

The role of district councils in safeguarding children and young people

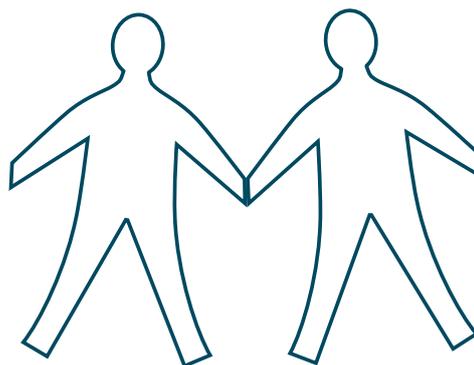
Briefing for councillors

Introduction

This briefing describes the requirements placed on district councils to cooperate with their Children's Services Authority (CSA) in discharging its safeguarding responsibilities and to promote the welfare of children and young people in their area. County councils and others also have responsibility for the protection of vulnerable adults. (See Local Government Improvement and Development (LG Improvement and Development) briefing: *The role of district councils in safeguarding adults: briefing for councillors.*)

It:

- briefly summarises the background and current legislation concerning safeguarding children, young people and vulnerable adults
- identifies expectations for both district councils and children's services authorities/county councils, etc.
- offers some suggestions for how district councils can evaluate progress
- gives an example of a policy and procedure developed by North Devon Council and the LG Improvement and Development that may be helpful to other district councils.



Background

The Government has defined ‘safeguarding children’ as:

“The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.”¹

Lord Laming in the Victoria Climbié inquiry report said:

“The support and protection of children cannot be achieved by a single agency....every service has to play its part. All staff must have placed upon them the clear expectation that their primary responsibility is to the child and his or her family.”²

One of the key reasons that the system failed Victoria so badly, and why, in rare circumstances other children are failed, is because key people and bodies which come into contact with children on a regular basis often fail to give sufficient priority to safeguarding and promoting their welfare. Similarly, in the ‘Baby P’ inquiry, Lord Laming

particularly criticised the various authorities for their lack of focus on safeguarding children and the failure of agencies to adequately and appropriately share information.

See LG Improvement and Development briefing, *The role of district councils in safeguarding adults: briefing for councillors: ‘No Secrets’* – the statutory guidance published in 2000.

The phrase ‘children, young people and vulnerable adults’ refers to:

- a) anyone under the age of 18 years
- b) someone who is over the age of 18 who is, or may be in need of community care services by reasons of mental health or other disability, age or illness and is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.³

County councils and authorities with responsibility for children and adult services face a complex challenge in developing their partnership arrangements and district councils may have limited resources with which to engage in the process.

This briefing therefore focuses on the areas where they have the most to gain from joint working.

1 Working together to protect children: Statutory Guidance: 2006

2 Victoria Climbié Inquiry: 2003

3 Lord Chancellor’s Department, 1997

Legislation

Children Act 2004

- Section 11 places a statutory duty on key people and bodies – including district councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.
- Section 10 outlines the duty to promote inter-agency cooperation between named agencies (including district councils).
- There is a reciprocal duty on those agencies (including district councils) to co-operate with the CSA in budget pooling – a key provision that underpins children’s trust arrangements.
- Section 13 gives district councils representation on, and participation in, Local Safeguarding Children’s Boards (LSCBs).
- Section 17 entitles district councils to be consulted on the CSA’s Children and Young People’s Plan (CYPP).

The Apprenticeships, Skills, Children and Learning Act 2009 received Royal Assent on 12 November 2009.

Section 9 makes amendments to the Children Act 2004, specifically regarding the establishment of Children’s Trust Boards.

The Children’s Trust comprises:

- the local authority including all constituent services that impact on children and families, such as housing

- named statutory ‘relevant partners’ – this includes district councils
- any other partners the local authority considers appropriate.

The ‘relevant partners’ are placed under a duty to cooperate in the making of arrangements to improve wellbeing and have a power to pool budgets and share other resources.

Care Standards Act 2000

- The Care Standards Act 2000 sets out a regulatory framework and standards for services people might receive. This applies to regulated services such as residential care, domiciliary care or adult placement scheme.
- Part 7 makes provision for the Protection of Vulnerable Adults (POVA) scheme to prevent abusers from working with vulnerable adults.

