



## LOCAL SAFEGUARDING CHILDREN BOARDS

### April 2011

- 3.1 Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. The Children Act 2004 required each local authority to establish a Local Safeguarding Children Board (LSCB) by 1 April 2006.
- 3.2 The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do.

### LSCB role

#### Objectives of the LSCB

- 3.3 The functions of an LSCB are set out in primary legislation (*Sections 14 and 14 A of the Children Act 2004.*) and regulations (*Local Safeguarding Children Regulations 2006, SI 2006/90*). The core objectives of the LSCB are as follows:
  - a. 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 the area of the authority; and
  - b. to ensure the effectiveness of what is done by each such person or body for that purpose.
- 3.4 As explained in Chapter 1, safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
  - protecting children from maltreatment;
  - preventing impairment of children's health or development;
  - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
  - undertaking that role so as to enable those children to have optimum life chances and enter adulthood successfully.
- 3.5 The LSCB will therefore ensure that the duty to safeguard and promote the welfare of children is carried out in such a way as to contribute to improving all five *Every Child Matters* outcomes.
- 3.6 Safeguarding and promoting the welfare of children includes protecting children from harm. Ensuring that work to protect children is properly co-ordinated and effective remains a primary goal of LSCBs. When this core business is secure, however, LSCBs should go beyond it to work to their wider remit, which includes preventative work to avoid harm being suffered. This will help ensure a long-term impact on the safety of children.

#### Scope of the LSCB

- 3.7 The scope of the LSCB includes safeguarding and promoting the welfare of children in three broad areas of activity.

3.8 First, activity that affects all children and aims to identify and prevent maltreatment, or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care. For example:

- mechanisms to identify abuse and neglect wherever they may occur;
- work to increase understanding of safeguarding children issues in the professional and wider community, promoting the message that safeguarding is everybody's responsibility;
- work to ensure that organisations working or in contact with children, operate recruitment and human resources practices that take account of the need to safeguard and promote the welfare of children;
- monitoring the effectiveness of organisations' implementation of their duties under section 11 of the Children Act 2004;
- ensuring children know who they can contact when they have concerns about their own or others' safety and welfare;
- ensuring that adults (including those who are harming children) know who they can contact if they have a concern about a child or young person;
- work to prevent accidents and other injuries and, where possible, deaths; and
- work to prevent and respond effectively to bullying.

3.9 Second, proactive work that aims to target particular groups. For example:

- developing/evaluating thresholds and procedures for work with children and families where a child has been identified as 'in need' under the Children Act 1989, but where the child is not suffering or likely to suffer significant harm; and
- work to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population, for example children living away from home, children who have run away from home, children missing from school or childcare, children in the youth justice system, including custody, disabled children and children and young people affected by gangs.

3.10 Thirdly, responsive work to protect children who are suffering, or are likely to suffer significant harm, including:

- children abused and neglected within families, including those harmed:
  - in the context of domestic violence; and
  - as a consequence of the impact of substance misuse, or of parental mental ill health;
- children abused outside families by adults known to them;
- children abused and neglected by professional carers, within institutional settings, or anywhere else where children are cared for away from home;
- children abused by strangers;
- children abused by other young people;
- young perpetrators of abuse;

- children abused through sexual exploitation; and
  - young victims of crime.
- 3.11 Where particular children are the subject of interventions then that safeguarding work should aim to help them to achieve the planned developmental outcomes (see paragraphs 5.128–5.135) and to have optimum life chances. It is within the remit of LSCBs to check the extent to which this has been achieved as part of their monitoring and evaluation work.

## **LSCB functions**

- 3.12 The core functions of an LSCB are set out in primary legislation and regulations. This guidance gives further detail on what is required as well as examples of how the functions can be carried out. In all their activities, LSCBs should take account of the need to promote equality of opportunity and to meet the diverse needs of children.

### **Thresholds, policies and procedures function**

- 3.13 This general function has a number of specific applications set out in primary legislation and regulations.
- a. Developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in relation to:*
- i) The action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention.*
- 3.14 This includes concerns under both section 17 and section 47 of the Children Act 1989. It may mean for example:
- setting out thresholds for referrals to children's social care of children who may be in need, and processes for robust multi-agency assessment of children in need;
  - agreeing inter-agency procedures for section 47 enquiries and developing local protocols on key issues of concern such as:
    - children abused through sexual exploitation;
    - children living with domestic violence, substance abuse, or parental mental ill health;
    - female genital mutilation;
    - forced marriage;
    - children missing from school;
    - children who may have been trafficked; and
    - safeguarding looked after children who are away from home.
  - setting out how section 47 enquiries and associated police investigations should be conducted, and in particular, in what circumstances joint enquiries are necessary and/or appropriate.
- 3.15 Chapter 5 includes some further key points on which LSCBs should ensure that they have policies and procedures in place.
- 3.16 Clear thresholds and processes and a common understanding of them across local partners should help ensure that appropriate referrals are made and improve the effectiveness of joint work, leading to a more efficient use of resources. In developing these thresholds and processes the LSCB should work with the Children's Trust Board.

3.17 The Children's Trust Board working with the LSCB should ensure that the local arrangements for undertaking a common assessment are clear about when it is appropriate to use the Common Assessment Framework (CAF) and when it is appropriate to refer a possible child in need to children's social care services:

*ii. Training of persons who work with children or in services affecting the safety and welfare of children.*

3.18 It is the responsibility of the LSCB to ensure that single agency and inter-agency training on safeguarding and promoting welfare is provided in order to meet local needs. This covers both the training provided by single agencies to their own staff, and multi-agency training where staff from more than one agency train together.

