HM Government

Safeguarding the young and vulnerable

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

department for
children, schools and families

Contents

Ministerial Foreword

On behalf of the Government, I welcome the third joint Chief Inspectors' report into arrangements for safeguarding children and the collaboration across the Inspectorates that this report reflects.

The report shows much has moved on since the last report in 2005 and I am pleased that it provides evidence of improvements in children's services and in outcomes for children and young people. The Children's Plan, Every Child Matters reforms, the Children Act 2004 and a range of other initiatives have provided a much needed impetus for change. But the report also highlights continuing concerns that some children are not well served. The report rightly challenges the Government, local authorities and all those working with young people to do more to safeguard our most vulnerable children.

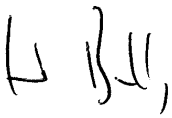
The reforms put in place by Government in response to Lord Laming's recommendations in 2003 have significantly strengthened the framework for safeguarding children – and in local areas across the country there is much good work being done that is keeping children safe. But as the joint Chief Inspectors point out, there is still more to do to ensure these reforms are being implemented systematically by all local agencies so that children in every part of the country receive the protection they need.

That is why, as I announced on 12 November 2008, I have asked Lord Laming to prepare an independent report of progress being made across the country in implementing effective arrangements for safeguarding children. Lord Laming's work will include recommendations on how to improve the effectiveness of Local Safeguarding Children Boards, which play such a crucial role, and the quality, consistency and impact of Serious Case Reviews. This Government is determined to strengthen the system for safeguarding and we look forward to Lord Laming's report early next year.

In parallel, we have also set out legislative proposals to strengthen Children's Trusts to provide clearer area-wide accountability for the wellbeing and safety of children across all children's services.

Keeping children safe is a top priority for this Government. We have put the child at the heart of our reforms and we are determined to maintain a relentless focus on children's safety. Every Child Matters has led to some major improvements and the Children's Plan continues this drive, underpinned by a resolve to make this country the best place in the world for children and young people to grow up. Where the most vulnerable groups are still at risk we will continue to

strengthen arrangements to protect them. It is vital that that everything that is done, nationally and locally, puts the child's interests, and their safety and wellbeing, first. Government will not rest until we have the very best possible arrangements to safeguard our most vulnerable children.



Rt Hon Ed Balls MP
Secretary of State for Children,
Schools and Families

Introduction

Background

1. The 1998 White Paper, *Modernising Social Services,* said that the Chief Inspectors would be asked to produce joint reports on children's safeguards and in October 2002, the Chief Inspectors published their first joint report, *Safeguarding Children*.

2. The 2002 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 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. In July 2005 the Chief Inspectors published their second joint report, *Safeguarding Children: the second Chief Inspectors' Report on Arrangements to Safeguard Children*[1]. This recognised that there had been major developments in children's services and that agencies were working together more effectively. However it also raised a number of significant concerns, including the level of priority given to safeguarding within some agencies.

4. In July 2008 the Chief Inspectors published their third joint report, *Safeguarding Children: the third Chief Inspectors' Report on Arrangements to Safeguard Children*[2]. The report highlights what has improved over the past three years and assesses the extent to which the considerable activity that has taken place at both national and local levels has affected outcomes for children. It also identifies those areas that are still in need of improvement.

5. The report provided evidence of improvements in children's services and in outcomes for children and young people. It reported that as a result of improved safeguarding arrangements, most children now feel safe in their homes and communities, and are receiving the quality of care and support that they need. The report does highlight, however, that some children and young people are still not well enough served by public services and that these children need particular attention, including

1, 2 The report is available online at http://www.safeguardingchildren.org.uk/

some children who are looked after, children who are asylum seekers and children and young people in secure settings.

6. The Government defines the term 'safeguarding and promoting the welfare of children' as:

'The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully'[3].

7. For the purposes of their third report the Chief Inspectors have used this wide definition and looked at arrangements for safeguarding children and young people in four key areas:

- the effectiveness of the overall safeguarding systems and frameworks that are in place;
- the wider safeguarding role of public services;
- the targeted activity carried out to safeguard vulnerable groups of children; this includes updated evidence on the groups considered in the previous report, including asylum-seeking children, children in secure settings, looked after children and children treated by health services; and
- the identification of and response to child protection concerns by relevant agencies.

8. The report makes 22 recommendations to Government departments, agencies providing services to children and young people, Local Safeguarding Children Boards (LSCBs) and relevant inspectorates. This document sets out the Government's response to these recommendations.

3 *Working Together to Safeguard Children*, revised edition, HM Government, 2006

The Report's key findings

9. The report highlights many improvements since 2005 that have been underpinned by the Children Act 2004 and the Every Child Matters reforms. It finds that:

- As a result of improved safeguarding arrangements, most children now feel safe in their homes and communities, and are receiving the quality of care and support that they need.
- The priority given to safeguarding across agencies has increased since the first safeguarding review was completed in 2002 and that there is a greater emphasis on safeguarding all children and improved inter- agency support for children in need of protection from abuse or neglect.
- Most of the provisions of the Children Act 2004 are now fully in force and the framework supporting the Every Child Matters reforms is largely in place.
- Procedures for vetting people who work with children and for joint working to act on welfare concerns have been, or are in the process of being, strengthened.
- Legislation is in hand to improve care services for children and young people, and the Government is giving attention to improving the experiences of asylum-seeking children.
- There is greater independence in the chairing and reporting arrangements of Local Safeguarding Children Boards (LSCBs). Strategic partnerships are now in place in all areas to deliver services to safeguard and promote the welfare of children.
- Joint working has particularly improved in some areas, including arrangements between children's services, the police and the health service aimed at preventing domestic violence.
- Healthcare organisations have made real progress in putting in place processes for safeguarding children. Services are getting better at identifying problems early and taking the necessary steps to address these problems.
- A majority of settings where children are cared for or are educated comply with regulations for keeping children safe.

- Agencies have a greater awareness of the importance of Criminal Records Bureau (CRB) checks for staff whose jobs bring them into contact with children.

