

BRIEFING NOTE

TO: NEIGHBOURHOODS SCRUTINY AND PERFORMANCE PANEL
DATE: 27 March 2008

RE: SAFEGUARDING CHILDREN WORKING GROUP

Purpose

To consider the recommendations made by the Safeguarding Children Working Group on domestic violence that fall within the remit of the Neighbourhoods Scrutiny and Performance Panel.

Report

The Children's and Young Peoples Scrutiny and Performance Panel (SPP) established the Safeguarding Children's Working Group in the 2006/07 municipal year to consider drugs information policies in schools. The working group continued into 2007/08 and considered issues around domestic violence, bullying and safer recruitment. Further details about the working group's considerations can be found in the working group's final report attached at appendix 1.

The final report of the Safeguarding Children Working Group was considered and approved by the Children and Young Peoples SPP at its meeting on 14 February 2008. At this meeting the Children and Young Peoples SPP resolved for the Neighbourhoods SPP to consider the working groups final report as the issues and recommendations relating to domestic violence affected issues that are within the remit of the Neighbourhoods SPP.

In full the Children and Young Peoples SPP recommendations within the remit of the Neighbourhoods SPP are:

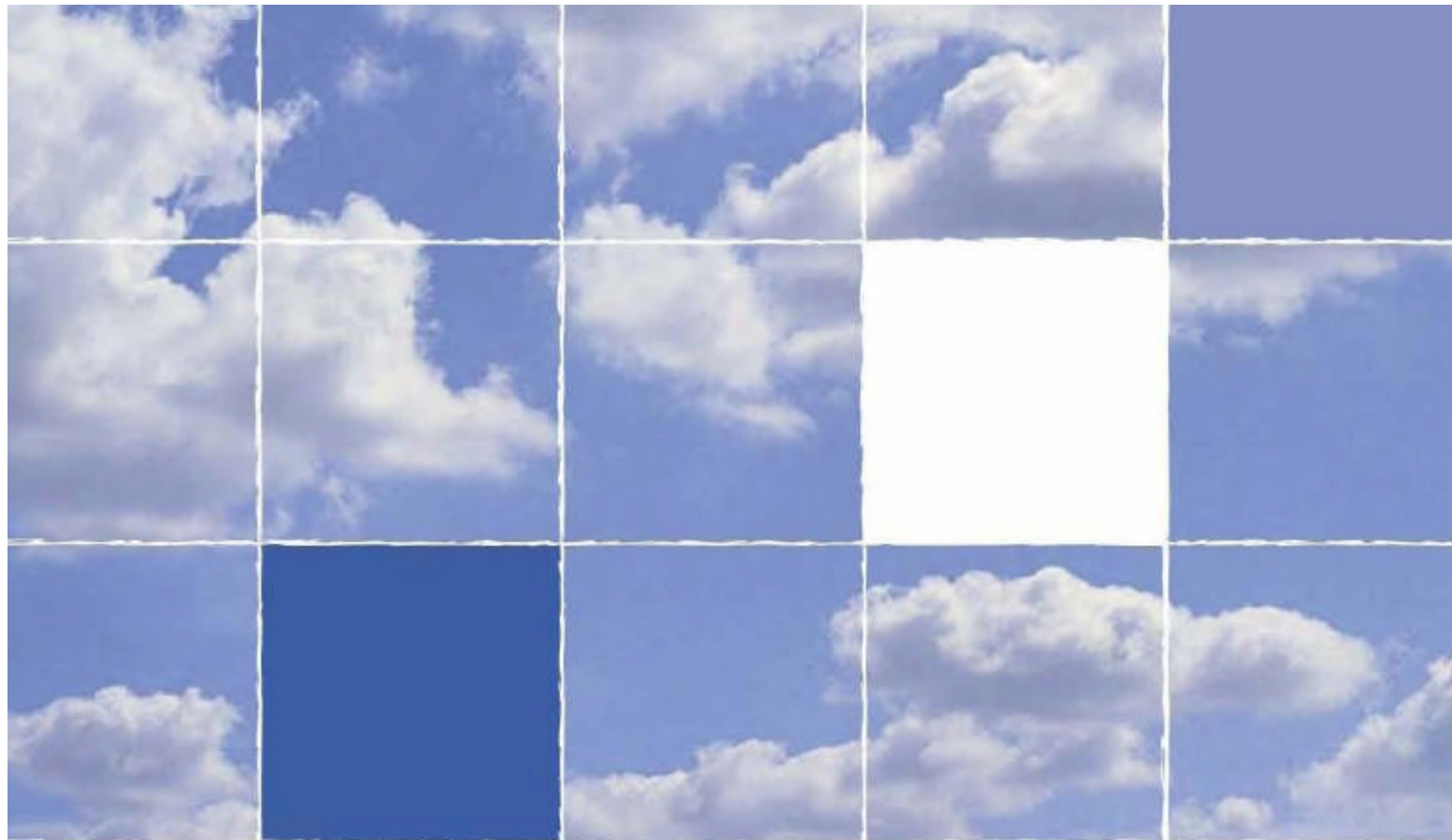
- 1. The relevant portfolio holder continues to champion the long term stability of the domestic violence forum at Cabinet and with partners keeping scrutiny informed of issues affecting the Domestic Violence Forum*
- 2. That this review is referred to the Neighbourhoods Scrutiny Panel for consideration of the issues around domestic violence*
- 3. That it is recommended to Cabinet that mainstream funding is pursued to ensure the future of the domestic violence forum*