3.19 LSCBs may decide to carry out their function by taking a view as to the priorities for inter-agency and single-agency child protection training in the local area and feeding those priorities into the local workforce strategy. LSCBs will also want to evaluate the quality of this training, ensuring that relevant training is provided by individual organisations, and checking that the training is reaching the relevant staff within organisations.

3.20 In some areas it may be decided that the LSCB should also organise or deliver inter-agency training. As explained in Chapter 4, this is not part of the core requirement for LSCBs.

*iii) Recruitment and supervision of persons who work with children.*

3.21 For example, by establishing effective policies and procedures, based on national guidance, for checking the suitability of people applying for work with children and ensuring that the children's workforce is properly supervised, with any concerns acted on appropriately. LSCBs should ensure that robust quality assurance processes are in place to monitor compliance by relevant agencies within their area with requirements to support safe practices. These processes should include audits of vetting practice and sampling of compliance with checks with Criminal Records Bureau and, once it is introduced, Independent Safeguarding Authority registration.

*iv) Investigation of allegations concerning persons working with children.*

3.22 For example policies and procedures, based on national guidance (see paragraphs 6.32 to 6.42 and Appendix 5), to ensure that allegations are dealt with properly and quickly.

*v) Safety and welfare of children who are privately fostered.*

3.23 For example, by ensuring the co-ordination and effective implementation of measures designed to strengthen private fostering notification arrangements including: raising awareness of private fostering across partner agencies, third sector organisations and commissioned services; ensuring that relevant training practices are developed and followed up at multi-agency level; reviewing and responding to the findings of the annual private fostering report submitted by the local authority to the Chair of the LSCB; acting upon the findings of Ofsted inspections and research evidence on effective practice; providing effective leadership and challenge in this area; and reporting on private fostering in their own annual report as appropriate.

3.24 The requirements and expectations of local authorities are set out in amendments to the Children Act 1989 made by section 44 of the Children Act 2004, the Children (Private Arrangements for Fostering) Regulations 2005, and National Minimum Standards for private fostering.

*vi) Co-operation with neighbouring children's services authorities (i.e. local authorities) and their Board partners.*

3.25 For example, by establishing procedures to safeguard and promote the welfare of children who move between local authority areas, including as a result of out of area placements, in line with the requirements in Chapter 5, Chapter 7 and Chapter 8. This might include harmonising procedures, where appropriate, to bring coherence to liaison with an organisation (such as a police force) which spans more than one LSCB area. This could be relevant to geographically mobile families such as: asylum seeking children, traveller children, children in migrant families and children of families in temporary accommodation.

### **Other policies and procedures**

3.26 LSCBs should consider the need for other local protocols under this function, beyond those specifically set out in regulations, including:

- quick and straightforward means of resolving professional differences of view in a specific case, for example, on whether a child protection conference should be convened;
- attendance at child protection conferences, including quora;
- attendance at family group conferences;
- involving children and family members in child protection conferences, the role of advocates, criteria for excluding parents in exceptional circumstances;
- a decision-making process for the need for a child protection plan based upon the views of the agencies present at the child protection conference;
- handling complaints from families about the functioning of child protection conferences; and
- a procedure for handling complaints regarding requests to share information.

### **Communicating and raising awareness function**

*b. Communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done, and encouraging them to do so.*

3.27 For example, by contributing to public campaigns to raise awareness in the wider community, including faith and minority communities and among statutory and independent agencies, including employers, about how everybody can contribute to safeguarding and promoting the welfare of children. This should involve listening to and consulting children and young people and ensuring that their views and opinions are taken into account in planning and delivering safeguarding and promoting welfare services.

### **Monitoring and evaluation function**

*c. Monitor and evaluate the effectiveness of what is done by the local authority and Board partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve.*

3.28 The LSCB has a key role in achieving high standards in safeguarding and promoting welfare, not just through co-ordinating but by evaluation and continuous improvement. For example, by asking individual organisations to self-evaluate under an agreed framework of benchmarks or indicators and then sharing results with the Board. It might also involve leading multi-agency arrangements to contribute to self-evaluation reports.

