

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Cabinet

**Date of Committee** 9th March

**Report Title** Establishment of Warwickshire's Safeguarding Children Board

**Summary** This report details the requirement for Warwickshire County Council to establish a local safeguarding children board to agree and oversee the arrangements to safeguard and promote the welfare of children in the County.

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**Would the recommended decision be contrary to the Budget and Policy Framework?** No.

**Background papers** Children Act 2004

**CONSULTATION ALREADY UNDERTAKEN:-** Details to be specified

- Other Committees  Children and Young People Strategic Partnership Board – 3<sup>rd</sup> March
- Local Member(s)
- Other Elected Members  Councillors Richard Grant, Helen McCarthy and Jill Dill-Russell
- Cabinet Member  Councillor Izzi Seccombe – Cabinet Member for Children’s Services – supports the proposal
- Chief Executive
- Legal
- Finance
- Other Chief Officers

- |                          |                          |   |
|--------------------------|--------------------------|---|
| District Councils        | <input type="checkbox"/> | Via Area Child Protection Committee   |
| Health Authority         | <input type="checkbox"/> | Via Area Child Protection Committee   |
| Police                   | <input type="checkbox"/> | Via Area Child Protection Committee   |
| Other Bodies/Individuals | <input type="checkbox"/> | Children Act Project Team, Children Services Group and the Area Child Protection Committee/Warwickshire Safeguarding Children Board |

***FINAL DECISION***

***SUGGESTED NEXT STEPS:***

Details to be specified

- |   |                          |
|---|--------------------------|
| Further consideration by this Committee | <input type="checkbox"/> |
| To Council                              | <input type="checkbox"/> |
| To Cabinet                              | <input type="checkbox"/> |
| To an O & S Committee                   | <input type="checkbox"/> |
| To an Area Committee                    | <input type="checkbox"/> |
| Further Consultation                    | <input type="checkbox"/> |

## Cabinet - 9th March.

### Establishment of Warwickshire's Safeguarding Children Board

#### Report of the Strategic Director of Performance and Development and the Strategic Director of Children, Young People and Families

##### Recommendation

Cabinet is recommended to establish a Local Safeguarding Children Board for Warwickshire with the membership and terms of reference as set out in the attached Draft Constitution.

##### Background

- 1.1 The Children Act 2004 directs Children's Services Authorities to establish a Board to co-ordinate what is done by each of its local partner organisations to safeguard and promote the welfare of children in its area by the 1<sup>st</sup> April 2006 (s13-s15). These will be known as Local Safeguarding Children Boards. They will replace the Area Child Protection Committees which were set up under Statutory Guidance. For the first time there is a duty laid out specifically in a statute for all Children's Services Authorities and their partners to co-operate with each other in meeting the objectives of the Board and to ensure the effectiveness of what is done by each of them to this end.
- 1.2 The membership is, in part, also dictated by the Act and includes the police, probation, youth offending teams, health authorities, Trusts, Connexions, CAF/CASS, and governors of prisons etc. In addition to these members the Children's Services Authority may invite others to be represented on it having consulted their Board partners.
- 1.3 Any member of the Board may contribute towards the cost of establishing and running it.
- 1.4 Under the Local Safeguarding Children Boards Regulations 2005 the authority which establishes the Board must, after consultation with their Board partners, appoint a person to chair the Board. The Regulations list specific functions of the Board as being to:
  - develop policies and procedures for safeguarding and promoting the welfare of children in its area

- communicate to persons and bodies in the area the need to safeguard and promote the welfare of children
- monitor and evaluate the effectiveness of what is done by the authority and its board partners individually and collectively to safeguard and promote the welfare of children, and to advise on ways to improve
- participate in the planning of services for children in its area
- undertake reviews of serious cases and advising the authority and its partners on lessons to be learnt

1.5 From April 1<sup>st</sup> 2006 each Local Safeguarding Children Board may (and from 1<sup>st</sup> April 2008 they shall) also collect and analyse information relating to any death of a child in its area with a view to identifying matters of concern affecting the safety and welfare of children and any public health or safety concerns arising from the deaths of children. The Boards shall also put in place procedures for ensuring a coordinated response to any unexpected death of a child.

### **In Warwickshire**

2.1 In Warwickshire the proposed members of the Warwickshire Safeguarding Children Board have already met and agreed a draft Constitution setting out the aims and objectives of the Board and how the partners intend to work together. The draft Constitution is attached to this report. It is envisaged that the Draft Constitution will be kept under review by the Board and amended and improved from time to time to accord with Regulations, Guidance, and best practice.

