

# **GOVERNANCE ARRANGEMENTS & MEMORANDUM OF UNDERSTANDING**

**This Memorandum has been signed off by the Chief Officers of the constituent partner agencies. Appendix A**

**The signing of this Memorandum of Understanding is formal agreement between the LSCB and all partner agencies.**

**Agreed by LSCB in February 2010**

## Introduction

The LSCB is established in accordance with Section 13 of the Children Act 2004 and encapsulates the guidance contained in Working Together to Safeguard Children 2006/2010 and The Local Safeguarding Children Boards Regulations 2006. Each Local Authority that is a Children's Services Authority is required to establish a Local Safeguarding Children Board (LSCB).

The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will cooperate to safeguard and promote the welfare of children in the locality, and for ensuring the effectiveness of what they do.

This document details the revised governance arrangements for Durham Local Safeguarding Children Board agreed by the former ACPC in 2005. The revised arrangements take account of the interim findings of the Loughborough University research commissioned by the DCSF into the effectiveness of the LSCBs in England<sup>1</sup> and the Government's response<sup>2</sup> to Lord Laming's report The Protection of Children in England<sup>3</sup> and the DCSF consultation 'Working Together to Safeguarding Children' March 2010

The purpose of this document is to set out proposed changes to the governance of the Board, to clarify accountability, key purposes, functions and tasks of the Durham LSCB, detail membership and provide a memorandum of understanding in relation to agreed expectations and service.

The purpose is to ensure that:

- all constituent partner agencies of the Board are aware of the role, remit and responsibilities of the Board;
- they have an informed understanding about how the Board will manage its core business;
- all constituent agency members are clear about the expectations placed upon their organisation by virtue of their Board membership;
- agency representatives are clear about the expectations regarding their performance as a Board member.

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<sup>1</sup> Effectiveness of the New Local Safeguarding Children Boards in England- Interim Report- Loughborough University

<sup>2</sup> The Protection of Children in England- Action plan DCSF

<sup>3</sup> The Protection of Children in England Lord Laming –March 2009

## **Governance**

LSCB is accountable for its work to its constituent agencies whose agreement is required for all work that has implications for policy, planning and the allocation of resources. The planned programme of work and report on progress the previous year will be set out in the Annual Report and Action plan agreed by the Board annually in June each year.

Whilst the LSCB has a role in co-ordinating and ensuring the effectiveness of local individual's and organisation's work to safeguard and promote the welfare of children, it is not accountable for their operational work. Each Board partner retains their own existing lines of accountability for safeguarding and promoting the welfare of children by their services. The LSCB does not have a power to direct other organisations.

Each member of the Board has a responsibility to ensure their own organisation is informed of the work of Durham LSCB and particularly to highlight through their organisation's governance arrangements, any risks associated with that organisation not meeting its statutory responsibility in relation to safeguarding children.

A key role of the LSCB is to monitor the effectiveness of each organisation both individually and whilst working in partnership to deliver the desired outcomes for children and young people. The Board will hold organisations individually, and in partnership, to account for their performance in delivering the identified shared strategic outcomes.

The LSCB expect partner agencies to meet the standards detailed in the LSCB Performance Framework. Where it is considered that a Board partner is failing to meet its commitments and performance measures or is failing to work in partnership with other agencies, it can require the agency in question to produce an action plan to be submitted to the LSCB Board in order to remedy any such failings.

In addition the LSCB may place significant items on performance on the next available agenda and require an agency to submit a formal report to the Board.

The LSCB may require the organisation to report through its own governance arrangements any associated risks in the organisation not meeting its statutory obligations in safeguarding children. The organisation will be expected to formally report back to the Board with the mechanisms agreed to address those risks.

In exceptional circumstances the LSCB may require the Chief Executive of the partner agency to explain the performance failings, and the Chair may then, if appropriate, explain the concerns of the Board to the relevant inspectorate and if necessary, government department.

The Apprenticeships, Skills, Children and Learning Act<sup>4</sup> introduce the requirement for the LSCB to produce and publish an annual report on the effectiveness of safeguarding in the local area. This will report on the effectiveness of arrangements in Durham to safeguard and promote the welfare of children; providing a comprehensive analysis of the safeguarding context, recognising achievements made and providing a realistic assessment of the challenges to be overcome.

