

Item No. 7.	Classification: Open	Date: June 25 2009	Meeting Name: Corporate Parenting Committee
Report title:		Implications of Laming's Report and the new CAA inspection framework for Children's Services	
Ward(s) or groups affected:			
From:		Assistant Director Children's Specialist Services	

RECOMMENDATION(S)

1. That the report be noted and comments be raised at the meeting.
2. The Committee is invited to consider the strategic implications for the Corporate Parenting Committee and most notably those relating the Information Sharing System (ICS) and the new Looked After Children (LAC) inspection regime.

BACKGROUND INFORMATION

3. This report provides an update on the recent changes and developments to the inspection framework for Children's Services and the Government's response to Lord Laming's report.
4. In November 2008, Lord Laming was asked by the Secretary of State for Children, Schools and Families to report on the progress of implementing effective arrangements for safeguarding children, following the death of Baby P. His report, published in March 2009, extensively criticised the way in which safeguarding is addressed and practiced and made 58 recommendations to bring about changes in protecting children from harm.
5. The Government's detailed response and action plan to Lord Laming's report was published on 6 May 2009, in which all 58 recommendations were accepted. The measures detailed in the action plan work towards implementing these recommendations. Implications and key issues are detailed in section A.
6. Following this, and as part of the new area and organisational assessment arrangements for the CAA assessments, Ofsted has issued a series of guidance documents, which provide a framework for how services for children are to be inspected and assessed (see section B). These replace the Joint Area Review. In addition to regular and ongoing inspections of services, settings and institutions, there are also to be new inspections of safeguarding and looked after children; unannounced inspections of contact, assessment and referral arrangements for children in need and children who may be in need of protection, and evaluations of serious case reviews. Along with performance against Every Child Matters indicators from the NIS and findings from triggered inspections, these will feed into a new Ofsted performance profile of the quality of services and outcomes for

children and young people in each local area. This will inform the annual rating, which is to be published each November as part of the CAA organisational assessment.

KEY ISSUES FOR CONSIDERATION

Section A: Government's Response to Lord Laming – Action Plan

7. In relation to the Government's Action Plan response to Lord Laming's report (see section A), at this stage, it is important to remain aware of the changes and policy implications that are forthcoming, though not in place yet. Anticipating and working towards these changes will enable us to meet them more readily when they form requirements.
8. There will be a number of significant local implications that result from the revised *Working Together* statutory guidance at the end of the year. These will affect all children's services partners in multi-agency service delivery, planning and training. There will be particular implications relating to referrals, assessments and joint working for all partners, which for the most part, are to be overseen by the Children's Trust. It will also particularly result in changes in the operation of Local Safeguarding Children's Boards, Serious Case Reviews and Children's Trusts.
9. The establishment of the National Safeguarding Delivery Unit (NSDU) in July will also result in local actions, particularly around the statutory training of frontline and interagency staff and SCR panel chairs and authors. The NSDU may also provide scope for opportunities in its role to promote dynamic learning and good practice development; the publication of the NSDU's work programme in September will provide clarification on this.
10. A comprehensive Social Work Reform programme to be confirmed in the autumn, will further build on the immediate actions that have been announced in relation to social work (see paragraph 23). These will have significant implications on the recruitment and training of social workers. A review of the Code of Practice and resulting legislative changes will also provide operational implications.
11. Nationally, there may be an emphasis on increasing the number of children taken into care in line with outcomes in the national report around thresholds. This may not impact on Southwark as starkly due to a relatively stable number of children entering care and higher than average numbers in other boroughs.

B. Inspection of Children's Services as part of CAA arrangements

12. The new inspection process is designed to inspect the 'everyday business' of Children's Services. In other words, this will require Children's Services to ensure that they are continuously prepared and able to respond to an inspection, particularly in relation to the unannounced and short notice inspections. There will therefore be implications on the way in which Children's Services business is conducted, as well as implications for work with partners.