- 3.29 To evaluate multi-agency working the LSCB could perform joint audits of case files, looking at the involvement of the different agencies, and identifying the quality of practice and lessons to be learned in terms of both multi-agency and multidisciplinary practice.
- 3.30 The LSCB should have a particular focus on ensuring that those key people and organisations that have a duty under section 11 of the Children Act 2004 or section 175 or 157 of the Education Act 2002 are fulfilling their statutory obligations about safeguarding and promoting the welfare of children.
- 3.31 LSCBs should ensure appropriate links with any secure setting in its area and be able to scrutinise restraint techniques, the policies and protocols which surround the use of restraint, and incidences and injuries. LSCBs with a secure establishment(s) in its areas should report annually to the Youth Justice Board on how effectively the establishment(s) is managing use of restraint. LSCBs should report more frequently if there are concerns on the use of restraint. Consideration should be given to sharing the information with relevant inspectorates (HMIP and Ofsted). Where appropriate, members of LSCBs (with secure establishments in its area) should be given demonstrations in the techniques accredited for use to assist their consideration of any child protection or safeguarding issue that might arise in relation to restraint. See paragraph 2.141 for more detail about the role of the secure estate.
- 3.32 All incidents when restraint is used in custodial settings and which results in an injury to a young person should be notified to, and subsequent action monitored by, the LSCB.
- 3.33 The function of an LSCB also includes advising the local authority and Board partners on ways to improve. The LSCB might do this by making recommendations (such as the need for further resources), by helping organisations to develop new procedures, by spreading best practice, by bringing together expertise in different bodies, or by supporting capacity building and training. Where there are concerns about the work of partners and these cannot be addressed locally, the LSCB should raise these concerns with others, as explained further in paragraph 3.109.
- d. Produce and publish an annual report on the effectiveness of safeguarding in the local area.*
- 3.34 The Apprenticeships, Skills, Children and Learning Act 2009, introduces a requirement for LSCBs to produce and publish an annual report on the effectiveness of safeguarding in the local area. This report should provide an assessment of the effectiveness of local arrangements to safeguard and promote the welfare of children, set against a comprehensive analysis of the local area safeguarding context. It should recognise achievements and the progress that has been made in the local authority area as well as providing a realistic assessment of the challenges that still remain.
- 3.35 The report should demonstrate the extent to which the functions of the LSCB as set out in Working Together are being effectively discharged. This should include assessments of policies and procedures to keep children safe, including:
- the policies and procedures for the safe recruitment of frontline staff;
  - an assessment of single and inter-agency training on safeguarding and promoting the welfare of children to meet the local needs;
  - lessons learnt about the prevention of future child deaths which have been identified by the Child Death Overview Panel; and
  - progress on priority issues (for example, child trafficking, sexual exploitation and domestic violence).

- 3.36 Annual reports should also include a clear account of progress that has been made in implementing actions from individual Serious Case Reviews (SCRs) completed during the year in question, plans to evaluate the impact of these actions and to monitor how these improvements are being sustained over time. This also applies to SCRs commissioned in previous years where any actions remained outstanding at the start of the reporting year. Where SCRs have been commissioned but not completed the annual report should note action already taken to learn lessons arising from the relevant cases. Common themes and recurring recommendations may be addressed together but the report must be clear on action taken in response to individual SCRs.
- 3.37 The report should provide robust challenge to the work of the Children's Trust Board in driving improvements in the safeguarding of children and young people and in promoting their welfare.
- 3.38 The LSCB must send a copy of the annual report to the Children's Trust Board. The Children's Trust Board in turn will be expected to respond to reports through the local Children and Young People's Plan. In preparing the Children and Young People's Plan, Children's Trust Boards will be expected to draw upon the advice from and the findings in the LSCB annual report, and show how they intend to respond to the issues raised.
- 3.39 This requirement will come into force from 1 April 2010. This will mean that a LSCB must publish its first report by 1 April 2011. Children's Trust Boards must produce a Children and Young People's Plan by 1 April 2011. The LSCB and the Children's Trust Board, within the parameters set by legislation, should work together to ensure that the LSCB annual report is developed in time so that it can be properly considered and effectively utilised by the Children's Trust Board.

### **Function of participating in planning and commissioning**

*e. Participating in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.*

- 3.40 This will be achieved to a large extent by contributing to the Children and Young People's Plan, and ensuring in discussion with the Children's Trust partners that planning and commissioning of services for children within the local authority area takes account of their responsibility to safeguard and promote children's welfare.
- 3.41 Where it is agreed locally that the LSCB is the 'responsible authority' for 'matters relating to the protection of children from harm' under the Licensing Act 2003, it must be notified of all licence variations and new applications for the sale and supply of alcohol and public entertainment.

### **Functions relating to child deaths**

- 3.42 From 1 April 2008, each LSCB acquired the compulsory functions set out in regulations relating to child deaths.
- f. Collecting and analysing information about the deaths of all children in their area with a view to identifying:*
- i. any matters of concern affecting the safety and welfare of children in the area of the authority, including any case giving rise to the need for a Serious Case Review;*
  - ii. any general public health or safety concerns arising from deaths of children.*

*g. Putting in place procedures for ensuring that there is a co-ordinated response by the authority, their Board partners and other relevant persons to an unexpected death of a child.*

3.43 Chapter 7 explains how these functions should be implemented.

### **Serious Case Review function**

*h. Undertaking reviews of cases where abuse or neglect of a child is known or suspected, a child has died or a child has been seriously harmed, and there is cause for concern as to the way in which the authority, their Board partners or other relevant persons have worked together to safeguard the child.*

3.44 By developing procedures and the detail of organisations' and individuals' roles, in accordance with Chapter 8, and ensuring that organisations undertake those roles. All relevant staff should be aware of when SCRs are required or should be considered.

### **Other activities**

3.45 The regulations make clear that in addition to the functions set out above, a LSCB may also engage in any other activity that facilitates, or is conducive to, the achievement of its objectives.

3.46 These further activities should be discussed and agreed as part of wider Children's Trust planning and the preparation of the Children and Young People's Plan.

3.47 For example, the LSCB could agree to take the lead within the Children's Trust partnership on work to tackle bullying, or could lead an initiative on domestic violence.

3.48 The LSCB will not in general be an operational body or one which delivers services to children, young people and their families. Its role is co-ordinating and ensuring the effectiveness of what its member organisations do, and contributing to broader planning, commissioning and delivery. It may however take on operational and delivery roles under this part of the regulations.