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<sup>4</sup> The Apprentice, Skills, Children and Learning Act 2009

## **Relationship with The Children's Trust**

The work of the LSCB is part of the wider context of Children's Trust co-operation arrangements that aim to improve the overall wellbeing (i.e. the five Every Child Matters outcomes) of all children in Durham.

Whilst the work of the LSCB contributes to the wider goals of improving the wellbeing of all children, it has a particular focus on aspects of the 'staying safe' outcome.

Whereas the Children's Trust partnership has a wider role in planning and delivery of services, the LSCB objectives are about coordinating and ensuring the effectiveness of what their partner agencies do individually and together to safeguard and promote the welfare of children.

While operating in the context of the Children's Trust and developing a strong working relationship with wider strategic partnerships, LSCBs must exercise a unique statutory role. The LSCB and the wider Children's Trust arrangements need to establish and maintain an ongoing and direct relationship, communicating regularly. They need to ensure that action taken by one does not duplicate that taken by another and should work together to ensure that there are no unhelpful strategic or operational gaps in policies and services.

The LSCB and the Children's Trust have important but distinct roles in keeping children safe. The Trust is accountable for ensuring that services deliver better outcomes with the Children's Executive Board being specifically accountable for overseeing the delivery of the Children and Young People's Plan. The LSCB is responsible for challenging The Children's Trust on their success in ensuring the children and young people are kept safe.

The LSCB should not be subordinate to or subsumed within the trust co-operation arrangements in a way that might compromise its separate identity and independent voice. The LSCB should expect to be consulted by the Children's Trust Board on issues which affect how children are safeguarded and their welfare promoted.

The Government is clear that the complimentary roles of the two bodies and the challenge of the LSCB to the Children's Trust, will only work effectively if the two bodies are chaired by different people.

The Children's Trust Board should work in consultation with the LSCB to agree:

- a strategic approach to understanding needs, including analysis of data and effective engagement with children, young people and families;
- a strategic approach to understand the effectiveness of current services, identifying priorities for change – including where services need to be improved, reshaped or developed;
- integrated and effective arrangements for change are delivered in practice through the children's trust partners; *and*
- integrated and effective approaches to understand the impact of specialist services on outcomes for children, using this to understand and constructively challenge progress and drive further improvement.

- The LSCB works alongside the Children's Executive Board and have taken on responsibility for specific areas within the Every Child Matters outcome of *staying safe*.
- The Children Service's Executive Board and the LSCB define safeguarding in the context of guidance in *Working Together*.
- The Independent Chair of the LSCB attends the Children's Executive Board.
- The Corporate Director of Children & Young People's Service, who also sits on the LSCB, chairs the Children's Trust Executive Board.
- Several members of the LSCB are also members of the Children's Trust Executive Board.
- The LSCB reports on and refers key issues to the Children's Trust and publishes an annual report on the effectiveness of safeguarding in Durham and key reports from the Children's Trust are shared with the LSCB. The annual report of the LSCB should provide robust challenge to the work of the Children's Trust Board. The Children's Trust Board in turn will be expected to respond to reports through the Local Children and Young People's Plan.
- The Children's Trust Executive Board is a standing agenda item on the LSCB General Board Meeting.

### **Relationship with other key groups**

- There is explicit linkage with multi-agency public protection arrangements; the chair of the LSCB is a member of the Domestic Abuse Executive Group.
- The crime and disorder partnership is represented on the Board through Adult Services, by the chair of the Vulnerability Sub-Group (of which some LSCB members are also members).
- The LSCB is represented on the MAPPA (Multi-Agency Public Protection Arrangements) Strategic Management Board. Several members of the MAPPA SMB are members of the LSCB
- The LSCB representative for Safeguarding and Specialist Services is a member of the Safeguarding Adults Board (SAB) and the chair of the SAB is a member of the LSCB

### **Key Purposes, Functions and Tasks**

The mission of the LSCB is:

- to safeguard and promote the welfare of all children in County Durham by establishing inter-agency co-operation and collaboration;
- to promote public confidence in the child protection system by ensuring that a proper balance is achieved between intrusion into family life and the necessary protection of children from harm;
- to understand the nature of child abuse and foster strategies that reduce incidence and effect.

