

# Making safeguarding everyone's business

The Government's response to the second Chief Inspectors' report on arrangements to safeguard children

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# Introduction

- 1 It was in the 1998 White Paper, *Modernising Social Services*, that the Government stated, to wide support, that the Chief Inspectors should be asked to produce joint reports on children's safeguards.
- 2 In October 2002 the Chief Inspectors published their first joint report, *Safeguarding Children*. The report identified a range of concerns and along with the report of the Victoria Climbié Inquiry, which was published in January 2003, was one of the key drivers behind the *Every Child Matters* Green Paper. Both reports highlighted serious problems with the system for safeguarding children but they also pointed the way towards a better system of safeguarding all children. In September 2003, the Government published *Keeping Children Safe*, a joint response to both reports.
- 3 The 2002 report found the commitment to safeguarding declared by senior managers did not translate consistently into effective work to safeguard children in practice. Too often this was seen as a low priority. There were major problems with information sharing, and few Area Child Protection Committees were able to ensure that safeguards were in place across agencies.
- 4 The report also highlighted serious concerns about the thresholds that social services were applying in their children's services. Professional staff from other agencies were concerned that social services were not providing an adequate response to situations that did not involve a high risk of serious harm to children and young people. Many of these difficulties related to staff shortages within children's teams in social services.
- 5 In July 2005 the Chief Inspectors published their second joint report *Safeguarding Children: the second Chief Inspectors' Report on Arrangements to Safeguard Children*<sup>1</sup>. The Government welcomes the collaboration across the Inspectorates that has gone into producing this second report.

- 6 The 2005 report recognises that there have been major developments in policy on children's services during the last three years. However it also found a number of significant concerns that run across different settings, some of which are issues which were also identified in the first *Safeguarding Children* report.
- 7 The Commission for Social Care Inspection (CSCI) report *Making every child matter – messages from inspections of children's social services*<sup>2</sup>, published on 19 October, also shows progress by Local Authorities in improving how they provide child protection services. The report is informed by material used in the Chief Inspectors' second joint report. It is based on inspections of children's services in 69 local councils between 2003 and 2005. It also draws on evidence from fostering, adoption and Youth Offending Team (YOT) inspections. The report is therefore based on a substantial body of evidence about children's social care at a time when CSCI is moving from single service inspections to contributing to Joint Area Reviews and at a point when the Government's Every Child Matters: Change for Children programme is being implemented.
- 8 *Making Every Child Matter* provides a useful window on the condition of children's social care and shows that the quality of social services is improving for most children and families who receive them. Whilst the report doesn't make any recommendations it does identify a number of concerns which will be taken into account along with those raised in the Chief Inspectors' second joint report.
- 9 There is a clear benefit to having regular inspection reports, focused on safeguarding and drawn up by all the relevant Inspectorates. The requirement to have these reports will therefore continue in future. There will still be a need for joint working between inspectorates to produce these reports even in a future system of fewer inspectorates overall.

### What do we mean by 'safeguarding and promoting welfare'?

10. For the purposes of their second report the Chief Inspectors retained the definition of safeguarding that was used for their first review:
  - 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 full partnership with other local agencies.

2 See [www.csci.org.uk/publications/national\\_reports/making\\_every\\_child\\_matter.htm](http://www.csci.org.uk/publications/national_reports/making_every_child_matter.htm)

- 11 The Chief Inspectors' definition is focussed at an organisational level and whilst we believe the definition is useful we prefer to define safeguarding and promoting the welfare of children in terms of what it means for children. Therefore, for the purposes of Government guidance, safeguarding and promoting the welfare of children is defined 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 such that they enter adulthood successfully.
- 12 Where we refer to 'safeguarding' throughout this document we mean 'safeguarding and promoting welfare'.

### About this document

- 13 This document sets out the Government's response to the Report. It covers:
- The report's key findings
  - The Chief Inspectors' recommendations and the Government's response to each
  - Action plan (on recommendations to Government and national agencies)

### The Report's key findings

- 14 The report is broadly positive about the system for safeguarding children and includes many examples of good practice. Generally the Inspectors found that agencies are working together better to identify and act on welfare concerns. They found greater clarity about roles and responsibilities, underpinned by protocols for operational co-operation and information sharing. At a local level, the Inspectors found that the priority given to safeguarding children across local government, health services and the justice system has increased in the three years since the last review.
- 15 The Inspectors also found that more effort is being devoted to listening to and consulting with children. For example, many National Health Service (NHS) trusts have made considerable efforts to communicate with children appropriately and to seek their views in developing services; young people who commit offences were almost exclusively positive about their experiences with youth offending teams (YOTs); and there has been much attention given to seeking children's views in cases of domestic violence and improving support when they appear as witnesses in court.

- 16 The Inspectors' report does however raise a number of key concerns including safeguarding of disabled children, the safety of children and young people in custody, children seeking asylum and issues surrounding recruitment and staff checking procedures.
- 17 The Inspectors found that the level of priority given to safeguarding still varies considerably between agencies that are involved with children. The report states that some agencies, particularly in the justice system, have not yet sufficiently reflected upon what safeguarding means for their work and ensured that policy commitments to safeguarding are fully embedded in practice. The Inspectors reported that there are some groups of children, including disabled children and those living away from home, whose needs are not always given sufficient recognition or priority.
- 18 The Inspectors also raised concerns about how thresholds are applied by social services in their child protection and family support work. They found that some agencies other than social services are often unclear about how to recognise the signs of abuse or neglect, are uncertain about the thresholds that apply to child protection or do not know to whom they should refer their concerns. The Inspectors also found that, largely because of resource pressures, some social services apply high thresholds in responding to child protection referrals and in taking action to protect children.
- 19 Relating to these findings the Inspectors raised questions in the report about whether there will be sufficient capacity in all council areas to protect and promote the welfare of children effectively as well as achieving an appropriate balance between universal and preventative services within the new Every Child Matters arrangements.

### Government action following the first Safeguarding report

- 20 Since the Chief Inspectors' first joint report in 2002, the Government has been engaged in a programme of work to improve safeguarding.
- 21 The Government's vision is for a shift in focus from protecting children from harm, to preventing abuse or neglect in the first place. It is clear that early intervention is essential if children are to be safeguarded effectively and this goes hand in hand with supporting parents and families.
- 22 The second Chief Inspectors' report has not yet been able to gauge the effects of the longer-term reform programme which the Government put in place following the first report which also takes account of the Victoria Climbié Inquiry report and Sir Michael Bichard's report<sup>3</sup> into the Soham murders. This work should continue to improve safeguarding in future as the reforms are put in place.

<sup>3</sup> *The Bichard Inquiry investigated child protection measures, record keeping, vetting and information sharing following the conviction of Ian Huntley for the murder of Soham schoolgirls Holly Wells and Jessica Chapman. The Report with Sir Michael Bichard's findings and recommendations was published on 22 June 2004.*

## The Every Child Matters: Change for Children Programme

- 23 The *Every Child Matters* Green Paper in 2003 set out the Government's plans for a programme of work to improve outcomes for children. The programme to implement those reforms is still ongoing. Information about progress with the Every Child Matters: Change for Children programme can be found on <http://www.everychildmatters.gov.uk> Some aspects of the programme are particularly relevant in tackling some of the safeguarding issues identified in the Chief Inspectors' report:
- a The Children Act 2004 provides the legal underpinning for Every Child Matters. A series of documents have been published which provide guidance under the act, to support local authorities and their partners in implementing new statutory duties. At the same time an overview of these and other guidance supporting the ECM programme has been published. This includes the new duty to safeguard and promote the welfare of children and the introduction of Local Safeguarding Children Boards. See <http://www.everychildmatters.gov.uk/strategy/guidance/>
  - b The Children's Workforce Strategy: a strategy to build a world-class workforce for children and young people was published for consultation on 1 April 2005. It set out action to be taken nationally and locally to ensure that there are the skills, ways of working and capacity in the children's workforce to deliver change for children. The Government's response to the consultation was published in February 2006, see <http://www.everychildmatters.gov.uk/deliveringservices/workforcereform/>
  - c Following the Bichard report and the recent review of List 99, the Government is working to improve recruitment and vetting procedures to improve standards of safety for those working with children. Information on the Government's work to implement the Bichard report can be found at: <http://police.homeoffice.gov.uk/operational-policing/bichard/>
  - d New guidance and mechanisms are being put in place to improve the way information about children is shared and used. See <http://www.everychildmatters.gov.uk/deliveringservices/informationsharing/>





