

## **Welsh Assembly Government Written Response to the Health, Wellbeing and Local Government Committee's Report on Local Safeguarding Children Boards in Wales by the Deputy Minister for Social Services**

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Safeguarding vulnerable people, and especially children, has been a high priority for the Welsh Assembly Government, so I enthusiastically welcome the work of the Health, Wellbeing and Local Government Committee and its report. I would like to take this opportunity to record my response to the Committee and to outline the steps that the Assembly Government is taking – supported by its partners - to further improve arrangements to safeguard children in Wales.

I would like to put on record my appreciation of the hard work put in by members of the Committee in collecting the evidence and presenting the findings in such a comprehensive and cogent fashion.

The recommendations contained in the report fit closely with our current policy direction and with conversations that are happening in many different fora. I am pleased to be able to accept unequivocally the principle of many of them but recognise that further work needs to be undertaken before there is a recognisable shift in both the architecture of the safeguarding, and wider partnership, landscape. Having such unity of views on what needs to be done to safeguard children in Wales is both reassuring and essential if we are to achieve the best possible outcomes for children. We have to ensure that all children benefit from a secure, healthy and enjoyable childhood that provides a stable foundation for the rest of their lives and enables them to grow and make a worthwhile contribution to society as adults.

The timing of the Committee's report and this response to it are particularly opportune. I have recently had the very great pleasure of publishing, on behalf of the Welsh Assembly Government, *Sustainable Social Services for Wales: A Framework for Action*. The results of the Committee's work will have of course helped contribute to, and informed, my thinking in developing the proposals in terms of safeguarding the citizens of Wales. To that extent, my response to the Committee's recommendations does need to be viewed in the context of the principles and values I have outlined in the *Framework for Action*.

A core tenet of the work so far in improving arrangements to safeguard children in Wales has been the establishment of the Welsh Safeguarding Children Forum. The primary purpose of the Forum was to begin to build on the existing structures, and to ensure that we encouraged key agencies to play a more active and visible role in issues around the national leadership of the safeguarding agenda. To ensure that there was rigour to the work of the Forum, and separation from the Assembly Government, I appointed an independent Chairman to lead the Forum in June 2010. I am very grateful that the Forum has considered the Committee's recommendations and has provided me with its advice to consider in the context of this response. I have considered its views very carefully.

Last summer the Forum determined where it should focus its work and one of the key areas identified is the operation of LSCBs in Wales, and in particular the role and functions, structures, funding, accountability and in removing duplication. The Forum's final report will be available during the summer and will also include its views on the potential scope and remit of the National Safeguarding Board for Adults and Children, in line with the commitment made in *A Framework for Action*. This Board will provide national leadership across all stakeholders, will develop and promote high quality standards and be a focus for learning from experience. I would anticipate that the Board when convened would play a pivotal role in helping develop and implement work which might come out of some of the recommendations in this report.

The primary responsibility of Local Safeguarding Children Boards is to ensure the proper co-ordination of inter-agency activity, principally by those organisations which have statutory responsibility to safeguard and promote the welfare of children and protect them from harm. The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate, and for ensuring the effectiveness of what they do.

I have, on a number of occasions, expressed my view that the requirement for each local authority to establish its own LSCB results in – particularly in a country the size of Wales – too many LSCBs and a resultant high level of bureaucracy that is not desirable or sustainable. Continuing to do everything 22 times is not an option. I remain of that view. However I recognise the importance of including the views of those who work within the system day in and day out and, again, I have asked the Forum to consider this issue carefully and I know that it is doing so.

I should also like to take this opportunity to record my gratitude to the members of the Forum, for the professional and committed way in which they have addressed the task at hand. In particular, I would like to record my thanks to its Chair, Phil Hodgson, who has brought his very great experience of safeguarding and public service to bear on this work.

I am pleased to be able to indicate that work on implementing many of the issues which the Committee's report has addressed is progressing in a very positive fashion. The Assembly Government will continue to ensure that safeguarding vulnerable children receives the highest level of priority it deserves and in ensuring that our delivery partners share that view. This report, and the evidence presented during its preparation, will provide crucial information to assist us in that process. I thank the committee again for its support in tackling this agenda.

