

# **REVIEW OF THE ACCOUNTABILITY FRAMEWORK FOR THE INDEPENDENT CHAIR OF THE LINCOLNSHIRE LSCB**

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## **A review of the accountability framework for the Independent Chair of the Lincolnshire LSCB.**

### **1. Introduction**

- 1.1 This report sets out the findings of a review of the Lincolnshire County Council's accountability framework for the independent chair of the Local Safeguarding Children Board (LSCB).
- 1.2 The review was undertaken in October 2014 by Paul Burnett, an experienced LSCB chair and former Director of Children's Services in two local authorities. A brief outline of Paul Burnett's experience is set out at appendix 1.

### **2. Purpose and terms of reference for the review**

- 2.1 The purpose of the review was to scrutinise the local authority's accountability framework for the independent chair of the LSCB specifically to ensure that it was compliant with statutory guidance set out in Working Together 2013 and Section 14A of the Children Act 2004. In addition the review considered arrangements in the context of the 'Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services' as set out in April 2013.
- 2.2 The review also considered the inter-relationships between the LSCB and other key forums across the partnership geography of Lincolnshire.
- 2.3 The specific terms of reference were:
  - To examine the role of the Chief Executive, the Lead Member and the Director of Children's Services in holding the Board Chair to account for the effective working of the LSCB.
  - To examine the role of the Leader of the Authority in ensuring proper governance, scrutiny and oversight is achieved.
  - To examine the relationship between the Health and Wellbeing Board and the LSCB and the effectiveness of their interface.
  - To report on the effectiveness of this framework and make recommendations for improvement if required.

### **3. Methodology**

- 3.1 The review was carried out in the week beginning 27<sup>th</sup> November 2014. The work comprised:

- Consideration of the requirements of legislation, statutory guidance and other documentation relating to the accountability, management and performance arrangements for independent chairs of LSCBs, including the statutory roles and responsibilities of Directors of Children's Services and Lead Members for Children's Services;
- Examination of documentation relating to these arrangements in Lincolnshire;
- Interviews with key stakeholders in these arrangements as follows:
  - The Leader of the Council, Councillor Martin Hill
  - The Lead Member, Councillor Patricia Bradwell
  - The Chair of the Health and Wellbeing Board, Councillor Sue Woolley,
  - The Chief Executive, Tony McArdle
  - The Director of Children's Services, Debbie Barnes
  - the LSCB Chair, Chris Cook.

3.2 The findings of the review are set out below.

#### **4. The role of the Chief Executive, the Lead Member and the Director of Children's Services in holding the Board Chair to account for the effective working of the LSCB**

- 4.1 Chapter 3 of Working Together 2013 sets out statutory guidance for the management and accountability of independent chairs of LSCBs. Relevant extracts from the document are set out in Appendix 2.
- 4.2 The review concludes that Lincolnshire is compliant with the expectations of Working Together and other related statutory guidance such as the statutory roles and responsibilities of the Director of Children's Services and Lead Member for Children's Services. Indeed Lincolnshire has arrangements in place that extend beyond the basic requirements of Working Together 2013. The evidence for this judgement is set out below.
- 4.3 First, the chair of the LSCB is independent and, on the basis of evidence collected during this review, has high levels of credibility and respect that enable him effectively to carry out the requirements of his role and hold member agencies to account.
- 4.4 Second, since the publication of Working Together 2013 the Chief Executive has had in place formal meetings with the independent chair to hold him to account for the effective working of the LSCB. These meetings are held on a quarterly basis and have agendas and minutes. Attendance at the meetings

extends to the Director of Children's Services, the Lead Member for Children's Services and the Munro Social Worker.

