

Report sponsor: Andy Smith Strategic Director
People
Report author: Suanne Lim Director Early Help
and Children's Social Care

Derby and Derbyshire Safeguarding Children Partnership

Purpose

- 1.1 The purpose of the report is to provide an update for Cabinet regarding the establishment of the Derby and Derbyshire Safeguarding Children Partnership. Following the permissions granted by Cabinet on 13 March 2019 a process was undertaken to determine which authority should host the combined partnership arrangements. This culminated in a decision by the Chief Officers of statutory safeguarding (Derbyshire County Council, Derby City Council, Derby and Derbyshire CCG, Tameside and Glossop CCG, Derbyshire Constabulary) on 25 February 2019 that Derby City Council should host the business unit for the partnership. Arrangements are therefore being put in place to give effect to this decision.
- 1.2 The combined partnership arrangement will be serviced by a single business unit hosted by Derby City. Consultation with staff and unions will be ongoing regarding the specific posts within the unit. There will not be any redundancies as a result of this process. The proposal is that two members of staff will transfer from Derbyshire County Council to Derby City Council in order that they can work within the business unit. Their presence will facilitate the transition and assimilation of knowledge and information relating to the Derbyshire Safeguarding Children Board into the new partnership arrangement.
- 1.3 The proposed arrangements for delegation of functions between the local authorities would involve a delegation of functions under section 16J of the Children Act 2004. This would only allow for the delegation of Derbyshire County Council's functions specified in sections 16E to 16I of the Children Act 2004 to Derby City Council. The delegation of functions extends solely to the arrangements of the safeguarding partnership and not the overriding responsibility for ensuring the safeguarding of children in Derbyshire. A legal agreement will be established between the statutory partners to set out their shared responsibilities and accountability for the new Multi-Agency Safeguarding Arrangements (Derby and Derbyshire Safeguarding Children Partnership). The arrangements are proposed for an initial period of three years and to be reviewed thereafter.
- 1.4 The Executive of Derbyshire County Council will meet on 12 September 2019 when it is anticipated that it will determine to delegate those functions highlighted in the preceding paragraph to Derby City Council, to include a formal request to the latter to accept the delegation to it.

Recommendation(s)

- 2.1 To approve, in principle, the delegation of functions from Derbyshire County Council, as outlined in paragraphs 1.2 and 1.3.
- 2.2 To delegate to the Strategic Director for People Services, in consultation with the Cabinet Member for Children and Young People, authority to accept the formal delegation request from Derbyshire County Council
- 2.3 To note the arrangements for the operation of the Derby and Derbyshire Safeguarding Children Partnership to commence on 29 September 2019.

Reason(s)

- 3.1 The Children and Social Work Act 2017 makes provision for deletion of sections 13 to 16 of the Children Act 2004, which means that the obligation to establish a local safeguarding children board will be abolished. The Children and Social Work Act 2017 inserts a new section, section 16E, into the Children Act 2004, which requires the “safeguarding partners” for a local authority area in England to make arrangements for the safeguarding partners, and any relevant agencies that they consider appropriate, to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area. Those arrangements must include arrangements for the safeguarding partners to work together to identify and respond to the needs of children in the area.
- 3.2 The definition of “safeguarding partner” for these purposes is: “(a) the local authority; (b) a clinical commissioning group for an area, any part of which falls within the local authority area; and (c) the chief officer of police for a police area, any part of which falls within the local authority area. The Children and Social Work Act 2017 also inserts into the Children Act 2004 section 16J, which gives the safeguarding partners for two or more local authority areas in England power to agree that their areas are to be treated as a single area for the purposes of sections 16E to 16I and 16J(3) to 16J(5) of the Children Act 2004. Sections 16J(3) to 16J(5) make provision for the following arrangements for carrying out functions if there is an agreement to treat local authority areas as a single area:

Supporting information

- 4.1 The purpose of local arrangements is to support and enable organisations and agencies across Derby and Derbyshire to work together so that:
- children are safeguarded and their welfare promoted;
 - partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children;
 - organisations and agencies challenge appropriately and hold one another to account effectively;
 - there is early identification and analysis of new safeguarding issues and emerging threats;
 - learning is promoted and embedded in a way that local services can become more reflective and implement changes to practice identified as positive for children and families; information is shared effectively to facilitate more accurate and timely decision making for children and families.
- 4.2 An implementation plan has been devised which details the process by which the Derby and Derbyshire Safeguarding Children Partnership will be given effect. This document is included in the background papers. Strong leadership will be critical for the new arrangements to be effective in bringing together the range of organisations and agencies within the partnership. The statutory safeguarding partners across Derby and Derbyshire have equal and joint responsibility for local safeguarding arrangements.
- 4.3 In order to ensure that the responsibilities of the partnership are being effectively discharged, a Chief Officer Group will lead the Derby and Derbyshire Safeguarding Children Partnership and includes representation from the following:
- Derby City Council: Chief Executive
 - Derby City Council: Cabinet member for Children and Young People
 - Derby City Council: Director of Children's Services (statutory role)
 - Derbyshire County Council: Executive Director
 - Derbyshire County Council: Cabinet member for Children and Young People
 - Derbyshire County Council: Director of Children's Services (statutory role)
 - Derby and Derbyshire Clinical Commissioning Group: Chief Executive
 - Tameside and Glossop Clinical Commissioning Group: Chief Executive
 - Derbyshire Constabulary: Chief Constable
 - Derbyshire Police and Crime Commissioner
- 4.4 The Chief Officer Group will:
- speak with authority for the safeguarding partner they represent;
 - take decisions on behalf of their organisation or agency and be empowered to commit them on policy, resourcing and practice matters;
 - hold their own organisation or agency to account on how effectively they participate in and implement the local arrangements;
 - hold the Executive Board to account on how effectively it delivers the business plan of the partnership and implements the local arrangements;
 - play an active role in facilitating and driving action beyond institutional constraints and boundaries.

- 4.5 The Chief Officer Group will:
- publish a strategy outlining its priority areas of work and a business plan to monitor the effectiveness and drive forward improvements in local safeguarding arrangements across Derby and Derbyshire;
 - review and report on the effectiveness of the implementation of the new arrangements, including the effectiveness of the Executive Board, the partnership working groups and stakeholders group;
 - ensure the local safeguarding arrangements drive forward improvement in conjunction with other relevant public boards including Health and Wellbeing Boards, Safeguarding Adult Boards, Channel Panels, Improvement Boards, Community Safety Partnerships, the Local Family Justice Board and Multi-Agency Public Protection Arrangements (MAPPAs);
 - publish an annual report;
 - respond to recommendations from local and/or national child safeguarding practice reviews;
 - respond to issues arising from the review of child deaths across Derby and Derbyshire;
 - drive forward learning and organisational development to improve safeguarding arrangements.
- 4.6 The Executive Board is responsible for delivering strategic influence through the business plan and the work of the partnership groups to improve safeguarding arrangements. The Executive Board will be responsible for obtaining assurance of the effectiveness of safeguarding arrangements and emerging concerns across Derby and Derbyshire. The Executive Board is accountable to the Chief Officer Group.
- 4.7 The Executive Board will drive the agenda for the bi-annual stakeholder events and ensure that partner agencies and members of the community are active participants contributing to the evaluation of safeguarding arrangements across Derby and Derbyshire and driving forward improvement.
- 4.8 In order to achieve effective multi-agency engagement, scrutiny and challenge across the partnership with suitable seniority, the Executive Board will comprise of core representation at each quarterly meeting from:
- Derby City Council
 - Derbyshire County Council
 - Derby and Derbyshire Clinical Commissioning Group
 - Tameside and Glossop Clinical Commissioning Group
 - Derbyshire Constabulary
 - Derbyshire Community Health Services NHS Foundation Trust
 - University Hospitals of Derby and Burton NHS Foundation Trust
 - Derbyshire Healthcare NHS Foundation Trust
 - Chesterfield Royal Hospital NHS Foundation Trust
 - The Chair of the Derby Education Group
 - The Chair of the Derbyshire Education Group
 - East Midlands Ambulance Service (EMAS)
 - Derbyshire Health United / NHS 111

- 4.9 In addition to the core representation, the Chairs of the following Derby and Derbyshire groups will report *at each quarterly meeting*:
- Quality Assurance Groups
 - Child Safeguarding Practice Review Groups (previously known as Serious Case Review Panels)

In addition to the core representation, the Chairs of the following Derby and Derbyshire groups will report *two times a year*:

- Education Groups
- Exploitation and Vulnerable Young People Groups
- Joint Policies and Procedures Group

In addition to the core representation, the Chairs of the following Derby and Derbyshire groups will report *on an annual basis*:

- Joint Learning and Organisational Development Group
- Districts Safeguarding Group
- Child Death Review Group (previously known as Child Death Overview Panel)

