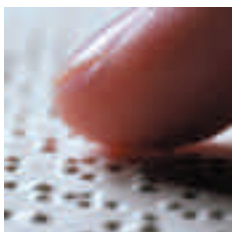


Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004



Every Child Matters
Change For Children



Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004

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Contents



Executive Summary	1
Statutory guidance on making arrangements under section 11 of the Children Act 2004	1
Other related guidance	2
Preface	5
Safeguarding children is everyone’s responsibility	5
Who should read it	5
Improving outcomes for children and young people	5
Introduction	7
1.4. The Role and status of this guidance	8
1.10. Timetable	9
Part One – General Arrangements to Safeguard And Promote Welfare	10
2.1. Understanding the duty to make arrangements to safeguard and promote welfare	10
2.11. Framework for making effective arrangements to safeguard and promote children’s welfare – Local Safeguarding Children Boards	12
2.13. Strategic and organisational arrangements	13
2.14. Work with individual children and their families	18
2.19. Inter-agency co-operation to improve the wellbeing of children	25
2.22. Monitoring and inspection of arrangements to safeguard and promote welfare	26
Part Two – Arrangements to Safeguard and Promote Children’s Welfare in Different Agencies	27
3. Local Authorities, including District Councils	28
3.1. Improving the wellbeing of children	28
3.3. The role of local authorities in safeguarding and promoting the welfare of children	28
3.4. Culture and Leisure Services	28
3.5. Early Years and Childcare	29

3.6.	Education and Schools	29
3.7.	Licensing Authorities	29
3.8.	Housing Authorities	30
3.11.	Children’s Social Care	31
3.14.	Youth Services	32
3.15.	Connexions	32
3.16.	Fire and Rescue Authorities	32
3.20.	Child employment	33
3.22.	Making arrangements to safeguard and promote welfare in Local Authorities, including District Councils	33
3.23.	Senior management commitment and accountability	34
3.24.	Clarity about Local Authority’s responsibilities for safeguarding and promoting the welfare of children	34
3.26.	Involving children and young people and families in planning and developing services	35
3.27.	Ensuring services for children are safe and accessible	35
3.28.	Staff training and continuing professional development	35
3.30.	Safer recruitment, vetting procedures and procedures for responding to allegations against staff	36
3.32.	Effective inter-agency working to safeguard and promote the welfare of children	36
3.35.	Work with children and young people	37
3.36.	Ascertaining the wishes and feelings of children in need	37
3.37.	Information sharing	37
4.	Connexions	38
4.3.	Making safeguarding and promoting welfare arrangements in connexions partnerships	38
4.7.	Senior management commitment	39
4.9.	Statements of responsibility	39
4.10.	A clear line of accountability	39
4.13.	Service development	40
4.14.	Staff training	40
4.16.	Safer recruitment	40
4.17.	Effective inter-agency working	40
4.19.	Work with individual children and young people	41
4.24.	Information sharing	42

5.	The National Health Service	43
5.1.	The role of the NHS in relation to safeguarding and promoting the welfare of children	43
5.2.	NHS standards	43
5.8.	Making arrangements to safeguard and promote welfare in the NHS	45
5.9.	Roles and responsibilities of different NHS organisations	45
5.12.	A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children	46
5.13.	Service development	47
5.14.	Staff training and continuing professional development	47
5.15.	Safer recruitment and vetting procedures	48
5.16.	Effective inter-agency working	48
6.	The Police	50
6.1.	The role of the police in relation to safeguarding and promoting the welfare of children	50
6.6.	Making arrangements to safeguard and promote children’s welfare in the police service	51
6.8.	Senior management commitment and accountability	51
6.11.	Statements of responsibility	52
6.13.	Service development	52
6.16.	Training	52
6.17.	Safer recruitment, vetting and complaints procedures	52
6.18.	Work with individual children	52
6.20.	Inter-agency Working	53
6.22.	Information Sharing	53
7.	British Transport Police	54
7.1.	The role of the British Transport Police in safeguarding and promoting the welfare of children	54
7.8.	Senior management commitment	55
7.10.	Statement of responsibility	55
7.11.	Accountability within the BTP for work on safeguarding and promoting the welfare of children	55
7.13.	Training	56
7.15.	Safer recruitment, vetting and complaints procedures	56
8.	The Probation Service	57
8.1.	The role of Probation Boards in relation to safeguarding and promoting the welfare of children	57
8.3.	Making arrangements to safeguard and promote children’s welfare in the Probation Service	58
8.7.	Senior management commitment	58
8.8.	Statement of responsibility	58

8.9.	A clear line of accountability with the organisation for work on safeguarding and promoting the welfare of children	59
8.11.	Training	59
8.13.	Safer recruitment, vetting and complaints procedures	59
8.15.	Effective inter-agency working to safeguard and promote the welfare of children	60
8.19.	Work with individual children	60
8.21.	Information sharing	61
9.	Youth Offending Teams	62
9.1.	The role and functions of Youth Offending Teams	62
9.6.	The Contribution of Yots to safeguarding and promoting the welfare of children	63
9.14.	Senior management commitment and identifying clear lines of accountability	64
9.18.	Statement explaining responsibilities for safeguarding and promoting welfare	64
9.19.	Staff training on safeguarding and promoting the welfare of children	65
9.20.	Safer recruitment and vetting procedures	65
9.21.	Effective inter-agency working to safeguard and promote the welfare of children	65
9.24.	Sharing information and using common processes	65
10.	Prisons	66
10.1.	The role of prisons in relation to safeguarding and promoting the welfare of children	66
10.6.	Making arrangements to safeguard and promote welfare in the Juvenile Estate	67
10.8.	Senior management commitment and accountability	67
10.9.	Clear statements of responsibility	68
10.10.	Training	68
10.11.	Safer recruitment	68
10.12.	Effective inter-agency working	68
10.13.	Work with individual children	68
10.16.	Making arrangements to safeguard and promote welfare in all prisons	69
11.	Secure Training Centres	71
11.1.	Making arrangements to safeguard and promote welfare in Secure Training Centres	71
11.3.	Senior management commitment	71
11.4.	Statements of responsibilities	71
11.7.	Safer recruitment	71
11.8.	Staff training	72
11.9.	Effective inter-agency working	72
11.10.	Work with individual children	72
11.11.	Information sharing	72
	Appendix A	73
	Appendix B	75
	References	84

Executive Summary



Statutory guidance on making arrangements under section 11 of the Children Act 2004

“The support and protection of children cannot be achieved by a single agency... Every Service has to play its part. All staff must have placed upon them the clear expectation that their primary responsibility is to the child and his or her family.”

Lord Laming in the Victoria Climbié Inquiry Report, paragraphs 17.92 and 17.93.

Improving the way key people and bodies safeguard and promote the welfare of children is crucial to improving outcomes for children. In his report into the death of Victoria Climbié, Lord Laming concluded that “the suffering and death of Victoria was a gross failure of the system”. Section 11 of the Children Act 2004, therefore, places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children.

This guidance sets out these key arrangements for safeguarding and promoting the welfare of children. It applies to all those key local people and bodies named under section 11(1) of the Children Act 2004. Part 1 of the guidance sets out the arrangements that are likely to be common to all or most of the agencies to which the duty applies. There will, however, be differences in how they are applied depending on the functions of each agency. Part 2 deals with implementation in each particular agency to which the section 11 duty applies.

The guidance is for the Chief Executives and senior managers in all the bodies named in section 11 of the Children Act 2004. **The commencement date for section 11 of the Children Act 2004 was 1 October 2005. On receipt of this document, updated since it was first issued in 2005, Chief Executives and senior managers are asked to ensure that their responsibilities are being carried out in the manner required by Section 11 of the Children Act 2004.**

There are some key features of effective arrangements to safeguard and promote the welfare of children which all agencies will need to take account of, in accordance with the relevant section in Part 2 of the guidance, when undertaking their particular functions. These arrangements will help agencies to create and maintain an organisational culture and ethos that reflects the

importance of safeguarding and promoting the welfare of children. At an organisational or strategic level, these key features are having:

- senior management commitment to the importance of safeguarding and promoting children's welfare;
- a clear statement of the agency's responsibilities towards children available for all staff;
- a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children;
- service development that takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families;
- staff training on safeguarding and promoting the welfare of children for all staff working with or (depending on the agency's primary functions) in contact with children and families;
- safe recruitment procedures in place;
- effective inter-agency working to safeguard and promote the welfare of children; and
- effective information sharing.

