community must be a top priority for any local authority. Safeguarding ensures that children are kept as safe as possible by identifying their needs, views and any risks they face. Services, information and support can then be provided as required. Where children are likely to suffer harm, local authorities have clear duties to intervene through child protection processes.

Over the last five years overview and scrutiny committees have become increasingly aware of the need to consider the effectiveness of local safeguarding arrangements. This was highlighted by Professor Jay's 2014 Independent Inquiry into Child Sexual Exploitation in Rotherham and the response by the Communities and Local Government Select Committee. These reports describe the essential role of overview and scrutiny in the safeguarding process. It uses the tragic example of the sexual exploitation of girls and boys in Rotherham to demonstrate the serious consequences of any failures of independent internal scrutiny and challenge.

Safeguarding and promoting the welfare of children is defined by the 2013 statutory guidance¹ as:

- Protecting children from maltreatment.
- Preventing impairment of children's health or development.
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all children to have the best life chances.

Child protection is part of wider safeguarding and refers to activities undertaken to protect specific children who are suffering, or likely to suffer, significant harm.

As elected members of overview and scrutiny committees (OSCs) seek to effectively scrutinise local safeguarding, they will need to build their understanding and knowledge of the topic. Good scrutiny is based on:

- A clear understanding of the roles and function of overview and scrutiny.
- Underpinning knowledge of the principles and practice of safeguarding and child protection.
- Understanding how local safeguarding arrangements are managed and structured.
- A commitment to putting the child at the centre of safeguarding through listening and understanding the experiences of diverse children and young people.
- Support to navigate complex systems of multiple agencies and organisations with different yet complimentary contributions to overall safeguarding.

1. Department for Education 2013 Working Together to Safeguard Children. Unless otherwise stated, all references to formal safeguarding definitions and statutory guidance are taken from this publication

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- A willingness to work collaboratively with partners and stakeholders whilst maintaining a critical challenge.
 - A commitment to demonstrate the potential impact of good scrutiny on the local safeguarding process and ensure that recommendations are monitored and reviewed.

Supporting members to feel confident in their capacities to scrutinise safeguarding is crucial. Low public confidence in safeguarding and unfavorable media attention can create an environment of anxiety and concern. At the same time there may be internal challenge to the value of scrutiny from within the council. Louise Casey highlighted this threat in her 2015 inspection report on Rotherham Metropolitan Borough Council:

“ Inspectors concluded that overview and scrutiny had been deliberately weakened and under-valued. The structures and processes look superficially adequate, but the culture has been one where challenge and scrutiny were not welcome.”²

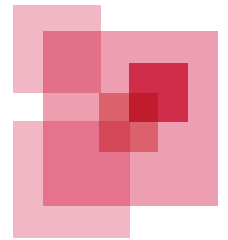
2. Page 76, Report of Inspection of Rotherham Metropolitan Borough Council, Louise Casey, 2015

Reinvigorated scrutiny can play an important role in balancing these concerns and bring another layer of public accountability through the local democratic process.

Safeguarding is described as ‘everyone’s business’ – not least in the work of OSCs. Whilst formal reviews of safeguarding arrangements will have a clear focus on safeguarding from the outset, many other review topics are likely to have a safeguarding dimension. OSCs need to be vigilant for safeguarding issues when they consider a wide range of services and commissioning across social, health, community and environmental. Formalising the place of safeguarding in the OSC work plan through protocols and working arrangements with Local Safeguarding Children Boards and statutory partners can ensure that the topic is always on the agenda.

OSCs are well placed to promote the direct experience of local children and the knowledge and insights they bring of the safeguarding process. Stories, case studies and examples from children can make the safeguarding process more real to decision-makers and demonstrate the impact of how systems operate.

This guide is designed to support OSCs to explore the safeguarding arena and build their confidence to tackle reviews. It builds on the 2009 CfPS Safeguarding Scrutiny Guide and provides updates of recent changes, new reports and learning. The publication provides an overview of key aspects of local safeguarding arrangements and summarises statutory duties under legislation and guidance. It brings together in one place quotes and references from key safeguarding publications. It then offers a range of approaches to reviews. This includes working with a child-centred focus, exploring evidence and data, and formulating key questions. Final sections provide references and further reading, a short glossary of key terms and a checklist for starting to plan a scrutiny review.



A few notes on terminology for this guide:

- References to safeguarding are explicitly referring to children's safeguarding but readers will want to be mindful of the links to the legislation and practice of adult safeguarding – particularly in terms of transitions for disabled young people and vulnerable parents. A coordinated approach is essential as in turn adult safeguarding activities are likely to have an impact on any children in the wider family.
- Children and young people are a highly diverse group in terms of age, gender, disability, health, ethnicity and other factors. Following the conventions of statutory guidance and in the interests of brevity this guide will use the term children to refer to anyone who has not reached their 18th birthday. Councils also have additional responsibilities for looked-after children in their care up to 21 years (and in some cases up to 24 years).
- All references to OSC reviews recognises that reviews can take many forms and timescales and have well established local processes.

Context and background

3. Department for Education 2013
Characteristics of Children in Need in
England: 2013 to 2014

The current duty to promote the welfare of children has been established in law since the Children Act 1989 and 2004. It is a significant part of the work and investment of local authorities across England. Safeguarding systems are not static, and have continued to evolve as developments in statutory guidance are published and embedded in local practice. These are supported with new lessons and learning from inquiries, report and local audits. New data sources such as the Children's Safeguarding Performance Information Framework have also been developed to assist in management and monitoring. The challenge for OSCs is to make sense of local performance and champion the interests of children whilst navigating this increased complexity and quantity of information.