I have set out below my response to the Report's individual recommendations.

The Committee recommends that:

- **Recommendation 1.** We recommend that the Welsh Government should ensure that guidance clarifies where accountability lies between

partnerships for the range of issues along the safeguarding spectrum, from child protection to broader safeguarding issues.

- **Recommendation 2.** We recommend that the Welsh Government should ensure that guidance clarifies the specific focus of LSCBs and their role in holding other partnerships to account, and also addresses the issue of differing safeguarding thresholds held by agencies.
- **Recommendation 9.** We recommend that the Welsh Government should consult on developing further guidance in respect of partnerships, to cover: the role of all partnership bodies and their relationship to, and involvement in, the work of LSCBs; how partnerships must work together to deliver effective safeguarding of children in their area and clarifying their individual accountability in respect of the broad spectrum of issues relevant to safeguarding children; clarifying the role of LSCBs in holding other partnerships to account in respect of their safeguarding responsibilities; and whether Youth Offending Team Management Boards should be included within any new guidance on partnership working and take into account the responsibilities held by Probation, Prison Service and Police through the Multi Agency Public Protection Arrangements (MAPPA).
- **Recommendation 10.** Children and Young People's Partnership Guidance should be revised to specifically require CYPPs to establish their safeguarding priorities jointly with LSCBs.
- **Recommendation 11.** We recommend that the Welsh Government should consider amending the Local Safeguarding Children Boards (Wales) Regulations 2006, to strengthen the requirements to include agencies other than those named in the Children Act 2004 in the membership of LSCBs, specifically the Chair of CYPP and potentially the chairs of other partnerships.
- **Recommendation 17.** We recommend that Welsh Government Guidance on partnerships should require LSCBs and CYPPs to have complimentary joint programmes of work in respect of specific vulnerable groups of children.
- **Recommendation 20.** We recommend that the Welsh Government should ensure that LSCBs prioritise working co-operatively with CYPPs and individual LSCB member agencies to maximise the range of existing resources to develop participatory methodologies with children who have experience of the child protection and safeguarding systems, as well as children and young people generally. Good practice should be shared between authorities.

### **Response: Accepted in principle**

These recommendations particularly require further consideration since their implications are wider than my own Social Services portfolio. However, I

support the intent of the proposed action and believe that steps should be taken to achieve the intended outcome though each is closely related to wider discussions that need to take place across the Assembly Government.

I believe firmly that the proposals set out in *A Framework for Action* will help ensure that a more coherent approach is taken to safeguarding across Wales and will enable us to build on, and give practical intent to, the principle of safeguarding being a shared responsibility across a number of statutory partners – the NHS, education, the Police and the probation services as well as Social Services. Recent inspection reports have questioned how consistently full ownership is delivered by all partners. Social services have a pivotal role in safeguarding. It is their responsibility to help pull partners together, but it is not their responsibility alone and we need to ensure that the priority given by individual agencies to safeguarding the vulnerable in our society is consistent.

*Safeguarding Children: Working Together Under the Children Act 2004* published in 2007 required that the focus for Safeguarding Boards should remain the protection of children from abuse and neglect. Policies and practice should therefore be primarily targeted at those children who were suffering, or at risk of significant harm. Ensuring that effective policies and working practices were in place to protect children and that they were properly co-ordinated remained a key role for LSCBs and only when these were in place should Boards look to their wider remit of safeguarding and promoting the welfare of children.

*Working Together* also recognised that there were a number of bodies that, to differing extents, commissioned or delivered key policies or services for children and which impact upon safeguarding and promoting the welfare of children. In addition to the LSCB, these bodies included Children and Young People's Partnerships and Community Safety Partnerships all three of which had a role to play in safeguarding and promoting welfare. While *Working Together* did not prescribe the arrangements or structures that agencies may need to deliver a co-ordinated approach to planning and service delivery across Safeguarding Boards, Framework Partnerships, Community Safety Partnerships and other partnership bodies it did suggest some templates that agencies may wish to consider in planning and agreeing their own local arrangements.