Policy implications

A. The Protection of Children in England: Action Plan – The Government's Response to Lord Laming

13. In March 2009, Lord Laming published his report on the progress of implementing effective arrangements for safeguarding children, following the death of Baby P. His report extensively criticised the way in which safeguarding is addressed and practiced and made 58 recommendations to bring about changes in protecting children from harm. The Government's detailed response and action plan to Lord Laming's report was published on 6 May 2009, in which all 58 recommendations were accepted.
14. The action plan responds to each of the 58 recommendations in turn, drawing on existing guidance and putting forward new initiatives. Existing guidance such as *Working Together to Safeguard Children* and the *Children's Plan* and initiatives such as the Social Work Task Force are to be strengthened and developed in line with the recommendations. In addition, a range of new initiatives are put forward. These changes are set against a timetable and plan for implementation. There will be no upcoming major legislative changes; many of the actions will be delivered through revised statutory guidance. A summary of the changes which will have an impact on the work of Children's Services and partners are provided below. A timetable of the upcoming changes is detailed at paragraph 29.
15. **National Safeguarding Delivery Unit (NSDU):** A new cross-government National Safeguarding Delivery Unit will be established. The role of the NSDU is to provide support and challenge to local authorities, promote dynamic learning and good practice development, including through sector-led approaches, and act as a bridge between national policy development and local implementation. The Unit will also support the development of explicit strategic priorities, and related national targets, where appropriate, for the protection of children and young people for frontline services.
 - The NSDU will be operational by 1 July 2009 and their work programme will be published by Sept 2009
 - The NSDU will deliver training for frontline and interagency staff, as well as for all serious case review panel chairs and authors (the latter will be an early priority for the NSDU).
 - They will also develop urgent guidance on referral and assessment systems for children affected by domestic violence, adult mental health problems, and drugs and alcohol misuse.
16. **Changes to Assessment and Inspection:** There will be statutory targets on safeguarding. The set of statutory targets are to be amended through the Apprenticeships, Skills, Children and Learning Bill, currently before parliament to include a number of safeguarding targets within the revised list of indicators. The precise number of statutory targets will be decided in the light of further discussion with partners, by autumn 2009 and implemented as soon as possible thereafter. There is also to be a new schools inspection framework, to strengthen the focus on safeguarding (see paragraph 25 below).
17. A 3-year Ofsted-led rolling programme of safeguarding inspections commences in June 2009, under the Comprehensive Area Assessment arrangements. These inspections also include assessment of the arrangements for care of looked after

children – a particularly vulnerable group often linked to safeguarding concerns. Further details on the Ofsted inspection programme is outlined below.

18. **Local Safeguarding Children's Boards (LSCB):** Changes relating to LSCBs will be reflected through revised regulations and the revised *Working Together* statutory guidance. These include:
- Ensuring that Children's Trusts and LSCBs are not chaired by the same person¹
 - The chair of the LSCB is to be selected with the agreement of multi-agency partners, and have access to training to support them in this role
 - Membership should cover senior decision makers from all safeguarding partners – to attend regularly and be fully involved in decision-making
 - Should report to Children's Trust board²
 - LSCBs will need to have statutory representation from schools, adult mental health and adult drugs and alcohol services
 - LSCBs should publish an annual report to the CT board on the effectiveness of safeguarding in the local area[†]
 - LSCBs need to ensure SCR panel chairs and overview authors are independent of the LSCB and all services involved in the case (see below)
 - An interim report responding to Loughborough University's research on LSCBs will be published in June 2009, and practice guidance, developed in light of findings, will be issued by October 2009
19. **Serious Case Reviews:** A revised Chapter 8 of the *Working Together* guidance is to be published for consultation by July 2009, to progress many of the measures relating to SCRs at an early stage. These include:
- SCR panel chairs and overview authors are to be independent of the LSCB and all services involved in the case
 - SCR reports to include publicly available executive summaries, which accurately represent the full report, contain the action plan in full, and include the names of the SCR panel members.
 - Ofsted are convening a partners' discussion in May about revising the SCR framework; this will be developed and consulted alongside the revised Chapter 8, in July 2009.
 - Revisions to the Chapter 8 guidance and the SCR framework are also to reflect the formal purpose of lesson-learning, improving multi-agency working, and ensuring panel chairs are able to access all relevant documents and staff during the reviews.

