HM Government

Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004

Every Child Matters

Change For Children

STATUTORY GUIDANCE

Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004

HM Government

2007

London: Department for Education and Skills

Contents

Executive Summary **1**

Statutory guidance on making arrangements under section 11 of the Children Act 2004 1

Other related guidance 2

Preface **5**

Safeguarding children is everyone's responsibility 5

Who should read it 5

Improving outcomes for children and young people 5

Introduction **7**

1.4. The Role and status of this guidance 8

1.10. Timetable 9

Part One – General Arrangements to Safeguard And Promote Welfare **10**

2.1. Understanding the duty to make arrangements to safeguard and promote welfare 10

2.11. Framework for making effective arrangements to safeguard and promote children's welfare – Local Safeguarding Children Boards 12

2.13. Strategic and organisational arrangements 13

2.14. Work with individual children and their families 18

2.19. Inter-agency co-operation to improve the wellbeing of children 25

2.22. Monitoring and inspection of arrangements to safeguard and promote welfare 26

Part Two – Arrangements to Safeguard and Promote Children's Welfare in Different Agencies **27**

3. Local Authorities, including District Councils **28**

3.1. Improving the wellbeing of children 28

3.3. The role of local authorities in safeguarding and promoting the welfare of children 28

3.4. Culture and Leisure Services 28

3.5. Early Years and Childcare 29

3.6.	Education and Schools	29
3.7.	Licensing Authorities	29
3.8.	Housing Authorities	30
3.11.	Children's Social Care	31
3.14.	Youth Services	32
3.15.	Connexions	32
3.16.	Fire and Rescue Authorities	32
3.20.	Child employment	33
3.22.	Making arrangements to safeguard and promote welfare in Local Authorities, including District Councils	33
3.23.	Senior management commitment and accountability	34
3.24.	Clarity about Local Authority's responsibilities for safeguarding and promoting the welfare of children	34
3.26.	Involving children and young people and families in planning and developing services	35
3.27.	Ensuring services for children are safe and accessible	35
3.28.	Staff training and continuing professional development	35
3.30.	Safer recruitment, vetting procedures and procedures for responding to allegations against staff	36
3.32.	Effective inter-agency working to safeguard and promote the welfare of children	36
3.35.	Work with children and young people	37
3.36.	Ascertaining the wishes and feelings of children in need	37
3.37.	Information sharing	37
4.	**Connexions**	**38**
4.3.	Making safeguarding and promoting welfare arrangements in connexions partnerships	38
4.7.	Senior management commitment	39
4.9.	Statements of responsibility	39
4.10.	A clear line of accountability	39
4.13.	Service development	40
4.14.	Staff training	40
4.16.	Safer recruitment	40
4.17.	Effective inter-agency working	40
4.19.	Work with individual children and young people	41
4.24.	Information sharing	42

5.	**The National Health Service**	**43**
5.1.	The role of the NHS in relation to safeguarding and promoting the welfare of children	43
5.2.	NHS standards	43
5.8.	Making arrangements to safeguard and promote welfare in the NHS	45
5.9.	Roles and responsibilities of different NHS organisations	45
5.12.	A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children	46
5.13.	Service development	47
5.14.	Staff training and continuing professional development	47
5.15.	Safer recruitment and vetting procedures	48
5.16.	Effective inter-agency working	48
6.	**The Police**	**50**
6.1.	The role of the police in relation to safeguarding and promoting the welfare of children	50
6.6.	Making arrangements to safeguard and promote children's welfare in the police service	51
6.8.	Senior management commitment and accountability	51
6.11.	Statements of responsibility	52
6.13.	Service development	52
6.16.	Training	52
6.17.	Safer recruitment, vetting and complaints procedures	52
6.18.	Work with individual children	52
6.20.	Inter-agency Working	53
6.22.	Information Sharing	53
7.	**British Transport Police**	**54**
7.1.	The role of the British Transport Police in safeguarding and promoting the welfare of children	54
7.8.	Senior management commitment	55
7.10.	Statement of responsibility	55
7.11.	Accountability within the BTP for work on safeguarding and promoting the welfare of children	55
7.13.	Training	56
7.15.	Safer recruitment, vetting and complaints procedures	56
8.	**The Probation Service**	**57**
8.1.	The role of Probation Boards in relation to safeguarding and promoting the welfare of children	57
8.3.	Making arrangements to safeguard and promote children's welfare in the Probation Service	58
8.7.	Senior management commitment	58
8.8.	Statement of responsibility	58

8.9. A clear line of accountability with the organisation for work on safeguarding and promoting the welfare of children 59
8.11. Training 59
8.13. Safer recruitment, vetting and complaints procedures 59
8.15. Effective inter-agency working to safeguard and promote the welfare of children 60
8.19. Work with individual children 60
8.21. Information sharing 61

9. Youth Offending Teams 62
9.1. The role and functions of Youth Offending Teams 62
9.6. The Contribution of Yots to safeguarding and promoting the welfare of children 63
9.14. Senior management commitment and identifying clear lines of accountability 64
9.18. Statement explaining responsibilities for safeguarding and promoting welfare 64
9.19. Staff training on safeguarding and promoting the welfare of children 65
9.20. Safer recruitment and vetting procedures 65
9.21. Effective inter-agency working to safeguard and promote the welfare of children 65
9.24. Sharing information and using common processes 65

10. Prisons 66
10.1. The role of prisons in relation to safeguarding and promoting the welfare of children 66
10.6. Making arrangements to safeguard and promote welfare in the Juvenile Estate 67
10.8. Senior management commitment and accountability 67
10.9. Clear statements of responsibility 68
10.10. Training 68
10.11. Safer recruitment 68
10.12. Effective inter-agency working 68
10.13. Work with individual children 68
10.16. Making arrangements to safeguard and promote welfare in all prisons 69

11. Secure Training Centres 71
11.1. Making arrangements to safeguard and promote welfare in Secure Training Centres 71
11.3. Senior management commitment 71
11.4. Statements of responsibilities 71
11.7. Safer recruitment 71
11.8. Staff training 72
11.9. Effective inter-agency working 72
11.10. Work with individual children 72
11.11. Information sharing 72

Appendix A 73

Appendix B 75

References 84

Executive Summary

Statutory guidance on making arrangements under section 11 of the Children Act 2004

"The support and protection of children cannot be achieved by a single agency… Every Service has to play its part. All staff must have placed upon them the clear expectation that their primary responsibility is to the child and his or her family."

Lord Laming in the Victoria Climbié Inquiry Report, paragraphs 17.92 and 17.93.

Improving the way key people and bodies safeguard and promote the welfare of children is crucial to improving outcomes for children. In his report into the death of Victoria Climbié, Lord Laming concluded that "the suffering and death of Victoria was a gross failure of the system". Section 11 of the Children Act 2004, therefore, places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children.

This guidance sets out these key arrangements for safeguarding and promoting the welfare of children. It applies to all those key local people and bodies named under section 11(1) of the Children Act 2004. Part 1 of the guidance sets out the arrangements that are likely to be common to all or most of the agencies to which the duty applies. There will, however, be differences in how they are applied depending on the functions of each agency. Part 2 deals with implementation in each particular agency to which the section 11 duty applies.

The guidance is for the Chief Executives and senior managers in all the bodies named in section 11 of the Children Act 2004. **The commencement date for section 11 of the Children Act 2004 was 1 October 2005. On receipt of this document, updated since it was first issued in 2005, Chief Executives and senior managers are asked to ensure that their responsibilities are being carried out in the manner required by Section 11 of the Children Act 2004.**

There are some key features of effective arrangements to safeguard and promote the welfare of children which all agencies will need to take account of, in accordance with the relevant section in Part 2 of the guidance, when undertaking their particular functions. These arrangements will help agencies to create and maintain an organisational culture and ethos that reflects the

importance of safeguarding and promoting the welfare of children. At an organisational or strategic level, these key features are having:

- senior management commitment to the importance of safeguarding and promoting children's welfare;
- a clear statement of the agency's responsibilities towards children available for all staff;
- a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children;
- service development that takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families;
- staff training on safeguarding and promoting the welfare of children for all staff working with or (depending on the agency's primary functions) in contact with children and families;
- safe recruitment procedures in place;
- effective inter-agency working to safeguard and promote the welfare of children; and
- effective information sharing.

Working Together to Safeguard Children (2006) has been issued to local authorities[1], including district councils, and the key partners that are required to participate in Local Safeguarding Children Boards (LSCBs). This guidance explains how the Board Partners should come together as LSCBs to coordinate and ensure the effectiveness of partners both individually and together for the purposes of safeguarding and promoting the welfare of children, including arrangements made under the section 11 duty. All Local Authority areas were required to have a LSCB in place by 1 April 2006

In addition this guidance should be considered alongside the *Safeguarding Children and Safer Recruitment in Education* guidance (Department for Education and Skills, 2006), issued to support educational organisations in meeting their responsibilities under sections 175 and 157 of the Education Act 2002.

Other Related Guidance

This document is one of a suite of five that give guidance on children's trust governance and strategic planning, and on the cross cutting issue of safeguarding and promoting the welfare of children. All documents referred to are accessible through http://www.everychildmatters.gov.uk.

The five documents support provisions in the Children Act 2004 which underpin *Every Child Matters: Change for Children*. These include the creation of duties on local agencies in relation to improving the 'wellbeing' of children and young people and safeguarding and promoting their welfare.

1 'Local authority' has the same meaning in this guidance as the term 'Children's Services Authority', which was introduced by the Children Act 2004. 'Local authority' is used to describe: a county council in England; a metropolitan district council; a non-metropolitan district council for an area where there is no county council; a London borough council; the Common Council of the City of London and the Council of the Isles of Scilly. Where the term 'local authority' includes district councils in a two tier area, this is made clear in the text. Local Authority/Local Authorities are referred to as LA and LAs throughout this guidance.

(1) *Inter-Agency Co-operation to Improve Wellbeing of Children: Children's Trusts* describes the duties placed on local authorities and other key partners to co-operate to improve the wellbeing of children and young people. The guidance sets out the features of co-operation through children's trusts and provides a strategic framework within which all children's services in an area will operate.

"Wellbeing" is based on five outcomes; their achievement of these is, in part, dependent upon the effective safeguarding and promotion of children's welfare. Statutory guidance on the (2) *Duty to Make arrangements to Safeguard and Promote the Welfare of Children* (which follows here) sets out the key arrangements agencies should make to safeguard and promote the welfare of children in the course of discharging their normal functions.

Where an agency has both co-operation and safeguarding and promoting welfare duties, this is because it is both a strategic body with a significant impact on children's services within the local authority area, and also an agency with direct responsibility for the provision of services to children and young people. Certain agencies are included within only one of these duties.

Guidance on the (3) *Children and Young People's Plan* supports the fulfilment of both the co-operation and safeguarding and promoting welfare duties. The regulations to which this guidance refers require local authorities to work with partners to produce a strategic plan describing the actions and provisions by which they will achieve the five outcomes for children and young people. The removal of 19 other planning requirements will help to reduce the overall planning burden.

Guidance on the Children and Young People's Plan (2005) and *Annual Review of the Children and Young People's Plan* (supplementary guidance 2007) cover the statutory requirement to undertake an annual review and new regulations[2] that require local authorities to include a statement of how they intend to improve the five outcomes with reference to integrated services, safeguarding (arrangements made under section 11(2) of the Children Act 2004), early intervention and prevention.

Guidance on the governance, leadership and structures required within the new strategic framework is provided by (4) *The Role and Responsibilities of the Director of Children's Services and the Lead Member for Children* and (5) chapter three on Local Safeguarding Children's Boards within *Working Together to Safeguard Children: a guide to interagency working to safeguard and promote the welfare of children (2006)*

These five core documents should be used alongside other key policy and planning documents relating to Every Child Matters. These include:

The National Service Framework for Children, Young People and Maternity Services which sets out a ten-year programme to stimulate long-term and sustained improvement in children's health and wellbeing. This guidance will help health and social care organisations to meet Standard Five on safeguarding and promoting the welfare of children and young people;

2 Statutory Instrument 2007/0057.

Every Child Matters: Change for Children – Young People and Drugs gives guidance on co-operation and joint planning to counter drug misuse;

Duty on Local Authorities to Promote the Educational Achievement of Looked After Children sets out the implications of the new duty in the Children Act 2004 for local authorities' strategic planning, joint area reviews and day-to-day working practices;

The Framework for the Inspection of Children's Services sets out the principles to be applied by an inspectorate or commission assessing any children's service, and defines the key judgements which, where appropriate and practical, inspections will seek to make. It is available from http://www.ofsted.gov.uk.

A number of other documents focus directly on integrated front line delivery and the processes that support it. These include:

The Common Assessment Framework (published in April 2006) which provides guidance for managers on operating the Common Assessment Framework and guidance for practitioners on undertaking common assessments

Cross-government guidance on information, *Information Sharing: Practitioners' Guide* (published in April 2006) which aims to help practitioners understand how and when they can share information lawfully.

The Children's Workforce Strategy and the *Common Core of Skills and Knowledge*. Both documents should inform strategic planning for developing the children's workforce locally;

Lead Professional Guides for Managers and Practitioners (published in April 2006) sets out key responsibilities, skills and knowledge required by practitioners to carry out the lead professional role, and draws on good practice to provide emerging models, working solutions and suggestions on how the role might be developed, implemented and managed;

On-line Multi-agency Working Toolkit (published in April 2006) includes practical advice, case studies and resources to help managers and practitioners set up effective integrated services and teams.

Taken as a whole the strategic and operational guidance listed here is intended to support change **at all** levels within an area and thereby help drive improvement for all children and young people.

Preface

Safeguarding Children is everyone's responsibility

Safeguarding children is everyone's responsibility. This guidance deals with the duty to have regard to the need to safeguard and promote the welfare of children in the Children Act 2004. It plays an important role in embedding this responsibility in the work of key agencies which have contact with children and young people.

The duty to make arrangements to safeguard and promote welfare is part of the comprehensive programme of Change for Children which began with the publication of the *Every Child Matters* Green Paper in September 2003. At the very heart of this programme is the recognition that protecting children from harm cannot be separated from policies to improve children's lives as a whole.

Who should read it

The guidance is for the Chief Executives and senior managers in all the bodies named in section 11 of the Children Act 2004. It enables them to carry out their responsibilities under section 11 of the Children Act 2004.

Improving Outcomes for Children and Young People

Achieving the shared vision of improving outcomes for children will require change throughout the system – a new relationship between Government and its partners, and between those partners, children, young people and their families and communities. The aim is to move to a position, both locally and nationally, where:

- the wellbeing of children and young people is at the heart of the Government's policy for children and their families as set out in *Every Child Matters: Change for Children* (2004) and all key people and bodies are working towards shared outcomes;
- clear overall accountability exists for services;
- key local services are integrated, where appropriate, around the needs of children and young people, and children and young people are actively involved in developing and evaluating the services which are provided for them;

- key people and bodies work well individually and together through universal, targeted and specialist services to safeguard and promote the welfare of children; and
- children, young people and their families receive effective support earlier at the first sign of difficulties as part of the shift to strengthen preventative intervention.

Introduction

"The support and protection of children cannot be achieved by a single agency…. Every Service has to play its part. All staff must have placed upon them the clear expectation that their primary responsibility is to the child and his or her family."

Lord Laming in the Victoria Climbié Inquiry Report, Paragraphs 17.92 and 17.93.

1.1. Improving the way key people and bodies safeguard and promote the welfare of children is crucial to improving outcomes for children. In his report into the death of Victoria Climbié, Lord Laming concluded that "the suffering and death of Victoria was a gross failure of the system".

1.2. One of the key reasons why the system failed Victoria so badly, and why it has failed other children over the years, is because key people and bodies which come into contact with children on a regular basis often fail to give sufficient priority to safeguarding and promoting the welfare of children. This means that:

- the system does not always focus on the child's needs. For example in Victoria Climbié's case, the focus was on the needs of the adults responsible for her, rather than the child herself;
- senior managers, including Chief Executives and others in key governance roles, have insufficient knowledge of safeguarding and welfare issues and fail to take sufficient responsibility for the actions of their staff in relation to safeguarding and promoting the welfare of children;
- it is difficult for key people and bodies to share information and work together effectively to safeguard and promote the welfare of children;
- many staff are not adequately trained in safeguarding and promoting the welfare of children. This is a particular problem for staff who often come into contact with children and families but are not considered to be "child protection specialists".

1.3. Section 11 of the Children Act 2004 therefore places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children.

The Role and Status of this Guidance

1.4. This guidance sets out the key arrangements for safeguarding and promoting the welfare of children. It applies to all those key local people and bodies named under section 11(1) of the Children Act 2004[3]. Part 1 sets out the arrangements that are likely to be common to all or most of the agencies to which the duty applies. There will, however, be differences in how they are applied depending on the functions of each agency. Part 2 deals with implementation in each particular agency to which the section 11 duty applies.

1.5. This guidance is issued under section 11(4) of the Children Act 2004 which requires each person or body to which the section 11 duty applies to have regard to any guidance given to them for the purpose by the Secretary of State. **This means they must take this guidance into account and, if they decide to depart from it, have clear reasons for doing so.**

1.6. Where private or voluntary organisations are commissioned to provide services on behalf of one of the persons or bodies listed at paragraphs (a) to (m) of section 11(1), the agreement under which the arrangements are made should require that the private or voluntary organisation concerned takes this guidance into account in the provision of the services[4] and, if they decide to depart from it, have clear reasons for doing so.

1.7. Where private or voluntary organisations come into contact with or offer services to children otherwise than under contract with a person or body listed under section 11(1) they should as a matter of good practice take account of this guidance and follow it as far as possible, but they are not required to have regard to this guidance.

1.8. In *Every Child Matters: Change for Children* (2004) the Government set out the resources provided to support the Change for Children programme. Additional funding combined with more effective use of existing resources means these proposals place no new burdens on those key local people and bodies named under section 11(1) of the Children Act 2004. The Government is committed to working with Local Authorities, their representative organisations, and their partners as policies are developed further to ensure that they do not place new, unfunded burdens on their resources.

1.9. *Working Together to Safeguard* Children (2006) was issued to local authorities, including district councils, and key partners that are required to participate in Local Safeguarding Children Boards (LSCBs). The guidance explains how the Board Partners should come together as LSCBs to coordinate and ensure the effectiveness of partners both individually and together for the purposes

3 Section 11 of the Children Act 2004 applies to each of the following: a children's services authority in England; a district council which is not such an authority; a Strategic Health Authority; a Special Health Authority, so far as exercising functions in relation to England, designated by order made by the Secretary of State for the purposes of that section; a Primary Care Trust; an NHS trust all or most of whose hospitals, establishments and facilities are situated in England; an NHS foundation trust; the police authority and chief officer of police for a police area in England; the British Transport Police Authority, so far as exercising functions in relation to England; a local probation board for an area in England; a youth offending team for an area in England; the governor of a prison or secure training centre in England (or, in the case of a contracted out prison or secure training centre, its director); any person to the extent that he is providing services under section 114 of the Learning and Skills Act 2000(c.21).

