

## **Report to the Cabinet**

**Report reference:** C-056-2013/14  
**Date of meeting:** 2 December 2013



**Portfolio:** Safer, Greener & Transport

**Subject:** Safeguarding Audit and Resource Requirements

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### **Recommendations/Decisions Required:**

- (1) That the Cabinet notes the new and emerging issues relating to Safeguarding of Children, Young People and Vulnerable Adults, and the increased responsibilities of district and borough councils in relation to this;**
- (2) That the Cabinet considers the findings of the Council's Safeguarding self assessment audit submitted on 25 October 2013 and;**
- (3) That the Cabinet agrees to a DDF sum of £88,000 for the appointment of a full – time senior level Safeguarding Officer and a part time Admin. Assistant post for a fixed term period of two years.**

### **Executive Summary:**

The Council has a Duty of Care under Section 11 of the Children's Act 2004 in respect of safeguarding and promoting the welfare of children and young people who live and receive services within the district and those young people originating from the district who are 'looked after'. In addition, although there is currently no legislative requirement for the safeguarding of Vulnerable Adults, the Council is responsible for ensuring that these adults who live in the district, or receive local services are safe from harm and are not subjected to exploitation or abuse.

During the last year, Government has moved towards a more 'joined- up' approach towards safeguarding and Ofsted audit inspections, and in line with this, Essex Safeguarding Children's and Adults Boards are now working more closely together and have introduced combined safeguarding assessments and training for statutory partners in Essex. In addition, Ofsted has announced that rather than focussing its inspection on County Council's as the statutory provider of Children's Services, it will scrutinise district and borough council's safeguarding arrangements and where weaknesses or strengths are demonstrated, it will publish these along with the Tier 1 authority findings.

The Council was required to complete the first of these new assessments in October, which contained eight specific themes to assess the ability of organisations to fulfil their safeguarding duties under Section 11 and 47 of the Children's Act. Previously, these assessments were required on a three yearly basis, but local councils are now required to complete them annually. Unfortunately, during the assessment process, it was identified that the Council is 'not meeting' 10% and only 'partly meeting' 55% of its requirements under

Section 11 of the Children Act. Therefore only 35% of the council's arrangements for safeguarding fully meet the standards required. Particular weaknesses were found under the theme of Embedding Policy across the organisation.

Under the new themes assessed, a great deal more emphasis has been placed on a 'whole organisation' approach to safeguarding and the need for senior and leadership commitment, adequate resourcing, wider staff awareness, training, record keeping and policy development. As this requires a significant amount of extra work for Councils, many within Essex have established full time Safeguarding Officer posts and some have small safeguarding teams to undertake the additional work required.

At present, there are no dedicated staff resources within the Council for safeguarding and until now, it has been possible to manage the workload involved through expanding the roles of existing staff. However, in consideration of the findings of the recent self assessment and the knowledge that these will be required on an annual basis, it is evident that a new, dedicated resource is required, in order to accommodate the volume of work entailed and to ensure that the Council, its' staff and Elected Members can meet their duties and responsibilities.

#### **Reasons for Proposed Decision:**

Due to changes in Safeguarding Ofsted Inspections and local assessments, greater scrutiny will be placed on district and borough councils. In future, instead of inspections focussing predominantly on Essex County Council, any strengths and weaknesses found in district and borough councils will be published in addition to identified strengths and areas for improvement of the multi-agency response.

#### **Other Options for Action:**

None. If Cabinet decides to reject this recommendation it puts the Council at risk of not meeting its legal duties and responsibilities.

#### **Report:**

1. The first Children's Act was passed in 1989 in order to allow the state to intervene in parent-children relations, mainly in the case of abuse and violence. Following this, the death of Victoria Climbié, who was tortured and murdered by her parents in 2000, activated a public inquiry headed by Lord Laming. Within this it was discovered that there were numerous instances where Victoria could have been saved and that many of the organisations involved in her care did not share information and respond appropriately. The subsequent report by Lord Laming made numerous recommendations related to child protection in England and her death was largely responsible for the formation of the Every Child Matters initiative and the introduction of the Children Act 2004.

2. On a national level, Ofsted, the Care Quality Commission, HM Inspectorate of Constabulary, HM Inspectorate of Probation and HM Prisons agencies are now committed to a new joint inspection of multi-agency arrangements for the protection of children in England. These inspections focus on the effectiveness of local authority and partners' services for children and may trigger inspection activity by HM Crown Prosecution Service Inspectorate where authorities are identified as not meeting their legal duties.

3. The new inspection regime scrutinises local district and borough council safeguarding arrangements as part of the wider Essex County Council audit. It also proposes to include production of a specific report that identifies the strengths and areas for improvement of the multi-agency response as well as strengths and weaknesses in individual agencies.

Previously, the focus of the published reports was on Essex county Council as the Children's Services Authority.

#### The Role of District and Borough Authorities

4. As a key provider of public services the Council therefore has a responsibility to safeguard and promote the welfare of children, and young people. This is a legislative requirement under Section 11 of the Children Act 2004 and includes children and young people who have originated from the district but may be living in foster or social care within or outside of the district. This responsibility extends under Section 47 of the Children's Act, in respect of the Council's duty to cooperate with Essex County Council in discharging its safeguarding duties as a Children's Services Authority.