In addition:

- All SCR panel chairs and authors must complete a DCSF training programme (this will be delivered by the NSDU)
- SCRs will not be fully published; however, executive summaries of SCRs will be shared by Ofsted with ACPO, PCTs and SHAs to promote learning (via

¹ These requirements will be reflected in the revised statutory guidance *Working Together to Safeguard Children*, to be published by the end of the year.

² These requirements have been incorporated into amendments to the Apprenticeship, Skills Children and Learning Bill, currently before Parliament, and will be reflected in the revised *Working Together* guidance.

website link). Copies of SCRs will be shared in confidence with partner inspectorates.

- Ofsted will produce 6monthly reports on lesson of SCRs; this will be from 2009

20. **Children's Trusts:** Many of the actions relating to Children's Trust will be covered in the revised *Working Together* guidance, and delivered through the work of the NSDU. Children's Trusts must ensure the following:

- all referrals to children's services from other professionals lead to an initial assessment, including direct involvement with the child or young person and their family, and the direct engagement with, and feedback to, the referring professional;
- core group meetings, reviews and casework decisions include all the professionals involved with the child, particularly police, health, youth services and education colleagues. Records must be kept which must include the written views of those who cannot make such meetings;
- formal procedures are in place for managing a conflict of opinion between professionals from different services over the safety of a child
- All staff working with children receives initial training and continuing professional development to understand normal child development and potential signs of abuse/neglect.
- To have sufficient multiagency training in place to create a shared language and understanding of local referral procedures, assessment, information sharing and decision making across all service areas who work to protect children etc. A named child protection lead in each setting should receive this training.
- To ensure a named, and preferably co-located, representative from the police service, community paediatric specialist and health visitor are to be active partners within each children's services social work department
- To ensure that partners consistently apply the Information Sharing Guidance
- The needs assessment that informs their Children and Young People's Plan regularly reviews the needs of all children and young people in their area, paying particular attention to the general need of children and those in need of protection. This work is to be supported by the NSDU, who will develop exemplars of needs analyses.
- Children's Trusts are expected to make sure that the Government's Information Guidance is applied consistently by all partners and that all organisations have appropriate governance frameworks to enable this

21. **Budgetary issues:** In relation to Lord Laming's recommendation that children's services have protected budgets for the staffing and training for child protection services, the Government's response was as follows:

"Children's Trusts will prepare their annual assessments of need on which the financial contributions made by local partners to jointly-funded safeguarding initiatives will be based, taking account of other local priorities. These will be set out each year in the Children and Young People's Plan. Government Offices will challenge the quality of local needs analysis, the alignment of that analysis with local children and young people plan priorities and the adequacy of what is then commissioned in respect of support for all children, children 'in need' and those in need of protection. The NSDU, as one of its early priorities will explore the scope for disseminating comparative information on the pattern of local spend on children's services."

In relation to the recommendation on the adequacy of Children Trust's funding on children's services – under the new arrangements for statutory targets on safeguarding, the Government will closely monitor the trend in outcomes through indicators and targets and the quality of services through Ofsted's new inspection arrangements.

22. **Social Work:** Several immediate actions have been taken to address the recruitment and supply challenges in the workforce, and these will be further developed in the autumn, alongside wider social work reforms, including those relating to social work education, and a 'newly qualified social worker' support package, which will include induction and protected time for supervision and training. The Social Work Transformation fund will be used to deliver these measures.
23. Other recommendations relating to social work will be explored by the Social Work Task Force, who will put forward proposals. A comprehensive Social Work Reform programme is to be set out in autumn 2009 (October). A revised Code of Practice for Social Work, which will be distinct from wider social care, developed in conjunction with the General Social Care Council (to be in place by October 2009). The DCSF and DH will support GSCC in reviewing the Code of Practice for Employers and will seek to legislate appropriately at the earliest opportunity.
24. **Integrated Children's System (ICS):** The Government will work with local authorities to reform the ICS and to reflect the Social Work Task Force's advice that there should be locally-owned, locally-led systems on the basis of a greatly simplified set of national requirements. The Government's approach will be to remove unnecessary and prescriptive national requirements from the ICS, while providing more effective support to local authorities and professionals in commissioning and developing high quality local systems.