10. The report, however, also identifies areas where the joint Chief Inspectors believe improvement is still needed. In particular:

- Some children and young people are still not well enough served by public services. This is particularly the case for those who are looked after by their local authority, who are in secure settings or are asylum-seeking children.
- The report highlights that some of the recommendations made in 2005 have not been implemented. These include recommendations relating to restraint techniques in secure settings, the effects of detention in immigration removal centres on children, and continued delays in carrying out welfare assessments.
- The report finds that not all agencies are meeting their statutory duties, and lines of accountability and responsibility for child protection are still not always clear. In particular, inspections have highlighted the lack of priority given to children's safeguarding by some NHS trusts.
- There also remains a lack of a shared, consistent understanding of safeguarding between social care services, the criminal justice system and in secure establishments, where the focus is disproportionately on security issues over the impact these can have on children's wellbeing.
- For care leavers and young people leaving custody, there is also inadequate accommodation in most local authority areas.

Government action following the second (2005) Safeguarding Children report

The Children's Plan and safeguarding

11. Keeping children and young people safe is a **top priority for this Government**. We've introduced new legislation, new guidance and new structures to make children safer. And we are committed to doing even more.

- Through **the Children Act 2004** we have put in place a much stronger framework for children's services and for safeguarding children in particular.
- We have created statutory **Local Safeguarding Children Boards** to join up what local bodies do to safeguard children and to ensure that they are working effectively together.
- We have given a range of statutory agencies **a legal duty to safeguard and promote the welfare of children** – and issued **Section 11 guidance** to the police, hospitals, prisons and others covered by the requirement saying what they should do to make sure children are safe. And we are extending that duty to cover immigration.
- We have published and distributed very widely an accessible booklet for people who work with children ***What To Do If You're Worried a Child Is Abused*** and published related materials to help in training staff.
- We have required local authorities to have **Lead Members and Directors who are clearly accountable for their children's services**.
- We **take action when local safeguarding services are shown to be inadequate** – using new statutory powers to intervene when necessary.
- We **published the National Service Framework for Children – with the specific Safeguarding Children Standard** being published a year earlier in order to improve the knowledge and practice of health organisations and professionals.
- We have taken steps to improve **information sharing** by publishing clear guidance and by developing **ContactPoint** which will help different professionals working with a child to make contact, supporting early intervention and prevention.

- We have published and are delivering a **Children's Workforce Strategy** to strengthen safeguarding, improve recruitment, retention, and quality of practice and strengthen the leadership, management and supervision of the workforce. We will shortly be publishing an updated strategy. We set up the **Children's Workforce Development Council** to drive improvements in practice and work with employers to promote the best possible training, qualifications, support and advice. We have announced steps to **increase the capacity, skills and numbers of social workers** who play a key role in keeping children safe.
- We are **strengthening arrangements for ensuring those who work with children are safe to do so**. We have tightened the requirements for CRB checks in education and have created the new Independent Safeguarding Authority to establish the most robust ever vetting and barring scheme.
- We have introduced **new statutory child death review processes** from April 2008, backed by £22 million for local authorities and £30 million for Primary Care Trusts (PCTs) to fund costs from 2008–9 to 2010–11.
- There has been a **year on year increase to funding** for children's services, with specific grants to help embed reforms.
- Our **Children's Plan** places children and young people at the centre of everything we do and sets out a ten year vision for children's services.
- **Staying Safe**, the first ever cross-Government strategy on safeguarding children and young people, is raising awareness and understanding. And sending the strong message that **keeping children safe is everyone's responsibility**. We want to make sure not just professionals and organisations understand their responsibilities but that parents, carers and the public – and children and young people themselves – understand what they can do to safeguard children. Following wide consultation and debate, the **Staying Safe Action Plan** was published in February 2008 setting out further detailed work over the next 3 years.
- This is underpinned by the new **Public Service Agreement** to improve children and young people's safety. This signals our commitment to keep children's safety high on the national agenda and monitor progress. This will include measuring and seeking to reduce preventable child deaths.
- We are **providing £30 million over four years to the NSPCC** to increase the capacity of ChildLine and its other helplines to respond to children and to adults with concerns about children.

- We have also asked Lord Laming to prepare an **independent report of progress on the implementation of safeguarding arrangements nationally**, including the effectiveness of LSCBs and the quality, consistency and impact of Serious Case Reviews.

New legislation to strengthen Children's Trust Boards

12. To ensure that there is a clear local strategy for child safety arrangements the Government will introduce new legislation to ensure that multi-agency Children's Trust Boards are operating in every local authority area. Under the new law every local authority will be required to have a Children's Trust Board with responsibility for improving the safety and wellbeing of all children and young people in the area. The Boards will consist of the local authority, health, police, schools and other services who will be legally required to work together to agree and deliver a Children and Young People's Plan (CYPP) that will set out a clear strategy for child safety arrangements.

Progress report on safeguarding

13. The Children's Plan puts the child at the heart of the Government's reforms and this has driven the vast change acknowledged in the joint Chief Inspectors' report. To keep children safe and protected from abuse we need to ensure that this drive continues and that we have the very best possible child protection arrangements in place to safeguard our most vulnerable children.

14. In order to ensure that these reforms are being implemented, the Secretary of State for Children, Schools and Families announced on 12 November 2008 that an independent report would be prepared by Lord Laming on progress being made across the country in implementing effective arrangements for safeguarding children. The report will address three main questions:

- the key features of good safeguarding practice and whether they are being universally applied across the country – including the development of the professional workforce, inter-agency working and effective systems of public accountability;
- the key barriers, including in the legal process, that may be impeding children's professionals in their work and stopping good practice becoming common practice – including whether the right balance is being struck between the correct application of processes when taking a child into care and the child's needs; and
- what specific actions should be taken by national government and local agencies to overcome these barriers and accelerate systematic improvement across the country.

15. The Secretary of State for Children, Schools and Families had previously announced that a stocktake of LSCBs would be carried out and this is already underway. The key issues being considered by the stocktake include the governance and accountability of LSCBs, the independence of LSCB chairs and whether the statutory guidance on this in *Working Together to Safeguard Children*[4] needs to be revised. Alongside this, a study of Serious Case Reviews is being taken forward in order to identify what more can be done to improve the quality, consistency and impact of Serious Case Reviews as part of the overall system for safeguarding children and young people. Both these pieces of work have been brought within the remit of Lord Laming's report.

