

Cabinet – 24 April 2019

New Safeguarding Partnership Arrangements

Portfolio:	Councillor Wilson Children's Health and Well Being
Related portfolios:	Councillor Martin Adult Social Care
Service:	Children's Service
Wards:	All Wards
Key decision:	No
Forward plan:	No

1. Summary

- 1.1 The Children and Social Work Act 2017 received Royal Assent on 27th April 2017 and requires that existing Local Safeguarding Children Board arrangements are dissolved and replaced by new safeguarding partnership arrangements. This report outlines the new arrangements for Walsall.

2. Recommendations

- 2.1 That Cabinet note the proposal that the Council and its key statutory partners (the police and the Clinical Commissioning Group) should replace Walsall Safeguarding Children Board with a new partnership by 29th September 2019 in line with legislation and statutory guidance.
- 2.2 That Cabinet note the implications of the changes in statutory guidance for Local Safeguarding Children's Boards and the operation of Walsall Safeguarding Adult Board.

3. Report detail

- 3.1 This report advises Cabinet of changes to legislation governing the removal of the need for local authorities to maintain Local Safeguarding Children Boards and requiring that they replace them with a multi-agency partnership, giving equal accountability for protection and safeguarding to the police borough commander, the Clinical Commissioning Group Accountable Officer and the Local Authority Chief Executive.
- 3.2 The statutory deadline for the change to take effect is 29 September 2019.

- 3.3 The Children and Social Work Act 2017 received Royal Assent on 27th April 2017. This legislation removed the requirement for local authority areas to have a Local Safeguarding Children Boards and instead strengthens the requirements for the three key statutory partners (the local authority, police and the Clinical Commissioning Group) to determine multi- agency arrangements for protecting and safeguarding children in their area.
- 3.4 The Department for Education issued draft statutory guidance in October 2017 and the Walsall Safeguarding Children Board Business Unit led on coordinating a joint response from agencies in Walsall. In addition, the Business Unit and partners attended specific consultation events relating to the new guidance. Partners contributed feedback to the Department for Education's consultation questions during December 2017 and Walsall's joint response was collated and submitted to the Department for Education.
- 3.5 The Department for Education produced a response to the consultation in February 2018 and a final version of Working Together 2018 (Working_Together_to_Safeguard_Children-2018.pdf) was issued at the end of June 2018. The revised statutory guidance sets out the requirements for the three safeguarding partners while allowing them freedom to determine how they organise themselves to meet those requirements and improve outcomes for children locally.
- 3.6 The Department for Education's timeline for agreeing, publishing and implementing the new safeguarding partnership arrangements is set out in the additional guidance on the transition arrangements, Working Together transitional arrangements 2018 (Working_Togethertransitional_guidance.pdf).
- 3.7 The transition guidance details the arrangements which should be followed during the transition from Local Safeguarding Children Boards to safeguarding partners and child death review partners (including timelines for managing existing child death reviews) and during the transition from the current system of Serious Case Reviews to new national and local review arrangements.
- 3.8 The key points within this guidance are:
- 12 months from commencement of provisions of Act the three safeguarding partners must agree arrangements (by end of June 2019).
 - The arrangements must be published and a notification sent to the *Secretary of State.
 - Within 3 months of publishing arrangements, the safeguarding partners must implement the arrangements (Sept 2019).
 - There will be a 12-month period for Local Safeguarding Children Boards after new arrangements are in place to complete and publish any outstanding Serious Case Reviews.
 - There will be a 4-month grace period for Child Death Overview Panels (under the Local Safeguarding Children Board) to complete child death reviews.
 - The new child death review partners (Public Health and the Clinical Commissioning Group) will have 12 months from the end of June 2018 to agree the arrangements for child death reviews and 3 months to implement them (by the end of September 2019).

Once the arrangements have been published and implemented, the Local Safeguarding Children Board will no longer exist.