4.5 There is a number of strengths the review identified in these quarterly management meetings:

- The Chief Executive is able to scrutinise, monitor and evaluate the performance of the LSCB against its Business Plan priorities and its quality assurance and performance framework since each of these areas are standing items on meeting agendas;
- The LSCB chair is able to apprise the Chief Executive of key business and decisions that have been taken by the LSCB in its previous cycle of meetings and the forward plan of business for the next cycle thus enabling the Chief Executive actively to engage in consideration of key matters;
- The Chief Executive and others present are able to share local intelligence and alert the Independent Chair to local and national issues that may require the attention or engagement of the LSCB; for example, there has been sharing of information in relation to PREVENT/counter-terrorism issues that has raised the profile of these matters in the work of the LSCB;
- The LSCB chair is able to escalate to the Chief Executive any issues that may require his support/action both through his own meetings with individual chief officers in partner agencies, through other chief officer forums and in strategic partnership forums such as the Health and Well Being Board; whilst this intervention has not been regularly called upon he has lent his support on matters relating to, for example, the under-performance of the local acute health trust;
- The presence of the Lead Member for Children's Services, the Director of Children's Services and the Munro Social Worker enables robust and informed debate and discussion on key and high profile current issues- a recent example being consideration of responses to the Alexis Jay report on child sexual exploitation in Rotherham;
- The wider membership of the meeting similarly enables consideration of the interface between the LSCB and other key political and partnership forums thus facilitating strategic planning of wider engagement in key safeguarding issues;

4.6 In terms of recommendations for further strengthening the effectiveness of these meetings I would propose that:

- The individual performance priorities, goals and targets set for the Independent Chair with the Director of Children's Services (see below) feature on the agenda of the meeting in order that the Chief Executive is able to scrutinise, monitor and evaluate the Independent Chair's

performance on a regular basis. It is important to note that the Chief Executive does sign off both the performance priorities for the independent chair and his annual appraisal but regular monitoring of this performance through the quarterly meetings would enhance the process.

- 4.7 In addition to the quarterly meetings set out above the Independent Chair meets monthly with the Director of Children's Services. This meeting focuses on the core business of the LSCB including: oversight of past and future Board agendas; the work of LSCB sub-groups; quality assurance and performance management including the outcomes of audits and; planning for the quarterly meetings of with the Chief Executive and others. It is through meetings with the Director of Children's Services that the Independent Chairs annual performance management and appraisal is carried out and through which his performance objectives and targets are drafted. It is important to emphasise that the Independent Chairs annual performance objectives and the end of year appraisal against these is signed off by the Chief Executive.
- 4.8 There is a number of strengths the review identified in these monthly management meetings in that they:
- Provide a regular opportunity for the Independent Chair to brief the Director of Children's Services on his own performance and that of the Board and its sub-groups;
  - Enable the Director of Children's Services to retain oversight of the performance of the Independent Chair, the Board and its sub-groups and to consider these in the context of her wider role and responsibilities in securing effective partnership working in the children's services arena;
  - Provide opportunities for the participants to review the interface between the Board, the services under the management of the Director of Children's Services and wider partnership activities and forums;
  - Facilitate consideration of key strategic issues that affect the work of the Board most importantly any recent local or national issues that require immediate response – in recent months this has included consideration of responses to the PREVENT agenda and to the Alexis Jay report on CSE in Rotherham;
  - Facilitate planning of the quarterly meetings with the Chief Executive and the Director of Children's Services meetings with Members including the Leader of the Council and the Lead Member for Children.
- 4.9 In light of the area for development identified in 4.6 above I would suggest that key points arising from the performance management of the Independent Chair be carried forward to the quarterly meeting with the Chief Executive to ensure

he is regularly apprised of progress against objectives and targets set for the Independent Chair.

**5. The role of the Leader of the Authority in ensuring proper governance, scrutiny and oversight is achieved.**

5.1 The Leader of the Council has received the Annual Report of the LSCB which secures compliance with the expectations of Working Together 2013. In addition there is a variety of routes through which he is kept apprised of the work of the Board, key strategic safeguarding issues both local and national and key operational safeguarding matters including serious incidents, reviews and serious case reviews. These include:

- Direct communication with the Independent Chair;
- Briefings from the Lead Member for Children’s Services – who is also lead member for Adult Services and Deputy Leader of the Council;
- Briefings from the Chief Executive;
- Briefings from the Director of Children’s Services (monthly).

