

The Cabinet – 15 March 2006

Report of the Director of Children's Services

Implementing the Statutory Duty to Safeguard and Promote the Welfare of Children – The Roles and Responsibilities of the Council

Purpose

1. The purposes of the report are:
 - to inform the Cabinet of the key elements of the Council's duty to make arrangements to safeguard and promote the welfare of children under Section 11 of the Children Act 2004;
 - to seek the Cabinet's endorsement for the proposed governance arrangements set out in the attached paper '*Safeguarding Children – Summary of Roles and Responsibilities within the Council*';
 - to inform the Cabinet that similar proposals will be made to statutory partners through the Dudley Safeguarding Children Board.

Background

2. Safeguarding children is everyone's responsibility. The duty to make arrangements to safeguard and promote the welfare of children is part of the comprehensive programme of 'Change for Children' which began with the publication of the *Every Child Matters* Green Paper in September 2003. At the heart of this programme is the recognition that protecting children from harm cannot be separated from policies to improve children's lives as a whole.
3. The statutory duty to make arrangements to safeguard and promote the welfare of children (Children Act 2004 Section 11 'duty to co-operate' guidance) is documented below.

4. The background to the duty to co-operate lies in Lord Laming's Inquiry Report into the death of Victoria Climbié. He concluded that "the suffering and death of Victoria was a gross failure of the system." The report notes that one of the key reasons why the system failed Victoria so badly, and why it has failed other children over the years, is because key people and bodies which come into contact with children on a regular basis often fail to give sufficient priority to safeguarding and promoting the welfare of children. Particular reference was made to the following:
 - The system does not always focus on the child's needs.
 - Senior managers, including Chief Executives and others in key governance rôles, had insufficient knowledge of safeguarding and welfare issues to take sufficient responsibility for the actions of staff in relation to safeguarding and promoting the welfare of children.
 - It has proved difficult for key people and bodies to share information and work together effectively to safeguard and promote the welfare of children; and
 - Many staff are not adequately trained in safeguarding and promoting the welfare of children – particularly those who often come into contact with children but are not considered to be 'child protection specialists'.
5. In October 2002, the 'Safeguarding Children Report' produced by eight Chief Inspectors, also highlighted the need for clear accountabilities at political and officer level and throughout all agencies. It reaffirmed that the level of protection offered to a child depends not only on the services received from the local authority but on a whole range of agencies, all of which may have a crucial contribution to make.
6. At the beginning of 2003, all Councils, along with Health and Police partners were required to undertake an audit of 'children in need' with a particular focus on safeguards. As a result of the audit in Dudley, a target to produce a local statement on 'Roles and Responsibilities within the Council' was included in the ensuing improvement plan. This statement was duly reported to Corporate Board. It drew on the joint recommendations of the Society of Local Authority Chief Executives and Senior Managers (SOLACE) and the Association of Directors of

Social Services (ADSS) who had worked together to produce a model governance framework.

7. In July 2005, the second 'Safeguarding Children Report' was published by the eight Chief Inspectors. This was based on the key findings from Inspections and Special Studies undertaken since the first Report in 2002. The Report acknowledged the major policy developments within the *Every Child Matters* programme and the National Service Framework for Children, Young People and Maternity Services. Whilst there were many examples of good practice, the report drew attention to the recurring theme of some agencies still giving insufficient priority to safeguarding and children's interests – and some groups of children, including those with disabilities, and those living away from home, whose needs were not always given sufficient recognition or priority.
8. Section 11 of the Children Act 2004 and its associated statutory guidance came into force on 1 October 2005. In summary, it places a duty on key people and bodies to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. The Council is one of the 'duty to co-operate bodies'. The duty applies to directly provided and contracted services.
9. It is the responsibility of the Dudley Safeguarding Children Board to monitor implementation of the Section 11 Guidance. Arrangements will also be inspected through the Joint Area Review and Annual Performance Assessments, and individual services will be inspected through their own quality régimes.

Safeguarding and Promoting the Welfare of Children

10. Safeguarding is defined as:
 - protecting children from maltreatment;
 - preventing impairment of children's health and development;
 - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care;.... enabling children to have optimum life chances and to enter adulthood successfully.