5. With responsibility for Sheltered Housing Schemes, Homeless accommodation, Community Safety and a range of other services, the Council also has a responsibility for the safeguarding and well-being of Vulnerable Adults and works with Essex Police and Essex County Council Social Care team in its role as the lead agency for the protection of vulnerable people.

6. These responsibilities and duties have been separate for children, young people and vulnerable adults up until early 2013 when Essex Safeguarding Children and Adults Boards merged, in a move to safeguard vulnerable people throughout their lifetime. This has resulted in an amalgamation of several county safeguarding groups and local policies and procedures.

7. Local Councils are now measured on their ability to fulfil their duties and responsibilities for safeguarding, by completing annual self assessments based around eight distinct themes as below:

- Senior management and leadership commitment to safeguarding
- Lines of accountability
- Embedding policy
- Early help and interagency working
- Information sharing
- Learning and improvement
- Service development and emerging issues, and;
- Safe recruitment, vetting and allegations management

8. The first of these new assessments was completed in October.

#### How has the Council met its' responsibilities to date?

9. The Council established a Corporate Safeguarding Group in 2008, consisting of representatives from each service area and a Lead Professional, Lead Officer and Deputies. At this time, the EFDC Safeguarding Policy was reviewed and updated and new procedures were developed across the organisation. These arrangements put EFDC ahead of many of the other district and borough councils in Essex and the Council was held in high regard by Essex Safeguarding Children's Board in terms of its ability to fulfil its duties.

10. However, over the last 18 months, there have been a range of new and emerging issues related to safeguarding which have impacted on local Council's across Essex including the Epping Forest District. These include issues such as Domestic Abuse, Child Sexual Exploitation (CSE) and 'Honour' based Abuse (HBA). Examples of local cases includes young people who have been subject to CSE being re-located from London Boroughs to live in the District and women seeking refuge from 'Honour' based Abuse and

Forced Marriage finding refuge here. The Domestic Homicide in Loughton last year has also really highlighted the reality that these are issues for Epping Forest residents and the steady increase in incidents of Domestic Abuse further demonstrate the need for greater vigilance and awareness of staff and Members.

11. The District Council's response to these new issues and the new arrangements for safeguarding inspections has been to undertake a complete review of the Council's Safeguarding Policy and procedures including developing a combined child and adult policy and identifying designated safeguarding roles within the organisation. The new policy highlights the importance of ensuring a whole Council approach to safeguarding including Elected Members, and the need for all staff and Members to be trained in safeguarding to a level that meets the requirement of their role.

12. The Council's procedure for reporting issues of concern and allegations against staff has also been reviewed and officers are currently completing a new secure IT database to record and report all safeguarding incidents and referrals that arise within the authority. The new Safeguarding Policy additionally includes specific policies and guidance on the wider safeguarding concerns that are being seen in Essex and Epping Forest and the Council's Intranet is being updated with a Safeguarding Portal highlighted on the Home page.

13. A new Safer Recruitment Policy and induction programme has additionally been developed in line with the new Corporate Policy which includes details of the Government's recent changes to the criminal records and barring arrangements for people employed to work with children, young people and vulnerable adults. This will be submitted to Joint Consultative Committee in December.

14. However, in the recent safeguarding self assessment that was undertaken during October, it was identified that the Council is 'not meeting' 10% and only 'partly meeting' 55% of its requirements under Section 11 of the Children Act. Therefore only 35% of the council's arrangements for safeguarding fully meet the standards required. Particular weaknesses were found under the theme of Embedding Policy across the organisation.

15. This report therefore seeks Cabinet approval for a DDF sum of £88,000 for the appointment of a full – time senior level Safeguarding Officer and a part time Admin. Assistant post for a fixed -term period of two years. It is anticipated that this will enable the Council to put in place the necessary actions in order to fully meet its duties and responsibilities. After this time, it is hoped that the level of this resource could be reduced, as it is anticipated that the longer term safeguarding role would involve maintenance of the standards achieved.

#### **Resource Implications:**

Due to the responsibility level of the officer post, it is anticipated that it will be Grade 9 (subject to Job Evaluation) commencing salary £35,430 plus on costs, The Admin. Assistant role is expected to be Grade 4, at approximately £8,415 per annum for 18hrs per week plus costs. Therefore the total cost of both posts being £43,845 per annum.

#### **Legal and Governance Implications:**

The Council is required to fulfil it's duties to safeguard and promote the well being of children and young people under Section 11 and 47 of the Children's Act 2004. The Essex Safeguarding Adults Board, although not under statutory obligation, also assesses statutory partners on the strength of their Adult Safeguarding arrangements.

**Safer, Cleaner and Greener Implications:**

The District Council is responsible for ensuring that all children, young people and vulnerable adults are protected from harm and exploitation.

**Consultation Undertaken:**

The Council has been in consultation with Essex County Council and district, city and borough authorities across Essex in respect of safeguarding children, young people and vulnerable adults. New inspection frameworks for safeguarding through annual self assessment audits have been agreed by all statutory partners in Essex.

**Background Papers:**

Children's Act 1989 and 2004.

**Impact Assessments:**Risk Management

Under the Children's Act 2004, the Council has a duty to protect children and young people living or originating from the Epping Forest District, from harm and exploitation. It also has a duty Under Section 47 of the Children's Act to work with Essex County Council in regard to any investigations into the welfare or harm of a child. If the Council does not fulfil these duties and responsibilities, it is at risk of failing a child, or young person and receiving very negative publicity.