The key task of the LSCB is the safeguarding (protecting from harm) of children and young people and contributing to the Every Child Matters outcome of *staying safe*. In turn this contributes to the overall delivery of Every Child Matters within County Durham.

## **1. Policies and procedures function**

This general function has a number of specific applications set out in regulations.

Developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in relation to:

- (i) The action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;
- (ii) Training of persons who work with children or in services affecting the safety and welfare of children;
- (iii) Recruitment and supervision of persons who work with children;
- (iv) Investigation of allegations concerning persons working with children;
- (v) Safety and welfare of children who are privately fostered
- (vi) Co-operation with neighbouring children's services authorities (i.e. Local Authorities) and their Board partners.

## **2. Communicating and raising awareness function**

Communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done, and encouraging them to do so.

## **3. Monitoring and evaluation function**

Monitor and evaluate the effectiveness of what is done by the Local Authority and Board partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve.

## **4. Participating in the planning and commissioning**

Participating in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.

## **5. Serious case review function**

Undertake reviews of cases where a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected to be a factor in the death, in accordance with Government guidance and advising on lessons that can be learned<sup>5</sup>.

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<sup>5</sup> Working Together to Safeguard Children DCSF 2010

## **6. Child Death Review functions**

- a) Putting in place procedures for ensuring that there is a co-ordinated response by the authority, Board partners and other relevant persons to an unexpected death;
- b) Collecting and analysing information about each death with a view to identifying:
  - i. any matters of concern affecting the safety and welfare of children in the area of the authority, including any case giving rise to the need for a Serious Case Review;
  - ii. any general public health or safety concern arising from deaths of such children.
- c) Production of an annual report.

## **7. Other activities**

An LSCB may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.

## **Membership of Durham LSCB**

- **The Board is chaired by an independent person commissioned by the Corporate Director of Children & Young People's Services**
- **Durham Tees Valley Probation Trust** – Durham will be represented by a Director of Offender Services.
- **The Strategic Health Authority** – The North East SHA will maintain a strategic overview of the NHS contribution to local safeguarding. The SHA will not routinely attend LSCB meetings as they do not wish to undermine the role of the Primary Care Trusts (PCTs) who have responsibility locally for ensuring the health contribution to safeguarding and promoting the welfare of children is discharged effectively across the whole health economy through the PCT's commissioning arrangements.

NE SHA will attend a minimum of one LSCB meeting a year to discuss the local NHS contribution to safeguarding. In addition the NE SHA will attend LSCB meetings at the request of the LSCB Chair or PCT.

NE SHA, as a member of the LSCB, reserves the right to attend meetings of the Board and will contact the LSCB Admin Co-ordinator if they intend to attend a Board meeting. The SHA will offer apologies for meetings not being attended.

As a member of the LSCB the SHA will receive LSCB minutes, agenda and papers.

- **NHS County Durham** will be represented by
  - Director of Public Health
  - Consultant in Public Health Medicine
  - (Chair of Durham LSCB & Darlington SCB Child Death Overview Panel)
  - Manager, County Durham Drug & Alcohol Action Team
- **County Durham & Darlington Community Health Services**
  - Clinical Divisional Manager – Children's Services
- **Tees, Esk & Wear Valley NHS Foundation Trust** will be represented by the Associate Director of Nursing and Governance.
- **County Durham & Darlington NHS Foundation Trust**  
County Durham & Darlington NHS Foundation Trust will be represented by the Associate Director of Patient Experience & Safeguarding
- **North Tees & Hartlepool NHS Foundation Trust** will be represented by the Deputy Director of Nursing
- **Cafcass** (County Durham) will be represented the Service Manager - Public Law.
- **Hassockfield Secure Training Centre** will be represented by the Director.

