

Health, Wellbeing & Local Government
Committee Inquiry into LSCBs

May 2010



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA welcome the opportunity to provide evidence to the Health, Wellbeing & Local Government inquiry into Local Safeguarding Children Boards. The inquiry is extremely timely given recent structural changes within the NHS and the difficult economic climate within which public services will be operating in coming years.
4. Our response is predicated on extensive discussions with politicians via the WLGA's Social Services Policy Group and with the professional organisations, the Association of the Directors of Education Wales (ADEW) and the Association of Directors of Social Services, Cymru (ADSS)
5. The WLGA recently held Wales' first Safeguarding Seminar providing a platform for stakeholders to debate the current issues within the safeguarding agenda, specifically around ensuring safeguarding is seen as a 'shared responsibility' and on the role, structure and function of Local Safeguarding Children Boards (LSCBs). A copy of the report summarising the discussions held at the seminar will be provided to the committee for contextual background.
6. The WLGA and the Social Services Improvement Agency (SSIA) have also published a compendium of practice on safeguarding, which is structured around the key themes identified in the Care and Social Services Inspectorate Wales (CSSIW) overview report. This is available to download on the SSIA website at www.ssiacymru.org.uk.

The appropriateness of existing Welsh Government policy and guidance as relevant to LSCBs

- 1.1 It is our view that the current guidance *Safeguarding Children: Working together under the Children Act 2004* has been a helpful tool to support the creation and implementation of Local Safeguarding Children Boards, following the requirement to do so in the Children Act 2004. In 2007 the WLGA sat on a Welsh Assembly Government (WAG) group, which reviewed the structure, function and effectiveness of LSCBs. The group concluded then that guidance needed to be updated and strengthened, and we continue to endorse this view, especially in light of legislative and structural change.
- 1.2 The need for updated guidance is now more significant following the implementation of the Government of Wales Act 2006. This Act provided enhanced legislative competence for the Assembly through the creation of Assembly Measures, such as the Children and Families Measure, which now needs to be taken into account in guidance. New guidance also needs to take into account the impact of other legislation such as the Safeguarding Vulnerable Groups Act and the impact of inspections and research concerning the early years of LSCBs.
- 1.3 Guidance will also need to take account of structural change within the NHS, which now operates through 7 regional Local Health Boards (LHBs). This has impacted on the ability of Health colleagues to engage with LSCBs, as they remain based on local authority boundaries. Therefore the membership requirements placed on the NHS as set out in existing guidance are no longer viable, as it could potentially require one LHB Director to attend up to 5 LSCBs.
- 1.4 Other guidance documents such as '*Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002*' and the '*All Wales Child Protection Procedures*' also provide clarity as to definitions, roles and responsibilities and action for professionals.
- 1.5 The WLGA recommends that the Welsh Assembly Government review and streamline the existing guidance. New guidance should take into account new policy, legislation and structural change.

The appropriateness of the scope and focus of LSCB responsibilities

- 2.1 This question has been the subject of significant debate across our member networks and with colleagues at the WLGA's Safeguarding Seminar. The LSCB is a board comprised of representative agencies and is not an organisation in its own right. It is the duty of senior professionals to oversee, scrutinise and challenge responsible agencies to ensure that the policy and legislative requirements around safeguarding are being met. It is our view, therefore that the primary function of an LSCB is to hold partner agencies to account on safeguarding and ensure there is

robust and joined up policy and practice across all relevant agencies. LSCBs exercise this function via recommendations to ensure that necessary improvements are made.

2.2 The guidance states that the core functions of LSCBs are:

- Monitoring and Reviewing
- Promotion and Awareness
- Procedures
- Research & Training

In terms of their child protection role guidance states '*The focus for safeguarding boards should remain the protection of children from abuse and neglect. Policies and practice should therefore be primarily targeted at those children who are suffering, or at risk of suffering significant harm.....only when these are in place should boards look to their wider remit of safeguarding and promoting the welfare of all children*' (p.119)

2.3 It is fair to say that as a result of funding and capacity issues some LSCBs have found it challenging to address the broader safeguarding and wellbeing agenda. It remains a difficult balance for the LSCB to ensure that focus remains targeted on those children in greatest risk (protection) whilst maintaining an oversight and responsibility for the much larger group of children in need of safeguarding.