16. The Government is determined to strengthen the system for safeguarding and looks forward to Lord Laming's report and his recommendations early next year.

4 ***Working Together to Safeguard Children***, revised edition, HM Government, 2006.

The Chief Inspectors' recommendations and the Government's responses

The safeguarding framework

All agencies

Recommendation 1

All agencies that have a statutory duty to cooperate (local authorities, district councils, police, PCTs, NHS trusts, Connexions, probation, Youth Offending Service, Cafcass, secure training centres and prisons) should:

- ensure that they are fully compliant in respect of statutory membership of LSCBs by 1 September 2008.

Response

17. LSCBs were established in every local area from 1 April 2006. Their role is to co-ordinate the safeguarding activity carried out by local partners represented on the Board and to ensure the effectiveness of that activity. Many LSCBs are delivering strongly and making a positive impact on children's safety but there are still improvements to be made. The Government is committed to supporting and improving the effectiveness of all LSCBs so that they can all perform at the level of the best, and to ensure that the work of LSCBs is clearly reflected in, and supported by, the new arrangements for strengthening multi-agency children's services planning and delivery through stronger Children's Trusts.

18. The Government will introduce new legislation to ensure that multi-agency Children's Trust Boards are operating in every local authority area. Under the proposed legislation every local authority will be required to have a Children's Trust Board with responsibility for improving the safety and wellbeing of all children and young people in the area. The Boards will consist of the local authority, health, police, schools and other services who will be legally required to work together to agree and deliver a CYPP.

19. The CYPP will set out a clear local strategy for child safety arrangements, and set the framework for the operation of the LSCB. The legislation will strengthen co-ordination of services at a local level and improve accountability by:

- requiring local authorities, PCTs, schools, colleges, health services and others to work closely together to jointly own CYPPs;
- putting effective early intervention for children at risk central to those plans; and

- requiring individual members to be held to account for delivering their agreed part of the shared plan.

20. On 12 November 2008 the Secretary of State for Children, Schools and Families announced that Lord Laming would provide the Government with an urgent report on the key features of good safeguarding practice and whether they are being universally applied across the country, including the development of the professional workforce, inter-agency working and effective systems of public accountability.

21. The Secretary of State for Children, Schools and Families also announced that he had decided to bring the stocktake of LSCBs and the work on Serious Case Reviews that the Government announced on 22 October 2008 under Lord Laming's remit. The stocktake of LSCBs will build on the findings from Ofsted inspections of local authority safeguarding and will seek the views of partner agencies and chairs of LSCBs. It will look at whether all the right partners are fully engaged in the work of the LSCB and deliver practical recommendations that will help drive further improvement. As part of this work, Lord Laming will set out how we can strengthen the role of the LSCB within the Children's Trust. We set out further details of this in our response to Recommendation 22 below.

Government

Recommendation 2

The Department for Children, Schools and Families, the Home Office and the Ministry of Justice should:

- clarify the roles, functions and responsibilities of agencies contributing to multi-agency public protection arrangements (MAPPA) and ensure that relevant agencies meet them fully.

Response

22. MAPPA teams in England and Wales began operating in April 2001 to ensure more robust management systems for those offenders who live in the community. The offenders dealt with under MAPPA are those whose behaviour can be aggressive, irrational and confrontational. The MAPPA teams comprise the police, prison, probation and other relevant agencies. They assess the nature and level of the risk of harm posed by individual offenders and implement a risk management plan to protect the public.

23. Guidance on MAPPA was revised and re-issued in October 2007. This sets out what is required of agencies working within MAPPA and establishes standards against which MAPPA Strategic Management Boards (SMBs) can measure the effectiveness of the arrangements. Specifically, it requires the MAPPA SMBs to establish local connections and develop written protocols with LSCBs to ensure that local protection arrangements work together effectively.

Local Safeguarding Children Boards

Recommendation 3

LSCBs should:

- ensure that robust quality assurance processes are in place to monitor compliance by relevant agencies within their area with requirements to support safe recruitment practices. These processes should include regular audits of vetting practice and random sampling of compliance with checks with the CRB.

Response

24. The Government welcomes this recommendation. LSCBs play an important role, alongside the inspectorates and other local and regional agencies, in providing assurance that local services are complying with requirements in relation to vetting checks, as part of safe recruitment practices. LSCBs should also play a role in determining the extent to which agencies are preparing for the requirements of the new Vetting and Barring Scheme (VBS), scheduled to be introduced from autumn 2009, so that all partners are aware of their new duties and responsibilities. The VBS will apply initially to new recruits and those who move jobs but over time it will be rolled out to cover the entire existing workforce.

The wider safeguarding role of public services

Government

Recommendation 4

The Department for Children, Schools and Families, the Department of Health and the Ministry of Justice should:

- increase and better target child and adolescent mental health services (CAMHS) in order to improve access to these services for children and young people with learning difficulties and/or disabilities and those who are in the criminal justice system.

Response

25. The Children's Plan announced that an independent review of CAMHS would be conducted, to investigate the progress made since 2004 in delivering services to meet the needs of children and young people at risk of experiencing mental health problems and how improvements could be made. The review investigated how mainstream, universal, targeted and specialist services could play a more effective role in promoting the emotional wellbeing and mental health of children and young people and their familes. This included considering how improvements could be made to the effectiveness of referrals to specialist services.

26. The review's interim report (published in July 2008) identified vulnerable children as a key theme. It recognised that unacceptable

variations in service provision exist between regions and within local areas. The final report, published on 18 November 2008, addressed the issue of access for all children, young people and families, including vulnerable groups such as those with learning difficulties or disabilities.

27. The report recommended that children with behavioural, emotional and social difficulties should be confident that, for example, the mental health needs would be assessed alongside all their other needs, no matter where the need is initially identified. The Government has accepted this recommendation in principle. The work will be a priority for the new National Advisory Council for children's mental health and psychological wellbeing to take forward.