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ISSUES

## The Chief Inspectors' recommendations and the Government's responses

### Recommendation 1

#### **The Department for Education and Skills and the Home Office should:**

Give consideration in national consultation on Local Safeguarding Children Boards (LSCBs) to:

- developing appropriate links with the full range of agencies working with children in addition to the core agencies on Local Safeguarding Children Boards. This should include the courts, the Crown Prosecution Service and, where appropriate, the immigration service, including removal centres and local enforcement offices;
- the management of and dissemination of learning from serious case reviews; and
- accountability arrangements and responsibility for forward planning between the Local Safeguarding Children Boards and the children's trust governance arrangements.

### Response

#### **Accept**

- 24 At the time of writing this response the Government's inter-agency guidance *Working Together to Safeguard Children* is being revised following an extensive consultation exercise. Chapter three of the guidance covers the role and objectives of the Local Safeguarding Children Boards (LSCBs), and was published in December 2005 ahead of the full *Working Together to Safeguard Children* guidance which will be published in the Spring of 2006.
- 25 The guidance explains that the work of LSCBs fits within the wider context of children's trust arrangements that aim to improve the overall wellbeing (i.e. the five outcomes set out in the *Every Child Matters* Green Paper) of all children in the area.

Whilst the work of LSCBs contributes to the wider goals of improving the wellbeing of all children, it has a particular focus on aspects of the 'staying safe' outcome. The Government has detailed the nature of the LSCBs' work and the relationship between the LSCB and children's trust arrangements, and has taken into account the responses to public consultation. The role of LSCBs should be to ensure that, within their wider spread of activity, children's trust partners and others maintain a steady focus on key elements of 'staying safe', that they do so in a concerted and hence effective way, that when something goes wrong lessons are learnt, and that the overall picture is regularly assessed and improvements made.

- 26 LSCBs will participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account. For example, by contributing to the Children and Young People's Plan (see response to recommendation 3.15), and ensuring in discussion with the children's trust that all planning and commissioning of services for children within the Local Authority area takes account of the need to safeguard and promote children's welfare.
- 27 In line with this recommendation, we have included in the revised *Working Together* a clear direction that the Local Authority should secure the involvement in LSCBs of the Courts, the Crown Prosecution Service, the Immigration Service, and the National Asylum Support Service, as well as other key organisations, where appropriate in addition to the statutory LSCB partners.
- 28 Amongst LSCB functions, there is a requirement to undertake serious case reviews of cases where a child had died or been seriously injured in circumstances where abuse or neglect is known or suspected, and to advise on lessons that can be learned. A further responsibility of reviewing child deaths will be trialled before becoming a core LSCB function.
- 29 Taken together, child death and serious case reviews should be an important source of information to inform national policy and practice. The Department for Education and Skills (DfES) is responsible for identifying and disseminating common themes and trends across review reports, and acting on lessons for policy and practice. The DfES will commission overview reports at least every two years, drawing out key findings of serious case reviews and their implications for policy and practice. It is considering how best to collate the findings from the work of the local child death overview teams.

## Recommendation 2

### **The Department for Education and Skills should:**

Review arrangements to safeguard children where they are away from home in settings that are currently unregulated, such as sports, music or language centres etc. to ensure that appropriate regulation and safeguarding arrangements are in place. This review should also apply to armed services settings which accommodate children.

## Response

### Reject

- 30 The Government rejects this recommendation because there is already a range of measures in place and in development to safeguard children in settings that are currently unregulated. These include the new duties under Section 11 of the Children Act 2004 which came into force on 1 October 2005 and place a duty on key agencies to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children and that any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need. Further measures include our proposals for LSCBs to involve different bodies and the local community in their work to safeguard children, and through the new Vetting and Barring Scheme being developed by the Government in response to Sir Michael Bichard's report, following the Soham murders.
- 31 The Government is aware of the need to safeguard children who are away from home. Currently, under the Children Act 1989, providers that operate for a total of two hours or more per day, six or more days per year and that care for children under the age of 8 are required to apply for registration, and to be inspected, by the Office for Standards in Education (Ofsted). Providers registered by Ofsted are required to apply for Criminal Records Bureau (CRB) enhanced disclosures as part of the registration process. However, care for children aged 8 and over, activity based provision such as drama clubs or sports clubs, or short term occasional care is not regulated in this way. Anyone caring for a child, however, will owe a duty of care, the standard of which is to act as a reasonably prudent parent. In addition local authorities have a duty to investigate

where they “have reasonable cause to suspect that a child who lives, or is found in their area is suffering, or is likely to suffer, significant harm”.

- 32 The Government believes that regulation and inspection should be proportionate to risk, but appreciates that the greater the vulnerability of the child the greater the risk of harm. The Childcare Bill was introduced on 8 November and includes proposals to enable provision for children aged 8 and over to be regulated by Ofsted by using a voluntary child care register. This new scheme will offer currently unregistered providers more straightforward access to CRB checks. It will also make it easier for Children’s Information Services to point parents towards Ofsted registered provision including that which would have been previously unable to register with Ofsted, particularly group care for children aged 8 and over. This will reduce the amount of childcare which is unregistered.
- 33 The primary aim of the new vetting and barring scheme is to make safeguarding a top priority. It will bar individuals from working in situations where the evidence suggests that they present a risk of harm to children or vulnerable adults. It will provide a comprehensive, integrated, continuously updated system of pre-employment vetting and referral-based barring for both paid and unpaid workers, to ensure that individuals who are known to pose a risk of harm to children and vulnerable adults are barred from the workforce at the earliest possible opportunity.
- 34 Centres that provide certain adventurous activities for children are required under the Activity Centres (Young Person’s) Act 1995 and the Adventure Activities Licensing Regulations 2004 to have their safety management systems inspected and licensed by the Adventure Activities Licensing Authority. However, inspections do not cover the standard of accommodation or other services provided.
- 35 As regards Armed Forces settings which accommodate children the Ministry of Defence (MOD) accepts appropriate responsibility for youth activities and for those Service personnel who are under 18. All MOD youth activities operate within relevant safeguarding legislation as well as in accordance with appropriate risk assessment criteria. Commanding Officers take their responsibilities towards all their people extremely seriously, and are very well aware of the particular welfare needs of Service personnel, including recruits and trainees, and of under-18s.
- 36 The MOD has issued a guidance note to all Commanding Officers dealing with the care and management of under 18s. The guidance note sets out clearly the nature of obligations, records best practice and facilitates even application.

- 37 The MOD have committed themselves to a longer term partnership with the Adult Learning Inspectorate, which will continue to undertake inspections of training establishments, embracing both follow-up work from its duty of care survey and a wider examination of training and education.
- 38 The fact that a child who has become 16 years of age is living independently or is in Further Education, or is a member of the armed forces, or is in hospital, or in prison or a young offenders institution does not change their status or their entitlement to services or protection under the Children Act 1989.

## Recommendation 3

### **The Department for Education and Skills should:**

Reinstate the duty on social workers to visit children looked after at a minimum specified frequency and require social services, and subsequently, children's services, to monitor these arrangements effectively.

