

BARNSELY METROPOLITAN BOROUGH COUNCIL

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

REPORT OF THE EXECUTIVE DIRECTOR (CHILDREN'S SERVICES) TO CABINET ON 21 APRIL 2021

PROPOSAL FOR A COMBINED INDEPENDENT SAFEGUARDING PERSON AND CHAIRPERSON FOR THE BARNSELY SAFEGUARDING CHILDREN PARTNERSHIP

1.0 PURPOSE OF REPORT

- 1.1 To seek Cabinet's endorsement for the appointment of a combined Independent Chair and Independent Scrutineer for the Barnsley Safeguarding Children Partnership.

2.0 RECOMMENDATIONS

- 2.1 **That Cabinet approves Option 1, the appointment of a combined Independent Chair and Independent Scrutineer for the Barnsley Local Safeguarding Children Partnership as part of further improving the assurance of local safeguarding arrangements for children and young people in the Borough.**
- 2.2 **That a further report on extending such arrangements to the safeguarding of vulnerable adults in the Borough be considered by Cabinet at a future date.**

3.0 INTRODUCTION

- 3.1 Previously, safeguarding arrangements were delivered by Local Safeguarding Children Boards (LSCBs), as set out under the Children Act 2004. However, a government review in 2016 led to significant reform, as set out in the Children and Social Work Act (2017) and statutory guidance, "Working Together to Safeguard Children" (2018).
- 3.2 The Children and Social Work Act 2017 removed the requirement for local authorities to establish LSCBs and instead placed a duty on three safeguarding partners, the Local Authority, Police and Health to work together to safeguard and promote the welfare of children in their area.
- 3.3 "Working Together to Safeguard Children" (2018) notably introduced arrangements for the independent scrutiny of local safeguarding arrangements, setting out the following key guidance and principles:
- Independent scrutiny will provide assurance in judging the effectiveness of multi-agency arrangements to safeguard and promote the welfare of all children, including arrangements to identify and review serious child safeguarding cases. It is part of a wider system which includes the independent inspectorates' single assessment of individual safeguarding partners and the Joint Targeted Area Inspections (Para 31)

- Whilst the decision on how best to implement a robust system of independent scrutiny is made locally, safeguarding partners should ensure scrutiny is objective, acts as a constructive *critical friend* and promotes reflection to drive continuous improvement (Para 32).
- The independent scrutineer should consider how effectively arrangements are working for children and families as well as for practitioners, and how well safeguarding partners provide strong leadership and agree with the safeguarding partners how this will be reported (Para 33).
- The published arrangements should set out the plans for independent scrutiny; how the arrangements will be reviewed; and how any recommendations will be taken forward. This might include, for example, the process and timescales for ongoing review of the arrangements (Para 34).
- Safeguarding partners should also agree arrangements for independent scrutiny of the report they must publish at least once a year (Para 35).

4.0 PROPOSAL AND JUSTIFICATION

- 4.1 Barnsley Safeguarding Children Partnership (BSCP) formally replaced the Barnsley Safeguarding Children Board from 1st April 2019. The Partnership is the organisation responsible for agreeing how services and agencies work together to safeguard and promote the welfare of children and young people in the borough and to ensure that they do so effectively. The Partnership has an Independent Chair and brings together senior representatives from the key statutory, voluntary, and community sectors with a responsibility for delivering services to children and young people.
- 4.2 The Chair of the Partnership is accountable to the three Safeguarding Partners, the Police, Health (CCG) and the Local Authority (through the Chief Executive and Director of Children's Services). Each agency representative involved in the work of the Partnership is accountable to the governing body of their own agency.
- 4.3 Whilst the Barnsley Safeguarding Children Partnership replaced the Barnsley Safeguarding Children Board, the role of Independent Chair was retained for consistency. However, the role and functions of an Independent Scrutineer, as set out in the statutory guidance has not been established
- 4.4 An Independent Scrutineer will add impartial, constructively critical challenge and appraisal of safeguarding arrangements. The scrutineer should have relevant experience in multi-agency work to safeguard children and will keep the needs and perspectives of the borough's children and young people at the heart of everything done to undertake the role.
- 4.5 The Independent Scrutineer can also provide clear and evidenced appraisal of, the borough's multi-agency safeguarding arrangements, by attending and chairing key meetings and examining work done by vital groups, including meeting children and young people and feeding back on what is found. The Independent Scrutineer would also be able to chair full safeguarding partnership meetings, part of which will include the scrutineer's feedback to statutory key partners and agencies on findings from scrutiny.
- 4.6 A planned safeguarding adults peer review is planned during 2021. The outcome of this peer challenge, alongside the experiences and learning from commissioning a

