

## **Partial RIA. Working Together: the duty to establish Local Safeguarding Children Boards**

### **Objectives**

1. Local Safeguarding Children Boards (LSCBs) are being established to replace Area Child Protection Committees (ACPCs). They aim to improve the effectiveness of work to safeguard and promote the welfare of children by coordinating the work of partner agencies and ensuring its effectiveness. Their functions are based upon those of ACPCs, but also encompass the co-ordination of wider safeguarding activity in the area; their focus is on prevention as well as protection.

### **Background**

2. The Government is consulting on a revised version of the document *Working Together to Safeguard Children* together with draft Local Safeguarding Children Board regulations.

3. This RIA focuses specifically on the requirement to establish Local Safeguarding Children Boards under the Children Act 2004 and underpinned by the Local Safeguarding Children Boards Regulations 2005 (on which the Government is consulting); as this places a number of new responsibilities on key agencies.

4. LSCBs are expected to evolve from existing Area Child Protection Committees, which did not have a statutory footing. Some key additional functions of the LSCB now underpinned by statute over and above current ACPC responsibilities are shown below. For some ACPCs/LSCBs, much of this will not be new, while for others it represents a significant shift:

- LSCB policies and procedures with regard to safeguarding and promoting the welfare of children will cover a broader remit. This will include prevention; policy and procedure on safety and welfare of children who are privately fostered; and policy on recruitment of and investigation of allegations concerning persons working with children
- LSCBs will have a new function around communication and raising awareness of people within the area around safeguarding and promoting welfare
- LSCBs will have a new procedural requirement i.e. independent Serious Case Review chairs
- There will be a new function to review all child deaths and to co-ordinate the response to unexpected child deaths – it is proposed that this requirement will apply from 2008

5. Establishing and overseeing the work of the LSCB is a matter for the relevant local authority. It will be one of the duties which fall within the responsibilities of the Director of Children's Services when appointed. Prior to that, as a social services function, this will fall within the responsibilities of the Director of Social Services.

### **Rationale**

6. The Joint Chief Inspectors' report, *Safeguarding Children*, found that arrangements for Area Child Protection Committees were not working well in some areas. This often stemmed from the low priority given to safeguarding children by some of the bodies involved, which could manifest itself in lack of resources for child protection and of senior management commitment. Without Government intervention, this situation would not improve. However, establishing LSCBs, as part of the wider Every Child Matters reforms, should significantly improve the current position. As statutory bodies with a clear remit and a duty on organisations to participate, they will be in a much better position to effectively co-ordinate local safeguarding work.

### **Consultation**

7. Wide consultation with stakeholders and partners has taken place in the context of the Every Child Matters agenda. The Green Paper consultation responses showed support for making LSCBs statutory.

8. Stakeholders and partners are now being consulted on the revised Working Together and the draft LSCB regulations.

### **Options and risk assessment**

9. If the provision is not implemented, it will undermine the implementation of the duties to safeguard and promote the welfare of children, and to cooperate to improve children's well-being, which LSCBs are designed to support. ACPCs are less effective than they should be and agencies often view child protection as being a Local Authority function. The set of duties and the LSCB requirement emphasise that this is not the case. The option of doing nothing is discussed briefly under rationale above. It seems superfluous to discuss other options at this stage.

10. The risk of going ahead is that the transition to LSCBs will cause a dip in the performance of existing ACPC functions either by the work to set up an LSCB, or by the introduction of new functions. This needs to be addressed by clear and timely guidance which will help local areas to make a smooth transition.

### **Costs and Benefits**

11. The overview Children Bill Regulatory Impact Assessment published in Summer 2004 did not anticipate net costs from the introduction of LSCBs.

12. This is likely to be true overall and over time. However, there will probably be costs to be met over the next few years before they are outweighed by savings.

13. Savings will arise from the changes:

- If multi-agency training, which is the main cost to ACPCs (about 40% of their cash expenditure in 2004-05 according to our recent survey) is integrated with other local training as part of the local workforce strategy. This will bring potential efficiency gains from better organisation and commissioning;
- If improved safeguarding work, in particular proactive work, has the desired outcome and helps to reduce the incidence of abuse and neglect, this will at the margins reduce the demand on services to intervene and review e.g. section 47 enquiries, serious case reviews;
- If, through the new work to analyse child deaths, LSCBs are able to use the findings to inform planning on how best to safeguard and promote the welfare of the children in their area, and to help prevent further deaths.

14. However, these are likely, in the short term at least, to be outweighed by increased costs. There will be additional costs from the new requirement to have LSCBs in place:

- Costs arising from the broader range of their policy, procedures, and evaluation work;
- Costs arising from LSCBs' function of communicating with the local community and raising awareness. It is likely that the LSCB communications work will be part of wider local work, and will utilise communication channels of partner agencies, rather than setting up an independent communications function; and
- Costs arising from making it a requirement to have an independent author for the overview report of each serious case review, which it is estimated would mean an increase in the relatively small amount spent on serious case reviews in a year.