Recommendations

That, subject to any comments or additional recommendations Members may wish to make, the recommendations of the Safeguarding Working Group in relation to domestic violence be supported.

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Safeguarding Children

**A Review on behalf of the Children's and Young People
Scrutiny and Performance Panel 2006/07**

4 February 2008



Walsall Council

Forward

The Safeguarding Children Working Group has made a valuable contribution to the work of the Walsall Safeguarding Children's Board by offering challenge, sharing insight, and by providing an opportunity to put some of the issues affecting children onto the wider Council agenda.

These arrangements have also served as a vehicle for strengthening the governance arrangements of the Board, ensuring elected members are appraised of key issues and our collective response.

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1. Introduction

The Safeguarding Working Group was first established by the Children's and Young People Scrutiny and Performance Panel in the 2006/07 municipal year, because members were concerned that drugs were an issue for schools in their locality and wished to review the drugs information policy for schools.

Through the Working Group, members initially received information on the Walsall Safeguarding Board. The group went on to receive information on social factors that contributed to children being at risk of being taken into care, factors that contributed to abuse, and young people at risk of sexual exploitation. Members were also given preliminary information on anti-bullying and safer recruitment.

In the 2007/08 municipal year the Safeguarding Children Working Group was re-established by the Children's and Young People Scrutiny and Performance Panel in the context of the Every Child Matters (ECM) agenda and with the focus of the safety of children. At its first meeting of the year the Children's and Young People Scrutiny and Performance Panel received information on priorities within Walsall's Children's and Young Peoples Plan. This is a single statutory plan, which sets out what the Council wants to achieve 2007 - 2010. In order to add value the panel decided that the working group should focus on those things that children and young people had said were priorities for them, one of these being bullying. The group also wished to consider the areas that the Joint Area Review (JAR) would be looking at, this included safer recruitment.

1.1 Context

In 2003, the Government published a green paper called Every Child Matters. This was published alongside the formal response to the report into the death of Victoria Climbié, the young girl who was abused and tortured, and killed by her great aunt and the man with whom they lived. After the high profile deaths of Victoria Climbié, Holly Wells, and Jessica Chapman, Lord Laming set out proposals to strengthen Child Protection, his recommendations called for;

- Better co-ordination of multi agency working,
- Sharing information and
- Safer recruitment of staff to work with children and young people.

The Government published Every Child Matters: the Next Steps, and passed the Children Act 2004, providing the legislative spine for developing more effective and accessible services focused around the needs of children, young people and families. The ECM Agenda seeks to achieve better outcomes for children. These outcomes are:

- Be healthy
- Stay safe
- Enjoy and achieve through learning
- Make a positive contribution to society
- Achieve economic well-being

It aims to ensure that these outcomes are at the centre of all policies and approaches involving children's services.

The Children Act 2004 set the statutory changes for children's services. It made it a legal requirement for Local Authorities to address these issues through Local Safeguarding Boards. This places a statutory duty on key people and bodies to make arrangements to safeguard and promote the welfare of children. Schools and further education providers have an equivalent duty through the Education Act 2002.