Working Together to Safeguard Children (2006) has been issued to local authorities¹, including district councils, and the key partners that are required to participate in Local Safeguarding Children Boards (LSCBs). This guidance explains how the Board Partners should come together as LSCBs to coordinate and ensure the effectiveness of partners both individually and together for the purposes of safeguarding and promoting the welfare of children, including arrangements made under the section 11 duty. All Local Authority areas were required to have a LSCB in place by 1 April 2006

In addition this guidance should be considered alongside the *Safeguarding Children and Safer Recruitment in Education* guidance (Department for Education and Skills, 2006), issued to support educational organisations in meeting their responsibilities under sections 175 and 157 of the Education Act 2002.

Other Related Guidance

This document is one of a suite of five that give guidance on children's trust governance and strategic planning, and on the cross cutting issue of safeguarding and promoting the welfare of children. All documents referred to are accessible through <http://www.everychildmatters.gov.uk>.

The five documents support provisions in the Children Act 2004 which underpin *Every Child Matters: Change for Children*. These include the creation of duties on local agencies in relation to improving the 'wellbeing' of children and young people and safeguarding and promoting their welfare.

¹ 'Local authority' has the same meaning in this guidance as the term 'Children's Services Authority', which was introduced by the Children Act 2004. 'Local authority' is used to describe: a county council in England; a metropolitan district council; a non-metropolitan district council for an area where there is no county council; a London borough council; the Common Council of the City of London and the Council of the Isles of Scilly. Where the term 'local authority' includes district councils in a two tier area, this is made clear in the text. Local Authority/Local Authorities are referred to as LA and LAs throughout this guidance.

(1) *Inter-Agency Co-operation to Improve Wellbeing of Children: Children's Trusts* describes the duties placed on local authorities and other key partners to co-operate to improve the wellbeing of children and young people. The guidance sets out the features of co-operation through children's trusts and provides a strategic framework within which all children's services in an area will operate.

"Wellbeing" is based on five outcomes; their achievement of these is, in part, dependent upon the effective safeguarding and promotion of children's welfare. Statutory guidance on the (2) *Duty to Make arrangements to Safeguard and Promote the Welfare of Children* (which follows here) sets out the key arrangements agencies should make to safeguard and promote the welfare of children in the course of discharging their normal functions.

Where an agency has both co-operation and safeguarding and promoting welfare duties, this is because it is both a strategic body with a significant impact on children's services within the local authority area, and also an agency with direct responsibility for the provision of services to children and young people. Certain agencies are included within only one of these duties.

Guidance on the (3) *Children and Young People's Plan* supports the fulfilment of both the co-operation and safeguarding and promoting welfare duties. The regulations to which this guidance refers require local authorities to work with partners to produce a strategic plan describing the actions and provisions by which they will achieve the five outcomes for children and young people. The removal of 19 other planning requirements will help to reduce the overall planning burden.

Guidance on the Children and Young People's Plan (2005) and *Annual Review of the Children and Young People's Plan* (supplementary guidance 2007) cover the statutory requirement to undertake an annual review and new regulations² that require local authorities to include a statement of how they intend to improve the five outcomes with reference to integrated services, safeguarding (arrangements made under section 11(2) of the Children Act 2004), early intervention and prevention.

Guidance on the governance, leadership and structures required within the new strategic framework is provided by (4) *The Role and Responsibilities of the Director of Children's Services and the Lead Member for Children* and (5) chapter three on Local Safeguarding Children's Boards within *Working Together to Safeguard Children: a guide to interagency working to safeguard and promote the welfare of children* (2006)

These five core documents should be used alongside other key policy and planning documents relating to Every Child Matters. These include:

The National Service Framework for Children, Young People and Maternity Services which sets out a ten-year programme to stimulate long-term and sustained improvement in children's health and wellbeing. This guidance will help health and social care organisations to meet Standard Five on safeguarding and promoting the welfare of children and young people;

² Statutory Instrument 2007/0057.

Every Child Matters: Change for Children – Young People and Drugs gives guidance on co-operation and joint planning to counter drug misuse;

Duty on Local Authorities to Promote the Educational Achievement of Looked After Children sets out the implications of the new duty in the Children Act 2004 for local authorities' strategic planning, joint area reviews and day-to-day working practices;

The Framework for the Inspection of Children's Services sets out the principles to be applied by an inspectorate or commission assessing any children's service, and defines the key judgements which, where appropriate and practical, inspections will seek to make. It is available from <http://www.ofsted.gov.uk>.

A number of other documents focus directly on integrated front line delivery and the processes that support it. These include:

The Common Assessment Framework (published in April 2006) which provides guidance for managers on operating the Common Assessment Framework and guidance for practitioners on undertaking common assessments

Cross-government guidance on information, *Information Sharing: Practitioners' Guide* (published in April 2006) which aims to help practitioners understand how and when they can share information lawfully.

The Children's Workforce Strategy and the *Common Core of Skills and Knowledge*. Both documents should inform strategic planning for developing the children's workforce locally;

Lead Professional Guides for Managers and Practitioners (published in April 2006) sets out key responsibilities, skills and knowledge required by practitioners to carry out the lead professional role, and draws on good practice to provide emerging models, working solutions and suggestions on how the role might be developed, implemented and managed;

On-line Multi-agency Working Toolkit (published in April 2006) includes practical advice, case studies and resources to help managers and practitioners set up effective integrated services and teams.

Taken as a whole the strategic and operational guidance listed here is intended to support change **at all** levels within an area and thereby help drive improvement for all children and young people.

Preface



Safeguarding Children is everyone's responsibility

Safeguarding children is everyone's responsibility. This guidance deals with the duty to have regard to the need to safeguard and promote the welfare of children in the Children Act 2004. It plays an important role in embedding this responsibility in the work of key agencies which have contact with children and young people.

The duty to make arrangements to safeguard and promote welfare is part of the comprehensive programme of Change for Children which began with the publication of the *Every Child Matters* Green Paper in September 2003. At the very heart of this programme is the recognition that protecting children from harm cannot be separated from policies to improve children's lives as a whole.

Who should read it

The guidance is for the Chief Executives and senior managers in all the bodies named in section 11 of the Children Act 2004. It enables them to carry out their responsibilities under section 11 of the Children Act 2004.

Improving Outcomes for Children and Young People

Achieving the shared vision of improving outcomes for children will require change throughout the system – a new relationship between Government and its partners, and between those partners, children, young people and their families and communities. The aim is to move to a position, both locally and nationally, where:

- the wellbeing of children and young people is at the heart of the Government's policy for children and their families as set out in *Every Child Matters: Change for Children* (2004) and all key people and bodies are working towards shared outcomes;
- clear overall accountability exists for services;
- key local services are integrated, where appropriate, around the needs of children and young people, and children and young people are actively involved in developing and evaluating the services which are provided for them;

- key people and bodies work well individually and together through universal, targeted and specialist services to safeguard and promote the welfare of children; and
- children, young people and their families receive effective support earlier at the first sign of difficulties as part of the shift to strengthen preventative intervention.

Introduction



“The support and protection of children cannot be achieved by a single agency.... Every Service has to play its part. All staff must have placed upon them the clear expectation that their primary responsibility is to the child and his or her family.”

Lord Laming in the Victoria Climbié Inquiry Report, Paragraphs 17.92 and 17.93.

1.1. Improving the way key people and bodies safeguard and promote the welfare of children is crucial to improving outcomes for children. In his report into the death of Victoria Climbié, Lord Laming concluded that “the suffering and death of Victoria was a gross failure of the system”.