4 For further information see *Working with Voluntary and Community Organisations to Deliver Change for Children and Young People*. www.everychildmatters.gov.uk/strategy/voluntaryandcommunity/

of safeguarding and promoting the welfare of children, including arrangements made under the section 11 duty. All Local Authority areas were required to have a LSCB in place by 1 April 2006.

Timetable

1.10. **The commencement date for section 11 of the Children Act 2004 was 1 October 2005.**

Part One – General Arrangements to Safeguard and Promote Welfare

Understanding the Duty to Make Arrangements to Safeguard and Promote Welfare

2.1. Section 11 of the Children Act 2004 places a duty on key people and bodies to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children[5]. The application of this duty will vary according to the nature of each agency and its functions.

2.2. The key people and bodies that are covered by the duty are:

- local authorities, including district councils[6];
- the police;
- the probation service;
- NHS bodies(Strategic Health Authorities, Designated Special Health Authorities, Primary Care Trusts, NHS trusts and NHS Foundation Trusts);
- Organisations (currently the Connexions Service) providing services under section 114 of the Learning and Skills Act 2000[7];
- Youth offending teams;
- Governors/ Directors of Prisons and Young Offender Institutions;
- Directors of Secure Training Centres;
- The British Transport Police.

5 Children are persons under the age of 18 (Section 65(1), Children Act 2004)

6 In District Councils, Housing Departments, homelessness units, environmental health, leisure services and licensing controls can play a key role in reducing risk of harm and improving outcomes for children.

7 Connexions is currently delivered by a range of organisations including Local Authorities (LAs). Where LAs have responsibility for the delivery of the Connexions service, the duty to make arrangements to ensure they have regard to the need to safeguard and promote the welfare of children applies.

2.3. The section 11 duty means that these key people and bodies must make arrangements to ensure two things. Firstly, that their functions are discharged having regard to the need to safeguard and promote the welfare of children, and secondly, that the services they contract out to others are provided having regard to that need.

2.4. The duty does not give agencies any new functions, nor does it over-ride their existing functions. It, however, requires them to carry out their existing functions in a way that takes into account the need to safeguard and promote the welfare of children.

2.5. The section 11 duty complements the duty placed by section 175 of the Education Act 2002 on Local Education Authorities and the governing bodies of both schools and further education institutions to make arrangements to carry out their functions with a view to safeguarding and promoting the welfare of children. Local Authorities should, therefore, follow this guidance in conjunction with the guidance *Safeguarding Children and Safer Recruitment in Education* (Department for Education and Skills, 2006). Proprietors of independent schools also have a duty to safeguard and promote the welfare of pupils at school under section 157 of the Education Act 2002 and the Education (Independent Schools Standards) England Regulations 2003. The *Safeguarding Children and Safer Recruitment in Education* guidance issued by the Secretary of State in November 2006 is summarised in Appendix A.

2.6. The *National Service Framework for Children, Young People and Maternity Services* (2003;2004) supports the section 11 duty to safeguard and promote the welfare of children. It sets out 11 standards to be met by health, social and educational services by 2014. Standard 5 requires services to promote and safeguard the welfare of children and to ensure all staff are suitably trained and aware of action to take if they have concerns about a child's welfare.

2.7. The term "safeguarding and promoting the welfare of children" is well understood within the context of the Children Act 1989 which provides the statutory framework for safeguarding and promoting the welfare of children in need. In this guidance, welfare is defined, as in the Children Act 1989, in terms of children's health and development, where health means 'physical or mental health' and development means 'physical, intellectual, emotional, social or behavioural development' .

2.8. **Safeguarding and promoting the welfare of children** is defined in both this guidance and *Working Together to Safeguard Children* as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

2.9. Protecting children from maltreatment is important in preventing the impairment of health or development. Both are necessary but are not on their own sufficient to ensure that children are growing up in circumstances consistent with the provision of safe and effective care. These aspects of safeguarding and promoting welfare are cumulative and all contribute to the five outcomes for improving the wellbeing of children set out in section 10(2) of the Children Act 2004, namely:

- Physical and mental health and emotional well-being;
- Protection from harm and neglect ;
- Education, training and recreation;
- Making a positive contribution to society; and
- Social and economic well-being.

2.10. The Children Act 2004 builds on and strengthens the framework set out in the Children Act 1989 in a number of ways. There are a number of provisions in the 2004 Act apart from section 11 which relate directly or indirectly to agencies' responsibilities to safeguard and promote the welfare of children. These are set out in paragraphs 1.1 - 1.4 in Appendix B. They provide a basis for achieving the vision of safeguarding set out in the Joint Chief Inspectors' report *Safeguarding Children* (2002), i.e.:

- all agencies working with children, young people and their families take all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and
- where there are concerns about children and young people's welfare, all agencies take all appropriate actions to address those concerns, working to agreed local policies and procedures in partnership with other agencies.

Framework for making Effective Arrangements to Safeguard and Promote Children's Welfare

2.11. Each agency will have different contributions to make towards safeguarding and promoting the welfare of children depending on the functions for which they have responsibility. For example, the main contribution of some services might be to identify and act on their concerns about the welfare of children with whom they come into contact, perhaps during or following completion of a common assessment while others might be more involved in supporting a child once concerns have been identified. However, there are some key features of effective arrangements to safeguard and promote the welfare of children which all agencies will need to take account of, in accordance with the relevant section in Part 2 of the guidance, when undertaking their particular functions. These arrangements will help agencies to create and maintain an organisational culture and ethos that reflects the importance of safeguarding and promoting the welfare of children.

2.12. Many organisations subject to the section 11 duty are also required to take part in Local Safeguarding Children Boards. They have shared responsibilities for the effective discharge of the LSCB's functions. Other organisations can be involved in LSCBs by agreement. LSCBs are the key statutory mechanism for agreeing how the relevant organisations in each local area co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do.

The LA convenes and is also a member of the LSCB. Board partners set out in section 13(3) of the Children Act (2004):

- district councils in local government areas that have them;
- the chief police officer for a police area of which any part falls within the area of the LA;
- the local probation board for an area of which any part falls within the area of the LA;
- the Youth Offending Team for an area of which any part falls within the area of the LA;
- Strategic Health Authorities and Primary Care Trusts for an area of which any part falls within the area of the LA;
- NHS Trusts and NHS Foundation Trusts, all or most of whose hospitals or establishments and facilities are situated in the LA area;
- the Connexions service operating in any part of the area of the LA;
- CAFCASS (Children and Family Courts Advisory and Support Service);
- the Governor or Director of any Secure Training Centre in the area of the LA; and
- the Governor or Director of any prison in the LA area that ordinarily detains children.

Strategic and organisational arrangements

2.13. At an organisational or strategic level, key features are:

a. Senior management commitment to the importance of safeguarding and promoting children's welfare

Senior managers will need to demonstrate leadership, be informed about, and take responsibility for the actions of their staff who are providing services to children and their families. This could mean identifying a named person at senior management level or equivalent to champion the importance of safeguarding and promoting the welfare of children throughout the organisation. Senior managers will also be responsible for monitoring the actions of their staff to safeguard and promote the welfare of children. This includes ensuring that children and young people are listened to appropriately and concerns expressed about their or any other child's welfare are taken seriously and responded to in an appropriate manner.

b. A clear statement of the agency's responsibilities towards children is available for all staff

This should include any children in the care of the agency, any with whom they work directly and those with whom they come into contact. It could form part of an agency's existing policy and/or procedures. All staff should be made aware of their agency's policies and procedures on safeguarding and promoting the welfare of children and the importance of listening to children and young people, particularly when they are expressing concerns about either their own or other children's welfare. Effective systems should be in place for children, staff and other people to make a complaint where there are concerns that action to safeguard and promote a child's welfare has not been taken in accordance with the agency's procedures.

c. A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children

It should be clear who has overall responsibility for the agency's contribution to safeguarding and promoting the welfare of children and what the lines of accountability are from each staff member up through the organisation to the person with ultimate accountability for children's welfare. It should also be clear with whom each staff member should discuss, and to whom they should report, any concerns about a child's welfare. Responsibilities for safeguarding and promoting the welfare of children can operate at three levels:

i. Individual, which can be encompassed within job descriptions;

ii. Professional, which is governed by codes of conduct for different disciplines; and

iii. Organisational, with clear lines of accountability throughout the organisation to senior office level.

d. Service development takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families

In developing local services, those responsible should consider how the delivery of these services will take account of the need to safeguard and promote the welfare of children. In developing the Children and Young People's Plan, the local authority and partners will carry out an assessment of the needs of children and young people in the local area and determine priorities and actions designed to improve outcomes for them. These activities will include a focus on preventing children and young people from suffering harm. Children and families should be involved in this planning process, for example, by participating in discussions about where to locate a service so that it is accessible (depending on the primary functions of the agency) or how to develop it such that children's welfare is safeguarded and promoted. This could be through one-off consultations on specific projects, consulting ongoing user groups or drawing on feedback on existing services.

e. Staff training on safeguarding and promoting the welfare of children for all staff working with or, depending on the agency's primary functions, in contact with children and families

Staff should have an understanding of both their role and responsibilities, and those of other professionals and organisations. This is essential for effective multi- and inter-agency

collaboration. Agencies are encouraged, where appropriate, to enable their staff to participate in training provided on an inter-agency basis as well as in single agency training provided by the agency itself. Safeguarding and promoting the welfare of children is one of the six areas of the *Common Core of Skills and Knowledge for the Children's Workforce* (2005) prospectus. This prospectus informs the training provided to all those working in children's services. Training on safeguarding and promoting the welfare of children should be proportional and relevant to the roles and responsibilities of each staff member.

f. Safer recruitment

Robust recruitment and vetting procedures should be put in place to help prevent unsuitable people from working with children. This means thorough checks are carried out on all people as part of the recruitment process, and references are always taken up. People who recruit staff to work with children must have the appropriate training. Where a criminal record review is mandatory on employment, these must be undertaken routinely. Where appropriate a Disclosure is obtained from the Criminal Records Bureau and any necessary checks of the Protection of Children Act (POCA) List and the Department for Education and Skills' List 99 are made. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede the POCA List and List 99. Further guidance will follow on roles and responsibilities under the new scheme.

g. Effective inter-agency working to safeguard and promote the welfare of children

This involves agencies and staff working together to safeguard and promote the welfare of children. Inter-agency working is crucial to ensuring the effectiveness of such working. The sharing of information and constructive relationships between individual members of staff and teams should be supported by a strong lead from the Lead Member for Children's Services, and the Director of Children's Services and the commitment of all Chief Officers. This effective working should be at a strategic and an individual child level, in accordance with guidance from their Local Safeguarding Children Board (LSCB), regarding safeguarding children, or for the Prison Service, in accordance with the policy agreed with the LSCB local to each prison. The LSCB guidance should be consistent with the current statutory guidance *The Framework for the Assessment of Children in Need and their Families (2000) and Working Together to Safeguard Children* (2006).

The Government's practice guidance, *What To Do If You're Worried A Child Is Being Abused* (HM Government 2006), is for use by practitioners and their managers in all agencies to inform them about what to do when they have concerns that a child may be a child in need, including concerns about a child whom it is believed is, or may be at risk of, suffering significant harm. In addition, the Common Assessment Framework (2006) is available for use at an early stage in the process to identify children who would benefit from additional services and to decide which professionals/agencies would be best placed to provide these services.

h. Information sharing

Effective information sharing by professionals is central to safeguarding and promoting the welfare of children. This sharing of information makes an important contribution to the shift to addressing children's needs at an early stage rather than when serious problems have developed. This applies both to the 30% or so of children who require targeted or specialist services to ensure they achieve their optimal developmental outcomes, and to the much smaller numbers of children in need, including those who have suffered harm or are likely to suffer harm.

Effective arrangements for safeguarding and promoting the welfare of children should include having in place agreed systems, standards and protocols for sharing information about a child and their family within each agency and between agencies. These protocols should be in accordance with Government guidance. All those whose work brings them into contact with children should understand the purpose of sharing information in order to safeguard and promote children's welfare. It is often only when one or more agencies share information with each other that a full understanding develops of the child and their family circumstances. They need to be confident about what they can and should do under the law, including how to obtain consent to share information, and when information may be shared even though consent has not been obtained, or when to seek consent would place the child at increased risk of significant harm. However, it is important to be mindful that information sharing protocols (strategic level) and information sharing agreements (managerial and operational level) are about business processes, legalities and being able to trust and understand what each agency is doing and bringing to the integrated working process. They are about agreeing and establishing processes, and documenting roles and responsibilities. They are not about practitioners sharing information about individual children who may have unmet needs and require services to address those needs.

The decision to share or not to share information about a child should always be based on professional judgement, supported by the cross-Government *Information Sharing: Practitioners' Guide* (published in April 2006) and informed by training. The lack of an information sharing agreement between agencies should never be a reason for not sharing information that could help a practitioner deliver services to a child. Full guidance on these issues is provided in *Information Sharing: Practitioners' Guide* (HM Government, 2006).

In order to safeguard and promote children's welfare, arrangements should ensure that:

a. all staff in contact with children understand what to do and the most effective ways of sharing information if they believe that a child and family may require particular services in order to achieve their optimal outcomes;

b. all staff in contact with children understand what to do and when to share information if they believe that a child may be a child in need, including those children suffering or at risk of suffering harm;

c. appropriate agency-specific guidance is produced to complement guidance issued by central Government[8], and such guidance and appropriate training is made available to existing and new staff as part of their induction and ongoing training;

d. guidance and training specifically covers the sharing of information between professions, organisations and agencies, as well as within them, and arrangements for training take into account the value of multi-agency training as well as single agency training;

e. managers in children's services are fully conversant with the legal framework and good practice guidance issued for practitioners working with children.

i. ContactPoint

ContactPoint is a key part of the Every Child Matters programme to improve outcomes for children and will support practitioners, local authorities and other organisations in fulfilling their duties to safeguard and promote the welfare of children.

ContactPoint is currently under development and will be introduced in all areas of England by the end of 2008. ContactPoint will be the quick way to find out who else is working with the same child or young person and allow services to contact one another more efficiently. This basic online directory will be available to authorised staff who need it do their jobs.

ContactPoint will only contain the following basic information:

- Name, address, gender and date of birth of all children in England up to the age of 18; and
- name and contact details for:
  - parents or carers;
  - educational setting (e.g. school);
  - primary medical practitioner (e.g. GP practice);
  - other services; and
  - lead professional (if appointed).

ContactPoint will not contain any detailed information (such as case notes, assessments, clinical data or exam results).

The legal framework for the operation of ContactPoint will be provided by regulations, made under section 12 of the Children Act 2004. Further operational details will be set out in Statutory Guidance to be published in late 2007.

8 The Government has published statutory and other guidance under s.12 of the Children Act 2004 to support the establishment and operation of information sharing arrangements. See web http://www.everychildmatters.gov.uk/deliveringservices/informationsharing/

Work with individual children and their families

2.14. The ways in which agencies work with or have contact with individual children and their families will differ depending on the functions of each agency. Some will focus on direct work with children and young people, whereas others will work with children and their families, and still others will work with adults with parenting responsibilities for children.

Examples of what this means in practice

Case A: A dermatologist was uneasy because she considered the child's skin looked poorly cared for. The child was black and 'mother' was white and did not talk to the child as she pulled off her clothes, nor did she know much about the child's early history. In conversation with the child and the 'mother' the dermatologist learnt that the child was living with the woman in some sort of private arrangement. Mindful of her safeguarding responsibilities, but being unsure about what she should do, she discussed her worries with the named doctor for safeguarding. The named doctor consulted with children's social care, who after making enquiries, confirmed that this was a private foster placement about which they had no knowledge. In the past, however, there had been a referral about one of the family's own children. When the birth family was traced it was discovered that both parents were students. The child returned to their care, and, with the support of a community organisation, appropriate day care was arranged for the child.

Case B: The police were called by a neighbour because they could hear screaming and thumping next door. They arrived and had to deal with a domestic violence situation, where the wife did not want to press charges. The police noticed children's toys in the hallway and asked if the children were present. They then obtained the mother's permission to go upstairs and see the children to ensure they were safe and also to look around the house. The police found two children aged 3 and 4 cowering upstairs. The police also noticed that the children's bedrooms were very sparsely furnished and their beds had inadequate covering. On further investigation in the kitchen they also found there was very little food in the cupboards and fridge. They discussed their concerns about the children with the parents and contacted children's social care requesting an immediate response to address the children's needs and safety.

Case C: A local authority environmental health professional had been called to investigate damp in a flat. In the course of his work, he noticed that the flat was occupied by a young child and, knowing the potential effects of damp on young children, he arranged for it to be dealt with promptly. Looking around, he also repaired a catch on a low window, to prevent the child falling out. Discovering that the child's grandmother had difficulty getting around, and was worried about finding an honest contractor to paint the flat, he made a note to pass on her details to the local home improvement agency, which would be able to help her arrange and cope with work. The agency could also check whether the grandmother was eligible for help with heating and insulation to reduce the risk of damp, and whether anything could be done to make it easier for her to get around inside the flat and, therefore, be able to attend to the child's needs.

2.15. In order to safeguard and promote the welfare of individual children, the following should be taken into account, in accordance with the relevant section of Part 2, when each agency is carrying out its normal functions. The key features of an effective system are:

- children and young people are listened to and what they have to say is taken seriously and acted on in an appropriate manner;
- interventions take place at an early point when difficulties or problems are identified, perhaps as a result of undertaking a common assessment;
- where possible/practicable, the wishes and feelings of the particular child are obtained and taken into account when deciding on action to be undertaken in relation to him or her. The child is communicated with using their preferred communication method or language;
- racial heritage, language, religion, faith, gender and disability are taken into account when working with a child and their family;
- practitioners are clear when and how it is appropriate to make a referral to LA children's social care teams in respect of a child in need. The Common Assessment Framework provides a basis for identifying needs early and sharing information between organisations in order to agree co-ordinated, multi-agency support;
- where there are concerns about a child's welfare, assessments of children and families led by children's social care are consistent with the *Framework for the Assessment of Children in Need and their Families* (2000) and professionals contribute to subsequent plans, interventions and reviews in accordance with requirements in relevant regulations and guidance;
- following assessment, relevant services are provided to respond to the identified needs of children and to support parents/carers in effectively undertaking their parenting roles. This may require referral to a colleague within the agency or to another agency to obtain the services. Where a particular service is not available or there is a delay in it being available, alternative services should be provided where possible to ensure the child's welfare is safeguarded;
- in cases where children, young people and their families have multiple needs which require integrated support from a number of professionals in order to achieve better outcomes, it may be appropriate for one practitioner among those involved to take on a lead role in co-ordinating the support. This role is known as *lead professional*.[9] The functions of a lead professional are to:
  - act as a single point of contact that children, young people and families can trust, and who is able to support them in making choices and in navigating their way through the system;
  - co-ordinate the delivery of the actions according to an agreed plan agreed by the practitioners involved to ensure that the service is effective and regularly reviewed;

9 Good practice guidance on the lead professional role is available on www.everychildmatters.gov.uk.

  - reduce overlap and inconsistency from other practitioners.