2.2 The proposal and Draft Constitution were presented to the Children Act Project on the 30<sup>th</sup> January 2006 and the Project agreed and endorsed the Draft Constitution and recommended its endorsement and adoption by the Children and Young People's Strategic Partnership Board and Cabinet.

2.3 The Children and Young People's Strategic Partnership Board considered the proposals at its meeting on the 3<sup>rd</sup> March. Their comments and recommendation will be available too late for inclusion in this report and will be shared with Cabinet at the meeting.

### **Recommendation:**

Cabinet is recommended to establish a Local Safeguarding Children Board for Warwickshire with the membership and terms of reference as set out in the attached Draft Constitution.

David Carter  
Strategic Director of Performance  
and Development  
Shire Hall  
Warwick

Marion Davis  
Strategic Director of Children, Young People  
and Families

February 2006



**A DRAFT  
CONSTITUTION  
FOR  
2005-2006**

## **1. Title**

- 1.1 The Board shall be known as Warwickshire Safeguarding Children Board (hereinafter referred to as WSCB)

## **2. Statutory Framework and Purpose**

- 2.1 WSCB has been formed as a result of and in accordance with the Children Act 2004, which places a legal duty on Warwickshire County Council and its partners to cooperate in the establishment and operation of a Local Safeguarding Children Board. The Act places an obligation on them to support its operation
- 2.2 WSCB operates in accordance with government guidance: *Working Together to Safeguard Children: A guide to inter-agency working to safeguard children and promote the welfare of children*. This document is issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their Social Services function to act under the general guidance of the Secretary of State. Chapters 3,5,6 and 7 of this guidance are also issued under Section 16 of the Children Act 2004, which further states that a Children's Services Authority *and each of the statutory partners*, must in exercising their functions relating to a Local Safeguarding Children Board have regard to any guidance given to them for the purpose by the Secretary of State. This means that they must take the guidance into account, and if they decide to depart from it, have clear reasons for doing so
- 2.3 The objective of WSCB as set out in statute, is to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in Warwickshire, and ensure the effectiveness of what is done by each such person or body for that purpose
- 2.4 It is the key *statutory* mechanism for agreeing how the relevant organisations in Warwickshire will cooperate to safeguard children and for ensuring the effectiveness of what they do

- 2.5 Safeguarding children and promoting their welfare is defined in government guidance as protecting children from maltreatment, followed by preventing impairment of health and development, and ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- 2.6 Safeguarding and promoting the welfare of children includes protecting children from harm and this is the key goal of WSCB. The Board will regard this as its first priority. Having secured this core business it will seek to develop a wider remit to its work, including preventative work to avoid harm occurring to children in the first place. It will therefore ensure that the duty to safeguard and promote the welfare of children in Warwickshire is carried out in such a way as to improve all five outcomes that are of importance to them:
- Staying Safe
  - Being Healthy
  - Enjoying and Achieving
  - Making a Positive Contribution
  - Achieving Economic Well-Being
- 2.7 The Mission of WSCB is therefore:
- To ensure that sound arrangements to protect children are in place in Warwickshire
  - To contribute to the prevention of harm and the promotion of the welfare of children in Warwickshire
  - To achieve these objectives by promoting interagency cooperation and collaboration
- 2.8 WSCB will contribute to the broader delivery and commissioning arrangements for children's services defined in the *Warwickshire Children and Young Person's Plan* and delivered through the children's trust arrangements in the County

2.9 While developing strong working relationships with wider strategic partnerships in Warwickshire, WSCB will exercise effectively its unique strategic role for aspects of the *Staying Safe* objective of *Every Child Matters*, and have a distinct identity within local arrangements. It will:

- Form a view of the quality of local activity
- Challenge organisations as necessary
- Speak with an independent voice

### **3. Functions of WSCB**

3.1 ***Policies and Procedures*** – WSCB will ensure policies and procedures for safeguarding are developed and kept up to date in relation to:

- Action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention under Sections 17 and 47 of the Children Act 1989
- Training in safeguarding children on both a single and multi-agency basis
- Recruitment and supervision of persons who work with children
- Investigation of allegations concerning persons working with children
- Safety and welfare of children who are privately fostered
- Cooperation with neighbouring children's services authorities and their Board partners
- Other policies and protocols that may be necessary to safeguard children

3.2 ***Communication and Raising Awareness***

- Promoting public awareness of safeguarding issues in the wider community and how it can contribute to this work
- Listening to and consulting with children and young people in planning services



### **3.3 *Monitoring and Evaluation***

- Monitoring and evaluating the effectiveness of what is being done by the Local Authority and Board partners and advising them of ways to improve
- Raising concerns about the work of partners that cannot be addressed locally, with others – senior managers, relevant inspectorate or government department