Immediate action will be taken on the following:

- □national requirements in relation to the ICS will be freed up. Local authorities and suppliers, in discussion with professionals, will be authorised to remove or revise forms and exemplars in local ICS systems, with more flexibility to use professional judgement in deciding how statutory requirements will be complied with;
- local authorities will be supported in implementing Phase 1C of the ICS, and the deadline will be relaxed, to allow focus on fixing problems with local systems that are regarded as a priority; and
- improved support will be provided through carrying out a usability review of each ICS product, providing procurement support and issuing guidance on how the ICS can be used to support practice.

In addition, over time, the ICS will be reformed to reflect the Social Work Task Force's forthcoming advice on professional roles, practice and support in social work.

25. **Director of Children's Services (DCS)/ Senior Management/ Lead Members:**
 - Revised guidance on Lead Members and DCSs will be published in June 2009, which will include the requirement for all DCSs who do not have direct

- experience or background in safeguarding and child protection must appoint a senior manager within their team with the necessary skills and experience.
- There is to be training on safeguarding and child protection and on effective leadership for all senior political leaders and managers across frontline services; these will be delivered by the Centre 4 Excellence Office's extended programme, through research briefings and national workshops by June 2009, and regional workshops in November 2009. Based on this programme, further training will be developed as appropriate.

In addition, the revised *Working Together* guidance will reflect the following:

- all points of referral where concerns about a child's safety are received to ensure they are sound in terms of the quality of risk assessments, decision making, onward referrals and multi-agency working are regularly reviewed by DCSs and other chief and senior service managers in partner organisations

26. **Schools:** Ofsted have designed the new school inspection framework which will apply from September 2009 so that it will have a stronger focus on safeguarding. The current inspection framework already includes a judgement about whether safeguarding arrangements are satisfactory but this will be strengthened in the new framework with a grading on a scale from 1(outstanding) to 4(inadequate) for a school's safeguarding arrangements. Any school which receives a grade of 4 will also be likely to be awarded an inadequate grade for its overall performance and will need therefore to make urgent improvements.

28. **Timetable of forthcoming changes**

Date	Action
June 2009	3-year Ofsted-led rolling programme of safeguarding inspections commences, under the CAA arrangements.
	Revised guidance on Lead Members and DCSs published
	Interim report responding to Loughborough University's research on LSCBs, and practice guidance, developed in light of findings, will be issued by October 2009
July 2009	NSDU operational by 1 July 2009
	Consultation on revised Chapter 8 of the <i>Working Together</i> guidance
	Ofsted consultation on revising the SCR framework
September 2009	Ofsted's new school inspection framework to come into effect
	NSDU work programme published
October 2009	Revised Code of Practice for Social Work published
	Practice guidance on LSCBs issued (developed in light of research findings from Loughborough University)

Date	Action
Autumn 2009 (October)	New set of national safeguarding indicators introduced
	Social Work Reform programme announced
End of year	Revised statutory guidance <i>Working Together to Safeguard Children</i> published

B. Inspection of Children's Services as part of CAA arrangements

29. Inspections of children's services will be led by Ofsted as part of the new inspection approach in place from June 2009. These replace the Joint Area Review and contribute to the joint area and organisational assessment arrangements for the Comprehensive Area Assessments (CAA).
30. Ofsted will provide **a new annual rating for the performance of children's services**, which will form a significant contribution to the managing performance theme of each council's CAA organisational assessment, therefore also to each council's overall score. The assessments are to highlight strengths and weaknesses across the five Every Child Matters outcomes, identifying scope for service improvement.
31. The annual rating will be based on findings from Ofsted's inspection and regulation of the services for which the council is strategically or operationally responsible – including safeguarding services. Less emphasis will be placed on other performance data. In addition, a new Ofsted performance profile of the quality of services and outcomes for children and young people in each local area will inform the annual rating, which is to be published each November as part of the CAA organisational assessment.
32. **Performance Profiles** will be provided from June 2009, and will depict the quality of services and outcomes for children and young people in each local area, drawing together relevant findings from across Ofsted's inspections and regulation of education, care and skills. This evidence will be set alongside the relevant ECM indicators from the new National Indicator Set (NIS). There are 3 blocks of evidence:
- the findings from regular and ongoing inspection and regulation of services, settings and institutions (Block A);
 - findings from safeguarding and looked after children inspections; unannounced inspections of contact, assessment and referral arrangements for children in need and children who may be in need of protection; evaluations of serious case reviews; safeguarding and looked after children findings from recent joint area review inspections ; and findings from triggered inspections (Block B);
 - performance against Every Child Matters indicators from the NIS (Block C).

