

## Cabinet

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**Date of Meeting:** 11 September 2018

**Report Title:** Draft Proposed Local and Sub-Regional Arrangements for Cheshire East in Relation to the Transition from Local Safeguarding Children's Boards (LSCBs) to Safeguarding Partners

**Portfolio Holder:** Jos Saunders, Portfolio Holder for Children and Families

**Senior Officer:** Mark Palethorpe, Executive Director of People (Acting)

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### 1. Report Summary

- 1.1. This report sets out proposed changes for Cheshire East's Local Safeguarding Children Board.
- 1.2. Following concerns raised by HMGov about the effectiveness of Local Safeguarding Children Boards (LSCBs) to safeguard children, Child Death Overview Arrangements (CDOP) and Serious Case Reviews, Alan Wood (Independent Reviewing Officer) was commissioned to conduct a review in 2016. Subsequently, significant changes to ensure collective accountability around safeguarding and promoting the wellbeing of children and young people were created by the new *Children and Social Work Act 2017*. Since this there has been a further revision to the Statutory Guidance for *Working Together to Safeguard Children* (2018).
- 1.3. This report does not include proposed arrangements in relation to CDOP, as the publication of statutory guidance concerning this has been delayed until September 2018.

### 2. Recommendations

- 2.1. That Cabinet:
  - 2.1.1 Endorse the work undertaken to date across the four local authority areas (Cheshire East, Cheshire West and Chester, Halton and Warrington) to develop a model which enhances the current sub-regional approach to safeguarding children.

- 2.1.2 Endorse the recommendations to ensure that robust arrangements remain in place at a local level to quality assure and scrutinise strategy, policy and practice and adherence to statutory guidance and multi-agency best practice to safeguard children and young people in Cheshire East.
- 2.1.3 Agree that existing funding arrangements should remain in place for an agreed minimum period (2020-21) whilst funding is reviewed, recognising that this would require the agreement of all existing funding partners across current LSCB arrangements.

### **3. Reasons for Recommendations**

- 3.1. These recommendations are put forward in order to allow the three statutory partners (Council, Police and the CCGs) to continue to work together, and with wider partners, to agree a framework that meets the statutory requirements outlined in *Working Together 2018*.
- 3.2. There is evidence-based good working, both on a Local Authority and Pan-Cheshire area basis, and a key consideration for all is the need for balance between local and pan-Cheshire scrutiny and accountability.
- 3.3. It is recognised that there is duplication across this footprint and some ineffectiveness in the current ways of working with a small number of people being repeatedly drawn upon to work at both levels, often with the same or similar agenda. Given the current resource challenges, options have focused on how these issues could be improved within new arrangements.
- 3.4. The aim is to improve effectiveness and efficiency of the safeguarding system, whilst ensuring that good practice and working together at local level between agencies is maintained and enhanced further. This is why it is recommended that both Local and pan-Cheshire arrangements remain but responsibility, accountability and governance is made clearer. This would enable appropriate delegation in representation at each level of the arrangements to reduce duplication and improve effectiveness.

### **4. Other Options Considered**

- 4.1. Cheshire East could decide to keep all current arrangements as they are. This would rely on the other two statutory partners to agree to this. Discussions to date have recognised that any changes cannot compromise the quality of local quality assurance and scrutiny processes. It is also accepted that all four areas currently work across Cheshire and Warrington and there is an opportunity here to strengthen this work, without duplicating work that takes place at local level.

- 4.2. From a Cheshire East perspective, all partners agree that it is essential to make sure local accountability arrangements remain in place. Within this context, partners agree that there is an opportunity to build on existing strengths and develop a high functioning model which clearly sets out the responsibilities at both Local and pan-Cheshire level, where duplication is prevented and practice can improve further.

## **5. Background**

- 5.1. Following the change in legislation, a revised *Working Together to Safeguard Children* 2018 was published on 29<sup>th</sup> June 2018.
- 5.2. The three core safeguarding partners (Council, Police and the CCGs) across Cheshire East, Halton, Warrington and Cheshire West and Chester have been working together to respond to the changes to ensure local and pan-Cheshire safeguarding activity is in line with statutory requirements.
- 5.3. The revised guidance creates the following key changes and approaches:
- a. Three core safeguarding partners – the local authority, the chief officer of police for an area that falls with the local authority area, and CCG for an area that falls with the local authority area - have the statutory duty to make arrangements to safeguard and promote the welfare of all children in that area. Whilst there will still be a duty to cooperate and engage, the revised guidance will not stipulate statutory duties beyond those already in legislation for agencies beyond these three core agencies.
  - b. The safeguarding partners have equal and joint responsibility for the safeguarding arrangements and must identify a senior officer in each agency to have responsibility for ensuring full collaboration with these arrangements.
  - c. This duty includes the requirement to publish those local arrangements and to define who the relevant agencies are who will be expected to work to and contribute to the effectiveness of those arrangements. These published arrangements will also be open to DfE scrutiny.
  - d. The arrangements must be subject to independent scrutiny which is for the safeguarding partners to agree. The DfE has been clear that areas may explore a range of options to implement this scrutiny but that any models considered should not involve a person or persons from the local area, and/or having prior involvement with one of the key safeguarding partners.
  - e. The safeguarding partners must publish an annual report every 12 months in line with the structure in *Working Together 2018*. It must also be independently scrutinised and published.