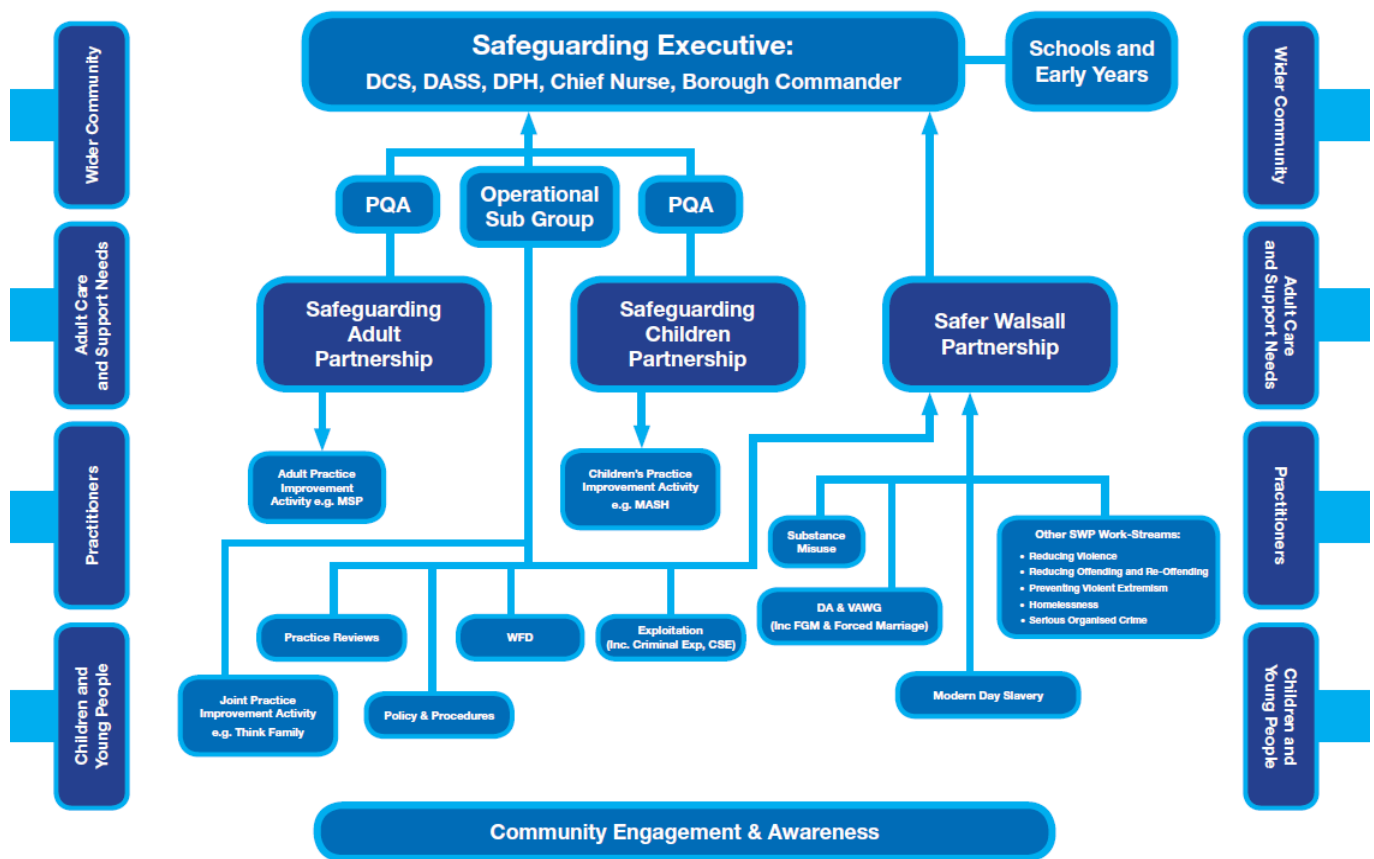
- 3.9 As Walsall Safeguarding Children Board has developed joint arrangements with Walsall Safeguarding Adult Board for the delivery of some of its core functions, the changes will also impact on Walsall Safeguarding Adult Board. This report also addresses the changes that will occur in respect of Walsall Safeguarding Adult Board.
- 3.10 The former Independent Chair of the Walsall Safeguarding Children Board facilitated a workshop with Board members in May 2017 to begin discussions on the new safeguarding arrangements might look. Whilst there was an appetite for regional collaboration, there was a strong commitment to retain safeguarding arrangements on a Walsall footprint. Partners also expressed their desire to retain dedicated chairing arrangements to provide independent oversight.
- 3.11 The current Independent Chair of the Boards has been meeting with the 3 statutory partners since May 2018 to develop future arrangements. These discussions have been supplemented by an externally facilitated workshops held in October 2018 which have considered a range of issues including wider partnership governance arrangements and developing a consensus for the core purpose of the safeguarding partnership arrangements. The key issues and discussions are summarised below:

Key issue	Overview of discussion
The core purpose of the new arrangements	Creating a stronger line of sight on the quality of practice/delivery of safeguarding services to enable partners to better hold each other to account and identity, disseminate and embed learning to continuously improve safeguarding practice and services are goals that the partners wish to achieve through the new arrangements. In addition, partners wish to develop arrangements at a local level so children and adults at risk become the 4 th partner in the arrangements. The way in which children and adults at risk will influence and challenge local services will be developed in conjunction with them.
The model for the new arrangements	In line with the core purpose of the new arrangements, safeguarding partners are not recommending that the current sub-groups structure would not change although in the medium term, there is a desire for the exploitation work stream to sit under the auspices of the Safer Walsall Partnership. This is to enable the safeguarding arrangements to focus on performance monitoring, quality assurance and practice improvement. It is proposed to retain two distinct Safeguarding Boards/partnership in recognition of the size and distinct nature of the child and adult safeguarding agendas. It is proposed that the Independent Chairperson will chair the Safeguarding Boards/partnerships. In order that the 3 safeguarding partners can have shared and equal

	responsibility and accountability for the safeguarding arrangements and their outcomes, it is proposed to create an Executive group for the delegated representatives from the 3 safeguarding partners to come together to oversee safeguarding arrangements . The Executive could be chaired by the Independent Chair or a delegated representative from one of the 3 partner agencies. Arrangements will also need to be established to inform the lead representatives from the 3 partners on the functioning and impact of the safeguarding arrangements
Staffing	There is agreement that the Business Unit which currently supports both Safeguarding Boards will provide the support to the new arrangements. Work is underway to ensure sufficient capacity to plan, deliver and evaluate multi-agency training as well as provide administrative support to statutory learning reviews.
Independent Scrutiny	The 3 safeguarding partners propose to retain an independent chair to provide scrutiny of the effectiveness of the new arrangements, make decisions regarding statutory learning reviews and as required resolve disagreement between the 3 partners As stated above, there is a recognition of the need to strengthen the involvement of children and families, adults with care and support needs and carers as well as front line staff to support robust scrutiny of the impact of the local arrangements.
Timeframes for moving to new partnership arrangements	It is proposed that the March 2019 Safeguarding Board meetings should be the last meetings of these bodies; with shadow partnership meetings taking place in June 2019 as well as shadow Executive meetings between June and September with the new safeguarding arrangements commencing in full in September 2019

A further workshop will took place in March 2019.

- 3.12 The three safeguarding partners have agreed the basic architecture and governance arrangements for the new partnership as set out below:



Key: DCS: Director of Children’s Services.
 DASS: Director of Adult Social Services.
 DPH: Director of Public Health.
 PQA: Performance and Quality Assurance.

In adopting this model, the following should be noted:

- It is designed to promote oversight of safeguarding activity across the wider partnership e.g. Domestic Abuse activity which is governed by Safer Walsall Partnership.
- The significance of the role of the performance monitoring and quality assurance activity is reflected in the model; the outcome of this activity will influence the work of the Safeguarding Executive and the safeguarding partnership).
- It is designed to focus on practice improvement across children and adult safeguarding.

The Partnership Boards (Children and Adults) will include relevant agencies (named partners agreed by the three safeguarding partners in line with statutory guidance) and will be the vehicle to promote engagement with the range of organisations and agencies who play a role in the safeguarding of children and adults in Walsall.

3.13 The independent scrutiny function as set out in statutory guidance (Working Together 2018) will provide the critical challenge and appraisal of Walsall’s multi-agency safeguarding partnership arrangements in relation to children and young people.

The role of independent scrutiny will form part of these arrangements and deliver the following:

- Provide assurance in judging the effectiveness of services to protect children.
- Assist when there is disagreement between the leaders responsible for protecting children in the agencies involved in multi-agency arrangements.
- Support a culture and environment conducive to robust scrutiny and constructive challenge.