- 4.10 In addition to the planned reporting cycle, partnership groups will be expected to report by exception to the Executive Board at either the request of Executive Board or Chief Officer Group.
- 4.11 The Executive Board is responsible for the effective work of the partnership groups and will approve the appointment of the chair for each group against agreed and robust criteria and hold them to account for the work carried out as part of the partnership business plan.
- 4.12 The Executive Board will:
- ensure that the priorities and business plan set out by the Chief Officer Group are effectively delivered;
 - monitor and challenge the effectiveness of work between the partnership groups, so that the business plan across Derby and Derbyshire is joined up and makes an observable and proven difference;
 - ensure that young people and members of the community are active participants in the work of the relevant partnership groups;
 - ensure the work of the partnership is aligned with other strategic groups so that safeguarding priorities and learning are embedded and inform development;
 - ensure that there is consistency in the terms of reference and work plans for the partnership groups;
 - respond to recommendations from local and national child safeguarding practice reviews;
 - ensure that there are effective interim governance arrangements for the Child Death Overview Panel during the transition to new arrangements and implementation of the Child Death Review Group.
- 4.13 The new arrangements will commence on 29 September 2019 and they will be subject to an initial review of their effectiveness in December 2019.

Public/stakeholder engagement

- 5.1 All relevant and appropriate consultation with staff and unions has been undertaken..
- 5.2 Wider engagement has taken place with partners; including staff, education representatives and members of the sub groups. Subject of cabinet approval of this proposal, part of the work plan for the Multi-Agency Safeguarding Arrangements will include engaging stakeholders including children and young people in the development of the Derby and Derbyshire Safeguarding Children Partnership.

Other options

- 6.1 Two separate new multi-agency safeguarding arrangements for each local authority area have been considered and discounted. This option would not be the preferred model for the key statutory partners as it would continue to duplicate arrangements for them. Separate arrangements would not allow for the two existing Boards to combine strengths, co-ordinate resources and deliver a shared approach. It is envisaged that there will be improved co-ordination and areas of duplication will be avoided, leading to greater impact and effectiveness over time; the extent of this will be established during the first 12 months of implementation of the new arrangements.
- 6.2 The option of including the Derby and Derbyshire Safeguarding Adult Boards (DSAB's) within the new partnership arrangements was considered by the chief officer group. However, it is felt beneficial to retain a strong focus on safeguarding children and minimise the risks inherent in further change. This could be a consideration in the future.

Financial and value for money issues

- 7.1 The budget for the new arrangements is detailed in the report of 21/03/2019. This will be reviewed on an annual basis. It is anticipated that the move to a single business unit for the new partnership will result in financial savings in subsequent years. The new streamlined arrangements will enable the partners to work more efficiently by avoiding duplication of meetings and actions.

Legal implications

- 8.1 The Children and Social Work Act 2017 makes provision for deletion of sections 13 to 16 of the Children Act 2004, which means that the obligation to establish a local safeguarding children board will be abolished. The Children and Social Work Act 2017 inserts a new section, section 16E, into the Children Act 2004, which requires the “safeguarding partners” for a local authority area in England to make arrangements for the safeguarding partners, and any relevant agencies that they consider appropriate, to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area. Those arrangements must include arrangements for the safeguarding partners to work together to identify and respond to the needs of children in the area.
- 8.2 The definition of “safeguarding partner” for these purposes is: “(a) the local authority; (b) a clinical commissioning group for an area, any part of which falls within the local authority area; and (c) the chief officer of police for a police area, any part of which falls within the local authority area. The Children and Social Work Act 2017 also inserts into the Children Act 2004 section 16J, which gives the safeguarding partners for two or more local authority areas in England power to agree that their areas are to be treated as a single area for the purposes of sections 16E to 16I and 16J(3) to 16J(5) of the Children Act 2004. Sections 16J(3) to 16J(5) make provision for the following arrangements for carrying out functions if there is an agreement to treat local authority areas as a single area.
- 8.3 The proposed arrangements for delegation of functions between the local authorities would involve a delegation of functions under section 16J of the Children Act 2004. This would only allow for the delegation of the functions specified in sections 16E to 16I of the Children Act 2004.
- 8.4 The delegation of functions extends solely to the arrangements of the safeguarding partnership and not the overriding responsibility for ensuring the safeguarding of children in Derbyshire.
- 8.5 A legal agreement will be established between the statutory partners to set out their shared responsibilities and accountability for the new Multi-Agency Safeguarding Arrangements (Derby and Derbyshire Safeguarding Children Partnership).

Other significant implications

- 9.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	20 August 2019
Finance	Janet Bowlzer	
Service Director(s)	Suanne Liim	20 August 2019
Report sponsor	Andy Smith	21 August 2019
Other(s)	Mark Sobey	21 August 2019