



Safeguarding Children Task Group: Final Report

Children and Young People's Services Overview/Scrutiny Committee

Report CX/08/79

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Preface

By Councillor Christine Channon



Chair, Safeguarding Children Task Group, Children and Young People's Services Overview and Scrutiny Committee

I am very pleased to be able to present this Scrutiny review on Safeguarding Children. It has been a great privilege to chair such a committed Task Group.

Councillor Christine Channon

Safeguarding Children Task Group Final Report

1.0 Introduction

1.1 In November 2007 the Director for Children and Young People's Services asked the Children and Young People's Overview and Scrutiny Committee if they would set up a Task Group to review the effectiveness of the Devon Local Safeguarding Children Board (LSCB). A wide range of witnesses have been called to give evidence and the findings from this evidence are now set out as a series of recommendations in this report. The Task Group — Councillors Christine Channon (Chair), Roger Croad, Anne Fry, Michael Lee, Vanessa Newcombe, Saxon Spence and Mrs Liz Wilson (Primary Parent Governor) — would like to place on record its gratitude to everyone who contributed to the review by providing information and/or being interviewed. The Task Group in submitting its recommendations has sought to ensure that its findings are supported with evidence and information to substantiate its proposals.

1.2 This study into the use of safeguarding children in the County directly links to the priorities of the Strategic Plan. A priority of the Strategic Plan 2006–2011, is that 'Devon's children should have the best possible start in life and gain the knowledge and skills they need to lead happy, healthy and fulfilling lives'. One of the objectives under this remit is to support parents, families and carers to help children and young people enjoy learning, aim for excellence and achieve to the best of their ability.

1.3 The Task Group's terms of reference:

1. To undertake a review of current policies and practices to include thresholds for safeguarding children in Devon to consider whether they are sufficiently clear and robust to deliver safe and effective services.
2. To examine Devon LSCB's delivery of its objectives and options for improving its effectiveness.
3. To assess whether Devon's LSCB has a sufficiently independent voice to realise its potential to challenge Local Authority (LA) services.
4. To consider the relationship between statutory partners and the LSCB, including an exploration of the strategic relationship between the LSCB and the Children's Trust.
5. To examine the extent to which the current LSCB is ready to fulfil the new Government requirements after 1 April 2008.
6. To make detailed recommendations to the Overview/Scrutiny Committee on the findings of the Task Group.

It was apparent to Members at an early stage in the review process that the first term of reference would be too far reaching to be included in this review. The Task Group agreed that its focus should remain with the strategic governance arrangements of the LSCB, with some additional safeguarding issues identified in the 'Other Issues' section of the report (Page 13).

2.0 Background

2.1 The statutory inquiry into the death of Victoria Climbié (2003) highlighted the need to give priority to the safeguarding of children and young people. The Government's response to this inquiry included the Every Child Matters Initiative, a series of Joint Chief Inspectors Reports and more recently, the National Children's Plan and the National Stay Safe Action Plan. These initiatives have resulted in a range of provisions to safeguard children and young people, some of the most important of these include; the creation of Children's Trusts under the duty to cooperate; the setting up of LSCBs; and the duty of all agencies to make

arrangements to safeguard and promote the welfare of children, as required by Section 11 of the Children Act 2004.

- 2.2 The requirement for LAs to establish LSCBs is contained within Section 13 of the Children Act 2004. The LSCB replaced the existing Area Child Protection Committees (ACPCs), in 2006 and flow from a specific recommendation made in Lord Laming's Report following the death of Victoria Climbié in which Lord Laming stated:

"The current arrangements of ACPCs depending as they do on goodwill and best endeavours, should be replaced by a new national agency for children and families with powers to ensure that all of the key services carry out their duties in an efficient and effective way".

Since April 2006 LSCBs have been responsible for coordinating key local organisations in safeguarding and promoting the welfare of children and ensuring that this work is effective.

3.0 Context

- 3.1 When the Task Group first met in February 2008 the scope of the review was discussed with the Director of Children and Young People's Services (CYPS). The Task Group were informed of the impending Government national action plan, *Stay Safe*, which was about to be released and it was pointed out that the Devon LSCB will have to work to objectives set out in this new plan and the *Every Child Matters Initiative*, together with a number of other new initiatives and good practice guidance involving partner agencies. The wider safeguarding agenda will require not just responsive work but a more proactive strategy to reduce harm to children in a number of priority areas, such as bullying, new technologies, crime by and against young people, antisocial behaviour, accidental injuries and deaths. The Task Group agreed to extend the scope of their project to the new wider agenda.