- **County Durham Children & Young People’s Service** will be represented by:
  - Corporate Director, Children & Young People’s Service
  - Head of Safeguarding and Specialist Services
  - Head of County Wide Services
  - Head of County Durham Youth Offending Service
- **County Durham Adult, Wellbeing and Health** will be represented by the Head of Adult Care.
- **Durham Constabulary** will be represented by the Force Lead for Safeguarding.
- **Faith Communities** will be represented by the Child Protection Advisor, Durham Diocese. To be co-opted on to the Board when required.
- **The Voluntary & Community Sector** will be represented by the Assistant Director of Children’s Services, Barnardos North East
- **Neighbourhood Services** will be represented by Area Leisure Manager
- **Housing** will be represented by the Housing Solutions Manager
- **Schools** will be represented by:
  - Durham Association of Secondary Heads
- **Further Education** will be represented by the Principal and Chief Executive of New College Durham
- **Lay Members** – The LSCB lay member
- **Young People** are customers of the safeguarding process; their involvement is therefore crucial in understanding the impact of our work. The LSCB will ensure that the views of young people inform the work of the Board.

Organisations should designate particular, named people as their LSCB member so that there is consistency and continuity in the membership of the LSCB.

LSCB may also include representation from such other relevant persons or bodies as the authority by which it is established consider, after consulting their Board partners, should be represented on it.

## **Membership Standards**

- The individual members of LSCBs have a duty as members to contribute to the effective work of the LSCB. This should take precedence, if necessary, over their role as a representative of their organisation<sup>6</sup>.
- All members must declare any interest or potential conflict which may arise while conducting board business
- Members will be senior officers with the delegated responsibility, the experience and knowledge to deal with the business of the Board effectively.
- Members will ensure that they have a CRB check updated every 3 years
- LSCB members will commit to regular attendance at Board meetings and would be expected to miss no more than one Board meeting in a 12 month period.
- Members need to be people with a strategic role in relation to safeguarding, they should be able to:
  - Speak for their organisation with authority.
  - Commit their organisations on policy and practice matters.
  - Hold their organisation to account.
  - Provide challenge and support to the Board.
  - Have processes in place to ensure that work of the Board is prioritised, appropriately disseminated and agreed actions are progressed.
  - Develop and maintain effective working arrangements based on trust and mutual understanding.
  - Be an active partner in safeguarding and promoting the welfare of children.
  - Collate and provide management information as required by Durham LSCB and contribute to quality assurance arrangements.
  - Share information to safeguard children in line with information sharing arrangements.
  - Make a commitment to training and workforce development.
  - Ensure that Durham LSCB policies and procedures are disseminated in an effective way within their own organisations and acted upon.
  - Represent Durham LSCB and its activities within their own organisation.
  - Report any serious difficulties within their own organisation and between organisations to Durham LSCB and work with partners to find effective solutions.
  - Where a member of the LSCB is a Chair of a LSCB Sub/Task Group they will have responsibility for ensuring that the group takes forward the work of the Board.
  - LSCB members who have issues of concern relating to safeguarding practices will raise these with the relevant partner organisation in an appropriate and timely manner. Advice and support of the LSCB Business Manager will be sought to identify appropriate action should concerns remain unresolved or be so serious that they need to be brought to the attention of the Board.

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<sup>6</sup> Working Together to Safeguard Children 2006

- Chief Officers of partner agencies need to ensure continuity of membership and regular attendance at meetings as this is key to the effective operation of the LSCB.
- Chief Officers need to ensure that Board business is accorded a high priority within the nominated representative's workload.
- Each member organisation will be open and transparent in evaluating their safeguarding and promoting welfare practice by sharing performance information with the LSCB under agreed performance management arrangements.
- Each member organisation will recognise and meet their duties and responsibilities under Section 11 of the Children Act in relation to their duty to co-operate with other agencies to safeguard children.
- Each member organisation will provide appropriate resources to enable the LSCB to carry out its business in addition to attendance at Board meetings, e.g. membership of sub-groups, Serious Case Reviews and any other business agreed by the Board member organisations will contribute to the LSCB budget as per agreed arrangement.

### **Declaration of Interest**

Members must declare any interest that may arise in the General LSCB meeting or any of the LSCB sub-groups.