Each local authority developed its own Local Safeguarding Children Board structure in line with government guidance. Walsall's Local Safeguarding Board was established in February 2006 consisting of senior representatives from each of the main statutory agencies, which include Education Walsall, a schools representative, Social Care, teaching Primary Care Trust (tPCT), NHS Hospital Trust, the Police and the Probation Service. Walsall's Local Safeguarding Children Board meets on a quarterly basis and through the Children's Services Director, reports directly to the Local Authority Chief Executive, the Council's Strategic Leadership Team and to Elected Members through the Cabinet and Scrutiny arrangements.

The Local Safeguarding Children Board has the overarching responsibility to meet the requirements of the Children Act 2004 as follows:

- to coordinate what is done by each person or body represented on the Board for the purpose of safeguarding and promoting the welfare of children in the area of the authority; and,
- to ensure the effectiveness of what is done by each person or body for that purpose.

The Local Safeguarding Children Board exists to facilitate organisations to work together and share information to better protect children. The Board takes into account of and contributes to all five ECM outcomes. The Board measures its performance against the stay safe outcome of the ECM outcomes framework. The Stay Safe outcome consists of five strands

1. Safe from maltreatment, neglect, violence and sexual exploitation
2. Safe from accidental injury and death
3. Safe from bullying and discrimination

4. Safe from crime and antisocial behaviour in and out of school
5. Have security, stability and are cared for

1.2 Reason for scrutiny

At the Safeguarding working group held on 28 February 2007, members received a report on contributory factors to the abuse of children, and domestic violence was stated as a factor. The group also learnt that there were 'hot spots' of domestic violence in Walsall.

At the Children's and Young People Scrutiny and Performance Panel on 15 February 2007 during an agenda item about school uniforms members discussed bullying and the affects on a child's self confidence.

On 5 July 2007 the Children's and Young People Scrutiny and Performance Panel set their work programme for the year. Members prioritised bullying, and children experiencing domestic violence within Walsall as areas of work for the group to review. It was agreed that the Safeguarding Children Working Group would scrutinise arrangements in place to safeguard and promote the welfare of children within Walsall with a focus on bullying, and domestic violence. Once established the group also considered safer recruitment to be an important area to scrutinise under the stay safe outcome.

2. Summary of Evidence Considered

Since its establishment, the Safeguarding Children Working Group has considered a variety of evidence about how children in Walsall are being safeguarded. The Safeguarding Working Group requested key pieces of evidence and structured its review into 3 main streams of investigation, these are;

1. Domestic Violence
2. Bullying
3. Safer recruitment

2.1 Domestic Violence Forum

2.2 Issue

In Walsall, a multi-agency approach has been taken, to deal with the unprecedented rise in referrals relating to Domestic Abuse. Repeat victimisation and a proportionately low number of perpetrators brought to justice are a cause for concern.

Across the multi-agency partnership a Strategic Steering Group was set up, to develop a menu of responses based on a robust risk assessment and a menu of complimentary services. Central to this multi agency approach is securing the necessary resources to support the Domestic Violence Forum services.

Media coverage suggested that future funding for the Domestic Violence Forum in Walsall was insecure. This led to subsequent discussion at the Children's and Young People Scrutiny and Performance Panel, as a result members requested information on funding to the Domestic Violence Forum.

It was acknowledged by the working group that domestic violence was a major factor in the safety of children, as the group had received information stating that domestic violence was a contributory factor that contributed to the abuse of children.

2.3 Findings

The group requested evidence to indicate that funding of the service was secure and questioned who held ultimate responsibility for providing services for people experiencing domestic violence. Councillor Perry was invited to attend the group, as portfolio holder with domestic violence in its remit, to discuss the group's concerns.

On 16 October 2007 the working group were informed that time limited funding has been approved to secure all services until March 2008. The Children and Young People Pillar and Safer Stronger Pillar of the Local Area Agreement (LAA) had combined Neighbourhood Renewal Funding (NRF) to deliver a single service. A Domestic Abuse Response Team (DART) had been operational from August 2007 for which key partners contributed human resources to DART.

The group were informed that Safer Walsall Borough Partnership retains oversight and responsibility for key targets areas (perpetrators brought to justice and repeat victims). A multi agency steering group has responsibility for overall strategy including the development of outcome focussed indicators. The multi agency management group has responsibility for operational management of DART

Members considered the domestic violence victim support programme to be 'cutting edge' as other local authorities looked to the service for best practice.

Members were not satisfied that long term security of the forum was resolved. Members acknowledged the difficulty in identifying funding as it affects many services and the Council has no statutory responsibility to deliver the service. However members felt that a significant risk would be posed to the safety of children if replacement funding was not secured.