Of the 11.4 million children in England, recent statistics³ for 2013-2014 report that almost 400,000 are assessed as children in need with 48,300 of those requiring a child protection plan. Over 650,000 new referrals to children's services were made in the same period and trends indicate that all these figures have risen in recent times.

A complex pattern of need and risk emerges from the data:

- Over 47% of children in need have experienced abuse or neglect in their care.
- 18% are described as in need due to family dysfunction.
- New concerns are emerging as understanding of sexual exploitation, online risks, bullying and teenage domestic violence grows.

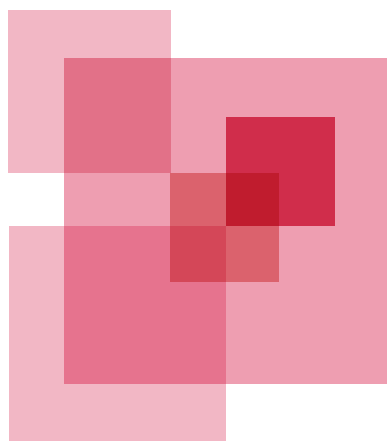
As safeguarding systems evolve through stronger working relationships and improved multi-agency communication, the wider context of local services is also changing. Difficult decisions about spending priorities in times of reduced budgets can influence provision and access to both universal and specialist services. The shift to greater commissioning of services in health and social care creates a diverse portfolio of new providers. Educational reform, the move to more academies and shifts in local authority responsibilities for services such as public health and health visiting also have an impact. It is crucial to maintain a strong focus on safeguarding during this time of change.

New studies and reports build awareness of the full range of risks and potential harm that children face. Recent concerns include systematic child sexual exploitation, child trafficking, online risks, female genital mutilation, bullying and emotional abuse.

What is clear is that the need for good quality overview and scrutiny has never been greater. The process of holding authorities to account can have a direct impact on the effectiveness of local safeguarding practices across a full range of local services.

These include:

- Child protection services for those at risk of harm.
- Domestic violence, substance misuse, mental health, learning disability and youth justice services.
- Services for children in need including early help and intervention.
- School and education services including approaches to tackle bullying, behaviour issues and discrimination.



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- Safer environment for children to live and play – including housing, road safety, safe neighborhoods, parks and leisure services.
 - Services for looked-after children and those in the care system.
 - Universal services including early years services and access to healthcare.
 - Public health services.
 - Information and communication services for children and families on topics such as health, safety and risk.
 - Safe recruitment of adults working with children.
 - Promoting children's rights and welfare across all aspects of their lives.

Local Safeguarding Arrangements and the Child Protection Process

Key scrutiny question: How well do local safeguarding arrangements work to protect children?

- How are those in leadership roles held to account by the wider system?
 - How effective are local safeguarding arrangements in identifying and meeting the needs of the most vulnerable children?
 - To what extent are local agencies and organisations working together effectively?
 - What level of internal challenge is there in local safeguarding arrangements?
 - How are lessons and learning implemented to improve the system?
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Local safeguarding arrangements are based on a national framework outlined in legislation⁴ and statutory guidance⁵. This latest guidance for Working Together to Safeguard Children was updated most recently in 2013. It replaces previous guidance issued in 2010 as well as statutory guidance on safeguarding arrangements issued under section 11 of the Children Act 2004.

Central to these arrangements are the statutory responsibilities of the local authority and the Local Safeguarding Children Board (LSCB). Three senior safeguarding roles provide high-level leadership in this structure – the Lead Member for Children’s Services (LMCS), the local authority Director of Children’s Services (DCS) and the chair of the LSCB. Each has their own accountabilities and together they share responsibility to work with multi-agency partners to promote the welfare of children and ensure they are properly safeguarded.

The DCS and the LMCS are statutory appointments made by every upper tier local authority under the Children Act 2004. Their roles⁶ are to discharge all the statutory responsibilities for children’s social care, education and for looked-after children in the authority. The Chair of the LSCB is an independent appointment charged with holding all agencies to account.

The DCS is the senior professional responsible for the operation of children’s services and directly accountable to the Chief Executive. They provide senior leadership for improving outcomes for children including overseeing safeguarding services and partnership work with other agencies. This will include the senior management of professional teams of social workers, early years teams, family support and education services etc.

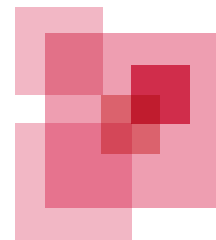
It is vital that the LMCS appreciates the role of scrutiny and has a commitment to encouraging collaborative partnerships with OSCs. Leadership from the top can assist committees in building positive relationships with local agencies and stakeholders. It provides a strong signal about the value of scrutiny for enhancing local safeguarding. The LMCS will also have an important role from an executive perspective in implementing any recommendations from a review. OSCs will find it helpful to engage with the LMCS at an early stage of the process.

These three statutory roles of DCS, LMCS and LSCB chair work together to promote safeguarding through a coordinated system of accountabilities and working practices. Since the original creation of these roles, statutory guidance has helped to clarify accountabilities and independence. OSCs have a crucial role in ensuring that all officers and executive members are held to effective account for the fulfillment of these roles within the local structure.

4. Section 11 Children Act 2004

5. Department for Education 2013 Working Together to Safeguard Children

6. Department for Education 2013 Statutory guidance on the roles and responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services



The Local Safeguarding Children Board

A LSCB is established for each local authority area. Its role is to:

- Coordinate safeguarding in the local area.
- Ensure the effectiveness of safeguarding activities of all local partners.