## Response

### **Accept as good practice**

- 39 The Government accepts this recommendation as good practice in ensuring effective monitoring arrangements are in place for looked after children. There are requirements either in place or being considered which will cover visiting of Looked After Children in different settings.
- 40 For foster children, regulation 35 of the Fostering Services Regulations 2002 requires a responsible authority to satisfy itself that the welfare of each child it has placed in foster care continues to be suitably provided for by the placement, and to make arrangements to visit the child, in the home in which he is placed in the first year of the placement within one week from its beginning and then at intervals of not more than six weeks and subsequently at intervals of not more than three months.
- 41 However, there is currently no equivalent of this duty on the responsible authority in relation to children placed in children's homes and the Government will be

considering whether such a safeguard is required as part of its review of the Children's Homes National Minimum Standards and underpinning Regulations. A consultation document on the proposed changes will be issued in late 2006 and the standards and Regulations will be finalised in time for implementation in April 2008.

- 42 Existing safeguards for children placed in children's homes include Regulation 33 of the Children's Homes Regulations 2001 which requires that visits are made to children's homes by the registered provider or responsible individual. These visits must take place at least once a month and may be unannounced. The person carrying out the visit shall interview, with their consent and in private, the children accommodated in the home, their parents and relatives, and persons working at the home as appears necessary in order to form an opinion of the standard of care provided in the home. They must also inspect the premises of the children's home, its daily log of events and records of any complaints, and prepare a written report on the conduct of the home.
- 43 The role of the Independent Reviewing Officer (IRO) is important in ensuring that looked after children placements are monitored effectively. All looked after children must have a statutory review of their care plan at prescribed intervals. The Government introduced through the Adoption and Children Act 2002, a statutory duty for Local Authorities to appoint IROs to review the care plans for all looked after children. Since September 2004, all review meetings must be chaired by an IRO.
- 44 IROs must be independent of the line management and resource allocation for the cases that they review. The IRO role is to scrutinise the care plan for a looked after child, monitor the progress of the plan and, if necessary, to recommend amendments to the plan, so that it is properly responsive to the child's needs.
- 45 As part of the DFES programme to achieve the PSA target on the placement stability and educational achievement of looked after children, we are actively developing IRO networks in each Government Office region. The purpose of these networks is to build local capacity in order to strengthen the authority of the IRO role and to develop consistent standards for quality assuring care planning for looked after children in every local authority. Network development is intended to empower IROs so that they can challenge poor social work practice and management, such challenge being essential in cases where children placed in children's homes are not being provided with regular visiting support from their allocated social worker.
- 46 In November 2005 we announced Government funding, up to March 2008, for a National Centre for Excellence in Residential Child Care to be hosted by the National

Children's Bureau. The National Centre will, through its work with frontline managers, practitioners and local authority commissioners, highlight and reinforce the need for regular social worker visits to children in residential care, and for local authorities effectively to monitor these arrangements.

## Recommendation 4

**The Department for Education and Skills, the Department of Health, the Youth Justice Board and the National Offender Management Service should:**

Issue one agreed set of principles for the use of control methods in all settings where children are cared for, including secure settings. This should take account of children's views and the need to place the use of physical control within an overall behaviour management strategy and in a wider context of prevention. Arrangements should be made for comprehensive accredited and/or approved training for staff.

## Response

### Accept in principle

- 47 The Government believes physical intervention must never be used as a punishment. As far as possible, the framework for physical intervention in all settings should be compatible with each other and developed from the same set of principles. However, the Government is looking in depth at this issue across the range of secure settings where physical restraint might be used.
- 48 Establishments should have clear published statements about acceptable behaviour and young people's views should contribute to the development and review process for these. Within an overall strategy of behaviour management within each establishment, physical intervention should be kept to a minimum, so that it is only employed where there is a real assessed risk and there is no alternative.
- 49 As a step in this direction, the Youth Justice Board, following consultation with key stakeholders, has issued a Code of Practice on Behaviour Management applying to all the sectors of the secure estate for children and young people. The code places

physical intervention in the context of a wider framework for managing behaviour including promoting positive behaviour.

- 50 However, while it may be possible to agree a set of general principles on control methods, there are specific issues that need to be taken into account for the medical treatment of mentally ill children and young people that are unlikely to be relevant for non-health settings. The National Institute for Clinical Excellence (NICE) is the organisation responsible for issuing guidelines to the NHS based upon the best available evidence.
- 51 The Department of Health will explore the possibility of NICE developing a guideline on the management of children and young people with disturbed/violent behaviour in psychiatric in-patient settings and emergency departments to complement the guideline published in February 2005 for adult psychiatric and emergency department settings.

## Recommendation 5

**The Home Office, the Association of Chief Police Officers, and the Association of Police Authorities should:**

Consider introducing national performance indicators for the police for child protection and the investigation of child abuse to give it due priority.

## Response

### Accept in principle

- 52 The Government accepts the principle behind this recommendation as the protection of children and the investigation of child abuse are critically important areas of policing. The Government is working in partnership with the Association of Chief Police Officers and the Association of Police Authorities to consider the development of meaningful child protection performance indicators for the police service. This work is challenging and needs to be integrated within the wider framework for assessing performance.



- 53 The Police Performance Assessments for 2004/05 were launched on 27 October 2005 and ongoing work to review performance indicators will include consideration of measures relating to the investigation of child abuse. It should be noted that, whilst there is no national performance indicator currently, the area is subject to evaluation by Her Majesty's Inspectorate of Constabulary as part of its baseline assessment frameworks on reducing and investigating hate crime and crime against vulnerable victims.

## Recommendation 6

**The Department of Health, in consultation with the Royal College of Paediatrics and Child Health and the Royal College of Nursing, should:**

Ensure that clear guidance is drawn up for NHS organisations on role definitions and specifications for named and designated health professionals who have specific responsibilities for child protection, including arrangements to provide protected time to undertake this additional work.

## Response

### Accept in principle

- 54 The Government accepts the principle behind this recommendation. However it is for employing NHS organisations to ensure that their staff's job descriptions reflect competencies developed by the relevant professional organisations. We are pleased that the Royal College of Nursing, the Royal College of General Practitioners, the Royal College of Paediatrics and Child Health and others are working up job descriptions and competencies for named and designated health professionals.
- 55 The need for protected time is being affirmed in the revised guidance on *Working Together to Safeguard Children*. It is also in standard 5 of the National Service Framework for children, young people and maternity services – at item 5.2 this describes Primary Care Trusts (PCTs) demonstrating that they are meeting their responsibilities by “ensuring that funding is available to enable the named and designated professionals to fulfil their roles and responsibilities effectively” and at 5.4 it says that NHS trusts should have a named doctor and nurse.

# Recommendation 7

## **The Youth Justice Board should:**

Support youth offending teams in discharging their responsibilities by advising them on their strategic role on Local Safeguarding Children Boards and providing further direction on work to safeguard children and young people.

## Response

### Accept as good practice

- 56 The Government accepts this recommendation as good practice and encourages the Youth Justice Board (YJB) to follow it up. Statutory guidance on Section 11 of the Children Act, which came into force on 1st October, includes guidance for Youth Offending Teams (YOTs) that makes clear the requirement for YOT involvement in LSCBs.
- 57 At the time of writing this response the Government's inter-agency guidance *Working Together to Safeguard Children* is being revised. The guidance covers the role of YOTs. This particularly emphasises the need for close links between YOTs and local authority children's social care at both a strategic and operational level, given that some of the young people worked with by the YOT in relation to their offending will also be children in need, some of whose needs will require safeguarding.
- 58 The YJB is currently beginning the process of reviewing key guidance as well as National Standards for Youth Justice Services. The YJB will consider the need for further guidance on safeguarding for YOTs as part of this process. In the meantime recently issued guidance, *Managing Risk in the Community*, has a specific section focusing on vulnerability of young people either as a result of self harm or harm from others. A training programme for YOTs is being rolled out from January 2006 which is based on the *Managing Risk in the Community* guidance. Asset, the standardised assessment tool for YOTs has also recently been developed to provide YOTs now with a specific Vulnerability Management Plan.