On 12 December 2007 Councillor Perry attended the working group and confirmed that domestic violence was a partnership issue and that he had contacted all Councillors to keep them informed. The group learnt that the establishment of DART had secured some mainstream support but that as NRF funding was due to cease there would be a 'gap' of approximately £1m that the partnership needed to fill (this includes funding for DART). Councillor Perry informed the group that a new funding stream (working neighbourhood's fund) had very recently been announced (December 2007) to replace NRF but criteria for this funding stream has not yet been confirmed. Individual areas were being assessed against LAA review targets and if prioritised accordingly will be funded through this route. The group were informed that Councillor Perry intended to report this to Cabinet along with the other items that may or may not be an issue for funding once the process of review is complete.

Councillor Perry informed the group that the 'safer and stronger communities' board has started the process of reviewing its priorities and recognised that without the Domestic Violence Forum the range of services currently available in Walsall would not be possible. He confirmed the infrastructure relating to dealing with domestic violence was now stronger than it had been previously. Councillor Perry recognised the potential impact of domestic violence on children and the risk of children learning behaviours they witness. Councillor Perry confirmed that DART were developing a range of perpetrator responses and this includes getting perpetrators to think about the impact of their behaviour.

2.4 Recommendations

- The portfolio holder (with domestic violence within their remit), continues to champion the long term stability of the domestic violence forum
- The portfolio holder keeps Cabinet informed of the working groups concerns and issues relating to the domestic violence forum
- The portfolio holder keeps scrutiny informed of issues affecting the domestic violence forum on regular basis and as issues occur
- That mainstream funding is pursued to ensure the future of the domestic violence forum

3 Bullying

3.1 Issue

Bullying was recognised by the working group as a major issue within schools and other organisations working with young people. This is because bullying causes harm to those who bully, those who are bullied

and those who watch. Being bullied undermines self esteem and confidence, sometimes with devastating consequences.

Bullying is also one of the key issues that children and young people are concerned about. Child Line state that it is the single most common reason, why children and young people call Child Line each year. Concerns about how adults respond to bullying is the principal reason about which children and young people contact the Office of the Children's Commissioner.

3.2 Findings

Members of the working group organised a visit to Willenhall School Sports College, outside of the working group meetings. Willenhall School Sports College was selected because members were aware that the school had been involved in pioneering approaches to bullying (including the restorative justice approach). The working group considered it important to consider methods of dealing with bullying within the school setting and to talk to practitioners to find out how the policy and charter could be implemented.

The group met with key personnel at the school to gather evidence on approaches to anti-bullying within the school setting. Members considered information obtained at this visit, Councillor Chambers provided a booklet received from the visit 'Restoring the Balance', relating to restorative approaches to behaviour management (appendix 1) for the group to consider as evidence. Members had been interested to learn how the process was used alongside the standard handling of incidences (e.g. suspension etc) and found the visit interesting and insightful, as a result were less sceptical regarding the restorative approach and its place in schools.

Members received the anti-bullying policy and charter approved by the safeguarding children board (**appendix 2**).

The group were informed that all schools had a requirement to have an anti-bullying policy but were able to determine their own individual policies.

The group agreed that the restorative approach does not fit all types of bullying as it is dependent on both parties taking part. They also recognised that some children do not report bullying as they have concerns regarding how adults will deal with their concerns.

The group recognised there was more to be learnt relating to the restorative approach and that further information could be gathered from schools.

The hard work of the Safeguarding Children Board was acknowledged and members wished to give their endorsement to the policy.

3.3 Recommendations

The group recommended that a toolkit or strategy is developed to provide guidance on how adults responded to incidents of bullying and how children and young people received support.

4. Safer Recruitment

4.1 Issue

The 2004 Children Act places a duty on all partner organisations to have robust recruitment and vetting arrangements in place to prevent unsuitable people from working with children. Following a number of high profile cases of the abuse of children and young people, it is important that the Council ensures its recruitment processes are robust.

A number of issues led to a review of procedures within the Council. These were that there is no clarity about what constitutes a regulated post or no comprehensive list of posts designated as regulated. The Criminal Records Bureau (CRB) offers only guidelines, which are not comprehensive and require employers to exercise their own judgement. This means that the advice to managers about the necessity for basic or enhanced CRB checks relies too much on manager's discretion.