Government, agencies providing services to children and young people and relevant inspectorates

Recommendation 5

All Government departments, agencies and relevant inspectorates should:

- specifically include the impact of domestic violence on children and young people within their risk assessments for planning, delivering, evaluating or inspecting safeguarding services.

Response

28. Prolonged and/or regular exposure to domestic violence can have a serious impact on a child's development and emotional wellbeing. A child who witnesses or hears the ill treatment of another, for example domestic violence, may be judged to be suffering significant harm (section 31 of the Children Act 2004) and action can be taken through the family court to ensure the child is safe.

29. LSCBs have responsibility for agreeing inter-agency procedures for section 47 enquiries, and developing local protocols on key issues of concern such as children living with domestic violence, substance misuse or parental mental illness. Domestic violence is included as one of the factors to be considered when undertaken an assessment of a vulnerable child and family using either the Common Assessment Framework or *The Framework for the Assessment of Children in Need and their Families (2000)*[5]. The training materials *Safeguarding Children – a shared responsibility (2007)*[6] published to support the implementation of *Working Together* have a particular focus on domestic violence, and in particular how to assess children and families and equally importantly intervene when there is domestic violence.

30. Risk assessments are already used by agencies, such as the police, probation, and Cafcass. The value of any risk assessment tool depends on the skills of those using it, and

5 The publication can be found online at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4003256

6 The training materials can be found online at: http://www.nspcc.org.uk/inform/trainingandconsultancy/learningresources/safeguardingchildrenasharedresponsibility_wda47874.html

though risk assessment can help to reduce the likelihood of future harm, care must be taken not to rely on any `predictive formula.' What these tools do demonstrate is that certain factors can increase the probability of future harm.

31. Once risk level is assessed this will inform consideration of the level of intervention needed and the development of a risk management plan. It is important to ensure that risk levels are kept under regular review, so that any change in circumstances which may impact on risk can be identified.

32. The Home Office is currently rolling out Multi-Agency Risk Assessment Conferences (MARACs) nationally. These bring together key agencies likely to come into contact with victims, and enable them to obtain the most complete assessment possible of the circumstances of the abuse and the risks faced by victims and their children. This information should be used to develop a safety plan that combines individual agency actions into a comprehensive multi-agency response aiming to reduce further victimisation.

33. The Home Office will be exploring options for how MARACs and statutory public protection bodies, such as LSCBs and MAPPA might better relate to each other. Progress will be reported through the National Domestic Violence Delivery Plan which is overseen by the Inter-Ministerial Group on Domestic and Sexual Violence.

34. The Home Office has also developed a Co-ordinated Community Response to the domestic violence model which provides an illustration of the tiers of risk and illustrates the need for a co-ordinated inter-play between local agencies – both local and statutory – through risk assessment, the MARAC process and detailed information sharing. The model makes it clear that no one agency can deal effectively and safely with the effects of domestic violence, as the issue requires extremely close working between agencies.

Safeguarding groups of vulnerable children

Local authorities

Recommendation 6

Local authorities should:

- make adequate provision of safe, sustainable and supported accommodation and stop the use of bed and breakfast accommodation for care leavers and young people both at risk of custodial remand or returning to communities from custodial settings.

Response

35. Local authorities have statutory responsibilities to plan and provide support for care leavers. For 16–17 year old care leavers (referred to as "relevant children" by the Children (Leaving Care) Act 2000) they have a duty to support and maintain them in suitable accommodation. This must be

accommodation appropriate to their needs that offers them a secure base providing them with the opportunity to pursue their chosen education, training or employment pathway. Whilst in extreme circumstances some care leavers may have experienced bed and breakfast accommodation, this must be a very short term measure and the use of bed and breakfast can never be regarded as suitable accommodation for any care leaver.

36. Once care leavers reach 18 they are entitled to access the same mainstream arrangements for accommodation support as other young people. They must continue to be allocated a personal adviser to support them to achieve the objectives set out in their pathway pan. It will be the personal adviser's role to assist them to access the housing option that is right for them.

37. Research evidence both in this country and elsewhere shows that staying in a family environment for longer so that the transition to adulthood is gradual and measured can make all the difference in improving outcomes for care leavers. This is why the White Paper, *Care Matters: Time for Change* (June 2007), set out a number of proposals to support young people navigate the bridge of transition to adult life for children in care, including:

- piloting greater involvement of young people in deciding when they move to independence (Right2BCared4); and
- providing young people with the opportunity to benefit from staying with their carers until age 21.

38. Other measures within the Care Matters programme will also contribute to minimising the risks of insecure housing and homelessness faced by care leavers. Revision of the Children (Leaving Care) Act guidance will be necessary as a part of the wider revision of guidance to the Children Act 1989 now that the Children and Young Persons Act 2008 has received royal assent. Future revision will include much more information about local authority responsibilities for ensuring that care leavers are able to access the right kind of accommodation and will set out specific expectations on services responsible for the welfare of looked after children and care leavers that they must work very closely with housing services at all levels. Whenever a care leaver is threatened with homelessness the Government will expect their responsible authority to take decisive action.

39. In May 2008 the Government published the joint Communities and Local Government and DCSF good practice guidance, *Joint working between Housing and Children's Services: Preventing homelessness and tackling its effects on children and young people*. Its aim is to help improve joint working between housing authorities and children's services to prevent and respond to homelessness and the wider support needs in respect of four main groups of young people:

- 16 and 17 year olds who are homeless or at risk of homelessness;

- care Leavers (18–21) who are homeless or at risk of homelessness;
- children in households living in temporary accommodation; and
- children in households who have been found intentionally homeless.

40. The guidance, with its strong emphasis on joint protocols at a local level, has been a useful tool for local authorities, and for the two youth homelessness specialist advisers based in CLG who work closely with service commissioners and providers to improve outcomes for young people, including care leavers, at risk of homelessness.

Government

Recommendation 7

The Department for Children, Schools and Families and the Home Office should:

- monitor at a national level the incidence of children missing from home.