- 3.2 The Department for Children, Schools and Families undertook a priority review of LSCBs between September and December 2006. A priority review is a quick, non-scientific way of gathering evidence about how an important Government objective is being delivered at a particular point in time. LSCBs are new organisations but they have an important role to play in improving safeguards for children as part of the Government's *Every Child Matters* reforms. The review sought to gain insights into how LSCBs were getting to grips with their new role; to find out about good and innovative practice that could be more widely shared; and understand whether there were any common difficulties and what might best be done to support LSCBs further.

- 3.3 In response to this priority review, the Devon LSCB undertook a fundamental review of its procedures commencing in October 2007. In particular, it considered the recommendation concerning the chairing of the LSCB. There were 25 independent chairs at the time of the review and the number appeared to be increasing. Independent chairs can provide external challenge and scrutiny where they have the required skills, experience, and local credibility. In light of the experience of LSCBs, the Government believes that, resources permitting, there are advantages in appointing independent chairs to avoid conflicts of interest and provide independent scrutiny. In this respect, Alan Wooderson was appointed as Independent Chair of the Devon LSCB in July 2008. In addition to this, in June 2008 Devon LSCB produced a revised business plan and any recommendations made by the Task Group are made in the light of this revised plan.

4.0 Recommendations

- 4.1 The recommendations have been drawn up using the evidence from witnesses, site visits and background material.

Recommendation 1

That the Devon LSCB adopt a three-year budget structure.

Rationale

It is apparent that if children are to be safeguarded, adequate resources need to be put in place. A three-year budget structure allows more prudent longer term financial planning than an annually allocated budget. The LSCB has partners other than the LA, such as Police, Probation and Health and each needs to be persuaded to contribute a responsible share.

Recommendation 2

That the governance arrangements of the LSCB and the Executive are reviewed in 12 months time to assess the effectiveness of the modernisation programme.

Rationale

It is vital that a review of the governance arrangements of the LSCB and the Executive is undertaken 12 months after this review is completed to ensure that the work of the Board is being properly discharged. The Devon LSCB identified that it needed to change and modernise its way of working, with a rationalised agenda and smarter governance arrangements.

Recommendation 3

That the demarcation between the role of the Children's Trust and that of the LSCB should be clearly communicated and understood.

Rationale

It became apparent in interviews that demarcation between the role of the LSCB and the Children's Trust is not clear to some of its members and it is vital that this is well communicated. The Devon Children and Young People's Plan 2008–2011 describes the aspirations of the Children's Trust for the County's children and young people in accordance with the five outcomes described in *Every Child Matters*. The role of the Devon LSCB is set out in the Business Plan and describes the safeguarding work for Devon's children and young people in line with those five outcomes.

Recommendation 4

That the Chairman of the LSCB needs to ensure that Board agendas are well-focussed, papers are appropriate and that meetings are short and purposeful.

Rationale

The Task Group recognises that significant changes have been made to the way in which the Devon LSCB operates over the last 12 months that are undoubtedly resulting in the Board becoming a more strategic and effective entity. Members however felt it essential that due emphasis continues to be given to smarter working arrangements of the LSCB, When subgroups have met, only the key concerns of those meetings should need to be brought to the Board and it is probable that some of these would be resolved by the Executive. If senior representation is needed then meetings must be short and to the point. The high cost in time and money must be justified if agencies are expected to send their principal decision makers. LSCB members should be encouraged to use technological innovations where possible in order to contribute to meetings remotely through video or audio conferencing.

Recommendation 5

That the Chairman of the Devon LSCB and the chairmen of the various subgroups continue to network with their counterparts in neighbouring authorities and ensure that the communications strategy is robust and secure.

Rationale

Information must be shared across all agencies and also between neighbouring authorities to provide a seamless service. It is vital that there are robust strategies in place to ensure that LAs communicate effectively to safeguard children if they move out of county. The Task Group is particularly concerned about children moving out of county who are not subject to a child protection plan, but where some risk to the child's well being has been identified

Recommendation 6

That recommendations regarding Serious Case Reviews (SCRs) need to be clear and carefully monitored.

Rationale

Recommendations regarding SCRs must be clear and carefully monitored to ensure that lessons are learnt.