1.2. One of the key reasons why the system failed Victoria so badly, and why it has failed other children over the years, is because key people and bodies which come into contact with children on a regular basis often fail to give sufficient priority to safeguarding and promoting the welfare of children. This means that:

- the system does not always focus on the child’s needs. For example in Victoria Climbié’s case, the focus was on the needs of the adults responsible for her, rather than the child herself;
- senior managers, including Chief Executives and others in key governance roles, have insufficient knowledge of safeguarding and welfare issues and fail to take sufficient responsibility for the actions of their staff in relation to safeguarding and promoting the welfare of children;
- it is difficult for key people and bodies to share information and work together effectively to safeguard and promote the welfare of children;
- many staff are not adequately trained in safeguarding and promoting the welfare of children. This is a particular problem for staff who often come into contact with children and families but are not considered to be “child protection specialists”.

1.3. Section 11 of the Children Act 2004 therefore places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children.

The Role and Status of this Guidance

1.4. This guidance sets out the key arrangements for safeguarding and promoting the welfare of children. It applies to all those key local people and bodies named under section 11(1) of the Children Act 2004³. Part 1 sets out the arrangements that are likely to be common to all or most of the agencies to which the duty applies. There will, however, be differences in how they are applied depending on the functions of each agency. Part 2 deals with implementation in each particular agency to which the section 11 duty applies.

1.5. This guidance is issued under section 11(4) of the Children Act 2004 which requires each person or body to which the section 11 duty applies to have regard to any guidance given to them for the purpose by the Secretary of State. **This means they must take this guidance into account and, if they decide to depart from it, have clear reasons for doing so.**

1.6. Where private or voluntary organisations are commissioned to provide services on behalf of one of the persons or bodies listed at paragraphs (a) to (m) of section 11(1), the agreement under which the arrangements are made should require that the private or voluntary organisation concerned takes this guidance into account in the provision of the services⁴ and, if they decide to depart from it, have clear reasons for doing so.

1.7. Where private or voluntary organisations come into contact with or offer services to children otherwise than under contract with a person or body listed under section 11(1) they should as a matter of good practice take account of this guidance and follow it as far as possible, but they are not required to have regard to this guidance.

1.8. In *Every Child Matters: Change for Children* (2004) the Government set out the resources provided to support the Change for Children programme. Additional funding combined with more effective use of existing resources means these proposals place no new burdens on those key local people and bodies named under section 11(1) of the Children Act 2004. The Government is committed to working with Local Authorities, their representative organisations, and their partners as policies are developed further to ensure that they do not place new, unfunded burdens on their resources.

1.9. *Working Together to Safeguard Children* (2006) was issued to local authorities, including district councils, and key partners that are required to participate in Local Safeguarding Children Boards (LSCBs). The guidance explains how the Board Partners should come together as LSCBs to coordinate and ensure the effectiveness of partners both individually and together for the purposes

3 Section 11 of the Children Act 2004 applies to each of the following: a children's services authority in England; a district council which is not such an authority; a Strategic Health Authority; a Special Health Authority, so far as exercising functions in relation to England, designated by order made by the Secretary of State for the purposes of that section; a Primary Care Trust; an NHS trust all or most of whose hospitals, establishments and facilities are situated in England; an NHS foundation trust; the police authority and chief officer of police for a police area in England; the British Transport Police Authority, so far as exercising functions in relation to England; a local probation board for an area in England; a youth offending team for an area in England; the governor of a prison or secure training centre in England (or, in the case of a contracted out prison or secure training centre, its director); any person to the extent that he is providing services under section 114 of the Learning and Skills Act 2000(c.21).

4 For further information see *Working with Voluntary and Community Organisations to Deliver Change for Children and Young People*. www.everychildmatters.gov.uk/strategy/voluntaryandcommunity/

of safeguarding and promoting the welfare of children, including arrangements made under the section 11 duty. All Local Authority areas were required to have a LSCB in place by 1 April 2006.

Timetable

1.10. **The commencement date for section 11 of the Children Act 2004 was 1 October 2005.**

Part One – General Arrangements to Safeguard and Promote Welfare



Understanding the Duty to Make Arrangements to Safeguard and Promote Welfare

2.1. Section 11 of the Children Act 2004 places a duty on key people and bodies to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children⁵. The application of this duty will vary according to the nature of each agency and its functions.

2.2. The key people and bodies that are covered by the duty are:

- local authorities, including district councils⁶;
- the police;
- the probation service;
- NHS bodies (Strategic Health Authorities, Designated Special Health Authorities, Primary Care Trusts, NHS trusts and NHS Foundation Trusts);
- Organisations (currently the Connexions Service) providing services under section 114 of the Learning and Skills Act 2000⁷;
- Youth offending teams;
- Governors/ Directors of Prisons and Young Offender Institutions;
- Directors of Secure Training Centres;
- The British Transport Police.

⁵ Children are persons under the age of 18 (Section 65(1), Children Act 2004)

⁶ In District Councils, Housing Departments, homelessness units, environmental health, leisure services and licensing controls can play a key role in reducing risk of harm and improving outcomes for children.

⁷ Connexions is currently delivered by a range of organisations including Local Authorities (LAs). Where LAs have responsibility for the delivery of the Connexions service, the duty to make arrangements to ensure they have regard to the need to safeguard and promote the welfare of children applies.

2.3. The section 11 duty means that these key people and bodies must make arrangements to ensure two things. Firstly, that their functions are discharged having regard to the need to safeguard and promote the welfare of children, and secondly, that the services they contract out to others are provided having regard to that need.

2.4. The duty does not give agencies any new functions, nor does it over-ride their existing functions. It, however, requires them to carry out their existing functions in a way that takes into account the need to safeguard and promote the welfare of children.

2.5. The section 11 duty complements the duty placed by section 175 of the Education Act 2002 on Local Education Authorities and the governing bodies of both schools and further education institutions to make arrangements to carry out their functions with a view to safeguarding and promoting the welfare of children. Local Authorities should, therefore, follow this guidance in conjunction with the guidance *Safeguarding Children and Safer Recruitment in Education* (Department for Education and Skills, 2006). Proprietors of independent schools also have a duty to safeguard and promote the welfare of pupils at school under section 157 of the Education Act 2002 and the Education (Independent Schools Standards) England Regulations 2003. The *Safeguarding Children and Safer Recruitment in Education* guidance issued by the Secretary of State in November 2006 is summarised in Appendix A.

2.6. The *National Service Framework for Children, Young People and Maternity Services* (2003;2004) supports the section 11 duty to safeguard and promote the welfare of children. It sets out 11 standards to be met by health, social and educational services by 2014. Standard 5 requires services to promote and safeguard the welfare of children and to ensure all staff are suitably trained and aware of action to take if they have concerns about a child's welfare.

2.7. The term "safeguarding and promoting the welfare of children" is well understood within the context of the Children Act 1989 which provides the statutory framework for safeguarding and promoting the welfare of children in need. In this guidance, welfare is defined, as in the Children Act 1989, in terms of children's health and development, where health means 'physical or mental health' and development means 'physical, intellectual, emotional, social or behavioural development' .

2.8. **Safeguarding and promoting the welfare of children** is defined in both this guidance and *Working Together to Safeguard Children* 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 to enter adulthood successfully.

2.9. Protecting children from maltreatment is important in preventing the impairment of health or development. Both are necessary but are not on their own sufficient to ensure that children are growing up in circumstances consistent with the provision of safe and effective care. These aspects of safeguarding and promoting welfare are cumulative and all contribute to the five outcomes for improving the wellbeing of children set out in section 10(2) of the Children Act 2004, namely:

- Physical and mental health and emotional well-being;
- Protection from harm and neglect ;
- Education, training and recreation;
- Making a positive contribution to society; and
- Social and economic well-being.

2.10. The Children Act 2004 builds on and strengthens the framework set out in the Children Act 1989 in a number of ways. There are a number of provisions in the 2004 Act apart from section 11 which relate directly or indirectly to agencies' responsibilities to safeguard and promote the welfare of children. These are set out in paragraphs 1.1 - 1.4 in Appendix B. They provide a basis for achieving the vision of safeguarding set out in the Joint Chief Inspectors' report *Safeguarding Children* (2002), i.e.:

- all agencies working with children, young people and their families take all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and
- where there are concerns about children and young people's welfare, all agencies take all appropriate actions to address those concerns, working to agreed local policies and procedures in partnership with other agencies.