The LSCB has a number of functions:

- To develop local policies and procedures for safeguarding.
- To establish thresholds for interventions when there are concerns about a child.
- To identify training, recruitment and supervision standards for all local partners.
- To raise awareness of safeguarding and best practice.
- To monitor and evaluate the effectiveness of local safeguarding including the individual and collective work of Board partners.
- To participate in the planning of services.
- To ensure that Serious Case Reviews are implemented where appropriate and lessons are shared.

Membership of the LSCB is made from a range of Board partners who are senior officers from local agencies including the Police, the Youth Offending Team and the Clinical Commissioning Group. Representatives of District Councils will also be included. The independent chair of the LSCB will also be supported by some lay members. Whilst LSCBs do not manage the delivery or commissioning of safeguarding services they will recommend priorities and areas for improvement.

The LSCB will work with other local strategic bodies such as the Local Family Justice Board and the Health and Wellbeing board. Their work underpinned by the profile of local children described in the Joint Strategic Needs Assessment. The DCS will work directly with the LSCB as a member and the LMCS will be a 'participant observer'.

Leadership and Partnership

Strong leadership from all senior partners in local arrangements is essential to establishing an effective safeguarding system. In cases where there have been failures to safeguard, reviews often highlighted the absence of leadership and lack of partnership working as significant contributing factors. OSCs will want to be assured that all parts of the local system are working closely together with good communications and a good appreciation of each other's roles. They will want to see evidence of accountability, effective internal challenge and shared learning.

A variety of other agencies have statutory roles and functions in local safeguarding arrangements. Section 10 of the Children Act 2004 requires all partners to cooperate to promote wellbeing. Effective multi-agency working is based on clear protocols and strong local relationships. Organisations including the Police, the NHS partners (health commissioners and providers), Education services and Probation services, as well as the voluntary and community sector all have their own accountabilities and statutory guidance to outline their roles and responsibilities.

Information sharing is an essential part of good local safeguarding arrangements. Research and analysis has indicated that failure to share information has been a significant feature of poor outcomes for children. Scrutiny members will want to assure themselves that local agencies and practitioners are sharing information in an appropriate and timely manner. They will want to see evidence of sharing occurring in all aspects of the safeguarding cycle from early intervention to serious case reviews. It will be important to understand any barriers to information sharing. Statutory guidance⁷ on information sharing is provided both to individual case workers and senior officers concerned with strategic and information governance roles.

The LSCB plays a key role in supporting information sharing between organisations. Under section 14B of the Children Act 2004 the LSCB has the power to require a person or body to comply with a request for information to assist the LSCB in its functions. The LSCB will also be expected to lead and challenge to ensure continual improvement in this area. OSCs will want to be satisfied that all local partners have senior representation on the LSCB to assist this process.

Local safeguarding arrangements are subject to inspection by Ofsted who will provide an overall rating for their effectiveness and robustness. OSCs will find these reports useful in understanding the strengths and gaps in local arrangements, however it needs to be understood that these reports provide a snap shot of services at a moment in time and should be read in conjunction with other research.

Commissioning and Safeguarding

Section 11 of the Children Act 2004 places duties on commissioners to have regard to the need to safeguard and promote the welfare of children for any services and functions they commission. These duties apply to local authorities and district councils, NHS organisations, police services and probation services amongst others.

The Health and Social Care Act 2012 outlines Clinical Commissioning Groups (CCGs) responsibilities for children's safeguarding for local health services and commissioned services

Scrutiny members will need to understand the process and lines of accountability for ensuring all commissioning arrangements fulfill the above duties. Statutory guidance requires commissioned services to:

- Promote a culture of listening to children and their participation in decision making processes.
- Create information sharing protocols for sharing safeguarding concerns and information.
- Designate a 'lead professional' in the commissioned organisation for safeguarding.
- Put in place a safe recruitment practices.
- Ensure supervision and safeguarding training for staff.
- Establish policies for managing safeguarding allegations against staff.

The role of a Local Authority Designated Officer (LADO) is to provide advice and guidance to local provider organisations including those not directly commissioned by the local authority such as local employers, voluntary and community organisations and local faith groups.

The Safeguarding Workforce

The development of a high quality and effective workforce is essential to good safeguarding. OSCs may wish to look in depth at this area by exploring:

- The skills profile of staff in all local agencies and partners.
- The quality and frequency of supervision for social workers and other roles.
- Access to training and development.
- The diversity of the workforce and other employment practices.
- Current rates of vacancies and staff turnover.
- Recruitment strategies.
- Staff surveys, satisfaction and engagement.

Children in Need and Early Help

Key scrutiny question: How well do local agencies identify and support children in need?

- Who are the most vulnerable children in the local area? What are their needs and how are they met?
 - How effective are services in ensuring local children and their families receive early help to reduce the need for child protection interventions?
 - Are local services evidence-based?
 - Do frontline social workers and other practitioners have the skills and resources to offer effective early help?
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Local authorities have a duty to support all children in need in their area. Under the Children Act 1989 children in need are defined as:

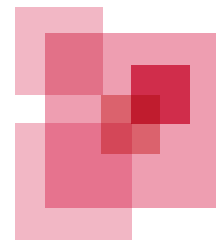
- The child is unlikely to achieve or maintain, or have opportunity of achieving or maintaining, a reasonable standard of health and development without the provision of services by a local authority under Part III of the Children Act 1989.
- The child's health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or
- The child is disabled.