Diagram 1 (below) illustrates how these different elements fit together.

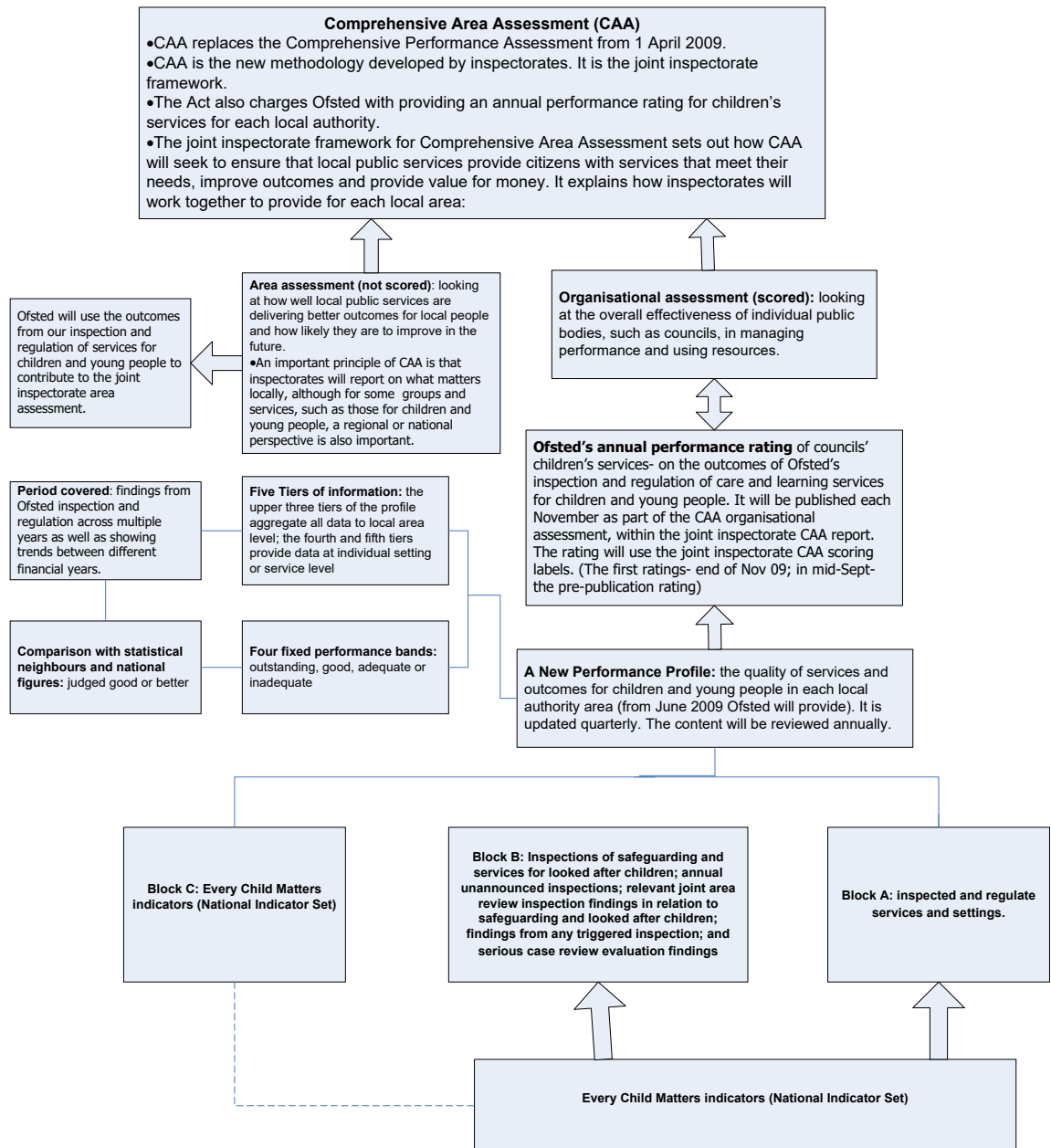


Diagram 1

33. **Block A - Inspected and Regulated Services and Settings:** The findings of inspection and regulation into the categories described in Appendix 1 will be grouped to under this section of the performance profile; incorporating details of the judgements made about the quality of services, settings and institutions inspected and regulated by Ofsted. Information provided in the profile will cover multiple years and show trends between different financial years, to provide a more comprehensive view of the quality of services and settings and highlight improvement etc.
34. Four fixed performance bands will be used to summarise the performance of services, settings and institutions under Block A, applied to the proportions judged to be good or better over the period covered. Cut-off points for the bands will be

derived from comparative national analyses and will be reviewed annually to ensure they are achievable but continue to drive improvement. Comparisons with statistical neighbours will also be included in the performance profiles.

35. **Block B findings:** These will cover new inspections of safeguarding and services for Looked After Children (LAC); new unannounced inspections; relevant previous joint area review inspection findings in relation to safeguarding and looked after children; findings from any triggered inspection; and serious case review evaluation findings. It is expected that in 2009, these inspections will have taken place in a relatively small number of local authorities; as a result, for some authorities, the safeguarding and looked after children grades awarded in joint area review inspections after 1 April 2007 will also be used in the 2009 performance profile³. Although they will not be included in the profile, any substantiated complaints received by Ofsted, including through whistle blowing, will also be considered alongside this block of evidence in determining the rating. Where there are no issues of confidentiality, councils will have been advised of these complaints. Diagram 2 (below) demonstrates the range of Block B.