Framework for making Effective Arrangements to Safeguard and Promote Children's Welfare

2.11. Each agency will have different contributions to make towards safeguarding and promoting the welfare of children depending on the functions for which they have responsibility. For example, the main contribution of some services might be to identify and act on their concerns about the welfare of children with whom they come into contact, perhaps during or following completion of a common assessment while others might be more involved in supporting a child once concerns have been identified. However, there are some key features of effective arrangements to safeguard and promote the welfare of children which all agencies will need to take account of, in accordance with the relevant section in Part 2 of the guidance, when undertaking their particular functions. These arrangements will help agencies to create and maintain an organisational culture and ethos that reflects the importance of safeguarding and promoting the welfare of children.

2.12. Many organisations subject to the section 11 duty are also required to take part in Local Safeguarding Children Boards. They have shared responsibilities for the effective discharge of the LSCB's functions. Other organisations can be involved in LSCBs by agreement. LSCBs are the key statutory mechanism for agreeing how the relevant organisations in each local area co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do.

The LA convenes and is also a member of the LSCB. Board partners set out in section 13(3) of the Children Act (2004):

- district councils in local government areas that have them;
- the chief police officer for a police area of which any part falls within the area of the LA;
- the local probation board for an area of which any part falls within the area of the LA;
- the Youth Offending Team for an area of which any part falls within the area of the LA;
- Strategic Health Authorities and Primary Care Trusts for an area of which any part falls within the area of the LA;
- NHS Trusts and NHS Foundation Trusts, all or most of whose hospitals or establishments and facilities are situated in the LA area;
- the Connexions service operating in any part of the area of the LA;
- CAFCASS (Children and Family Courts Advisory and Support Service);
- the Governor or Director of any Secure Training Centre in the area of the LA; and
- the Governor or Director of any prison in the LA area that ordinarily detains children.

Strategic and organisational arrangements

2.13. At an organisational or strategic level, key features are:

a. Senior management commitment to the importance of safeguarding and promoting children's welfare

Senior managers will need to demonstrate leadership, be informed about, and take responsibility for the actions of their staff who are providing services to children and their families. This could mean identifying a named person at senior management level or equivalent to champion the importance of safeguarding and promoting the welfare of children throughout the organisation. Senior managers will also be responsible for monitoring the actions of their staff to safeguard and promote the welfare of children. This includes ensuring that children and young people are listened to appropriately and concerns expressed about their or any other child's welfare are taken seriously and responded to in an appropriate manner.

b. A clear statement of the agency's responsibilities towards children is available for all staff

This should include any children in the care of the agency, any with whom they work directly and those with whom they come into contact. It could form part of an agency's existing policy and/or procedures. All staff should be made aware of their agency's policies and procedures on safeguarding and promoting the welfare of children and the importance of listening to children and young people, particularly when they are expressing concerns about either their own or other children's welfare. Effective systems should be in place for children, staff and other people to make a complaint where there are concerns that action to safeguard and promote a child's welfare has not been taken in accordance with the agency's procedures.

c. A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children

It should be clear who has overall responsibility for the agency's contribution to safeguarding and promoting the welfare of children and what the lines of accountability are from each staff member up through the organisation to the person with ultimate accountability for children's welfare. It should also be clear with whom each staff member should discuss, and to whom they should report, any concerns about a child's welfare. Responsibilities for safeguarding and promoting the welfare of children can operate at three levels:

- i. Individual, which can be encompassed within job descriptions;
- ii. Professional, which is governed by codes of conduct for different disciplines; and
- iii. Organisational, with clear lines of accountability throughout the organisation to senior office level.

d. Service development takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families

In developing local services, those responsible should consider how the delivery of these services will take account of the need to safeguard and promote the welfare of children. In developing the Children and Young People's Plan, the local authority and partners will carry out an assessment of the needs of children and young people in the local area and determine priorities and actions designed to improve outcomes for them. These activities will include a focus on preventing children and young people from suffering harm. Children and families should be involved in this planning process, for example, by participating in discussions about where to locate a service so that it is accessible (depending on the primary functions of the agency) or how to develop it such that children's welfare is safeguarded and promoted. This could be through one-off consultations on specific projects, consulting ongoing user groups or drawing on feedback on existing services.

e. Staff training on safeguarding and promoting the welfare of children for all staff working with or, depending on the agency's primary functions, in contact with children and families

Staff should have an understanding of both their role and responsibilities, and those of other professionals and organisations. This is essential for effective multi- and inter-agency

collaboration. Agencies are encouraged, where appropriate, to enable their staff to participate in training provided on an inter-agency basis as well as in single agency training provided by the agency itself. Safeguarding and promoting the welfare of children is one of the six areas of the *Common Core of Skills and Knowledge for the Children's Workforce* (2005) prospectus. This prospectus informs the training provided to all those working in children's services. Training on safeguarding and promoting the welfare of children should be proportional and relevant to the roles and responsibilities of each staff member.

f. Safer recruitment

Robust recruitment and vetting procedures should be put in place to help prevent unsuitable people from working with children. This means thorough checks are carried out on all people as part of the recruitment process, and references are always taken up. People who recruit staff to work with children must have the appropriate training. Where a criminal record review is mandatory on employment, these must be undertaken routinely. Where appropriate a Disclosure is obtained from the Criminal Records Bureau and any necessary checks of the Protection of Children Act (POCA) List and the Department for Education and Skills' List 99 are made. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede the POCA List and List 99. Further guidance will follow on roles and responsibilities under the new scheme.

g. Effective inter-agency working to safeguard and promote the welfare of children

This involves agencies and staff working together to safeguard and promote the welfare of children. Inter-agency working is crucial to ensuring the effectiveness of such working. The sharing of information and constructive relationships between individual members of staff and teams should be supported by a strong lead from the Lead Member for Children's Services, and the Director of Children's Services and the commitment of all Chief Officers. This effective working should be at a strategic and an individual child level, in accordance with guidance from their Local Safeguarding Children Board (LSCB), regarding safeguarding children, or for the Prison Service, in accordance with the policy agreed with the LSCB local to each prison. The LSCB guidance should be consistent with the current statutory guidance *The Framework for the Assessment of Children in Need and their Families* (2000) and *Working Together to Safeguard Children* (2006).

The Government's practice guidance, *What To Do If You're Worried A Child Is Being Abused* (HM Government 2006), is for use by practitioners and their managers in all agencies to inform them about what to do when they have concerns that a child may be a child in need, including concerns about a child whom it is believed is, or may be at risk of, suffering significant harm. In addition, the Common Assessment Framework (2006) is available for use at an early stage in the process to identify children who would benefit from additional services and to decide which professionals/agencies would be best placed to provide these services.

h. Information sharing

Effective information sharing by professionals is central to safeguarding and promoting the welfare of children. This sharing of information makes an important contribution to the shift to addressing children's needs at an early stage rather than when serious problems have developed. This applies both to the 30% or so of children who require targeted or specialist services to ensure they achieve their optimal developmental outcomes, and to the much smaller numbers of children in need, including those who have suffered harm or are likely to suffer harm.

Effective arrangements for safeguarding and promoting the welfare of children should include having in place agreed systems, standards and protocols for sharing information about a child and their family within each agency and between agencies. These protocols should be in accordance with Government guidance. All those whose work brings them into contact with children should understand the purpose of sharing information in order to safeguard and promote children's welfare. It is often only when one or more agencies share information with each other that a full understanding develops of the child and their family circumstances. They need to be confident about what they can and should do under the law, including how to obtain consent to share information, and when information may be shared even though consent has not been obtained, or when to seek consent would place the child at increased risk of significant harm. However, it is important to be mindful that information sharing protocols (strategic level) and information sharing agreements (managerial and operational level) are about business processes, legalities and being able to trust and understand what each agency is doing and bringing to the integrated working process. They are about agreeing and establishing processes, and documenting roles and responsibilities. They are not about practitioners sharing information about individual children who may have unmet needs and require services to address those needs.

