

# **Memorandum of Understanding**

**April 2006**

## **Purpose**

The purpose of this Memorandum 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 re their performance as a Board member.

It is proposed that following negotiation and formal agreement a definitive version of this Memorandum will be signed off by the Chief Officers of all constituent partner agencies.

## **Background**

As from 31 March 2006 Durham Area Child Protection Committee will no longer exist and will be replaced by the Durham Local Safeguarding Children Board (to be referred to as LSCB).

The LSCB will be established in accordance with Section 13 of the Children Act 2004 and encapsulates the guidance contained in Working Together to Safeguard Children (Consultation Draft July 2005) and The Local Safeguarding Children Boards Regulations 2005.

The LSCB primary function is to bring together representatives from agencies and professionals responsible for helping to safeguard children. It is an inter-agency forum that agrees how the different agencies and services should co-operate to safeguard children in the area and make sure that arrangements work effectively to bring about good outcomes for all children.

The LSCB will link with the Children's Services Authority Executive Board and will form functional links with the Strategic Management Board set up under the Multi-Agency Public Protection Arrangements, the Domestic Violence Strategic Group and the Crime & Disorder Reduction Partnership.

The key task of the LSCB is the safeguarding (protecting from harm) of children and young people contributing to the Every Child Matters outcome of *staying safe*.

### **Functions of LSCB**

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 following will be specific purposes, functions and tasks of the LSCB (in some cases subject to further national guidance):

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

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

- a) 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 all children living away from home – looked after children in public and private settings, children in the secure estate and children who are missing from home**
- (vi) Safety and welfare of children who are privately fostered**
- (vii) Co-operation with neighbouring children’s services authorities (i.e. Local Authorities) and their Board partners**

**2. Communicating and raising awareness function**

- b) 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**

- c) 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**

- d) 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**

- e) Undertake reviews of cases where a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected and advising on lessons that can be learned**

## **6. Further functions relating to child deaths**

From 1 April 2008 each LSCB will have the further functions set out in regulations relating to child deaths. They become compulsory on LSCBs by that date, but can be carried out by any LSCB from 1 April 2006.

- a) Putting in place procedures for ensuring that there is a co-ordinated response by the authority, their 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.**

## **7. Other activities**

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

The LSCB will have a much clearer role in performance management of the safeguarding function of all partner agencies and separate proposals in relation to this performance management function have been developed.

## **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 Business Plan.

These plans contribute to and work within the planning frameworks established by the Children & Young People Strategic Partnership and make links between related activities. Their purpose is to ensure co-ordinated service provision and promotes the welfare of children.

- The LSCB will work alongside the Children Service's Authority Executive Board and have responsibility for specific areas within the Every Child Matters outcome *staying safe*. These areas would include all safeguarding issues.
- The Children Service's Authority Executive Board and the LSCB will define safeguarding in the context of guidance in *Working Together*.
- There will be clear and explicit links to other appropriate groups in relation to other aspects of the *staying safe* outcome.
- The LSCB will be chaired by the Corporate Director of Children and Young People or their nominated representative.
- There will be formal accountability arrangements between the LSCB and all partner agencies.
- There will be explicit linkage with multi-agency public protection arrangements; domestic violence fora; crime and disorder reduction partnerships.

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. (*Working Together to Safeguard Children* consultation draft July 2005 para 3.17 page 52).

### **Membership**

To carry out its responsibilities effectively the LSCB needs to have members from each of the main agencies responsible for Working Together to Safeguard Children whose roles and seniority enable them to contribute to developing and maintaining strong and effective inter-agency safeguarding procedures and ensuring that local child protection services are adequately resourced.

The individual members of Durham LSCB have a duty as members to contribute to the effective work of the Board, for example, in making the LSCBs assessment of performance as objective as possible, and in recommending or deciding upon the necessary steps to put right any

problems. This should take precedence, if necessary, over their role as a representative of their organisation.

The membership of the LSCB will comprise the following statutory Board partners (taken from Section 13.3, Children Act 2004):

- The Chair will be the Director of the Children's Services Authority or their nominated representative .
- The Children's Services Authority will be represented by Senior Managers with specified safeguarding responsibilities.
- Durham Constabulary will be represented by a Senior Manager.
- National Probation Service – Durham will be represented by a Senior Manager.
- The Strategic Health Authority will be represented by the Designated Nurse Child Protection who will also have a role in liaising with the PCTs.
- The PCTs will be represented by one or two members at Director level (to be determined by current discussions on PCT reconfiguration).
- County Durham and Darlington Acute Hospitals NHS Trust will be represented by the Designated Consultant Paediatrician.
- County Durham and Darlington Priority Services Trust will be represented by the Director of Adult Mental Health and Nursing Services.
- CAFCASS (County Durham) will be represented the Service Manager for Public Law.
- The Prison Service will be represented by the Head of Resettlement at HMYOI Deerbolt.
- The Governor of a secure training centre will be represented by the Director of Hassockfield Secure Training Centre.
- Connexions will be represented by the Executive Director for County Durham.
- The Youth Engagement Service will be represented by the Head of Youth Engagement Service County Durham.

