

BARNSELY METROPOLITAN BOROUGH COUNCIL (BMBC)

This matter is not a Key Decision within the council's definition and has not been included in the relevant Forward Plan.

**Report of the Director of Human Resources,
Performance and Communications
and the Executive Director of the
People Directorate.**

**PROPOSED CHANGES TO THE CHILDREN'S SERVICES SCRUTINY COMMITTEE
(CSSC) TO ESTABLISH A SAFEGUARDING SCRUTINY COMMITTEE (SSC)**

- 1. Purpose of report**
 - 1.1** The purpose of this report is to outline proposed changes to the Children's Services Scrutiny Committee (CSSC) to ensure it is fit for purpose with regards to Future Council and changes in legislation.
- 2. Recommendations**
 - 2.1** It is recommended that the revised terms of reference for the 'Children's Services Scrutiny Committee' set out at Appendix 1, to cover safeguarding issues for both adults and children's services be approved and the committee be renamed the 'Safeguarding Scrutiny Committee' and the Council's Constitution be amended accordingly.
 - 2.2** It is recommended that the number of Elected Members on the Committee increases from 6 to 10 to ensure greater representation of Elected Members from across the Borough, with appointment to the Committee made in accordance with the overall political proportionality of the Council.
 - 2.3** It is recommended that the Member 'Safeguarding Children Panel' is disbanded to avoid duplication of work, with Members of the Safeguarding Scrutiny Committee meeting privately to consider confidential information and provide appropriate challenge to Council services.
- 3. Introduction/Background**
 - 3.1** Following the Cabinet decision (Cab.10.10.2012/6) to change the way the Council carried out its Overview and Scrutiny functions, a CSSC was established. It was agreed that this committee would keep under review the performance of the Council and other relevant organisations providing educational and other services to children and young people and especially in carrying out their corporate responsibilities for safeguarding of children and young people.
 - 3.2** The Committee was also established to specifically monitor the recommendations made by OFSTED (Office for Standards in Education, Children's Services and Skills) following on from their inspection of safeguarding and looked after children (LAC) services in the Borough, during the summer of

2012. Recommendations made by OFSTED in their next inspection in the summer 2014 were also incorporated into relevant work programmes.

- 3.3 In 2012, a Member 'Safeguarding Children Panel' was established (Cab.9.5.2012/7.1) as part of the Council's formal structure. This was created to enable Members to contribute to the safeguarding of children in the Borough by responding to concerns and challenging the performance of services.
- 3.4 Both the CSSC and Member Safeguarding Children Panel have covered topics where they can add most value, highlighting where there are areas of performance requiring improvement as well as areas of good practice. The CSSC was held as a public meeting as it is a formal committee of the Council under the Local Government Act 1972. However, the Member Safeguarding Children Panel was not a formal committee, with meetings held in private to consider information of a confidential nature.
- 3.5 To enable the continued improvement and positive impact of the Council's Overview and Scrutiny function, it is important that the function reflects changes in legislation and the Council's structure. As described in the statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services for local authorities (April 2013), 'a local authority should carry out effective assurance checks, integrated as part of their usual decision-making and scrutiny work, of their structures and organisational arrangements. Once any new arrangements are in place, local authorities should review their arrangements regularly to satisfy themselves that they continue to be effective'.
- 3.6 As a result of the Care Act (2014), in addition to a statutory Children's Safeguarding Board, local authorities are required to have a Safeguarding Adults Board which is made up of key partnership agencies such as the NHS and police to ensure different organisations are working together in the best way to safeguard adults in the Borough.
- 3.7 The Council has also recently undergone transformational change under 'Future Council' which places Adults and Children's safeguarding under one 'People' Directorate.
- 3.8 As a result of the changes highlighted above, and to enable the continued improvement of services, it is important that the Council's Scrutiny arrangements are fit for purpose and enable Elected Members to appropriately challenge service performance and continuous improvement. Therefore it is appropriate that the current Scrutiny arrangements are amended accordingly.
- 3.9 It is also noted that a review of co-opted members on all Scrutiny committees will be undertaken at a later date to address areas of under-representation on the committees, including minority groups e.g. BME communities, disabled people, and whether a more flexible approach can be adopted to the way "experts" are brought in to support the committees.

4. Consideration of alternative approaches

- 4.1 An alternative option would be to leave the Children's Services Scrutiny Committee unchanged. However this would continue to have limited

representation of Elected Members from across our communities and would not be reflective of the recent changes in legislation and Future Council structure.