However, it is apparent that not all partnerships are clear about their responsibilities and the need to safeguard and promote the welfare of children and young people can only be delivered through close collaboration and partnership working between professionals and agencies. Partnerships have a key strategic role in ensuring effective collaboration and joint working arrangements to safeguard and protect children and young people. To do this these partnerships need to be able to identify the factors that contribute to, or limit, their effectiveness and ability to promote better outcomes for children.

It is clear from the evidence presented to the Committee that local and transparent arrangements have not evolved in the way that had been

intended. The Assembly Government has recognised that there needs to be more clarity, and less complexity, around the broader partnership agenda and these conversations are already taking place in a variety of fora – including within the Welsh Safeguarding Children Forum – and this work will continue so that there is coherence between the various partnerships, which also include Health, Social Care & Wellbeing partnerships.

The Care and Social Services Inspectorate Wales is currently leading a multi-inspectorate inspection of seven LSCBs which are being assessed against the Self Assessment and Improvement Tool (SAIT) which underpins the commitment in Wales to promote effective collaboration and partnership working. The inspection is being undertaken jointly alongside the Healthcare Inspectorate Wales, Estyn, HMI Constabulary and HMI Probation and the overview results will be published in the summer. One of the areas that is being examined is the relationship of the LSCB with other key partnerships. The results of this work will provide important evidence for future decisions.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 3.** We recommend that the Welsh Government should ensure that LSCB guidance addresses the over-reliance on Social Services Departments and re-states the responsibility of all organisations at national, regional and local levels to working effectively together to safeguard and protect children

**Response: Accepted**

Safeguarding is a shared responsibility between a range of statutory agencies. All too often that responsibility falls to the Social Services Department. The Welsh Assembly Government's statutory guidance – *Safeguarding Children: Working Together Under the Children Act 2004* – is predicated clearly on the principle of equal multi-agency involvement across those agencies that have legal duties to promote and safeguard the welfare of children. Recent inspection reports have questioned how consistently full ownership is delivered by all parties. I have made it clear that there is more work that needs to be done. *A Framework for Action* reinforces that and – subject to the views of the Welsh Safeguarding Children Forum – we will review the statutory guidance and consider what measures might be put in place to ensure that each and every agency takes its duty to promote and safeguard the welfare of children with equal responsibility and consistency.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 4.** We recommend that the Welsh Government should seek to address current inconsistency in the use of terminology.

**Response: Accepted**

I am content to accept the views expressed to the Committee which suggested that there was a lack of consistent understanding about the notion of safeguarding particularly, and that there needed to be greater clarity about what was meant when we talked about safeguarding children.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 5.** We recommend that the Welsh Government should promote a more collaborative approach between LSCBs.

**Response: Accepted.**

There are excellent examples of collaborative work between LSCBs across Wales and it seems clear that the majority of LSCBs have explored opportunities to maximise resources and knowledge through a host of collaborative arrangements. It is right that they should do so. Formal mergers have taken, or are taking, place across Wales on a strategic level and there a greater number of examples where the LSCBs have effectively merged their 'sub functions' to maximise resources, capacity and knowledge transfer. Seeking the opportunities to collaborate can present significant advantages.

The Assembly Government has set out its expectations in *A Framework for Action* and will continue to promote a more collaborative approach between LSCBs/agencies in Wales.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 6.** We recommend that the Welsh Government should ensure that guidance strengthens the current 'duty to co-operate' and reviews whether existing guidance is sufficiently robust in respect of the powers of LSCBs to intervene where required. Regulations should also be reviewed if required.

**Response: Accepted**

In the context of further work to be undertaken on the wider partnership arrangements, and in the future work to be undertaken to up-date *Working Together*, I am content to consider how the duty to co-operate impacts on the operational arrangements of the LSCB.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 7.** We recommend that the Welsh Government should ensure that individual agencies and LSCBs prioritise awareness-raising of the role of LSCBs amongst frontline staff. Further to this, the Welsh Governments should review the adequacy of current systems in communicating information from LSCBs to frontline staff and vice versa.

**Response: Accepted**

One of the key responsibilities placed on LSCBs by virtue of the Local Safeguarding Children Board (Wales) Regulations 2006 is to take steps to raise awareness throughout the Boards area of the need to safeguard and promote the welfare of children and to provide information about how this might be achieved.