5.2 During the review the Leader of the Council illustrated that he was not only well briefed on current strategic safeguarding issues such as child sexual exploitation and recent safeguarding reviews but was also able to illustrate how strategic safeguarding matters had been escalated, where appropriate, to the Leadership Board for Lincolnshire. This included discussion of PREVENT and CSE. The Leader also meets regularly with the Police and Crime Commissioner and is able to raise safeguarding issues in this arena when appropriate.

5.3 The Leader of the Council clearly articulated and understood the need to be assured that safeguarding was effective and that all stakeholders were doing what they should be doing to safeguard children and young people. He was also able to illustrate how this was achieved through the meetings set out in 5.1 above. It is important to emphasise his encouragement of senior leaders, including the LSCB Independent Chair to be proactive, open and honest in alerting him to both effective practice and causes for concern. He expressed confidence that key stakeholders were working in these ways to ensure he was informed, assured and not surprised by the unexpected.

5.4 The Lead Member for Children’s Services (who is Executive Councillor for Adult Care and Health Services and Children’s Services and additionally the Deputy Leader of the Council) plays a proactive and effective role in securing communication and cohesion across the children’s services arena and, in relation to this specific review, in ensuring safeguarding remains a priority issue

in officer/Member, Executive, Council-wide governance and partnership forums. She is well briefed on safeguarding matters given her active 'observer' role in the LSCB and meetings with the LSCB chair as set out above. This enables her then to ensure key strategic safeguarding issues are fed into other key political and partnership forums of which she is a member and that they are acted on as appropriate. Together she and the Leader have ensured that safeguarding and the wider children's services agenda are a high priority for the administration evidenced by a recent decision to invest an additional £400K in children's safeguarding to reflect the pressures on children's social care teams arising from increases in referrals and children on child protection plans. This decision has been based on clear analysis of caseloads. The authority has additionally sustained investment in early help with a clear strategic link to sustaining relatively low costs due to comparatively low numbers of children in care.

- 5.5 The Lead Member proactively challenges both agencies and partnerships to secure safeguarding improvement and will have robust conversations with partners where necessary. An example was a recent challenge to Lincolnshire Police in relation to changes to the SAFE hub. A further example is provided by recent discussions held with the CCG to secure improved focus and quality in safeguarding training and development activity. This proactive Lead Member approach in challenging and holding to account both council and partner services is a key component of effectiveness in relation to the statutory roles and responsibilities set out in legislation and in securing effective wider political engagement and activity in the safeguarding arena.
- 5.6 There is evidence of strong links between the LSCB and the local authority scrutiny function. There is a Scrutiny Committee specifically set up to focus on safeguarding the minutes of which are then reported to the Children and Young People's Scrutiny Committee. The Annual Report of the LSCB is presented to the Scrutiny Committee for Safeguarding and through this to the Children and Young People's Scrutiny Committee.
- 5.7 The Scrutiny Committee for Safeguarding has recently completed a scrutiny review of front-line practice in children's social care and the LSCB has played a role in this review. Recommendations include seeking improvements in the quality of assessments and report writing as well as extending the voice of the child in safeguarding planning, delivery and evaluation.
- 5.8 There is evidence to illustrate that the scrutiny committees are robust in holding council services to account and in escalating matters to the Executive and full Council. There is also evidence that the scrutiny committees consider and make recommendations about services provided by other agencies and can therefore be a support to the LSCB in driving improvements in partnership working.

- 5.9 In terms of council-wide engagement in safeguarding it is important to report that all councillors have been offered and undertaken training on safeguarding, the corporate parent role and children's services in the broad sense.
- 5.10 In conclusion there is strong evidence of effective communications and interfaces between the LSCB and both the Leader of the Council and the Scrutiny arrangements within Lincolnshire County Council. The LSCB is compliant with Working Together 2013 in ensuring the Leader of the Council receives the Annual Report.
- 5.11 In terms of development the LSCB should consider whether it should keep a log of the issues on which both the Leader of the Council and Scrutiny have engaged in activities that support the LSCBs strategic objectives particularly examples of their impact on both improvement and the future priorities of the LSCB itself.