- work with each child and family focuses on improving outcomes for each child;
- there is effective supervision and monitoring of work with individual children and their families;
- good records are kept and information is appropriately shared on all work with individual children and their families in accordance with agency requirements;
- IT systems for recording information support effective work with children and their families, and have the capacity to aggregate information for strategic planning and management purposes.

2.16. The nature of the involvement with children and their families of each agency named in section 11(1) will differ depending on their functions. In relation to safeguarding and promoting children's welfare, work with children and families should be underpinned by an understanding of how children develop successfully into adulthood. This understanding should take account of the wide range of influences on the child, the child's family and within their community that affect both positively and negatively a child's development and whether he or she will achieve the best possible outcomes.

2.17. For children living away from their families, adults other than their parents will have a responsibility for their welfare. These children will be living away from home for example, with foster parents or in an institution, including in custody. When working with children and their families, consideration will have to be given to all these contexts when safeguarding and promoting welfare.

2.18. The following principles underpin work with children and their families to safeguard and promote the welfare of children. They will be relevant to varying degrees depending on the functions and level of involvement of the agency and the individual practitioner concerned.

Work with children and families should be:

- child centred;
- rooted in child development;
- supporting the achievement of the best possible outcomes for children and improving their wellbeing;
- holistic in approach;
- ensuring equality of opportunity;
- involving of children and families;
- building on strengths as well as identifying and addressing difficulties;
- multi and inter-agency in its approach;
- a continuing process not an event;
- designed to identify and provide the services required, and monitor the impact their provision has on a child's developmental progress;
- informed by evidence.

These mean the following:

- **Child centred**

  Some of the worst failures of the system have occurred when professionals have lost sight of the child and concentrated instead on their relationship with the adults. The child should be seen by the practitioner and kept in focus throughout work with the child and family. The child's voice should be heard and account taken of their wishes and feelings.

- **Rooted in child development**

  Those working with the children should be informed by a developmental perspective which recognises that, as children grow, they continue to develop their skills and abilities. Each stage from infancy, through middle years to adolescence lays the foundation for more complex development. Plans and interventions to safeguard and promote the child's welfare should be based on a clear assessment of the child's developmental progress and the difficulties a child may be experiencing. Planned action should also be timely and appropriate for the child's age and stage of development.

- **Focused on Outcomes for Children**

  When working directly with a child, any plan developed for the child and their family or caregiver should be based on an assessment of the child's developmental needs and the parents/caregivers' capacity to respond to these needs within their community contexts. This plan should set out the planned outcomes for each child and at review the actual outcomes should be recorded for each child, recognising each is unique. These outcomes should contribute to the key outcomes set out for all children in the Children Act 2004 (see paragraph 2.10). The purpose of all interventions should be to achieve the best possible outcomes.

Case D

Karen, aged 3 years, was underweight and extensive medical investigations revealed that unrecognized developmental problems underlay her failure to gain weight adequately. A developmental assessment identified that she also had delayed language development. Further assessment demonstrated that Karen needed a lot of help with her feeding, but with assistance she could take in and absorb an adequate amount of food and gain weight. Her mother, who was her main carer, spent time helping Karen but also had to attend to the demands of her six month old baby making it difficult to give Karen the extra attention she required.

Following discussion with the parents and maternal grandmother in which the consultant paediatrician explained the serious consequences for Karen if she was not able to eat sufficiently, the following multi-agency plan was agreed with the family. Its overall objective was that Karen attained and maintained satisfactory progress in her weight gain and that she caught up in her language development. It was agreed to try to enable Karen to gain a specific amount of weight during the next 3 months (i.e. by the time of the next review) and that she would be taken to speech and language therapy sessions. In order to achieve this, the maternal grandmother, who lived nearby, would come in at lunch times and the father would be home at dinner time in order to look after the baby and free the mother to assist Karen with her feeding. The mother agreed to weekly visits from the Health Visitor (who agreed to be the lead professional) at a lunch time to advise her on helping her daughter to eat and the parents planned how they would be able to take Karen to the speech and language therapist for additional help. Successful implementation of this plan resulted in Karen achieving the planned outcomes i.e. gaining weight satisfactorily and achieving her milestones for language development.

- **Holistic in approach**

  Having an holistic approach means having an understanding of a child within the context of the child's family (parents or caregivers and the wider family) and of the educational setting, community and culture in which he or she is growing up. The interaction between the developmental needs of children, the capacities of parents or caregivers to respond appropriately to those needs and the impact of wider family and environmental factors on children and on parenting capacity requires careful exploration during an assessment.

For example, when assessing a six year old boy's emotional development and educational achievement, it will be crucial to gain an understanding of the impact that his mother's mental illness may be having on his development, as well as the impact of his maternal grandmother caring for him after school and during the holidays. It may be that because the maternal grandmother undertakes much of the parenting for this boy it is enabling him to achieve his best possible outcomes.

  The ultimate aim is to understand the child's developmental needs within the context of the family and to provide appropriate services which respond to those needs. The analysis of the child's situation will inform planning and action in order to secure the best outcomes for the child, and will inform the subsequent review of the effectiveness of actions taken and services provided. The child's context will be even more complex when they are living away from home and looked after by adults who do not have parental responsibility for them.

- **Ensuring equality of opportunity**

  Equality of opportunity means that all children have the opportunity to achieve the best possible development, regardless of their gender, ability, ethnicity, circumstances or age. Some vulnerable children may have been particularly disadvantaged in their access to important opportunities, and their health and educational needs will require particular attention in order to optimise their current welfare as well as their long-term outcomes in young adulthood.

- **Involving of children and families**

  In the process of finding out what is happening to a child it is important to listen and develop an understanding of his or her wishes and feelings. The importance of developing a co-operative working relationship is emphasised, so that parents or caregivers feel respected and informed, they believe agency staff are being open and honest with them, and in turn they are confident about providing vital information about their child, themselves and their circumstances. The consent of children, young people and their parents or caregivers should be obtained when sharing information unless to do so would place the child at risk of significant harm. Decisions should also be made with their agreement, whenever possible, unless to do so would place the child at risk of significant harm.

- **Building on strengths as well as identifying difficulties**

  Identifying both strengths and difficulties within the child, his or her family and the context in which they are living is important, as is considering how these factors have an impact on the child's health and development. Too often it has been found that a deficit model of working with families predominates in practice, and ignores crucial areas of success and effectiveness within the family on which to base interventions. Working with a child or family's strengths becomes an important part of a plan to resolve difficulties.

- **Multi and Inter-agency in approach**

  From birth, there will be a variety of different agencies and programmes in the community involved with children and their development, particularly in relation to their health and education. Multi and inter-agency work to safeguard and promote children's welfare starts as soon as there are concerns about a child's welfare, not just when there are questions about possible harm.

- **A continuing process not an event**

  Understanding what is happening to a vulnerable child within the context of his or her family and the local community, and taking appropriate action, are continuing and interactive processes, not single events. Assessment should continue throughout a period of intervention, and intervention may start at the beginning of an assessment.

- **Providing and Reviewing services**

  Action and services should be provided according to the identified needs of the child and family in parallel with assessment where necessary. It is not necessary to await completion of the assessment process. Immediate and practical needs should be addressed alongside more complex and longer term ones. The impact of service provision on a child's developmental progress should be reviewed.

- **Informed by evidence**

  Effective practice with children and families requires sound professional judgements which are underpinned by a rigorous evidence base, and draw on the practitioner's knowledge and experience.

Inter-agency co-operation to improve the wellbeing of children

2.19. A key aspect of the Every Child Matters: Change for Children programme is about encouraging relevant services to integrate around the needs of the child through children's trust arrangements. To this end, section 10 of the Children Act 2004 places a duty on top tier and unitary local authorities to promote co-operation with a view to improving the wellbeing of children, and places a reciprocal duty on 'relevant partners' to co-operate with the authority in the making of these arrangements. Most of the strategic organisations covered by the section 11 duty are also under a duty to co-operate with the local authority in the making of co-operation

arrangements (children's trust). Those that are not[10], will however wish to engage with the local authority and partners where appropriate in the interests of promoting children's wellbeing.

2.20. The manifestation of the duty to cooperate will be a children's trust in action. *Guidance on inter-agency co-operation to improve the wellbeing of children: children's trusts* (2005) describes what is expected in relation to the following features of children's trust arrangements:

(a) A child-centred, outcome-led vision;

(b) Integrated front line delivery;

(c) Integrated processes;

(d) Integrated strategy (joint planning and commissioning);

(e) Inter-agency governance.

2.21. The duty to co-operate commenced on 1 April 2005. Guidance on the duty was issued in July 2005 and is available from http://www.everychildmatters.gov.uk

Monitoring and Inspection of Arrangements to Safeguard and Promote Welfare

2.22. Agencies' responsibilities for safeguarding and promoting the welfare of children, including the arrangements they make under section 11, will be monitored through the Local Safeguarding Children Board (LSCB). Section 13 of the Children Act 2004 requires children's services authorities to establish LSCBs involving key local partners (i.e. those at section 13(3) of the Act).

2.23. The overall objective of these Boards is to co-ordinate and ensure the effectiveness of the work of each Board partner in relation to safeguarding and promoting the welfare of children. Chapter 3 of *Working Together* (2006) explains what LSCBs should do in order to meet this objective.

2.24. The LSCB work to ensure the effectiveness of work to safeguard and promote the welfare of children by member organisations will be a peer review process based on self- evaluation, performance indicators, and joint audit. Its aim is to promote high standards of safeguarding work and to foster a culture of continuous improvement. It will also identify and act on identified weaknesses in services. To avoid unnecessary duplication of work the LSCB will ensure that its monitoring role complements and contributes to the work of both the children's trust and the inspectorates.

2.25. Where it is found that a Board partner is not performing effectively in safeguarding and promoting the welfare of children, and the LSCB is not convinced that any planned action to improve performance will be adequate, the LSCB chair or a member or employee designated by

10 Special Health Authorities, NHS trusts, NHS Foundation Trusts, Governors/Directors of prisons or secure training centres and the British Transport Police Authority.

the chair will explain these concerns to those individuals and organisations that need be aware of the failing and may be able to take action.

2.26. Agencies, and the LSCB, are subject to independent assessment and inspection. The Framework for the Inspection of Children's Services, published in July 2005 by Ofsted on behalf of all relevant inspectorates and commissions[11], sets out principles to be applied by an inspectorate or commission assessing any children's service, and defines the key judgements which, where appropriate and practical, inspections will seek to make. It is available from http://www.ofsted.gov.uk. The key judgements include several relating to children and young people staying safe.

2.27. Each local authority area in England will have a multi-inspectorate joint area review (JAR) between 2005 and 2008, which can range across all children's services for children and young people and will always consider services for children and young people who require safeguarding from harm. Individual services may also be assessed through separate inspections or assessments. For example, the annual performance assessment (APA) of children's services looks at the contribution made by a local authority to outcomes for children, including staying safe.

11 From April 2007 the relevant inspectorates and commissions are the Audit Commission, the Healthcare Commission, HM Inspectorates of Constabulary, Probation, Prisons and Court Administration, and Ofsted.

Part Two – Arrangements to Safeguard and Promote Children's Welfare in Different Agencies

Part Two should be implemented in conjunction with Part One which sets out those factors that are common, or likely to be, across all agencies.

3. Local Authorities, including District Councils

Improving the Wellbeing of Children

3.1. The Local Government Act 2000 aims to improve the wellbeing of people and communities. Section 2 gives local authorities the power to develop community strategies for promoting or improving the economic, environmental and social wellbeing of their areas.

3.2. Section 10 of the Children Act 2004 places a duty on each children's service authority (see footnote 1) to make arrangements to promote co-operation between itself and relevant partner agencies to improve the wellbeing of children in their area. The guidance on *Inter-agency co-operation to improve the wellbeing of children: Children's Trusts* (2005) sets out how these arrangements will be put in place.

The role of local authorities in safeguarding and promoting the welfare of children

3.3. Under the Children Act 2004, LAs have a responsibility for making arrangements to ensure their normal functions are discharged having regard to safeguarding and promoting the welfare of children in their area. This includes all types of LA services involving adults, children and families, including those provided by district councils. The nature of the arrangements will reflect the roles and focus of the authority. As a consequence of this there may be considerable differences in how the duty might be discharged. A LA which has responsibility for the full range of children's services will be operating on a different scale to that of a district council. These responsibilities should be reflected in the Children and Young People's Plan. The following services have a particularly significant part to play in the lives of children and families in each LA.

3.4. **Cultural and leisure services.** The LA provides and enables a wide range of facilities and services for children such as libraries, play schemes and play facilities, sport, parks and leisure centres, events and attractions, museums and arts centres. Their staff, volunteers and contractors have different levels and types of contact with children who are users of these services. Appropriate training for staff should be provided, including training on the issues of safe working practices and on creating safe environments for children. Staff should be alert to any indications that a child may require safeguarding from harm and know who to contact if they

have concerns. They should also be aware of the important contribution they make to children achieving their potential.

3.5. **Early Years and childcare.** These include family centres, children's centres, nurseries (including workplace nurseries), childminders, playgroups and holiday and out of school schemes. These services play an important part in the lives and development of babies and young children. Early identification of difficulties and intervention can radically improve children's life chances. Research shows that high quality early education leads to better educational and social outcomes for all children. The Government's *Choice for parents, the best start for children* (2004) sets out a ten year strategy to expand and improve the quality of early years education and childcare. Commitments have been taken forward by the Childcare Act 2006 with an action plan for future activity in *Choice for parents, the best start for children: making it happen* (2006). Early Years providers must ensure that clear safeguarding procedures are in place so that children using their services are protected from abuse or neglect. Safeguarding, welfare and development underpin the regulation of day care and childminding services for young children. Early years staff have a wider responsibility to identify and pass on any general or specific concerns that they may have about the safety, welfare or development of children with whom they work. All early years staff should be aware of possible signs of children at risk of harm and procedures must be in place to pass on concerns about such children or details of incidents to the correct local contact. Procedures should be based on those found in *What To Do If You're Worried A Child is Being Abused* (2006).

3.6. **Education and schools.** All people working in education and schools contribute to the safeguarding and promoting of children's welfare. All schools and further education institutions have a statutory duty to safeguard and promote the welfare of children. Consequently, staff in these establishments play an important part in safeguarding children from abuse and neglect by early identification of children who may be vulnerable or at risk of harm and by educating children, about managing risks and improving their resilience through the curriculum. All schools and further education institutions should create and maintain a safe environment for children and young people, and should be able to manage situations where there are child welfare concerns. Appendix A *Safeguarding Children and Safer Recruitment in Education* (2006) summarises the Government's guidance, issued in November 2006 to Local Education Authorities, schools and further education institutions. It deals with a range of issues, as well as, setting out the responsibilities of Schools, FE colleges and LAs carrying out their functions with a view to safeguarding and promoting the welfare of children under the Education Act 2002.

3.7. **Licensing Authorities.** The Local licensing authority has a responsibility to undertake its functions under the Licensing Act 2003 with regard to 'the protection of children from harm' – one of four licensing objectives. Specified 'responsible authorities', for example, the fire department or the police, have the opportunity to make representations on applications for the grant or variation of a premises licence or a club premises certificate. The LA is required to indicate in its statement of licensing policy the body (responsible authority) it judges to be competent to advise it on matters relating to the protection of children from harm. Under

section 182 of the 2003 Act the Secretary of State for Culture, Media and Sport is required to issue guidance to licensing authorities in carrying out their licensing functions including the protection of children from harm. The latest guidance was issued in June 2006, and is available at www.culturegov.uk. DCMS is currently seeking comments on proposals for revised Guidance. In addition, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to be restricted from viewing age-restricted films which have been classified according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. A licensing authority may choose not to specify the British Board of Film Classification (BBFC) as the film classification body, in which case it will decide itself on any restriction on admission of children. The Gambling Act 2005 places the protection of children at the heart of gambling regulation for the first time. One of the main objectives enshrined in the primary legislation of the Act is the protection of children (and vulnerable people). The Act creates a new criminal offence making it illegal to invite or permit children to gamble as well as regulating remote gambling for the first time, requiring operators to put in place measures preventing children accessing gambling websites.

3.8. **Housing authorities.** Housing and homelessness staff in LAs, and others with a front-line role such as environmental health officers, can play an important role in safeguarding and promoting the welfare of children as part of their day-to-day work – recognising child welfare issues, sharing information, making referrals and subsequently managing or reducing risks. For instance:

- housing staff, in their day-to-day contact with families and tenants, may become aware of needs or welfare issues that they can either tackle directly (for instance, by making repairs or adaptations to homes) or by assisting the family in accessing help through other organisations;
- housing staff can assess the housing needs of families with disabled children, who may require housing adaptations in order to participate fully in family life and reach their maximum potential;
- housing staff assisting people who are homeless or at risk of homelessness may identify that children have welfare needs when making enquiries and interviewing the family, particularly where this involves a visit to the current home. Housing staff should consider not only housing needs but also any need for support to ensure that the housing solution will be successful. Where domestic violence is identified, the safety of children must be considered in any offer of appropriate accommodation, such as a Sanctuary Scheme[12];

12 The Sanctuary Scheme is a victim centred approach and is an innovative approach to homelessness prevention. It is designed to enable victims of domestic violence to remain in their own accommodation, where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation. If a victim feels compelled to move then the disruption to family and other support networks, education and employment can sometimes lead to homelessness.
The main feature of the scheme is the creation of a 'sanctuary room', providing a safe room or sanctuary where victims can call and wait for the arrival of police. Additional security can be provided, i.e. locks on windows and doors, gated security to the outside of a property, fire hammers, fire blankets and emergency lighting.

- housing staff, through their day-to-day contact with families, may become aware of concerns about the welfare of particular children. Also, housing authorities may hold important information, for instance regarding a neighbourhood dispute, which could assist local authority children's social care to carry out assessments under section 17 or 47 of the Children Act 1989. Conversely, children's social care staff and other organisations working with children may have information that will help housing staff in their assessment of what type of accommodation would suitable and appropriate. Housing authorities should develop joint protocols to share information with other organisations – e.g. children's social care or health professionals in appropriate cases;
- environmental health officers inspecting conditions in private rented housing may become aware of conditions that could impact adversely on children. Under Part 1 of the Housing Act 2004, authorities must take account of the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions.

3.9. Under sections 325-327 of the Criminal Justice Act 2003, local housing authorities must co-operate with Multi Agency Public Protection Arrangements which are joint working arrangements between the police, prison and probation on sharing information and jointly assessing and managing the risks posed by sexual and violent offenders and reviewing and monitoring these arrangements.

3.10. Housing authorities, when discharging their functions via other organisations such as, for example, Registered Social Landlords (RSLs), are under a duty to ensure that the organisation safeguards and promotes the welfare of children.