3.14 The role of independent scrutiny is significant and includes:

- Assessing how well organisations come together to cooperate with one another to safeguard and promote the welfare of children and adult at risk and to hold each other to account for effective safeguarding.
- Contributing to the content of the partnerships annual reports on the effectiveness of safeguarding arrangements, their performance and the effectiveness of local services.
- Assessing the effectiveness of the help being provided to children and families and adults at risk; including early help/prevention.
- Scrutinising any quality assurance activity (including multi-agency case file auditing and processes for identifying lessons to be learned) and the effectiveness of training, including multi-agency training to safeguard and promote the welfare of children and adults at risk.
- Support the implementation of the findings and outcomes of any safeguarding reviews, providing professional input to the development of any changes to existing models of delivery.
- Ensure that the voices of children, young people, families, adults with care and support needs and carers are appropriately represented and heard in the work of the partnership.

In addition, the independent scrutiny role is expected to assess whether the three safeguarding partners are fulfilling their statutory obligations and confirm that effective performance management, audit and quality, providing challenge where this is not the case and evaluate arrangements for the operation of the safeguarding partnership, including the purpose and functions of board meetings, recommending and implementing changes as required.

Taken together these actions will support the three safeguarding partners to fulfil their statutory objectives, enable the partnership to identify and measure its success and impact and provide the necessary assurances regarding the robustness and effectiveness of safeguarding arrangements for the borough.

3.15 This legislation also makes changes to the Serious Case Review process as well as child death review processes.

3.16 In respect of child death review functions, Walsall Local Safeguarding Children Board is working on a sub-regional basis to inform the future arrangements which Public Health

and the Clinical Commissioning Group will put in place for the delivery of child death review once they assume statutory responsibility for this function.

- 3.17 Similarly, Walsall Local Safeguarding Children Board is working with other West Midlands Safeguarding Children Boards to inform how the new requirements in respect of Serious Case Reviews can be most effectively implemented.
- 3.18 A transition project plan will be developed to address all the preparatory work require ahead of transitioning to the new partnership arrangements and the disestablishment of the existing Walsall Safeguarding Children Board.
- 3.19 This will include governance, budget and a communication plan as well as transition arrangements to include the handover from the Walsall Safeguarding Children Board of any outstanding work, recommendations, child death and Serious Case Reviews in line with transitional guidance issued by the Department for Education in July 2018 to the new safeguarding arrangements.

4. Council Corporate Plan priorities

- 4.1 Safeguarding vulnerable adults and children from avoidable harm is one of Walsall Council's priorities under its "People" priority which seeks to ensure that the most vulnerable citizens are protected from avoidable harm, including treating and caring for people in a safe environment.
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- 4.3 This also supports the delivery of the Council's "Children" priority which seeks to ensure that children have the best start and are safe from harm, happy, healthy and learning well.
- 4.4 As part of their responsibilities, the Portfolio holders for Children's Health and Well Being and Adult Social Care are members of the current Safeguarding Boards; this arrangement enables them to discharge their duties on behalf of Walsall Council and will continue under the new safeguarding partnership arrangements.

5. Risk management

- 5.1 The risks associated with the failure to move from current statutory arrangements to the new requirements within the stated timescale are significantly reputational to the local authority. Additionally, failure to develop our local safeguarding arrangements with associated independent scrutiny, risks a local safeguarding response that is not sufficiently robust to ensure that children and vulnerable adults are kept safe.

6. Financial implications

- 6.1 Walsall Safeguarding Children Board and Safeguarding Adult Board has been supported through a pooled budget made up of contributions from the local authority, the Clinical

Commissioning Group and West Midlands Police along with smaller contributions from some other partner agencies. Currently, the majority of the funding comes from the local authority (76%). In line with Working Together 2018, the Clinical Commissioning Group have been asked to review their financial contribution to the safeguarding arrangements so that there is a more equitable funding arrangement that reflects their statutory duty in respect of the new safeguarding arrangements. West Midlands Police determine their funding contribution to safeguarding arrangements across their geographical boundary. West Midlands Police have proposed that their funding contribution should remain unchanged in year 1 of the new arrangements. They have indicated that there may be opportunities to explore additional funding via the Office of Police and Crime Commissioner for work streams that can be delivered across the Force geographical footprint e.g. exploitation. There is an agreed mechanism for carrying forward any Safeguarding Board Business Unit underspend for use in future years. This arrangement has been formally agreed for the new partnership by all 3 statutory partners.