- District and Borough Councils now have a safeguarding duty under the Children Act 2004. Work is well underway to secure appropriate representation from the seven District/Borough Councils.

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.* It has been agreed that a member of Corporate and Legal Services be nominated as the Board's legal advisor. In addition to the above representation has been sought from:

- Voluntary and Community Sector will be represented by the Assistant Director Children North East 2006-07.
- Adult Social Care representative.
- NSPCC
- The Faith Community

The Board will be resourced by input from the Business Manager, Training Co-ordinator, Performance Manager and the LSCB Admin Co-ordinator.

Agencies that are not represented on the full Board will be invited to contribute as appropriate and where their input will be considered beneficial.

### **Performance Management**

A system is in development and will need to be agreed by the Board.

### **Infrastructure**

Preliminary work has been carried out and a separate paper has been circulated for discussion.

### **Dialogue with Young People**

As an integral part of the Business Case the level of required funding has been adjusted to cover the cost of IIC workers. These workers will seek the views of young people on the Child Protection Register about effective interventions and will contribute towards a better understanding of safeguarding children.

## **Chair & Vice Chair**

The Chair of Durham LSCB will be decided at the first meeting of the LSCB. The Vice Chair will be appointed from one of the other constituent agencies and must be at a senior executive level. The Vice Chair will be appointed at the first meeting of a calendar year and this appointment will be for a period of two 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.

## **Membership Standards**

We need to agree clear expected standards from LSCB members (the following are in draft form and are subject of consultation currently):

### **Organisational**

- Each member organisation will nominate a suitable representative who are key people with a strategic role in relation to safeguarding and promoting the welfare of children.
  - (a) They will be able speak for their organisation with authority.
  - (b) They will be committed to safeguarding policy and practice.
  - (c) Sufficiently senior position to hold their organisation to account.
- Each member organisation will ensure a suitable deputy in the event that the nominated representative is unable to attend meetings of the Board.
- Each member organisation will 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 establish effective policy and procedures for checking the suitability of people applying to work with children and ensuring that the children's workforce is properly supervised with any concerns acted upon appropriately.
- Each member organisation will ensure that they make financial contributions as agreed within necessary timescales.

- Each member organisation will ensure that any concerns about safeguarding issues are appropriately shared with the relevant partner agencies in a timely manner.
- Each member organisation will provide appropriate resources to complete LSCB 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.

### **Individual Members**

- LSCB members have a duty to contribute to the effective work of the LSCB. This should take precedence if necessary over their role as a representative of their organisation.
- LSCB members will be as objective in evaluating the assessment of performance of all member organisations; and in recommending the necessary steps to address performance issues.
- 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.
- LSCB members will take responsibility for identifying within their parent organisations resources that will contribute to the work of the Board and its constituent sub-groups.
- LSCB members who agree to undertake tasks on behalf of the LSCB will complete such tasks within agreed timescales.
- 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.

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

- Effective communication to and from the Board.
- Regular updates in relation to local, national and legislative developments and changes.
- Regular updated 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 Joint Area Review (JAR).

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

- To be part of a Board that demonstrates effective 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 10 working days after a Board meeting with full minutes being circulated within 20 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 items of any other business that are received within 15 working days of a Board meeting are included.
- 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.
- An annual report of LSCB business, an annual Training Strategy and Business Plan to be provided in April of each year.
- Information about good practice, national guidance and changes for circulation within parent organisations.
- 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 the parent organisation.

### **Meetings**

Board meetings will normally be held every three months.

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.

## **Quorum**

No business shall be transacted at a 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 10 working days, a full account of all meetings will be circulated within 20 working days of any meeting. The agency and accompanying papers for any meeting must be circulated at least 10 working days before any future meeting.

## **Standard Agenda for LSCB Business Meeting**

This will be a standard six item agenda:

- Report from LSCB Manager (should be prioritised to contain key reports of any new developments, national priorities, enquiries etc)
- Report from SCR Group on high level specific case issues
- Progress report from Training & Development Group
- Progress report from Policy and Procedures Group
- Performance Manager's report on Quality assurance findings, themes and concerns in localities.
- Any report from time limited / project groups that are in place (only if relevant)
- Items of **urgent** business

## **LSCB Business Plan**

As required by the DfES a Business Plan will be in April of each year. The current draft document has been shared and agreed by the Board.

## **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 every Board meeting