Response

41. Collecting the right data at local level is essential to driving improvement in services for young runaways. From April 2009, there will be a new indicator in the national indicator set, 'Children who run away from home/care overnight', which will improve understanding of the extent to which Children's Trusts or LSCBs have a picture of 'running' patterns in their area; of how this information informs local service provision; and what procedures are in place to respond to the needs of young runaways.

42. To demonstrate that they have good procedures and protocols in place to respond to the needs of these extremely vulnerable young people, local areas will need to show that information about children who are reported missing (from home as well as care) are shared between the police force, the local authority, and where appropriate the voluntary sector. This information will need to meet a core standard. This standard will be set out in revised statutory guidance for local partners on *Missing from Home or Care*, which will be published in spring 2009. Local areas will also need to demonstrate that this information is being used strategically, with patterns of running by individuals or by groups of young people identified and with local services responding appropriately to reduce and eventually stop instances of running by these young people.

43. Whilst, at this stage this will not lead to the measurement of levels of running at a national level, it will help ensure that young runaways receive the support they need. In recognition that better monitoring of the national incidence of running is needed, the National Police Improvement Agency has set up an improved (national) Missing Persons Bureau. The Bureau is working with police forces to ensure better recording of the incidence of missing people, and the new Code of Practice on Missing Persons Data is part of that. As well as improving data collection at a local level, the Code is intended to improve the flow of information on all categories of missing to the Bureau so

that an accurate national picture of the missing may be established. An important sub-set of this data will provide a picture of those missing from home, and those missing from care.

Recommendation 8

The Department for Children, Schools and Families and the Youth Justice Board should:

- provide guidance to staff working in custodial and residential settings on the behaviour management of children and young people. Such guidance should include a model behaviour management strategy and emphasise that restraint should only be used as a last resort and should not be used solely to gain compliance. The guidance should make clear that methods of restraint should not rely on pain compliance.

Response

44. The Youth Justice Board (YJB) published guidance on behaviour management, in the form of a code of practice in 2006. The guidance, *Managing the Behaviour of Children and Young People in the Secure Estate*[7], sets out Government policy and provides a good practice guide to staff responsible for managing the behaviour of children and young people sentenced or remanded to custodial settings in England and Wales. The guidance on the use of restrictive physical intervention (RPI) is part of a ten-fold behavioural management strategy. Physical restraint is placed firmly at the end of a range of techniques to manage the behaviour of children and staff are urged to use it as a last resort when there is no other option available. It is already clear that pain compliant methods may only be used in the most exceptional circumstances and not solely to secure the compliance of young people with staff instructions.

45. The independent *Review of the Use of Restraint in Juvenile Secure Settings*[8] has further examined policy and practice on the use of restraint in all types of juvenile secure settings and makes important recommendations about approaches to restraint within the context of behaviour management strategies. The Government accepts these recommendations and will implement an ambitious programme of further reform. The Government accepts the finding of the Review of the need for physical intervention, including pain compliant techniques, for the protection of staff and other young people, as a last resort in exceptional, defined circumstances. But this must go hand in hand with enhanced training for staff in de-escalation techniques and behaviour management in order to embed a culture where restraint is only ever used when all other avenues have been exhausted.

46. The YJB will revise its Code of Practice in the light of the Review and incorporate the Code of Practice into its contract management and monitoring arrangements for the whole of the secure estate.

7 The report can be found online at: http://www.yjb.gov.uk/Publications/Scripts/prodView.asp?idproduct=280&eP=

8 The Review can be found online at: http://publications.dcsf.gov.uk/

Recommendation 9

The Department for Children, Schools and Families and the Youth Justice Board should:

- issue a requirement that all incidences when restraint is used in custodial settings and which result in an injury to a young person are notified to, and monitored and publicly reported by, the Local Safeguarding Children Board.

Response

47. Where child protection issues exist as a result of the use of restraint, there is already a requirement for incidences to be referred to LSCBs. The *Review of the Use of Restraint in Juvenile Secure Settings*[9] makes a series of further recommendations about the role of LSCBs in overseeing and monitoring use of restraint. The Government has accepted those recommendations. As well as secure establishments being required to inform the LSCB when a young person has been subject to restraint the LSCB will itself report on the use of restraint annually to the YJB or more frequently if they have concerns.They should also report to HMCIP or Ofsted as appropriate to inform inspections.

Recommendation 10

The Department for Children, Schools and Families and the Youth Justice Board should:

- issue a requirement that all incidents of strip-searching of young people in custodial settings are risk assessed and recorded and that this data should be monitored by prison safeguarding committees. The Youth Justice Board should monitor the aggregated data nationally across the secure estate.

Response

48. The Government recognises that young people in custody are some of the most vulnerable people, and are naturally sensitive about intrusive searching. There are strict rules about the process of full searching, which are applied locally by governors and directors of establishments.

49. The YJB is carrying out a comprehensive review of full searches in the secure estate which is due to report in 2009. The review is focusing on the practice of searching, the rationale for undertaking searches and the extent to which searches are either risk assessed or routinely carried out. When considering the scope of their review, the YJB has taken into account the recommendations made by the joint Chief Inspectors.

50. In addition, the National Offender Management Service is piloting a new type of full search in female establishments, which does not require the removal of underwear, unless there is intelligence or suspicion that something is concealed in underclothes. The prison service is also considering whether full searching can be reduced by adopting a more intelligence-led approach to women and young offenders.

9 The Review can be found online at: http://publications.dcsf.gov.uk/

Recommendation 11

The Department for Children, Schools and Families and the Ministry of Justice/Youth Justice Board should:

- provide long-term funding for social work input into youth offending institutions.

Response

51. Local authorities have a duty of care under the Children Act 1989, to provide social work services to young people in Youth Offending Institutions (YOIs). The YJB and DCSF provided start-up funding to enable social workers to make links with YOIs and help local authorities fulfil their legal duty. It was always made clear that over the long term, local authorities were responsible for ensuring that services were provided.

Recommendation 12

The Department for Children, Schools and Families, Department of Health and the Youth Justice Board should:

- make the necessary provision to ensure that all children who display, or are convicted of, sexually harmful behaviours are assessed and their needs for treatment are met.