15. Extrapolating from a recent survey suggests that nationally, ACPCs are receiving just over £14 million cash funding plus contributions in kind in excess of £5 million. A reasonable estimate is that moving to LSCBs represents an increase in costs of around 20% or £4 million (making no allowances for the longer term offsetting savings which should result in a lower net cost).

16. In addition there will be a net cost to the new child death review processes - of responding rapidly to an unexpected death in childhood and the panel for reviewing all child deaths in the area - which are included in the consultation. Estimates suggest an increase in costs of around £6m. This would only apply nationally from April 2008. In the meantime in trialling these processes it is possible to look in more detail at costs in practice.

17. It is unlikely that all of these costs will fall to local authorities. According to the survey, local authorities bear 53% of cash ACPC costs, while the rest fall to other LSCB partners, principally Primary Care Trusts (who on average pay 23%) and the police (11%). The costs will not necessarily be cash and may arise more from contributions in kind e.g. staff working on these processes, accommodation. Board partners are required by the Children Act 2004 to co-operate with the local authority in the operation of the LSCB, and are explicitly empowered in the Act to make payments towards LSCB expenditure or provide support in kind. However, there is no requirement on them to fund LSCBs at a particular level. The extra costs of responding rapidly to unexpected deaths are likely to fall to the health services.

### **Agencies required to participate**

18. The statutory agencies which are required to cooperate in establishment, operation and discharge of the LSCB functions are the agencies set out in section 13.3 of the Children Act 2004:

- District Councils in local government areas which have them
- The Chief Officer of Police for any police area falling within the authority
- the Local Probation Board for an area any part of which falls within the authority
- the Youth Offending Team for an area any part of which falls within the authority
- Strategic Health Authorities and Primary Care Trusts for an area any part of which falls within the authority
- NHS Trusts and NHS Foundation Trusts all or most of whose hospitals or establishments and facilities are situated in the authority area
- The Connexions Service providing services in any part of the authority
- CAF/CASS (Children and Family Courts Advisory and Support Service)
- The governor or director of any Secure Training Centre in the area of the authority

- The governor or director of any prison in the authority area which ordinarily detains children.

19. Also, the draft guidance sets out that the local authority should secure the involvement of other relevant local agencies and organisations. At a minimum these should include local schools and FE Colleges, Sure Start children's centres, and voluntary and community sector organisations, including where relevant the NSPCC and bodies providing specialist care to children with severe disabilities and complex health needs. In areas where they have significant local activity, the armed forces and immigration and asylum support agencies should also be included.

20. As has been the case with ACPCs in some local authority areas, the legislation enables two or more local authorities to establish a shared LSCB where this is an appropriate response to local geography and circumstances. Neighbouring LSCBs in some areas may also wish to share resources and provide joint services.

## **Funding**

21. The costs to Local Authorities of setting up LSCBs are being met from within the £90 million Safeguarding Children Grant which comes to an end in March 2006. Local Authorities should have transformed their ACPCs into LSCBs by that point so that they are fully functioning by 1 April 2006. The Government plans then to roll the Safeguarding Children Grant into mainstream children's services funding.

22. The new child death review processes will have a cost that has not so far been met from the Safeguarding Children Grant. The Government announced in December 2004 that it would make available £22.5m in 2006-07 and £63m in 2007-08 to help Local Authorities implement the whole Every Child Matters agenda.

23. As mentioned above, there is no requirement on agencies to fund LSCBs at a particular level. While Board partners may well choose to contribute more in future, if necessary the increase in costs to 2007-08 can be met from within the budget increases outlined above.

24. Funding from 2008-09 onwards is subject to the 2006 Spending Review. There will be the opportunity to review the cost of the child death review processes against available funding before the requirement comes into force in April 2008.

## **Inspections and Monitoring**

25. Arrangements for safeguarding and promoting the welfare of children and the activities of LSCBs will be assessed by the relevant inspectorates. Inspections of services will provide independent assessment of the various organisations' efforts to safeguard and promote the welfare of children, enabling Joint Area Reviews to bring together relevant inspection evidence and evaluate the extent to which LSCBs contribute to improving the wellbeing of children and young people in a local authority area as a whole.

26. Joint area reviews will set out to describe the outcomes achieved by children and young people growing up in the area and evaluate the way local services, taken together, contribute to their well-being. They will cover universal, targeted and specialist services. Particular attention will be given to joint action by local services on behalf of those groups of children and young people who are vulnerable to poor outcomes. So while individual inspections, reviews and assessments will challenge, and provide recommendations to services, joint area reviews will look at the interface between these services and the extent to which co-operation is occurring. The joint area review report will be public, and will be communicated to service users as well as to service providers.

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