Mental Capacity Act 2005

This made it an offence to neglect or deliberately ill-treat a person who lacks capacity.

Safeguarding Vulnerable Groups Act 2006

This created the Independent Safeguarding Authority (ISA) which aims to prevent unsuitable people working with children, young people and vulnerable adults across all services.

District councils and Every Child Matters

Every Child Matters, the Government's vision for children's services set out 5 key outcomes:

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic wellbeing.

District councils contribute to these outcomes in a variety of ways.

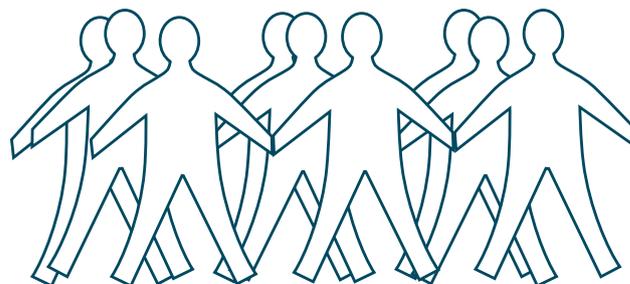
Housing – for example: preventing homelessness, providing supported accommodation for young parents and care leavers, re-housing families fleeing domestic abuse, supported accommodation for vulnerable adults, adaptations to properties, etc.

Planning – for example: providing appropriate play facilities in new housing developments, making road safety schemes child-friendly.

Culture, leisure and learning opportunities – for example: provision of local leisure centres, art, crèche and playgroup facilities, museums, theatres.

Environmental health services – for example: promoting the health of children and adults, particularly in relation to food hygiene and nutrition.

There are a number of other ways that district councils contribute to improving outcomes for children, young people and vulnerable adults including community safety, and as a licensing authority, the roll out of children's centres, delivering benefits and promoting and providing local employment.



Safeguarding

1) At a policy level district councils should be able to demonstrate:

- senior management commitment to the importance of safeguarding and promoting the welfare of children, young people and vulnerable adults
- a clear statement of the council's responsibilities towards children, young people and vulnerable adults, available for staff, members, volunteers, contracted services and the public
- a clear line of accountability within the organisation for reporting safeguarding concerns
- service development that takes account of the need to safeguard and promote welfare – and is informed by the views of children, young people, families and vulnerable adults
- safe recruitment procedures
- training on safeguarding and promoting the welfare of children, young people and vulnerable adults available for all members, staff and volunteers commensurate with the level of their contact with children, young people and vulnerable adults. For example, housing professionals were the first to make contact with Victoria Climbié.
- clear protocols on safe working practice known to members, staff and volunteers
- all contracted services and grant funded organisations have appropriate

safeguarding policies and procedures in place, commensurate with their level of contact with children, young people and vulnerable adults.

- safeguarding policies and procedures of contracted services and grant funded organisations are regularly monitored.
- effective inter-agency working to safeguard and promote the welfare of children, young people and vulnerable adults.
- effective information sharing
- the voice of children, young people and vulnerable adults is heard in service planning, decision-making and service delivery.

2) As important, is the role of members, staff, volunteers and contractors who may come into contact with children, young people and vulnerable adults in a variety of ways. With many district councils contracting out services such as social housing, leisure, sports, parks maintenance, etc., it may be that relatively few direct employees of the district council will need to be CRB checked/ISA registered. However, the following would be helpful:

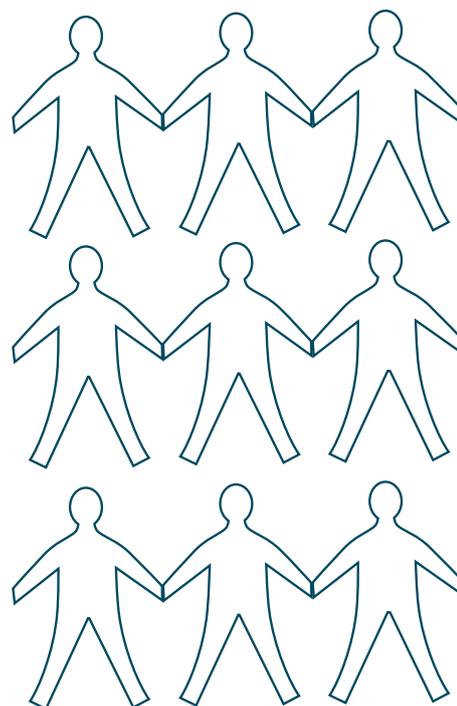
- an audit of Members, staff and volunteers should be undertaken to identify those whose activities on behalf of the council are likely to place them in regular or sustained, unsupervised contact with children, young people and/or vulnerable adults. These people will need to be CRB checked/ISA registered.

- all members, staff and volunteers need training on the importance of safeguarding and to be aware of the council's policy and procedure. Some staff will need more in-depth training, commensurate with their level of contact.
- all members, staff and volunteers should be aware of safe working practices and on creating safe environments for children, young people and vulnerable adults.
- training should teach delegates how to tell if a child, young person or vulnerable adult may require safeguarding from harm and how and to whom a report should be made.

3) Although the CSA convenes the Local Safeguarding Children Board, district councils in the local government area are under a duty to cooperate and are expected to fulfil their duties under the Children Act 2004 referred to above.

However, the key responsibility for safeguarding lies with the county council, unitary authority, etc., and it is important to remember the following:

- it is not the responsibility of any district council member, employee, volunteer or contracted service provider to determine whether abuse is or has taken place
- the role of the member, employee, volunteer or contracted service provider is to inform, not to investigate or judge
- the district council is not responsible for investigating any safeguarding incidents or allegations, involving children, young people or vulnerable adults
- where district councils are engaged with partner agencies around cross-cutting issues such as domestic violence, tackling racism and hate crimes, etc, issues regarding safeguarding may also emerge and need to be considered.



Expectations for district councils

District councils undertaking a stock-take of their safeguarding arrangements might want to consider the following questions:

- do you have a member/senior manager responsible for championing safeguarding and promoting the welfare of children, young people and vulnerable adults?
- what are lines of accountability for reporting concerns regarding the safeguarding of children, young people and vulnerable adults?
- do elected members and managers know what responsibility the council has in relation to safeguarding?
- are all staff well-informed about their responsibilities for ensuring the safeguarding of children, young people and vulnerable adults and do they know what to do?
- how do you know that you have safe recruitment practices?
- have you collaborated with the other districts in your area to ensure effective representation and feedback within the children's trust arrangement at CSA level?
- have you identified individual and joint district planning priorities as part of the consultation on the Children and Young People's Plan?
- does your district take an effective part in the Local Safeguarding Children and Adults Boards (LSBs) – how do you know?
- are the LSBs helping you achieve your

objectives, for instance by supporting sharing of expertise?

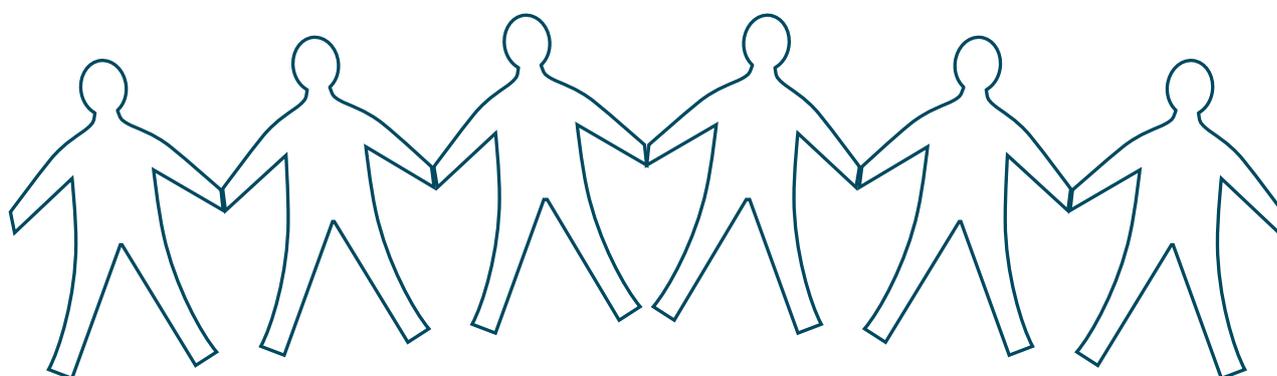
- is service development taking account of the need to safeguard and promote welfare?
- is service planning and monitoring informed by the views of children, young people, families and vulnerable adults?
- have you reviewed your policies, procedures and practices for safeguarding and promoting the welfare of children, young people and vulnerable adults as part of delivering your services?
- what is the role of scrutiny with regard to safeguarding? Have you undertaken or are planning to undertake a review of safeguarding arrangements?