### **Chairing Arrangements**

It is the responsibility of the Local Authority, after consultation with the Board partners, to appoint the chair. The chair is accountable to the Local Authority, through the Corporate Director of Children & Young People's Services.

The chair has a crucial role in making certain that the board operates independently and secures an independent voice for the LSCB.

He or she should be of sufficient standing and expertise to command the respect and support of partner agencies.

The chair should act objectively and distinguish their role as LSCB from any day to day role.

## **Responsibilities of the Chair of LSCB**

- To ensure the board safeguards and promotes the safety and welfare of children and young people in Durham.
- To ensure that all organisations participate to effectively co-ordinate and promote safeguarding.
- To agree the contents of the LSCB agenda and chair both General and Extra-Ordinary Board meetings.
- To ensure meetings are conducted efficiently in order to manage the business of the Board in an effective manner.
- To represent the LSCB at the Children's Executive Board and other appropriate settings.
- When appropriate, challenge and hold the Board and agencies to account.
- To be the LSCB spokesperson for media requests for information.

The chair should have:

- significant experience and knowledge of safeguarding.
- excellent leadership skills.
- a proven ability to chair complex multi-agency strategic meetings.
- the ability to resolve issues through negotiation.
- significant knowledge and understanding of local and national safeguarding agendas.
- an understanding of complex cases and Serious Case Reviews.

## **Vice Chairing arrangements**

The Vice Chair will assume the responsibilities of the LSCB chair in their absence and will therefore require the same knowledge and skills as expected of the LSCB Chair.

The Vice Chair will be appointed from one of the constituent agencies and must be at a senior executive level.

The Vice Chair will generally be appointed in April and this appointment will be subject of review every 2 years.

The Vice Chair will be appointed with the consent of the majority of voting members. If the Chair or Vice Chair are not able to be present at any meeting a substitute Chair may, with the consent of the majority of the voting members, be appointed to chair that meeting.

## **LSCB Advisors**

The Board will be advised by:

- A member of Durham County Council Corporate & Legal Services nominated as the Board's legal advisor.
- The Designated Nurse
- The Designated Paediatrician
- Local Authority Designated Officer

Advisors are not voting members.

## **LSCB Officers**

- LSCB Business Manager.
- LSCB Admin Co-ordinator.
- LSCB Training Co-ordinator.
- LSCB Development Officer.
- LSCB Performance Manager (deputises for Business Manager).
- LSCB Administrator (does not attend Board meetings).

Officers are not voting members.

## **LSCB Member Organisations can expect:**

- Effective communication to and from the Board.
- Regular updates in relation to local, national and legislative developments and changes.
- Regularly updated safeguarding procedures.
- Appropriate advice, support and guidance from staff with sufficient experience in safeguarding matters to assist member organisations in effective decision-making.
- Co-ordination and opportunities to share resources, e.g. training to ensure effective deployment of resources across agencies.
- Access to training and development provided by LSCB based on clear analysis of need and agreed strategy.
- Guidance and support to assist member organisations in effectively measuring performance and practice against agreed procedures.
- To have an opportunity to feed concerns into the Board about safeguarding matters and to expect an appropriate and timely response.
- To have the opportunity for the organisation to be represented in the work of the Board and its constituent sub-groups.
- To be advised by the Chair of the Board if the member organisation is not performing effectively in safeguarding and promoting the welfare of children in order to agree appropriate actions.
- The effectiveness of the LSCB will form part of the judgement of the Comprehensive Area Assessment. The quality of Serious Case Reviews and Individual Management Reviews as judged by Ofsted also contribute to LSCB and Individual assessment by Inspectors.

### **LSCB Individual Members can expect:**

- To be part of a Board that demonstrates effective and timely communication and management.
- LSCB Board papers to be distributed no less than 10 working days before each Board meeting.
- LSCB action points to be sent out within 5 working days after a Board meeting with full minutes being circulated within 15 working days.
- The Board to operate to a standard agenda that is manageable within the timeframe agreed for each Board meeting.
- The LSCB Business Manager to ensure that all appropriate items of business that are received within 15 working days of a Board meeting are included in the agenda.
- The LSCB Team to ensure effective communication between the Board and its constituent sub-groups.
- Chairs of sub-groups to receive administrative support to ensure the smooth running of the sub-groups' business.
- The LSCB Annual Report and Action plan will be presented to the June Board each year. The Training Strategy and performance management framework will be produced annually in line with the current action plan.
- To receive information about good practice, national guidance Government initiatives.
- If an individual member is considered not to be performing effectively in safeguarding and promoting the welfare of children, the LSCB Chair will discuss these concerns with the individual and if necessary, the parent organisation.