BSCP Independent Scrutineer will inform appropriate and future arrangements for the Barnsley Safeguarding Adults Board (BSAB)

4.7 Key Duties of the Independent Scrutineer

4.8 The statutory guidance states that among the key duties of independent scrutiny within local safeguarding arrangements are the following:

- Assess how well organisations work together to safeguard and promote the welfare of children and to hold each other to account for effective safeguarding.
- Contribute to the content of the safeguarding children partnership's annual report on the effectiveness of safeguarding arrangements, their performance and the effectiveness of local services.
- Assess the effectiveness of the help being provided to children and families including through universal and early help services.
- Assess whether the three statutory safeguarding partners are fulfilling their statutory obligations
- Scrutinise the quality assurance activity (including reviewing statutory and local reviews, the results and findings of multi-agency case file auditing, and local processes for identifying lessons to be learned from tragedy and crises in children's lives).
- Scrutinise the effectiveness of training, including multi-agency training, whose aim is to equip staff to safeguard and promote the wellbeing and welfare of children.
- Assess the effectiveness of safeguarding arrangements.
- Provide a rigorous, evidence based and transparent assessment of the extent to which partners and relevant agencies are fulfilling their statutory duties to keep children safe.
- Evaluate the operational arrangements of the safeguarding partnership and attend/chair a range of meetings and activities, including observations of practice and visits to partner and relevant agencies.
- Support and evaluate the implementation of findings and outcomes from safeguarding reviews.
- Assess whether effective performance management, audit and quality assurance mechanisms are in place within partner organisations which will support the three safeguarding partners to fulfil their statutory objectives, and which will enable the partnership to identify and measure its success and impact.
- Ensure that the voices of children, young people and their families are appropriately represented and heard in the work of the partnership.
- Lead and evaluate multi agency deep dive and quality assurance audits to measure quality of practice assess the partnership.

5.0 CONSIDERATION OF ALTERNATIVE APPROACHES

5.1 In evaluating the most effective form of scrutiny in relation to the role and responsibilities of the Barnsley LSCP in safeguarding and promoting the welfare of children and young people in the borough, the following options were considered:

5.2 **Option 1: Combined Independent Scrutineer and Chair for the Barnsley Local Safeguarding Children Partnership**

5.2.1 The recommendation option is to commission an Independent Scrutineer to meet the key requirements, as set out under Working Together 2018 and to chair the Barnsley Safeguarding Children Partnership (BSCP). As part of their role, the Independent Scrutineer could also chair the Barnsley Local Safeguarding Children Partnership meetings.

5.2.2 The strengths and opportunities associated with this option are outlined below:

Strengths/Opportunities

- If arrangements for Barnsley Safeguarding Children Partnership are successful, there is the opportunity to develop consistent arrangements for the BSAB as part of a coherent, whole systems-based approach to safeguarding in the borough.
- Independent Scrutiny, critical challenge and clear, evidenced appraisal of, the multi-agency safeguarding arrangements.
- Consistency and efficiency in chairing the full safeguarding partnership meetings, part of which can include the scrutineer's feedback to statutory key partners and agencies on findings from scrutiny.
- Independent Scrutiny and assessment of how well organisations work together to safeguard and promote the welfare of children and to hold each other to account for effective safeguarding.
- Independent Scrutiny and assessment of the effectiveness of the help being provided to children and families including through universal and early help services.
- Independent Scrutiny of the effectiveness of the three statutory safeguarding partners in fulfilling their statutory obligations.
- Independent Scrutiny of quality assurance activity (including reviewing statutory and local reviews, the results and findings of multi-agency case file auditing, and local processes for identifying lessons to be learned from tragedy and crises in children's lives).
- Independent Scrutiny of the effectiveness of training, including multi-agency training, whose aim is to equip staff to safeguard and promote the wellbeing and welfare of children.
- Provide a rigorous, evidence based and transparent assessment of the extent to which partners and relevant agencies are fulfilling their statutory duties to keep children safe.
- Independent evaluation of the operational arrangements of the safeguarding partnership and the range of meetings and activities including direct observation of practice and visits to partner and relevant agencies.
- Independent Scrutiny of the implementation of findings and outcomes from safeguarding reviews.

- Independent Scrutiny of performance management, audit and quality assurance mechanisms that are in place within partner organisations which will support the three safeguarding partners to fulfil their statutory objectives, and which will enable the partnership to identify and measure its success and impact.
- Independent Scrutiny of how well the voices of children, young people and their families are appropriately represented and heard in the work of the partnership.