Recommendation 7

That Devon speeds up its safer recruitment training and check whether all its partners are complying with the required assessment standards, with a review 12 months after the introduction of the newer safer recruitment requirements.

Rationale

Safer recruitment needs to be introduced to all schools and key workers by November 2009. It is vital to ensure that any agencies who supply staff comply with national standards. There is a need to check that the work that the NHS has undertaken during the last year also complies with required assessment.

Recommendation 8

That Devon Association of Governors (DAG) urges schools to appoint a governor responsible for safer recruitment and be required to pass the appropriate assessment.

Rationale

Members felt it essential to have a dedicated governor responsible for safer recruitment including training and assessment to ensure that this vital area of the safeguarding children agenda remains of high importance for schools. Schools need to be more robust with safeguarding in recruitment. It is a difficult area in terms of the influence LSCBs have, but schools do have a statutory responsibility with safer recruitment. In addition to at least one governor at a school passing the appropriate level of assessment with the safer recruitment agenda, there should also be an appointed teacher who does likewise.

Recommendation 9

That GOSW be asked to publish a quarterly safeguarding newsletter as a means of sharing good practice across the region.

Rationale

There appears to be a lack of communication between LSCBs, with Boards working in isolation from each other. However, evidence indicates that this may be beginning to change with the newly formed Safeguarding Board Network led by GOSW, which might allow for the publication of a quarterly safeguarding newsletter promoting best practice across the region.

Recommendation 10

That cases for young people between the ages of 16 and 18 should be referred to the Transitions Review Team.

Rationale

The excellent Transitions Review Team that has been put together to support young people in the transition period between children's and adults' services

should become involved in cases such as teenage pregnancy where there is usually shared responsibility.

Recommendation 11

That a clear strategy be developed for the retention and recruitment of Child Protection Officers (CPOs), Named Nurses and Midwives.

Rationale

It is apparent that the prioritisation of funding needs careful appraisal and whether there is adequate resource allocation for CPOs, Named Nurses and Midwives.

Recommendation 12

That children receiving Elective Home Education (EHE) be regularly and systematically monitored by the Local Authority to ensure they are safeguarded.

Rationale

The Task Group appreciates that the decision to home educate a child is in many cases used by parents as a positive choice in their child's education, Members are however extremely concerned that without a child going to school, where they are visible to adults on a daily basis and therefore protected to some degree children may be at risk from neglect and abuse. Devon LSCB has a statutory responsibility to ensure that processes are in place to ensure the welfare of all children in the County is safeguarded and promoted. The Staying Safe and Being Healthy outcomes are of particular importance where children remain outside the maintained education and health systems. Members are concerned that the guidelines for EHE may in some case have the unintended result of taking attention away from the best interests of the child and pay insufficient attention to safeguarding and child protection issues.

Recommendation 13

That the missing children initiative with the Police be continued and developed.

Rationale

Missing children are among the most vulnerable young people and are at particular risk of abuse. A rapid response team has now been set up by the Police to help to safeguard those children at risk, and reduce the propensity of regular missing children. The LA should continue to support this initiative wherever possible to help to safeguard children in the County.

5.0 Summary

- 5.1 The Director of CYPS decision to chair the Devon LSCB initially was a good idea with the essential focus on the narrower child protection agenda. The Board needed a period of quality leadership to bring about change. However, given the volume and complexity of the work involved, it is timely that the LSCB has been restructured, and the Task Group welcomes the appointment of an Independent Chair.
- 5.2 It was reported to the Task Group that there are a number of issues that Devon LSCB has not recently explored, particularly in relation to child accident prevention and infant mortality. The Board needs to ensure that these areas continue to be properly discussed and action plans developed and tracked.
- 5.3 The emphasis must be placed on the sharing of information across all agencies to provide a seamless safeguarding service. Staff need to know that if they have any concerns about a child they must flag these up.
- 5.4 Devon needs to accelerate its safer recruitment training and ensure that it is spread to all schools and keyworkers. It is vital that the LA demonstrates that it has clear structures and guidelines in place on safer recruitment.

- 5.5 The development of the LSCB role is still relatively new, but as a statutory partnership, it is important that the Board foremost fulfils its legal requirements. Witnesses advised the Task Group that there had been a huge improvement in the Devon LSCB during the last year but this level of improvement is needed again over the next 12 months in order to fully grasp the breadth of the Safeguarding agenda and keep pace nationally. If the structure of the Business Plan can be delivered, it should make a major, positive contribution to the welfare and safety of Devon's children.