## Recommendation 8

### **The Youth Justice Board and the National Offender Management Service should:**

Promote the personal officer role as an integral part of the team in young offender institutions; and promote good practice in safeguarding children in prison custody, especially in relation to behaviour management and the care of particularly vulnerable children.

## Response

### Accept

- 59 The Government accepts the principle behind this recommendation and the Prison Service Order 4950 ('Regimes for Juveniles') already makes clear that every young person must have assigned to them a personal officer/caseworker during their induction and the personal officer or caseworker system must be fully and clearly explained to them. The assigned individual must, among other things, keep in contact with the supervising officer; act as the point of contact for outside agencies and families; and attend sentence plan reviews during the custodial period (and, where possible, the first review following transfer to the community).
- 60 The personal officer plays a vital role in ensuring that each young person understands to whom they can turn to discuss their concerns including resettlement and that there is appropriate contact with, and involvement of, each young person's family and supervising officer. The Government also accepts that the personal officer or caseworker system needs to be delivered consistently across the Prison Service juvenile estate. To that end, a Prison Service review of the system is currently under way.
- 61 The Prison Service, in partnership with the Youth Justice Board has taken a number of measures to improve safeguarding arrangements in secure settings including specific projects to fund and recruit safeguards manager posts within each establishment as well as the funding and recruitment of 25 Social Worker posts. The safeguards managers will help create a more integrated approach to safeguarding across establishments. The key areas of responsibility for the social worker posts include Child Protection, Children in Need, Looked after Children/Children Leaving Care and

actions to be taken should a child die in custody. The social workers will also help to ensure that there is effective liaison between secure establishments and local authorities so that, where appropriate, the young people are responded to as children in need on release.

- 62 Alongside these measures, the Prison Service has improved training for staff working with juveniles through the introduction of the Juvenile Awareness Staff Programme. The programme includes modules on vulnerability assessment and safeguarding and on behaviour management.

## Recommendation 9

**HM Courts Service and CAFCASS should:**

Promote increased participation of children in family court proceedings.

## Response

### Accept

- 63 The Government is committed to ensuring that children and young people are consulted about policies and services for them. They should have the opportunity to make their views known in decision-making concerning their future.
- 64 Existing provisions offer a range of ways in which children's wishes and feelings may be heard by a court making decisions about them. In public law ('specified') proceedings, for example during care proceedings between social services and parent(s), all children are made a party to the court proceedings under the Children Act 1989.
- 65 The child's interest is safeguarded by the appointment of a guardian, under Rule 9.5 of the Family Proceedings Rules 1991, and a solicitor who represent the child. Where the child and guardian disagree, a solicitor can represent the child separately.
- 66 In private law, for example following the parents' relationship breakdown, the ascertainable wishes and feelings of the child concerned (considered in the light of his/her age and understanding) may be heard:

- as represented by their parents' views of what should happen;
- through the preparation of a welfare report by the Children and Family Court Advisory and Support Service (CAFCASS) officer under section 7 of the Children Act 1989;
- by the County or High Court appointing a CAFCASS officer, the Official Solicitor, or some other person; or
- the child can be made a party to the proceedings and instruct their own solicitor directly.

67 Funded by the Department of Constitutional Affairs, Cardiff University is undertaking research with children into their views on how they were heard/involved when they were separately represented under Rule 9.5. The Government will use this evidence base to consider how best to meet children's needs.

68 CAFCASS has a key role to play in ensuring that there are appropriate opportunities for children to participate in family court proceedings. In some instances this will be direct involvement – actual attendance at court is still relatively rare – but more commonly it will be through children contributing their views and needs which are then represented via the Family Court Adviser in court.

69 A number of developments are referred to in the Chief Inspectors' report and have now progressed and become embedded in practice. In addition practice in relation to the increased involvement of children and young people continues to develop. CAFCASS has had a national Children's Rights Group for over two years now and in April 2005 CAFCASS appointed a Director of Children's Rights. Together with the existing children's participation worker, she has established a national network of 'Children's Champions', with one in each region. Each region has a local children's rights group taking forward a programme of work to develop good practice and improve staff skills but also to engage directly with young people in their area.

70 While there is little doubt that staff have routinely sought to understand and take account of the views of children, there was criticism in the report about the apparent absence of views in court reports. New report templates, in use for more than a year now, require Family Court Advisers to record these clearly. Information leaflets for children and young people have been revised. An interactive computer programme has been developed – Viewpoint – and each team now has the capacity to use this with children and young people to capture their views.

71 The guidance to staff in relation to the establishment of in-court conciliation schemes emphasises the importance of these being developed in a way which is child focussed.

- 72 CAFCASS is working with the Family Justice Council to develop a young people's group. The group will be able to respond to consultations and will be pro-active in raising issues. The group met recently for the first time and is being supported by the CAFCASS Children's Rights Director and the Children's Commissioner for Wales. CAFCASS has established links with a range of relevant children's rights organisations to promote the voice of children in relation to family law.

## Recommendation 10

**The Immigration and Nationality Directorate of the Home Office, in agreement with the Department for Education and Skills, should:**

Issue guidance to Immigration Removal Centres and local councils to ensure that:

- a care plan, incorporating good quality health, educational and social care provision, is drawn up at the point of detention for each detained child, following an assessment in line with the *Framework for Assessment of Children in Need and their Families (2000)*;
- continuity of education is taken into account when children are detained;
- an investigation is carried out and a multi-disciplinary conference is convened by the local ACPC (or its successor Local Safeguarding Children Board) if the assessment shows the child to be at risk of significant harm under section 47 of the Children Act 1989, in line with *Working Together to Safeguard Children (1999)*;
- a multi-disciplinary review is in any event convened for any child to be detained for more than three weeks; and
- all assessments inform decisions on the necessity for continued detention.

## Response

### Reject

- 73 The Government rejects this recommendation as unnecessary. The Home Office (Immigration and Nationality Directorate – IND) has worked closely with local councils through their Social Services and Education Departments in those areas where

removal centres with family accommodation exists. The same is true of those contracted to manage the relevant centres

- 74 There are three removal centres which can accommodate families with children – Dungavel House, Tinsley House and Yarl’s Wood. All three centres have a child protection policy in place which has been developed by IND in consultation with experts in this field. This policy document will soon be re-issued to take account of the new Local Safeguarding Children Boards. These three centres have established links with relevant groups and local social services to ensure that in any case where there are concerns that a child may be at risk the appropriate procedures will be initiated.
- 75 With regard to the treatment of detained persons, including children, all immigration removal centres within the United Kingdom are subject to The Detention Centre Rules 2001 (SI 2001 No 238) which came into force in April 2001 and which make provision for the regulation and management of removal centres. These Rules are underpinned by a comprehensive set of Operating Standards which provide a minimum requirement of services and care which removal centre operators must provide.
- 76 All detainees, including those children detained as part of family groups, are able to access comprehensive medical care. Families with children must have available to them the same range and quality of services as the general public receives from the National Health Service. If advice is needed from other medical experts arrangements will be made to ensure appropriate appointments are made at outside hospitals. The Operating Standard on Healthcare requires, amongst other things, centres to develop needs based health services in partnership with their local Primary Care Trust and NHS providers.
- 77 Children’s health is assessed on arrival at the centre by health care professionals and, where necessary, health care plans are prepared to manage the specific needs of the child. Centres are required to have in place arrangements for access to 24 hour health cover.
- 78 Families with children are detained at Dungavel and Tinsley House for usually no more than 72 hours. Because their stay is so brief there is no education provision at these centres for children. Yarl’s Wood is the main centre for the detention of families with children and there is an increasingly comprehensive provision of education for children here. Children are taught in three age based groups. The secondary teacher assesses each child on arrival and establishes an individual learning plan for the child. If a child’s detention becomes prolonged, efforts are made to obtain previous school

reports. The education provision at Yarl's Wood does not and cannot, given the nature of immigration detention, replicate mainstream schooling. However, every effort is made to ensure that children's learning continues.