Weaknesses/Risk

- Change management and consistently in current, well established arrangements

5.3 **Option 2: Do Nothing**

5.3.1 An alternative option is to do nothing and continue with the current and existing arrangements. This option is not supported, primarily because it is not compliant with statutory guidance. Equally, mainlining the current arrangements, which whilst providing consistency in terms of the chairing of the BSCP, do not provide independent scrutiny, supporting the learning and continuous improvement of our local safeguarding arrangements.

5.3.2 The strengths and weaknesses of Option 2 are outlined as follows:

Strengths/Opportunities

- Consistency for the Chairing of the BSCP

Weaknesses/risks

- Failure to comply with statutory guidance
- Reputational risk; poor inspection outcome
- Lack of independent scrutiny of current arrangements, with the risk of not challenging and driving continuous improvement
- Independence can become questionable after any post holder has been in post for a significant period.

5.4 **Option 3: Establish two separate posts; the Role of Independent Chair of the LSCP and the Role of the Independent Scrutineer**

5.4.1 The third and final option would be to commission both an Independent Scrutineer and an Independent Chair of the BSCP. This option is not supported on the grounds of efficiency, the risk of duplication and the potential for a blurring of roles and boundaries. The BSCP employs a Safeguarding Partnership Manager and together with the establishment of an Independent Scrutineer, there would not be sufficient responsibilities to justify maintaining an Independent Chair.

5.4.2 The strengths and risks within Option 3 are summarised as follows:

Strengths/Opportunities

- Consistency for the Chairing of the BSCP

Weaknesses/Risks

- Lack of efficiently, effectiveness and risk of duplication.

- Insufficient responsibilities to justify the role of an Independent Chair and Independent Scrutineer, as well as a Partnership Manager.
- Exposes the BSCP to increased costs

5.5 In considering both the justification for the proposal in this report, together with the alternative approaches, Cabinet is encouraged to endorse Option 1 as the best means for the scrutiny of the Barnsley LSCP in discharging its responsibilities for safeguarding and promoting the welfare of children and young people in the borough. This would be in full accordance with the relevant provisions of the Children and Social Work Act (2017) and the statutory guidance “*Working Together to Safeguard Children*” (2018)

6.0 IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.1 The proposed appointment of a combined Independent Scrutineer and Chair for the Barnsley Safeguarding Children Partnership would have no adverse impact on the effectiveness with which children and young people are currently safeguarded and on the promotion of their welfare.

6.2 If agreed, there would be carefully managed transitional planning, from the current arrangements to the new arrangements.

6.3 A planned safeguarding adults peer review is planned during 2021. The outcome of this peer challenge, alongside the experiences and learning from commissioning a BSCP Independent Scrutineer will inform appropriate and future arrangements for the BSAB.

7.0 FINANCIAL IMPLICATIONS

7.1 There are no additional financial implications as the funding for a combined Independent Scrutineer and Chair for the Barnsley Safeguarding Children Partnership will be funded from the BSCP budget.

7.2 The proposed remuneration is £600 per day (the daily rate covers all expenses) for up to 36 days per year (non-pensionable). This cost can be contained within the BSCP budget, as the existing budget / cost projection for the Independent Chair is approximately £22k (£550 per day, excluding expenses and for up to 40 days per year).

7.3 It should be noted that the operating costs of the BSCP is funded through contributions from the 3 main partner organisations, i.e. the Council, Barnsley CCG and the Police & Crime Commissioner.

8.0 EMPLOYEE IMPLICATIONS

8.1 Currently, there are no employee implications emerging through consideration of this proposal (*the current independent Chair of the Partnership is not an employee of the Authority*) If, as indicated earlier, the role of Independent Scrutineer is extended to support the role and responsibilities of the Barnsley Safeguarding Adults Board, at a later date, then any potential employee implications will be reported to Cabinet.

8.2 The commissioning agreement for the Independent Chair of the BSCP requires 3 months' notice in writing expiring at any time.

9.0 LEGAL IMPLICATIONS

9.1 The proposed appointment of a combined Independent Chair and Independent Scrutineer for the Barnsley LSCP will enable the borough's current arrangements for safeguarding and promoting the welfare of children and young people to better accord with the relevant provisions of the Children and Social Works Act (2017) together with the subsequent statutory guidance.

9.2 No further legal implications are anticipated through adoption of the proposal.

10.0 CUSTOMER AND DIGITAL IMPLICATIONS

10.1 There are no implications for customers' access to the range of Council services or for the onus in favour of digital transactions arising through the proposal.