3.11. **Children's Social Care.** A key social services function under the Children Act 1989 is to safeguard and promote the welfare of children in need in their area (see Appendix B for relevant extracts from the Children Act 1989). This includes: children who are living with their family and require family support services; children who are the subject of child protection plans; children who are growing up in special circumstances because, for example, a parent is in prison or misuses substances; disabled children; unaccompanied asylum seeking or refugee children; children looked after by the LA; children who are placed for adoption, care leavers and young people in custodial settings. The LA has a duty to respond to requests for their services for children in need under the Children Act 1989 and, in particular, to undertake section 47 enquiries where there are concerns about a child suffering or likely to suffer significant harm. The regulations and guidance accompanying the Children Act 1989, the Children (Care Leavers) Act 2000 and the Adoption and Children Act 2002 set out the social services functions in relation to children and their families.

3.12. The LA also has a duty under the Children Act 1989 to satisfy themselves that the welfare of children who are or are proposed to be privately fostered within their area is being or will be satisfactorily safeguarded and promoted, and to ensure that such advice is given to those concerned with them as appears to the authority to be needed.

3.13. Guidance on private fostering issued in July 2005 replaces the previous guidance and reflects the new measures on private fostering in Section 44 of the Children Act 2004 and the new Children (Private Arrangements for Fostering) Regulations 2005 and the National Minimum Standards (NMS) for private fostering which came into effect in July 2005.

3.14. **Youth Services.** Youth and Community Workers (YCWs) work closely with children and young people. They play an important role in offering young people opportunities to extend and enjoy themselves in a safe environment. They are in an ideal position to be confided in as a trusted adult, and should be alert to signs of abuse or neglect and know how to act upon their concerns about a child's welfare.

3.15. **Connexions.** The Connexions service through its work with individuals and by representing the needs of whole populations of children and young people has a unique and vital role in safeguarding and promoting their welfare. Connexions is currently delivered by a range of organisations including LAs. Where LAs have responsibility for the delivery of the Connexions service, the duty to make arrangements to ensure they have regard to the need to safeguard and promote the welfare of children applies. Please see Section 4 of this document for further guidance.

3.16. **Fire and Rescue Authorities.** All fire and rescue authorities have a statutory duty under section 6 of the Fire and Rescue Services Act 2004 to promote fire safety, which includes working with other agencies and local partners to create safer communities. Sections 5, 11 and 12 of the Act give them wide powers to provide a service which responds to local priorities. An important lever in providing a service which meets the needs of children and young people is the Strategy for Children and Young People. This is a four year high level strategy intended to deliver effective reduction of fire risk and fire crime in England. It seeks to draw together and build on the strengths of the Service in all these areas. The Strategy aims to ensure excellence in work with children and young people, especially those in deprived communities, supported by effective partnership working and early intervention. It supports delivery of the government's agenda for children and young people and forms part of the fire and rescue service's commitment to equality and diversity.

3.17. The Strategy covers all aspects of fire and rescue service involvement with children and young people. It sets two overarching goals: the prevention of accidental injury and death by fire and the prevention of fire crime and anti-social behaviour. This work is central to the Service's statutory duty to promote fire safety and to the Public Service Agreements targets for 2010 to reduce accidental fire deaths in the home and incidents of arson. It also contributes to tackling disadvantage, reducing health inequalities and preventing crime.

3.18. From April 2006 the National Framework for the Fire and Rescue Service has required all fire and rescue authorities have regard to the Strategy in all work with children and young people. The National Framework forms the basis of all performance assessments of fire and rescue authorities. However, it is for fire and rescue authorities to decide what type and extent of work with children and young people is appropriate for their areas, in accordance with the local

priorities identified in their Integrated Risk Management Plans. It may be right for elements of the Strategy to be delivered with or by local partners, or through regional cooperation, rather than directly by authorities. The Strategy is underpinned by annual action plans which identify specific actions by central government and partners at national level to support fire and rescue services in implementing the Strategy, including guidance on specific topics.

3.19. It is important to realise that the risks to children can relate to antisocial behaviour, risk of harm or neglect, of family breakdown or exclusion from school. While it is not always appropriate for fire and rescue service personnel to take the lead in addressing the issues encountered, because of their wider role in the community in undertaking Home Fire Risk Checks or Firesetter Intervention work, they can often be in a position identify the signs and to refer the matter to the appropriate bodies (such as children's social care or Youth Offending Teams).

3.20. **Child employment.** Young people's development through legitimate employment should be encouraged, however it must be ensured that work is done in a safe environment and within sensible constraints. LAs are responsible for administering child employment legislation and local byelaws. Employers of children have a responsibility to safeguard and promote the welfare of children by applying to the LA for an employment permit for each child they employ (see Appendix B for a summary of the legislative requirements). The health, education and wellbeing of every child who works must be protected.

3.21. Guidance issued to LAs on the role of Directors of Children's Services states that Directors must have effective oversight of LA functions relating to child employment as part of their remit.

Making arrangements to safeguard and promote welfare in local authorities, including district councils

3.22. Implementation of the Children Act 2004 means that improving outcomes and safeguarding and promoting the welfare of children are central to all LA functions. This guidance will strengthen the responsibilities of LAs to safeguard and promote the welfare of children in need in accordance with the *Framework for the Assessment of Children in Need and their Families* (2000), *Working Together to Safeguard Children* (2006) and the recently issued revised guidance *Safeguarding Children and Safer Recruitment in Education* (2006). It means that LAs will need to put in place the following arrangements to ensure that they take account of the need to safeguard and promote the welfare of all children when providing their services. Directors of Children's Services[13] have an important leadership role to play, working with their own LA and in partnership with other bodies, including district councils, to review existing arrangements, identify opportunities for improvement and promote change. There is substantial scope for partnership working and collaboration on such issues as identifying and adopting good practice and procedures, improving interagency working, improving training and sharing information. These practices will support, and be supported by, use of the Common Assessment Framework and the lead professional role.

13 The guidance on the roles and responsibilities of the Director and Lead Member as well as the legislative requirements can be found at www.everychildmatters.gov.uk

Senior management commitment and accountability

3.23. To ensure commitment at senior management level throughout all LAs and district councils each should identify one or more senior officers to champion the importance of safeguarding and promoting the welfare of children throughout the organisation. There should be a clear line of accountability from each named person to the Director of Children's Services or, in district councils to the Chief Executive for the LA's contribution to safeguarding and promoting the welfare of children. These senior officers should:

- have a sound working knowledge of relevant legislation and guidance with respect to safeguarding and promoting the welfare of children;
- be responsible for communicating to all staff (employed and voluntary) in the Authority the importance of safeguarding and promoting the welfare of children and that it is everybody's responsibility to do so;
- hold managers to account for the contribution of their services to safeguarding and promoting children's welfare through regular monitoring and audit arrangements;
- ensure staff have effective working relationships with other parts of their own agency and with other agencies in order to safeguard and promote children's welfare;
- report identified training needs of staff to senior managers with responsibility for staff training.

Clarity about the Local Authority's responsibilities for safeguarding and promoting the welfare of children

3.24. LAs should make the necessary arrangements to ensure that staff have a clear understanding of their responsibilities for safeguarding and promoting the welfare of children, and know what action should be taken if they have concerns about the safety or welfare of a child. These arrangements could include a written statement accessible to all staff which sets out their responsibilities for safeguarding and promoting the welfare of children which is consistent with the Government's practice guidance *What To Do If You're Worried A Child is Being Abused* (2006). These arrangements should include:

- ensuring all staff are aware of a contact number or person who should be contacted for advice or to make a referral to when there are concerns about a child's welfare or safety;
- incorporating staff's responsibilities for safeguarding and promoting the welfare of children into the business plan for each team and, where appropriate, the work objectives agreed for individual staff members;
- fostering a culture of openness and shared communication where staff are actively encouraged to express any early concerns about the welfare of a child.

3.25. It is important that the outcome of this process clarifies for staff what their responsibilities are and what they need to do if they have concerns about a child's welfare or safety.

Involving Children and Young People and Families in Planning and Developing Services

3.26. All LAs should ensure that the planning and development of services to safeguard and promote children's welfare are informed by the views of children and parents. Particular efforts should be made to ensure that specific groups of children and young people who are often excluded from participation activities are supported in giving their views, for example, disabled children and looked after children. The views and opinions of very young children should also be sought in ways that are appropriate to their age and understanding.

Ensuring Services for Children are Safe and Accessible

3.27. In addition, in exercising their duty under section 11 of the Children Act 2004, LAs should consider:

- the impact of each service on children's safety and welfare, for example does the location of a service mean that it can be safely and easily accessed by the children and families for whom it is intended?;
- how children are to be kept safe whilst using services, for example having in place appropriate supervision by trained staff, and adhering to health and safety regulations; and
- ways in which they can improve existing services to ensure children's safety and promote their welfare, for example, ensuring all play areas are safe, accessible and provide opportunities for children to learn and enjoy themselves, and that these changes are informed by the views of local children and their parents.

Staff training and continuing professional development

3.28. In exercising the duty to make arrangements to safeguard and promote the welfare of children, LAs should ensure that:

- all staff working, or in contact, with children and families participate regularly in relevant training tailored towards their individual roles;
- senior staff are kept up to date with changes in statutory requirements and new evidence based ways of working with children and families so that the relevant information can be cascaded down to those on the front-line;
- training for staff working or in contact with children and families is provided on both a single agency and an inter-agency basis;
- staff should have access to the Government's practice guidance *What To Do If You're Worried A Child is Being Abused* (2006) and be trained in how to implement it effectively[14];
- training helps staff understand both their own roles and responsibilities and those of other professionals and organisations for safeguarding and promoting the welfare of children; and

14 Safeguarding Children – Everybody's Responsibility is a training resource commissioned by the Department for Education and Skills to assist in the provision of inter-agency training for staff. An updated version was published in April 07.

- training enhances staff awareness of race, culture and disability and the impact they have on family life.

3.29. We expect LAs to take the lead in training on safeguarding and promoting children's welfare, collaborating with other bodies, including district councils, to assist them in providing effective training to their staff and, where there is local agreement, in supporting a joint approach that crosses local area boundaries and encourages inter-agency understanding. LAs should work in conjunction with their LSCB partners to identify training needs including those identified through child death and serious case reviews (*Working Together, Chapters 7 and 8* (2006)).

Safer Recruitment, Vetting Procedures and procedures for responding to allegations against staff

3.30. LAs should have policies and procedures in place to help prevent unsuitable people from working with children. Safe recruitment means scrutinising information provided by applicants and referees; taking up and satisfactorily resolving any discrepancies or anomalies; verifying identity and any academic or vocational qualifications; obtaining independent professional and character references; checking previous employment history and experience and that a person has the health and physical capacity for the job; and carrying out a face to face interview that explores the candidate's suitability to work with children as well as their suitability for the post. Where appropriate, a criminal record check should be obtained through the Criminal Record Bureau's Disclosure service. Some posts may also require a check of the Department for Education and Skills' List 99 and/or the Protection of Children Act List. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede current provision including the POCA List and List 99. Further guidance will follow on roles and responsibilities under the new scheme.

3.31. It is equally important that the LA has in place clear procedures for responding to allegations of abuse of children by staff or foster carers and that disciplinary processes are undertaken according to an agreed inter-agency plan which includes agreement about how concurrent section 47 enquires about possible harm in relation to a child and any criminal investigations are to be carried out.

Effective inter-agency working to safeguard and promote the welfare of children

3.32. *Working Together to Safeguard Children* (2006) and the *Framework for the Assessment of Children in Need and their Families* (2000) set out the Government's guidance on how LAs should work with other local agencies to safeguard and promote the welfare of children. Local Safeguarding Children Boards have local procedures governing how agencies work together to safeguard and promote the welfare of children.

3.33. *Working Together* (2006) sets out what inter-agency arrangements are required to safeguard and promote the welfare of children. This Guidance takes forward Recommendation 13 in the Victoria Climbié Inquiry Report (Cm 5730, 2003) by ensuring that the *Framework for the Assessment of Children in Need and their Families* (2000) is integral to it. It also incorporates the use of the Common Assessment Framework.

3.34. The duty to make arrangements to safeguard and promote children's welfare supports effective inter-agency work. LAs, therefore, should:

- make staff aware of the arrangements being made by other agencies under section 11 of the Children Act 2004. This will help to ensure children and families have prompt access to the services (universal, targeted and specialist) they require, recognising the range and diversity of their needs and strengths in order to achieve the best possible outcomes for children;
- ensure other agencies to whom the duty to make arrangements to safeguard and promote welfare applies are aware of the LA's responsibilities including how those staff undertaking social services functions will respond to referrals regarding a child's safety and welfare.

Work with Children and Young People

3.35. When working with individual children and young people and their families to safeguard and promote their welfare, paragraphs 2.14. – 2.18. on Work with Individual Children and their Families in Part One should be followed. The child should be kept in focus throughout, with interventions resulting in the child being safe and planned outcomes being achieved.

Ascertaining the wishes and feelings of children in need

3.36. When working with children in need, their wishes and feelings should be ascertained in accordance with sections 17, 20 and 47 of the Children Act 1989, as amended by section 53 in the Children Act 2004. This section requires the wishes and feelings of children to be ascertained, in so far as it is practicable, when making decisions regarding the provision of services to children in need under section 17, making enquiries under section 47 and making decisions about accommodation under section 20 of the Children Act 1989. This requirement is set out throughout *Working Together to Safeguard Children* (2006) and strengthens the existing guidance in the *Framework for the Assessment of Children in Need and their Families* (2000).

Information Sharing

3.37. The LA should ensure that staff understand how to share information in a way that is both legal and ethical. The cross-Government publication *Information Sharing: Practitioners' Guide* (published in April 2006) provides guidance for practitioners on information sharing covering health, education, social care and youth offending.

4. Connexions

4.1. The Connexions service through its work with individuals and by representing the needs of whole populations of children and young people has a unique and vital role in safeguarding and promoting their welfare. Connexions is currently delivered by a range of organisations including LAs. Where LAs have responsibility for the delivery of the Connexions service, the duty to make arrangements to ensure they have regard to the need to safeguard and promote the welfare of children applies.

4.2. The guidance that follows draws heavily on *Requirements and Guidance for Connexions Services* and summaries the key aspects of Connexions policy and practice that is relevant to meeting the statutory duty.

Making safeguarding and promoting welfare arrangements in Connexions partnerships

4.3. The leaders, managers and staff of Connexions services have an individual responsibility for ensuring that young people are always in a safe, healthy and supportive environment when using services. In addition appropriate risk assessments should be undertaken to ensure that children and young people are not exposed to undue risk from unsafe or unsuitable situations, whether they are with the Connexions service or its subcontractors or referred to other organisations providing services, learning or employment opportunities. Vetting arrangements for existing staff and recruits must comply with current Government guidance.

4.4. Staff working directly with individuals should receive adequate health and safety training, and line management and supervision should support this. Effective procedures should be should be in place to evaluate the professional practice of personal advisers and to take appropriate steps to improve individual and organisational performance. There should be a register of staff from Connexions, including any subcontractors, who have undertaken child protection training.

4.5. Connexions services have a duty under the Disability Discrimination Act 1995 (as amended by the Special Education Needs and Disability Act 2001) to ensure disabled children and young

people are able to access support, resources, materials and referral to learning and employment opportunities.

4.6. Connexions services should operate a complaints system that is fair, efficient and accessible to children and young people. The operation of the complaints system itself must protect the safety and welfare of the children and young people concerned and be well understood by Connexions staff and the staff of any subcontractors. Staff should understand their obligation to ensure that a child or young person is not left unaware of their right to complain and can exercise this right if they wish.

Senior Management Commitment

4.7. Senior management should be fully committed to safeguarding and promoting children and young people's welfare. Connexions should represent the safety and welfare interests of children and young people appropriately in local decisions where this is a relevant issue and should be represented on Local Safeguarding Children Boards (LSCBs).

4.8. Senior managers should ensure that organisational self assessment processes, business plans, and internal performance monitoring fully cover safeguarding and promoting the welfare of children and young people.

Statements of responsibility

4.9. Those with responsibility for the governance of Connexions should be clear about Connexions responsibilities in safeguarding and promoting the welfare of children. Connexions leaders and managers should ensure that all staff, especially front line delivery staff and any subcontractors, are aware of the priority given to safeguarding and promoting welfare and understand the lines of accountability.

A clear line of accountability

4.10. Those responsible for governance should ensure that decisions made safeguard and promote children and young people's welfare. They should ensure that governance arrangements comply with the current Government guidance about good governance.

4.11. Connexions leaders and managers should ensure that robust procedures and practice are in place to safeguard and promote the welfare of children and young people. Personal advisers must fully understand how their work contributes to safeguarding and promoting the welfare of children and young people and should be clear where to seek advice and support in cases of difficulty. Line management and supervision should provide adequate support to personal advisers in this.

4.12. Connexions services are expected to implement a systematic strategy for involving children and young people in the design, delivery, evaluation and continuous improvement of Connexions. It is through this process that accountability to children and young people can be secured for the quality and availability of services including safeguarding and promoting the welfare of children and young people. The processes for involving children and young people should themselves safeguard and promote the welfare of those directly involved. There should

be adequate training and ongoing support that ensures children and young people are competent and confident enough to participate in the involvement activity.

Service development

4.13. Planning decisions about the nature and distribution of Connexions services depend on a range of information, especially a systematic analysis of the needs of the local population of children and young people, management information about ongoing performance, consultations with stakeholders, children and young people themselves, national and local evaluations and Ofsted inspections. Local planning committees should take account of the need to safeguard and promote children and young people's welfare in all decisions affecting the Connexions service locally.

Staff training

4.14. Connexions services, including any subcontractors, are expected to have the trained and competent people necessary to deliver a comprehensive service to children and young people. Personal advisers are expected to have completed or be actively working towards:

i) at least skill level 4 /NVQ level 4 or an equivalent qualification in a relevant professional discipline;

and

ii) other training – on the assessment, planning, implementation and review process with individuals, understanding Connexions, and local training including child protection, the Data Protection Act and health and safety. Local training should include the practice implications of the Children Act 2004.

4.15. Personal advisers must through their qualifying training and continuous professional development, acquire the understanding of both their role and responsibilities and those of other professionals and organisations in relation to safeguarding and promoting welfare. This equips them to carry out their direct work with individual children and young people and to provide advice to other workers.

Safer recruitment

4.16. Connexions services must ensure that all staff in direct contact with young people are vetted according to Government guidance (currently *Recruitment and Vetting of staff delivering Connexions*). Minimum requirements include checks of DfES List 99, and a Criminal Records Bureau (CRB) check covering pending prosecutions, convictions, cautions, bindings-over and conditional discharges. The Safeguarding Vulnerable Group Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede the POCA List and List 99. Further guidance will follow on roles and responsibilities under the new scheme.

Effective inter-agency working

4.17. Working in partnership with local agencies is a key feature of the way Connexions delivers its services to children and young people. This principle is often reinforced through partnership agreements. Partnership working already operates at different levels and processes, including governance and planning, common approaches to recording information and sharing of information, and pooling of resources. The leadership of Connexions services should look to increase the scope and depth of partnership working with other agencies in order to enhance safeguarding and promoting the welfare of children and young people through use of the Common Assessment Framework, lead professional role and other processes.