6.0 Findings

6.1 **Devon LSCB Organisation / Business Plan** (Recommendations 1, 2, 3 and 4)

The Business Plan sets out the role and functions of the Devon LSCB outlining three main areas:

- Protection – responsive work to protect children who are suffering harm;
- Prevention – targeted, pre-emptive work with children known to be more vulnerable than the general population, such as, children in care, children living away from home, children who have run away, children with disabilities and children who are taken out of school.
- Universal preventative work – which promotes the welfare and safety of all children living in Devon and includes promoting areas such as road safety, health education and ante- and post-natal care.

The Devon LSCB is a very large board, which it has to be to some extent with the duty to cooperate partners. However many of the witnesses interviewed by the Task Group conceded that the initial structure of the LSCB was far too cumbersome, and was not focussed on exercising its strategic and monitoring role over the safeguarding aspects of the Children's Trust. Meetings tended to be lengthy, and the size of the Board made it difficult for individuals to challenge.

Particular concern was expressed about Devon LSCB agendas. Although there is an exceptional amount of information that needs to be considered because of the statutory functions, agendas need to be more concise. The new Independent Chair should be clear about what is included on the agenda with each item clearly labelled as to whether it is strategic or operational, as there has been a tendency for the LSCB to spend a disproportionate amount of time on procedure and operations. The Task Group recognises that the layout and compilation of agendas has however been revised over the last 12 months and this has brought about considerable improvements to meeting efficiency, strategic focus and the decision making process in more general terms. Evidence indicates that there is a need to make continued improvements to the setting of agendas to ensure the effectiveness of the LSCB's operation.

The structure established in the Business Plan addresses a number of the issues that the Task Group expressed concern about, proposing that there should be 9 subgroups, with representatives of the sub groups forming the Executive. It was felt that the formation of an Executive would streamline the decision making process, meeting on a more regular basis and dealing with more operational matters than the main LSCB whose focus would be largely strategic. The Executive would be chaired by the Director of Early Years and Families, there would be a Vice-chair and representatives from the other 9 groups. The Executive's principal function would be to ensure that the LSCB operated strategically and effectively to fulfil the Business Plan. Its role would be to monitor targets and performance data, to ensure that objectives are met within an agreed timescale and to identify areas for improvement. The function and performance of sub groups will also be crucial to the overall performance of LSCBs. These sub

groups will have clear terms of reference and action plans which match with LSCB core functions. Sub groups will ensure that work programmes are delivered and sub groups can scrutinise what the Board is doing.

A key issue for the Devon LSCB is to ensure the full engagement of all relevant agencies, as the LSCB in itself, cannot ensure good standards in keeping children safe. The Board needs the full day to day commitment of its constituent agencies to attend to the operational details of safeguarding strategies, policies, protocols and services. The Business Plan can only be effectively delivered through the Board taking a strategic approach to this co-ordinating function, and is now well placed to ensure all agencies' commitment and contributions.

Several witnesses to the Task Group expressed concern as to whether the Business Plan sets realistic and achievable targets, rather than a list of ambitions. It is not clear how the LSCB will deliver these or what outcomes will be measured to demonstrate progress. Members felt that in view of the vast and very complex children's agenda it might be beneficial to have a less ambitious programme with more measurable targets.

6.2 **Devon LSCB Executive** (Recommendations 2 and 3)

A number of witnesses to the review questioned whether senior manager attendance would suffer as a consequence of the frequency of the LSCB Executive meetings added to their existing workload and how realistic it will be to deliver on the action points arising from the meeting. Members expressed concern about the efficiency of passing attendance at LSCB meetings down the line, as members of the Executive should be of sufficient standing in their organisation, or service that they can make decisions and action can be agreed upon at the meeting itself. It has been a problem for the Devon LSCB that too often attendees have been at practitioner level, which means they cannot usefully represent their organisation in the decision making process or hold their organisation to account. If the Executive is to meet with such frequency Members felt it essential that the LSCB maximises technological innovations wherever possible with the deployment of audio and video conferencing to minimise senior officer travel time.

Some witnesses were also concerned about the degree of independence between the Executive and the LSCB and the capacity for scrutiny.