11.0 COMMUNICATIONS IMPLICATIONS

11.1 Subject to Cabinet's endorsement of the proposal, the change will be communicated to all statutory partners and relevant agencies with responsibility for safeguarding and promoting the welfare of children and young people, particularly via the LSCP's Web Site, as part of the proposal's implementation.

12.0 CONSULTATIONS

12.1 Our statutory partners, namely the Chief Superintendent of South Yorkshire Police (Barnsley District) and the Acting Chief Executive of the Barnsley Clinical Commissioning Group, together with the Council's Senior Management Team have been consulted and have all endorsed Option 1 of this report.

12.2 Finance, HR, the Chair of the Barnsley Safeguarding Children's Partnership and the BSCP have been consulted

13.0 THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

13.1 The proposal would support the creation of a healthier, safer and better educated population to achieve the following outcomes:

- Every child attends a good school and is successful in learning and work.
- Reducing demand through access to early help.
- Children and adults are safe from harm.
- People are healthier, happier, independent and active.

13.2 The BSCP focuses primarily on the aspect of 'staying safe', which ensures that children and young people are cared for, have security and stability and are kept safe from:

- Maltreatment, neglect, violence and sexual exploitation.
- Accidental injury and death.
- Bullying and discrimination.

- Crime and anti-social behaviour in and out of school.

14.0 PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

14.1 The Barnsley Safeguarding Children Partnership is committed to promoting equality and inclusion and eliminating any unlawful discrimination through its four strategic priorities, namely:

1. Sharing and engaging best practice with stakeholders, including employers, communities and the general public
2. Helping, empowering and supporting vulnerable families, children and young people, including those with a protected characteristic as defined by the Equality Act (2020) and Public Sector Equality Duty
3. Preventing harm arising to all vulnerable children, including through effective, independent scrutiny of local arrangements.
4. Holding statutory partners and relevant agencies to effective account, including meeting the specific needs of children who have a protected characteristic.

15.0 TACKLING THE IMPACT OF POVERTY

15.1 Independent scrutiny will add value towards effectively achieving the BSCP's strategic priorities with the result that children and young people can be better placed to achieve their potential; to participate in the employment market via sustainable jobs and are better shielded from the impact of poverty.

16.0 TACKLING HEALTH INEQUALITIES

16.1 Similarly, independent scrutiny will add value to ensuring statutory partners are held to account for their performance in promoting the health and wellbeing of vulnerable children and young people; together with reducing health inequality, thereby "*adding years to life*" and "*life to years*" as expressed in our Children and Young People's Plan and our "*365 for Every Child and Make Every Day Count*" approach..

17.0 REDUCTION OF CRIME AND DISORDER

17.1 Equally, independent scrutiny will add value to multi-agency partnership-based work in preventing the conditions through which children and young people could potentially be subjected to harm, including criminal exploitation and in successfully helping pursue convictions against perpetrators.

18.0 RISK MANAGEMENT ISSUES

18.1 Any risks to the progress of the BSCP's Strategic Priorities are regularly reviewed and remedial action is taken to manage and mitigate such risks. The Board's operational risk register is overseen by the Partnership's Performance Audit and Quality Assurance Sub-Group.

18.2 The proposal to implement a combined Independent Chair/Independent Scrutineer arrangement as part of local children's safeguarding arrangements is not envisaged to create any adverse impact to the effectiveness of these arrangements and the transition will be informed through evidence-based practice.

19.0 HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 The BSCP and its sub-groups will continue to effectively fulfil statutory responsibilities during the Covid-19 Pandemic as part of ensuring all vulnerable children are tracked and monitored; that social workers are maintaining contact with them and that they are attending their school or setting to mitigate any impact upon their education and wellbeing.

20.0 COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 The proposal is compatible with the Articles and Protocols of the Convention, particularly the right of the child to be protected from serious harm.

21.0 CONSERVATION OF BIODIVERSITY

21.1 There are no implications for the local environment, tackling climate change or for the conservation of biodiversity emerging through this report.

22.0 GLOSSARY

22.1 None applicable.

23.0 LIST OF APPENDICES

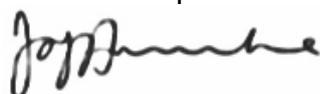
23.1 There are no appendices to this report.

24.0 BACKGROUND PAPERS

24.1 If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Melanie John-Ross (Executive Director: Children's Services)

Financial Implications/Consultation



Joshua Amahwe (18/02/2021)

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(To be signed by the Financial Services Manager)