

FROM: Audit and Risk Manager **SUBJECT:** Safeguarding Children
TO: Deputy Chief Executive (BH) **DATE:** 7 December 2016
C.C. Chief Executive
Head of Finance

1 Introduction

- 1.1 As part of the 2016/2017 Audit Plan an audit has recently been completed on the systems and procedures in place to manage the council's duties in respect of the safeguarding of children (SC).
- 1.2 This report outlines the approach to the audit and presents the findings and conclusions arising.

2 Background

- 2.1 Over the last 20 years or so there has been tremendous public interest in the safeguarding of children as a result of high profile individual cases such as Victoria Climbié, the organised abuse of young girls in Rotherham, Rochdale and Oxford and the conviction of a number of celebrities as a result of investigations mainly concerning the BBC.
- 2.2 The report into the death of Victoria Climbié cited the incompetence of the agencies involved and the lack of co-ordination. The report following the inquiry into her death was largely responsible for the "Every Child Matters" initiative and the introduction of the Children Act 2004 (the Act) which replaced the Children Act 1989.
- 2.3 The 2004 Act brings all of the local government functions of children's welfare and education under the statutory authority of the local Director of Children's Services. The ultimate purpose of the Act is to make the UK a better and safer place for children of all ages. The idea behind the Act is to promote co-ordination between multiple official entities to improve the overall wellbeing of children.
- 2.4 There are a number of guiding principles in the Act such as allowing children to be healthy, helping children to enjoy life and assisting children in their quest to succeed but almost inevitably the focus locally and at WCC is very much on allowing children to remain safe in their environment.
- 2.5 There are changes in the air for SC as a result of a recent report, legislation making its way through Parliament and, probably many years down the road the report of the Independent Inquiry into Child Sex Abuse (IICSA).

- 2.6 The Wood report outlines failings in local child safeguarding procedures and the fundamental changes to them that will alter the structure and work of local safeguarding children boards (LSCB) and key agencies across the country. The Government has accepted the recommendations and will publish a new statutory framework for multi-agency safeguarding procedures.
- 2.7 The Children and Social Work Bill proposes that councils will be able to opt out of vital duties under almost every single law covering children's social care since 1933. Individual local authorities would be able to ask the education minister to exempt them from having to comply with any aspect of children's social care law "to test different ways of working with a view to achieving better outcomesor achieving the same outcomes more efficiently." This means that child protection could soon vary wildly across the country creating a postcode lottery.
- 2.8 The IICSA established in 2014 is set to be the longest and most expensive public inquiry ever undertaken. It is currently headed by its fourth Chair, senior lawyers have either been suspended, dismissed or have resigned and press reports are suggesting that it is spiralling out of control and in danger of ending up as an embarrassing fiasco.

3 Scope and Objectives of the Audit

- 3.1 The audit was undertaken to examine the procedures in place for the council to comply with its duties under the Children Act 2004 and other approaches to help safeguard children.
- 3.2 In terms of scope, the audit covered the following areas:
- Statutory obligations
 - Roles and responsibilities
 - Policy and procedures
 - Service area procedures
 - Reporting of incidents
 - Training
 - Reporting to members
 - Risk management

4 Findings

4.1 Recommendations from previous report

- 4.1.1 This is the first time that the audit has been undertaken and so there are no previous recommendations to consider.

4.2 Statutory obligations

- 4.2.1 As already mentioned the key piece of legislation in respect of SC is the Children Act 2004. Included within it are references to a Children's Commissioner, LSCB, social services, adoption, fostering and day care which are mostly County Council responsibilities.

- 4.2.2 The sections of the Act which relate to partner agencies such as WDC and which result in part from criticism concerning a lack of inter-agency co-ordination are Nos. 10 and 11.
- 4.2.3 Section 10 requires each children service's authority to make arrangements to promote co-operation between the authority and each of the authority's relevant partners. The list of relevant partners includes district councils. How co-operation is to be achieved is not specified in the Act but it does state that in exercising their functions under this section authorities must have regard to any guidance given to them by the Secretary of State.
- 4.2.4 The Act does require children's services authorities to establish an LSCB which in the case of WCC it is the Warwickshire Safeguarding Children Board (WSCB) and this is the formal mechanism for achieving co-operation between the County Council and all of its partner agencies. The Board meets four times a year and WDC is represented by the Deputy Chief executive (BH).
- 4.2.5 Section 11 of the Act requires that all partner agencies must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Statutory guidance on complying with this section was issued by the Government and it includes as key features having in place:
- Senior management commitment
 - A clear statement of responsibilities
 - A clear line of accountability
 - Service development that takes account of safeguarding
 - Staff training
 - Safe recruitment procedures
 - Effective inter-agency working
 - Effective information-sharing.
- 4.2.6 The council's compliance with Section 11 was assessed by WSCB when they carried out a Section 11 audit, the outcome of which was published in April 2014. The audit concluded that the measures in place in respect of the categories listed above were such that the standards were all either met in full or partially met. The audit resulted in an Improvement Action Plan which will be referred to later.