Response

52. Improving Child and Adolescent Mental Health Services (CAMHS) is a priority for the Government. It has committed significant additional funding to achieve this, with over £400 million in the four years to March 2007 made available to local authorities and the National Health Service (NHS). Over £100 million has also been made available for 2007-08.

53. An element of this funding will have been used on services for young people who have sexually abused and who need CAMHS.

54. To support this, the Government is working in partnership with the Victims of Violence and Abuse Prevention Programme to develop a Framework for the Development of Services for Young People who Sexually Abuse. This will assist practitioners by setting out current best practice in the identification, referral, assessment and treatment of young people who sexually abuse.

55. An option being considered is to establish one site of Multisystemic Therapy (MST) for young people with Problem Sexual Behaviour (PSB) in England. The proposal would be to establish a four-year research pilot of this programme and to work alongside colleagues in the US and potentially other European sites to establish the evidence base for this programme within the UK. This would include research to compare outcomes for young people and families between the MST model and an existing UK community treatment model for young sexual offenders. This pilot and the associated research would be overseen by Department of Health (DH) as part of the national early intervention in personality disorder programme, with reporting links to DH, DCSF and the YJB.

Recommendation 13

The Department for Children, Schools and Families, the Department of Health and the Ministry of Justice/Youth Justice Board should:

- ensure continuity in the provision of mainstream services, particularly health and education, when young people return from a secure setting into the community.

Response

56. The Government outlined its plans to improve education and training for young offenders in young people's secure estate in the *Youth Crime Action Plan*[10] published in July 2008. This included a commitment to place local authorities in the lead for securing education and training in under-18 custody.

57. The Government therefore intends to legislate within the 2009 Children, Skills and Learning Bill, to make local authorities responsible for education in juvenile custody. The changes are scheduled to follow a phased implementation timetable, beginning in 2010.

58. This will mean that for the first time young offender education and training in custody can be brought more in line with arrangements in the mainstream education sector, thereby providing greater consistency of provision and support within custody, across the transitions and into the community.

59. Offender Health, formerly Prison Health at the Department of Health, managed the transfer of funding and responsibility for the commissioning of health services in prisons from the Prison Service to the NHS. This staged process ran from 2003 to 2006.

60. The Children and Young People's Programme in Offender Health works to ensure that children held in secure settings receive NHS care to a standard equivalent to that available in the community and, with its new wider remit, will work to develop better services for all children at all stages of the Criminal Justice System, and on release. The strategic aim of Offender Health is to improve health and wellbeing, address health inequalities and reduce crime by maximising the opportunities provided by better integration of health, social care and criminal justice systems.

61. The management of health and social care policy for children and young people in contact with the Criminal Justice System was reviewed in 2006. This has led to the development of a prioritised joint programme of work with the development of the Health & Social Care Strategy for Children and Young People at its centre. The Government expects to publish the Strategy in Spring 2009.

10 This Plan can be found online at: http://www.homeoffice.gov.uk/documents/youth-crime-action-plan/

Recommendation 14

The UK Border Agency should:

- ensure that children are detained only in exceptional circumstances and for no more than a few days. The individual welfare needs of children should be taken into account, and that process documented, in any decision to detain and throughout the detention process.

Response

62. Children are most usually only detained under Immigration Act powers where this is necessary to effect the removal of their family group. Detention is used only where necessary and this is especially true for families with children. The aim is to keep detention to the shortest period necessary. The majority of families with children are detained pending removal from the UK and spend just a few days in detention.

63. Prior to detention, children's welfare needs are taken into account through contact management which helps keep families informed about the asylum process and their own responsibilities. This also provides opportunity to gather information about each family's personal circumstances, health and the wellbeing of each member of the family.

64. Children detained with their families are subject to an enhanced detention review process. The removal centres at which families with children may be held provide a weekly report on children in the centres, with any welfare concerns highlighted. All detention reviews are formally recorded.

65. Children held in Removal Centres have the appropriate facilities to care for them and meet their needs; for example, at Yarls Wood, two full-time social workers are employed. In addition health visitors and midwives visit the site on a regular basis. There are also routine weekly child welfare meetings at Yarl's Wood Immigration Removal Centre, the main centre for holding families with children beyond 72 hours. These are attended by all professionals who have any contact with children at that centre, including a seconded social worker. Every child is reviewed at the meeting. The social worker takes forward any action that requires contact with agencies outside the centre. It is open to the social worker to request an urgent ad hoc conference call to review the detention of any child in the centre at any point where concerns are raised that may not be met easily within the centre.

Recommendation 15

The Department for Children, Schools and Families should:

- issue guidance to local councils to ensure that children whose detention continues for more than seven days are subject to an independent welfare assessment of their health, welfare, educational and developmental needs and have an individual care plan. The welfare assessment and care plan should inform weekly reviews of the continued detention of children.

Response

66. Due to measures already in place, as set out below, the Government does not consider that issuing guidance to local councils is necessary. The detention of families with children is used only where necessary in order to effect their removal. This usually takes place a few days before their flight is arranged. Where detention lasts for longer periods it is often because parents seek to frustrate removal or fail to cooperate with the removals process.

67. Rigorous and frequent reviews take place to monitor the appropriateness of continued detention of family groups. This includes the need for Ministerial review and approval at Day 28 of detention. Weekly multi-disciplinary conference calls take place for all families detained beyond 28 days to discuss their welfare needs. This conference includes representatives from social services, medical staff, the caseworker, child services manager, and the UK Border Agency (UKBA) Children's Champion.

68. Prior to the detention of a family group it is UKBA policy for enforcement officers to complete a family welfare form. This form collates information relative to known medical concerns, disabilities, impact on education and checks with local authorities to ensure each child is not the subject of a child protection plan or that the family has not been referred to or supported by local care within the local authority. This form is then conveyed to the immigration removal centre where detention is proposed to ensure the centre can meet the family's needs. This form will accompany a family if they are transferred to another centre.

69. Procedures for multi-agency welfare assessments are in place at both UKBA's immigration removal centres in England that accommodate families with children.

