

TITLE OF REPORT: **Review of Child Protection in Gateshead – Evidence Gathering**

REPORT OF: **Strategic Director Care Wellbeing and Learning**

SUMMARY

Council has agreed that this committee should review how the child protection system operates in Gateshead. The review will examine each stage of the process and will explore the way decisions are taken, risks are managed, and the involvement of partners. The review will explore how Gateshead undertakes its safeguarding responsibilities in conjunction with partners within the policy context and legal frameworks for Child Protection.

The review will provide the committee with an overview of how the child protection process works in Gateshead and provide examples of how Gateshead children's social work service operates in conjunction with partners to ensure children's safety. It will focus in particular on the ways in which services operate collectively, review the evidence and contribute to the future development and delivery of child protection within Children's Social Care Services.

Background

1. The Committee agreed the scope of the review at its meeting on 18th June and proposed that the focus of this review will be on the specific aspects of the system which are concerned with child protection. The review will follow the potential steps for a child who becomes subject to a child protection plan.
2. It is suggested that the key issues which this review will need to address are:
 - a. An understanding of the child protection system, the policy context and clarity on roles and responsibilities.
 - b. The opportunity for improvement of systems, processes and improving efficiency.
 - c. The effectiveness of multi-agency working, especially around communication and information sharing.
 - d. The ways in which the views of children, young people and their families are used.

First evidence gathering

3. This first evidence gathering is intended to set the scene. It:

- a. Outlines the legal framework and policy context
- b. Defines the child protection system;
- c. Presents some key data on what we know nationally and in Gateshead;
- d. Provides examples of existing practice
- e. Identifies some key lines of inquiry for the review.

Background

Policy context

4. The Department for Education is responsible for child protection in England. It sets out policy, legislation and statutory guidance on how the child protection system should work.

Legislation

5. The **Children Act 1989** currently provides the legislative framework for child protection in England. Key principles established by the act include:
 - the paramount nature of the child's welfare
 - the expectations and requirements around duties of care to children

The **Children Act 2004** strengthens the 1989 Act. Encourages partnerships between agencies and creates more accountability, Under section 11 local agencies including health and police have a duty to ensure that they consider the need to safeguard and promote the welfare of children. It specifically updates the legislation on physical punishment ([section 58](#)) by limiting the use of the defense of reasonable punishment so that it can no longer be used when people are charged with the offences against a child of wounding, actual or grievous bodily harm or cruelty. Therefore any injury sustained by a child which is serious enough to warrant a charge of assault occasioning actual bodily harm cannot be considered to be as the result of reasonable punishment.

Education Act 2002 Included a provision requiring school governing bodies, local education authorities and further education institutions to make arrangements to safeguard and promote the welfare of children.

Statutory Guidance

6. Working Together to Safeguard Children Guidance provides statutory guidance for interagency working to safeguard and promote the welfare of children; it sets out what professionals and organisations need to do to safeguard children. The guidance defines this core purpose 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.

- Taking action to enable all children to have the best life chances
7. Working Together Guidance was radically reviewed in 2013 bringing together the core legal obligations and combining the guidance into a single document for all agencies to use while retaining within it specific guidance for specific agencies. The new guidance took on the recommendations from the Munro review of child protection to focus on the individual needs of the child; it clarified the procedures for a single continuous assessment replacing the two stage initial and core assessment with a 45 day deadline for timely assessment reports and decisions about future actions. The guidance emphasised that assessment is a dynamic process that must be child centred and informed by the views of the child.
 8. In 2015 the guidance was updated to take account of legislation and statutory guidance produced in the intervening two years. While this was not a major review the new guidance includes changes around
 - referral of allegations against those who work with children
 - clarification of requirements on local authorities to notify serious incidents
 - a definition of serious harm for the purposes of serious case reviews.
 9. The Guidance makes it clear that effective safeguarding puts children at the centre of the system and is dependent on every individual and agency playing their full part. It emphasises the multiagency nature of safeguarding and asserts that effective safeguarding systems are those where:
 - the child's needs are paramount, and the needs and wishes of each child, be they a baby or infant, or an older child, should be put first, so that every child receives the support they need before a problem escalates;
 - all professionals who come into contact with children and families are alert to their needs and any risks of harm that individual abusers, or potential abusers, may pose to children;
 - all professionals share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children's social care;
 - high quality professionals are able to use their expert judgement to put the child's needs at the heart of the safeguarding system so that the right solution can be found for each individual child;
 - all professionals contribute to whatever actions are needed to safeguard and promote a child's welfare and take part in regularly reviewing the outcomes for the child against specific plans and outcomes;
 - LSCBs coordinate the work to safeguard children locally and monitor and challenge the effectiveness of local arrangements;
 - when things go wrong Serious Case Reviews (SCRs) are published and transparent about any mistakes which were made so that lessons can be learnt; and