2.4 A number of LSCBs have undertaken work to refine the scope of their activities in an attempt to focus on those children most in need. At a practical level this has been exercised either through the adoption of the Wigan model, a tiered model of need (Annexe A); through the development of sub groups, or merging with other LSCBs to maximise resources, whilst also supporting knowledge transfer.

2.5 Plan rationalisation in 2005 has provided an opportunity to mainstream safeguarding through the remaining three statutory plans. Given that we are now heading towards the second cycle of plans it is timely to address in new guidance, the relationships between LSCBs, statutory planning partnerships and Local Service Boards to ensure duplication is reduced and added value gained.

2.6 It may also be timely in light of significant resource constraints across the public sector to determine whether the original intention of the LSCBs, which were prescribed prior to the implementation of the three statutory partnerships remain fit for purpose.

Membership of LSCBs

3.1 The WLGA firmly believes that safeguarding should be a shared responsibility across relevant organisations, and as the body that holds agencies to account we believe that membership should include key stakeholders at a sufficient level of seniority. With the exception of health we feel that the current guidance is clear and accurate

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in terms of membership of LSCBs, and we share the views of our professional and voluntary sector colleagues that membership of the boards, whilst meeting requirements set out in guidance should be a matter for local determination.

- 3.2 Safeguarding is the responsibility of all departments within a local authority and the Lead Director for Children and Young people can be from either Social Services or Education. However, safeguarding should not be seen as the sole responsibility of the professional who sits on the LSCB but rather as the responsibility of the whole local authority or agency. In order for this to be achieved it is important that the right professional sits on the LSCB, who should to take back information to their local authority or agencies and ensure that everyone is clear about their responsibilities.
- 3.3 Many LSCBs have now developed job descriptions for LSCB representatives, which outline the role and responsibilities this position brings. This includes regular attendance and willingness to engage in activities of the LSCB between meetings. It is hoped that the job descriptions will enhance engagement with partner agencies and provide attendees with a clear understanding and expectation of their role and responsibility.
- 3.4 We would urge that changes to guidance are made quickly to ensure that health colleagues are able to engage with LSCBs in a way that meets the needs of LSCBs. Any changes to guidance regarding health should also fit in with the new regional model under which the NHS in Wales now operates.

Arrangements for funding LSCBs

- 4.1 Current funding arrangements need to be strengthened. Over the last four years significant concerns regarding the funding of LSCBs have been raised by local authorities who feel that existing guidance in this regard is too weak. In addition the WLGA and partners have lobbied for new guidance to address this, following the publication of the Welsh Assembly Governments task and finish group report, which found wide disparities in the funding available to LSCBs across Wales.
- 4.2 The current guidance states: '*To function effectively LSCBs need to be supported with adequate and reliable resources. Section 33 of the Children Act 2004 sets out that statutory partner's may: Make payments towards expenditure incurred by, or for purposes connected with an LSCB, either directly, or by contributing to a fund out of which payments may be made.*'
- 4.3 Feedback from the Welsh Assembly Governments safeguarding workshop in 2007 indicated that '*whilst the guidance is useful it is not sufficiently prescriptive to ensure all LSCBs are adequately resourced*'. This is due to use of the word 'may' which allows partners to choose whether to contribute and to determine what amount. However, under the Children Act 2004 LSCB partners cannot be required to make any particular level of contribution.