Expectations for children's services authorities

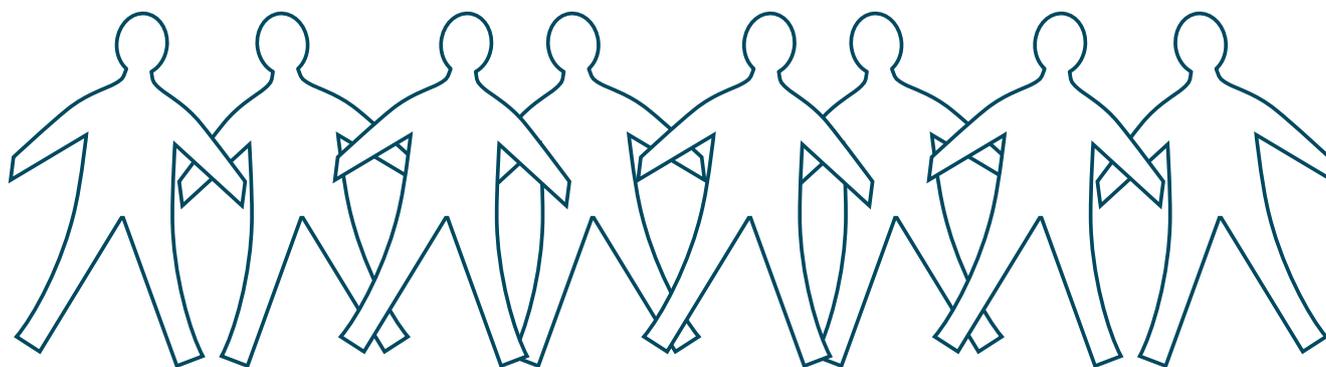
Children's Services Authorities and authorities responsible for protecting vulnerable adults might find the following checklist helpful.

- Do you have informal and formal networks and events where you meet regularly with district councils to discuss issues of safeguarding and promoting the wellbeing of children, young people and vulnerable adults in your area?
- Do the officers and members who have responsibility for safeguarding meet individually and/or collectively?
- Are districts engaged meaningfully within your children's trust arrangements?
- And, are your children's trust arrangements supported by effective networking arrangements of district contacts at senior and operational level?
- What mechanisms do you have to ensure that districts who attend the children's trust arrangements have opportunities to focus on issues of relevance to them?
- Are similar arrangements in place to enable effective contributions from district councils regarding planning and delivering services for adults?
- Have you sought to identify district priorities for joint working?
- How have you engaged districts in the development of the Children and Young People's Plan and Community Care Plans and do you know if districts have found it meaningful?
- Are your LSBs effectively engaging district councils? – How do you know?
- Do the districts in your area see clear benefits from participating in the LSBs?



An example

North Devon District Council worked with LG Improvement and Development during February 2010 to develop a policy and procedure. It is currently being signed off by the board and will be available 25 August 2010 at:
www.northdevon.com



Local Government Improvement and Development

Layden House

76–86 Turnmill Street

London EC1M 5LG

Telephone 020 7664 3000

Facsimile 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk



The Local Government Group is made up of six organisations which support, promote and improve local government.



© Local Government Improvement and Development
July 2010

For a copy in Braille, Welsh, larger print or audio,
please contact us on 020 7296 3000.

We consider requests on an individual basis.