- f. Financing is for the key safeguarding partners to agree and also agree with the named relevant agencies.
- g. *Working Together 2018* gives flexibility in determining the format of the new safeguarding arrangements, including whether they will be on a local geographical area or a wider footprint. There is evidence-based good working, both on a Cheshire East and pan-Cheshire area basis, and a key consideration has been the need for balance between local and Pan Cheshire scrutiny and accountability.
- h. It was recognised that there is duplication across the wider footprint and some ineffectiveness in the current ways of working with a small number of people being repeatedly drawn upon to work at both levels, often with the same or similar agenda. Given the current resource challenges, options have focused on how these issues could be improved within new arrangements.
- i. The aim is to improve effectiveness and efficiency of the safeguarding system, whilst ensuring that good practice and working together at local level between agencies is maintained and enhanced further. This is why it is recommended that both Local and Pan-Cheshire arrangements remain but responsibility, accountability and governance is made clearer. This would enable appropriate delegation in representation at each level of the arrangements to reduce duplication and improve effectiveness and share learning and best practice.

## **6. Partnership Working and Pan-Cheshire**

- 6.1. The decision should enhance already strong partnership arrangements across Cheshire East and the four areas. To date, partners have discussed how existing strengths could be built on, both at Local and pan-Cheshire level and there is agreement on how the necessary safeguarding functions could be structured within a framework.
- 6.2. It has been recognised that some good shared approaches are in existence and that the new arrangements should support the continuation of this. In particular, complex safeguarding issues (e.g. CSE, trafficked children) are already subject of joint policy, tools and campaign development, and are strategically monitored at the pan-Cheshire level. Any new arrangements would seek to ensure that accountability and governance of these areas should sit under a sub-regional safeguarding group that sits as part of an overall sub-regional governance and accountability framework and be an enhancer to local priorities and arrangements.

- 6.3. It is proposed that key sub-regional activity is addressed via three core areas of focus - strategic, policy and practice. These are set out at Appendix 1.

## **7. Local Area Arrangements**

- 7.1. Whilst there is a desire to work in partnership across the sub-region, it is recognised that due to specific organisational accountability, regulatory frameworks (e.g. Ofsted) and the need to ensure strong scrutiny and challenge and responsiveness regarding safeguarding practice at local level, robust local arrangements need to be maintained. It is therefore proposed that local arrangements have the same three areas of focus, with specific responsibilities, as highlighted in Appendix 1.
- 7.2. In Cheshire East local partners have commenced work on developing a model (Appendix 2) and are liaising with the pan-Cheshire developments as there are interdependencies. This work is supported by the current Local Safeguarding Children Board.

## **8. Independent Scrutiny**

- 8.1. *Working Together 2018* states that there has to be independent scrutiny of safeguarding arrangements and there is some guidance as to who could undertake this role.
- 8.2. If agreed, Cheshire East will develop their own local arrangements, building on existing ones, with the aim of strengthening them further. During the detailed development work, consideration will be given to how independent scrutiny should be best utilised, including the use of peer reviews involving other safeguarding partners outside of the area.

## **9. Structure and Governance arrangements**

- 9.1. Development work will include how a pan-Cheshire model could operate to support localised safeguarding arrangements. These developments have been coordinated by the 'Protecting Vulnerable People' Group, which looks to the sub-regional Management Board. Discussions to date have noted existing sub-regional arrangements and whether these could be adapted in order to oversee a pan-Cheshire arrangement. Although further work is needed on this, there seems to be a general consensus that existing arrangements could be reviewed and adapted in order to meet future safeguarding requirements both at sub-regional and local level. Therefore it is recommended that further work is undertaken by the Council and its partners on this over the forthcoming months.

- 9.2. Within this work, existing terms of reference, and membership would need to be reviewed and revised to ensure there are appropriate representation, scrutiny and accountability of any pan-Cheshire arrangements.
- 9.3. In the light of the publication of '*Working Together 2018*', there is also an opportunity to review the remit of the current local sub groups across all areas and refine the areas covered under the title "contextual safeguarding."
- 9.4. To support the oversight and administration of the pan-Cheshire work, administration support and business performance/analysis would need to be agreed.
- 9.5. Within a sub-regional framework, a local model would still be required to oversee the local scrutiny and quality assurance activity. Partner agencies would need to be fully involved in this. It is noted that different models for each area may emerge as each area has its own differences. However, it is anticipated that dedicated administration support and performance analysis will continue to be required. The initial partnership thinking in Cheshire East in respect of this is represented in Appendix 2.
- 9.6. With regard to governance, local accountability is key, as well as pan-Cheshire visibility. Subject to agreement, if a pan-Cheshire arrangement was formalised, there would need to be a clear framework, detailing accountability at all levels and from each statutory partner. The connection between Local and pan-Cheshire arrangements would need to be considered, where ultimate accountability is made clear and is in line with statutory guidance.