### **3.4 *Participating in Planning and Commissioning***

- Ensuring that local children's services take safeguarding and promoting welfare into account

### **3.5 *Serious Case Reviews and further functions relating to child deaths in Warwickshire:***

- Ensuring that all unexpected child deaths in Warwickshire are responded to in a timely, thorough and sensitive manner and in accordance with best practice
- Reviewing all child deaths in Warwickshire so as to develop an awareness of local patterns and trends and to identify measures for reducing child mortality
- Undertaking Serious Case Reviews of all deaths in which child abuse and neglect may have played a part in order to learn lessons for interagency working to safeguard children

### **3.6 *Publication of an Annual Business Plan***

### **3.7 *Any other activities conducive to the achievement of objectives of WSCB***

## **4. *Accountability***

- 4.1 WSCB is accountable for its work to its constituent agencies, the agreement of which is required for all work that has implications for policy, planning and the allocation of resources.
- 4.2 The planned programme of work for the year ahead, which includes measurable objectives, will be set out in the Annual Business Plan. This will also include relevant

information on safeguarding and child protection activity over the previous year.

- 4.3 Warwickshire County Council will take the lead for the effective working of WSCB, but all partner agencies are responsible for contributing fully and effectively to its work

## **5. Financing and Staffing**

- 5.1 WSCB will be supported by partner agencies with adequate and reliable resources that will enable the Board to carry out its functions as defined in Part 3 of this Constitution, and for other such purposes relating to the achievement of its objectives as agreed by the Board
- 5.2 The financial year will run from 1<sup>st</sup> April to 31<sup>st</sup> March each year
- 5.3 The WSCB budget will be the responsibility of the Director of Children's Services, being administered by the Warwickshire County Council on behalf of WSCB
- 5.4 Core Contributions will come from Warwickshire County Council, Primary Care Trusts and the Police
- 5.5 Other agencies will contribute, financially and/or "in kind" as agreed by the Board
- 5.6 The staffing of the Board will be agreed by partner agencies in line with the objective of accomplishing the functions set out in Section 3
- 5.7 Details of the WSCB budget will be included in the Annual Business Plan

## **6. Role of Members of WSCB**

- 6.1 Members of the Board have a duty to contribute to the effective work of the Board and to establish clear arrangements for communicating the decisions of the Board to their agency

**6.2** In making their assessment of performance and in deciding upon the necessary steps to put right any problems in safeguarding children, members of the Board will be as objective as possible. This takes precedence over their role as representative of their organisation. They will:

- Speak for their organisation with authority
- Commit their organisation on policy and practice matters
- Hold their organisation to account

## **7. Membership**

**7.1** The membership of WSCB will be kept under review through the normal business processes of the Board, to ensure compliance with statutory requirements and meet additional local requirements as identified by WSCB

**7.2** Membership of WSCB will comprise Core Members identified in the Children Act 2004. These members will have roles and seniority that enable them to contribute effectively to the achievement of all the functions of the Board as set out in Section 3, and commit adequate resources to its work

**7.3** The Board will include members who have particular knowledge and expertise in specific areas of safeguarding work

**7.4** Membership of WSCB will therefore be:

- Representatives at Senior Management level of the Warwickshire County Council
- A representative of the Chief Constable of the local Police Service of at least the rank of Superintendent, with a lead role for child protection
- A representative of the local Probation Board of at least Assistant Chief Officer level

- The Chief Executives or their representative(s) from Warwickshire NHS Primary Care Trusts, including designated staff with a lead role in child protection
- Representative of the Strategic Health Authority
- A Person, or their representative at senior management level, providing services under section 114 of the Learning and Skills Act 2000 (c.21)
- A Representative of the Regional Manager of the Children and Family Court Advisory and Support Service
- The Manager of the Warwickshire Youth Offending Team
- Representative(s) of the 5 District and Borough Councils in Warwickshire
- A representative of the Warwickshire County Council Solicitor
- General Practitioner Representative(s)
- Lead Manager from the Children's Planning Section of Warwickshire County Council Children's Services
- A Representative from services in Warwickshire that work with Domestic Abuse
- Chairs of the seven Sub-Committees of the Board (if not already represented)
- WSCB Development Officer

**7.5 Agencies which are not represented on the full Board but which are referred to in government guidance, will be invited to contribute as appropriate and where their input will be beneficial**