- 79 In January 2006 Bedfordshire County Council have recruited a full time social worker assigned to Yarl's Wood. This social worker will be responsible for, among other things, undertaking welfare assessments of children at Yarl's Wood if they reach 21 days in detention or at other times as necessary.
- 80 There is no shortage of officers at Yarl's Wood ensuring the needs of children are met whilst they are detained although it is important to stress that parents retain responsibility for the overall care of their children whilst in detention. However, there is on-going care and observation of all children by all staff at Yarl's Wood, including the Children's Services Manager. Where any concerns arise about the well being of a child these are raised with the Immigration Service and are considered as part of the ongoing review of a family's detention, in addition to any referrals that may be appropriate to, for example, local social services.

## Recommendation 11

### **All agencies and organisations directly involved with children should:**

Review their approach to safeguarding, in line with the requirements of the Children Act 2004 and guidance, in order to:

- identify the relevant safeguarding issues specific to their area of work;
- ensure that there are policies and procedures in place to address these issues; and
- put in place regular quality assurance and monitoring systems to ensure that policy is followed through consistently in practice, and demonstrates effective outcomes.



# Response

## Accept as good practice

- 81 LSCBs should help local agencies to put these mechanisms in place. LSCB functions will include the monitoring of the effectiveness of organisation's implementation of their duties under section 11 of the Children Act 2004.
- 82 Section 11 – the duty to safeguard and promote the welfare of children – places a duty on key agencies (including prisons, probation, the police, and health bodies) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. This duty should ensure that agencies award a higher priority to safeguarding and promoting the welfare of children. The duty came into force on 1 October 2005. Government guidance on the duty was published in August 2005.

# Recommendation 12

## **All agencies and organisations directly involved with children should:**

Ensure that staff working with or in contact with:

- children with disabilities;
  - children in private fostering situations; and
  - asylum-seeking children,
- know how to recognise the signs of abuse or neglect and which procedures to follow in such cases.

# Response

## Accept as good practice

- 83 The Government accepts this recommendation which is aimed at all agencies and organisations as good practice. *Working Together to Safeguard Children*, which has been consulted on widely and is currently being revised by the Government sets out

the responsibility of LSCBs to ensure that multi-agency training on safeguarding and promoting welfare that meets local needs is provided. LSCBs may wish to carry out their function by taking a view as to the priorities for multi-agency and single-agency child protection training in the local area and feeding those into the local Workforce Strategy. LSCBs will also wish to evaluate the quality of this training, ensuring that relevant training is provided by individual organisations, and checking that the training is reaching the relevant staff within organisations.

- 84 LSCB functions will include developing policies and procedures for safeguarding and promoting the welfare of children who are privately fostered. Work here could include developing improved procedures for notification of private fostering; monitoring management information on numbers of privately fostered children; evaluating/auditing the practice and role of organisations in key sectors such as health, education and immigration in identifying privately fostered children; and raising awareness in the community of the requirements and issues around private fostering.
- 85 In 2003 the Government published the booklet *What To Do If You're Worried A Child Is Being Abused* to all practitioners working with children, parents or families. The booklet has been very popular with practitioners as it communicates directly with people working with children and families and explains their role in the safeguarding process.
- 86 The Government has also issued multi-agency training materials to support the implementation of the *What To Do If You're Worried A Child Is Being Abused* booklet. These were developed by a consortium led by the National Society for Prevention of Cruelty to children. They will be updated in line with the new *Working Together to Safeguard Children* Guidance and be made available across the country through the LSCBs.
- 87 The Government recognises that disabled children are particularly vulnerable to abuse. To support agencies to implement this recommendation there will be a focus on the particular issues relevant to disabled children within the revised guidance *Working Together to Safeguard Children*. The Government has also funded the Council for Disabled Children (CDC) to take forward a project to produce good practice guidance on safeguarding disabled children, to be issued to LSCBs when they are formally constituted in April 2006.

# Recommendation 13

## **All agencies and organisations directly involved with children should:**

Audit their recruitment and staff checking procedures so that the following practices are carried out consistently:

- references are always verified and properly recorded in staff files;
- a full employment history is available on file for every member of staff, any gaps in employment history are checked and accounted for and qualifications are checked; and
- enhanced Criminal Records Bureau (CRB) checks are consistently undertaken on new staff and those working with children who have not previously been subject to checks, including temporary, agency or contract staff, prior to the establishment of the centralised vetting and barring scheme proposed in response to the Bichard recommendations.

## Response

### Accept as good practice

- 88 The Government accepts this recommendation as good practice for all agencies and organisations involved with children. In addition, following the List 99 review and the statement from the Secretary of State for Education and Skills on 19 January 2006, the Government intends to make CRB checks mandatory for all newly appointed school employees, in advance of the introduction of the new Bichard Vetting and Barring Scheme. DfES officials are working with Department of Health and Home Office colleagues to ensure robust recruitment processes, including the requirement to conduct CRB checks, apply consistently across the wider children's workforce. Government Departments are also working together to see how vetting of overseas and agency staff can be strengthened. LSCBs will also help to support this as their function on developing policies and procedures for safeguarding and promoting the welfare of children will include policies and procedures in relation to recruitment and supervision of persons who work with children.
- 89 The DfES is working with the Home Office and the Criminal Records Bureau to ensure that enhanced checks are available to – and consistently undertaken on – new staff

and those working with children who have not previously been subject to checks, including temporary, seasonal, agency, voluntary or contract staff. This will be taken forward in response to Recommendation 21 of the Bichard Inquiry, and in the interim, as part of the List 99 review.

- 90 In terms of foreign workers, the CRB is seeking to improve links with overseas authorities and build on its Overseas Information Service so that employers have access to the necessary information before employing applicants from abroad.
- 91 Much of this is about good recruitment practices by employers. That is why the Government commissioned the National College of School Leadership to develop an on-line training package on safer recruitment practices in response to Recommendation 16 of the Bichard Inquiry. The Safer Recruitment online training site for head teachers and nominated governors was launched on 4 July 2005. This advice and training is also available to members of the public and practitioners from other sectors.
- 92 The Government is developing proposals for a Vetting and Barring Scheme in response to Recommendation 19 of the Bichard Inquiry. The proposed scheme will be a comprehensive, integrated, continuously updated system of pre-employment vetting and referral-based barring for all those seeking to work in, or already working in, the child or vulnerable adult related workforce. An expert board, independent of Ministers, will be established and given statutory responsibility for all discretionary barring decisions. Information from a wider range of agencies will be able to be assessed centrally by the new vetting and barring board: there will be duties on police, employers, professional and regulatory bodies, and local authorities to provide relevant information.
- 93 The aim is to ensure that individuals who are known to pose a risk of harm to children and vulnerable adults are barred from the workforce at the earliest possible opportunity. Barring decisions will be updated as soon as any new information becomes available. It will be a criminal offence for a newly-barred individual to continue working with children/vulnerable adults.
- 94 Checks through the new scheme will be mandatory for certain positions and in certain settings which offer close contact with children and vulnerable adults; where the contact is occasional or irregular and the setting is not directly targeted at children or vulnerable adults, the need for a check will be left to the discretion of the employer.
- 95 The Government is looking at the options for checking those already in post as part of a phased implementation strategy. In the interim the Government is not

recommending retrospective checking. However if an employer is concerned about the suitability of an employee to work with children, they can request that the individual apply for a CRB disclosure.

## Recommendation 14

### **All agencies and organisations directly involved with children should:**

Review existing safeguarding policies to ensure that they take full account of the needs of children with disabilities and assess the professional development needs of staff who work with children with disabilities to equip them to:

- communicate effectively with children;
- identify potential child protection concerns;
- track and monitor behaviour patterns; and
- follow appropriate child protection procedures.