## **6. The relationship between the Health and Wellbeing Board and the LSCB and the effectiveness of their interface.**

- 6.1 The core requirement of Working Together 2013 that the Annual Report of the LSCB be submitted to the Chair of the Health and Well-Being Board is met. Indeed it is exceeded both in terms of the fact that the Annual Report has been presented to the full Health and Well-Being Board and a protocol between the two Boards has been agreed and put in place. At present the Independent Chair attends the Health and Well-Being to present both the Business Plan and the Annual Report. He is not a formal member of the Health and Well-Being Board. I would suggest this is appropriate given his independent status and the fact that the LSCB is not intended to be a commissioning or operational management entity. Indeed, to establish a robust reciprocal scrutiny and challenge relationship between the two Boards it is an advantage that the Independent Chair of the LSCB is not a formal member of the Health and Well-Being Board. This point is further developed below.
- 6.2 In addition to the above points it is important to note that the Suicide Prevention Action Plan developed under the auspices of the Health and Well-Being Board was informed by the outcomes of reviews of suicides amongst young people undertaken by the Child Death Overview Panel (CDOP). This presents evidence of a developing strategic interface between the two Boards.
- 6.3 There is an awareness and willingness to further develop the inter-relationship between the LSCB (and I would suggest that this should include also the Safeguarding Adults Board) and the Health and Well-Being Board. The Chair of the Health and Well-Being Board is actively seeking ways to further develop

the relationship with the LSCB and Safeguarding Adult Board. There is a number of ways in which the interface between the LSCB and the Health and Well-Being Board might be further developed:

- i. to develop a more robust reciprocal challenge relationship between the two Boards. One of the key purposes of the requirement that the Annual Report of the LSCB be submitted to the Chair of the Health and Well-Being Board was to ensure that safeguarding priorities and needs for improvement in safeguarding effectiveness be incorporated into the formulation of Health and Well-Being Strategy. The LSCB in this sense needs to be seen to scrutinise and challenge the Health and Well-Being Strategy to assure itself that the strategy is robustly including safeguarding as a cross-cutting issue and promoting safeguarding effectiveness. It is equally important, however, that the Health and Well-Being Board scrutinise and challenge the LSCB (and I would argue the Safeguarding Adult Board) in its delivery of its roles and responsibilities. Consideration needs to be given to how this reciprocal scrutiny and challenge between the safeguarding boards and the Health and Well-Being Board can become more rigorous and robust. LSCBs need to be able to test whether health and well-being boards are delivering improved service quality and outcomes for children in relation to safeguarding. Health and well-being boards similarly need to be able to scrutinise and challenge LSCBs in delivery of their key roles and responsibilities.
- ii. to secure greater connectivity between the annual safeguarding needs analysis and the JSNA process. Experience in other Board areas has shown that a more dynamic connectivity between the work of safeguarding boards and health and well-being boards can be achieved through alignment of their individual annual needs assessment processes. Consideration should be given to including annual safeguarding headline data within the JSNA process so that the safeguarding dimensions of key strategic health and well-being priorities can be more clearly identified and acted upon. An example of an area that is commonly an area of shared priority is mental health service provision for both children and adults – the connectivity and alignment between the wider service development priorities and safeguarding-specific issues in relation to mental health could be better secured if the supporting needs analyses are considered in an integrated and co-ordinated manner through the JSNA process;
- iii. to secure and extend the ‘Think Family’ concept that is championed by the Health and Well-Being Board into the work of the two safeguarding boards. The Health and Well-Being Board is adopting an approach that promotes ‘whole family’ approaches to service delivery and, through its strategic commissioning aims to secure better join up between children and adult

services. This approach is supported by its stance on Better Care Together. There is scope for the Health and Well-Being Board to drive greater strategic connectivity between the LSCB and SAB in supporting this 'think family' approach with a view to securing closer working between the two safeguarding boards.