4.18. Connexions should play an active part in LSCBs, and continue to work with their networks of voluntary, statutory and community agencies, and commercial bodies. Connexions should continue to promote constructive engagement with the issue of children and young people's welfare and promote improved practice in its work with LAs, health services, police and probation, youth services, social care, youth offending teams, drug action teams, voluntary and community organisations, and careers companies.

Work with individual children and young people

4.19. The Connexions personal adviser is responsible for carrying out a systematic and comprehensive screening of each individual's needs. This lays the vital foundation for subsequent work to safeguard and promote the welfare of that individual. Assessments should be updated periodically to record the nature and implications of subsequent progress, events and associated decisions in the life of the individual. In the final year of compulsory education the Personal Adviser will be involved in assessing young people with special education needs who require assessment under section 140 of the Learning and Skills Act 2000.

4.20. Staff, including the staff of subcontractors, working directly with children and young people should ensure that practice conforms to accepted standards for safeguarding children. Line management and supervision should provide adequate support to staff in this matter.

4.21. Appropriate privacy should be available to children and young people when using services, including suitable rooms to conduct one to one interviews and sensitively designed areas for individuals to use information resources. The confidentiality conditions surrounding the use of services should be clearly explained and where appropriate agreed with the individual and there should be appropriate involvement of parents and/or carers. Adequate interpreter/translation provision should be available to meet the needs of those individuals with language disabilities or for whom English is not their preferred language.

4.22. Some children and young people will live in a different area to the one in which they are receiving education and/or training. In these cases it is vitally important that a clear understanding exists between the relevant Connexions services and partner organisations as to who has the lead responsibility for meeting the needs of each young person.

4.23. Connexions services operate well developed IT systems for recording, storing and sharing information about individual children and young people. The information on the system about the individual is placed with their consent and is used primarily to ensure that the service or relevant partners know the individual's current position and are thereby well informed to respond in a timely manner to the individual's developing needs. The information is also used as a source to provide population data that enables Connexions services to monitor their own performance in meeting needs.

Information sharing

4.24. Connexions services should have in place effective local arrangements for sharing information about individual children and young people. This is a vital condition to enable Connexions and its partners to safeguard and promote the welfare of those individuals for whom they are responsible.

4.25. Connexions personal advisers offer a confidential service to all children and young people with information only being disclosed with the young person's consent or where there are legal requirements to do so – where there are concerns about possible harm, a significant threat to life, where the child or young person needs urgent medical treatment, or where potential or actual serious criminal offences are involved.

5. The National Health Service

The role of the NHS in relation to safeguarding and promoting the welfare of children.

5.1. Section 11 of the Children Act 2004 applies to a number of NHS organisations in England:

a. Strategic Health Authorities

b. Designated Special Health Authorities

c. Primary Care Trusts

d. NHS Trusts[15]

e. NHS Foundation Trusts

NHS Standards

5.2. The Health and Social Care (Community Health and Standards) Act 2003 places a duty on each NHS body 'to put and keep in place arrangements for the purpose of monitoring and improving the quality of health care provided by and for that body' (section 45) and gives the Secretary of State the power to set out standards 'to be taken into account by every English NHS body' in discharging that duty (s46).

5.3. The Health and Social Care Standards and Planning Framework for 2005-8, *National Standards, Local Action*[16], set out the 'core' and 'developmental' standards for the NHS.

5.4. Core standard C2 is relevant to safeguarding and promoting the welfare of children. It forms part of the 'safety' domain and states, ***'Health care organisations protect children by following national child protection guidance within their own activities and in their dealings with other organisations'***.

15 From April 2007 NHS Direct is a NHS Trust. See Statutory Instrument 2007 No. 478 – http://www.opsi.gov.uk/si/si2007/20070478.htm

16 http://www.dh.gov.uk/asset/Root/04/08/60/58/04086058.pdf. Core and Developmental standards are defined as follows:
- Core standards: these bring together and rationalise existing requirements for the health service, setting out the minimum level of service patients and service users have a right to expect; and
- Developmental standards: these signal the direction of travel and provide a framework for NHS bodies to plan the delivery of services that continue to improve in line with increasing patient expectations.

5.5. In his foreword to the National Service Framework (NSF), the then Secretary of State, John Reid noted that 'by 2014 we expect health, social and educational services to have met the standards set in this document'.

5.6. For the relevant NHS organisations, discharging the section 11 duty of the Children Act will therefore mean:

- Meeting the 'core standard' C2; and
- Taking account of standard 5 of the NSF.

5.7. It will also be important for those elements of the NSF beyond standard 5 that deal with safeguarding and promoting the welfare of children to be taken into account. Examples include:

Standard 1 – Promoting health and wellbeing, identifying needs and intervening early: As part of the promotion of the positive mental health of all children and young people, assessment of need and early intervention where children are at greater risk (e.g. children whose parents are unsupported by wider family) can make a significant difference.

Standard 2 – Supporting parents: All services for mothers and fathers and care-givers:

- Focus on the relationship between the parent and the infant;
- Are offered at an early stage when relationships are still being formed;
- Provide support to parents, based on building their confidence and skills in caring for children; and
- Address the wider environmental circumstances of the family including their socio-economic needs.

Standard 3 – Child, young person and family-centred services: Professionals from all agencies adopt a systematic approach which enables children and young people to contribute to discussions about their needs, care or treatment during consultations or meetings and to express their views. This includes children with communication needs or who have non-verbal communication.

Standard 4 – Growing up into adulthood: All transition processes are planned and focused around preparation of the young person rather than the service organisation. Young people and their families are actively involved in transition planning.

Standard 5 – Safeguarding and Promoting the Welfare of Children and Young People: All agencies work to prevent children suffering harm and to promote their welfare, provide them with the services they require to address their identified needs and safeguard children who are being or who are likely to be harmed.

Standard 6 – Ill Child: There is timely communication between health, education and social services, where appropriate, to meet the needs of children and young people, especially if the child's is the subject of a child protection plan and/or is looked after by the local authority.

Standard 7 – Children and Young People in Hospital: Hospitals should meet their responsibilities to safeguard and promote the welfare of children.

Standard 8 – Disabled children and young people and those with complex health needs: The Local Safeguarding Children Board has a system in place to ensure that all disabled children are safeguarded from emotional, physical and sexual abuse and neglect and the specific needs of disabled children are addressed in safeguarding children protocols.

Standard 9 – Children and Adolescent Mental Health Services: Primary Care Trusts and LAs continue to develop early intervention and prevention CAMHS within their areas through the provision of CAMH workers in community settings.

Standards 10 – Medicines: If there are concerns that a child is being deliberately harmed through inappropriate use of prescribed medicines, the Government's Guidance *Safeguarding Children in Whom Illness is Fabricated or Induced Illness* is followed.

Standard 11 – Maternity Services: All professionals involved in the care of women both pre-natally and immediately following childbirth need to be able to distinguish normal emotional and psychological changes from significant mental health problems, and to refer women to support their needs.

Making arrangements to safeguard and promote welfare in the NHS

5.8. The NSF sets out in standard 5 what should ensure the safeguarding of children and young people and the promotion of their welfare. The following sets out some of the key themes for safeguarding and promoting welfare, and illustrates these themes from parts of the NSF. These themes are reflected in Part 1 of this guidance and in relation to other organisations in Part 2 and are designed to help NHS organisations to work with local partners to develop ways of safeguarding and promoting the welfare of children together.

Roles and Responsibilities of different NHS organisations

5.9. With the exception of Strategic Health Authorities, all of the NHS organisations covered by section 11 deal directly with children. Strategic Health Authorities manage the NHS locally[17] and are responsible for:

- Strategic leadership;
- Organisational and workforce development;
- Ensuring local systems operate effectively and deliver improved performance.

5.10. The role of Strategic Health Authorities in relation to section 11 is therefore to oversee local health bodies to ensure they meet the core standard on child protection and work towards delivery of standard 5 of the National Service Framework.

17 Foundation Trusts, however, are not accountable to SHAs but to an independent corporate body called Monitor that was established under the Health and Social Care (Community Health and Standards) Act 2003. It is responsible for authorising, monitoring and regulating NHS Foundation Trusts.

5.11. The other NHS bodies subject to section 11 need to make arrangements to safeguard and promote the welfare of children that reflect the needs of the children they deal with. This means:

- Primary Care Trusts, NHS trusts and NHS Foundation Trusts need to demonstrate that they are meeting their responsibilities to safeguard and promote the welfare of children in accordance with the Children Act 1989 and as set out in *Working Together to Safeguard Children* (2006) and the *Framework for the Assessment of Children in Need and their Families*[18];
- Arrangements should also take account of the NHS Core Standard C2;
- Arrangements made under section 11 should take account of the National Service Framework for Children, Young People and Maternity Services (NSF) and guidance set out in paragraph 2.27 – 2.96 in *Working Together to Safeguard Children* (2006); and
- All staff need to ensure, as part of their work with children and families and with adults who are parents or carers who are experiencing personal problems, that the needs of the children are considered and that where necessary they are assessed and appropriate referrals are made. Staff need to be aware of the relevant parts of *What To Do If You're Worried A Child Is Being Abused* (2006).

A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children

5.12. It should be clear who has overall responsibility for the agency's contribution to safeguarding and promoting the welfare of children and what the lines of accountability are up through the organisation to the person with ultimate accountability for children's welfare. It should also be clear with whom each staff member should discuss and to whom they should report any concerns about a child's welfare. These responsibilities can operate at 3 levels:

a. Individual, which can be encompassed within job descriptions;

b. Professional, which is governed by codes of conduct for different disciplines; and

c. Organisational, with clear lines of accountability throughout the organisation to senior officer level. Standard 3 of the NSF sets out that "every organisation or service identifies a senior lead for children and young people to ensure that children and young people's needs are at the forefront of local planning and service delivery".

18 Working Together to Safeguard Children and the Assessment Framework are guidance issued in relation to the Children Act 1989 that sets out how local partners are to discharge their duties under section 27 and section 47 of that Act to co-operate in the interests of children in need.

The NSF addresses these issues as follows in relation to PCTs:

- Ensuring that their staff and those in services contracted by the Primary Care Trust are trained and competent to be alert to potential indicators of abuse or neglect in children, know how to act on their concerns and fulfil their responsibilities in line with the LSCB procedures;
- Ensuring they have in place a designated nurse and a designated doctor who have an over-arching responsibility across the Primary Care Trust area, which includes all providers;
- The PCT Chief Executives' responsibility for ensuring that the health contribution to safeguarding and promoting the welfare of children is discharged effectively;
- Ensuring that all health agencies with whom they have commissioning arrangements are linked into all Local Safeguarding Children Boards, and that there is appropriate representation at an appropriate level of seniority. And ensuring that health services and health care workers contribute to multi-agency working.

The NSF also includes the following interventions:

- All NHS trusts (except Ambulance Trusts, NHS Direct Sites and NHS Walk-in Centres) designate a named doctor and a named nurse for safeguarding children who provides advice and expertise for fellow professionals and other agencies and promotes good professional practice within the Trust for safeguarding and promoting the welfare of children;
- Each Ambulance Trust, NHS Direct Site and NHS Walk-in Centre designates a named professional for safeguarding children.

Service development

5.13. This could mean, for example, that children and families become involved in discussions about where to locate a service (depending on the primary functions of the agency) or how to develop it in order to safeguard and promote the welfare of children. This could be through one-off consultations on specific issues, ongoing user groups or feedback on existing services. As local children's clinical networks develop as set out in standard 6 of the NSF the pathways to safeguard and promote the welfare of children will need to be considered as part of these.

Staff training and continuing professional development

5.14. Staff should have an understanding of both their roles and responsibilities, and those of other professionals and organisations. This forms an essential part of multi- and inter-agency collaboration. Agencies are encouraged to enable their staff to participate in training provided on an inter-agency basis as well as in single agency training. Safeguarding and promoting the welfare of children is one of the six areas of the *Common Core of Skills and Knowledge for the Children's Workforce* (2005). It informs the training provided to all those working in children's services. All relevant staff should undertake training in safeguarding and promoting the welfare

of children including refresher training, to ensure that they are competent and aware of any changes, and this needs to be supported by a funded training strategy for safeguarding children.

The Intercollegiate document, *Child Protection Roles and Competencies for Health Staff*, (2006) is a useful reference document for NHS organisations.

The NSF addresses these issues as follows in relation to PCTs:

- Ensuring that their staff and those in services contracted by the Primary Care Trust are trained and competent to be alert to potential indicators of abuse and neglect in children, know how to act on their concerns and fulfil their responsibilities in line with LSCB procedures.

Safer recruitment and vetting procedures

5.15. Robust recruitment and vetting procedures are in place to help prevent unsuitable people from working with children. Thorough checks are carried out on all people as part of the recruitment process, and references are always taken up. Those who recruit staff to work with children have the appropriate training.

The NSF includes the following intervention:

- All agencies have in place safe recruitment practices for all staff, including agency staff, students and volunteers working with children. Where a criminal record review on employment is mandatory, these are undertaken routinely.

The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede current provision including the Protection of Children Act list. Further guidance will follow on roles and responsibilities under the new scheme.

Effective inter-agency working

5.16. This involves agencies and staff working together to safeguard and promote the welfare of children in accordance with guidance from their Local Safeguarding Children Board (LSCB). This guidance should be consistent with the current statutory guidance *Framework for the Assessment of Children in Need and their Families* (2000) and *Working Together to Safeguard Children* (2006).

5.17. The Government has also published revised practice guidance, *What To Do If You're Worried A Child Is Being Abused* (2006), to inform practitioners and their managers in all agencies about what to do where they have concerns that a child may be a child in need under the Children Act 1989, including concerns about a child whom it is believed is, or may be suffering significant harm.

5.18. An important aspect of effective inter-agency working is set out in section 85 of the Children Act 1989[19] which requires Primary Care Trusts (PCTs), when a child has been or will be accommodated by the PCT for three months or more (e.g. in hospital), to notify the 'responsible authority'[20]. In addition, the Common Assessment Framework (2006) has been developed for use at an early stage in the process to identify children who would benefit from additional services and to decide which professionals/agencies would be best placed to provide these services. If children require more in-depth or specialist assessments, these will draw on the information gathered during the completion of the common assessment.

19 As amended by the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order (S.I. 2000/90, art 3(1), Sch. 1, para. 24 (9).

20 The 'responsible authority' is the local authority for the area where the child is ordinarily resident or, if this cannot be determined, for where the child is accommodated.

6. The Police

The role of the police in relation to safeguarding and promoting the welfare of children

6.1. The primary duties of the police service are the protection of life and property, the preservation of the Queen's peace, and the prevention and detection of criminal offences.

6.2. The police service has a number of key contributions to make in safeguarding and promoting the welfare of children. Whilst their principal role is the investigation of child abuse allegations, they also have a key role in preventing crime against or involving children and minimising the potential for children to become victims.

6.3. The police service contribution should also include:

- identifying vulnerable children in domestic violence cases;
- using police powers to take children into protective custody when appropriate;
- protecting the needs of children as witnesses or victims;
- working with partner agencies in the criminal justice system dealing with youth offenders to divert children away from crime; and
- working with partner agencies to educate children and young persons on issues such as substance misuse and the prevention of crime.

6.4. In dealing with these issues, the aim of the police service is to protect the lives of children and ensure that the welfare of the child is paramount.

6.5. The police service also has a significant contribution to make to safeguarding and promoting the welfare of children through:

- implementation of policy and dissemination of good practice which recognises the welfare of children as the prime consideration, within the requirements of the criminal justice system;
- recognition that responsibility lies with all police officers and police staff and not just specialist child abuse investigation units within the force;

- prioritising the investigation of crime and the protection of children from harm; and
- the commitment towards working with other agencies to ensure that the interests of the child are best served by effective partnership working between agencies.

Making arrangements to safeguard and promote children's welfare in the police service

6.6. As mentioned above, the police service has a responsibility to promote and safeguard the welfare of children by preventing offending against them and ensuring that investigations into any such offences are conducted in the best interests of the child and the criminal justice system. Moreover, section 29 of the Police Act 1996 (as amended by section 83 of the Police Reform Act 2002) requires that every member of a police force maintained for a police area attests to ensure that fundamental human rights are upheld with fairness, integrity, diligence and impartiality according to law. These responsibilities are carried out in compliance with domestic legislation and international treaties including the United Nations Convention on the Rights of the Child and the European Convention on Human Rights to protect the individual's right to life and to protect individuals from inhuman and degrading treatment.

6.7. Section 11 of the Children Act 2004 supports these responsibilities by placing the police under a duty to make arrangements to ensure that they exercise their functions having regard to the need to safeguard and promote the welfare of children. This does not change the functions placed on the police by existing statute. Their focus should still rest on meeting the objectives of the criminal justice system. However, the police service should make the following arrangements, under section 11 of the Children Act 2004, to ensure it takes account of the need to safeguard and promote the welfare of children in meeting these objectives.

Senior management commitment and accountability

6.8. Each police force should establish senior management commitment to safeguarding and promoting children's welfare by:

- having an identified an Association of Chief Police Officers' (ACPO) lead on children issues in each force;
- having a strong commitment to the importance of these issues through clear policies and procedures with appropriate links to partner agencies; and
- ensuring that suitable training and/or awareness are in place to promote the welfare of children.

6.9. In addition, forces should continue to develop their action plans on implementing the recommendations in the Victoria Climbié Inquiry Report to ensure that the mistakes made in the Victoria Climbié case will not be repeated.

6.10. Forces, in satisfying themselves of the effectiveness of their progress, will wish to have regard to the 2005 HMIC baseline assessment criteria, in particular 3C11 – 3C18, 1C06 and 2A05 – 2A07.

Statements of responsibility

6.11. Each police force should ensure that police officers and police staff at all levels are aware of their statutory requirements to protect and safeguard the welfare of children.

6.12. To achieve this, forces will need to demonstrate a proactive approach to ensure all staff are aware of their responsibilities.

Service development

6.13. Police authorities have an overarching role to secure the maintenance of an effective and efficient police force in their area. They also have responsibility for the publication of the local policing plan, drawing from the National Policing Plan.

6.14. In developing their local policing and departmental plans all forces and authorities should:

- give due consideration to the importance to local communities of child protection issues;
- reflect the recommendations of the Victoria Climbié Inquiry Report and the Every Child Matters: Change for Children Programme; and
- ensure that they take account of the need to safeguard and promote the welfare of children in determining criminal justice priorities.

6.15. Under section 96 of the Police Act 1996 Police Authorities have a statutory duty to consult communities on matters concerning the policing of the area.

Training

6.16. Police forces should ensure that appropriate training, processes and procedures are in place to enable all staff to be best able to support the aims and objectives of the Children Act 2004.

Safer recruitment, vetting and complaints procedures

6.17. All police officers and police staff must be subject to a full security check before taking up their post. This ensures no person with a previous conviction, in this context, specifically anything which compromises the welfare of children, is employed by the police. The Independent Police Complaints Commission should properly examine all complaints. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede the POCA List. Further guidance will follow on roles and responsibilities under the new scheme.