Reasserts the fundamental principles that

safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and a child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

10. At the local level Local Safeguarding Children Boards (LSCBs) co-ordinate, and ensure the effectiveness of, work to protect and promote the welfare of children. Each local board includes: local authorities, health bodies, the police and others, including the voluntary and independent sectors. The LSCBs are responsible for local child protection policy, procedure and guidance.

Definitions

11. A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

Children in need may be assessed under section 17 of the children Act 1989.

12. Where the Local Authority children's social care receives a referral in relation to maltreatment or when concerns about maltreatment arise during the course of providing services to a child and family, they must initiate enquiries to find out what is happening to the child and whether protective action is required. Local authorities, with the help of other organisations as appropriate, have a duty to **make enquiries under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm**, to enable them to decide whether they should take any action to safeguard and promote the child's welfare. There may be a need for immediate protection whilst the assessment is carried out.

The Child Protection Process

13. Child Protection processes are clearly defined and enshrined in the statutory guidance and legal framework. They are scrutinised locally by the LSCB and through performance reporting to the OSC. Ofsted provides additional external scrutiny to ensure processes are adhered to and practice is robust in protecting children and safeguarding their wellbeing. The process is outlined below:
14. Within **one working day** of a referral being received, a local authority social worker should **make a decision** about the type of response that is required. This will include determining whether:
- the child requires immediate protection and urgent action is required;
 - the child is in need, and should be assessed under section 17 of the Children Act 1989;
 - **there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm, and whether enquires must be made and the child assessed under section 47 of the Children Act 1989;**

- any services are required by the child and family and what type of services; and
- further specialist assessments are required in order to help the local authority to decide what further action to take.

15. Where there is a risk to the life of a child or a likelihood of serious immediate harm, local authority social workers, the police or NSPCC should use their statutory child protection powers to **act immediately to secure the safety of the child**. Where it is necessary to remove a child from their home the Local Authority must wherever possible apply for an Emergency Protection Order (EPO). In exceptional circumstances when the issue is critical and viewed as an emergency police may use their powers to remove a child.

16. **Strategy discussion:** Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm there should be a strategy discussion involving local authority children's social care (including the fostering service, if the child is looked after), the police, health and other bodies such as the referring agency. This might take the form of a multi-agency meeting or phone calls and more than one discussion may be necessary. A strategy discussion can take place following a referral or at any other time, including during the assessment process.

17. The strategy discussion is convened to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering, or is likely to suffer, significant harm. The discussion;

- a. ensures available information is shared
- b. agrees the conduct and timing of any criminal investigation; and
- c. decides whether enquiries under section 47 of the Children Act 1989 should be undertaken

18. Where there are grounds to initiate **an enquiry under section 47 of the Children Act 1989**, decisions should be made as to:

- what further information is needed if an assessment is already underway and how it will be obtained and recorded;
- what immediate and short term action is required to support the child, and who will do what by when; and
- whether legal action is required.