## Response

### Accept as good practice

- 96 The Government accepts this recommendation as good practice and encourages agencies and organisations to follow it up. As stated in response to Recommendation 12 the Government recognises that disabled children are particularly vulnerable to abuse and is taking action to address this. The Government has funded the Council for Disabled Children (CDC) to take forward a project to produce materials and guidance on the specific safeguarding needs of disabled children, to be issued to LSCBs. This project follows the publication of the National Working Group's report *It doesn't happen to disabled children!* which highlighted current gaps in the safeguarding of disabled children.
- 97 The Government has also funded the Children's Society to produce the *I'll go first* toolkit, a resource for professionals to ascertain disabled children's views, thoughts and wishes on their services and their lives. With support, the resource is appropriate for use with children who communicate both verbally or non-verbally. It was

originally launched in 1999 and is now available as an online resource, which extends the life of the materials.

## Recommendation 15

### **Local councils and partner agencies should:**

Ensure, when developing Children and Young People's Plans, that:

- they reflect priorities for safeguarding as well as for universal and preventive services; and
- thresholds for specialist services are consistent with ensuring that children are safeguarded effectively.

## Response

### **Accept as good practice**

- 98 The Government accepts this recommendation as good practice and has made clear that the Children and Young People's Plan (CYPP) should be the single, strategic, overarching plan for all services to children and young people. The CYPP is designed to support more integrated and effective services to secure the outcomes for children set out in *Every Child Matters: Change for Children and the National Service Framework for Children Young People and Maternity Services* and reflected in the Children Act 2004 (including arrangements under section 11 of the Children Act to safeguard and promote welfare).
- 99 The CYPP and the process of joint planning should support local authorities and their partner agencies as they work together, with the local authority taking the lead, to agree clear targets and priorities for services affecting children and young people, to identify the actions and activities needed to achieve them, and ensure delivery.
- 100 The Children and Young People's Plan Regulations (England) 2005 (SI2149/2005) require local authorities to consult with the LSCB during the preparation of the CYPP.
- 101 Formal guidance on the CYPP, published in July, expands on the requirement in regulations. It emphasises the need for the LSCB to be fully involved, from the formative

stages, in the preparation of the plan. This will ensure that priorities for safeguarding are fully reflected in the CYPP and that the planning process will reach out to all agencies with a role to play in safeguarding and promoting the welfare of children.

- 102 The guidance also expands on requirements, in regulations, to produce a local vision for improving services for children and young people. It states that radical change will be required to deliver this vision and that will include, amongst other changes, the development of a shared sense of responsibility across agencies for safeguarding children and protecting them from harm.
- 103 Regulations and guidance for the LSCB have set out a corresponding LSCB function of participating in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.

## Recommendation 16

### **Local councils should:**

Ensure, in introducing the Common Assessment Framework, that sufficient priority and adequate resources are given to delivering their responsibilities to safeguarding children effectively.

## Response

### **Accept as good practice**

- 104 The Government accepts this recommendation as good practice and has issued guidance for local authority areas using the Common Assessment Framework (CAF) during the trialling year of 2005-6. The guidance consists of a number of documents, including implementation guidance, aimed at Directors of Children's Services. The implementation guidance covers a range of factors for consideration, including the planning of resources and multi-agency working. All guidance documents will be reviewed prior to the national roll-out of CAF from April 2006.

# Recommendation 17

## **Local councils should:**

Ensure that safeguarding requirements are consistently applied to looked after children in all settings, including:

- children placed for adoption;
- children on care orders placed with parents; and
- children placed with extended family.

## Response

### Accept as good practice

- 105 The Government accepts this as good practice. Action has already been taken through the Adoption and Children Act 2002 to strengthen the current practices to safeguard children placed for adoption.
- 106 Under the 2002 Act, the child's welfare will be the paramount consideration in all decisions relating to adoption. From 30 December 2005 a court or adoption agency must have regard to the welfare checklist (section 1(4) of the 2002 Act) when coming to any decision relating to the adoption of a child. Included in this welfare checklist is "any harm (within the meaning of the Children Act 1989) which the child has suffered or is at risk of suffering".
- 107 Regulations significantly improve the requirement to assess prospective adopters to ensure that children are placed with new parents whose past has been thoroughly checked and whose suitability to adopt has been fully assessed. These regulations will be underpinned by good practice guidance for practitioners which will further improve safeguards for children.
- 108 The review and visit regime has been improved to ensure that the child and the prospective adopter are visited regularly and that an Independent Reviewing Officer chairs the review meetings. These provisions now extend to cover children adopted from overseas.



- 109 As part of the work programme to implement the 2002 Act, DfES rolled out training materials through 75 two-day, multi-agency workshops locally throughout England in October and November 2005. The workshops were designed to highlight awareness of the changes in the legislation, for example the improved review and visit regime, which will equip trainers and champions within local authorities, voluntary adoption agencies and CAFCASS to cascade tailored training within their organisations drawing on the flexible learning materials developed by DfES.
- 110 The Placement of Children with Parents etc. Regulations 1991 are designed to ensure that adequate safeguards are in place for those looked after children on care orders who are placed with their parents.
- 111 Where a looked after child is placed with a member of their extended family or a friend of the family the carer must be assessed and approved as a foster carer in the same way as any other foster carer.
- 112 Placements with extended family members should be monitored and supported in the same way as any other foster placement. The supervising social worker should meet regularly with the carer and child, including occasional unannounced visits to the carers' home to ensure that child is being properly looked after.

## Recommendation 18

### **Local councils should:**

Ensure that robust arrangements for safeguarding children looked after are in place, including:

- specific safeguarding requirements in all placement contracts; and
- effective monitoring arrangements, including regular visits by social workers.

## Response

### **Accept as good practice**

- 113 The Government accepts this recommendation as good practice and has developed a set of materials to help commissioners in children's services improve the way they

commission and monitor services for children living away from home. Commissioning strategies must pay particular attention to the measures needed to safeguard looked after children and those with special educational needs (SEN) and disabilities in residential placements.

Some key principles are set out here:

- Services should be commissioned from providers regulated by the Commission for Social Care Inspection (CSCI), Ofsted or other relevant body and commissioners should always pay careful attention to inspection reports.
- Commissioners must have in place clear quality standards and effective mechanisms for monitoring provision, including the collection and analysis of appropriate information from a range of sources. Statutory reviews for looked after children, chaired by Independent Reviewing Officers (IROs), will make an important contribution to supporting the commissioning process, providing information about placement quality and success factors in achieving better outcomes.
- Mechanisms should be in place to enable the views of children in placements and using services to be taken into account. The IRO will again play a key role in this. The *Commissioning Checklist* provides a useful series of questions that Local Authorities can use in assessing how well they are doing in reflecting the views of users and carers.
- All those working with children and young people should be familiar with safe recruitment practice. They should also be well trained and well supported in order both to safeguard children and to contribute to better outcomes for them. Commissioners should be satisfied that all relevant organisations have in place the necessary training mechanisms and support which are needed to achieve this.
- In addition, commissioners themselves need to be appropriately trained, enabling them not just to commission services effectively but also to understand how those services might impact on an individual child's development.

- 114 The Review of Children's Cases Regulations 1991 as amended by The Review of Children's Cases (Amendment) (England) Regulations 2004 set out the requirements for local authorities as responsible authorities for looked after children, voluntary organisations which accommodate children under Section 59 of the Children Act and registered children's homes which accommodate children, to review each child's care plan. The Regulations make provision for the minimum frequency of the review and the matters which must be discussed.

- 115 The Review of Children's Cases (Amendment) Regulations 2004 require each responsible authority to appoint an IRO. The IROs are responsible for monitoring the local authority's review of the care plan, with the aim of ensuring that actions required to implement the care plan are carried out and outcomes monitored. The Regulations give IROs power to refer a case to the CAFCASS to take legal action as a last resort where a child's human rights are considered to be in breach through failure to implement the care plan.

## Recommendation 19

### **Local councils should:**

Ensure that unaccompanied asylum seeking children (UASC) receive a comprehensive assessment of their needs and that appropriate services are put in place.