Work with individual children

6.18. Children under the age of 17 suspected of having committed an offence are recognised as vulnerable. The Police and Criminal Evidence Act 1984 and the accompanying Code of Practice (reviewed annually) place a statutory responsibility on the police to ensure additional considerations are given to the welfare and interests of a juvenile whilst dealing with them in

the context of the needs of the criminal justice system. A person aged under 17 is required to be afforded special care including the provision of an appropriate adult whilst in custody.

6.19. The Association of Chief Police Officers, in particular, is working towards the introduction of minimum standards in publishing a manual of guidance on the investigation of child abuse allegations and, once available, these should be implemented in all forces.

Inter-agency working

6.20. In support of effective interagency working, police forces should participate in Local Safeguarding Children Boards (LSCBs) in accordance with *Working Together to Safeguard Children* (2006). LSCBs should have in place local procedures governing inter-agency activity.

6.21. Local protocols should be consistent with *Statutory guidance on interagency co-operation to improve the wellbeing of children: Children's Trusts (2005)* and *Working Together to Safeguard Children (2006)*.

Information sharing

6.22. Police forces should make best use of information exchange between agencies.

6.23. The National Policing Plan, the recent police reform White Paper and the Home Office publication *Firm Foundations* all make clear the need to co-ordinate the various planning documents and cycles.

6.24. The Bichard Inquiry recommended that a Code of Practice on Information Management should be developed to assist the police service in adopting a consistent approach to recording, reviewing and sharing information.

6.25. A draft of the Code has now been produced for consultation. It will be underpinned by detailed operational guidance in specific areas, which will include information sharing with other agencies.

6.26. In addition, the IMPACT IT programme is being developed to ensure access by police forces and vetting authorities to information and intelligence held by other forces.

7. British Transport Police

The role of the British Transport Police in safeguarding and promoting the welfare of children

7.1. The British Transport Police (BTP) is the national police force for the railways providing a policing service to rail operators, their staff and passengers throughout England, Wales and Scotland.

7.2. BTP covers the whole range of crime from serious violent and sexual offences to pick-pocketing and car crime. It also takes a lead in combating the anti-social behaviour that can impact so much on those who use and work on the railway. The section 11 duty is not intended to compromise BTP's ability to execute these functions.

7.3. Practically, BTP understands its contribution to safeguarding and promoting the welfare of children, to apply specifically to those children who are:

- arrested;
- reported;
- charged;
- cautioned;
- warned;
- detained;
- taken into police protection;
- stop searched;
- stop checked;
- runaways (even when returned to home address);
- truants;

- any other reason not mentioned above when a child or young person comes to the notice of BTP.

7.4. The BTP recognises the factors which pose a risk to children's safety and welfare and implements procedures to protect those who are vulnerable.

7.5. The BTP will carry out these duties in accordance with its legislative powers for providing police protection under the Children Act 1989, and other relevant legislation, including the removal of truants under the Crime and Disorder Act 1998.

7.6. These duties will also be carried out in accordance with Force policy governing protecting and safeguarding the welfare of children, contained within the Force policy database. Please see *Statement of Responsibilities* section below.

7.7. These policies include detailed guidelines on how to apply legislative powers, including, for example, the appointment of a designated independent officer in the instance of a child taken into police protection.

Senior management commitment

7.8. Consideration of the welfare of children has been included within BTP's strategic documentation from April 2005. These documents are owned by the Chief Constable and the relevant Chief Officer.

7.9. The Assistant Chief Constable (Operations) is responsible for monitoring the effectiveness of this policy which encompasses the requirements of section 11 of the Children Act 2004 and for authorising amendments where necessary.

Statement of responsibility

7.10. BTP's policy process uses an impact assessment model which considers the impact of all policies on vulnerable and minority groups, including children.

Accountability within the BTP for work on safeguarding and promoting the welfare of children

7.11. The Assistant Chief Constable (Crime) has responsibility in ensuring BTP's work safeguards and promotes the welfare of children. Within this context he is assisted by the Justice Directorate and Strategic Development Unit. The Assistant Chief Constable (Crime) is answerable to the Chief Constable.

7.12. The *Children and Young Persons in Police Protection* policy document, which explains the responsibilities for BTP Officers under the Children Act 1989, provides the foundation for arrangements to comply with section 11 of the Children Act 2004.

Training

7.13. As part of every BTP Officer's basic training, in depth guidance should be given on all aspects of relevant legislation. This includes where officers have to come into contact with children and young people. In addition, specific Officers are designated as *Achieving Best Evidence* (ABE) trained Officers who have a specific knowledge of techniques concerning interviewing children in police care. This guidance is covered in the Force's *ABE – Vulnerable and Intimidated Witnesses* policy.

7.14. The specialist nature of the BTPs activities requires that Officers attain skills to deal with offences such as route crime, trespass and vandalism, and pick-pocketing, which are common to both the railways and juvenile offenders. These skills should include interview techniques outlined above (ABE), track safety training, schools liaison procedures, family liaison, and numerous partnership approaches.

Safer recruitment, vetting and complaints procedures

7.15. All police officers and police staff must be subject to a full security check before taking up their post. This ensures that no person with a previous conviction, in this context, specifically anything which compromises the welfare of children, is employed by the BTP. BTP should maintain procedures regarding recruitment which include the checking of references. The Police Reform Act 2002 (section 15) requires Police Authorities and Chief Officers to ensure that effective processes are in place to investigate complaints. The BTP has a Professional Standards Department which investigates complaints following statutory guidance.

The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. This will supercede current provision including the POCA List. Further guidance will follow on roles and responsibilities under the new scheme.

8. The Probation Service

The role of Probation Boards in relation to safeguarding and promoting the welfare of children

8.1. The key functions of the National Probation Service are to protect the public and to reduce re-offending. These functions encompass: the proper punishment of adult offenders in the community; ensuring offenders' awareness of the effects of crime on the victims of crime and the public; and the rehabilitation of offenders. In carrying out these duties, the National Probation Service must act in accordance with the Criminal Justice and Court Services Act 2000 and Criminal Justice Act 2003 and the Rules made under them and with the policy decisions and directives issued by the Secretary of State for the Home Department. The section 11 duty is not intended to compromise Probation Boards' ability to execute these functions, but will provide a specific direction to ensure probation practice operates with a wider vision to consider where practice can be improved and developed to safeguard and promote the welfare of children.

8.2. The Probation Service understands its contribution to safeguarding and promoting the welfare of children, in practice, to be in the:

- management of adult offenders in ways that will reduce the risk of harm they may present to children through skilful assessment, the delivery of well targeted and quality interventions and risk management planning;
- delivery of services to adult offenders, who may be parents or carers, that addresses the factors that influenced their reasons to offend, for example, poor thinking skills, poor moral reasoning, drug/alcohol dependency (relating to the two domains in the Assessment Framework of parenting capacity and family and environmental factors);
- recognition of factors which pose a risk to children's safety and welfare, and the implementation of agency procedures to protect children from harm (through appropriate information sharing and collaborative multi- agency risk management planning, for example, Multi Agency Public Protection Arrangements, contribution to Safeguarding Children Procedures and through Domestic Violence forums);
- seconding staff to work in youth offending teams;

- providing a service to child victims of serious sexual or violent offences;
- working with the female victims of male perpetrators of domestic abuse participating in accredited domestic abuse programmes in the community and in prison. In practice, this will mean having regard to the safety needs of any dependent children of the family.

Making arrangements to safeguard and promote children's welfare in the Probation Service

8.3. The National Probation Service understands it has an important role to play working with adult offenders who may pose a direct risk of harm to children and their carers.

8.4. The development of policies and practice guidance will be led by an assessment of risk of harm an offender presents to a child, the public, victims, self and staff. Plans will then be made to manage and reduce the risk. In addition, interventions should be planned to consider how it might contribute to an improvement in parenting and carer skills for offenders with responsibilities for children.

8.5. The National Probation Service is committed to working in partnership for change. This will develop under the umbrella of the National Offender Management Service for an end-to-end management of all offenders, whether they are serving sentences in prison, the community or both.

8.6. The Directorate of Probation will provide specific strategy to Probation Areas to develop policy and guidance which supports the implementation of the Children Act 2004 and develop a process to identify and share good practice.

Senior management commitment

8.7. National Probation Service Chief Officers and Probation Boards are committed to safeguarding and promoting the welfare of children. Within each Probation Area there should be a Chief Officer (or delegated Assistant Chief Officer), accountable to the Probation Boards, with responsibility for safeguarding and promoting the welfare of children and providing leadership for good practice. The Chief Officer should be involved in developing local strategies and practice guidance for adult offenders and also victims of serious crime which incorporate the responsibility to safeguard and promote the welfare of children. He/she will be responsible for the implementation of such strategies and guidance. The Chief Officer (or delegated Assistant Chief Officer) will work with the Local Safeguarding Children Board and children's trusts where appropriate, to agree what action should be taken to ensure that every child has the opportunity to fulfil their potential and to minimise the risks of poor outcomes for children and young people, and the part that the Probation Service can play to lead to improved outcomes.

Statement of responsibility

8.8. The Directorate of Probation has developed a national strategy on safeguarding and promoting the welfare of children and ensure the engagement of Probation Boards as a relevant member of the LSCBs and children's trusts where appropriate. Within this context, the Chief

Officer of each Probation Board should be responsible for drawing up and implementing local policy and practice guidance that should set out staff's responsibilities in relation to safeguarding and promoting the welfare of children.

A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children

8.9. Probation Boards, through Chief Officers are responsible for the day-to-day management of Probation Areas and staff. The Director of Probation, Chief Officers and Probation Board Chairs are accountable to the Secretary of State for the Home Department through the Chief Executive of the National Offender Management Service.

8.10. Probation Boards should ensure that local area staff who work with offenders:

- are familiar with guidance on the recognition of children in need, particularly those who have been abused or neglected;
- know what to do if they have concerns about the welfare of children, aware of the Assessment Framework and know how to refer a child about whom they have concerns to the LA children's social care for their locality; and
- recognise the role they can play in working with offenders that can improve their skills as parents and carers as well as reduce the likelihood of re-offending.

Training

8.11. Probation Boards should provide training on safeguarding and promoting the welfare of children for all staff working or in contact with children and their families.

8.12. The Area Probation Boards will ensure their Probation Area is represented as a relevant partner on the Local Safeguarding Children Board and children's trusts where appropriate, and that probation practitioner staff take part in interagency training and are familiar with the Common Assessment Framework, procedures for referral where there are concerns about a child's safety or welfare and their role in safeguarding and promoting the welfare of children, in addition to local agency training.

Safer recruitment, vetting and complaints procedures

8.13. Probation Boards should follow the procedures and protocols for the vetting of staff set out in Probation Circular 69/2003. The Probation Circular explicitly states that part of the purpose of vetting staff working within the National Probation Service is to "protect children and other vulnerable people to whom NPS staff are delivering services". The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede the POCA List. Further guidance will follow on roles and responsibilities under the new scheme.

8.14. The NPS has a well-established complaints procedure to be followed by each Probation Area. (Probation Circular 128/2001. Standard Complaint Procedure, Prisons and Probation Ombudsman).

Effective inter-agency working to safeguard and promote the welfare of children

8.15. Staff within the National Probation Service should work with staff from other agencies taking into account *Working Together to Safeguard Children* (2006), the *Framework for the Assessment of Children in Need and their Families* (2000), and this guidance.

8.16. Probation staff will ensure that where an adult offender is assessed as presenting a risk of serious harm to children through the Offender Assessment System (OASys) the risk management plan and supervision plan will contain a specific objective to outline the strategy and intervention planned to manage and reduce the risk of harm, and such cases will receive regular management oversight. Probation staff will work within agency protocols to safely and appropriately share information across key agencies that will promote the safety and welfare of the child.

8.17. Probation staff, when preparing a sentence plan, will need to consider how planned interventions might impact on parental responsibilities and whether the planned interventions could contribute to improved outcomes for children known to be in an existing relationship with the offender.

8.18. The National Probation Service supports the use of the Common Assessment Framework. Probation Boards would be responsible for ensuring local implementation of awareness training, to ensure probation staff understand how they might appropriately contribute. Probation staff would not be responsible for making an assessment of a child (under aged 18), except where that member of staff is seconded to the Youth Offending Team.

Work with individual children

8.19. The National Probation Service is responsible for the assessment of risk that an offender poses and the planning and delivery of the interventions required to meet their needs. The National Probation Service works with adult offenders who pose a risk of harm to children and young people. Where an offender poses a risk to children the National Probation Service will continue to work with other agencies through the MAPPA (Multi Agency Public Protection Arrangements) and LSCBs, to protect the individual child and safeguard and promote the welfare of all children in the area.

8.20. While the National Probation Service is primarily responsible for working with adult offenders it will need to give careful consideration to provision and services that may also involve children, such as reception areas, the action of staff when making home visits, the potential for working with child victims through the victim contact service or the planning and delivery of offender programmes that might demand specific attention to the safeguarding of children such as working with domestic violence or sex offender perpetrators. Probation works

directly with 16-17 year olds in delivering unpaid work requirements. Contact is also made with children who have been victims of sexual or violent offences, where the offender is sentenced to 12 months or more in custody.

Information sharing

8.21. The Criminal Justice Act 2003 extended the responsibilities of consultation and co-operation to other partners to manage and reduce dangerousness of offenders assessed as presenting high or very high risk of harm to the community. Each Probation Board has a duty to share information and should continue to share information with other agencies in order to promote and safeguard the welfare of children. The MAPPA Guidance (PC 52/2004) outlines the duty to share information across agencies to improve public protection. (see Multi Agency Public Protection Arrangements (MAPPA) Guidance
http://www.probation.homeoffice.gov.uk/files/pdf/PC54.pdf).

8.22. Where a member of staff becomes aware of a potential risk of harm to a child through their supervision of an adult offender they will ensure that the child's welfare is safeguarded and promoted through the sharing of information with the Children's Services Authority. Chief Officers of Probation will ensure their probation area has in place a protocol to support the sharing of information with the LSCB members to support the safeguarding of children. The Chief Officer will ensure that Probation Area policy clearly explains who should be contacted and the required level of management oversight where a child has been assessed at risk of harm. Probation staff will ensure that where an adult offender is assessed as presenting a high risk of harm to children through OASys (Offender Assessment System) that the risk management plan and supervision plan will contain an explicit objective to outline the strategy and intervention planned to manage and reduce the risk of harm, and such cases will receive regular management oversight.

9. Youth Offending Teams

The role and functions of Youth offending teams

9.1. Youth Offending Teams (Yots) are multi-agency teams. The statutory membership of Yots is set out in section 39(5) of the Crime and Disorder Act 1998 and consists of the following:

- at least one probation officer;
- at least one police officer;
- at least one person nominated by a Primary Care Trust or a health authority;
- at least one person with experience in education (being someone nominated by the Director of Children's Services);
- at least one person with experience of social work in relation to children (being someone nominated by the Director of Children's Services).

9.2. Yots can also include representatives of other agencies, as the local authority in consultation with the statutory partners considers appropriate, and work in conjunction with a range of local partners.

9.3. Yots are central to the youth justice system – they have a statutory duty to deliver youth justice services including advising courts, managing community sentences and interventions, and working with juvenile custodial establishments. Yots are responsible for the supervision of children and young people subject to statutory disposals.

9.4. The statutory principal aim of the youth justice system, and of Yots, is to prevent offending by children and young people as set out in Section 37 of the Crime and Disorder Act 1998.

9.5. As Yots are multi-agency teams, some members of Yots will also need to be aware of the section in this guidance on safeguarding and promoting welfare that relates to their constituent agency within the Yot. This section of the guidance relates to the collective work of the Yot.

The contribution of Yots to safeguarding and promoting the welfare of children

9.6. The Children Act 2004 requires that Yots make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

9.7. Safeguarding and promoting the welfare of children and young people is an essential prerequisite for work of Yots to reduce the likelihood of offending and re-offending.

9.8. All those working within Yots must understand their responsibility to safeguard and promote the welfare of children. In practice, these responsibilities are discharged through the adherence to National Standards for Youth Justice on assessments and intervention, a range of YJB guidance including the Key Elements of Effective Practice guidance issued by the Youth Justice Board (YJB) and the *Working Together to Safeguard Children* guidance (2006).

9.9. Children and young people with whom the Yot works must be carefully assessed. Asset is the assessment tool used by Yots for children and young people who have already offended and ONSET is used for children and young people at risk of offending to assess the need for targeted prevention programmes[21]. This assessment process examines a range of factors:

- Living arrangements;
- Family and personal relationships;
- Education, training and employment;
- Neighbourhood and community factors;
- Lifestyle factors;
- Substance misuse;
- Health (physical, emotional and mental);
- Vulnerability (risk to young person from self or others)

9.10. Asset and ONSET are designed to assess offending-related risk and needs and also welfare related needs. Where the young person may have needs that are outside the scope of the Yot, the Common Assessment Framework can be used to build on Asset or ONSET in order to determine and engage the relevant partner agencies.

9.11. An intervention plan will be designed based on the information from the assessment to address difficulties and deficits, building on identified strengths, in consultation with the young person and their family. It will be implemented with a view to promoting the welfare of the young person, managing the risk the young person presents and reducing their likelihood of

21 The Government has published a new Common Assessment Framework (2006) providing a national common process for early assessment to identify more accurately and speedily the additional needs of children and young people. Asset and ONSET continue to be used as specialist assessment tools in the youth justice system and guidance has been issued by the YJB in consultation with DfES on their 'fit' with CAF (see http://www.yjb.gov.uk/Publications/Scripts/prodView.asp?idproduct=314&eP=).

re-offending, as set out in the *National Standards for Youth Justice 2004*, guidance on the Asset assessment tool and the YJBs *Key Elements of Effective Practice and Managing Risk in the Community*. The interventions and their effect on the life of the young person should be carefully monitored and evaluated. Any intervention should take into account any existing plans including a Child Protection Plan.

9.12. The assessment will include whether there is a risk of serious harm to the young person concerned or to others. Referrals should be made where appropriate to children's social care according to LSCB procedures and/or local Multi-Agency Public Protection Arrangments (MAPPA). The existence of children's social care staff within the Yot will facilitate an effective referral, section 47 enquiries, and transmission of relevant information. The Yot will participate fully in any subsequent section 47 enquiries and planning, as required by children's social care and the Police and in accordance with local LSCB procedures.

9.13. As well as the development of intervention plans in the community, Yots are responsible for the overall sentence planning process for young people going through custody, ensuring that co-ordinated plans- which address all needs and in particular resettlement needs – are developed from the outset of the custodial period, according to national standards.

Senior management commitment and identifying clear lines of accountability

9.14. The Yot steering group/management board is responsible for overseeing the work of the Yot and ensuring that arrangements are in place for safeguarding and promoting welfare of children and young people. The Yot steering group/management board will facilitate a strategic approach to Yot participation in safeguarding and welfare arrangements between agencies.