- 4.4 The WLGA undertook an audit in 2007 to evidence these issues. The results suggest that all local authorities were contributing the core budget and that across Wales there was a patchwork of contributions from other agencies such as the Police and NHS, with some agencies contributing in one area but not in another.
- 4.5 The lack of prescription has led to widespread variation, as cited in the CSSIW report published in October 2009. The impact of this at a local level translates into weaker work programmes due to the financial restraint or uncertainty. At a local level some LSCBs (e.g. Powys) have implemented Section 25 agreements¹, which allow for a pooled budget for a specific project or piece of work. However whilst useful they are not a model of best practice due to the time taken to negotiate and the uncertainty as to whether negotiations will be successful.
- 4.6 The original intention of the LSCB guidance was not to be overly prescriptive and did not require partners to contribute. The practical effect of this has been an inconsistency of funding and an impact on the effectiveness of LSCBs. Given the legislative competence provided through the Government of Wales Act, there may now be an opportunity for this to be addressed through statutory guidance for Wales.
- 4.7 The WLGA would advocate that serious consideration is given to improving the funding of LSCBs, with greater prescription and consistency as the primary objectives. Following discussions with officials a number of options have been discussed which include a ring fenced grant provided centrally by the Welsh Assembly Government, or the development of an all Wales funding formulae based on population to provide funding equity. In the difficult current economic climate local authorities cannot continue to shoulder the burden of funding LSCBs, and whilst the contributions of partners are welcomed, consistency is now crucial to ensure that safeguarding becomes a shared responsibility.
- 4.8 Unless LSCBs are appropriately financed they will not be able carry out their prescribed functions effectively and plan long term. The WLGA recommends that a review of funding arrangements is undertaken and an all Wales formulae established, which should be shared proportionally and with elements of fairness so that the burden doesn't fall on any one agency.

The relationship of LSCBs to other local partnerships

- 5.1 The current guidance did not attempt to prescribe how agencies should manage relationships between LSCBs and other partnerships, including Children and Young People Partnerships; Community Safety Partnerships; Local Service Boards (LSBs) and the planned Integrated Family Support Teams.
- 5.2 The WAG task group report stated that '*Most LSCBs have developed such arrangements and they appear to be working reasonably well*'. However there is a

¹ Section 25(6) of the Children Act 2004 gives the local authority and its main statutory partners the power to pool funding and share resources

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lack of evidence at a national level on how partnerships interface with the LSCB and the strengths and weaknesses of different models. It is therefore difficult to provide a national overview on this question as we represent only one of the partners involved.

- 5.3 There may be value in commissioning some research to provide a national picture and assess different models of delivery in light of the Assembly Government's commitment to current partnership structures following plan rationalisation. This work should cover all interfaces, for example local government, health & youth justice and would be of benefit in evidencing how partnerships can work together to support safeguarding at a local level, and how best to interface with the LSCB.

The effectiveness of LSCBs in promoting the protection and welfare of specific groups of vulnerable children

- 6.1 Capacity issues within LSCBs have been well documented in this evidence. As such it is difficult to say with confidence that all LSCBs are entirely effective in engaging with vulnerable groups of children and young people, such as children with disabilities asylum seekers, trafficked children and black and ethnic minority children.
- 6.2 At a local level some LSCBs have chosen to mainstream such issues within their core business plan, others have developed focused sub groups. It is possible that in new guidance these issues can be revisited in light of the role that the partnerships play in providing services to vulnerable groups and ensuring that LSCBs are providing added value, rather than duplication in light of resource constraints.
- 6.3 Specifically on child trafficking a WLGA audit revealed that many LSCBs did not have a local protocol and were struggling to pay for specialist training. This issue is now being addressed via the Welsh Assembly Government Child Trafficking Group, who have commissioned the development of an All Wales Child Trafficking Protocol for LSCBs to use, and also the development of an online training tool by ECPAT² made relevant to Wales.

The effectiveness of LSCBs to promote the information sharing responsibilities and duties of LSCB partner agencies

- 7.1 The common view on this issue is that the legislative and policy framework to support information sharing is robust. However at a local level this will only be implemented effectively if organisational and cultural barriers are broken down. Traditionally the focus has been on child protection performance information and we need to work together to move this area into the safeguarding arena, requiring the sharing of multi-agency information to provide the broader picture. The development of a national set of inter-agency indicators would support LSCBs in this area. This was endorsed through discussion with multi agency partners at the WLGA's Safeguarding Seminar in March. We are currently working with the LGA to learn

² End Child Prostitution, Child Pornography and the Trafficking of Children.

from work undertaken in England which identified a data set of 6 indicators based on existing indicators that could form the basis of shared reporting of performance. The scope includes incidence of bullying, hospital admissions, unintentional and deliberate injuries, confirmed child abuse and/or neglect, domestic violence, children in care and whether children say they feel safe.