The decision to share or not to share information about a child should always be based on professional judgement, supported by the cross-Government *Information Sharing: Practitioners' Guide* (published in April 2006) and informed by training. The lack of an information sharing agreement between agencies should never be a reason for not sharing information that could help a practitioner deliver services to a child. Full guidance on these issues is provided in *Information Sharing: Practitioners' Guide* (HM Government, 2006).

In order to safeguard and promote children's welfare, arrangements should ensure that:

- a. all staff in contact with children understand what to do and the most effective ways of sharing information if they believe that a child and family may require particular services in order to achieve their optimal outcomes;
- b. all staff in contact with children understand what to do and when to share information if they believe that a child may be a child in need, including those children suffering or at risk of suffering harm;

- c. appropriate agency-specific guidance is produced to complement guidance issued by central Government⁸, and such guidance and appropriate training is made available to existing and new staff as part of their induction and ongoing training;
- d. guidance and training specifically covers the sharing of information between professions, organisations and agencies, as well as within them, and arrangements for training take into account the value of multi-agency training as well as single agency training;
- e. managers in children's services are fully conversant with the legal framework and good practice guidance issued for practitioners working with children.

i. ContactPoint

ContactPoint is a key part of the Every Child Matters programme to improve outcomes for children and will support practitioners, local authorities and other organisations in fulfilling their duties to safeguard and promote the welfare of children.

ContactPoint is currently under development and will be introduced in all areas of England by the end of 2008. ContactPoint will be the quick way to find out who else is working with the same child or young person and allow services to contact one another more efficiently. This basic online directory will be available to authorised staff who need it to do their jobs.

ContactPoint will only contain the following basic information:

- Name, address, gender and date of birth of all children in England up to the age of 18; and
- name and contact details for:
 - parents or carers;
 - educational setting (e.g. school);
 - primary medical practitioner (e.g. GP practice);
 - other services; and
 - lead professional (if appointed).

ContactPoint will not contain any detailed information (such as case notes, assessments, clinical data or exam results).

The legal framework for the operation of ContactPoint will be provided by regulations, made under section 12 of the Children Act 2004. Further operational details will be set out in Statutory Guidance to be published in late 2007.

⁸ The Government has published statutory and other guidance under s.12 of the Children Act 2004 to support the establishment and operation of information sharing arrangements. See web <http://www.everychildmatters.gov.uk/deliveringservices/informationsharing/>

Work with individual children and their families

2.14. The ways in which agencies work with or have contact with individual children and their families will differ depending on the functions of each agency. Some will focus on direct work with children and young people, whereas others will work with children and their families, and still others will work with adults with parenting responsibilities for children.

Examples of what this means in practice

Case A: A dermatologist was uneasy because she considered the child's skin looked poorly cared for. The child was black and 'mother' was white and did not talk to the child as she pulled off her clothes, nor did she know much about the child's early history. In conversation with the child and the 'mother' the dermatologist learnt that the child was living with the woman in some sort of private arrangement. Mindful of her safeguarding responsibilities, but being unsure about what she should do, she discussed her worries with the named doctor for safeguarding. The named doctor consulted with children's social care, who after making enquiries, confirmed that this was a private foster placement about which they had no knowledge. In the past, however, there had been a referral about one of the family's own children. When the birth family was traced it was discovered that both parents were students. The child returned to their care, and, with the support of a community organisation, appropriate day care was arranged for the child.

Case B: The police were called by a neighbour because they could hear screaming and thumping next door. They arrived and had to deal with a domestic violence situation, where the wife did not want to press charges. The police noticed children's toys in the hallway and asked if the children were present. They then obtained the mother's permission to go upstairs and see the children to ensure they were safe and also to look around the house. The police found two children aged 3 and 4 cowering upstairs. The police also noticed that the children's bedrooms were very sparsely furnished and their beds had inadequate covering. On further investigation in the kitchen they also found there was very little food in the cupboards and fridge. They discussed their concerns about the children with the parents and contacted children's social care requesting an immediate response to address the children's needs and safety.

Case C: A local authority environmental health professional had been called to investigate damp in a flat. In the course of his work, he noticed that the flat was occupied by a young child and, knowing the potential effects of damp on young children, he arranged for it to be dealt with promptly. Looking around, he also repaired a catch on a low window, to prevent the child falling out. Discovering that the child's grandmother had difficulty getting around, and was worried about finding an honest contractor to paint the flat, he made a note to pass on her details to the local home improvement agency, which would be able to help her arrange and cope with work. The agency could also check whether the grandmother was eligible for help with heating and insulation to reduce the risk of damp, and whether anything could be done to make it easier for her to get around inside the flat and, therefore, be able to attend to the child's needs.

2.15. In order to safeguard and promote the welfare of individual children, the following should be taken into account, in accordance with the relevant section of Part 2, when each agency is carrying out its normal functions. The key features of an effective system are:

- children and young people are listened to and what they have to say is taken seriously and acted on in an appropriate manner;
- interventions take place at an early point when difficulties or problems are identified, perhaps as a result of undertaking a common assessment;
- where possible/practicable, the wishes and feelings of the particular child are obtained and taken into account when deciding on action to be undertaken in relation to him or her. The child is communicated with using their preferred communication method or language;
- racial heritage, language, religion, faith, gender and disability are taken into account when working with a child and their family;
- practitioners are clear when and how it is appropriate to make a referral to LA children's social care teams in respect of a child in need. The Common Assessment Framework provides a basis for identifying needs early and sharing information between organisations in order to agree co-ordinated, multi-agency support;
- where there are concerns about a child's welfare, assessments of children and families led by children's social care are consistent with the *Framework for the Assessment of Children in Need and their Families* (2000) and professionals contribute to subsequent plans, interventions and reviews in accordance with requirements in relevant regulations and guidance;
- following assessment, relevant services are provided to respond to the identified needs of children and to support parents/carers in effectively undertaking their parenting roles. This may require referral to a colleague within the agency or to another agency to obtain the services. Where a particular service is not available or there is a delay in it being available, alternative services should be provided where possible to ensure the child's welfare is safeguarded;
- in cases where children, young people and their families have multiple needs which require integrated support from a number of professionals in order to achieve better outcomes, it may be appropriate for one practitioner among those involved to take on a lead role in co-ordinating the support. This role is known as *lead professional*.⁹ The functions of a lead professional are to:
 - act as a single point of contact that children, young people and families can trust, and who is able to support them in making choices and in navigating their way through the system;
 - co-ordinate the delivery of the actions according to an agreed plan agreed by the practitioners involved to ensure that the service is effective and regularly reviewed;

⁹ Good practice guidance on the lead professional role is available on www.everychildmatters.gov.uk.

- reduce overlap and inconsistency from other practitioners.
- work with each child and family focuses on improving outcomes for each child;
- there is effective supervision and monitoring of work with individual children and their families;
- good records are kept and information is appropriately shared on all work with individual children and their families in accordance with agency requirements;
- IT systems for recording information support effective work with children and their families, and have the capacity to aggregate information for strategic planning and management purposes.

2.16. The nature of the involvement with children and their families of each agency named in section 11(1) will differ depending on their functions. In relation to safeguarding and promoting children's welfare, work with children and families should be underpinned by an understanding of how children develop successfully into adulthood. This understanding should take account of the wide range of influences on the child, the child's family and within their community that affect both positively and negatively a child's development and whether he or she will achieve the best possible outcomes.

2.17. For children living away from their families, adults other than their parents will have a responsibility for their welfare. These children will be living away from home for example, with foster parents or in an institution, including in custody. When working with children and their families, consideration will have to be given to all these contexts when safeguarding and promoting welfare.

2.18. The following principles underpin work with children and their families to safeguard and promote the welfare of children. They will be relevant to varying degrees depending on the functions and level of involvement of the agency and the individual practitioner concerned.

Work with children and families should be:

- child centred;
- rooted in child development;
- supporting the achievement of the best possible outcomes for children and improving their wellbeing;
- holistic in approach;
- ensuring equality of opportunity;
- involving of children and families;
- building on strengths as well as identifying and addressing difficulties;
- multi and inter-agency in its approach;
- a continuing process not an event;
- designed to identify and provide the services required, and monitor the impact their provision has on a child's developmental progress;
- informed by evidence.