36. The new **triennial Safeguarding and Looked After Children (LAC) inspections** will be outcome and impact-focused, i.e. evidence will be sought on how local services have a positive and protective benefit on children's lives. These inspections will be led by OFSTED, with other inspectorates contributing, and will include user and stakeholder views – looking at recent surveys and where possible undertaking surveys and meeting with service users and partners. They will also draw on data and information from unannounced inspections of contact, referral and assessment (see paragraph 37). These inspections will take place at least once every 3 years from 1 June 2009 but may be triggered by other events from unannounced inspections, school inspections, other inspections or evaluations of Serious Case reviews, etc. Appendix 2 includes further information about the scope of these inspections.
37. **Unannounced inspections of contact, referral and assessment:** have two elements which will look at practice in relation to contact, assessment and referral processes for children in need and children who may be in need of protection; and how well practice supports the effective management of risk and minimises the incidence of child abuse and neglect. There will be one inspection in any 12-month period; notification of the inspection will be on the same day. The inspections will be scheduled on the basis of findings from other inspections and regulatory work, e.g. evaluations from serious case reviews, or evidence from other sources, e.g. annual questionnaires of users and stakeholders and the new Ofsted whistleblower hotline. If the unannounced inspection raises serious concern, follow-up inspections may be triggered, including a full safeguarding inspection either undertaken separately or combined with an inspection of services for looked after children. Inspection activity will focus on scrutinising case files, to assess the quality of practice and actions taken to ensure good or better outcomes for children and their families and evidence as to how well initial assessment informs case planning will also be considered. Findings about partners' contributions and the quality of multi-agency prevention and support for safeguarding children and young people, including the impact of the Local Safeguarding Children Board and Children's Trust Board, will also be reported on, but the main focus will remain on local authority services.

³ Where the full inspection of safeguarding and looked after children has not taken place but the analysis week of the joint area review took place after 1 April 2007.