- 7.2 At a local level LSCBs are identifying areas in which information sharing has a practical impact and benefits from inter-agency cooperation. One example that has been provided is around the number of children and young people, who are not within the looked after system, who regularly move schools across local authority boundaries. These children and young people are often disengaged from services and have little knowledge of their new area. They may already have very difficult home backgrounds or other difficulties in their life when they enrol at the new school. This can often be the precursor to greater difficulties. In these circumstances it is important that schools ensure that information about the child or young person moves with them. This will ensure that the new school is aware of the difficulties and issues that the child or young person may be encountering and can help to ensure engagement of local services. Gwynedd and Anglesey local authorities are currently working on a protocol between the two authorities to ensure that the appropriate information is transferred with the child or young person. The protocol is currently being developed but will include information on who the appropriate person would be to take responsibility for this role.

The effectiveness of LSCBs in involving children and young people in their work.

- 8.1 All local authorities in Wales base their work for and with children on the principles of the United Nations Convention on the Rights of the Child (UNCRC). Of particular importance is Article 12, which states 'The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.'
- 8.2 All LSCBs have considered how best to ensure that local children and young people are able to participate effectively in local processes and have each undertaken extensive consultation. There is no uniform answer that can be applied to any LSCB as the structures and priorities vary. Whilst a number of authorities have adopted Junior Local Safeguarding Children Boards (Powys, Merthyr & RCT) a number of others (Blaenau Gwent, Newport and Gwynedd) are exploring the development of other models for example using the Youth Council as a forum to discuss regularly safeguarding issues and feed into the LSCB.
- 8.3 Across Wales a number of authorities have held consultation days with children and young people or developed junior LSCBs (JLSCB). In Merthyr the Children and Young Peoples Partnership have an established junior LSCB facilitated by Safer Merthyr Tydfil as part of its participation service. The junior LSCB is a sub group of the Borough wide Youth Forum. Young people are actively involved in supporting the LSCB in planning safeguarding services for young people and young people themselves decide what shape that planning takes. At the time of its inception in 2007 there was national interest in the JLSCB as nothing similar had been

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established in England or Wales. Members of the board were invited all over the country to talk to other LSCBs on the benefits of a junior LSCB and advise on setting up a similar project. In spring 2008, Merthyr Tydfil LSCB were approached by the NSPCC to write an article for their monthly Exchange magazine featuring the work of the JLSCB, which appeared on the front cover in June. In addition to its role in advising the LSCB the Junior LSCB is currently busy working on specific projects. These include the production of a DVD on alcohol awareness and sexual health and taking a key role supporting the Children and Young People's Partnership in their undertaking of an extensive research project focusing on teenage pregnancy in Merthyr Tydfil.

- 8.4 It is of particular importance that LSCBs engage with children and young people effectively given societal changes and the growth of mediums such as social networking. These bring with them new risks to children such as cyber and mobile bullying and it is important that their experience informs the development of policy and practice. One useful mechanism has been cited as the new PSE framework which offers an opportunity to educate children and young people about keeping safe and appropriate behaviour. However this must be supported by the development of better participation mechanisms through examples such as junior LSCBs, and is certainly an area for ongoing development.
- 8.5 What is crucial is that each LSCB implements methods that comply with both Article 12 of the UNCRC and the Welsh Assembly Government's participation standards. How they do it should be a matter for local discretion that is derived from the views of those children and young people involved at a local level.

Conclusion

In conclusion this evidence provides an overview of the local government consensus on a number of key areas pertaining to Local Safeguarding Children Boards. We have set out our views on issues that are a priority if LSCBs are to reach their full potential, and these include the development of an appropriate national funding model, the interface with partnerships and the need for updated guidance.

We will continue to promote safeguarding as a shared responsibility through our strategic business programme, and specifically on the issues raised in this response would welcome continued dialogue with Assembly Government officials to take such work forward.

Annexe A- Tiered Model of need