These mean the following:

- **Child centred**

Some of the worst failures of the system have occurred when professionals have lost sight of the child and concentrated instead on their relationship with the adults. The child should be seen by the practitioner and kept in focus throughout work with the child and family. The child's voice should be heard and account taken of their wishes and feelings.

- **Rooted in child development**

Those working with the children should be informed by a developmental perspective which recognises that, as children grow, they continue to develop their skills and abilities. Each stage from infancy, through middle years to adolescence lays the foundation for more complex development. Plans and interventions to safeguard and promote the child's welfare should be based on a clear assessment of the child's developmental progress and the difficulties a child may be experiencing. Planned action should also be timely and appropriate for the child's age and stage of development.

- **Focused on Outcomes for Children**

When working directly with a child, any plan developed for the child and their family or caregiver should be based on an assessment of the child's developmental needs and the parents/caregivers' capacity to respond to these needs within their community contexts. This plan should set out the planned outcomes for each child and at review the actual outcomes should be recorded for each child, recognising each is unique. These outcomes should contribute to the key outcomes set out for all children in the Children Act 2004 (see paragraph 2.10). The purpose of all interventions should be to achieve the best possible outcomes.

Case D

Karen, aged 3 years, was underweight and extensive medical investigations revealed that unrecognized developmental problems underlay her failure to gain weight adequately. A developmental assessment identified that she also had delayed language development. Further assessment demonstrated that Karen needed a lot of help with her feeding, but with assistance she could take in and absorb an adequate amount of food and gain weight. Her mother, who was her main carer, spent time helping Karen but also had to attend to the demands of her six month old baby making it difficult to give Karen the extra attention she required.

Following discussion with the parents and maternal grandmother in which the consultant paediatrician explained the serious consequences for Karen if she was not able to eat sufficiently, the following multi-agency plan was agreed with the family. Its overall objective was that Karen attained and maintained satisfactory progress in her weight gain and that she caught up in her language development. It was agreed to try to enable Karen to gain a specific amount of weight during the next 3 months (i.e. by the time of the next review) and that she would be taken to speech and language therapy sessions. In order to achieve this, the maternal grandmother, who lived nearby, would come in at lunch times and the father would be home at dinner time in order to look after the baby and free the mother to assist Karen with her feeding. The mother agreed to weekly visits from the Health Visitor (who agreed to be the lead professional) at a lunch time to advise her on helping her daughter to eat and the parents planned how they would be able to take Karen to the speech and language therapist for additional help. Successful implementation of this plan resulted in Karen achieving the planned outcomes i.e. gaining weight satisfactorily and achieving her milestones for language development.

- **Holistic in approach**

Having an holistic approach means having an understanding of a child within the context of the child's family (parents or caregivers and the wider family) and of the educational setting, community and culture in which he or she is growing up. The interaction between the developmental needs of children, the capacities of parents or caregivers to respond appropriately to those needs and the impact of wider family and environmental factors on children and on parenting capacity requires careful exploration during an assessment.

For example, when assessing a six year old boy's emotional development and educational achievement, it will be crucial to gain an understanding of the impact that his mother's mental illness may be having on his development, as well as the impact of his maternal grandmother caring for him after school and during the holidays. It may be that because the maternal grandmother undertakes much of the parenting for this boy it is enabling him to achieve his best possible outcomes.

The ultimate aim is to understand the child's developmental needs within the context of the family and to provide appropriate services which respond to those needs. The analysis of the child's situation will inform planning and action in order to secure the best outcomes for the child, and will inform the subsequent review of the effectiveness of actions taken and services provided. The child's context will be even more complex when they are living away from home and looked after by adults who do not have parental responsibility for them.

- **Ensuring equality of opportunity**

Equality of opportunity means that all children have the opportunity to achieve the best possible development, regardless of their gender, ability, ethnicity, circumstances or age. Some vulnerable children may have been particularly disadvantaged in their access to important opportunities, and their health and educational needs will require particular attention in order to optimise their current welfare as well as their long-term outcomes in young adulthood.

- **Involving of children and families**

In the process of finding out what is happening to a child it is important to listen and develop an understanding of his or her wishes and feelings. The importance of developing a co-operative working relationship is emphasised, so that parents or caregivers feel respected and informed, they believe agency staff are being open and honest with them, and in turn they are confident about providing vital information about their child, themselves and their circumstances. The consent of children, young people and their parents or caregivers should be obtained when sharing information unless to do so would place the child at risk of significant harm. Decisions should also be made with their agreement, whenever possible, unless to do so would place the child at risk of significant harm.

- **Building on strengths as well as identifying difficulties**

Identifying both strengths and difficulties within the child, his or her family and the context in which they are living is important, as is considering how these factors have an impact on the child's health and development. Too often it has been found that a deficit model of working with families predominates in practice, and ignores crucial areas of success and effectiveness within the family on which to base interventions. Working with a child or family's strengths becomes an important part of a plan to resolve difficulties.

- **Multi and Inter-agency in approach**

From birth, there will be a variety of different agencies and programmes in the community involved with children and their development, particularly in relation to their health and education. Multi and inter-agency work to safeguard and promote children's welfare starts as soon as there are concerns about a child's welfare, not just when there are questions about possible harm.

- **A continuing process not an event**

Understanding what is happening to a vulnerable child within the context of his or her family and the local community, and taking appropriate action, are continuing and interactive processes, not single events. Assessment should continue throughout a period of intervention, and intervention may start at the beginning of an assessment.

- **Providing and Reviewing services**

Action and services should be provided according to the identified needs of the child and family in parallel with assessment where necessary. It is not necessary to await completion of the assessment process. Immediate and practical needs should be addressed alongside more complex and longer term ones. The impact of service provision on a child's developmental progress should be reviewed.

- **Informed by evidence**

Effective practice with children and families requires sound professional judgements which are underpinned by a rigorous evidence base, and draw on the practitioner's knowledge and experience.

Inter-agency co-operation to improve the wellbeing of children

2.19. A key aspect of the Every Child Matters: Change for Children programme is about encouraging relevant services to integrate around the needs of the child through children's trust arrangements. To this end, section 10 of the Children Act 2004 places a duty on top tier and unitary local authorities to promote co-operation with a view to improving the wellbeing of children, and places a reciprocal duty on 'relevant partners' to co-operate with the authority in the making of these arrangements. Most of the strategic organisations covered by the section 11 duty are also under a duty to co-operate with the local authority in the making of co-operation

arrangements (children's trust). Those that are not¹⁰, will however wish to engage with the local authority and partners where appropriate in the interests of promoting children's wellbeing.

2.20. The manifestation of the duty to cooperate will be a children's trust in action. *Guidance on inter-agency co-operation to improve the wellbeing of children: children's trusts* (2005) describes what is expected in relation to the following features of children's trust arrangements:

- (a) A child-centred, outcome-led vision;
- (b) Integrated front line delivery;
- (c) Integrated processes;
- (d) Integrated strategy (joint planning and commissioning);
- (e) Inter-agency governance.

2.21. The duty to co-operate commenced on 1 April 2005. Guidance on the duty was issued in July 2005 and is available from <http://www.everychildmatters.gov.uk>

Monitoring and Inspection of Arrangements to Safeguard and Promote Welfare

2.22. Agencies' responsibilities for safeguarding and promoting the welfare of children, including the arrangements they make under section 11, will be monitored through the Local Safeguarding Children Board (LSCB). Section 13 of the Children Act 2004 requires children's services authorities to establish LSCBs involving key local partners (i.e. those at section 13(3) of the Act).

2.23. The overall objective of these Boards is to co-ordinate and ensure the effectiveness of the work of each Board partner in relation to safeguarding and promoting the welfare of children. Chapter 3 of *Working Together* (2006) explains what LSCBs should do in order to meet this objective.

2.24. The LSCB work to ensure 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, performance indicators, and joint audit. 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 will ensure that its monitoring role complements and contributes to the work of both the children's trust and the inspectorates.

2.25. Where it is found that a Board 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

¹⁰ Special Health Authorities, NHS trusts, NHS Foundation Trusts, Governors/Directors of prisons or secure training centres and the British Transport Police Authority.

the chair will explain these concerns to those individuals and organisations that need be aware of the failing and may be able to take action.