19. Local authority social workers have a statutory duty to lead assessments under section 47 of the Children Act 1989. The police, health professionals, teachers and other relevant professionals help the local authority in undertaking its enquiries. The enquiry is initiated in order to determine whether and what type of action is required to safeguard and promote the welfare of a **child who may be, or likely to be, suffering significant harm**.

20. The outcome of the section 47 determines the next steps. Should the concerns be substantiated and the child is likely to suffer significant harm an **Initial Child**

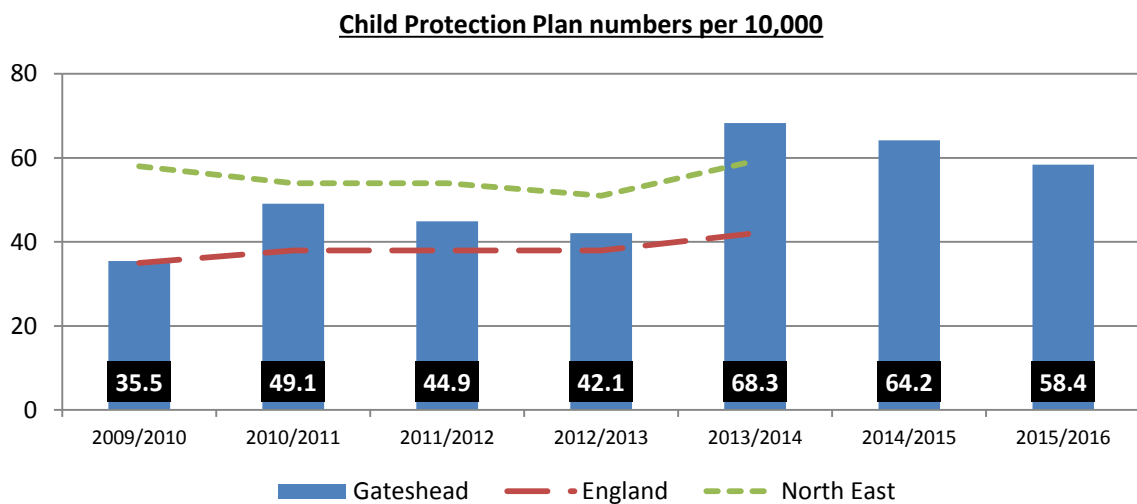
Protection Conference (ICPC) is convened within 15 working days of the strategy meeting.

21. The ICPC is Chaired by a Conference Chair, in Gateshead this is a function of the Independent Reviewing Officer's role (IRO), and brings together professionals and the family including the child where appropriate to make decisions about the child's future safety health and development. The conference is a multi-agency forum which analyses the information that has been obtained during the section 47 enquiries and any other relevant information to plan how best to safeguard and promote the welfare of the child. The conference will determine whether the threshold is met for the child to become subject to a child protection plan and under which category; physical abuse, sexual abuse, emotional abuse or neglect. Where the threshold for a child protection plan has been met the conference will agree an outline child protection plan, with clear actions and timescales, including a clear sense of how much improvement is needed, by when, so that success can be judged clearly.
22. The aim of the child protection plan is to
 - ensure the child is safe from harm and prevent him or her from suffering further harm;
 - promote the child's health and development; and
 - support the family and wider family members to safeguard and promote the welfare of their child, provided it is in the best interests of the childA social worker will be designated to be the lead professional for the case as they carry the statutory responsibility for the child's welfare.
23. The child protection plan is developed, monitored and the activity co-ordinated through monthly core groups and Review Child protection Conferences (RCPC) which is held 3 monthly following the ICPC and 6 monthly thereafter. The RCPC reviews progress against the child protection plan outcomes and considers whether the plan should continue or should be amended.
24. The child should no longer be the subject of a protection plan if it is judged by the RCPC that the child is no longer continuing to, or is likely to, suffer significant harm and therefore no longer requires safeguarding by means of a child protection plan.