I am concerned that evidence presented to the Committee suggests that this is not happening. The Assembly Government has been provided with evidence previously that suggests that frontline practitioners were not aware of guidance that had issued. This is not acceptable. The Assembly Government has recently issued guidance to LSCBs on safeguarding children who have been sexually exploited and we have said that we will undertake an exercise six months after publication to ensure that practitioners are aware of the existence of the guidance and that it is being implemented effectively. The adequacy of the systems of communication is an issue primarily for the individual LSCB, but we will draw this recommendation to the attention of the Care and Social Services Inspectorate Wales, and to other inspectorate bodies, which might wish to consider it in the context of their work.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 8.** We recommend that the Welsh Government should review the financial and human resource costs associated with undertaking Serious Case Reviews and should consider the potential of revising funding arrangements to fund SCRs from a central budget.

**Response: Accepted**

Following the publication of the report by the Care and Social Services Inspectorate Wales in late 2009 – *Improving Practice to Protect Children in Wales: An Examination of the Role of Serious Case Reviews* - work was put in hand to develop plans to implement a new national programme for reviewing and learning from which child protection arrangements could be improved.

I announced details of that new learning framework to the National Assembly on 1 February. The approach advocated has been well received. The next step will be to draft detailed practice guidelines to support the new framework. These guidelines will be developed alongside practitioners and will be tested

in practice before a formal public consultation is undertaken through the spring and summer. The intention is that new arrangements will be implemented before the end of 2011.

**Financial Implications:** None at this stage. The costs will be considered as practice guidelines are developed.

The Committee recommends that:

- **Recommendation 12.** We recommend that the Welsh Government should implement the recommendation of the LSCB Review Group which stated that the Welsh Government should consult on revised guidance on the information sharing responsibilities and duties of partner agencies, including the potential for use of performance indicators.

**Response: Accepted in principle**

*Safeguarding Children: Working Together Under the Children Act 2006* contains non-statutory guidance on sharing information where the safety and welfare of the child are primary considerations. The Assembly Government is working to reduce the complexities that are faced when making decisions on information sharing by developing coherent practice and guidance through public and third sector agencies adopting the *Wales Accord for the Sharing of Personal Information* as the single basis for this work. In doing so it is important that local organisations collaborate to provide the necessary advice and support to practitioners and managers. We aim to underpin the necessary changes with a national system of information governance to ensure that public trust in the secure handling of confidential personal information is maintained as information is shared more widely across different agencies.

The Welsh Safeguarding Children Forum has also commissioned work to examine specifically issues which are discrete to the safeguarding agenda and to sharing information that can contribute to the consent-based practice that the Assembly Government's Sharing Personal Information Programme aims to improve.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 13.** We recommend that LSCBs should work collaboratively to share good practice in relation to information sharing. LSCBs should also share good practice in how such procedures are effectively promoted to front-line staff.

**Response: Accepted in principle**

The Assembly Government has noted this recommendation and draws the Committee's attention to the responses to recommendations 5 and 12.

### **Financial Implications: None**

The Committee recommends that:

- **Recommendation 14.** We recommend that the Welsh Government should, as a matter of urgency, consult on a national funding formula for LSCBs based on percentage contributions and taking into account the non-devolved nature of some of the LSCB member agencies and also the issue of in-kind contributions. In order to achieve this, the Welsh Government should consider amending current guidance to specify that agencies 'will contribute' rather than 'may contribute'.

### **Response: Accepted**

The Assembly Government recognises that many LSCBs across Wales have been unable to reconcile the need to administer an LSCB with the resource required to support that work and that more assistance is required to enable them to achieve that. Equally, other LSCBs have determined local partnership agency funding arrangements which appear to be working well, and one example was presented to the Committee.

The Assembly Government's view has been that it is the responsibility of each LSCB within its partnership to determine the most appropriate funding arrangements. One of the fundamental planks on which effective partnership arrangements should be built is an agreed and shared understanding of the resource required to support that work in a fashion which ensures that each of the statutory partners achieve better outcomes to safeguard and promote the welfare of children. It is disappointing that a number of LSCBs have not been able to achieve this. In the light of the representations made in respect of funding this is something which I asked, last year, the Welsh Safeguarding Children Forum to consider. I look forward to receiving its advice on this in its final report.