### **Accountability for operational work**

3.49 Whilst the LSCB has a role in co-ordinating and ensuring the effectiveness of local individuals' and organisations' work to safeguard and promote the welfare of children, it is not accountable for their operational work. Each Board partner retains their own existing lines of accountability for safeguarding and promoting the welfare of children by their services. The LSCB does not have a power to direct other organisations.

### **LSCB governance and operational arrangements**

3.50 County level and unitary local authorities are responsible for establishing an LSCB in their area and ensuring that it is run effectively.

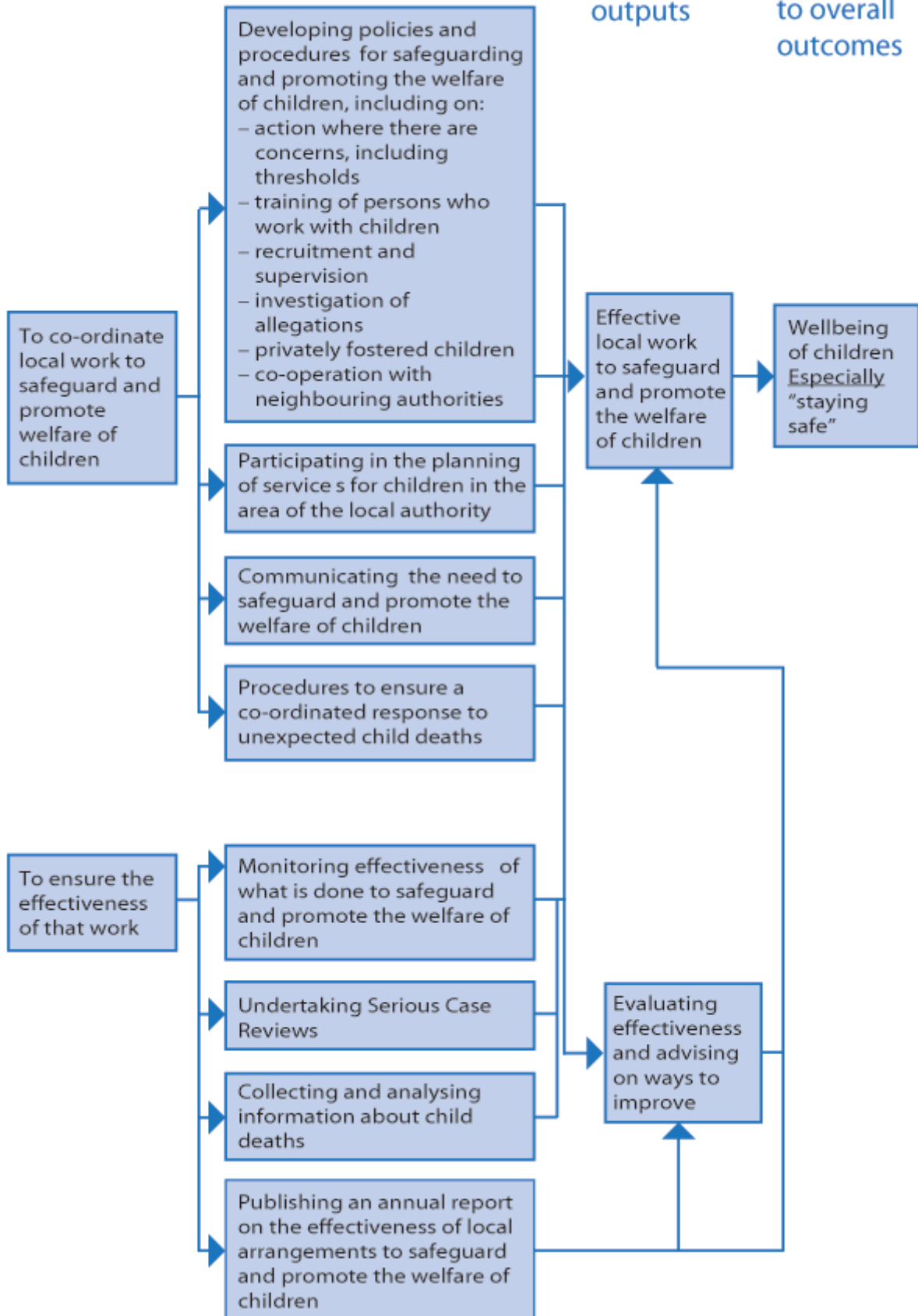
3.51 An LSCB can cover more than one local authority area. Local authorities and their partners will wish to consider whether this is desirable, perhaps to ensure a better fit with the areas covered by other bodies, or because issues are common to different areas.

LSCB objectives...

... pursued through LSCB functions...

... help produce outputs

... that contribute to overall outcomes



## Chair

- 3.52 It is the responsibility of the local authority, after consultation with the LSCB partners, to appoint the LSCB chair. It is important that the chair, who must be of sufficient stature and authority, is selected with the agreement of a group of partners representing the key services involved in safeguarding children locally and should have access to training to support them in their role. There should be a presumption that the chair will be someone independent of the local agencies so that the LSCB can exercise its local challenge function effectively. It may take time to develop sufficient availability of suitable independent chairs but it is expected that LSCBs will work towards this over time.
- 3.53 The chair will have a crucial role in making certain that the Board operates effectively and secures an independent voice for the LSCB. He or she should be of sufficient standing and expertise to command the respect and support of all partners. The chair should act objectively and distinguish their role as LSCB chair from any day-to-day role.