The review found that within the Council a comprehensive list of the CRB status for posts currently designated as regulated is not readily or easily accessible. Whilst there is a record held of CRB checks and when they were last updated on staff appointed since the 2002 introduction of the Criminal Records Bureau (and there is a proper rechecking system in place), there is no requirement for rechecking staff that were subject to old style police checks.

There is anecdotal evidence that some posts designated as regulated do not enforce the requirement for rechecking staff. The contract for agency staff does not stipulate a requirement for agencies to supply only CRB checked staff for regulated positions. A number of schools have opted out of the Council's Umbrella Body CRB and Employee Services traded services agreement and as such the Council has no way of instigating compliance monitoring arrangements.

The safety of children within Walsall is dependent upon robust recruitment procedures. It was considered important that members were aware of the issues within this area and involved in making recommendations on how to improve procedures.

4.2 Findings

The group received the findings of a review carried out in November 2007 on the Council's current vetting and barring processes. The review highlighted a number of improvements that could be made to the

current system and made recommendations about the actions required to implement these improvements. Members were involved in discussions of case studies of posts, and gave their comments on these.

Members acknowledged the difficulty of determining those posts which should be subject to a CRB check. Members established that these issues were national and not specific to Walsall, as such the issues needed to be considered in the wider context.

Members considered the findings of the review (on the current vetting and barring processes) which suggested that the Council needed to offer clear guidance to Managers, as a minimum, for posts in the following service areas

- Schools including volunteers, parent helpers
- Early years setting
- Sports and leisure facilities (including contractors providing leisure or sports services on council property)
- Youth Services (including contract providers and casual staff)
- Youth Offending services (including sessional staff)
- Park rangers and park wardens
- Children's Services including administrative staff, with access to children's records,

The findings of the review also suggested that an agreed definition of relevant posts for CRB purposes needed to be created. Members agreed that the Master Vendor Contractor should be required to supply only CRB checked staff for regulated positions. A risk assessment tool should be used in all cases where issues arise from CRB checks on existing staff and an increased awareness of issues and responsibilities through management training, recruitment and induction

The group considered the introduction of an independent safer recruitment panel to be a positive proposal with the following terms of reference;

- Review of relevant posts
- Final decision on positive checks
- Ongoing review to reflect changes arising from guidance and case law
- Provision of guidance to service areas
- Recording and monitoring of decisions
- Engagement with Trade Unions
- Engagement with CRB

Members agreed that Trent needed immediately updating to include the current CRB checked status of all staff in regulated positions and detail of all staff in regulated positions subject to old style police checks. Members had the opportunity to comment on whether

selected example posts should be CRB checked. Members considered risk assessments a valuable tool in safeguarding children.

4.3 Recommendations

Members considered it important that improvements were made and endorsed the recommendations of the review, recommending that members were kept informed of progress made in safer recruitment.

5. Review Recommendations

1. The relevant portfolio holder continues to champion the long term stability of the domestic violence forum at Cabinet and with partners keeping scrutiny informed of issues affecting the Domestic Violence Forum
2. That this review is referred to the Neighbourhoods Scrutiny Panel for consideration of the issues around domestic violence
3. That it is recommended to Cabinet that mainstream funding is pursued to ensure the future of the domestic violence forum
4. That Children's Services develop a toolkit or strategy within X months to provide schools with guidance on how to respond to incidents of bullying, this should be taken to the Children's and Young People Scrutiny and Performance Panel
5. Members are kept informed of progress made in safer recruitment through the Children's and Young People Scrutiny and Performance Panel on a quarterly basis

This review document should be sent to;

- Children's and Young People Scrutiny and Performance Panel
- Councillor Perry
- Cabinet
- Safer Walsall Borough Strategic Partnership
- Submitted as JAR evidence
- Posted on Safeguarding Board website

6. Glossary

ECM	-	Every Child Matters
CRB	-	Criminal Records Bureau
DART	-	Domestic Abuse Response Team
JAR	-	Joint Area Review
NRF	-	Neighbourhood Renewal Funding
The board	-	Walsall Safeguarding Board
tPCT	-	teaching Primary Care Trust
LAA	-	Local Area Agreement

7. Appendix

1. Restoring the Balance: A guide to restorative approaches to behaviour management in schools (Willenhall School Sports College)
2. Anti-bullying Policy and Charter (Walsall Council, Children's Services)