6.3 **LSCB Budget** (Recommendation 1)

There are 2 elements to the LSCB budget. Firstly, there is the need to provide business support to the LSCB with dedicated officers employed to do so, and secondly there is the multi-agency training programme. Some LAs have a full time LSCB Business Support Manager and Performance Managers. The LSCBS budget of over £200,000 is in line with national guidance and is well established. However, a three-year budget in which each partner contributed a responsible share would greatly help the capacity of the Devon LSCB to forward plan.

6.4 **Children's Trust** (Recommendations, 3 and 4)

The Children's Trust does not have the same strategic responsibility as LSCBs and could potentially be seen as the provider/commissioner of the recommendations the LSCB make, with the LSCB holding the Children's Trust to account. The Task Group noted that Devon LSCB does not however seem to be clear about its role holding the Children's Trust to account. Part of the problem may be that the individual roles of the Children's Trust and the LSCB have not been clarified adequately to members. The LSCB should overview the work of the Children's Trust, scrutinising whether the Children's Trust is fulfilling its duty to identify the most vulnerable young people and children in the County. The Task Group received evidence that the relationship between the Children's Trust and

the LSCBs will become more established as further national guidance is given and the bodies themselves become increasingly established.

6.5 **Serious Case Reviews** (Recommendation 6)

A Serious Case Review (SCR) is undertaken by LSCBs when a serious incident or death of a child occurs. SCRs are very much at the top end of child protection, looking at how important it is that lessons learned are fully integrated into all of the Board's work and its constituent agencies.

The Task Group did receive evidence to indicate that Devon has been more proactive with its SCRs than in a number of other parts of the country, it is however apparent that the Devon LSCB still needs to improve its SCR governance arrangements. Evidence indicates that there had been times when the Board may not have been sufficiently challenging and effective, especially in the governance of SCRs with some confusion between SCRs and Child Death Reviews (CDRs) and there needs to be an overall improvement in SCR analysis. LSCBs need to be scrupulous about the process for preparing and monitoring SCRs. Attention needs to be focussed on creating more capacity and training for equipping people for SCRs. Regionally and nationally there are also issues about the lack of accredited report writers for SCRs. The LA would benefit from being able to access a list of accredited report writers.

6.6 **Child Death Reviews** (Recommendation 6)

From 1 April 2008, the Devon LSCB, in common with other LSCBs across the country, has been required by law to have in place CDR functions to review all child deaths occurring in Devon. The function of the overview panel is to look at all the child deaths in that region, reviewing professionals' responses examining trends and comparative data across the region in order to identify deaths that may have been preventable. It is advantageous to have Peninsula wide groups to share best practice on CDRs.

There are 2 levels of response in terms of responding to child deaths. Firstly, there will be a South West Peninsula Child Death Screening Panel, which encompasses Plymouth and Torbay, Devon and Cornwall. Secondly, there will be a Rapid Response Team, largely made up of representatives from the Police and Health Services in direct response to an individual death in order to safeguard siblings etc.

6.7 **Safer Recruitment** (Recommendations 6, 7 and 8)

There is a national drive for safer recruitment with a clear steer for the whole of children's services. The LA has a duty to promote and facilitate safer recruitment training, and this is an area of change for LSCBs. LAs should now ask for a self-declaration on their application forms, as part of a strong message from the LA on safer recruitment training, which can act as a deterrent and put people off from applying who might in fact be a risk to children. It was reported to the Task Group that the LA's application forms still do not have a question about whether the applicant has committed a criminal activity, and this is a concern. Although the Criminal Records Bureau (CRB) check should inform the LA of any relevant issues, it is important to get applicants to self declare. LSCBs should be monitoring performance on these issues, and Devon's LSCB has not progressed as well as it might in terms of safeguarding in recruitment.

It is a difficult area in terms of the influence LSCBs have with schools, although schools do have a statutory responsibility with safer recruitment. Appointments should not be made before CRB checks are carried out, and it is vital that people are insistent on this. An in depth recruitment assessment needs to be carried out

of an individual, even if CRB checks are clean, as there can be strings of historical allegations linked to some very dangerous people. It does also appear that there are some gaps in safer recruitment compliance in the Peninsular, particularly with smaller community and voluntary sectors not always asking for references. This is partly attributable to a lack of understanding about safer recruitment practices. It is important that awareness about safer recruitment is raised by the Communications and Community Sub Group, as this is a complex area and people can be easily confused.