70. At Yarl's Wood a weekly cross-disciplinary meeting takes place to discuss all children at the centre regardless of when they arrived, thus ensuring that no child is in the centre longer than 7 days without an assessment being conducted. These assessments focus on the health, welfare, educational and developmental needs of the child. Formal assessments, in line with the social services common assessment framework, subsequently take place when detention reaches the fourteenth day.

71. At Tinsley House all families are assessed by child care workers on initial admission to the centre. A referral to Gatwick Children's Services is made as soon as it becomes apparent that a family will be at the centre for longer than 72 hours. Furthermore, Gatwick Children's Service will conduct a welfare assessment within 48 hours of being notified that a family has reached the seventh day of detention at the centre or earlier if an immediate need has been identified.

Child protection

Government and Local Safeguarding Children Boards

Recommendation 16

The Department for Children, Schools and Families and Local Safeguarding Children Boards should:

- ensure greater consistency in decision-making about when a serious case review should be commissioned.

Response

72. On 12 November 2008 the Secretary of State for Children, Schools and Families announced that Lord Laming would provide the Government with an urgent report on the key features of good safeguarding practice and whether they are being universally applied across the country, including the development of the professional workforce, inter-agency working and effective systems of public accountability.

73. The Secretary of State for Children, Schools and Families also decided to bring the stocktake of LSCBs and the study of Serious Case Reviews that the Government announced on 22 October 2008 under Lord Laming's remit. This in depth study of Serious Case Reviews will take a close look at how to improve the quality and consistency of Serious Case Reviews which are completed whenever a child dies or is seriously harmed and abuse or neglect is known or suspected to have been a factor.

74. This study provides an opportunity to take stock of progress thus far, assess the impact that Serious Case Reviews are having on improving the safeguarding of children and to understand and tackle any barriers there may be to undertaking high quality Serious Case Reviews that have an impact on improving practice.

75. The overarching objective of the study is to identify what more can be done to improve the quality, consistency and impact of Serious Case Reviews as a key driver for learning and improvement in the child protection system. Key issues to be considered by Lord Laming in this work include:

- whether the criteria for instigating a Serious Case Review are well understood and being applied consistently by LSCBs;
- how the respective roles and responsibilities of local authorities, LSCBs, and Government Offices should be further clarified to ensure clarity of accountability at every stage and effective follow-up;
- the end-to-end process of conducting Serious Case Reviews including how to improve the timeliness of their completion and the prompt, ongoing completion of actions to secure practice improvements;
- how to strengthen the processes and practice for following up inadequate Serious Case Reviews; and
- how to improve the quality of published Serious Case Review Executive Summaries in the public interest.

76. Lord Laming has already set out some initial findings:

- Serious Case Reviews must be chaired by someone of experience and authority who is independent of each of the reporting agencies. The Chair must have an equal relationship with each agency and be seen to be objective.
- The Serious Case Review's Chair must have access to all relevant documents and witnesses. At present the Chair depends upon the cooperation of each of the agencies and their staff. It may be necessary to give further thought to the legislative framework for Serious Case Reviews.
- An Executive Summary must be produced for publication that in every respect is a fair summary of the report. However, the main report must remain confidential.

The Government welcomes and endorses these initial findings and looks forward to Lord Laming's further recommendations early next year. In light of Ofsted's first annual report of evaluations of Serious Case Reviews, the Government has decided to take immediate action to strengthen the follow-up to inadequate Serious Case Reviews by asking each LSCB responsible for a Serious Case Review which has been judged inadequate to convene a panel, to be chaired by an independent person, to reconsider the review and submit a further report for Ofsted's assessment.

Government and inspectorates

Recommendation 17

Ofsted should:

- report annually on the outcome of evaluations of Serious Case Reviews.

Response

77. The Government welcomes this intention to make public the aggregate information on the quality of Serious Case Reviews and want to continue this open and transparent process as part of the continuing independent inspection of children's services. The Government welcomes Ofsted's first annual report on the outcome of evaluations of Serious Case Reviews and will ensure that the recommendations made are taken forward and fed into Lord Laming's progress report. We are taking immediate action to strengthen the processes for following up inadequate Serious Case Reviews. This is set out in more detail in our response to Recommendation 16 above.

Recommendation 18

The Department for Children, Schools and Families should:

- ensure that the national dissemination of biennial reports on the lessons learned is timely.

Response

78. The DCSF is committed to commissioning biennial overviews of the Serious Case Reviews carried out in accordance with the guidance set out in *Working Together To*

Safeguard Children. The purpose of these overviews is to draw out the key findings from the Serious Case Reviews and identify their implications for policy and practice. The first of these overviews was published by the Department of Health in 2002.

79. In January 2008 DCSF published the second and third overviews of Serious Case Reviews for the periods 2001–2003 and 2003–2005 respectively. DCSF and regional Government Offices have and are continuing to disseminate the biennial reports widely through national, regional and local conferences. Copies have been made widely available through LSCBs and individual partner agencies[11]. The 2005–2007 overview has been commissioned and is due for publication in spring 2009. The early findings have been disseminated at a series of regional events in autumn 2008 and the final report will be disseminated widely. DCSF has plans to move to a system of making Serious Case Reviews available to the researchers as soon as they are available so that their work is continuous with regular outputs of findings being made available prior to publication of the biennial review. The biennial review will provide a more in depth analysis of the data.

80. The findings from the Serious Case Review overview reports inform national policy developments and resources commissioned to support effective safeguarding and promoting the welfare of children in local authorities. We are committed to ensuring that the roles of Children's Services Advisers and others in ensuring lessons are learned locally are made as clear as possible. Lord Laming will consider and advise on this as part of his report.

Government

Recommendation 19

The Department for Children, Schools and Families and the Youth Justice Board should:

- ensure that the assessment tools used within the Youth Offending Service and secure settings are robust in addressing the safeguarding needs of children and young people.

