

Safeguarding Children

The second joint Chief Inspectors' Report on Arrangements to Safeguard Children

A SUMMARY



Commission for Social Care Inspection (CSCI)
HM Inspectorate of Court Administration (HMICA)
The Healthcare Commission
HM Inspectorate of Constabulary (HMIC)
HM Inspectorate of Probation (HMIP)
HM Inspectorate of Prisons (HMIP)
HM Crown Prosecution Service Inspectorate (HMCPSP)
The Office for Standards in Education (OFSTED)
www.safeguardingchildren.org.uk



JULY 2005

Introduction

This summary of the second joint Chief Inspector's Review of Children's Safeguards reflects the key findings of inspections and special studies of children's services undertaken since the first Joint Chief Inspectors' Review of Children's Safeguards was published in 2002 (Safeguarding Children 2002).

Over the last three years, there have been major developments in policy on children's services, influenced significantly by the first Safeguarding Children (2002) report and the Victoria Climbié Inquiry report (2003). The Every Child Matters programme, underpinned by the Children Act 2004, aims to improve outcomes for children in five key areas: being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being. In children's healthcare, the National Service Framework for Children, Young People and Maternity Services sets out a 10-year change programme across health and social care services and their interface with education, based on child-centred practice. Important changes in the youth justice system and the management of young people who commit offences have also helped to focus greater attention on children's safeguards.

The 2002 review found that whilst all agencies accepted their responsibility to ensure that children were safeguarded, this was not always reflected in practice. Agencies were not always sufficiently committed to, or willing to fund, the work of Area Child Protection Committees (ACPC). Severe difficulties in recruiting and retaining professionals working in child protection and child welfare were also reducing the effectiveness of measures to safeguard children.

The 2005 review has been led by the Commission for Social Care Inspection and draws upon the individual and joint inspection activity of:

Commission for Social Care Inspection (CSCI)



The Healthcare Commission



HM Inspectorate of Constabulary (HMIC)



HM Inspectorate of Probation (HMIP)



HM Inspectorate of Prisons (HMIP)



HM Crown Prosecution Service Inspectorate (HMCPsi)



HM Inspectorate of Court Administration (HMICA)



The Office for Standards in Education (OFSTED)



The review was presented to Government and published on 14 July 2005. Copies of the full review, associated reports and research and inspection evidence can be found on:

www.safeguardingchildren.org.uk

THE FOCUS OF THE REVIEW

The review identified and analysed evidence relating to how well all children are safeguarded. Particular attention was paid to the safeguarding of specific groups of children identified in the first review including:

- children with disabilities;
- children living away from home outside their local area;
- children who spend a long time in health settings;
- children in secure or custodial settings;
- children going through the justice system; and
- children seeking asylum.



SUMMARY OF KEY FINDINGS

At a local level, the priority given to safeguarding children across local government, health services and the justice system has increased in the three years since the last review and the status of work in child protection and child welfare has improved. There are many examples of good practice, and agencies are working together better to safeguard children.

Nonetheless, some recurring themes over the past three years across sectors and agencies cause significant concern:

- some agencies still give insufficient priority to safeguarding and children's interests and there are some groups of children, including those with disabilities and those living away from home, whose needs are not always given sufficient recognition or priority;
- there are still considerable concerns about the differing thresholds applied by social services in their child protection and family support work and about the lack of understanding of the role of social workers by other agencies; and

- continuing difficulties in recruitment and retention in some services affect their ability to safeguard children effectively and may restrict their capacity to deliver the new Every Child Matters arrangements.

HOW MUCH PRIORITY DO AGENCIES AND PROFESSIONALS GIVE TO SAFEGUARDING CHILDREN?

We were pleased to find that:

- the priority given to safeguarding children across local government, health services and the justice system has increased since 2002;
- more effort is devoted to listening to and consulting with children; and
- safeguarding is more extensively embedded in the policies and procedures of most agencies.

