

Response to Ofsted's consultation on the review of the effectiveness of Local Safeguarding Children Boards

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Introduction

1. Under statutory guidance and legislation,¹ Local Safeguarding Children Boards (LSCBs) have a key role in safeguarding and promoting the welfare of children in the area and ensuring the effectiveness of the contribution of statutory partners. The Department for Education has consulted on changes in legislation² and regulations that allow Ofsted to review the effectiveness of LSCBs. Section 15A of the Children Act 2004 has been commenced and the underpinning regulations came into force on 9 October 2013.³
2. In November 2013, Ofsted will introduce an inspection of local authority services for children in need of help and protection, children looked after and care leavers (the 'single inspection') and we will conduct the review of the LSCB at the same time as inspecting the local authority.
3. We consulted on the framework for the single inspection between 14 June and 12 July 2013 and at the same time consulted on an early draft of our proposals to review the effectiveness of the LSCB. A report on the outcomes of this consultation is available on Ofsted's website.⁴
4. We revised our grade descriptors and approach to the review of the LSCB based on the responses and our experience of the pilot inspections, and then undertook a further targeted consultation on these revised proposals. This targeted consultation opened on 10 October so that interested parties could consider our proposals in light of the final regulations. There were 68 respondents to this consultation (a full breakdown is in Annex A).
5. In our first proposal, we set out how we intended to undertake the review: when we would notify the chair of the LSCB; the documentation we would review; and the people we would want to speak to during the course of the review. We wanted to know if we were intending to look at the right things and talk to the right people.
6. In the second proposal we set out the characteristics of an LSCB that is 'outstanding', 'good', 'requires improvement' or 'inadequate'.

¹ Children Act 2004: www.legislation.gov.uk/ukpga/2004/31/contents; The Local Safeguarding Children Boards Regulations 2006: www.legislation.gov.uk/uksi/2006/90/contents/made; and *Working together to safeguard children*, Department for Education, 2013.

² Children Act 2004, Section 15A: www.legislation.gov.uk/ukpga/2004/31/section/15A.

³ The Local Safeguarding Children Boards (Review) Regulations 2013: <http://www.legislation.gov.uk/uksi/2013/2299/contents/made>.

⁴ *Responses to Ofsted's consultation on the inspection of services for children in need of help and protection, children looked after and care leavers* (130228), Ofsted, 2013; www.ofsted.gov.uk/resources/130228.

Overview of responses

General feedback

7. All respondents supported our plans to undertake a review of the LSCB and most felt that the framework is clear and concise and that the parameters of the review are clear.

‘Although expectations are high, the parameters are accurately described and will support LSCBs in developing and evaluating their arrangements.’
8. Many respondents emphasised the multi-agency nature of the work of the LSCB and felt that a multi-inspectorate approach would be much more robust. We continue to work with our partner inspectorates and we will be undertaking joint inspection activity from April 2015. However, we still think that it is right to introduce a review of LSCBs now and highlight where practice is good and where it needs to improve. We will be clear about the contribution of partners to the board and we will share our inspection reports with our partner inspectorates at the pre-publication stage so that our findings can inform their inspection activity.
9. As HMCI referenced at the launch of the Social Care Annual Report,⁵ the current regulations and guidance do not fully address the accountabilities between the chair of the LSCB, the Director of Children’s Services, the local authority Chief Executive and the lead member for children’s services. We think that our grade descriptors are sufficiently clear to enable boards to understand how we will be making our judgements and for our inspectors to apply the descriptors fairly and consistently. However, where we identify ambiguity, we will include this in our reports and share our findings with the Department for Education to illustrate this ambiguity.
10. The Association of Independent LSCB Chairs, the Local Government Association and the Society of Local Authority Chief Executives each commented that the current four-point judgement scale is not sufficient to reflect the complexity of the multi-agency work of the LSCB, and, as with the single inspection of local authorities, have called for a move away from graded judgements altogether. The Association of Directors of Children’s Services (ADCS) have also previously commented on this issue. We have given careful thought to this feedback and remain convinced that a clear and unequivocal judgement gives the public assurance that we have a responsibility to provide. The narrative they seek will be provided within the body of the report, which will set out clear areas for development and highlight good practice. As with our inspection of local authorities, the four-point judgement scale is key to understanding where

⁵ *Social Care Annual Report 2012/13* (120351), Ofsted, 2013; www.ofsted.gov.uk/resources/social-care-annual-report-201213.

LSCBs need to improve and supports consistency in how inspectors make judgements on the inspection and the review. We also believe it is right to move away from a judgement of 'adequate' to one of 'requires improvement' in line with all our other inspection frameworks.

11. Some respondents have questioned the implications of the requirement in *Working together to safeguard children*⁶ for the chair to publish the report. Government officials have confirmed that the regulatory requirement for the board to produce the report remains; the change to Working Together will ensure that the chair takes responsibility for publicising the report. Inspectors will still expect that the board has agreed the report prior to publication.
12. A small number of respondents questioned the relationship between the judgement of the local authority and the judgement of the effectiveness of the LSCB. We are clear that neither is a limiting judgement for the other; these are two separate activities. However, the review and the inspection will and must take account of evidence gathered by inspectors when conducting each activity. There is no rule that the judgements should be the same; they may be different and inspectors will clearly evidence where this is the case. We recognise that the board has a mandate to 'coordinate' but not to deliver and this will be reflected in our evaluation of effectiveness. We recognise that a board may have delivered strong and appropriate challenge to which partners may not have given an appropriate and effective response.