Working with children in need is an important part of the safeguarding process. Early help and intervention can ensure children and families get the help they need at the right time. This may reduce the risk of safeguarding concerns escalating in ways that could cause further harm. Early intervention can also reduce the need for more costly and disruptive interventions later in the safeguarding process. In 2011 the Graham Allen Review Early Intervention: The Next Steps analysed and evaluated a range of early intervention approaches and concluded that:

- A balance of services and resources to meet children's needs at an early stage can prevent the escalation of safeguarding issues.
- Early intervention skills are essential for practitioners working with children.
- A shift to greater early intervention can have a positive impact in child protection data and outcomes.
- Early intervention reduces the need for children to enter the child protection and care systems.
- A wide range of organisations can assist in providing early intervention support including community and voluntary organisations and social enterprises.

The 2010 Marmot Review Fair Society, Healthy Lives provides a valuable resource for understanding the impact of health inequalities on children and describes two policy objectives for early intervention:

- Give every child the best start in life.
- Enable all children, young people and adults to maximise their capabilities and have control over their own lives.



Each local authority will publish its own local protocols for children in need assessments in partnership with other local agencies. The steps and stages for referral, assessment, intervention and review will often be described as a series of stages. These documents are a useful tool for scrutiny members to understand their local processes.

The features of successful early intervention strategies to reduce harm to children include:

- Organisations and agencies working together to share approaches.
- Identification of a lead professional for each child and family.
- A clear assessment process.
- A strong understanding of the evidence base for effective early intervention strategies and systematic approach to assessments.
- Ensuring the child has a voice.
- A holistic approach to addressing the needs of the child and their family that consider social, emotional, educational, economic and cultural needs.
- Advocacy support for the child and the family.

Eileen Munro's 2014 follow up to her original 2011 Review of Child Protection highlighted the importance of the speed and quality of children in need assessments for delivering positive outcomes for children. She also emphasised the importance of the skills of the frontline social worker in undertaking these activities.

Successful partnership working with parents and the wider family can support the safeguarding process. Whilst this may not always be possible, the best outcomes for children can be achieved where services and parents are able to work together and agree clear and shared goals. Good quality information needs to be provided to support parents to keep their children safe. Services need to recognise the additional needs of parents and clarify any vulnerabilities they may have. Potential issues may include literacy, English as a second language, physical disabilities, long-term health conditions and learning disabilities. This may also highlight the roles that some children fulfil as young carers. Access to additional services to support vulnerable parents is crucial to avoid misunderstandings and conflict.

OSCs will want to satisfy themselves that local networks are in place to support vulnerable parents to enable them to participate in child protection assessments. Effective assessments need to achieve a complete picture of the child's circumstances. They will take into account parenting capacity, family and environmental factors. In specific cases there may need to be close cooperation with the adult safeguarding team.

Child Protection

Key scrutiny question: How well do local services protect children at risk of significant harm?

- How effective are child protection assessments and plans?
 - How aware are services of the full range of potential risks that children face both at home and in the local community?
 - What are the outcomes for children who experience abuse or neglect?
 - What lessons and learning have been identified by Serious Case Reviews and other forms of monitoring? How have they been implemented?
 - How well do multi-agency partners work together to protect children?
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It is important that OSCs appreciate the way that the child protection process operates once a concern about a child's welfare has been identified and shared. The Section 47 duty under the Children Act 1989 requires the local authority to complete an enquiry where it 'has reasonable cause to suspect that a child who lives, or is found in their area is suffering, or likely to suffer, significant harm'. Significant harm is the term used to describe forms of abuse and neglect.

There are a number of stages by which the process will evolve depending on circumstances and outcomes. Members may find it helpful to use the maps and flowcharts provided by statutory guidance to understand how the process is managed. Key stages of the process include early help and intervention, referrals, statutory assessments, immediate protection, children in need plans and child protection plans, conferences and reviews.

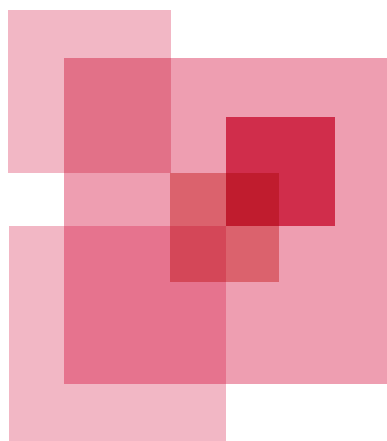
The purpose of the child protection plan is to:

- Ensure the child is safe from harm and prevent him or her from suffering further harm.
- Promote the child's health and development.
- Support the immediate family and wider family members to safeguard and promote the welfare of their child, provided it is in the best interests of the child.

OSCs will want to consider trends and patterns from this work. They will want to see evidence that plans are effective and appropriate support is given to the child during and after the child protection process. Where appropriate, they will want to see that specific lessons have been learnt from individual reviews and that more general learning is shared across agencies.

There will also need to be a Serious Case Review under an independent chair in cases where abuse or neglect is known - or suspected - and:

- (i) a child has died; or (ii) a child has been seriously harmed and there is cause for concern as to the way in which the authority, their Board partners or other relevant persons have worked together to safeguard the child.



The 2011 Munro Review of Child Protection provides a timely focus on developing child-centred systems in child protection. The review focused on ways to help professionals make the best judgements when protecting vulnerable children. It advocates a systemic approach to map the full experiences of children in relation to family, community and services and ensure that the child is central to decision making processes. One of the outcomes from the Munro Review has been the publication of the Chief Social Worker for England's list of core social work competencies and skills. OSC will find this useful in understanding the role and approach of frontline staff.

Putting the Child at the Centre of Safeguarding

Key scrutiny question: How are children placed at the centre of local safeguarding arrangements and frontline practice?