9.15. The YJB guidance *Sustaining the Success (2004)* sets out the arrangements for developing the work of Yots and the Yot steering group/management board and includes a framework for establishing protocols between Yots and other children's services. The framework includes clarifying responsibilities for responding to welfare concerns and meeting the needs of children and young people in the youth justice system.

9.16. The Yot manager/head of service, responsible for the strategic and operational functions of the team, should ensure that effective policies and procedures are in place that address safeguarding and the promotion of welfare.

9.17. The Yot manager/head of service should ensure that there are clear lines of accountability within the Yots in relation to safeguarding and promoting the welfare of children. All managers need to be made aware of the importance of this area of work in carrying out their functions.

Statement explaining responsibilities for safeguarding and promoting welfare

9.18. All staff in the Yot should be clear about their responsibilities for safeguarding and promoting the welfare of children. There need to be effective communication arrangements that ensure that all staff are aware of the priority given to safeguarding and promoting welfare and their lines of accountability.

Staff training on safeguarding and promoting the welfare of children

9.19. The Yot partnership should ensure that all staff participate in a programme of training that ensures they understand both their role and responsibilities and those of other professionals and organisations in relation to safeguarding and promoting children's welfare. Yot staff should be trained and made aware of safeguarding children procedures. YOT staff must comply with local arrangements and practice guidance issued by the Youth Justice Board.

Safer recruitment and vetting procedures

9.20. Staff recruitment needs to be in line with the partner agencies' requirements in relation to vetting and CRB checks. Procedures will need to cover employed (both seconded and directly employed), voluntary and student placements within the Yot. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede current provision including the Protection of Children Act list and List 99. Further guidance will follow on roles and responsibilities under the new scheme.

Effective inter-agency working to safeguard and promote the welfare of children

9.21. Yots should participate in local arrangements for inter-agency working. This includes participation in local LSCBs as well as local Multi-Agency Public Protection Arrangements (MAPPA).

9.22. Yots will be required to co-operate with the LSCB in the event of a serious case review following the death or serious injury of a young person under the supervision of the Yot. This includes the death of a child/young person in custody where the Yot will also be required to cooperate with the Prisons and Probation Ombudsman in the event of the the death occurring either in a Young Offender Institution (YOI) or Secure Training Centre (STC)

9.23. Yots also are required to co-operate in local arrangements to improve the wellbeing of children as set out in section 10 of the Children Act 2004.

Sharing information and using common processes

9.24. Yots should act in accordance with local arrangements for the sharing of information between key agencies, including raising concerns about safeguarding and welfare to appropriate agencies and will contribute to common processes as appropriate.

10. Prisons

The role of prisons in relation to safeguarding and promoting the welfare of children

10.1. Prison Governors (and Directors in the contracted estate) have two primary duties. The first is to execute the warrant of the court by keeping a prisoner in custody. The second is to contribute to the principal aim of the youth justice system, which is "to prevent offending by children and young people" (section 37 of the Crime & Disorder Act 1998). In carrying out those primary duties, Governors/Directors must act in accordance with the Prisons Act 1952 and the Rules made under it and have regard to policy decisions and directives issued by the Secretary of State for the Home Department.

10.2. Within this legislative and policy framework, Section 11 of the Children Act 2004 gives Prison Governors/ Directors a legal responsibility to make arrangements to ensure that they exercise their functions having regard to the need to safeguard and promote the welfare of the children in their custody and other children with whom they have contact. This duty is not intended to override or interfere with Governors'/Directors' execution of their primary duties as set out above. The duty does not apply to adult prisoners in their capacity as parents or carers, or to decisions about the placement or transfer of adult prisoners.

10.3. Governors/Directors understand their contribution to safeguarding and promoting the welfare of children, in practice, to be in the development and implementation of policies and arrangements designed to:

- protect the children committed to their custody from significant harm, including self-harm or suicide, harm from other children, (bullying and other potential forms of abuse which may occur in prison), and harm from staff and other adults, e.g. visitors;
- safeguard the children who are not in the Service's custody but with whom the Service has routine contact – when in contact with those children, e.g. children visiting the establishment, and prisoners' children who are resident in Mother and Baby Units; and

- minimise the risks of harm to children in the community by prisoners who have been identified as presenting such a risk, which could occur during any form of contact with a child, including correspondence, telephone and visits.

10.4. The Prison Service and its Director General are accountable to the Secretary of State for the Home Department through the Chief Executive of the National Offender Management Service. Prison Governors are accountable to the Director General through Prison Service Area Managers and operational Directors, whilst Directors of contracted prisons are accountable to the Assistant Director of the Office for Contracted Prisons.

10.5. The Youth Justice Board for England and Wales (YJB) has statutory responsibility for the commissioning and purchasing of all secure accommodation for children and for setting standards for the delivery of those services. As part of this estate, there is a separate prisons estate for 15-17 year olds and/or those sentenced to the Detention and Training Order ("the juvenile estate"). The Prison Service is one of the YJB's major providers of secure accommodation for children and young people. There is a partnership agreement between the two organisations, as well as a service level agreement.

Making arrangements to safeguard and promote welfare in the juvenile estate

10.6. Policies for safeguarding and promoting the welfare of children held in custody in the juvenile estate were first introduced when the estate was created in April 2000. Those policies, which were based on the principles enshrined in the Children Act 1989, have since been developed in the light of the High Court judgment, delivered in *The Howard League for Penal Reform -v- the Secretary of State for the Home Department* (November 2002). Mr Justice Munby ruled that the 1989 Act applies to children in prison establishments, and, in particular the responsibilities of local authority social services under sections 17 and 47 of the Children Act 1989, subject to the necessary requirements of imprisonment. The judgment also confirmed that prisons have a legal obligation to safeguard the wellbeing of children in their care by virtue of section 6(1) of the Human Rights Act and Article 8 of the European Convention on Human Rights.

10.7. In order to meet the duty in section 11 of the Children Act 2004, Prison Governors/Directors should have regard to the policies, agreed by the Prison Service and the YJB, for safeguarding and promoting the welfare of children held in custody in the juvenile estate. These are published in Prison Order 4950 ("Juvenile Regimes"). They require that the following arrangements are in place in each juvenile establishment:

10.8. ***Senior management commitment and accountability***

- a senior member of staff ("child protection co-ordinator" or "safeguards manager") who is responsible to the Governor/Director for child protection and safeguarding matters;
- a child protection committee whose membership includes a senior manager as the chair, representatives of multi-disciplinary staff and a representative of the LSCB and whose

functions include agreeing the local child protection and safeguarding policy, monitoring its operation, and keeping it under regular review.

10.9. ***Clear statements of responsibility***

Local, establishment-specific child protection and safeguarding policy, agreed with the local LSCB, which has regard to the Prison Service's/YJB's overarching policy and which includes procedures for dealing with incidents or disclosures of child abuse or neglect occurring before or during custody;

- suicide and self-harm prevention and anti-bullying strategies, approved by the Area Manager/Office for Contracted Prisons;
- procedures for dealing proactively, rigorously, fairly and promptly with complaints and formal requests, complemented by an advocacy service to support complainants;

10.10. ***Training***

- Specialised training in safeguarding children procedures for all staff working with children.

10.11. ***Safer recruitment***

- Selection, recruitment and vetting procedures ensure that new staff work safely and competently with children. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede current provision including the Protection of Children list. Further guidance will follow on roles and responsibilities under the new scheme.

10.12. ***Effective inter-agency working***

- Action to manage and develop effective working partnerships with other agencies, including voluntary and community organisations, that can strengthen the support provided to the young person and their family during custody and on release.

10.13. ***Work with individual children***

- an initial assessment on reception into custody to identify the needs, abilities and aptitudes of the young person and the formulation of a sentence plan (including an individual learning plan) designed to address them, followed by regular sentence plan reviews;
- provision of education, training and personal development in line with the YJB's Offenders' Learning Journey (http://olass.lsc.gov.uk);
- maintenance of permanent, private and secure records on the young person, containing all relevant personal information, contact numbers and details of all relevant occurrences;
- action to encourage the young person to take an active role in the preparation and subsequent reviews of their sentence plan, so that they are able to contribute to, and influence, what happens to them in custody and following release;

- action to promote the positive contact and involvement of the young person's family, particularly in the sentence planning process.

10.14. Moreover, to support the exercise of the Section 11 duty:

- the service level agreements between the Prison Service and the Youth Justice Board should take account of the duty to safeguard and promote the welfare of children and of any changes in the level of service needed to achieve this;
- Governors/Directors have a duty to share information, where necessary, with other statutory agencies, including but not limited to: Youth Offending Teams; Local Safeguarding Children Boards (LSCBs); children's social care in the LA; the police; and other relevant agencies. Governors/Directors should ensure that the information is shared appropriately with those agencies, and with due regard to the need to preserve the young person's right to confidentiality. Governors/Directors have a duty to put in place, and to ensure that staff are aware of, and follow, procedures for ensuring that relevant information is passed to those other agencies where necessary;
- all juvenile establishments should consider how their IT systems could be used to enhance the effectiveness of their work with children; and
- While a child is in custody, and subsequently under supervision within the community, the lead responsibility for working with parents and family lies with the relevant Youth Offending Team (Yot). Staff in the juvenile estate work in close partnership with Yots during the custodial period and will support Yots in this crucial role as far as they are able.

10.15. The management of children and young people held in the juvenile estate, including compliance with the arrangements above, should be supervised and monitored through the normal line management structures and through YJB monitoring arrangements. Each juvenile establishment is also subject to regular inspection by HM Chief Inspector of Prisons.

Making arrangements to safeguard and promote welfare in all prisons

10.16. Governors/Directors of women's establishments which have Mother and Baby Units should meet their responsibilities under Section 11 of the Children Act 2004 by having regard to Prison Service Order 4801. This means they need to ensure that staff working on the units are prioritised for child protection training, and that there must at all times be a member of staff on duty in the unit who is proficient in child protection, health and safety and first aid/child resuscitation. Each baby must have a child care plan setting out how the best interests of the child will be maintained and promoted during the child's residence on the unit.

10.17. Governors/Directors of all prison establishments are required by the Service's National Security Framework to have in place arrangements for the protection of visitors, including children. They are also required by Prison Service policy, set out in the *Public Protection Manual*, to implement measures to minimise the risks of harm to children by prisoners who have been identified as presenting a risk of harm to children that could take place during any form of contact, including correspondence, telephone and visits.

10.18. Governors/Directors are committed to ensuring that the diversity of prisoners and staff – including matters such as race, religion, gender and disability – is respected and that due regard is paid to it in policies and practices. Diversity training is mandatory for staff in all establishments. Foreign language translations of important information are available for prisoners whose first language is not English, and there is provision for interpreters to be used where necessary. Care is taken to meet the needs of disabled prisoners and staff in accordance with the guidance and instructions set out in Prison Service Order 2855.

11. Secure Training Centres

Making arrangements to safeguard and promote welfare in secure training centres

11.1. Secure Training Centres are provided under the Criminal Justice and Public Order Act 1994. Their primary function is to accommodate young persons sent there by the courts in a safe environment within secure conditions in a manner that maintains high standards of care, control, good order and discipline and protecting vulnerable and disruptive young persons from themselves and each other.

11.2. Under Section 11 of the Children Act 2004, the Director or Governor has a duty to make arrangements for safeguarding and promoting the welfare of young persons placed in the Centre. In order to meet this duty, Directors and Governors should take the following action:

Senior management commitment

11.3. Directors and Governors of Secure Training Centres should publish a clear, unambiguous statement detailing their commitment to safeguarding children and promoting their welfare.

Statements of responsibilities

11.4. Directors and Governors should ensure that effective policies and procedures are in place that explain staff responsibilities in relation to safeguarding, child protection and welfare promotion.

11.5. Directors and Governors should nominate an individual to take the lead on safeguarding and promoting the welfare of children.

11.6. Directors and Governors should ensure that there is a clear and established complaints procedure with which all staff are made familiar, and that advocacy and independent persons' services are not hindered in carrying out their work. They should also establish procedures for consulting with children and ensuring that their views are taken into account, as appropriate.

Safer recruitment

11.7. Directors and Governors should ensure that all staff are subjected to enhanced vetting through the Criminal Records Bureau. They should also ensure that employment and personal

references are always taken up, and applicants for posts working with children are able to account for gaps in their employment history. The Safeguarding Vulnerable Groups Act 2006 will establish a new vetting and barring scheme from 2008 for those who work with children and vulnerable adults. This will include all those engaged in specific activities in relation to children. The new scheme will supersede the current provision including the Protection of Children Act list. Further guidance will follow on roles and responsibilities under the new scheme.

Staff training

11.8. Directors and Governors should ensure all staff are trained in safeguarding children procedures and are able to recognise and assess the signs of children and young persons facing difficulties or abuse. Staff should also be aware of the procedures for assessing the needs of children and making referrals to the local authority.

Effective inter-agency working

11.9. Directors and Governors should ensure that appropriate links are made with their Local Safeguarding Children Board (LSCB) and the relevant Director of Children's Services or his or her representative. Directors and Governors must also facilitate access to Local Authority social workers to undertake their duties under Children Act 1989.

Work with individual children

11.10. Formal assessment and planning will take place for each child with individualised plans made that address the welfare and safeguarding needs of each child. The Director or Governor should ensure that the individual needs of each child are identified and taken into account when plans are made for them.

Information Sharing

11.11. Directors and Governors have a duty to work with other statutory agencies, including but not limited to; Youth Offending Teams; Local Safeguarding Children Boards (LSCBs); social care; the police and other relevant agencies. Directors and Governors should ensure that they share information appropriately with those agencies, and with due regard to confidentiality. Directors and Governors have a duty to put in place, and to ensure that staff are aware of and follow, procedures for ensuring that relevant information is passed to those other agencies where necessary.

Appendix A

1. Summary of Safeguarding Children and Safer Recruitment in Education[22]

1.1. This document sets out the responsibilities of all local authorities, schools and Further Education (FE) colleges in England to safeguard and promote the welfare of children and young people under Section 175 of the Education Act 2002. It sets out recruitment best practice, some underpinned by legislation, for the school, local authority, and FE education sectors. This guidance is also relevant for supply agencies who supply staff to the education sector, contractors who work in education establishments responsible for under 18s, as well as other providers of education and training for those under 18 funded by the Learning and Skills Council (LSC).

1.2. The document also details the process for dealing with allegations of abuse against staff. This guidance does not cover the requirements of the new vetting and barring scheme to be introduced under the Safeguarding Vulnerable Groups Act 2006. These will be phased in from 2008, and updated guidance will be prepared in due course.

1.3. This guidance replaces:

- *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service;*
- *Criminal Records Bureau: Managing the Demand for Disclosures;*
- *Safeguarding Children in Education;*
- *Safeguarding Children: Safer Recruitment and Selection in Education Settings;*
- *Dealing with Allegations of Abuse against Teachers and Other Staff.*

1.4. It also replaces the guidance contained in *Checks on Supply Teachers* which was issued in September 2004, Circular 7/96, *Use of Supply Teachers*, and in the associated *Guidance Notes for Teacher Employment Businesses and Agencies*. Chapter 1 provides brief information on the responsibilities of local authorities, schools and FE colleges and details of relevant legislation.

22 This Appendix reproduces the Executive Summary of the *Safeguarding Children and Safer Recruitment in Education* Guidance (2006).

It confirms the scope and audience for the guidance and sets out details of superseded documents.

1.5. Chapter 2 sets out the responsibilities of local authorities, schools of all kinds and FE colleges to safeguard and promote the welfare of children. It provides guidance on the organisational and management arrangements which need to be put in place to safeguard children in the education service. It supports educational organisations in delivering their responsibilities under sections 175 and 157 of the Education Act 2002 and replaces the guidance issued in September 2004 as *Safeguarding Children in Education*.

1.6. Chapter 3 provides guidance on safer recruitment and selection in education settings. This includes recruitment and selection best practice, and other human resources processes that help to recruit candidates who have the skills, knowledge and aptitudes to work, whether paid or unpaid, in the education services and help to deter, reject or identify people who are unsuitable. It sets out all the steps in the process and briefly describes the recruitment and vetting checks required. This supports the delivery of the on-line training course produced by the National College for School Leadership and replaces the guidance, *Safeguarding Children: Safer Recruitment and Selection in Education Settings*, issued in June 2005.

1.7. Chapter 4 sets out new and revised policy. It provides detailed guidance on the recruitment and vetting checks to be made in education settings. It sets out what checks **must** be undertaken and for which staff whether paid or unpaid and what checks **should** be undertaken and for which staff whether paid or unpaid. It provides detailed guidance to support the delivery of the recruitment and selection processes set out in Chapter 3. It replaces: *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service* issued in May 2002; *Criminal Records Bureau: Managing the Demand for Disclosures* issued in December 2002; *Checks on Supply Teachers* which was issued in September 2004; and Circular 7/96, *Use of Supply Teachers*.

1.8. Chapter 5 reflects existing policy. It provides guidance on handling allegations of abuse against teachers and other staff or volunteers in the education service. This guidance was first issued to the education service in November 2005 and, covering the whole of the children's workforce, it forms Appendix 5 of *Working Together to Safeguard Children* issued in April 2006. There then follow an annex and a number of appendices which support this guidance, including flowcharts to assist schools and FE colleges with the recruitment and checking process.

1.9. The guidance is supported by a website that includes examples of good practice and model policies for education establishments to use, at: www.teachernet.gov.uk/childprotection

Appendix B

1. The Legislative Framework for Safeguarding and Promoting the Welfare of Children

Children Act 2004

1.1. **Section 10** requires each Local Authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area – which includes protection from harm or neglect alongside other outcomes. This section of the Children Act 2004 is the legislative basis for children's trust arrangements.

1.2. **Section 11** requires a range of organisations to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

1.3. **Section 12** enables the Secretary of State to require local authorities to establish and operate databases relating to the section 10 or 11 duties (above) or the section 175 duty (Appendix A), or to establish and operate databases nationally. The section limits the information that may be included in those databases and sets out which organisations can be required to, and which can be enabled to, disclose information to be included in the databases.

1.4. **Section 13 of the Children Act 2004** requires each children's services authority to establish a Local Safeguarding Children Board (LSCB). It also requires a range of organisations to take part in LSCBs. Sections 13-16 set out the framework for LSCBs, and the LSCB Regulations (2006), set out the requirements in more detail in particular on LSCB functions.

Children Act 1989

1.5. **Safeguarding and Promoting the Welfare of Children**

Section 17 of the Children Act 1989 places a general duty on every local authority:

- *to safeguard and promote the welfare of children within their area who are in need; and*
- *so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.*

1.6. **Children who are suffering or are likely to suffer significant harm.**

Where a local authority –

a. *are informed that a child who lives, or is found in their area –*

   i. is the subject of an emergency protection order; or

   ii. is in police protection; or

   iii. has contravened a ban imposed by a curfew notice imposed within the meaning of Chapter 1 of Part 1 of the Crime and Disorder Act 1998; or

b. have reasonable cause to suspect that a child who lives, or is found in their area is suffering, or is likely to suffer, significant harm,

the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare (Children Act 1989 section 47(1)).