4.3 **Roles and responsibilities**

- 4.3.1 Ultimately of course, as the Act places duties on district councils, it is the council that is responsible. Children's services authorities, children's charities and organisations such as the NSPCC try to get the message across that "safeguarding is everyone's responsibility". The challenge for authorities such as WDC who do not directly deliver services to children is to ensure that all staff and members recognise the reality of the situation and are aware of the warning signs and what could be going on around them.
- 4.3.2 All Heads of Service and senior managers have a duty to ensure that all "functions are discharged having regard to the need to safeguard and promote the welfare of children" and the officer with overall responsibility is

the Deputy Chief Executive (BH) who is formally recognised as the Children's Safeguarding Champion for the council.

- 4.3.3 In line with the council having Member Champions for certain functions various members have undertaken the role of Member Children's Champions and currently they are Councillors Grainger and Parkins. Their role has been defined by Overview and Scrutiny Committee and one feature of the role is the submission of an annual report to members to assist in the scrutiny of the safeguarding function.
- 4.3.4 In reality it is difficult to delegate aspects of safeguarding to the Member Champions such that they feel that the role has a real purpose and that they are not merely figureheads who would be called into action should a serious incident ever happen.
- 4.3.5 The Member Champions were appointed in June this year and so far they have not met with the Officer Champion in order to understand their role and to agree what tasks they might usefully undertake during the year.

Risk

Members will be unaware of the council's statutory responsibilities, the measures in place to fulfil them and of their role in safeguarding.

Recommendation

The Officer Children's Champion should meet with the Member Children's Champions to explain their role and to agree a plan of work.

4.4 **Policy and procedures**

- 4.4.1 A number of reports to Executive and Overview and Scrutiny Committee and an annual report from the WSCB make reference to WDC adopting a formal Child Protection Policy but so far nothing has been produced and adopted corporately. A policy is not a statutory requirement and nor has the absence of one been identified in the Section 11 Audit Improvement Plan produced by the WSCB.
- 4.4.2 There are a number of ad hoc procedures in place that contribute to safeguarding, some of which have been introduced as a direct response to child exploitation and some of which are standard employment practice. Alongside these there is the common sense approach that has evolved as a result of the reporting of serious cases and the knowledge that employees need to be sure that they protect themselves from any allegations of improper activity.
- 4.4.3 Some of the procedures in place are:
- The screening of potential employees by the Disclosure and Barring Service
 - The options to report online, in person, etc.
 - Exploitation awareness training for taxi drivers

- CCTV
- A whistleblowing policy and procedure.

- 4.4.4 To test staff knowledge of the council's responsibilities for safeguarding, how they would react to an incident or a suspicion and if they had received any training an email survey requiring just a yes/no response was sent to 80 members of staff on 20 October 2016. By 8 November 2016 a disappointing 46 people had responded. That could be interpreted as both a disregard for the subject and of the One Council approach.
- 4.4.5 In broad terms the responses revealed that some people didn't know that the council had any responsibilities for safeguarding, most people couldn't name the Officer Champion, about half wouldn't be sure about raising a concern and about half had received no training.
- 4.4.6 The survey does not indicate a great awareness of the subject and suggests that either some form of new publicity is required or that the "Something's Not Right" material should be reissued. Any Intranet notices to raise awareness and provide guidance should be issued on a regular basis in a similar way to fraud awareness and whistleblowing to ensure that the message is not forgotten.

Risk

A poor level of staff awareness of safeguarding issues increases the chance that warning signs will go unnoticed and not be reported.

Recommendation

A publicity and awareness campaign should be launched to remind staff of the warning signs and the appropriate response. Regular reminders should be issued thereafter.

4.5 Service area procedures

- 4.5.1 An email to Heads of Service about procedures resulted in something of a lukewarm response suggesting that some of them do not see safeguarding as an issue and that there is no need to have any specific procedures in place. Whilst this may be defensible for some service areas the message that is always hammered home is that "Safeguarding is Everyone's Responsibility", no matter how remote the connection may seem.
- 4.5.2 As already mentioned there are some procedures scattered around the council in an uncoordinated manner that do make positive contributions towards complying with responsibilities but the only service area with formal procedures is Cultural Services. This is not surprising given that they, more than other services areas, have direct contact with children through leisure and sporting activities.
- 4.5.3 Cultural Services have in place a formal Prevention and Protection Policy that was first published in January 2005 and that has been reviewed every two years since then by the Active Communities Officer with the next review scheduled for 2017. The Policy has been formally endorsed by the WSCB.

4.5.4 The policy includes guidance on a number of related issues such as recruitment of coaches and photography in public places.

4.6 **Reporting of incidents**

4.6.1 Although any reports concerning child neglect, abuse or exploitation would normally be directed to the Police or Social Services it is likely that not all members of the public would be aware of the correct reporting route and would automatically contact "the council".