Funding	BUDGET 2018/19			2019/20			
	Children	Adults	Total	Budget	Forecast	Var.	Mvmt
	£	£	£	19/20	t 19/20	Forecast & Budget	year on year
Walsall Council Contribution	(40,633)	(15,000)	(55,633)	(255,633)	(255,633)	0	(200,000)
Walsall Council Additional Investment	(100,000)	(100,000)	(200,000)	0	0	0	200,000
Walsall Healthcare Trust	(5,000)	(5,000)	(10,000)	(10,000)	(10,000)	0	0
Probation Services (NPS & CRC)	(3,000)	(1,500)	(4,500)	(1,500)	(1,500)	0	3,000
West Midlands Police	(15,630)	(15,579)	(31,209)	(31,209)	(31,209)	0	0
CAFCASS	(550)	0	(550)	(550)	(550)	0	0
Clinical Commissioning Group	(25,000)	(15,000)	(40,000)	(85,000)	(85,000)	0	(45,000)
Clinical Commissioning Group Additional (One off)	(15,000)	0	(15,000)		0	0	15,000
Other Training	(7,146)	0	(7,146)	0	0	0	7,146
Other Child Death Overview Panel	0	0	0	6,000	6,000	0	6,000
		(152,079)		(377,892)	(377,892)		
	(211,959))	(364,038)))	0	(13,854)

7. Legal implications

- 7.1 The Children and Social Work Act 2017 introduced the requirement for safeguarding partners for a local authority to make arrangements for the safeguarding partners, and any relevant agencies that they consider appropriate, to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area. Safeguarding partners are defined as the Local Authority, the Clinical Commissioning Group for the area and the Police.
- 7.2 These arrangements will replace the requirement for local authorities to establish a Local Safeguarding Children Board that had been introduced under the Children Act 2004. The statutory requirements for these new arrangements are set out in sections 16A to 16Q of the Children Act 2004 and guidance is contained in the new Working Together for 2018.

- 7.3 These arrangements should (a) identify serious child safeguarding cases which raise issues of importance in relation to the area, and (b) identify cases to be reviewed under the supervision of the safeguarding partners, where they consider it appropriate. The purpose of a review is to identify any improvements that should be made by persons in the area to safeguard and promote the welfare of children.
- 7.4 There is also guidance published in relation to the transitional arrangements for moving from Local Safeguarding Children Boards to safeguarding partner and child death review partner arrangements. Local authority areas must begin the transition from 29th June 2018 which must then be completed by 29th September 2019.
- 7.5 Once the new safeguarding partner and child death review partner arrangements are set up, Local Safeguarding Children Boards in the area have a statutory 'grace' period of up to 12 months to complete and publish outstanding serious case reviews and up to 4 months to complete outstanding child death reviews. They should, however, seek to complete these reviews as soon as possible and in the case of outstanding serious case reviews, no later than 6 months from the date of the decision to initiate a review. Local Safeguarding Children Boards must complete all child death reviews by 29 January 2020 and all SCRs by 29 September 2020 at the latest.
- 7.6 Existing information sharing agreements will need to be reviewed and agreed by the three safeguarding partners to ensure they are GDPR and Data Protection Act 2018 compliant.

8. Procurement Implications/Social Value

- 8.1 There are no procurement implications in adopting the safeguarding partnership arrangements. The current arrangements for independent chair were procured 12 months ago and remain in place for the new safeguarding partnership.

9. Property implications

- 9.1 There are no property implications

10. Health and wellbeing implications

- 10.1 The effective delivery of high quality services to protect children and vulnerable adults from avoidable harm has a direct impact on the health and well-being of children, young people and vulnerable adults.
- 10.2 It directly links to the corporate priorities to that People have increased independence, improved health and can positively contribute to their communities and that Children are enabled to have the best possible start and are safe from harm, happy, healthy and learning well.
- 10.3 Providing a co-ordinated strategic response to ensuring that children and vulnerable adults are safeguarded is consistent with the Marmot Principles that we give every child the best start in life and enable all children, young people and adults to maximise their capabilities and have control over their lives.