However:

- the priority still varies between agencies. Some agencies, particularly in the justice system, have not yet sufficiently reflected upon what safeguarding means for their work and ensured that policy commitments are fully embedded in practice;
- some agencies do not monitor how far the safeguarding ethos spreads throughout their organisation;
- there is an assumption that because children living away from home are already in care or under supervision, they must be safe, despite the considerable variations in children's own views on whether or not they are safe. This is reflected in some councils' failure to adequately monitor individual placements for children living away from home, especially contracts for placements of children outside their home area;
- insufficient priority is given to the safeguarding needs of some groups of children, including: children with disabilities; those placed for adoption; young people aged 16-18 with a mental health condition or a chronic illness; children with a mental health condition admitted to secure settings; and vulnerable boys and girls of 15+ placed inappropriately in young offender institutions;
- there is concern about how well settings that are currently unregulated safeguard children. These include educational provision by organisations that are not registered as schools, armed forces recruitment and detention centres and private fostering arrangements; and



- at a strategic level there is still considerable variation in the membership and effectiveness of Area Child Protection Committees. The development of Local Safeguarding Children Boards provides the opportunity to put in place more effective arrangements for local leadership, joint working, wider engagement, monitoring and review and sharing of good practice in safeguarding.

ARE CHILDREN GIVEN A VOICE AND LISTENED TO?

It was good to find that:

- some children feel they are adequately listened to and consulted, with many examples of creative and sensitive approaches to communicating and consulting with children;
- many National Health Service (NHS) trusts have made considerable efforts to communicate with children appropriately and to seek their views in developing services;
- young people who commit offences are almost exclusively positive about their experiences with youth offending teams; and
- there has been much attention given to seeking children's views in cases of domestic violence and improving support when they appear as witnesses in court.

However, many other children do not have sufficient opportunities to express their views or concerns. For example:

- insufficient account is taken of the complexities of communicating with children with language and communication difficulties;
- social services do not consistently ensure that children looked after have contact with a range of reliable adults, such as independent visitors (where the child wishes it), or that social workers regularly visit children;
- most children involved in family proceedings have little or no say in the formal arrangements that will significantly affect their lives and they are not encouraged to attend court, except in adoption cases; and

- the concerns of children who are witnesses in court about the means by which they will give evidence are not always taken into account.

HOW GOOD ARE BEHAVIOUR MANAGEMENT TECHNIQUES?

The review raises concerns about the use of certain behaviour management techniques. These include the use of physical control, strip-searching and single separation or segregation in young offender institutions, local authority secure children's homes and secure training centres. There are also concerns about the over-use of physical control in children's homes, some special schools and some NHS settings.

HOW WELL DO AGENCIES IDENTIFY AND ACT ON WELFARE CONCERNS?

A number of positive findings include:

- agencies are working better together to identify and act on welfare concerns;
- there is greater clarity about roles and responsibilities, underpinned by protocols for operational co-operation and information sharing;
- in advance of the arrangements anticipated by Every Child Matters, some councils are already working effectively with partner agencies to enable children and families to access support services without needing to make unnecessary referrals to child protection services; and
- the numbers of children on the child protection register have reduced in some areas. This may reflect increased levels of trust between social services, education, health and youth justice services, as well as better engagement from parents.

However, three years after the first Safeguarding Children report, there remain significant concerns about the thresholds that are applied by social services in their child protection and family support work. Key findings include:

- agencies other than social services are often unclear about how to recognise the signs of abuse or neglect, are uncertain about the thresholds that apply to child protection or do not know to whom they should refer their concerns;

- more attention needs to be paid to identifying welfare concerns for children with disabilities;
- largely because of resource pressures, some councils' social services apply inappropriately high thresholds in responding to child protection referrals and in taking action to protect children;
- because some social services are unable to respond to families requiring support, other agencies do not refer children when concerns about their welfare first emerge. This means that some families are subject to avoidable pressure, children may experience preventable abuse or neglect and relationships between social services and other agencies may become strained;
- arrangements for sharing information and joint working between agencies do not always work well and there can be delays in addressing risk factors, health issues and education needs. This is of particular concern where a council places children looked after in another council area without notification; and
- there are also several areas in which arrangements need to be clarified between agencies for young people who commit offences, including: when a young person has been in police custody, has been remanded into the care of the council, or has been remanded in custody to a secure setting.



The continued existence of these factors raises questions about whether there is sufficient capacity and effective management in the system to deliver the new Every Child Matters arrangements successfully in all council areas.