- What do children say about their experiences of the safeguarding system?
 - How well are children supported to express their wishes and feelings?
 - What evidence is there that systems are in place to ensure that children are able to participate in decisions about their lives?
 - How do groups of children have a voice in the review and development of local safeguarding arrangements? What impact does this have?
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Whilst statutory guidance for safeguarding provides a comprehensive framework for local practice, that same guidance is clear⁸ that the specific needs of the child are paramount. Implementation of the guidance must be understood in terms of their essential interests. OSCs will want to understand how local safeguarding practices adhere to both the letter and spirit of this approach and do not lose sight of the actual child at the centre.

A child-centred approach to safeguarding is strongly established by legislation

- The section 53 amendment of the Children Act 1989 by the Children Act 2004 requires local authorities to give due regard to the wishes of the child when making decisions about services.
- The welfare checklist under the Children Act 1989 courts to consider the wishes and feelings of the child when making decisions.
- The 1989 United Nations Convention on the Rights of the Child (ratified by the UK Government in 1991) protects the rights of all children. Article 12 asserts the right to participate and have a voice in any decisions about their life.

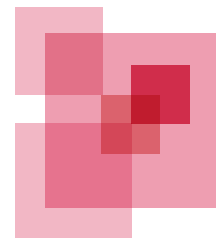
Listening to Children

The voice of the child is an essential part of understanding the local safeguarding process. Children of all ages have valuable contributions to make about their experiences of the processes and systems. Listening ensures that scrutiny reviews are child focused and recognise the rights of local children. It is also a powerful way to appreciate the diversity of children who experience harm and the different perspectives they may have.

Scrutiny committees will need to be sensitive in how they handle the engagement of local children in a review. They will want to be mindful of the need for confidentiality. And they will need to recognise that where criminal proceedings are ongoing that some children will not be able to participate at that point.

It is important to recognise the diversity of children and their different needs and interests. Factors such as age, gender, disability, ethnicity, class and culture will need to be considered. Child development data provides an overview of the needs of children and young people across their different ages. This is particularly important when considering ways of working with younger children.

8. Section 1 of Department for Education 2013 Working Together to Safeguard Children London HMSO



The Equality Act 2010 makes public bodies responsible to have ‘due regard to the need to eliminate discrimination and promote equality of opportunity’ including in the area of safeguarding. What this means in practice is that all safeguarding processes must take into account the differing needs of individual families and children when identifying need and assessing risk. Individuals and groups must not be ‘treated less favourably’ in terms of access to services and support.

Often working through partner organisations who already support the needs and voice of local children is an effective way to promote participation. These organisations will have specialist participation workers and experts. They will have knowledge of the needs of certain groups – for example, in terms of sexuality, disability or additional languages. The CfPS toolkits on the Return on Investment scrutiny model offer a template for stakeholder engagement workshops that can enable members to engage with these organisations and begin conversations about the best way to promote the voice of local children.

Research indicates that disabled children have greater vulnerability to all forms of abuse and that they may find it more difficult to disclose their experience to safe adults. Factors such as greater dependency on carers and communication needs contribute to this situation. It is also important to recognise that attitudes and organisational cultures may minimise the risk that disabled children face.

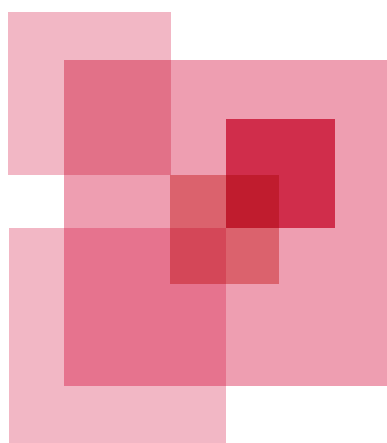
The 2009 Department for Education publication Safeguarding Disabled Children – Practice Guidance describes the steps to ensure safeguarding of this vulnerable group. These include:

- Highlighting awareness of the needs of disabled children.
- Developing systems to protect disabled children.
- Creating partnerships with organisations and agencies that work with disabled children.
- Training and supporting child protection staff on effective ways to work with disabled children.
- Championing the rights and voice of the disabled child in the wider safeguarding system.

At a systemic level, OSCs will want to see clear evidence that local safeguarding arrangements are putting children at the centre of decision-making and service development. This will include:

- Evidence of and clear recording of the wishes and feelings of individual children in all stages of the child protection process including during assessments, planning and reviews.
- Appropriate participation of children in meetings, conferences and other decision making forums.
- Working with the local children in care council and other representative bodies of local children.
- A strategic approach to listening to children across the local authority.

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- The presentation and use of evidence of the views and wishes of children in the strategic processes of the LSCB, the local authority, commissioning and service planning.
 - Clear references to the experience and voice of children and families in the Joint Strategic Needs Assessment, the Health and Wellbeing strategy and Public Health plans.
 - Examples of child friendly literature and information to assist children in understanding their rights and the safeguarding process
 - Clear collaborations between local experts and organisations in children's participation and engagement and safeguarding services including support for working with children from a wide variety of cultural, faith and social backgrounds.
 - Access to advocacy support for children.
 - Examples of direct participation in service development.
 - A holistic approach to the needs of the child and their life which includes consideration of many factors including health, education, interests, strengths, culture, community and friendships.



The Role of Overview and Scrutiny

Overview and Scrutiny Committees were established by the Local Government Act 2000 to hold executive members and officers to account in the local authority. They can provide a local community perspective on safeguarding and introduce lay perspectives and critical challenge to help improve services and performance.