General 'Duty to Co-operate' arrangements

11. There are some key features of effective arrangements, which all Directorates, and indeed all agencies, will need to take into account, alongside guidance on their specific functions (see below). These arrangements are intended to help create and maintain an organisational culture and ethos that reflects the importance of safeguarding and promoting the welfare of children. At an organisational or strategic level, the key features are:
- senior management commitment to the importance of safeguarding and promoting children's welfare;
 - a clear statement of accountabilities towards children available for all staff;
 - a clear line of accountability for work on safeguarding and promoting the welfare of children;
 - service development takes account of the need to safeguard and promote welfare and is informed, where appropriate by the views of children;
 - staff training on safeguarding for all those working with or in contact with children;
 - safe recruitment procedures in place;
 - effective inter-agency working; and
 - effective information sharing.

It should be noted that action is already underway to strengthen recruitment and vetting procedures.

Specific Responsibilities of the Council

12. The guidance notes that the following services have a particularly significant role to play:

- cultural and leisure services
 - early years and childcare
 - education and schools
 - licensing
 - housing
 - social services
 - youth services
 - child employment
13. The Director of Children’s Service has a specific responsibility to liaise with the Director of Adult Services to ensure effective transitional arrangements.

Statement of Roles and Responsibilities within the Council

14. The attached statement ‘*Safeguarding Children – Summary of Roles and Responsibilities within the Council*’ draws on the detailed guidance issued under Section 11 of the Children Act 2004, the statutory guidance on the roles and responsibilities of the Directors of Children’s Services and Lead Member for Children’s Services, the findings of the Chief Inspector’s Reports, Inspection Standards, and statutory guidance on Safeguarding Children Boards.
15. The Dudley Safeguarding Children Board will be progressing parallel work with other “duty to co-operate” bodies. In addition to the Council, the following key people and bodies are covered by the Section 11 duty:
- Police;
 - the British Transport Police
 - Probation;
 - NHS bodies;
 - Organisations (currently the Connexions Service) providing services under section 114 of the Learning and Skills Act 2000;
 - Youth Offending Teams; and
 - Governors/Directors of Prisons and Young Offender Institutions.
16. The aim is to improve safeguarding arrangements, and therefore the outcomes for children, through having clear accountability at all levels.

Finance

17. There are no specific financial implications arising from this report.

Law

18. The 'duty to co-operate' guidance is issued under Section 11(1) of the Children Act 2004. Section 11(4) requires that the guidance be followed unless there are clear reasons to justify a departure from it.
19. The proposals in this report are consistent with other legislative requirements, in particular:
- the Local Government Act 2000, which aims to improve the well-being of people and communities. Section 2 gives local authorities the power to develop community strategies for promoting or improving the economic, environmental and social well-being of their areas;
 - the Children Act 1989;
 - the Crime and Disorder Act 1998; and
 - the Health Act 1999.

Equality of Impact

20. *Safeguarding Children – Summary of Roles and Responsibilities within the Council* sets out the requirement to ensure services are sensitive to the diversity of children's needs, promote equal opportunities and work towards the elimination of discrimination. Children in need of protection, children who are looked after, asylum seekers, children with disabilities or other special needs and other potentially excluded groups are particularly vulnerable.

Children and Young People

21. Children and young people nationally, and also locally in Dudley, have been consulted on the life chance outcomes that services are working towards under the *Every Child Matters* programme. 'Staying safe' is a key outcome and it encompasses protection from significant harm. The

Section 11 duty and the expression of this duty in the attached Statement, will help children and young people to 'Stay safe'.

Recommendations

22. It is recommended that:

- the Cabinet notes the report;
- the Cabinet endorses '*Safeguarding Children – Summary of Roles and Responsibilities within the Council*';
- the Cabinet notes that other partners will be engaged in a similar process through the Dudley Safeguarding Children Board.



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Background documents

Children Act 2004

Statutory Guidance on making arrangements to safeguard and promote the welfare of children, 2005

Statutory Guidance on the roles and responsibilities of the Director of Children's services and Lead Member for Children's Services, 2005

Statutory Guidance on Local Safeguarding Children Boards, to be included in the revised edition of the Working Together Guidance under the Children Act 1989, 2005

Inquiry Report into the Death of Victoria Climbié

Children's Safeguards Report, Chief Inspectors, 2002

Children's Safeguards Report, Chief Inspectors, 2005

Statement of accountabilities of Chief Executives and Directors of Social Services in England (SOLACE/ADSS), 2003