## Relationship between the LSCB and the Children's Trust Board

- 3.54 The responsibilities of the LSCB are complementary to those of the Children's Trust – to promote co-operation to improve the wellbeing of children in the local area across all five *Every Child Matters* outcomes. The LSCB's role is:
- to ensure the effectiveness of the arrangements made by wider partnership and individual agencies to safeguard and promote the welfare of children.
- 3.55 An LSCB is not an operational sub-committee of the Children's Trust Board. Whilst the work of the LSCB contributes to the wider goals of improving the wellbeing of all children, it has a narrower focus on safeguarding and promoting welfare.
- The LSCB should not be subordinate to nor subsumed within the Children's Trust Board structures in a way that might compromise its separate identity and independent voice.
- 3.56 There must be a clear distinction between the roles and responsibilities of the LSCB and the Children's Trust Board. There should be:
- agreed local protocols between the LSCB and the Children's Trust Board in place to ensure that the LSCB is able to challenge and scrutinise effectively the work of the Children's Trust Board and partners.
- 3.57 The LSCB must be able to form a view of the quality of local activity, to challenge organisations as necessary, and to speak with an independent voice. For that reason the LSCB and Children's Trust Board should be chaired by different people.
- 3.58 The Children's Trust Board should work with the LSCB to agree:
- a strategic approach to understanding needs, including a sophisticated analysis of data and effective engagement with children, young people and families;
  - a clear approach to understanding the effectiveness of current services, and identifying priorities for change – including where services need to be improved, reshaped or developed;
  - integrated and effective arrangements for ensuring that priorities for change are delivered in practice through the Children and Young People's Plan; and

- effective approaches to understand the impact of specialist services on outcomes for children, young people and families, and using this understanding constructively to challenge lack of progress and drive further improvement.
- 3.59 The Children's Trust Board – drawing on support and challenge from the LSCB – will ensure that the Children and Young People's Plan reflects the strengths and weaknesses of safeguarding arrangements and practices in the area and what more needs to be done by each partner to improve safeguarding and promotion of welfare. The LSCB is a formal consultee during the development of the Children and Young People's Plan.
- Through the LSCB annual report, the LSCB will provide a comprehensive analysis of safeguarding in the local area. The report should challenge the work of the Children's Trust Board and its partners to ensure that necessary overarching structures, processes and culture are put in place to ensure that children are fully safeguarded.
  - The Children's Trust Board will draw on the advice and evidence in the annual report to inform the development and review of the local Children and Young People's Plan, and should show in the Plan how they intend to respond to issues raised by the LSCB.
- 3.60 Regulations make clear that there is flexibility for a local area to decide that an LSCB should have an extended role in addition its core functions. Those must of course still be related to its objectives.
- In general the LSCB is not a body that commissions or delivers services to children, young people and their families. Where the LSCB has an extended role beyond its core functions, for example undertaking research or delivering training on safeguarding issues, there is scope for confusion between the respective roles of the LSCB and the Children's Trust Board. These additional activities should be discussed and agreed as part of the wider Children's Trust planning arrangements and in the preparation of the Children and Young People's Plan. In such cases, the LSCB as a body should be represented on the Children's Trust Board so that the Children's Trust Board can call the LSCB to account for the extent to which it has acted in accordance with the Children and Young People's Plan.
- 3.61 As set out in paragraph 3.68, the local authority Chief Executives and Council Leaders should satisfy themselves that the Directors of Children's Services are fulfilling their managerial responsibilities for safeguarding and promoting the welfare of children and young people, including in particular by ensuring that the relationship between the Children's Trust Board and the LSCB is working effectively.

## **Membership of an LSCB**

### **The nature of members**

- 3.62 As far as possible, organisations should designate particular, named people as their representative on the LSCB, so that there is consistency and continuity in the membership of the LSCB.
- 3.63 Members should be people with a strategic role in relation to safeguarding and promoting the welfare of children within their organisation. They should be able to:
- speak for their organisation with authority;
  - commit their organisation on policy and practice matters; and
  - hold their organisation to account.

### *Role of Elected Members and Directors of Children's Services*

- 3.64 Local authority Elected Members and non-executive directors of other board partners should through their membership of governance bodies such as the cabinet of the local authority or a scrutiny committee or a governance board, hold their organisation and its officers to account for their contribution to the effective functioning of the LSCB.
- 3.65 Directors of Children's Services and Lead Members for Children's Services have central and complementary roles. Directors of Children's Services have responsibility for improving outcomes for all children and young people in their area. Lead Members for Children's Services have delegated responsibility from the Council for children, local young people and families and are politically accountable for ensuring that the local authority fulfils its legal responsibilities for safeguarding and promoting the welfare of children and young people. The Lead Member should provide the political leadership needed for the effective co-ordination of work with other relevant agencies with safeguarding responsibilities (such as the police and the health service). Lead Members should also take steps to assure themselves that effective quality assurance systems for safeguarding are in place and functioning effectively.
- 3.66 The Lead Member should be a 'participating observer' of the LSCB. In practice this means routinely attending meetings as an observer and receiving all its written reports. Lead Members should engage in discussions, ask questions and seek clarity, but not be part of the decision making process. This will enable the Lead Member to challenge, when necessary, from a well informed position.
- 3.67 Directors of Children's Services should ensure that all appropriate local authority services engage effectively with the LSCB. The Directors of Children's Services will be held to account for the effective working of the LSCB by their Chief Executive and challenged where appropriate by their Lead Member.