6.8 **Communications and Information Sharing** (Recommendations 5 and 9)

The Task Group received a number of reports from witnesses concerned about a lack of information sharing between LSCB agencies and an overarching communication strategy. Sometimes problems may arise, often at an operational level, because staff are not clear about information sharing protocol. Professionals need to trust one another and work together. Staff need to understand their responsibilities about information and the sharing of this information to ensure children are safeguarded.

Communication between Health and Social Care has improved, and changes to create AXS teams have been helpful. However, the Task Group received reports that Health are still reluctant to share information, particularly GPs. GPs and health professionals have a duty to report concerns about the safety of a child and are obliged to exchange information regardless of parental issues. The prevention of children from harm should override any confidentiality issues.

In the light of work of the new CDR Panels, the Task Group believes that it is vital that the new Independent Chair communicates with opposite numbers across the region. Children must not be allowed to slip through the net and those who move from the County must be recorded. There is evidence to indicate that close cooperation between the peninsula ACPCs existed, and it is vital that this continues to be progressed with Devon LSCB looking where possible to work with colleagues regionally. Devon contributes to the well established Regional Network that is promoted by GOSW. Health witnesses reported that designated professionals from across the peninsula now meet quarterly.

The promotional role of LSCBs is important, and is an area that needs to be improved in terms of communicating what the LSCB in Devon is doing, and how it is working to safeguard children and vulnerable families. There is a need to raise the profile of safeguarding, not just with professionals but the public as well.

Other Issues

6.9 **Early Intervention**

Concern was raised about the need for early intervention and it was suggested that children were sometimes left with families too long, thus allowing them to become neglected or not able to develop as they should. Most witnesses said that they believed that Devon had a good record in the area of child protection but felt greater emphasis should be placed on active prevention and working with families at the earliest possible stage.

Social care staff also do not have the resources in Devon to undertake the kind of sustained preventive work that that can really help to address long standing issues. The AXS Pathways are very important in terms of pre-emption and agencies working together to ensure problems do not escalate. It needs to be recognised that there is a difference between reactive work being undertaken to help to safeguard children, and the more proactive work with targeted resources for early, long-term intervention.

CYPS are introducing a pre-birth protocol intervention at the Royal Devon and Exeter Hospital which will allow intervention to be made at the earliest possible stage. Social workers will be able to assess parenting capacity prior to a child's birth with the ethos of the protocol being about working with mothers to educate them so that they are able to look after their children properly.

There is a need for a more joined up, holistic approach to mental health services, as it is currently too compartmentalised. The ambition has to be for a better crossover of services in order for there to be increased effective early intervention. Schools, GPs and families need to be supported in order that problems are not allowed to escalate into service users requiring more specialist provision.

6.10 **Thresholds**

The Safeguarding Manager advised that prior to the Joint Area Review (JAR), thresholds were too high and were being used in such a way so as to manage workloads. Post-JAR there has been a considerable amount of work undertaken in this area. Devon LSCB has developed a threshold tool to assist all practitioners in making judgements about whether a threshold is met. Multi-agency thresholds have been designed with a multi-agency team of 40 people from all agencies across Devon. Decisions are being made based on need and not in relation to capacity issues. The use of Section 47 is currently under recorded and this is an area for improvement, but evidence overall indicates that thresholds are now being much more consistently applied with a strong audit process in place. Systems are working much better and children in the County are safer than ever before.

6.11 **Child Protection Officers** (Recommendation 11)

The Task Group were advised that there was a lack of Child Protection Officers (CPOs) in Devon. Job Evaluation would appear to have had a deleterious effect on CPO recruitment and retention.

6.12 **Named Nurse** (Recommendation 11)

Structures changed about 18 months ago but there are still some questions about the number of staff available and about cover which need to be resolved. The Group was told that there was a shortage of midwives in Exeter and East Devon, with the result that they were failing to connect with AXS Pathways in these areas. It was also suggested that much better links were needed between Health Visitors and hospital Accident/Emergency Units. Historically there have been problems when patients are admitted to an A & E and there has been no mechanism put in place to check whether the patient has a family. Children too often have simply not been picked up, often because of the workload of the named nurse.