11. Staffing implications

- 11.1 The current staffing structure and staffing budget were agreed by both Safeguarding Boards in 2017. This resulted in an increase in staffing posts within the Business Unit to address the significant gaps that were impacting on the delivery of the statutory functions of the Safeguarding Boards. Currently, all posts are filled by permanent members; there is also a Service Level Agreement with the local authority Children's Services Performance Team.
- 11.2 An increase in the number of child death reviews, Safeguarding Adult Reviews and Serious Case Reviews has resulted in additional capacity being sought to support the delivery of these statutory functions. Once the Clinical Commissioning Group and Public Health assume responsibility for child death reviews, it is considered that the current staffing capacity will be sufficient to coordinate Safeguarding Adult Reviews and Serious Case Reviews (and their statutory successor Child Safeguarding Practice Reviews).
- 11.3 The three safeguarding partners recognise there is a need to ensure that there is sufficient capacity to lead and coordinate the delivery of the learning and development function across child and adult safeguarding. As a result, training capacity within the Business Unit is currently under review. Additionally, sufficient capacity to deliver the learning and development functions across the child and adult workforce is also required resulting in need to consider a proposed restructuring of the current Business Unit.
- 11.4 Currently, there is a significant reliance on the local authority to deliver the learning and development offer which is not sustainable or indicative of an equal and shared partnership. The outcome of the review of the training capacity will inform any changes in staffing or future delivery model.
- 11.5 There is a statutory requirement for the 3 safeguarding partners to ensure independent scrutiny of their arrangements; this will be provided through the current Independent Chairperson for 2019-20.

12. Reducing Inequalities

- 12.1 The implications for reducing inequalities have been taken into account and assessed as set out below.
- 12.2 The mid- year 2017 census data indicates the Walsall population is 281,293 of which 21.2% are under 16yrs of age and 17.8% are 65yrs and older.
- 12.3 In addition there are residents who, at any given time may be vulnerable due to ill health, including mental ill health, those who are subjected to hidden harm crimes, including exploitation, domestic violence, female genital mutilation, modern slavery, cuckooing and being trafficked. Details in relation to exact numbers of citizens vulnerable to and experiencing this type of harm and who will require safeguarding are unknown due to the hidden nature of these crimes. However, in Children's Services as at December 2018, there were 26 successful referrals to the National Crime Agency in respect of children who had been trafficked; there will be other children and vulnerable adults about whom we are unaware.

At the end of Quarter 3 2018/19 there were 123 children identified as being at risk of sexual exploitation, including 15 identified as being at the highest level of risk; there will be other children about whom we are unaware and undoubtedly there will be vulnerable adults at risk of sexual exploitation. These figures are not collated.

- 12.4 There is no evidence of any potential negative impact for people with protected characteristics.
- 12.5 This statutory guidance is designed to strengthen the way public bodies work together to discharge their existing safeguarding responsibilities to ensure that vulnerable children and adults are safeguarded.
- 12.6 It enables Walsall Council to deliver key statutory responsibilities set out in sections 16A to 16Q of the Children Act 2004 and guidance is contained in the new Working Together for 2018.
- 12.7 It also supports Walsall Council in the delivery of key statutory responsibilities under Section 28 of the Children Act 2004, Section 17 of the Crime and Disorder Act 1998, and Part 1 of the Care Act 2014.

13. Consultation

- 13.1 There was wide ranging national consultation conducted by the Department for Education prior to drafting the Social Work Act 2017; this included on-line (open access); on-line (targeted at key stakeholders) and regional workshops for key stakeholders.
- 13.2 Meetings with the key statutory partners have taken place since May 2018. There was an externally facilitate workshop held in October 2018 for all members of the existing Boards, including, school representatives, healthcare providers, National Probation Service and the Community Rehabilitation Service, Dudley & Walsall Mental Health trust and the voluntary sector. A further workshop was facilitated in March 2019 for members of the existing Boards. This workshop built on the previous workshop enabling the safeguarding partnership to progress plans for delivering the new arrangements.
- 13.3 Portfolio Holders for Children's Services and Adult Social Care have been consulted within relation to the proposed changes and as members of the existing Boards.
- 13.4 There has been no consultation undertaken with members of the public as the proposal will not impact on the direct delivery of exiting services. The function of the new safeguarding partnership is to ensure a strategic, co-ordinated response to ensuring that all those with a responsibility to deliver services to children and vulnerable adults do so in a way that is consistent with their existing statutory duties and ensures their safety.

Background papers

There are no background papers

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12 April 2019



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12 April 2019