- 6.4 It should be emphasised that the recommendations for the future development of the relationship between the LSCB and the Health and Well-Being Board are based on good practice developed in other areas and not on any expectations set out in legislation or statutory guidance.
- 6.5 In the course of the review it was possible to gain insight into the LSCBs activity across the wider partnership geography of Lincolnshire and whilst not directly sought in the terms of reference there are a number of points that I would want to make in relation to this work.
- 6.6 First, there is a strong relationship between the LSCB and the Children and Young People's Strategic Partnership. There is a clear protocol setting out the intentions of the interface between the two bodies and clearly outlining the respective roles and responsibilities of the two forums. The LSCB chair is a member of the CYPSP enabling effective cross-communication and engagement and the Children and Young People's Plan illustrates that safeguarding is a cross-cutting theme and features as a key priority.
- 6.7 Second, the existence of the Public Protection Board is a real strength, presenting an innovative way of securing co-ordination and cohesion across the partnership geography relating to public protection services. The Public Protection Board brings together the chairs of the safeguarding boards, with the chairs of the community safety partnership, the criminal justice board, the domestic abuse strategy group, MAPPA, PREVENT and the Health Steering Group on Safeguarding. The Directors of Children and Adult Services also attend. This forum enables both collective consideration of key public protection issues but, more importantly, identifies the specific roles and responsibilities of individual partnership bodies in acting on these issues to secure co-ordinated and coherent plans, delivery, monitoring and evaluation, ensure clarity in the roles, responsibilities and inter-relationships of these bodies and underline the role of the safeguarding boards as scrutiny and challenge bodies. It is a model worthy of sharing with other areas.
- 6.8 Third, there are arrangements in place through which the LSCB and SAB independent chairs meet on a bi-monthly basis. This is a positive development particularly in light of the comments made above in relation to the Health and Well-Being Board. There is scope however to consider ways in which the interface between the two safeguarding boards might be further strengthened

through joint planning, activity, monitoring and evaluation particularly in those areas that cross-cut the children and adult safeguarding arenas such as domestic abuse, sexual exploitation, mental health and its implications for safeguarding of children and adults being some examples.

## 7. Conclusion

- 7.1 The review has identified some considerable strength in the accountability frameworks for the Independent Chair of the LSCB in Lincolnshire and in the inter-relationships between the LSCB and other parts of the County's partnership geography.
- 7.2 First, the review concludes that there is evidence to illustrate that these arrangements are compliant with the expectations of Working Together 2013 and other statutory requirements and guidance in relation to the roles of the Chief Executive, the Director of Children's Services, the Leader of the Council and the Lead Member for Children's Services.
- 7.3 Second, that in many areas arrangements exceed statutory requirements in a ways that facilitate effective stakeholder communication and engagement in the safeguarding agenda, incorporate safeguarding into key policy, strategic and resource priority setting and test the impact of this activity on safeguarding performance and outcomes for children and young people.
- 7.4 Third, the success of existing arrangements is based on strong inter-relationships and working arrangements between people in key roles - there was strong evidence of trust and respect between key stakeholders throughout the review. It is important however to ensure that underpinning systems, procedures and working protocols do not come to rely too heavily on personality should personnel change.
- 7.5 The review has identified a number of areas that may be considered for further development and improvement. In summary these are:
- Incorporate the individual performance priorities, goals and targets set for the Independent Chair with the Director of Children's Services into the agenda of the meeting with the Chief Executive so that he is able to scrutinise, monitor and evaluate the Independent Chair's performance on a regular basis;
  - keep a log of the issues on which the Leader of the Council, the Lead Member for Children's Services and Scrutiny have engaged in activities that support the LSCBs strategic objectives, particularly examples of their impact on both improvement and the future priorities of the LSCB itself.