6.13 **Children Over 16** (Recommendation 10)

The LA does not tend to get involved in child protection registration with children aged over 16, although safeguarding responsibility extends to 18 years. The Task Group were advised that although young people remained within the scope of the Children Act until the age of 18, varying age transitions means that some do not always get the protection to which they are entitled. For example, agencies can pass on the responsibility for a 16-year old with a baby to another service rather than accept a shared responsibility and as a consequence there can be a failure to provide the help needed. Vulnerable adults policy frameworks exist to safeguard young adults.

6.14 **Children Moving Out of County** (Recommendation 5)

Members expressed concern about children not being adequately safeguarded if they move out of the County, or even within Devon. A child on the Child Protection Plan will not be able to slip through net, but those children that are moved without anyone knowing about are at risk of not being picked up. This situation is not helped by Devon not having a universal computer database system for children in the County.

6.15 **Elective Home Education** (Recommendation 12)

The main area of concern that the Principal Education Welfare Officer reported in terms of safeguarding children is Elective Home Education. Members were extremely concerned about agreements made between the child, parents and the school for a pupil to be taken off roll and be educated at home. Schools could then remove low achieving children from their statistics for exams, and parents could avoid being prosecuted for attendance issues. The power of the LA even to investigate children being educated at home is minimal and children in such circumstances could be at serious risk. It is difficult to differentiate between where the choice for Elective Home Education was being used positively by parents, and where the system was being manipulated. Schools are one of the primary ways by which children are protected, as they are visible to adults on a daily basis.

The School Exclusions Task Group (CX/08/78) has identified similar concerns about Elective Home Education and will publish a recommendation to the CYPS Overview/ Scrutiny Committee on 23 October 2008:

That the Department for Children, Schools and Families be lobbied as to the way in which Elective Home Education can be used as a means to unofficially exclude pupils by their parents or non-inclusive schools.

6.16 **Children and Adolescent Mental Health Services**

Witnesses expressed concern about the restructuring of Children and Adolescent Mental Health Services (CAMHS), and the lack of awareness that adult Mental Health Workers may have for the family involved, and children in the home. It was reported that some of the CAMHS workers are excellent, but the services need to be properly integrated into the community and there is little evidence that the new strategies have as yet become properly embedded.

6.17 **Missing Children (Recommendation 13)**

It was reported to the Task Group that Devon as an LA must do more to fulfil its statutory responsibility to track and monitor missing children, who are among the most vulnerable young people and are at particular risk of trafficking, prostitution etc. Evidence indicates however, that considerable effort is being made to improve performance, with the Education Welfare Service recruiting staff to work specifically with children missing education and all those not in mainstream education. The LA is also involved in a major initiative with the Police tracking children that go missing for a short length of time. A rapid response team has now been set up to help to safeguard those children at risk, and reduce the propensity of regular missing children.

Local Government Act 1972 List of Background Papers	
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1.0 **Appendix 1 - Devon Local Safeguarding Children's Board Relationship Protocol with the Devon Children's Trust**

The Devon LSCB will have an authoritative and independent voice working alongside Devon's Children's Trust. Devon LSCB is not responsible for the commissioning or delivery of services to children and their families but in relation to any safeguarding concerns has an overarching responsibility to;

- a) raise awareness and communicate to persons and organisations
- b) develop policy, standards and procedures for safeguarding and promoting the welfare of children
- c) participating in planning and commissioning of children services to ensure that they take safeguarding and promoting the welfare of children into account
- d) monitor and evaluate the effectiveness of what is done by the local authority and agency represented on the board, both collectively and individually

Devon LSCB aims to ensure that safeguarding activities are fully embedded in any services commissioned by or on behalf of Devon's Children's Trust and will, if necessary, use the information gained from its monitoring and auditing functions to contribute to or modify Devon's Children and Young Persons Plan

In addition, Devon LSCB is responsible for ensuring that;

- I. Single agency and multi agency training on safeguarding and promoting welfare is provided in order to meet local needs
- II. There are effective policies and procedures in place for checking the suitability of people applying to work with children and ensuring that the children's workforce is properly supervised
- III. Allegations against people working with children are dealt with properly and quickly
- IV. Private fostering arrangements are co-ordinated and effective
- V. There is coherent liaison between organisations and authorities to safeguard children who move between authorities and areas
- VI. Reviews of cases where a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected in order to advise on lessons that can be learned
- VII. Information about the deaths of all children in the Devon LSCB area is collected and analysed with a view to identifying any concerns affecting the safety and the welfare of children
- VIII. Other activities as agreed with the Devon Children's Trust arrangements

The work of Devon LSCB will contribute to the wider goal of improving the wellbeing of all children. Its role is to ensure the effectiveness of the Children's Trust arrangements made by both individual agencies and the wider partnership. Devon LSCB will expect to be consulted by Devon Children's Trust on all issues that effect how children are safeguarded and their welfare promoted. Devon LSCB will be a formal consultee to the development of the Children and Young People's Plan. Every effort will be made to ensure that the two boards are clear about each other's role, do not duplicate activity, communicate well, and work closely together to identify any gaps in policy, protocols, service or practices.