WHAT ARE THE WORKFORCE ISSUES THAT AFFECT THE SAFEGUARDING OF CHILDREN?

Improvements since 2002 include:

- the status of child protection and welfare work has increased, for instance in the police service;
- recruitment and retention have improved in some services, such as education, and committed and skilled staff work with children in many settings; and
- some agencies are adopting creative approaches to recruitment and retention.

However:

- as the first *Safeguarding Children* review found, some services are under considerable pressure because of difficulties in recruiting and retaining adequately skilled and experienced staff, for example in social services and secure settings. Staff shortages continue to have a detrimental impact on services' ability to safeguard children effectively; and
- recruitment procedures and arrangements for checking that staff are suitable to work with children also continue to give rise to considerable concern. Checking of recruitment agency staff, contractors and staff from outside the United Kingdom (UK) and rechecking of existing staff with the Criminal Records Bureau are particularly inconsistent.

HOW WELL SAFEGUARDED ARE CHILDREN AND YOUNG PEOPLE SEEKING ASYLUM?

Planning and providing services for the asylum-seeking children who have come to the UK in recent years is a challenging and complex task. It is complicated by many factors including: problems in responding to unpredictable numbers and unfamiliar cultures; the difficulty of reconciling immigration requirements and welfare considerations; disagreement and uncertainties about funding levels; and the scarcity of accurate information and inadequate information sharing.

The councils visited for this review are strongly committed to safeguarding asylum-seeking children. There are examples of effective dedicated services in health, education and the voluntary sector and creative approaches to addressing some of the distinctive needs of

asylum-seeking children, such as matching children with appropriate foster carers.

However:

- inter-agency planning is often limited and information sharing and tracking of children in asylum seeking families are particularly variable;
- some councils place homeless families or unaccompanied looked after asylum-seeking children in other council areas without notifying the receiving council;
- child protection issues may not always be recognised. It is a significant concern that some children and young people are not identified and protected – for example those who are privately fostered, or those who are in the country illegally;
- services for unaccompanied asylum-seeking young people of 16-18 and support for over-18s who were not previously in care are inconsistent; and
- there are considerable concerns about the welfare of children held with their families in immigration removal centres. There is a lack of guidance from the Immigration and Nationality Directorate, agreed with local ACPCs, on child protection arrangements to be applied in immigration removal centres and an absence of arrangements for welfare assessment and care planning for children in detention.

RECOMMENDATIONS

The Department for Education and Skills and the Home Office should:

Give consideration in national consultation on Local Safeguarding Children Boards (LSCBs) to:

- developing appropriate links with the full range of agencies working with children, in addition to the core agencies on Local Safeguarding Children Boards. This should include the courts, the Crown Prosecution Service and, where appropriate, the immigration service, including removal centres and local enforcement offices;
- the management of and dissemination of learning from serious case reviews; and
- accountability arrangements and responsibility for forward planning between the Local Safeguarding Children's Boards and the children's trust governance arrangements.

The Department for Education and Skills should:

- review arrangements to safeguard children where they are away from home in settings that are currently unregulated, such as sports, music or language centres etc. to ensure that appropriate regulation and safeguarding arrangements are in place. This review should also apply to armed services settings which accommodate children.
- reinstate the duty on social workers to visit children looked after at a minimum specified frequency and require social services, and subsequently, children's services, to monitor these arrangements effectively.

The Department for Education and Skills, the Department of Health, the Youth Justice Board and the National Offender Management Service should:

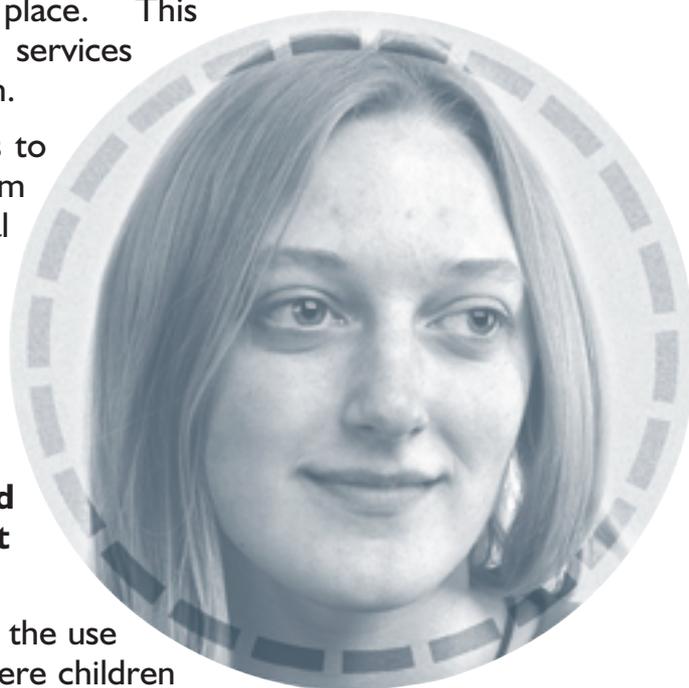
- issue one agreed set of principles for the use of control methods in all settings where children are cared for, including secure settings. This should take account of children's views and the need to place the use of physical control within an overall behaviour management strategy and in a wider context of prevention. Arrangements should be made for comprehensive accredited and/or approved training for staff.

The Home Office, the Association of Chief Police Officers, and the Association of Police Authorities should:

- consider introducing national performance indicators for the police for child protection and the investigation of child abuse to give it due priority.

The Department of Health, in consultation with the Royal College of Paediatrics and Child Health and the Royal College of Nursing, should:

- ensure that clear guidance is drawn up for NHS organisations on role definitions and specifications for named and designated health professionals who have specific responsibilities for child protection, including arrangements to provide protected time to undertake this additional work.



The Youth Justice Board should:

- support youth offending teams in discharging their responsibilities by advising them on their strategic role on Local Safeguarding Children Boards and providing further direction on work to safeguard children and young people.

The Youth Justice Board and the National Offender Management Service should:

- promote the personal officer role as an integral part of the team in young offender institutions; and promote good practice in safeguarding children in prison custody, especially in relation to behaviour management and the care of particularly vulnerable children.

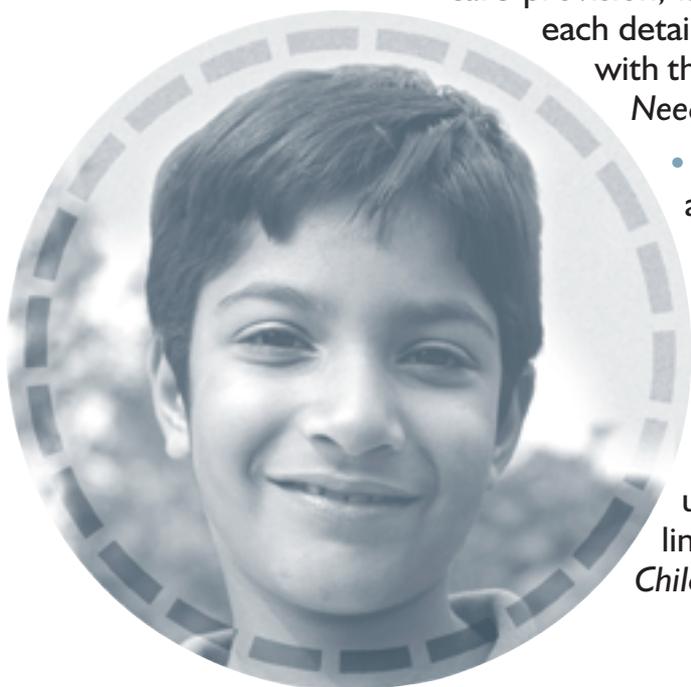
HM Courts Service and CAFCASS should:

- promote increased participation of children in family court proceedings.

The Immigration and Nationality Directorate of the Home Office, in agreement with the Department for Education and Skills, should:

Issue guidance to Immigration Removal Centres and local councils to ensure that:

- a care plan, incorporating good quality health, educational and social care provision, is drawn up at the point of detention for each detained child, following an assessment in line with the *Framework for Assessment of Children in Need and their Families* (2000);
- continuity of education is taken into account when children are detained;
- an investigation is carried out and a multi-disciplinary conference is convened by the local ACPC (or its successor Local Safeguarding Children Board) if the assessment shows the child to be at risk of significant harm under S.47 of the Children Act 1989, in line with *Working Together to Safeguard Children* (1999);



- a multi-disciplinary review is in any event convened for any child to be detained for more than three weeks; and
- all assessments inform decisions on the necessity for continued detention.