## Response

### **Accept as good practice**

- 116 The Government accepts this recommendation as good practice since all unaccompanied asylum seeking children (UASC) should be provided with the same quality of individual assessment and related services as any other child presenting as being 'in need'. In the majority of cases this assessment will lead to their being accommodated. Once UASC are accommodated children under Section 20 of the Children Act 1989 then they would all be required to be the subject of a care plan (pathway plan at 16+) which must be based on a comprehensive assessment of their needs, taking account of the following dimensions:

- Health (including mental health such as whether post traumatic support and counselling is needed);
- Education;
- Emotional and behavioural development;
- Identity;
- Family and social relationships;
- Social presentation; and

- Self care skills including the child's understanding of the implications of their immigration status and the skills required to manage transitions.

The responsible LA should provide services for the UASC on the basis of the above assessment, irrespective of their immigration status.

## Recommendation 20

### **Local Councils should:**

Ensure, when children are placed in residential special schools, that their needs are assessed under the Framework for the Assessment of Children in Need and their Families to inform the care plan.

## Response

### **Accept as good practice**

- 117 The Government accepts that this recommendation should apply where a child is defined as being 'in need' under section 17 of the Children Act 1989. All residential special schools should have appropriate measures in place to safeguard and promote the health, safety and welfare of disabled children and children with SEN.
- 118 Continuing registration of a school is determined by its ability to demonstrate ongoing compliance in a range of standards including those related to safeguarding children. CSCI and Ofsted are responsible for determining if a school is adequately safeguarding and promoting the welfare of the children it accommodates, and advising the appropriate registration authority of failure to meet the standards. Failure to comply with the standards could result in closure of a school.
- 119 Other than in exceptional circumstances, all children placed in a residential special school will have a statement of SEN, which names that school. This statement will include advice from social care as well as from other services. Where the social care assessment for the statement identifies issues which suggests the child may be 'in need' under the Children Act 1989, the child should also be assessed under the Framework for the Assessment of Children in Need and their Families, 2000.

# Recommendation 21

## **Local councils should:**

Put plans in place to ensure that good working relations between professionals, especially teachers and social workers, are actively promoted.

## Response

### Accept as good practice

- 120 The Government accepts this recommendation as good practice and believes the Director of Children's Services (DCS) will provide the necessary leadership to ensure services cohere around the needs of children and young people. The DCS provides, in every local authority, the clear line of accountability for children's services that Lord Laming called for in his report of the Victoria Climbié Inquiry.
- 121 The DCS has a vital role to play in securing the changes that are necessary to improve outcomes for all children. Unlike the current statutory roles of education and social services directors, the new role of DCS will be defined by 'client group' rather than by traditional service boundaries.
- 122 A key part of the DCS role is to promote the cultural change necessary for effective multi-agency working and co-location of different groups of staff in single settings. The staff in question include social workers, teachers and others; and the settings include extended schools.
- 123 LSCBs should help with this as part of the monitoring and evaluating function: "Monitor and evaluate the effectiveness of what is done by the Local Authority and board partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve." For example, to evaluate multi-agency working they could perform joint audit of case files, looking at the involvement of the different agencies, and identifying the quality of practice and lessons to be learned in terms of both inter-agency and multi-disciplinary practice. The LSCB would also have a particular focus on ensuring that those key people and organisations that have a duty under section 11 of the Children Act 2004 or section 175 or 157 of the Education Act 2002 are fulfilling their statutory obligations about safeguarding and promoting the welfare of children.

## Recommendation 22

### **Local councils should:**

Develop parallel pathway plans for unaccompanied asylum seeking children who have been given discretionary leave to remain in the UK to age 18, taking account of the uncertainty about what immigration decision will be made at that time.

## Response

### **Accept as good practice**

- 124 The Government accepts this recommendation as good practice and is supporting the development of *Transitions Guidance* by the Association of Directors of Social Services (ADSS) which recognises that UASC care leavers will have continuing entitlement to leaving care services whilst they remain in the UK and support in parallel with decision making about their immigration and asylum claims which will affect their long-term entitlement to stay in the UK.

## Recommendation 23

### **Local councils and NHS trusts should:**

Establish clear arrangements, when a looked after child is placed out of their area, for notifying NHS Trusts in the area where they are placed, in line with the National Service Framework for Children, Young People and Maternity Services.

## Response

### **Accept as good practice**

- 125 The Government accepts this recommendation for notification arrangements as good practice. There is already a clear statutory duty (under the Arrangements for Placement of Children (General) Regulations 1991, as amended) on the authority

responsible for looking after a child which places the child in another authority's area to inform the local authority, the local education authority and the Primary Care Trust for the area in which the child is now living.

- 126 The Government is currently considering a detailed report on how to support local authorities better both in reducing their dependence on out-of-authority placements for looked after children and in providing better support for children and young people who are (and will continue to be) placed out-of-authority.
- 127 Better arrangements for notifying relevant bodies – including health agencies – of such placements was one of the key issues which the report considered. The Government will be considering next steps in the context of the forthcoming consultation on proposals for transforming outcomes for looked after children announced in the recent White Paper *Higher Standards, Better Schools for All*.
- 128 *Promoting the Health of Looked After Children* (Department of Health, November 2002) states that councils with social services responsibilities should have agreements and protocols with relevant health service providers which enable arrangements for meeting a looked after child's health needs to be made prior to placement.

## Recommendation 24

### **NHS trusts and independent hospitals should:**

Develop robust protocols for:

- post-mortems, to ensure that staff are aware of the criteria for Serious Case Review, and how to request that a case is considered for a Serious Case Review through the Area Child Protection Committee (ACPC), and subsequently the LCSB; and
- know which cases of death must be referred to, or discussed with, the Coroner, and, for cases not referred to the Coroner, are familiar with the process of gaining consent for post-mortem examination; and
- ensuring that staff working with children who spend more than three months in hospital notify social services about these children to trigger an assessment, under the Framework for the Assessment of Children in Need and their Families, and follow up of their welfare needs.

# Response

## Accept as good practice

- 129 The Government accepts as good practice the recommendations on both post-mortem examinations and notification of long hospital stays.
- 130 The procedures which should be followed when a child dies unexpectedly, including the involvement of other agencies, are being addressed in the revision of *Working Together to Safeguard Children*. Where a child dies unexpectedly, all Trusts including PCTs should also follow their locally agreed procedures for reporting and handling serious patient safety incidents.
- 131 The only person who can authorise a post-mortem without consent is the coroner and the duties of the coroner are governed by the Coroners Rules 1984 and the Coroners Act.
- 132 The Human Tissue Act 2004, due to come into force during 2006, sets out clear principles of what constitutes appropriate consent for both adults and children. The Human Tissue Authority (HTA) was set up in April 2005, and has published draft codes of practice on issues relating to the removal, storage and disposal of human tissue. This includes a code on post-mortem examination, including communication around obtaining consent. The period of consultation is now over and the final codes are expected to be published in spring 2006. The codes are not statutory instruments but there are offences under the Act which will come into force a few months after the codes are published.
- 133 Regarding long hospital stays, the Government has ensured that the requirement for a referral for assessment to be made to social services whenever a child spends more than three months in hospital is covered in section 5.18 of the statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004. DfES published guidance on this in August 2005 and the commencement date of Section 11 of the Act was 1st October 2005.