5. Proposal and justification

- 5.1 It is proposed that in order to reflect the changes in legislation, structure of the Council and to ensure greater representation of Elected Members the focus of the scrutiny committee should become the safeguarding of both adults and children, that the number of Elected Members increases to 10 and to avoid duplication of work the Member Safeguarding Children panel is disbanded.
- 5.2 It is important that the work of the Safeguarding Scrutiny Committee is in cognisance with other bodies of the Council, in particular, the Council's Overview and Scrutiny Committee and Corporate Parenting Panel to avoid duplication of effort. The Council's Overview and Scrutiny Committee and Safeguarding Scrutiny Committee will operate in mutual support of each others' work to keep under review the performance of the Council and other relevant partners and organisations.
- 5.3 The review of the Committee will also take into consideration the Louise Casey inspection report of Rotherham Metropolitan Borough Council (February 2015) which highlights that safeguarding is the responsibility of all Council departments and its partner agencies.
- 5.4 The topics proposed to be covered by the committee would be all issues which relate to the safeguarding of adults and children in the Borough. This will include scrutiny of specialist services with regards to safeguarding, such as the work of both the adults and children's safeguarding boards as well as all other activity which promotes the wellbeing and safeguarding of adults and children in the Borough. These activities could fall under the scope of the Council's partners as well as any Council Directorate including People, Place, Communities, Public Health or Corporate Services. An example includes the licensing activities which are undertaken by the Place Directorate to help safeguard adults and children in the Borough by ensuring that appropriate checks are carried out on taxi drivers.
- 5.5 It is proposed that the committee agrees a work programme which will ensure that key topics are covered; whilst also being reactive should urgent issues require scrutiny. Topics will include combined issues for both adults and children, such as domestic violence; some topics would be the same but would require consideration of different services e.g. adult and children's mental health services, whereas some issues will be separate such as nursing/residential care provision for adults and youth offending services for children and young people.
- 5.6 It is important that Members are able to challenge Council Officers appropriately on service performance, but need to consider information of a confidential nature to do so without the danger of this being inappropriately disseminated. The current arrangements within Member Safeguarding Panel meetings ensure that this is the case and it is therefore proposed that a private session will be held for Members at the end of Safeguarding Scrutiny Committee meetings to continue these arrangements.
- 5.6 To enable the effective scrutiny of services, training will be provided for committee members with regards to the safeguarding of adults and children to

assist with their understanding of the specialist issues associated with the safeguarding of these particular groups.

6. Implications for local people / service users

- 6.1 By endorsing the work to continue to improve the Scrutiny function, this will help the continued improvement of services delivered in our communities. By increasing the number of Members on the committee and reviewing co-optees on Scrutiny, this will give better representation from across our communities.

7. Financial Implications

- 7.1 There are no direct financial implications arising from this report.
- 7.2 It is noted however that the work of Scrutiny helps to ensure the delivery of value for money services across the Borough.

8. Employee implications

- 8.1 There are no direct employee implications arising from this report.

9. Communications implications

- 9.1 It is noted that the work of Scrutiny keeps under review the performance of the council and other relevant organisations in providing safeguarding and other services to Barnsley communities. Proactive communication about these services and activities takes place on a regular, planned basis as part of the communication strategy for each directorate.

10. Consultations

- 10.1 Consultation has taken place with Councillors Worton (CSSC Chair), Ennis (OSC Chair) Bruff (Cabinet Spokesperson for People-Safeguarding), T. Cheetham (Cabinet Spokesperson for People-Achieving Potential), Gardiner (Cabinet Spokesperson for Corporate Services) and Council Officers Rachel Dickinson, Andrew Frosdick, Julia Bell and Rachel King.

11. The Corporate Plan and the Council's Performance Management Framework

- 11.1 Children's and adults' services, in particular to those who are vulnerable, are a high priority for the council and the work of Scrutiny promotes this emphasis and contributes to performance improvement.
- 11.2 The work of Scrutiny also contributes to the achievement of and Improvement in services in relation to a number of outcomes identified in the Council's Corporate Plan Performance Report.

12. Tackling health inequalities

- 12.1 Ensuring the wellbeing and safeguarding of our adults and children continues to be a priority for the Council and its partners. The work of Scrutiny contributes to this work in highlighting issues and ensuring appropriate plans are in place to address them.