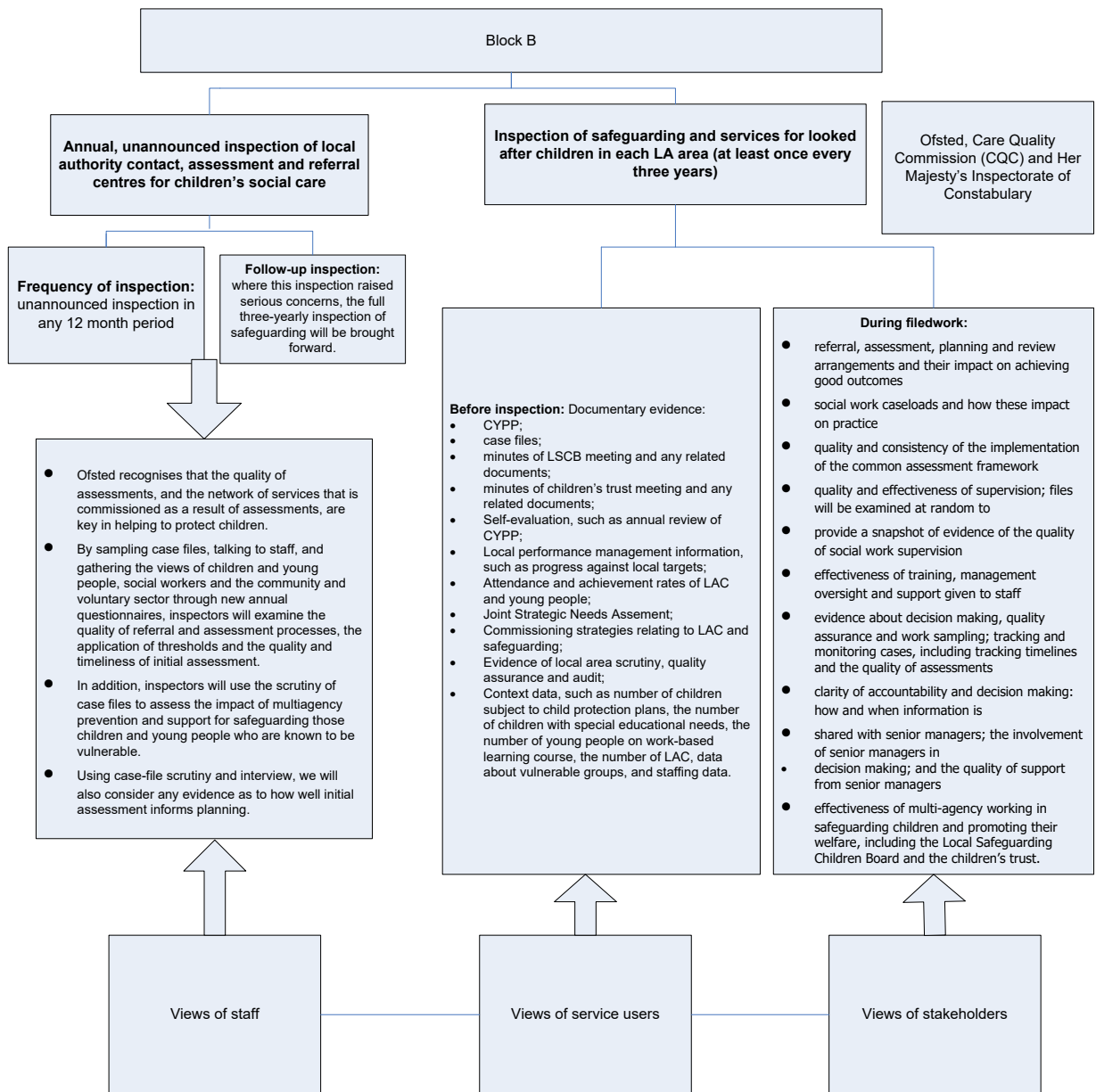


Diagram 2

Community Impact Statement

19. This report has been judged to have no or a very small impact on local people and communities.

Resource implications

23. There are no budgetary or resource implications from this report.

Consultation

28. Not applicable.

Legal/Financial Implications

30. There are no legal or financial implications.

BACKGROUND DOCUMENTS

Background Papers	Accessible At
Government's Action Plan and response to Lord Laming's report	http://publications.dcsf.gov.uk/eOrderingDownload/DCSF-Laming.pdf
Lord Laming's Progress Report (March 2009)	http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-330.pdf
Ofsted inspection frameworks	http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Local-services/How-we-inspect