Safeguarding crosscuts a wide range of areas and potential scrutiny topics. OSCs will need to identify the relevance of safeguarding to their work and ensure their initial scoping and key lines of enquiry focus on the local issues. Safeguarding should always be on the initial agenda for any review topic and OSCs will want to challenge themselves to ensure they have identified any areas where it is relevant – even if indirectly. Some places where safeguarding will be directly relevant to a review include:

- An explicit focus on the overall effectiveness of local safeguarding arrangements including strategic trends, plans and priorities.
- A more detailed focus on one aspect of safeguarding or child protection.
- An exploration of the outcomes and experiences of specific groups of local children – for example, disabled children.
- Safeguarding will be one consideration in the scrutiny of specific children's services – for example, when scrutinising mental health services for children, universal services or access to immunisations.
- Scrutiny of education topics.
- Multi-agency working and partnerships.
- Consideration of commissioning arrangements and the safeguarding practices of providers across a full spectrum of services.
- Any topic where children are stakeholders including health, wellbeing or the local community.

OSCs can use scoping documents and impact statements to help identify and refine a scrutiny topic. They can also work with advisors and safeguarding experts to help discover the key issues and debates.

Committees will need to identify and manage any potential risks in scrutinising the safeguarding process. This will build confidence both for members and for multi-agency partners. This process may include:

- Ensuring members are trained and supported to engage with the children and young people's sector and safeguarding.
- Identifying the resources needed to support the scrutiny process.
- Recognising issues that may have sensitivity for local stakeholders and approaching these in an appropriate and respectful way.
- Early dialogue with the LSCB to avoid duplication or unclear roles.

Working with stakeholders is an important part of the scrutiny process. Mapping the stakeholders and then involving them in the development of the review can be a powerful way to use local knowledge to focus a review and build cooperation and momentum. CfPS provides toolkits and case studies describing ways that OSCs have used stakeholder workshops at the start of a review to formulate a clear focus.

Many committees have found it helpful to establish a protocol of understanding with the LSCB. This can help manage expectations and priorities and assist the LSCB in understanding the role of scrutiny and the types of evidence and information that the OSC will need. Whilst OSCs will routinely receive yearly reports from the LSCB they will want to consider further ways to work together, and how they can effectively challenge the LSCB and seek assurance on services.

The recent 2014 reports by both Professor Jay and the Communities and Local Government Committee highlight

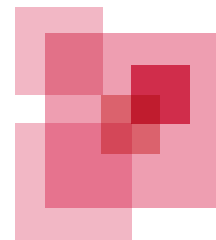
“ the failure of scrutiny and challenge within the system of governance at Rotherham. ”

In particular the report demonstrates the lack of scrutiny in checking the implementation of written child protection plans and strategies. Learning from the scrutiny process in Rotherham will be of benefit to all OSCs. Key lessons included:

- The need to check evidence and data presented to the scrutiny committee.
- The importance of councilors using their local knowledge to sense check reports and approaches.
- A lack of measures to monitor the effectiveness of the scrutiny process.
- The importance of clarity between executive and scrutiny roles for members.
- The need to monitor the implementation of scrutiny recommendations.
- The need for clear and good quality minutes and records of scrutiny sessions.
- The need for effective challenge.
- The importance of using the scrutiny process to hold the executive to account.

OSCs will want to create effective scrutiny recommendations to improve safeguarding processes and accountability. Effective recommendations share common features including:

- Focus – often a smaller number of key recommendations can have most impact.
- Smart – they are specific and measurable.
- Monitored – to track how the recommendations have been taken up by agencies and partners.
- Reviewing learning and impact can provide a powerful follow-up to the work of the committee.



Evidence, Data and Information

OSCs will be able to draw on a wide range of safeguarding evidence and information to support their review. This material can assist the scoping of the review to clarify the remit and purpose. Having a clear plan with identified key lines of enquiry will enable the committee to focus on specific areas of safeguarding data to help structure their questions and enquiry.

One of the challenges will be to prioritise which evidence will be most helpful. Working closely with an advisor and with local stakeholders can ensure that members are properly briefed on the key issues. OSCs will be able to relate local evidence of practice and performance to national legislation, statutory guidance, inquiries and research. They will also need to bring their own lay perspectives and knowledge of local communities, children and families to triangulate their findings.

Evidence and data will also be important to frame recommendations from the review and track implementation. OSCs may want to consider ways to measure the impact of their work and can use a variety of models to formalise their approach.

Committees will benefit from contrasting statistical evidence with the insights and experiences of organisations. As the Munro Report 2011 stated:

“ Performance information should not be treated as a straightforward measure of good or bad practice, but interrogated to see what lies behind it ”

It is helpful to hear from both senior and frontline staff involved in the safeguarding process. Members will find it beneficial to listen to the voice of the child at an early stage of the review and understand their experiences of services and support.

Evidence sources may include data from:

1. The Children’s Safeguarding Performance Information Network (2015) provides national and local information on five key areas of interest to OSCs:

- Outcomes for children, young people and their families.
- Child protection activity including early help.
- The quality and timeliness of decision making.
- The quality of child protection plans.
- The child protection and safeguarding workforce.

2. Each LSCB will produce key documents:

- An Annual Report.
- The assessment process and services for early intervention.
- The thresholds for intervention from children’s social care services.
- The LSCB Learning and Improvement Framework.
- Local reviews, quality assurance and audits of case files.

3. Joint Strategic Needs Assessment (JSNA) will identify and articulate the health and social care needs of children in the local area.

4. The Health and Wellbeing Strategy

5. Reports and summaries from Serious Case Reviews

6. Joint Working Protocols between local agencies – with a particular focus on multi-agency issues including:

- Child protection processes.
- Mental health issues.
- Substance misuse.
- Young carers.
- Education services.
- Young offenders.
- Early years services.
- Gangs and violence.
- Female genital mutilation (FGM).