2.26. Agencies, and the LSCB, are subject to independent assessment and inspection. The Framework for the Inspection of Children's Services, published in July 2005 by Ofsted on behalf of all relevant inspectorates and commissions¹¹, sets out principles to be applied by an inspectorate or commission assessing any children's service, and defines the key judgements which, where appropriate and practical, inspections will seek to make. It is available from <http://www.ofsted.gov.uk>. The key judgements include several relating to children and young people staying safe.

2.27. Each local authority area in England will have a multi-inspectorate joint area review (JAR) between 2005 and 2008, which can range across all children's services for children and young people and will always consider services for children and young people who require safeguarding from harm. Individual services may also be assessed through separate inspections or assessments. For example, the annual performance assessment (APA) of children's services looks at the contribution made by a local authority to outcomes for children, including staying safe.

¹¹ From April 2007 the relevant inspectorates and commissions are the Audit Commission, the Healthcare Commission, HM Inspectorates of Constabulary, Probation, Prisons and Court Administration, and Ofsted.

Part Two – Arrangements to Safeguard and Promote Children’s Welfare in Different Agencies



Part Two should be implemented in conjunction with Part One which sets out those factors that are common, or likely to be, across all agencies.

3. Local Authorities, including District Councils



Improving the Wellbeing of Children

3.1. The Local Government Act 2000 aims to improve the wellbeing of people and communities. Section 2 gives local authorities the power to develop community strategies for promoting or improving the economic, environmental and social wellbeing of their areas.

3.2. Section 10 of the Children Act 2004 places a duty on each children's service authority (see footnote 1) to make arrangements to promote co-operation between itself and relevant partner agencies to improve the wellbeing of children in their area. The guidance on *Inter-agency co-operation to improve the wellbeing of children: Children's Trusts* (2005) sets out how these arrangements will be put in place.

The role of local authorities in safeguarding and promoting the welfare of children

3.3. Under the Children Act 2004, LAs have a responsibility for making arrangements to ensure their normal functions are discharged having regard to safeguarding and promoting the welfare of children in their area. This includes all types of LA services involving adults, children and families, including those provided by district councils. The nature of the arrangements will reflect the roles and focus of the authority. As a consequence of this there may be considerable differences in how the duty might be discharged. A LA which has responsibility for the full range of children's services will be operating on a different scale to that of a district council. These responsibilities should be reflected in the Children and Young People's Plan. The following services have a particularly significant part to play in the lives of children and families in each LA.

3.4. **Cultural and leisure services.** The LA provides and enables a wide range of facilities and services for children such as libraries, play schemes and play facilities, sport, parks and leisure centres, events and attractions, museums and arts centres. Their staff, volunteers and contractors have different levels and types of contact with children who are users of these services. Appropriate training for staff should be provided, including training on the issues of safe working practices and on creating safe environments for children. Staff should be alert to any indications that a child may require safeguarding from harm and know who to contact if they

have concerns. They should also be aware of the important contribution they make to children achieving their potential.

3.5. Early Years and childcare. These include family centres, children's centres, nurseries (including workplace nurseries), childminders, playgroups and holiday and out of school schemes. These services play an important part in the lives and development of babies and young children. Early identification of difficulties and intervention can radically improve children's life chances. Research shows that high quality early education leads to better educational and social outcomes for all children. The Government's *Choice for parents, the best start for children* (2004) sets out a ten year strategy to expand and improve the quality of early years education and childcare. Commitments have been taken forward by the Childcare Act 2006 with an action plan for future activity in *Choice for parents, the best start for children: making it happen* (2006). Early Years providers must ensure that clear safeguarding procedures are in place so that children using their services are protected from abuse or neglect. Safeguarding, welfare and development underpin the regulation of day care and childminding services for young children. Early years staff have a wider responsibility to identify and pass on any general or specific concerns that they may have about the safety, welfare or development of children with whom they work. All early years staff should be aware of possible signs of children at risk of harm and procedures must be in place to pass on concerns about such children or details of incidents to the correct local contact. Procedures should be based on those found in *What To Do If You're Worried A Child is Being Abused* (2006).

3.6. Education and schools. All people working in education and schools contribute to the safeguarding and promoting of children's welfare. All schools and further education institutions have a statutory duty to safeguard and promote the welfare of children. Consequently, staff in these establishments play an important part in safeguarding children from abuse and neglect by early identification of children who may be vulnerable or at risk of harm and by educating children, about managing risks and improving their resilience through the curriculum. All schools and further education institutions should create and maintain a safe environment for children and young people, and should be able to manage situations where there are child welfare concerns. Appendix A *Safeguarding Children and Safer Recruitment in Education* (2006) summarises the Government's guidance, issued in November 2006 to Local Education Authorities, schools and further education institutions. It deals with a range of issues, as well as, setting out the responsibilities of Schools, FE colleges and LAs carrying out their functions with a view to safeguarding and promoting the welfare of children under the Education Act 2002.

3.7. Licensing Authorities. The Local licensing authority has a responsibility to undertake its functions under the Licensing Act 2003 with regard to 'the protection of children from harm' – one of four licensing objectives. Specified 'responsible authorities', for example, the fire department or the police, have the opportunity to make representations on applications for the grant or variation of a premises licence or a club premises certificate. The LA is required to indicate in its statement of licensing policy the body (responsible authority) it judges to be competent to advise it on matters relating to the protection of children from harm. Under

section 182 of the 2003 Act the Secretary of State for Culture, Media and Sport is required to issue guidance to licensing authorities in carrying out their licensing functions including the protection of children from harm. The latest guidance was issued in June 2006, and is available at www.culture.gov.uk. DCMS is currently seeking comments on proposals for revised Guidance. In addition, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to be restricted from viewing age-restricted films which have been classified according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. A licensing authority may choose not to specify the British Board of Film Classification (BBFC) as the film classification body, in which case it will decide itself on any restriction on admission of children. The Gambling Act 2005 places the protection of children at the heart of gambling regulation for the first time. One of the main objectives enshrined in the primary legislation of the Act is the protection of children (and vulnerable people). The Act creates a new criminal offence making it illegal to invite or permit children to gamble as well as regulating remote gambling for the first time, requiring operators to put in place measures preventing children accessing gambling websites.

3.8. Housing authorities. Housing and homelessness staff in LAs, and others with a front-line role such as environmental health officers, can play an important role in safeguarding and promoting the welfare of children as part of their day-to-day work – recognising child welfare issues, sharing information, making referrals and subsequently managing or reducing risks. For instance:

- housing staff, in their day-to-day contact with families and tenants, may become aware of needs or welfare issues that they can either tackle directly (for instance, by making repairs or adaptations to homes) or by assisting the family in accessing help through other organisations;
- housing staff can assess the housing needs of families with disabled children, who may require housing adaptations in order to participate fully in family life and reach their maximum potential;
- housing staff assisting people who are homeless or at risk of homelessness may identify that children have welfare needs when making enquiries and interviewing the family, particularly where this involves a visit to the current home. Housing staff should consider not only housing needs but also any need for support to ensure that the housing solution will be successful. Where domestic violence is identified, the safety of children must be considered in any offer of appropriate accommodation, such as a Sanctuary Scheme¹²;

12 The Sanctuary Scheme is a victim centred approach and is an innovative approach to homelessness prevention. It is designed to enable victims of domestic violence to remain in their own accommodation, where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation. If a victim feels compelled to move then the disruption to family and other support networks, education and employment can sometimes lead to homelessness.

The main feature of the scheme is the creation of a 'sanctuary room', providing a safe room or sanctuary where victims can call and wait for the arrival of police. Additional security can be provided, i.e. locks on windows and doors, gated security to the outside of a property, fire hammers, fire blankets and emergency lighting.

- housing staff, through their day-to-day contact with families, may become aware of concerns about the welfare of particular children. Also, housing authorities may hold important information, for instance regarding a neighbourhood dispute, which could assist local authority children's social care to carry out assessments under section 17 or 47 of the Children Act 1989. Conversely, children's social care staff and other organisations working with children may have information that will help housing staff in their assessment of what type of accommodation would be suitable and appropriate. Housing authorities should develop joint protocols to share information with other organisations – e.g. children's social care or health professionals in appropriate cases;
- environmental health officers inspecting conditions in private rented housing may become aware of conditions that could impact adversely on children. Under Part 1 of the Housing Act 2004, authorities must take account of the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions.