- To further develop the inter-relationship between the safeguarding boards and the Health and Well-Being Board in order to:
  - develop a more robust reciprocal challenge relationship between the two Boards;
  - secure greater connectivity between the annual safeguarding needs analysis and the JSNA process;
  - secure and extend the 'Think Family' concept that is championed by the Health and Well-Being Board into the work of the two safeguarding boards.
- To further develop joint working between the LSCB and SAB

7.6 I would like to thank those that agreed to be interviewed as part of this review. I was most grateful that they were willing to give of their valuable time but most importantly thank them for their open, transparent and honest engagement in assessing existing frameworks and future development and improvement. There is clearly a very strong commitment to safeguarding in Lincolnshire and to improving outcomes for children and young people across the County.

**Appendix 1****Paul Burnett CV**

Paul Burnett is currently independent chair of children and adult safeguarding boards in Leicestershire and Rutland, Nottingham City and the Isle of Man. He has previously chaired LSCBs in Oxfordshire and Slough. He also works as an Inclusion Quality Mark assessor in schools. He is chair of governors at an infant school in Northamptonshire

Paul Burnett served as Director of Children's Services in two local authorities. From 2007 until 2011 he was Corporate Director for Children and Young People in Northamptonshire County Council. From 2003 until 2007 he was Director of Children's Services in the London Borough of Greenwich.

Paul began his career as a secondary school teacher in Northamptonshire holding a variety of roles including pastoral, staff development and special educational needs support posts. His local government career began with East Sussex County Council where he held a variety of posts covering in-service training, special educational needs, resources, strategic planning and support services as well as spending a period in the Executive Office. From 1997 he was Assistant Director in the new unitary authority in Brighton and Hove. Initially responsible for Parent and Pupil Services he took a lead role in the strategic planning for Children's Services and the creation of the Children, Families and Schools directorate that drew together education and children's social services.

Paul has sat on a number of national groups focussing on provision for children in public care.

**Appendix 2****Extract from Working Together 2013, Chapter 3 setting out accountability arrangements for the independent chair of an LSCB**

12. In order to provide effective scrutiny, the LSCB should be independent. It should not be subordinate to, nor subsumed within, other local structures.
13. Every LSCB should have an independent chair who can hold all agencies to account.
14. It is the responsibility of the Chief Executive (Head of Paid Service) to appoint or remove the LSCB chair with the agreement of a panel including LSCB partners and lay members. The Chief Executive, drawing on other LSCB partners and, where appropriate, the Lead Member will hold the Chair to account for the effective working of the LSCB.
15. The LSCB Chair should work closely with all LSCB partners and particularly with the Director of Children's Services. The Director of Children's Services has the responsibility within the local authority, under section 18 of the Children Act 2004, for improving outcomes for children, local authority children's social care functions and local cooperation arrangements for children's services.<sup>31</sup>
16. The Chair must publish an annual report on the effectiveness of child safeguarding and promoting the welfare of children in the local area. The annual report should be published in relation to the preceding financial year and should fit with local agencies' planning, commissioning and budget cycles. The report should be submitted to the Chief Executive, Leader of the Council, the local police and crime commissioner and the Chair of the health and wellbeing board.
17. The report should provide a rigorous and transparent assessment of the performance and effectiveness of local services. It should identify areas of weakness, the causes of those weaknesses and the action being taken to address them as well as other proposals for action. The report should include lessons from reviews undertaken within the reporting period (see chapters 4 and 5).
18. The report should also list the contributions made to the LSCB by partner agencies and details of what the LSCB has spent, including on Child Death Reviews, Serious Case Reviews and other specific expenditure such as learning events or training. All LSCB member organisations have an obligation to provide LSCBs with reliable resources (including finance) that enable the LSCB to be strong and effective. Members should share the financial responsibility for the LSCB in such a way that a disproportionate burden does not fall on a small number of partner agencies.
19. All LSCB Chairs should have access to training and development opportunities, including peer networking. They should also have an LSCB business manager and other discrete support as is necessary for them, and the LSCB, to perform effectively.