7. Ofsted's Integrated Inspection Model for Children's Services and the Inspection Framework

8. Department for Education (2014) Characteristics of Children in Need in England 2013–2014 Dataset

9. Department of Education (2014) National and Local Authority Tables

Outlining key performance data and comparisons for measures including:

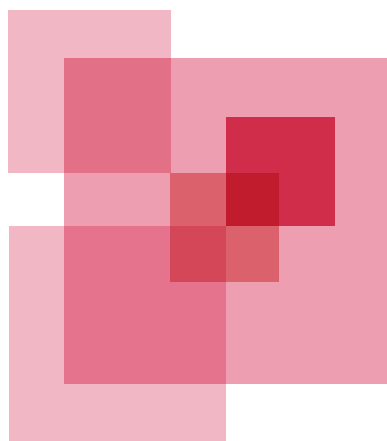
- Numbers of children in need including breakdowns by age, gender and ethnicity.
- Numbers of children in need by disability.
- Child protection plan data.
- Referral and completion data.
- Child protection conference data.

10. National panel of independent experts who advise LSCBs to review Serious Case Reviews

11. Child Development data

12. Early years profiles

13. Evidence from victim support groups and local organisations providing assistance and counseling



14. Joint Working Protocols between local agencies – with a particular focus on:

- Mental health issues.
- Substance misuse.
- Young carers.
- Looked after Children.
- Transitions for disabled young people to adult services.

15. Evidence from the local children in care council

In considering the evidence, OSCs will want to ask some key questions:

- What are the key messages from the evidence?
- How do local trends compare to national patterns and reports?
- What does data indicate about the timeliness of children's access to assessments and services? How does this compare to national requirements?
- How well do different sources of evidence and data tell the same story? Do they triangulate or are there areas of disagreement and divergence?
- How confident are agencies themselves in the reliability of the local evidence? (For example, have there been any initiatives to audit and test the evidence)
- Does the evidence accurately describe the experiences and outcomes of all groups of children? (Are any groups excluded or under-represented in the evidence including social and environmental factors)
- How far does the evidence reflect local experience in the community?
- How strongly does the voice of the child emerge from the evidence?

Conclusions

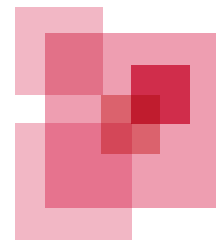
Good scrutiny is an essential part of balancing the local system to ensure positive outcomes for children and to safeguard their welfare. It can offer a critical check and challenge to the performance and quality of all aspects of safeguarding. It provides another mechanism to hold executives to account. Because scrutiny is separated from the strategic and day-to-day operational management of services, it is well placed to consider the needs of local children in a holistic and joined up way.

Given the continued history of failures to protect groups of children, the scrutiny contribution is timely and significant. As this publication demonstrates, safeguarding permeates many aspects of local services and duties. OSCs will need to be vigilant of the impact on children's safeguarding of decision-making across diverse policy areas.

To make the most of this potential for scrutiny, OSCs will need to build their knowledge and confidence to tackle the safeguarding agenda. This guide is designed to be one step in that process that should include a commitment to continual learning and partnership. Much useful information and advice can be obtained locally. Members of OSC will also find it helpful to share practice and approaches through wider scrutiny and local government networks.

Taking an appreciative and collaborative approach to working with local partners can build respect and value to the scrutiny process. Being clear about the role and function of scrutiny can reassure stakeholders that the purpose of OSCs is to make a positive impact on children's lives. It can demonstrate that reviews have been planned in a careful and sensitive way – based on a solid understanding of the local safeguarding arrangements and statutory processes.

A good scrutiny review will demand evidence that systems are in place to listen and understand the experience and needs of local children. It can provide new perspectives on how individual and diverse groups of children have access to services that support and protect them. By asking key questions about how child-centred local services are, scrutiny can be an important partner in protecting children and ensuring they thrive.



Key Scrutiny Questions for Safeguarding

1. What level of challenge is there in local safeguarding arrangements?
2. How are those in leadership roles for local safeguarding arrangements held to account by the wider system?
3. How do local commissioning arrangements, strategies and frontline services for children and families take into account the latest safeguarding guidance?
4. How aware are different organisations and practitioners about their roles in the local safeguarding process?
5. How are local commissioners considering safeguarding issues in their work across a full range of local services?
6. How effective are 'early help' strategies in identifying children in need and addressing factors that may lead to concerns about safeguarding?
7. What has been learnt from early intervention approaches in the local area? What is effective and what are the resource implications?
8. Does the local area have a range of effective and evidence based services in place to assess and meet the needs of local children and their families?
9. Are local assessments of need effective in ensuring children and their families are able access early support and services to reduce risk and meet needs? How effective is access to these services in preventing potential safeguarding interventions?
10. How effective has the LSCB been in monitoring and challenging the effectiveness of local safeguarding arrangements? What evidence is there that this challenge has led to changes in these arrangements and local working practices and relationships?
11. How effective is the LSCB Local Learning and Improvement Framework in sharing lessons from experience and driving service quality and development?
12. How does the LSCB systematically ensure that the voice and feedback of children is embedded in local safeguarding arrangements at the individual and strategic levels? Does the approach enable children from diverse backgrounds and with different needs to share their voice?
13. What evidence is there that the child is at the centre of local safeguarding arrangements?
14. Who are the most vulnerable children in the local area? What are their needs and how well are they met?
15. To what extent are local organisations, agencies and practitioners working together in an effective way?
16. How effective are local safeguarding services in working with these groups?
17. Is there evidence of strong leadership of local safeguarding arrangements from:
 - Local authority members?
 - The Director of Children's Services?
 - The Lead Member for Children's Services?
 - The Clinical Commissioning Group?
 - The Police?