Chris Dimmelow
February 2008

2.0 Appendix 2 - Task Group Activities

- 2.1 The first meeting of the Task Group took place on **11 February 2008**. The aim of this initial scoping meeting was to determine the focus for the investigation, gauge Members' viewpoints and plan the next steps for the investigation, including witnesses. The Director of CYPS provided some background to the Council's position and approach to school exclusions in the County.
- 2.2 On **15 April 2008** the Task Group received evidence from the Safeguarding Manager CYPS and the Safeguarding Adviser, Government Office South West.
- 2.3 On **7 May 2008** the Task Group interviewed the Director of Care, Devon Partnership NHS Trust.
- 2.4 On **29 May 2008** the Task Group received evidence from the Assistant Director Midlands and West, Devon and Cornwall, NSPCC Exeter and the Assistant Chief Officer, Devon & Cornwall Probation Service.
- 2.5 On **18 June 2008** Members interviewed the National Service Framework Lead for Children and Young People, Maternity and Cardiac, South West Strategic Health Authority, Policy & Performance Improvement Management, CYPS, Dr Charles Holme, Consultant Paediatrician, Designated Doctor Child Protection Devon, Royal Devon and Exeter NHS Foundation Trust and Designated Nurse, Child Protection Devon, Devon PCT.
- 2.6 On **7 July 2008** the Task Group received evidence from the Associate Director of Nursing & Midwifery, Women's, Children's, Diagnostics & Therapies, South Devon Healthcare NHS Foundation Trust, the Director of Public Health, Devon Primary Care Trust, General Manager, Women's, Children's & Sexual Health, North Devon District Hospital and the Principal Education Welfare Officer, CYPS
- 2.7 On **30 July 2008** Members interviewed the Child Protection Officer, CYPS, and then consider their findings and recommendations.

3.0 Appendix 3- Witnesses / Representations to the Review

3.1 Witnesses to the Review (in the order that they appeared before the Task Group)

<u>Witness</u>	<u>Position</u>	<u>Organisation / District</u>
Anne Whiteley	Executive Director	CYPS
Chris Dimmelow	Safeguarding Manager	CYPS
Georgie Mackintosh	Safeguarding Adviser	Government Office South West
Graeme Barnell	Director of Care	Devon Partnership NHS Trust
Alison Kearnes	Assistant Director Midlands and West, Devon and Cornwall	NSPCC Exeter
Mary Mitchell	Assistant Chief Officer	Devon & Cornwall Probation Service
Mandy Cox	National Service Framework Lead for Children and Young People, Maternity and Cardiac	South West Strategic Health Authority
Maria Kasprzyk	Service Improvement Manager	CYPS
Dr Charles Holme	Consultant Paediatrician / Designated Doctor, Child Protection Devon	Royal Devon and Exeter NHS Foundation Trust
Helen Hyland	Designated Nurse, Child Protection Devon	Devon PCT
Heather Parker	Associate Director of Nursing & Midwifery, Women's, Children's, Diagnostics & Therapies	South Devon Healthcare NHS Foundation Trust
Virginia Pearson	Director of Public Health	Devon Primary Care Trust
Janet Phipps	General Manager, Women's, Children's & Sexual Health	North Devon District Hospital
Beverley Dubash	Principal Education Welfare Officer	CYPS
Jan Liff	Child Protection Officer	CYPS

3.2 Written Representations

<u>Witness</u>	<u>Position</u>	<u>Organisation / District</u>
John Davey	Director of Service Delivery Devon and Torbay	Connexions Cornwall and Devon

4.0 **Appendix 4 - Bibliography**

Devon Children and Young People's Plan 2006 – 2009 (DCC, 2006)

Every Child Matters: Change for Children (DfES, 2004)