### **Financial Implications: None**

The Committee recommends that:

- **Recommendation 15.** We recommend that the Welsh Government should consult with stakeholders regarding the feasibility and benefits of 'beacon LSCBs' which would play a lead role in developing the LSCB approach to specific groups of vulnerable children.

### **Response: Accepted in principle**

I recognise the strengths in this approach, however there must also be regard to the fundamental principles of local need and accountability and also of consistency of approach to ensure that all children across Wales are properly safeguarded. In this respect the work of the All Wales Child Protection Procedures Group is critical to establish common practices and procedures

across Wales. The Assembly Government will continue to encourage, and facilitate, an all Wales approach where it is able to do so.

The Committee has cited the experience of trafficked children particularly. The production of an all Wales protocol by the All Wales Child Protection Procedures Group will be a crucial step forward, but equally I recognise that the approach adopted in Gwent has enabled significant expertise and focus to be developed to make the area a beacon of excellence in terms of trafficked children. There are significant advantages in considering how that experience might be shared to support other LSCBs across Wales.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 16.** We recommend that the Welsh Government should request that the CSSIW, as part of the new joint inspection arrangements, review the effectiveness of LSCBs in meeting the needs of specific groups of vulnerable children.

**Response: Accepted**

CSSIW has already taken account of this recommendation in the current multi-inspectorate inspections of seven LSCBs which are being assessed against the Self Assessment and Improvement Tool (SAIT) which underpins the commitment in Wales to promote effective collaboration and partnership working. In addition to CSSIW, the inspection is being undertaken jointly alongside the Healthcare Inspectorate Wales, Estyn, HMI Constabulary and HMI Probation. The overview results of the inspection will be published in the summer. It is anticipated that this work will help identify particular areas for practice development as well as inform thinking about future role, responsibility and structure for LSCBs.

**Financial Implications: None**

The Committee recommends that:

- **Recommendation 18.** We recommend that the Welsh Government should produce specific guidance for LSCBs on disability.

**Response: Accepted**

The Assembly Government recognises that in specified circumstances there is a strong case that guidance – which is supplementary to *Working Together* – is made available to safeguard particularly vulnerable groups of children. Guidance has already issued which is specific to children who might have been trafficked, or who might have been subjected or vulnerable to sexual exploitation. *A Framework for Action* has recognised that there are specific and complex issues which need to be considered for disabled children. We will explore the possibility of developing specific guidance for LSCBs on

safeguarding disabled children in the context of the agenda set by our *Framework for Action*.

**Financial Implications: None.**

The Committee recommends that:

- **Recommendation 19.** We recommend that the Welsh Government should issue guidance which requires LSCBs to meaningfully involve children and young people as relevant in the work of LSCBs.

**Response: Accepted**

The Assembly Government is rightfully proud of the rights based agenda it has adopted based upon the UN Convention on the Rights of the Child. This provides the framework for all our work with children and young people. One of the great successes of this work has been the important work undertaken, in conjunction with other partners, to promote children and young people's participation. We believe firmly that it is the right of children and young people to be involved in making decisions, planning and reviewing an action that might affect them. Increasing opportunities for all children and young people in Wales to participate in decision making on issues which are important to them will continue to be a key priority to the Assembly Government. I am not sure that guidance is necessary. However, I have also tasked the Welsh Safeguarding Children Forum to ensure that the views of children and young people are considered in the context of its work. The Chair of the Forum has attended engagements at two successful Junior LSCBs at Merthyr and Powys and there will be an opportunity for children and young people to attend a future Forum meeting to present on the issues which are important to them.

The Assembly Government is also intending to issue statutory guidance relating to the development of children and young people's participation which will place a duty on local authorities and their partners to produce a Local Participation Strategy that will ensure that children and young people, including vulnerable children and young people, are involved in decision making and shaping services.

**Financial Implications: None**

**Gwenda Thomas AM**  
**Deputy Minister for Social Services**