### **Meetings**

Board meetings will normally be held every two months. Standard agenda items will alternate from one meeting to the next. Matters arising from the previous meeting will be raised at each meeting to ensure continuity and monitoring of progress.

Extra-ordinary meetings:

- The Chair may call an extra-ordinary meeting at any time;
- A LSCB member may call an extra-ordinary meeting by submitting to the Chair a written request which is supported by the written agreement of any two voting members;
- Such extra-ordinary meetings will normally be held within 28 days of the request being received by the Chair.

## **Chair's Action & Decision-Making**

Any issues which do require decisions by the Chair between meetings and which do not, in the opinion of the Chair, require a special meeting to be convened shall be decided by the Chair and such decisions will be recorded and submitted for ratification to the next meeting of the Board. In the absence of the Chair such decisions will be made by the Vice Chair.

Board members will have the delegated responsibility and authority from their agencies to make decisions in the following areas:

- LSCB policy;
- Child Protection Procedures;
- Commitment of agencies' staff and time;
- Commitment to Serious Case Reviews;
- Deployment of the current LSCB budget.

## **Voting**

The LSCB will wherever possible, seek consensus on business matters under consideration at its meetings. In the event of a vote all members of the Board will be entitled to vote. In the case of an equal number of votes the Chair of the meeting will have second or casting vote.

Officers and advisors are not voting members.

## **Quorum**

No business shall be transacted at a Board meeting unless eight members are present representing at least three agencies, one of whom must be a senior manager from the Children Service's Authority with specified safeguarding responsibilities

## **Records**

The minutes of all LSCB meetings will be entered as a permanent record and submitted for approval at the next meeting. A list of action points from any meeting will be circulated to all members within 5 working days, a full account of all meetings will be circulated within 15 working days of any meeting. The agenda and accompanying papers for any meeting must be circulated at least 10 working days before any future meeting.

## **Finance**

The level of investment from partner organisations to is to be determined by August of each calendar year for the forthcoming financial year on the basis of the responsibilities and tasks identified in the business plan.

The financial year will run from 1 April to 31 March in each year. Budget management will be the direct responsibility of the Manager of the LSCB and a current financial report will be presented to Board meetings at 6 monthly intervals

**This Memorandum of Understanding is made between the LSCB and each partner agency to ensure:**

- Accountability for delivering the functions of the LSCB;
- Mandatory attendance at meetings by nominated members or deputies;
- Explicit agreement of business planning processes including the funding arrangements;
- Explicit agreement to agreed performance management arrangements;
- Explicit agreement to contribution to other local and national monitoring arrangements.

## APPENDIX 1

Organisation	Chief Executive	Signature	Date
Durham Tees Valley Probation Trust	Russell Bruce		
North East Strategic Health Authority	David Stout		
NHS County Durham	Yasmin Chaudhry		
Tees, Esk & Wear Valley NHS Foundation Trust	Martin Barkley		
North Tees & Hartlepool NHS Foundation Trust	Alan Foster		
County Durham & Darlington NHS Foundation Trust	Stephen Eames		
Cafcass (County Durham)	Marie Gittins		
Haddockfield Secure Training Centre	Trevor Wilson-Smith		
County Durham Children & Young People's Service	David Williams		
County Durham Adult, Wellbeing & Health	Rachael Shimmin		
Durham Constabulary	Chief Constable John Stoddart		
Durham Diocese	Elsi Hampton		
Barnardo's North East	Jonathan Ewen		
Durham County Council Neighbourhood Services	Terry Collins		
Durham Association of Secondary Heads	Gerard Moran		
Further Education	John Widdowson		