### *Role of local authority Chief Executives and Council Leaders*

- 3.68 Local authority Chief Executives and Council Leaders also have critical roles to play. Chief Executives are responsible for satisfying themselves that the Directors of Children's Services are fulfilling their managerial responsibilities for safeguarding and promoting the welfare of children and young people, including in particular by ensuring that the relationship between the Children's Trust Board and the LSCB is working effectively; that clear responsibility has been assigned within the local authority and among Children's Trust partners for improving services and outcomes; and that targets for improving safeguarding and progress against them are reported to the Local Strategic Partnership.
- 3.69 Every year, as part of the Children's Trust annual report, the Chief Executive and the Leader of the Council should make an assessment of the effectiveness of local governance and partnership arrangements for improving outcomes for children and supporting the best possible standards for safeguarding children.

### *Statutory members*

- 3.70 The LSCB should include representatives of the local authority and its Board partners, the statutory organisations which are required to co-operate with the local authority in the establishment and operation of the board and have shared responsibility for the effective discharge of its functions. These are the Board partners set out in section 13(3) of the Children Act (2004):
- District Councils in local government areas which have them;

- the Chief Officer of Police for a police area any part of which falls within the area of the local authority;
- the Local Probation Trust for an area any part of which falls within the area of the local authority;
- the Youth Offending Team for an area any part of which falls within the area of the local authority;
- Strategic Health Authorities (SHAs) and Primary Care Trusts (PCTs) for an area any part of which falls within the area of the local authority;
- NHS Trusts and NHS Foundation Trusts all or most of whose hospitals, establishments and facilities are situated in the local authority area;
- the Connexions Service providing services in any part of the area of the local authority;
- Cafcass (Children and Family Courts Advisory and Support Service);
- the Governor or Director of any Secure Training Centre in the area of the local authority; and
- the Governor or Director of any prison in the local authority area which ordinarily detains children.

3.71 The local authority should ensure that those responsible for adult social services functions are represented on the LSCB, given the importance of adult social care in the context of safeguarding and promoting the welfare of children. Similarly health organisations should ensure that adult health services and in particular adult mental health, adult drug and alcohol services and adult disability services are represented on the LSCB.

3.72 It will also be important to ensure that the LSCB has access to appropriate expertise and advice from all the relevant sectors, including a designated doctor and nurse.

3.73 The Children Act 2004 sets out that the local authority and its partners must cooperate in the establishment and operation of an LSCB. This places an obligation on local authorities and statutory LSCB partners to support the operation of the LSCB.

#### *Lay members*

3.74 The Apprenticeships, Skills, Children and Learning Act 2009 amends sections 13 and 14 of the Children Act 2004 (c.31) and provides for the appointment of two representatives of the local community to each LSCB in England.

3.75 The local authority must take reasonable steps to ensure that the LSCB includes two lay members from the local community. The role for lay members should in particular relate to:

- supporting stronger public engagement in local child safety issues and contributing to an improved understanding of the LSCB's child protection work in the wider community;
- challenging the LSCB on the accessibility by the public and children and young people of its plans and procedures; and
- helping to make links between the LSCB and community groups.

3.76 Lay members should operate as full members of the LSCB, participating on the Board itself and on relevant committees. LSCBs will need to think carefully about the type of training they will need to provide for lay members to ensure they are able to bring the most value to its work.

- 3.77 The local authority should set out its expectations of the role of the lay member within the LSCB, the length of appointment, the expected code of conduct of any lay member and the amount they will recompense them as appropriate for their time and contribution.

#### *Representation from schools*

- 3.78 From 1 April 2010, local authorities must take all reasonable steps to ensure schools are represented on the LSCB. This means taking steps to ensure that the following are represented: the governing body of a maintained school; the proprietor of a non-maintained special school; the proprietor of a city technology college, a city college for the technology of the arts or an Academy; and the governing body of a further education institution the main site of which is situated in the authority's area (*The Local Safeguarding Children Boards (Amendment) Regulations 2010, S.I. 2010/622, made under section 13(4) of the Children Act 2004 (c. 31)*). The local authority should also include independent schools as appropriate.
- 3.79 It would clearly be impractical for every school to attend the LSCB so a robust and fair system of representation needs to be identified to enable all schools to receive information and feed back comments to their representatives on the LSCB.
- 3.80 Each LSCB should establish with the schools in its area a system that takes account of local circumstances, and the diverse range of schools should be represented. Where appropriate the LSCB should build on existing arrangements and avoid duplication. It would also need to consider the relationship with the school representatives who sit on the Children's Trust Board. School representatives need to speak for, and on behalf of, the body of schools they represent. This will require an efficient and effective means to communicate with all schools both to seek their views on issues and to feed information back.