Response

81. The Youth Justice Board (YJB) launched 'ASSET'[12] as an assessment tool to capture, at the pre-custody stage, both the risks and safeguarding issues surrounding under-18s. Since its inception in April 2000, the YJB has addressed some of the practical problems encountered through staff training and quality assurance procedures. As part of its ongoing commitment to the development of ASSET, the YJB is developing an assessment strategy which will consider how the tools can be further improved in future. In addition, YJB is launching an electronic case management system known as e-ASSET, which will make information sharing between relevant service providers easier. The system will also ensure that important

11 Copies can be obtained from Prolog at dcsf@prolog.uk.com, Quoting references DCSF – RRO23 and DCSF – RR022.

12 This tool can be found online at: http://www.yjb.gov.uk/en-gb/practitioners/Assessment/Asset.htm

information to safeguard young people is attached to the system, and travels with them through the young offender criminal justice system, and after release. The e-ASSET system is being rolled out across the young people's secure estate and all establishments will be fully functioning by March 2009.

Recommendation 20

The Department for Children, Schools and Families, the Department of Health, the Home Office and the Ministry of Justice should:

- ensure that information sharing arrangements between healthcare professionals and other professionals providing services for children are in place and monitored to ensure informed and co-ordinated service provision.

Response

82. The DCSF has worked in partnership with the Department for Communities and Local Government to revise the Government information sharing guidance published in April 2006 to extend its relevance to practitioners working with children and young people as well as adults and families. The revised guidance was published in October 2008. The aim of the guidance is to support good practice in information sharing by offering clarity on when and how information can be shared legally and professionally. The guidance aims to support practitioners as part of the increasing move towards multi-agency or integrated working. It will be especially useful to support early intervention and preventative work where decisions about information sharing may be less clear than in safeguarding and child protection situations.

83. The DCSF has consulted widely in the development of the revised guidance, including other Government departments, national representative bodies and practitioners and managers in agencies across health, social care, education, the criminal justice system and the voluntary sector. Endorsement of the guidance and the key principles for information sharing is being sought from a wide range of organisations across all sectors.

84. DH and DCSF communications are working together to ensure channels that will reach health practitioners are being utilised to promote the guidance and encourage take-up.

85. Another critically important development is the introduction of ContactPoint which has been developed in response to the Victoria Climbié Inquiry and is an integral part of our Every Child Matters reforms. ContactPoint is designed to improve information sharing and communications among practitioners in order to support early intervention and prevention and to help ensure that every child receives the services they need. This online directory will give practitioners a quick way to find out who else is working with the same child or young person, so making it easier to deliver more co-ordinated support. This directory will be available to authorised staff who need it to do their jobs. It will provide benefits such as:

- improved service experience for children, young people and families through more co-ordinated service delivery, more timely response to their needs and reduced number of unnecessary repeat assessments and referrals;
- faster and more effective intervention before problems become serious because practitioners can build a fuller picture of children and young people's needs;
- less unproductive time spent by practitioners trying to find out which other services are involved with a child and then trying to contact the right person. This is conservatively estimated to be worth five million practitioner hours a year. This means that practitioners can spend more time working directly with children and young people; and
- as ContactPoint will have a national reach, it will also benefit children and young people who access services in different local authority areas or who move between areas.

Deployment of ContactPoint will start from early 2009.

Recommendation 21

The DCSF, supported by other relevant Government departments, should:

- provide an annual update of progress made on the recommendations in this report.

Response

86. The Government is committed to publishing and disseminating reports, research findings and policy documents which explain or shed light on the development and impact of arrangements to safeguard and promote the wellbeing of children and young people. The Children's Plan (2007), for example, summarised the new requirement for each LSCB from April 2008 to put in place a Child Death Overview Panel. *The Children's Plan One Year On*[13] document also provides an update about the development of policy on safeguarding.

87. Lord Laming will also look at what specific actions should be taken by national Government and local agencies to overcome barriers and accelerate improvement across the country. His report, and our response to it, will be made public.

88. The Government will give an update on progress in response to the third joint Chief Inspectors' report in a year's time and provide further regular updates thereafter. Progress in the implementation of the recommendations of joint Chief Inspectors will be reflected in future reports of the implementation of the 1989 Children Act.

All agencies providing services to children and young people

Recommendation 22

All agencies that have a statutory duty to cooperate (local authority children's services,

13 This document can be found online at: http://www.dcsf.gov.uk/oneyearon/

district councils, police, PCTs, NHS trusts, Connexions, probation, Youth Offending Service, Cafcass, secure training centres and prisons) should:

- clarify the chain of accountability and responsibilities for child protection from the front line through to their most senior level.

Response

89. The Government will introduce new legislation to ensure that multi-agency Children's Trust Boards operate in every local authority area. Every local authority will be required to have a Children's Trust Board with responsibility for improving the safety and wellbeing of all children and young people in the area.

90. The Children's Trust Boards will consist of the local authority, health, police, schools and other services who will be legally required to work together to agree and deliver a CYPP. The Plan will set out a clear local strategy for child safety arrangements, and set the framework for the operation of the LSCBs which leads work on safeguarding children. The legislation will strengthen co-ordination of services at a local level and improve accountability.

91. As *Working Together to Safeguard Children* makes clear, safeguarding and promoting the welfare of children depends on effective joint working between agencies and professionals that have different roles and expertise. The police have specific powers to protect children under the Children Act 1989. Local authorities with the assistance of other agencies as may be appropriate, have a duty to make enquiries if they have reason to suspect that a child in their area is suffering or likely to suffer significant harm and to decide what action to take. The local authority is responsible for co-ordinating the assessment of the child's needs, of the parents' capacity to keep the child safe and promote his or her welfare and of the wider family circumstances. It is for the local authority to decide whether to apply for a care order under the Children Act 1989. Police powers should only be used in exceptional circumstances where there is insufficient time to seek an emergency protection order or for reasons relating to the immediate safety of the child.

92. Lord Laming will report on the key features of good safeguarding practice and whether they are being universally applied across the country. He will report on the key barriers, including in the legal process, that may be impeding children's professionals in their work and stopping good practice becoming common practice – including whether the right balance is being struck between the correct application of processes when taking a child into care and the needs of the child and clarifying further how any differences of view among different professionals in relation to whether a child should be taken into care are resolved and dealt with at an appropriately senior level. His report will be published in the new year.

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