4.6.2 Increasingly there is an expectation that most transactions and enquiries take place online and if a member of the public wanted to report something and contacted WDC online then almost any relevant search words would bring up pages called "Child Protection", "Other useful contacts" and "What to do if you're worried a child is being abused". They would all offer guidance and provide the necessary contact details to enable the matter to be investigated.

4.7 **Training**

4.7.1 The main challenge facing WDC is raising awareness of safeguarding. That includes putting defences in place so that any inappropriate activity cannot take place but also from the staff's point of view enabling them to recognise the signs of abuse and then to take the appropriate action.

4.7.2 One way of achieving this is through training and despite the survey indicating that half of the respondents had received no training a significant amount of training has been provided this year. In May 164 members of staff were trained by Barnardo's and they are due to provide another three sessions on 9 November. Also this year 22 Members have received training.

4.7.3 For the time being anyway the training is funded by Barnardo's.

4.8 **Reporting to members**

4.8.1 Reports on various aspects of safeguarding, the operation of the WSCB and the involvement of the Member Children's Champions are submitted regularly to Executive, if necessary, and to Overview and Scrutiny Committee.

4.8.2 A section 11 audit was undertaken by the WSCB and the report was published in April 2014. The outcome of the audit and the accompanying Improvement Action Plan was reported to Executive on 3 September 2014 and responsibility for monitoring delivery of the plan was delegated to Overview and Scrutiny Committee.

4.8.3 On 8 April 2015 as part of the Member Children's Champions end of year report the progress with the plan was reported. At the time a number of the actions were either underway or not yet started. No further reports on the plan have been submitted so reporting the current state of the plan is overdue.

Risk

Actions required in the Improvement Action Plan may not be completed.

Recommendation

The status of the outstanding action points should be established and reported to members.

4.9 Risk management

- 4.9.1 There are obvious risks associated with safeguarding and child exploitation ranging from individual cases and organised activity to the council not adequately meeting its Sections 10 and 11 responsibilities none of which are included in either the Significant Business Risk Register (SBRR) or any service area risk registers.
- 4.9.2 As far as the SBRR is concerned a serious case or the discovery of organised activity would not affect any of the core components that underpin the running of the council. There might be damage to the council's reputation even though the main focus of any blame would be likely to be Social Services, Education and the Police.
- 4.9.3 As for service areas most of them will not identify any direct involvement with children apart from Cultural Services and even then it is unlikely that any incidents or organised activity will take place as part of their services or in any of their buildings. Although a risk has not been identified, as already mentioned, Cultural Services do have in place a number of formal procedures and a policy in respect of Child Protection.
- 4.9.4 There is something of a tenuous risk from the challenge facing authorities that do not directly deliver children's services and that is creating the right attitude and level of awareness. WDC have addressed this in part by providing training to quite a number of staff and by posting publicity material.

6 Conclusions

- 6.1 Following our review, in overall terms we are able to give a SUBSTANTIAL degree of assurance that the systems and controls in place in respect of Safeguarding are appropriate and are working effectively.
- 6.2 The assurance bands are shown below:

Level of Assurance	Definition
Substantial Assurance	There is a sound system of control in place and compliance with the key controls.
Moderate Assurance	Whilst the system of control is broadly satisfactory, some controls are weak or non-existent and there is non-compliance with several controls.
Limited Assurance	The system of control is generally weak and there is non-compliance with controls that do exist.

7 **Management Action**

- 7.1 The recommendations arising above are reproduced in the attached Action Plan (Appendix A) for management attention.

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Action Plan

Internal Audit of Safeguarding – November 2016

Report Ref.	Recommendation	Risk	Risk Rating*	Responsible Officer(s)	Management Response	Target Date
4.3.5	The Officer Children's Champion should meet with the Member Children's Champions to explain their role and to agree a plan of work.	Members will be unaware of the council's statutory responsibilities, the measures in place to fulfil them and of their role in safeguarding.	Low	Deputy Chief Executive (BH)	Agreed. DCEX (AJ) will arrange to meet with the Member Children's Champions.	31/12/16
4.4.6	A publicity and awareness campaign should be launched to remind staff of the warning signs and the appropriate response. Regular reminders should be issued thereafter.	A poor level of staff awareness of safeguarding issues increases the chance that warning signs will go unnoticed and not be reported.	Medium	Deputy Chief Executive (BH)	Agreed. Publicity/ awareness campaign to be launched in the new year. DCEX (AJ) & HR/Media to discuss.	31/03/17
4.8.3	The status of the outstanding action points should be established and reported to members.	Actions required in the Improvement Action Plan may not be completed.	Medium	Deputy Chief Executive (BH)	Agreed. Status of action points on the Improvement Action Plan to be reported to Members.	31/03/17

* Risk Ratings are defined as follows:

High Risk: Issue of significant importance requiring urgent attention.

Medium Risk: Issue of moderate importance requiring prompt attention.

Low Risk: Issue of minor importance requiring attention.