## **10. Managing the Transition - Timeframe**

- 10.1. Statutory Guidance requires the publication of local arrangements by the 29<sup>th</sup> June 2019. The transition to the new arrangements must be completed by 29<sup>th</sup> September 2019. Cheshire East is currently on course to meet these requirements.
- 10.2. Further work will consider whether to maintain current arrangements into 2019, with a view to moving forward with transition activity from then. Alternatively, subject to completion of preparatory work, new arrangements could commence in April 2019 on condition that consultation on a Local and pan-Cheshire arrangement is completed by September 2019. This would allow a period of shadow arrangements to enable a smooth transition and ensure that all risk areas are effectively managed. Both options would need further consideration by partners and scrutiny by the Council.

## **11. Implications of the Recommendations**

### **11.1. Legal Implications**

- 11.1.1. The Children and Social Work Act 2017 makes clear that it is no longer a statutory requirement for areas to have Local Safeguarding Children's Boards. It is up to the three key statutory partners (Council, CCG and Police) to determine what local arrangements should be. These partners are to determine who other relevant partners are.
- 11.1.2. Whatever arrangements are agreed moving forward, independent scrutiny of safeguarding is still required.

### **11.2. Finance Implications**

- 11.2.1. The current funding arrangements are complex and have developed over time. In order to support the transition and development of a new structure, there is a need to ensure and maintain current funding in Cheshire East. Therefore it is recommended existing funding arrangements are maintained for an agreed minimum period (2020-21), with a view to reviewing funding once transition is progressed. This means that all existing funding arrangements across the LSCB would continue. The three safeguarding partners will be responsible for ensuring that expenditure is managed within the budget envelope available.
- 11.2.2. The aim would be to develop a model of support that services local delivery of safeguarding functions and pan-Cheshire activity with no additional costs compared to current arrangements. This will require consideration of key functions to be met and the resources to be targeted to the specific needs of the arrangements to ensure effective use of the resources made available.

### **11.3. Policy Implications**

- 11.3.1. There are sub-regional and local policy implications and these are set out at Appendix 1 and Appendix 2, respectively.
- 11.3.2. There is currently a proposal for the four CCG that cover the Cheshire area to merge by April 2020. This is not expected to impact on the transition as all of these areas are currently engaged in discussions concerning future arrangements.



#### **11.4. Equality Implications**

- 11.4.1. This approach will continue to prioritise children and young people and ensure appropriate arrangements are in place that scrutinise and quality assure safeguarding arrangements both in Cheshire East and the sub-region. By further strengthening work at both Local and Pan-Cheshire level, all vulnerable children and their families will get the help and support they need to improve their life chances, whilst also ensuring that the children identified are safe and protected.

#### **11.5. Human Resources Implications**

- 11.5.1. To support the oversight and administration of the pan-Cheshire work, administrative support and business performance/analysis would need to be agreed.

#### **11.6. Risk Management Implications**

- 11.6.1. There is a risk that the quality of scrutiny and quality assurance would be compromised if arrangements are changed in light of the new Act. However, all partners have agreed clear principles that must be adhered to when considering any future changes. Any changes need to enhance and further strengthen partnership working and safeguarding practice and the priority has to be on safety and protection at all times.
- 11.6.2. A second risk is that wider partners will not agree with any proposed changes. This risk will be mitigated by taking a fully inclusive approach to this work.
- 11.6.3. A third risk is that there may be delay in developing a local and Pan-Cheshire model in the timeframes set. The aim is that this will be mitigated by setting up a working group with appropriate administrative and project management support. This is currently being discussed between the three statutory partners. A local planning group within Cheshire East partners compliments this work to focus on local arrangements.
- 11.6.4. A fourth risk is the financial implications of setting up and operating a new model. This will be mitigated by the working group addressing all financial matters so it is clear what the expectations would be on all partners who have safeguarding responsibility.



## **11.7. Rural Communities Implications**

11.7.1. There are no direct implications for rural communities.

## **11.8. Implications for Children & Young People**

11.8.1. These proposals aim to strengthen sub-regional safeguarding to make children safer.

## **11.9. Public Health Implications**

11.9.1. The proposed transitional arrangements from the LSCB to the safeguarding partners is not expected to impact on Public Health. However, there are some implications for Public Health in relation to changes in the Child Death Overview arrangements. It is not possible to include proposals in this report as the publication of statutory guidance concerning these arrangements has been delayed until September 2018.

## **12. Ward Members Affected**

12.1.1. As children and young people who need safeguarding live across Cheshire East, all wards are affected by this proposal.

## **13. Consultation & Engagement**

13.1.1. Consultation and engagement will take place with relevant stakeholders, as appropriate.

## **14. Access to Information**

14.1.1. Further information is available as follows:

- a. *Children and Families Social Work Act 2017:*  
<https://www.legislation.gov.uk/ukpga/2017/16/contents/enacted>
- b. *The Wood Review:*  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/526329/Alan\\_Wood\\_review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526329/Alan_Wood_review.pdf)
- c. *Working Together to Safeguard Children's 2018:*  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

## **15. Contact Information**

15.1. Any questions relating to this report should be directed to the following officer:

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