- 7.6 These and other agencies will be involved in the work of WSCB through an Associate Membership Scheme. WSCB will hold an Annual Standing Conference for organisations affiliated to the Board. Each of these organisations will provide a lead liaison representative as a direct contact point for the WSCB Development Officer
- 7.7 Warwickshire County Council will provide WSCB with administrative support, including facilities for minute taking of its meeting and the distribution of documentation

## **8. Chair and Vice Chair**

- 8.1 Warwickshire County Council is legally responsible for establishing the Board. It will after consultation with partners of WSCB, appoint a person to chair the Board. The Chair will be accountable to Warwickshire County Council through the Director of Children's Services
- 8.2 When the Chair is held by a senior employee of an agency other than Warwickshire County Council, then the Vice Chair will be a senior employee from Warwickshire County Council
- 8.3 The Chair and Vice Chair will not be held by members of the same partner agency
- 8.4 The Chair/Vice Chair of WSCB will be appointed at the first meeting of each calendar year and reviewed annually at that meeting
- 8.5 Chair/Vice Chair will be appointed with the consent of a majority of voting members
- 8.6 If the Chair or Vice Chair are not able to be present at any meeting, a substitute chair, may, with the agreement of the majority of the voting members, be appointed to chair that meeting

## **9. Meetings**

- 9.1 Ordinary Meetings will normally be held every three months

## **9.2 Extraordinary Meetings:**

- The Chair may call an extraordinary meeting at any time;
- A WSCB member may call an extraordinary meeting by submitting to the WSCB Chair a written request, which is supported by the written agreement of any two voting members;
- Such extraordinary meetings will normally be held within 14 days of the request being received by the Chair

## **10. Chair's Action and Decision-Making**

10.1 Any issues which require decisions by WSCB between meetings and which do not, in the opinion of the Chair, require an extraordinary meeting to be convened, shall be decided by the chair and submitted for ratification to the next meeting of WSCB

10.2 In the absence of the Chair, decisions as described in 10.1 will be made by the Vice Chair

## **11. Voting**

11.1 WSCB will, wherever possible, seek consensus on business matters under consideration at its meetings. In the event of a vote, all members of WSCB will be entitled to vote. In cases where there is an equal number of votes cast, the Chair of the meeting will have a second or casting vote

## **12. Quoracy**

12.1 No business shall be transacted at a meeting unless eight members are present, representing at least three different agencies, one of whom must be a representative from the Local Authority

### **13. Non/Infrequent Attendance**

- 13.1 A Board member who is unable to attend a meeting of the Board may appoint a deputy to represent them in their place. The deputy will be of sufficient seniority to make decisions on behalf of their agency at the meeting
- 13.2 If a Board member misses more than two consecutive meetings without sending apologies, then the Chair on behalf of the Board will write to that member. If non-attendance continues then the Chair, on behalf of the Board, will write to the senior person of that agency requesting a replacement. This arrangement will also apply to the subcommittees of the Boards and any specialist working groups that may be established
- 13.3 Each partner agency is responsible for finding a replacement Board member in the event of pregnancy, long-term sickness or infrequent attendance
- 13.4 A record of attendance at Board Meetings over the previous year will be included in the WSCB Annual Business Plan

### **14. Records**

- 14.1 The minutes of the meeting will be entered as a permanent record and submitted for approval at the next meeting
- 14.2 WSCB will lodge a record of its meetings on the WSCB Website

### **15. Subcommittees**

- 15.1 The Board will establish subcommittees to complete its work-plans, which will be defined in terms of the objectives and functions of the Board
- 15.2 The Board will determine the structure and terms of reference of its subcommittees, and review their operation

15.3 Subcommittees will comprise representatives from the partner agencies of WSCB and any other such representation as is deemed necessary to complete work-plans

15.4 Subcommittees will report progress to the Board. An account of work undertaken in the previous year by each subcommittee and an updated work-plan for the year ahead will be included in the Annual Business Plan

## **16. WSCB Development Officer**

16.1 The Development Officer of WSCB is accountable to the full Board for the performance of her/his duties

16.2 The role of the WSCB Development Officer is to advise, assist and support the subcommittees in the achievement of their work-plans and objectives

16.3 In addition the Development Officer will take forward other projects and initiatives identified by WSCB

## **17. WSCB Business Plan**

17.1 The Board will produce a Business Plan each year

17.2 The document will be presented for approval to the September meeting of WSCB

17.3 The Development Officer will be responsible for compilation of the Business Plan on behalf of the Quality and Information Subcommittee

## **18. Review and Amendment of the Constitution**

18.1 This Constitution will be reviewed annually, and may be amended by a clear majority vote of the total board membership, provided that notice of the proposed amendment is given in writing to the Chair no later than 14 working days before the meeting. Amendments may also be made through this process at any other time