#### *Other members*

- 3.81 The local authority should also secure the involvement of the NSPCC and other relevant national and local organisations. The knowledge and experience of the NSPCC and other large voluntary sector providers is an important national resource on which LSCBs should draw. At a minimum local organisations should include faith groups, children's centres, GPs, independent healthcare organisations, and voluntary and community sector organisations including bodies providing specialist care to children with severe disabilities and complex health needs. In areas where they have significant local activity, the armed forces (in relation both to the families of service men and women and those personnel that are under the age of 18), should also be included. In areas where there is an airport or seaport, an asylum screening unit or a number of asylum seeking families or unaccompanied asylum seeking children or a number of migrants with children, arrangements should be made to include the UK Border Agency and to ensure that the issues are dealt with in a strategic way as well as at the level of individual cases.
- 3.82 Where the number or size of similar organisations precludes individual representation on the LSCB, for example in the case of voluntary youth bodies, the local authority should seek to involve them through existing networks or forums, or by encouraging and developing suitable networks or forums to facilitate communication between organisations and with the LSCB.

#### *Involvement of other agencies and groups*

- 3.83 The LSCB should make appropriate arrangements at a strategic management level to involve others in its work as necessary. For example, there may be some organisations or individuals which are in theory represented by the statutory board partners but which

should be engaged because of their particular role in service provision to children and families or in public protection. There will be other organisations and processes which the LSCB needs to link to, either through inviting them to join the LSCB, or through some other mechanism. For example:

- the coronial service;
- dental health services;
- domestic violence forums;
- drug and alcohol misuse services;
- Drug Action and Alcohol Teams;
- housing, culture and leisure services;
- housing providers;
- local authority legal services;
- local Multi-Agency Public Protection Arrangements (MAPPA);
- local sports bodies and services;
- local Family Justice Council;
- Local Criminal Justice Board;
- other health providers such as pharmacists;
- representatives of service users;
- sexual health services;
- the Crown Prosecution Service;
- witness support services;
- Family Intervention Projects; and
- Multi Agency Risk Assessment Conferences (MARACs).

3.84 LSCBs will also need to draw on the work of key national organisations and liaise with them when necessary, for example, the Child Exploitation and Online Protection Centre (CEOP).

#### *The role of members*

3.85 The individual members of LSCBs have a duty as members to contribute to the effective work of the LSCB, for example, in making the LSCB's assessment of performance as objective as possible, and in recommending or deciding upon the necessary steps to put right any problems. This should take precedence, if necessary, over their role as a representative of their organisation. Members of each LSCB should have a clear written statement of their roles and responsibilities. Further advice on how SHAs should engage with LSCBs is set out in Annex D of the Local Safeguarding Children Boards: A Review of Progress report.

### **Ways of working**

3.86 The working practices of LSCB members need to be considered locally with a view to securing effective operation of LSCB functions and ensuring that all member organisations are effectively engaged.

3.87 Where there are multiple organisations of a particular kind in the local authority area, for example NHS Trusts or District Councils, they may decide to share attendance at meetings. Organisations pooling representation in this way need to agree how they will be consulted and how their views will be fed in to Board discussions.

- 3.88 It may be appropriate for the LSCB to set up working groups or sub-groups, on a short-term or a standing basis to:
- carry out specific tasks, for example: maintaining and updating procedures and protocols; reviewing serious cases; and identifying inter-agency training needs;
  - provide specialist advice, for example: in respect of working with specific ethnic and cultural groups, or with disabled children and/or parents;
  - bring together representatives of a sector to discuss relevant issues and to provide a contribution from that sector to LSCB work, for example: schools, the voluntary and community sector, faith groups; and
  - focus on defined geographical areas within the LSCB's boundaries.
- 3.89 It is possible to form a 'core group' or 'executive group' of LSCB members to carry out some of the day-to-day business by local agreement.
- 3.90 In undertaking the child death review processes set out in [Chapter 7](#), LSCBs should set up a Child Death Overview Panel which has a standing membership and whose Chair is a member of the LSCB. Two or more LSCBs can set up a panel to cover their combined area.
- 3.91 All groups working under the LSCB should be established by the LSCB, and should work to agreed terms of reference, with explicit lines of reporting, communication and accountability to the LSCB. This may take the form of a written constitution detailing a job description for all members and service level agreements between the LSCB, agencies and other partnerships. Chairs of sub-groups should be LSCB members.
- 3.92 Where boundaries between LSCBs and their partner organisations such as the health service and the police are not co-terminous, there can be challenges for some member organisations in having to work to different procedures and protocols according to the area involved, or having to participate in several LSCBs. It may be helpful in these circumstances for adjoining LSCBs to collaborate as far as possible on establishing common policies and procedures, and joint ways of working, under the function '*Co-operation with neighbouring children's services authorities and their Board partners*'.
- 3.93 LSCBs should consider how to put in place arrangements to ascertain the views of parents and carers and the wishes and feelings of children (including children who might not ordinarily be heard) about the priorities and the effectiveness of local safeguarding work, including issues of access to services and contact points for children to safeguard and promote welfare. LSCBs should also consider how children, parents and carers can be given a measure of choice and control in the development of services.

#### *Information sharing for the purpose of LSCB functions*

- 3.94 The Children, Schools and Families Bill currently before Parliament includes provision requiring compliance with a request from a LSCB for appropriate information to be disclosed to it in order to assist it in the exercise of its functions. Subject to the passage of the Bill this provision will help remove uncertainty and give greater confidence to practitioners to share **appropriate** information with a LSCB. This could include confidential personal information about children who are the subject of reviews and about third parties who have a relationship with those children (for example, parents and siblings).