13. Risk management and health & safety issues

- 13.1 Currently, the CSSC is responsible for reviewing performance in relation to services for children in the Borough, and therefore contributes towards the effective control and mitigation of risks relating to the delivery of services to children, young people and families. The CSSC is also logged as a control measure against risks that are recorded in the Council's own Strategic Risk Register ('Lack of educational attainment'), and ('Failure to Safeguard Vulnerable Service Users'). The controls for these risks will be updated to reflect the changes described in the body of this report.
- 13.2 At an operational level, the Human Resources, Performance and Communications Service has a risk regarding the Overview and Scrutiny function logged in their Operational / Service risk register ('Failure to advise, support and coordinate the statutory Scrutiny functions for the Council') which will be updated to reflect the focus on Safeguarding Scrutiny.
- 13.3 The appropriate membership of the Safeguarding Scrutiny Committee plays an important part in ensuring the breadth and depth of the overview and scrutiny function remains robust, and by its nature, 'risk-based'. The implications of this report in terms of a broader and more joined up oversight of Safeguarding arrangements, and the increase in the Elected Member membership to the Safeguarding Scrutiny Committee will be included as control measures to the risks identified above.
- 13.4 As part of the Safeguarding Scrutiny Committee's overarching role, the consideration of threats and uncertainties to the delivery of quality services to both children and adults will include the consideration of risk management and health and safety issues as part of this work.
- 13.5 The control that the newly formed Safeguarding Scrutiny Committee will offer to safeguarding and child protection matters provides some robust assurances regarding the provision of a safe and harm free environment for some of the Council's most vulnerable service users.

14. Promoting equality & diversity and social inclusion

- 14.1 The work of Scrutiny promotes equality and diversity and social inclusion throughout all its work in considering the performance of and improvement in services. By changing the focus of the Committee to look at the safeguarding of both adults and children, it will be considering the Borough's most vulnerable groups.
- 14.2 By undertaking a wider review of co-optees on Scrutiny committees, this should address areas of under-representation on the Committees, including those from minority groups.

15. Reduction of crime & disorder

- 15.1 As part of Scrutiny's role in performance management and service improvement, work is specifically undertaken in relation to the reduction of crime and disorder through the consideration of particular services and work with partners. Under the remit of the Safeguarding Scrutiny Committee, examples include the troubled

families programme and the work of the Community Safety Partnership which specifically impacts upon the safeguarding of adults and children in the Borough.

16. Appendices

16.1 Appendix 1 – Proposed Terms of Reference – Safeguarding Scrutiny Committee

17. Glossary

17.1 CSSC - Children's Services Scrutiny Committee

LAC - Looked After Children

OFSTED - Office for Standards in Education, Children's Services and Skills

OSC - Overview and Scrutiny

18. Background papers

18.1 To establish a Corporate Parenting Panel and a Safeguarding Children Panel as part of the Council's formal structure (Cab.9.5.2012/7.1).

18.2 Review of the Children's Services Scrutiny Committee 2013/15 and Plans for 2015/16 (Cab.25.3.2015/6).

18.3 Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services for local authorities (April 2013), available on the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271429/directors_of_child_services_-_stat_guidance.pdf

18.4 Report of the inspection of Rotherham Metropolitan Borough Council by Louise Casey CB (published 4th February 2015), available on the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf

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Financial Implications /

Consultation

*(To be signed by senior Financial Services officer
where no financial implications)*

Terms of Reference for the Safeguarding Scrutiny Committee (SSC)

- To support the work of the Overview and Scrutiny Committee in the scrutiny of Cabinet decisions and recommendations specifically in relation to the wellbeing and safeguarding of adults and children in the Barnsley Borough and the services provided or commissioned in this regard.
- To keep under review the performance of the Council and other relevant partners and organisations in where this relates to the safeguarding of adults and children in the Borough.
- To monitor on a regular basis progress made by the Council and its partners in addressing the areas of concern and specific recommendations for action made by Ofsted, the Care Quality Commission and similar or successor bodies within the remit of the Committee.
- To determine an appropriate programme of work for each municipal year, in cooperation with the Overview and Scrutiny Committee, and having regard to the work of groups such as the Corporate Parenting Panel to avoid a duplication of effort.
- To consider Call-In requests and Councillor Calls for Action within the remit of the Committee.
- To submit reports about its investigations to Cabinet as appropriate.
- To make recommendations to Council about the appointment of non-statutory co-optees to the Committee.
- To reflect the views of local residents about the future provision of services in the borough with the remit of the Committee.
- To consider matters arising out of consideration of local service delivery by the Area Councils, where an issue with corporate or borough-wide implications has been identified.
- To invite to its meetings relevant experts/witnesses, including but not limited to:-
 - Cabinet Members;
 - Members of the Council's senior management team or their representatives;
 - Representatives of other appropriate partners and organisations, including NHS bodies, service providers, and community groups.

Meetings Practice

- The Safeguarding Scrutiny Committee is a meeting of the Council under the terms of the Local Government Act 2000. Meetings will be subject to the relevant provisions of the Local Authorities (Executive Arrangements)

**(Meetings and Access to Information) (England) Regulations 2012
regarding notice of meetings and the availability of papers.**

- **Meetings will be held in public, but direct public participation will not be permitted. Following the Safeguarding Scrutiny Committee, a private session will be held for Members to enable them to provide challenge to information of a confidential nature.**
- **The Council's Standing Orders in relation to the chairing of and voting in meetings, and disclosure of interests by Members, apply to meetings of the Safeguarding Scrutiny Committee. The quorum for a meeting is one third of the Committee's members.**