All agencies and organisations directly involved with children should:

Review their approach to safeguarding, in line with the requirements of the Children Act 2004 and guidance, in order to:

- Identify the relevant safeguarding issues specific to their area of work;
- ensure that there are policies and procedures in place to address these issues; and
- put in place regular quality assurance and monitoring systems to ensure that policy is followed through consistently in practice, and demonstrates effective outcomes.

Ensure that staff working with or in contact with:

- children with disabilities;
- children in private fostering situations; and
- asylum-seeking children,

know how to recognise the signs of abuse or neglect and which procedures to follow in such cases.

Audit their recruitment and staff checking procedures so that the following practices are carried out consistently:

- references are always verified and properly recorded in staff files;
- a full employment history is available on file for every member of staff, any gaps in employment history are checked and accounted for and qualifications are checked; and
- enhanced Criminal Records Bureau (CRB) checks are consistently undertaken on new staff and those working with children who have not previously been subject to checks, including temporary, agency or contract staff, prior to the establishment of the centralised vetting and barring scheme proposed in response to the Bichard recommendations.

Review existing safeguarding policies to ensure that they take full account of the needs of children with disabilities and assess the

professional development needs of staff who work with children with disabilities to equip them to:

- communicate effectively with children;
- identify potential child protection concerns;
- track and monitor behaviour patterns; and
- follow appropriate child protection procedures.

Local councils and partner agencies should:

Ensure, when developing Children and Young People's Plans, that:

- they reflect priorities for safeguarding, as well as for universal and preventive services; and
- thresholds for specialist services are consistent with ensuring that children are safeguarded effectively.

Local councils should:

Ensure, in introducing the Common Assessment Framework, that sufficient priority and adequate resources are given to delivering their responsibilities to safeguarding children effectively.

Ensure that safeguarding requirements are consistently applied to looked after children in all settings, including:

- children placed for adoption;
- children on care orders placed with parents; and
- children placed with extended family.

Ensure that robust arrangements for safeguarding children looked after are in place, including:

- specific safeguarding requirements in all placement contracts; and
- effective monitoring arrangements, including regular visits by social workers.

Ensure that unaccompanied asylum seeking children receive a comprehensive assessment of their needs and that appropriate services are put in place.

Ensure, when children are placed in residential special schools, that their

needs are assessed under the *Framework for the Assessment of Children in Need and their Families* to inform the care plan.

Put plans in place to ensure that good working relations between professionals, especially teachers and social workers, are actively promoted.

Develop parallel pathway plans for unaccompanied asylum seeking children who have been given discretionary leave to remain in the UK to age 18, taking account of the uncertainty about what immigration decisions will be made at that time.

Local councils and NHS trusts should:

- establish clear arrangements, when a looked after child is placed out of their area, for notifying NHS Trusts in the area where they are placed, in line with the National Service Framework for Children, Young People and Maternity Services.

NHS trusts and independent hospitals should:

Develop robust protocols for:

- post-mortems, to ensure that staff are aware of the criteria for Serious Case Review, and how to request that a case is considered for a Serious Case Review through the Area Child Protection Committee (ACPC), and subsequently the LCSB; and know which cases of death must be referred to, or discussed with, the Coroner, and, for cases not referred to the Coroner, are familiar with the process of gaining consent for post-mortem examination; and
- ensuring that staff working with children who spend more than three months in hospital notify social services about these children to trigger an assessment, under the *Framework for the Assessment of Children in Need and their Families*, and follow up on their welfare needs.

Further information

*Keeping Children Safe** a children's version of *Safeguarding Children – The second joint Chief Inspectors' Report on Arrangements to Safeguard Children** has also been produced.

Free copies of all the safeguarding children publications are available from:

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*Please quote refs: CSCI-067 (for the main report) CSCI-068 (for the report summary) CSCI-069 (for *Keeping Children Safe*).

You can also find all these reports and other useful information about safeguarding children at the dedicated website:

www.safeguardingchildren.org.uk