3.9. Under sections 325-327 of the Criminal Justice Act 2003, local housing authorities must co-operate with Multi Agency Public Protection Arrangements which are joint working arrangements between the police, prison and probation on sharing information and jointly assessing and managing the risks posed by sexual and violent offenders and reviewing and monitoring these arrangements.

3.10. Housing authorities, when discharging their functions via other organisations such as, for example, Registered Social Landlords (RSLs), are under a duty to ensure that the organisation safeguards and promotes the welfare of children.

3.11. **Children's Social Care.** A key social services function under the Children Act 1989 is to safeguard and promote the welfare of children in need in their area (see Appendix B for relevant extracts from the Children Act 1989). This includes: children who are living with their family and require family support services; children who are the subject of child protection plans; children who are growing up in special circumstances because, for example, a parent is in prison or misuses substances; disabled children; unaccompanied asylum seeking or refugee children; children looked after by the LA; children who are placed for adoption, care leavers and young people in custodial settings. The LA has a duty to respond to requests for their services for children in need under the Children Act 1989 and, in particular, to undertake section 47 enquiries where there are concerns about a child suffering or likely to suffer significant harm. The regulations and guidance accompanying the Children Act 1989, the Children (Care Leavers) Act 2000 and the Adoption and Children Act 2002 set out the social services functions in relation to children and their families.

3.12. The LA also has a duty under the Children Act 1989 to satisfy themselves that the welfare of children who are or are proposed to be privately fostered within their area is being or will be satisfactorily safeguarded and promoted, and to ensure that such advice is given to those concerned with them as appears to the authority to be needed.

References



Chief Inspector of Social Services, Commission for Health Improvement, Her Majesty's Chief Inspector of Constabulary, Her Majesty's Chief inspector of the Crown Prosecution Service, Her Majesty's Chief inspector of the Magistrates' Courts Service, Her Majesty's Chief inspector of Schools, Her Majesty's Chief inspector of Prisons, Her Majesty's Chief Inspector of Probation (2002). *Safeguarding Children – A Joint Chief Inspectors' Report on Arrangements to Safeguard Children*. London, Department of Health.

Children Act 1989 (1989). London, HMSO.

Children Act 2004 (2004). London, HMSO.

The Children (Private Arrangement for Fostering) Regulations (2005) S.I. No. 1533.

Cm 5730 (2003). *The Victoria Climbié Inquiry Report*. London, The Stationery Office.

Cm 5860 (2003). *Every Child Matters*. London, The Stationery Office .

Cm 5861 (2003). *Keeping Children Safe – the Government's response to the Victoria Climbié Inquiry Report and Joint Chief Inspectors Report: Safeguarding Children*. London, The Stationery Office.

Crime and Disorder Act 1998 (1998). London, HMSO.

Criminal Justice Act 2003 (2003). London, HMSO.

Criminal Justice and Court Services Act 2000 (2000). London, HMSO.

Data Protection Act 1998 (1998). London, HMSO.

Department for Education and Skills (2004a) *Every Child Matters: Change for Children Programme*. Nottingham, Department for Education and Skills.

Department for Education and Skills (2004b). *Requirements and Guidance for the Connexions Service*. London, Department for Education and Skills.

Department for Education and Skills (2005a). *Common Core of Skills and Knowledge for the Children's Workforce*. London, Department of Education and Skills.

Department for Education and Skills (2005b). *Children Act 1989 Guidance on Private Fostering*. London, Department of Education and Skills.

Department for Education and Skills (2005c). *National Minimum Standards for Private Fostering*. London, Department of Education and Skills.

Department for Education and Skills (2007). *Annual Review of the Children and Young People's Plan (supplementary guidance)*. www.everychildmatters.gov.uk/IG00192/

Department for Education and Skills & Department for Work and Pensions (2006). *Choice for parents, the best start for children: making it happen: An Action plan for the 10 year strategy*. London, Department for Education and Skills.

Department of Health (2003). *Children and Young People in Hospital*. London, Department of Health.

Department of Health and Department for Education and Skills (2004). *National Service Framework for Children, Young People and Maternity Services*. London, Department of Health. www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/ChildrenServices/ChildrenServicesInformation/fs/en.

Department of Health, Department for Education and Skills and Home Office (2000). *Framework for the Assessment of Children in Need and their Families*. London, The Stationery Office.

Domestic Violence, Crime and Victims Act 2005 (2005). London, HMSO.

Education Act 1996 (1996). London, HMSO.

Education Act 2002 (2002). London, HMSO.

Health Act 1999 (1999). London, HMSO.

HM Government (2005a). *Statutory Guidance on Inter-agency co-operation to improve the well-being of children: Children's Trusts*. London, Department for Education and Skills. www.everychildmatters.gov.uk/strategy/guidance/

HM Government (2005b). *Guidance on the Children and Young People's Plan*. London, Department for Education and Skills.

HM Government (2006a). *Working Together to Safeguard Children*. London, The Stationary Office. www.everychildmatters.gov.uk/resources-and-practice/IG00060/

HM Government (2006b). *Common Assessment Framework for Children and Young People: Practitioners' Guide* London, Department for Education and Skills.

HM Government (2006c). *Information Sharing: Practitioners' guide*. London, Department For Education and Skills.

HM Government (2006d). *The Lead Professional: Practitioners' Guide*. London, Department For Education and Skills.

HM Government (2006e). *What To Do If You're Worried A Child Is Being Abused*. London, Department for Education and Skills. www.everychildmatters.gov.uk/resources-and-practice/IG00182/

HM Prison Service (2003). *Prison Service Order 2855 – Prisoners with physical, sensory and mental disabilities*. London, HM Prison Service.

HM Prison Service (2004a). *Public Protection Manual*. London, HM Prison Service.

HM Prison Service (2004b). *National Security Framework*. London, HM Prison Service.

HM Prison Service (2004c). *Prison Order 4950 – Juvenile Regimes*. London, HM Prison Service.

HM Treasury, Department for Education and Skills, Department for Work and Pensions, Department for Trade and Industry (2004). *Choice for parents, the best start for children: a ten year strategy for childcare*. London, The Stationery Office.

Home Office, Lord Chancellor's Department, Crown Prosecution Service, Department of Health and National Assembly for Wales (2002). *Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and using special measures*. London, Home Office.
www.homeoffice.gov.uk/justice/legalprocess/witnesses/index.html.

Housing Act 1996 (1996). London, HMSO.

Housing Act 2004 (2004). London, HMSO.

Human Rights Act 1998 (1998). London, HMSO.

Learning and Skills Act 2000 (2000). London, HMSO.

Licensing Act 2003 (2003). London, HMSO.

Local Government Act 2000 (2000). London, HMSO.

National Probation Service (2003). Probation Circular 69/2003.

National Centre for Policing Excellence (2005). *Guidance on Investigating Child Abuse and Safeguarding Children*. National Centre for Policing Excellence, Hampshire.

Police Act 1996 (1996). London, HMSO.

Police and Criminal Evidence Act 1984 (1984). London, HMSO.

Prisons Act 1952 (1952). London, HMSO.

Railways and Transport Safety Act 2003 (2003). London, HMSO.

Safeguarding Vulnerable Groups Act 2006 (2006). London, HMSO.

Sexual Offences Act 2003 (2003). London, HMSO.

Youth Justice Board. *Key Elements of Effective Practice: Assessment, Planning Interventions and Supervision*. London, Youth Justice Board.

Youth Justice Board (2002). *National Specification for Learning and Skills for Young People on a Detention and Training Order in Prison Service Accommodation*. London, Youth Justice Board.

Youth Justice Board (2004a). *National Standards for Youth Justice Services*. London, Youth Justice Board.

Youth Justice Board (2004b). *Sustaining the Success: Extending the Guidance; Establishing Youth Offending Teams*. London, Youth Justice Board.

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