1.7. **Ascertaining the wishes and feelings of children**

Section 53 of the Children Act 2004 amends both s17 and s47 of the Children Act 1989, to require in each case that before determining what services to provide or what action to take, the LA shall, so far as is reasonably practicable and consistent with the child's welfare:

- ascertain the child's wishes and feelings regarding the provision of those services or the action to be taken;
- give due consideration (with regard to the child's age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

1.8. **Duties to co-operate to safeguard and promote the welfare of children**

The Children Act 1989 places two specific duties on agencies to co-operate in the interests of children in need.

(a) Section 27 provides that a local authority may request help from:

- *any local authority;*
- *any local education authority;*
- *any local housing authority;*
- *any health authority, Special Health Authority, Primary Care Trust, National Health Service trust or NHS Foundation Trust; and*
- *any person authorised by the Secretary of State.*

in exercising the local authority's functions under Part III of the Act. This part of the Act places a duty on local authorities to provide support and services for children in need, including children looked after by the local authority and those in secure accommodation. The authority whose help is requested in these circumstances has a duty to comply with the request, provided it is compatible with its other duties and functions.

(b) Section 47 places a duty on:

- *any local authority;*
- *any local education authority;*
- *any local housing authority;*
- *any health authority, Special Health Authority, Primary Care Trust, National Health Service trust or NHS Foundation Trust; and*
- *any person authorised by the Secretary of State.*

to help a local authority with its enquiries in cases where there is reasonable cause to suspect that a child in suffering, or is likely to suffer, significant harm.

1.9. **Children provided with accommodation by a health body or local education authority**

(c) Section 85

(1) Where a child is provided with accommodation by any health body or local education authority ("the accommodating authority") –

(a) for a consecutive period of at least three months; or

(b) with the intention, on the part of that authority, of accommodating him for such a period,

the accommodating authority shall notify the responsible authority.

(2) Where subsection (1) applies with respect to a child, the accommodating authority shall also notify the responsible authority when they cease to accommodate the child.

(3) In this section "the responsibility authority" means-

(a) the local authority appearing to the accommodating authority to be the authority within whose area the child was ordinarily resident immediately before being accommodated; or

(b) where it appears to the accommodating authority that a child was not ordinarily resident within the area of any local authority, the local authority within whose area the accommodation is situated.

(4) Where a local authority have been notified under this section, they shall-

(a) take such steps as reasonably practicable to enable them to determine whether the child's welfare is adequately safeguarded and promoted while he is accommodated by the accommodating authority; and

(b) consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.

1.10. **Private Fostering**

Amendments made to section 67 of and Schedule 8 to the Children Act 1989 by section 44 of the Children Act 2004

Section 67 as amended by section 44 of the Children Act 2004:

67.-(1) It shall be the duty of every local authority to satisfy themselves that the welfare of children who are or are proposed to be privately fostered within their area is being or will be satisfactorily safeguarded and promoted and to secure that such advice is given to those concerned with them as appears to the authority to be needed.

(2) The Secretary of State may make regulations –

(a) requiring every child who is privately fostered within a local authority's area to be visited by an officer of the authority –

(i) in prescribed circumstances; and

(ii) on specified occasions or within specified periods; and

(b) imposing requirements which are to be met by any local authority, or officer of a local authority, in carrying out functions under this section.

(2A) Regulations under subsection (2)(b) may impose requirements as to the action to be taken by a local authority for the purposes of discharging their duty under subsection (1) where they have received notification of a proposal that a child be privately fostered.

(3) Where any person who is authorised by a local authority for the purpose has reasonable cause to believe that –

(a) any privately fostered child is being accommodated in premises within the authority's area; or

(b) it is proposed to accommodate any such child in any such premises,

he may at any reasonable time inspect those premises and any children there.

(4) Any person exercising the power under subsection (3) shall, if so required, produce some duly authenticated document showing his authority to do so.

(5) Where a local authority are not satisfied that the welfare of any child who is or is proposed to be privately fostered within their area is being or will be satisfactorily safeguarded or promoted they shall –

(a) unless they consider that it would not be in the best interests of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by –

(i) a parent of his;

(ii) any person who is not a parent of his but who has parental responsibility for him; or

(iii) a relative of his; and

(b) consider the extent to which (if at all) they should exercise any of their functions under the Children Act with respect to the child.

(6) The Secretary of State may make regulations requiring a local authority to monitor the way in which the authority discharge their functions under this Part (and the regulations may in particular require the authority to appoint an officer for that purpose).

Schedule 8 – Privately fostered children

NB: No paragraphs in schedule 8 are amended – paragraph 7 is set out here for the sake of completeness as new paragraph 7A refers.

Regulations requiring notification of fostering, etc

7.-(1) The Secretary of State may by regulations make provision as to—

(a) the circumstances in which notification is required to be given in connection with children who are, have been or are proposed to be fostered privately; and

(b) the manner and form in which such notification is to be given.

(2) The regulations may, in particular—

(a) require any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately to notify the appropriate authority;

(b) require any person who is—

(i) a parent of a child; or

(ii) a person who is not a parent of his but who has parental responsibility for a child,

and who knows that it is proposed that the child should be fostered privately, to notify the appropriate authority;

(c) any parent of a privately fostered child, or person who is not a parent of such a child but who has parental responsibility for him, to notify the appropriate authority of any change in his address;

(d) require any person who proposes to foster a child privately, to notify the appropriate authority of his proposal;

(e) any person who is fostering a child privately, or proposes to do so, to notify the appropriate authority of—

(i) any offence of which he has been convicted;

(ii) any disqualification imposed on him under section 68; or

(iii) any prohibition imposed on him under section 69;

(f) any person who is fostering a child privately, to notify the appropriate authority of any change in his address;

(g) require any person who is fostering a child privately to notify the appropriate authority in writing of any person who begins, or ceases, to be part of his household;

(h) require any person who has been fostering a child privately, but has ceased to do so, to notify the appropriate authority (indicating, where the child has died, that that is the reason).

7A Every local authority must promote public awareness in their area of requirements as to notification for which provision is made under paragraph 7.

Domestic Violence, Crime And Victims Act 2004

1.11. The new offence and procedural changes in section 5 of the Domestic Violence, Crime and Victims Act 2004 forms a package of measures which are intended to solve the problem that arises when a child[23] or vulnerable adult suffers an unlawful death and it can be proved that one or more of a small group of people living in the same household as the victim caused the death, but not which of them. In such circumstances there may be no case to answer against any member of the household for murder/manslaughter. Until now this loophole in the law has enabled those co-accused of the death of a child or vulnerable adult to escape justice by remaining silent or by blaming each other. It is also a serious stand-alone offence which puts a new legal responsibility on adult household members who could be charged with the offence

23 For the purposes of Section 5 of this Act, a child is defined as someone under the age of 16.

even when, for example, there is no charge of murder/manslaughter or where evidence suggests that the defendant could not themselves have committed the criminal act which killed the victim.

1.12. The offence provides that members of a household who have frequent contact with a child or vulnerable adult will be guilty if they caused the death of that child or vulnerable adult or three conditions are met:

- they were aware or ought to have been aware that the victim was at significant risk of serious physical harm from a member of the household; and
- they failed to take reasonable steps to prevent that person coming to harm; and
- the person subsequently died from the unlawful act of a member of the household in circumstances that the defendant foresaw or ought to have foreseen.

1.13. The offence may therefore be applicable in two different circumstances – the defendant may have caused or allowed the death of a child or vulnerable adult. The prosecution do not have to prove which of the two circumstances apply to the defendant. The maximum penalty is 14 years.

Education Act 2002

Safeguarding and promoting the welfare of children

1.14. Section 175 of the Education Act 2002 places a duty on Local Education Authorities and on school and college governing bodies to make arrangements with a view to safeguarding and promoting the welfare of children. Proprietors of independent schools also have a duty to safeguard and promote the welfare of children who are pupils at the school under Section 157 of the Education Act 2002 and the Education (Independent Schools Standards) Regulations 2003.

Education Act 1996

Child employment

1.15. Local Authority functions relating to child employment under section 559 of the Education Act 1996 and section 18(2) of the Children and Young Persons Act 1933 are education functions. The Local Authority Education Welfare Service is responsible for administering the child employment legislation, currently contained in local byelaws. The health, education and wellbeing of every child for whom a work permit or performance licence is issued must be protected. Employers of children also have a responsibility to safeguard and promote the welfare of children by applying to the local authority for an employment permit.

Housing Act 2004

1.16. Part 1 of the Housing Act 2004, which came into force on 6 April 2006, gives local authorities powers and duties to take action against bad housing conditions, and introduces a new Housing Health and Safety Rating System under which authorities' environmental health professionals will assess the impact of health and safety hazards in the light of the occupants

most vulnerable to them. Examples are damp and mould (to which the most vulnerable age group is children under 14), problems with washing facilities, sanitation and drainage (children under 5) and falls between levels (children under 5). The new system replaces the housing fitness standard and provides an objective way of assessing the seriousness of hazards and identifying the most appropriate remedial action.

Housing Act 1996

1.17. Section 213A of Housing Act 1996 (which was inserted by the 2002 Homelessness Act) ensures that a housing authority contacts social services (with consent) when a family with children is ineligible or intentionally homeless i.e. they are not owed the main homelessness duty and the family wishes to seek assistance under Part 3 of the Children Act 1989. If consent is withheld, the housing authority may disclose information about a homelessness case to social services if the child is or may be at risk of significant harm.

1.18. Section 213A also ensures that housing authorities cooperate with social services to provide advice and assistance as is reasonable to help ineligible or intentionally homeless households with children to obtain accommodation. However the duty does not extend to providing accommodation for the household.

Human Rights Act 1998

1.19. The Human Rights Act 1998 is fundamental to this Guidance. Section 6(1) places a duty on all public authorities to act in a way that is compatible with the rights and freedoms of the European Convention of Human Rights that have been incorporated by the 1998 Act. These convention rights include Article 3 – "no one shall be subjected to torture or inhumane or degrading treatment or punishment" and Article 8 – "everyone has the right to respect for his private and family life, his home and his correspondence".

Licensing Act 2003

1.20. The overall aim of the Licensing Act is to modernise the legislation governing the sale and supply of alcohol and public entertainment licensing. The Act transferred Liquor licensing powers from the Magistrates' Courts to Local Authorities, via the creation of 'Licensing Authorities'. A number of 'responsible authorities' are to be notified of all licence variations and new applications. These responsible authorities include the police and the fire department, as well as *"a body which represents those who, in relation to any area, are responsible for, or interested in, matters relating to the protection of children from harm, and is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters."* Agreement regarding the identification of this body is a local decision, however it may be a function of the LSCB in the future or the LA.

The Sexual Offences Act 2003

1.21. The Sexual Offences Act 2003, which came into force on 1 May 2004, represents a major overhaul in the sexual offences framework. Sexual crime, and the fear of sexual crime, has a profound and damaging effect on the lives of individuals and communities. Amongst the important measures contained in this Act, it clarifies issues surrounding consent in rape and

sexual assault cases; it gives children the greatest possible protection against sexual abuse; for the first time, it provides a specific set of offences to protect persons with a mental disorder; and it tackles the commercial exploitation of people for sexual purposes through prostitution and trafficking. Throughout the Act, the maximum penalties for offences have been reviewed and, where necessary, amended to reflect the seriousness of the behaviour involved.

1.22. Part 2 of the Act deals with notification requirements (often known as the register of sex offenders) and re-enacts, with amendments, Part 1 of the Sex Offenders Act 1997. The notification requirements have proved an invaluable tool for the police to monitor convicted sex offenders within their area and the Sexual Offences Act makes a number of changes that increase the effectiveness of the requirements. Part 2 of the 2003 Act also brings together, and improves upon, the sex offender order and restraining order into a new sexual offences prevention order (SOPO) and introduces the notification order, the foreign travel order and the risk of sexual harm order (RSHO). These civil orders are intended to assist the police and probation services in the management of sex offenders and those who pose a risk of sexual harm.

References

Chief Inspector of Social Services, Commission for Health Improvement, Her Majesty's Chief Inspector of Constabulary, Her Majesty's Chief inspector of the Crown Prosecution Service, Her Majesty's Chief inspector of the Magistrates' Courts Service, Her Majesty's Chief inspector of Schools, Her Majesty's Chief inspector of Prisons, Her Majesty's Chief Inspector of Probation (2002). *Safeguarding Children – A Joint Chief Inspectors' Report on Arrangements to Safeguard Children*. London, Department of Health.

Children Act 1989 (1989). London, HMSO.

Children Act 2004 (2004). London, HMSO.

The Children (Private Arrangement for Fostering) Regulations (2005) S.I. No. 1533.

Cm 5730 (2003). *The Victoria Climbié Inquiry Report*. London, The Stationery Office.

Cm 5860 (2003). *Every Child Matters.* London, The Stationery Office .

Cm 5861 (2003). *Keeping Children Safe – the Government's response to the Victoria Climbié Inquiry Report and Joint Chief Inspectors Report: Safeguarding Children*. London, The Stationery Office.

Crime and Disorder Act 1998 (1998). London, HMSO.

Criminal Justice Act 2003 (2003). London, HMSO.

Criminal Justice and Court Services Act 2000 (2000). London, HMSO.

Data Protection Act 1998 (1998). London, HMSO.

Department for Education and Skills (2004a) *Every Child Matters: Change for Children Programme*. Nottingham, Department for Education and Skills.

Department for Education and Skills (2004b). *Requirements and Guidance for the Connexions Service*. London, Department for Education and Skills.

Department for Education and Skills (2005a). *Common Core of Skills and Knowledge for the Children's Workforce.* London, Department of Education and Skills.

Department for Education and Skills (2005b). *Children Act 1989 Guidance on Private Fostering*. London, Department of Education and Skills.

Department for Education and Skills (2005c). *National Minimum Standards for Private Fostering*. London, Department of Education and Skills.

Department for Education and Skills (2007). *Annual Review of the Children and Young People's Plan (supplementary guidance).* www.everychildmatters.gov.uk/IG00192/

Department for Education and Skills & Department for Work and Pensions (2006). *Choice for parents, the best start for children: making it happen: An Action plan for the 10 year strategy*. London, Department for Education and Skills.

Department of Health (2003). *Children and Young People in Hospital*. London, Department of Health.

Department of Health and Department for Education and Skills (2004). *National Service Framework for Children, Young People and Maternity Services*. London, Department of Health. www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/ChildrenServices/ChildrenServicesInformation/fs/en.

Department of Health, Department for Education and Skills and Home Office (2000). *Framework for the Assessment of Children in Need and their Families*. London, The Stationery Office.

Domestic Violence, Crime and Victims Act 2005 (2005). London, HMSO.

Education Act 1996 (1996). London, HMSO.

Education Act 2002 (2002). London, HMSO.

Health Act 1999 (1999). London, HMSO.

HM Government (2005a). *Statutory Guidance on Inter-agency co-operation to improve the well-being of children: Children's Trusts*. London, Department for Education and Skills. www.everychildmatters.gov.uk/strategy/guidance/

HM Government (2005b). *Guidance on the Children and Young People's Plan*. London, Department for Education and Skills.

HM Government (2006a). *Working Together to Safeguard Children*. London, The Stationary Office. www.everychildmatters.gov.uk/resources-and-practice/IG00060/

HM Government (2006b). *Common Assessment Framework for Children and Young People*: *Practitioners' Guide* London, Department for Education and Skills.

HM Government (2006c). *Information Sharing: Practitioners' guide.* London, Department For Education and Skills.

HM Government (2006d). *The Lead Professional: Practitioners' Guide.* London, Department For Education and Skills.

HM Government (2006e). *What To Do If You're Worried A Child Is Being Abused*. London, Department for Education and Skills. www.everychildmatters.gov.uk/resources-and-practice/IG00182/

HM Prison Service (2003). *Prison Service Order 2855 – Prisoners with physical, sensory and mental disabilities. London, HM Prison Service.*

HM Prison Service (2004a). *Public Protection Manual*. London, HM Prison Service.

HM Prison Service (2004b). *National Security Framework*. London, HM Prison Service.

HM Prison Service (2004c). *Prison Order 4950 – Juvenile Regimes*. London, HM Prison Service.

HM Treasury, Department for Education and Skills, Department for Work and Pensions, Department for Trade and Industry (2004). *Choice for parents, the best start for children*: *a ten year strategy for childcare*. London, The Stationery Office.

Home Office, Lord Chancellor's Department, Crown Prosecution Service, Department of Health and National Assembly for Wales (2002). *Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and using special measures*. London, Home Office. www.homeoffice.gov.uk/justice/legalprocess/witnesses/index.html.

Housing Act 1996 (1996). London, HMSO.

Housing Act 2004 (2004). London, HMSO.

Human Rights Act 1998 (1998). London, HMSO.

Learning and Skills Act 2000 (2000). London, HMSO.

Licensing Act 2003 (2003). London, HMSO.

Local Government Act 2000 (2000). London, HMSO.

National Probation Service (2003). Probation Circular 69/2003.

National Centre for Policing Excellence (2005). *Guidance on Investigating Child Abuse and Safeguarding Children.* National Centre for Policing Excellence, Hampshire.

Police Act 1996 (1996). London, HMSO.

Police and Criminal Evidence Act 1984 (1984). London, HMSO.

Prisons Act 1952 (1952). London, HMSO.

Railways and Transport Safety Act 2003 (2003). London, HMSO.

Safeguarding Vulnerable Groups Act 2006 (2006). London, HMSO.

Sexual Offences Act 2003 (2003). London, HMSO.

Youth Justice Board. *Key Elements of Effective Practice: Assessment, Planning Interventions and Supervision*. London, Youth Justice Board.

Youth Justice Board (2002). *National Specification for Learning and Skills for Young People on a Detention and Training Order in Prison Service Accommodation*. London, Youth Justice Board.

Youth Justice Board (2004a). *National Standards for Youth Justice Services.* London, Youth Justice Board.

Youth Justice Board (2004b). *Sustaining the Success: Extending the Guidance; Establishing Youth Offending Teams*. London, Youth Justice Board.

You can download this publication or order copies online at
www.teachernet.gov.uk/publications and
www.everychildmatters.gov.uk/safeguarding

Search using ref: 0036 -2007DOM-EN

Copies of this publication can also be obtained from:
DfES Publications
PO Box 5050
Sherwood Park
Annesley
Nottingham NG15 0DJ.
Tel: 0845 60 222 60
Fax: 0845 60 333 60
Textphone: 0845 60 555 60

Please quote ref: 0036 -2007DOM-EN
ISBN: 978 1 84478 919 1

© Crown copyright 2007

Produced by the Department for Education and Skills

Extracts from this document may be reproduced for non-commercial education or training purposes on the condition that the source is acknowledged.

department for
education and skills

75% recycled
This publication is printed on 75% recycled paper

recycle
When you have finished with this publication please recycle it