3.95 Where the LSCB requests personal information, the request should be for appropriate information that is relevant and proportionate to the purpose for which the information is sought. The LSCB should be able to explain that purpose to record holders, and why the information sought is appropriate, relevant and proportionate should the record holder require any justification of the need for the information or of the overriding public interest served by the disclosure of personal information in each case. No request should require a record holder to breach data protection principles, or other protections of confidential or personal information (for example, under the Human Rights Act) in a manner which cannot be justified; the 'golden rules' set out in *Information Sharing: Guidance for practitioners and managers* will help record holders observe these protections and principles.

## **Financing and staffing**

3.96 To function effectively LSCBs have to be supported by their member organisations with adequate and reliable resources.

3.97 Section 15 of the Children Act 2004 sets out that statutory board partners (or in the case of prisons, either the Secretary of State or the contractor) 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; and
- provide staff, goods, services, accommodation or other resources for purposes connected with an LSCB.

3.98 The budget for each LSCB and the contribution made by each member organisation should be agreed locally. The member organisations' shared responsibility for the discharge of the LSCB's functions includes shared responsibility for determining how the necessary resources are to be provided to support it.

3.99 The core contributions should be provided by the responsible local authority, the PCTs, and the police. Other organisations' contributions will vary to reflect their resources and local circumstances. For some, taking part in LSCB work may be the appropriate extent of their contribution. Other organisations may wish to contribute by committing resources in kind, rather than funds, as provided for in the legislation.

3.100 Where an LSCB member organisation provides funding, this should be committed in advance, usually into a pooled budget.

3.101 The board may choose to use some of its funding to support the participation of some organisations, such as local voluntary or community sector groups, for example, if they cannot otherwise afford to take part.

3.102 The funding requirement of the LSCB will depend on its circumstances and the work which it plans to undertake (which will in turn depend on the division of responsibilities between the LSCB and other parts of the wider Children's Trust partnership). However, each LSCB will have a core minimum of work.

3.103 The LSCB's resources will need to enable it to have staff to take forward its business, whether those are paid for from a common fund, or seconded as part of a contribution in kind. The particular staffing of each LSCB should be agreed locally by the Board partners. An effective LSCB needs to be staffed so that it has the capacity to:

- drive forward the LSCB's day to day business in achieving its objectives, including its co-ordination and monitoring/evaluating work;
- take forward any training and staff development work carried out by the LSCB, in the context of the local workforce strategy; and
- provide administrative and organisational support for the Board and its subcommittees, and those involved in policy and training.

## **Planning**

- 3.104 From 1 April 2010, under the Apprenticeships, Skills, Children and Learning Act 2009, Children's Trust Boards are responsible for a joint strategy which sets out how the Children's Trust partners will co-operate to improve children's wellbeing in the local area. Every area must publish a new joint Children and Young People's Plan on or before 1 April 2011.
- 3.105 In preparing the Children and Young People's Plan, the Children's Trust Board will conduct a comprehensive needs assessment following an extensive consultation to agree their priorities and set out how the partners will work together and align or pool their budgets to address those priorities. The Board should also identify the resources available across the partner agencies and the contribution each will make. LSCBs should contribute to, and work within, the framework established by the Children and Young People's Plan.
- 3.106 It is expected that all local areas should investigate the possibilities of integrating frontline delivery of services such that staff from children's social care services work in active partnership with the police, paediatric and relevant health services to maximise effectiveness. This, however, is a matter for local determination.
- 3.107 The LSCB's own activities should fit clearly within the framework of the Children and Young People's Plan. The voice and experiences of young people should strongly inform the LSCB's work programme. The LSCB should have a clear work programme, including measurable objectives; and a budget.

## **Monitoring and inspection**

- 3.108 The LSCB's role in ensuring the effectiveness of work to safeguard and promote the welfare of children by member organisations will be a peer review process based on self evaluation. This will be achieved to a large extent through performance indicators and joint audits. Its aim is to promote high standards of safeguarding work and to foster a culture of continuous improvement. It will also identify and act on identified weaknesses in services. To avoid unnecessary duplication of work the LSCB should ensure that its monitoring role complements and contributes to the work of both the Children's Trust Board and the inspectorates.
- 3.109 Where it is found that a Children's Trust partner is not performing effectively in safeguarding and promoting the welfare of children, and the LSCB is not convinced that any planned action to improve performance will be adequate, the LSCB chair or a member or employee designated by the chair should explain these concerns to those individuals and organisations that need to be aware of the failing and may be able to take action. For example, to the most senior individual(s) in the partner organisation, to relevant monitoring bodies such as Government Offices or SHAs, to the relevant inspectorate, and, if necessary, to the relevant government department.

- 3.110 The local inspection framework will play an important role in reinforcing the ongoing monitoring work of the LSCB. Individual services will be assessed through their own quality regimes. Part of the established inspection arrangements – led by Ofsted but involving other inspectorates – includes (1) annual unannounced inspections on safeguarding and services for looked after children under section 138 of the Education and Inspections Act 2006, and (2) a full inspection under section 20 of the Children Act 2004 of safeguarding and services for looked after children in each local authority area at least once every three years. The LSCB should draw on these.
- 3.111 The LSCB will be able to feed its views about the quality of work to safeguard and promote the welfare of children into these processes.
- 3.112 The effectiveness of the LSCB itself should also form part of the judgement of the Inspectorates, particularly through the Comprehensive Area Assessment. This may be done, for example, by examining the quality of the LSCB's planning and determining whether key objectives have been met. It will be for the local authority to lead in taking action, if intervention in the LSCB's own processes is necessary.