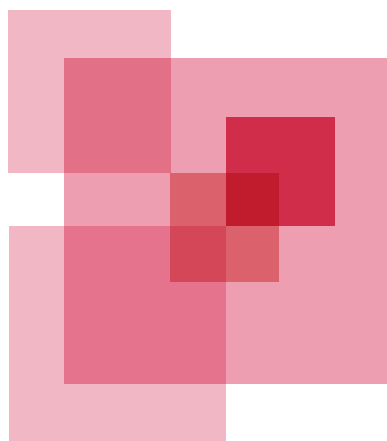
18. How robust and systematic is the Local Authority's approach to assessments of need? Do assessments routinely meet the quality standards set out by the latest statutory guidance including:

- Taking a systematic and evidence based approach?
- Using a child centred approach?
- Focusing on action and outcomes for the child?
- Taking an integrated approach across a variety of services and areas of need?
- Ensuring that assessments are a continuing process rather than a one-off event?
- Focusing on the child's developmental needs and whether they are suffering or likely to suffer significant harm?
- Considering parents and carers capacities?
- Looking at the impact of wider family, community and environmental circumstances?

19. How effective are local protocols for sharing appropriate information between practitioners and organisations?

20. How effective are local safeguarding services in establishing a partnership approach with parents? How are the needs of vulnerable parents taken into account through services and support to enable them to participate effectively in assessments?

21. How well do local services adhere to timelines for assessment and intervention? What is the local performance data?



References and Further Reading

Legislation and Guidance

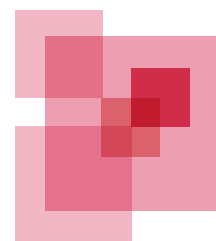
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Glossary



The General Duty

Section 17(1) of the Children Act 1989

The general duty of the local authority to:

- (a) Safeguard and promote the welfare of children within their area who are in need; and
- (b) So far as is consistent with that duty, to promote the upbringing of such children by their families.

Children in Need

Section 17(10) of the Children Act 1989

A child shall be taken to be in need if:

- (a) The child is unlikely to achieve or maintain, or have opportunity of achieving or maintaining, a reasonable standard of health and development without the provision of services by a local authority under Part III of the Children Act 1989.
- (b) The child's health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or
- (c) The child is disabled.

Section 47 child protection enquiry under the Children Act 1989

Statutory duty for the local authority to complete an enquiry where it 'has reasonable cause to suspect that a child who lives, or is found in their area is suffering, or likely to suffer, significant harm'.

Child Protection Plan

The plan to protect a child who is at risk of suffering significant harm. Plans are reviewed by multi-agency child protection conferences.

Safeguarding

Working Together 2013 defines safeguarding and promoting the welfare of children as:

- Protecting children from maltreatment.
- Preventing impairment of children's health or development.
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all children to have the best life chances.

Child Protection

Working Together 2013 defines child protection as activities undertaken to protect specific children who are suffering, or likely to suffer, significant harm.

Abuse

Abuse can cover a range of harm including:

- Physical abuse.
- Sexual abuse.
- Emotional abuse.

Neglect

Brandon et al (2014) highlights how system can fail to detect neglect and the impact this can have on children's outcomes.

Early help and intervention

Preventive services and support to reduce the risks faced by children and avoid the need for child protection interventions. Early intervention takes a holistic view of the child and their family.

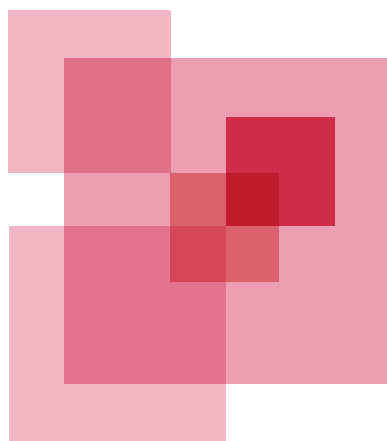
Local Safeguarding Children Board LSCB

A LSCB is established for each local authority area. Its role is to:

- Coordinate safeguarding in the local area.
- Ensure the effectiveness of safeguarding activities of all local partners.

Significant harm

Forms of ill-treatment, impairment of health or development including abuse or neglect.



Checklist for Planning a Scrutiny Review of Children's Safeguarding

This tool is designed to compliment the scoping phase of a safeguarding review. It offers some initial questions to consider in planning a review.

- What are your main concerns about children's safeguarding and their welfare in the community?**
 - Who are the children in need in your local area?**
 - What does the JSNA identify as priority issues for children and young people?**
 - What local safeguarding data and evidence is currently available to help you identify a focus for the review?**
 - How do safeguarding and child protection issues affect different groups of children and young people in your community? Who are the children most at risk in terms of age, gender, disability, ethnicity, location and other factors?**
 - What specialist expertise may you need to understand the particular areas of safeguarding, abuse and harm covered by a review?**
 - What specialist support may you need to appreciate the developmental needs of children and young people at different ages?**
 - Who are the multi-agency partners involved in the local safeguarding process? What are their different roles and responsibilities?**
 - Who could you work with to ensure that the voices of local children and young people are considered by your review?**
 - What are the risks of a review of safeguarding and how will you manage them?**
 - What support and training might members need to conduct a review of safeguarding?**
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