# Action Plan (on recommendations to Government and national agencies)

Recommendation	Action	By when	Lead responsibility
<p><b>Recommendation 1</b></p> <p><b>The Department for Education and Skills and the Home Office should:</b></p> <p>Give consideration in national consultation on Local Safeguarding Children Boards (LSCBs) to:</p> <ul style="list-style-type: none"> <li>■ developing appropriate links with the full range of agencies working with children in addition to the core agencies on Local Safeguarding Children Boards. This should include the courts, the Crown Prosecution Service and, where appropriate, the immigration service, including removal centres and local enforcement offices;</li> <li>■ the management of and dissemination of learning from serious case reviews; and</li> <li>■ accountability arrangements and responsibility for forward planning between the Local Safeguarding Children Boards and the children's trust governance arrangements. Accept</li> </ul>	<p><b>Accept</b></p> <p>At the time of writing this response the Government's inter-agency guidance Working Together to Safeguard Children is being revised. Chapter three of the draft guidance covers the role and objectives of the LSCBs. The Guidance on LSCBs was published on 22 December 2005 ahead of the full Working Together to Safeguard Children guidance which will be published in the Spring of 2006.</p> <p>The Government has detailed the nature of the LSCBs work and the relationship between the LSCB and children's trust arrangements, and has taken into account the responses to public consultation.</p>	<p>Consultation complete. LSCB Guidance published by end of 2005.</p> <p>Full guidance to be published Spring 2006</p> <p>LSCBs will be in place from April 2006.</p>	<p>DfES</p>

Recommendation	Action	By when	Lead responsibility
<b>Recommendation 2</b> <b>The Department for Education and Skills should:</b> Review arrangements to safeguard children where they are away from home in settings that are currently unregulated, such as sports, music or language centres etc. to ensure that appropriate regulation and safeguarding arrangements are in place. This review should also apply to armed services settings which accommodate children.	<b>Reject</b> The Government rejects this recommendation because there is already a range of measures in place and in development to safeguard children in settings that are currently unregulated.	N/A	N/A
<b>Recommendation 3</b> <b>The Department for Education and Skills should:</b> Reinstate the duty on social workers to visit children looked after at a minimum specified frequency and require social services, and subsequently, children's services, to monitor these arrangements effectively.	<b>Accept as good practice</b> The Government accepts this recommendation as good practice in ensuring effective monitoring arrangements are in place for looked after children. DfES will review the Children's Homes National Minimum Standards and intends to establish cross-cutting principles for all the national minimum standards regardless of setting.	A consultation document on the proposed changes will be issued in late 2006 and the standards and Regulations will be finalised in time for implementation in April 2008.	DfES
<b>Recommendation 4</b> The Department for Education and Skills, the Department of Health, the Youth Justice Board and the National Offender Management Service should: Issue one agreed set of principles for the use	<b>Accept as good practice with reservations</b> The Government and its partner agencies including the Youth Justice Board (YJB) are committed to working together to make sure that the behaviour of young offenders is dealt with in a constructive and positive way wherever possible.	A Code of Practice on Behaviour Management of children and young people has been	DfES

Recommendation	Action	By when	Lead responsibility
of control methods in all settings where children are cared for, including secure settings. This should take account of children's views and the need to place the use of physical control within an overall behavioural management strategy and in a wider context of prevention. Arrangements should be made for comprehensive accredited and/or approved training for staff.	Physical intervention must never be used as a punishment. As far as possible, the framework for physical intervention in all settings should be compatible with each other and developed from the same set of principles.  However, the Government is looking in depth at this issue across the range of secure settings where physical restraint might be used.	published by the Youth Justice Board.	
<b>Recommendation 5</b> <b>The Home Office, the Association of Chief Police Officers, and the Association of Police Authorities should:</b> Consider introducing national performance indicators for the police for child protection and the investigation of child abuse to give it due priority.	<b>Accept in principle</b> The protection of children and the investigation of child abuse are critically important areas of policing. The Government is working in partnership with the Association of Chief Police Officers and the Association of Police Authorities to consider the development of meaningful child protection performance indicators for the police service. This work is challenging and needs to be integrated within the wider framework for assessing performance.  The Police Performance Assessments for 2004/05 were launched on 27 October and ongoing work to review performance indicators will include consideration of measures relating to the investigation of child abuse.	The aim is to have relevant national performance indicator(s) operating by April 2007.	Home Office

Recommendation	Action	By when	Lead responsibility
<p><b>Recommendation 6</b></p> <p>The Department of Health, in consultation with the Royal College of Paediatricians and Child Health and the Royal College of Nursing, should:</p> <p>Ensure that clear guidance is drawn up for NHS organisations on role definitions and specifications for named and designated health professionals who have specific responsibilities for child protection, including arrangements to provide protected time to undertake this additional work.</p>	<p><b>Accept as good practice with reservations</b></p> <p>The Government accepts the principle behind this recommendation. However it is for employing NHS organisations to ensure that their staff's job descriptions reflect competencies developed by the relevant professional organisations.</p> <p>The Royal College of Nursing, the Royal College of General Practitioners, the Royal College of Paediatrics and Child Health and others are working up job descriptions and competencies for named and designated health professionals.</p>	Early 2006	DH
<p><b>Recommendation 7</b></p> <p>The Youth Justice Board should:</p> <p>Support youth offending teams in discharging their responsibilities by advising them on their strategic role on Local Safeguarding Children Boards and providing further direction on work to safeguard children and young people.</p>	<p><b>Accept as good practice</b></p> <p>The Government encourages the YJB to take forward this recommendation. Statutory guidance on Section 11 of the Children Act which came into force on 1st October has been consulted on and issued and this includes guidance for Youth Offending Teams (Yots) including stressing the importance of Yot involvement in LSCBs.</p> <p>In addition the revised version of Working Together covers the role of Yots. The YJB will be considering whether further awareness of the guidance is needed or whether additional guidance is required.</p>	<p>A review of key YJB guidance is beginning and the process will be completed by mid 2007</p>	Youth Justice Board and Home Office

Recommendation	Action	By when	Lead responsibility
<b>Recommendation 8</b> <b>The Youth Justice Board and the National Offender Management Service should:</b> Promote the personal officer role as an integral part of the team in young offender institutions; and promote good practice in safeguarding children in prison custody, especially in relation to behaviour management and the care of particularly vulnerable children.	<b>Accept in principle</b> The Government recognises that the personal officer/caseworker plays a vital role in ensuring that each young person understands to who they can turn to discuss their concerns including resettlement and that there is appropriate contact with, and involvement of, each young person's family and supervising officer. The Government also accepts that the personal officer or caseworker system needs to be delivered consistently across the Prison Service juvenile estate. To that end, a Prison Service review of the personal officer system is currently under way.	The Prison Service review of the system is due to be completed by July 2006	Home Office
<b>Recommendation 9</b> <b>HM Courts Service and Children and Family Court Advisory and Support Service (CAFCASS) should:</b> Promote increased participation of children in family court proceedings.	<b>Accept</b> The Government is committed to ensuring that children and young people are consulted about policy and services for them. They should have the opportunity to make their views known in decision-making concerning their future. Existing provisions offer a range of ways in which children's wishes and feelings may be ascertained – whether direct to the court or indirectly through guardians and/or written reports to the court.	N/A	DCA/DfES

Recommendation	Action	By when	Lead responsibility
<p><b>Recommendation 10</b></p> <p>The Immigration and Nationality Directorate of the Home Office, in agreement with the Department for Education and Skills, should:</p> <p>Issue guidance to immigration removal centres and local councils to ensure that:</p> <ul style="list-style-type: none"> <li>■ a care plan, incorporating good quality health, educational and social care provision, is drawn up at the point of detention for each detained child, following an assessment in line with the Framework for Assessment of Children in Need and their Families (2000);</li> <li>■ continuity of education is taken into account when children are detained;</li> <li>■ an investigation is carried out and a multi-disciplinary conference is convened by the local ACPC (or its successor Local Safeguarding Children Board) if the assessment shows the child to be at risk of significant harm under S.47 of the Children Act 1989, in line with Working Together to Safeguard Children (1999);</li> <li>■ a multi-disciplinary review is in any event convened for any child to be detained for more than three weeks; and</li> <li>■ all assessments inform decisions on the necessity for continued detention.</li> </ul>	<p><b>Reject</b></p> <p>The Government rejects this recommendation as unnecessary. The Home Office (Immigration and Nationality Directorate) has worked closely with local councils through their Social Services and Education Departments in those areas where removal centres with family accommodation exists. The same is true of those contracted to manage the relevant centres.</p>	N/A	N/A

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