APPENDICES

No.	Title
Appendix 1	List of inspected services, settings and institutions included in the performance profile (Block A)
Appendix 2	Scope of inspections - Tiers of information included in the performance profile

AUDIT TRAIL

Lead Officer	Rory Patterson Assistant Director Children's Specialist Services	
Report Author	Tasneem Mueen-Iqbal	
Version	Final version	
Dated	15 June 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Communities, Law & Governance	No	No
Finance Director	No	No
List other officers here		
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	June 16 2009	

Appendix 1 - List of Inspected services, settings and institutions included in the performance profile (Block A)

The following will be judged in relation to the proportion of services, settings and institutions judged good or better

Overall effectiveness judgements:

Early Years

- Childminders
- Childcare on domestic premises
- Childcare on non-domestic premises

Schools

- Nursery
- Primary
- Secondary (including city technology colleges and academies)
- Sixth-form school (secondary, special, pupil referral unit)
- Special school
- Pupil referral unit

Post-16 education

- General further education college and tertiary college (includes further education delivered by higher education institutions)
- Sixth-form college
- Independent specialist college

Social care

- Children's home
- Local authority fostering agency
- Local authority adoption agency
- Private fostering arrangements
- Residential family centre
- Boarding school
- Residential special school

For judgements on the 5 Every Child Matters Outcomes:

Early Years

- Childminders
- Childcare on domestic premises
- Childcare on non domestic premises

Schools

- Nursery
- Primary
- Secondary (including city technology colleges and academies)
- Sixth-form school (secondary, special, pupil referral unit)
- Special
- Pupil referral unit

Post-16 education

- General further education college and tertiary colleges

- (includes further education delivered by higher education institutions)
- Sixth-form college
- Independent specialist college

Social care

- Children's home
- Local authority fostering agency
- Local authority adoption agency
- Residential family centre
- Boarding school
- Residential special school

Appendix 2 – Scope of inspections

Tiers of information included in the performance profile

Tier	Local authority or provider level data	Block A: Inspected services	Block B: Looked after children and safeguarding, joint area reviews and serious case reviews	Block C: Every Child Matters outcomes (NIS)
1 – Summary profile	Local authority level	Overall effectiveness grades for full period, based on latest grade for each provider (see Annex B for periods)	Inspection outcomes: <ul style="list-style-type: none"> ■ annual assessment and referral visits ■ looked after children and safeguarding ■ joint area reviews ■ outcomes from evaluations of serious case reviews 	Summary of the NIS indicators relating to children’s services, grouped under Every Child Matters outcomes
2 – Latest data for the local area	Local authority level	Overall effectiveness and Every Child Matters grades for full period, based on latest grade for each provider (see Annex B for periods)	n/a	NIS data for the most recent period available to Ofsted By September this will be 2008–09 data where possible (see Annex A for list of NIS)
3 – Historical data for the local area	Local authority level	Overall effectiveness and Every Child Matters grades for the individual financial years within the full period (see Annex B for periods). Some providers may be included more than once if inspected more than once in the period	n/a	NIS data for each year or period individually Additional indicators displayed for context under NIS indicators (see Annex A for list of NIS and additional indicators)
4 – Provider, setting or service level data	A list of each provider, setting or service inspected in the area, with the relevant grade	Overall effectiveness and Every Child Matters grades for the full period (see Annex B for periods) Some providers may be included more than once if inspected more than once	n/a	NIS attainment measures at school level – details to be confirmed

		within the period		
5 – Individual inspection reports	Provider, setting or service	Link to published reports for each provider	n/a	n/a