Local and national data within the child protection system,

25. The latest national data covers the period 2013/14. National and regional figures for 2014/15 will be available in November 2015 and will be brought to the attention of this committee.
26. From April 2013 Gateshead has experienced a marked increase in the number of children becoming subject of a child protection plan. This has resulted in significant scrutiny both from this committee and the LSCB in order to understand the possible explanations for the rise and to ensure that practice with regards to child protection remains at a high standard.

	National position 2013/14	Regional position 2013/14	Gateshead 2013/14	Gateshead 2014/15
Children in need number and rate per 10,000	346.4	456.7	397.6	
Rate of children who became the subject of a child protection plan during 2013-14 per 10,000 children	52.1	73.0	80.2	
Rate of children who were the subject of a child protection plan at 31 March per 10,000 children	42.1	59.3	68.5	64.2
Percentage who became the subject of a plan for a second or subsequent time	15.8%	12.6%	10.8%	11.3%



27. The rise in plans since 2013 corresponds with changes in practice as Children’s Social Care changed to the single assessment framework in line with *Working Together to Safeguard Children (2013)* – A Guide to inter-agency working to safeguard and promote the welfare of children. Gateshead was the first Local Authority in the region to move to a single assessment, however other local authority areas in the region have witnessed a similar spike in c numbers during 2014/15 to that witnessed in Gateshead during 2013/14. It is, therefore, anticipated that the regional average for 2014-2015 for children subject to a child protection plan will be higher when the figures are published later this year.

28. Gateshead also has higher numbers of un-borns subject to cp plans. During 2014/15 70 unborn babies were made subject to child protection plans in Gateshead 23.3% of the total 300 CP plans that were started. This is a result of pro-active practice across agencies, where detailed multi-agency work starts as soon as concerns are identified during the pregnancy and clear and robust plans are in place by the time the baby is born. While it is recognised that this increases the rates of children subject to cp plans overall it is considered to be a good practice for the families’ ensuring time to work with the family prior to the birth, preparing the parents with the result that more children are supported to live safely at home.

	21012/13	2013/14	2014/15
% Section 47 enquiries that led to an ICPC	55.8%	56.6%	61%
Children subject to an ICPC who were made subject to a plan	78.7%	88.9%	89.2%
Numbers of children made subject to a plan	170	276	258
% of children becoming subject to CP plan for a second or subsequent time	9.3%	10.2%	11.3%

29. The table above illustrates the flow of activity from section 47 through to children becoming subject to a plan. The figures suggest that the right investigations are being undertaken and the right cases are going on to conference where there is multiagency agreement that a child protection plan is the most appropriate way to progress these cases.

30. Auditing and monitoring of children's social care is an ongoing activity with specific dip sample audits undertaken as an additional safeguard to ensure best practice. Cases that did not progress to an ICPC during the last 6 months are currently being audited, the findings of which will feed in to this review.

External Scrutiny

31. Ofsted provide external scrutiny of child protection activity within their Single Inspection framework. The framework has been in operation since November 2013 and will cover all Local Authorities by March 2017.

32. Gateshead's latest inspection was under the previous Ofsted framework which focused on the Local Authority Arrangements for the Protection of Children. The inspection took place between February and March 2013. The inspection considered key aspects of the child's journey through the child protection system, focusing on the experiences of the child or young person, and the effectiveness of the help and protection that they are offered from early help through to statutory social work intervention. The inspection judgement was that **the overall effectiveness of Gateshead's arrangements for the protection of children was good.**

Evidence gathering

33. It is proposed that future evidence sessions will review the following aspects of the child protection system:
- 22 October 2015 – second evidence gathering report – A look at referral and CIN assessment
 - 3 December 2016 – third evidence gathering report – Strategy discussions, meetings and S47 investigations

- 21 January 2016 – fourth evidence gathering report – Child protection conferences, plans and reviews

Recommendations

34. Committee members are invited to:

- i. Comment on this first evidence gathering;
- ii. Outline any additional information / evidence they wish to have included in the review at this first evidence gathering stage.

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