'The inclusion of the LSCB inspection within the single inspection framework is helpful and the explanation of how it is anticipated that this will work in practice is clear. Using the same four point scale for grading is right and adds clarity, not only to the process but to overall inspection outcomes.'

13. We agree with those who have asked us to evaluate our framework following the first 10 reviews. We fully intend to do this. We want to learn from the reviews and share that learning more widely.

Proposal (I) How we will undertake a review of the Local Safeguarding Children Board

14. Many respondents raised questions for us to consider and, as a consequence, we have changed our review methodology.
15. Nearly everyone agreed that the review should take place at the same time as the single inspection; respondents recognised that this is expedient and an efficient use of resources and will reduce inspection burden. There was some disagreement related to:

⁶ <https://www.education.gov.uk/aboutdfe/statutory/g00213160/working-together-to-safeguard-children>

- a desire for a shorter programme of reviews than the intended three years
- concerns about combining the two reports
- a view that the independence of the board may be lost in the narrative.

We think it is right to undertake the review parallel to the single inspection and at this time we do not intend to undertake the reviews as a separate event, although the legislation permits us to do so.

16. We will produce a report on the effectiveness of the LSCB and we propose to combine this with our report on the inspection of the local authority at the pre-publication stage. We will publish this report on our website. Some respondents felt that the reports should remain separate. We have decided that the report and review will be two sections of one document. We think that it is important that we make it easy for anyone to access in one place our evaluation of the system that helps and protects children and young people in a local authority area.
17. We are clear in our inspection guidance that inspectors will want to understand the local arrangements and that there is no Ofsted 'template' for how an LSCB should construct itself. We want to understand and determine effectiveness and we will report where we identify that the structure is either enhancing or inhibiting effectiveness.
18. Some respondents expressed concern at the five-day window to comment on the draft report for factual accuracy. Inspectors will fully inform the LSCB chair about the review findings at the end of fieldwork before they leave the local authority area and so five days should allow sufficient opportunity for the LSCB chair to correct any inaccuracies. We will reconsider this as part of our evaluation of the first 10 reviews.
19. The key changes to the inspection handbook are as follows.
 - We have updated the list of documents to include the last 12 months of board minutes (recognising that some boards also have executive board meetings).
 - We have included the LSCB training strategy, the Child Death Overview Process annual report, serious case review action plans and any section 11 audits available as part of the documents requested at the beginning of the review.
 - We have clarified that we will always interview the LSCB chair, the LSCB business manager, the Director of Children's Services and the local authority Chief Executive.
 - We have confirmed that we will notify the LSCB chair and the business manager of the review in recognition that LSCB chair may not be available

- We have clarified that the board is expected to make arrangements to publish the report within 30 working days of receiving it.
- We have updated the list of people we intend to interview. We expect to speak to at least two statutory partners to seek their views and we may speak to lay members. It is unrealistic to anticipate that inspectors will interview all board members and sub-group chairs; however, we have guided inspectors to try to interview, as a minimum, a health and a police representative and other members as they relate to key lines of enquiry, such as the chair of the child sexual exploitation sub-group where one exists, or the chair of the sub-group for secure settings where one is in the local area.
- We will take opportunities to gather evidence for the review from our conversations with other key stakeholders and board and sub-group members that are a part of the single inspection, such as practitioners, the education sector and Cafcass. This will give us the opportunity to understand the influence and impact of the LSCB in sharing learning with frontline practitioners.

Proposal (II) Undertaking a review of the Local Safeguarding Children Board – the grade descriptors

20. Many respondents broadly agreed with the grade descriptors and felt that they were fair and representative of the role of the LSCB.

‘It is our collective view that the proposals you have made to undertake the review and evaluate the effectiveness of Boards using the descriptors of ‘good’ as the benchmark from which to grade performance will be a realistic and effective way of arriving at your conclusions.’

21. A number of respondents made helpful suggestions on how we could improve the grade descriptors and so we have made the following changes.

- We have replaced ‘the chair intervenes with the local authority’ with ‘the chair raises challenges and works with the local authority and other board partners’, as this more accurately reflects what is expected of the chair.
- We have updated the grade descriptor for ‘outstanding’.
- We have been clear that the work of the LSCB applies to all children, including an understanding of safeguarding deaf and disabled children.
- We have made specific reference to the LSCB role in tackling child sexual exploitation.

22. There is some concern that the ‘requires improvement’ and ‘inadequate’ judgements were insufficiently distinct. We have made amendments to the grade descriptor for ‘inadequate’ to make the judgements clearer. We are looking for ‘good’ and, where our evaluation indicates these characteristics are not in place, we will judge the board as ‘requires improvement’. Where there

are significant failures to fulfil the statutory requirements, we will judge the board to be 'inadequate'.

23. We do not intend to determine the number of case audits to be undertaken or the method used to audit cases. This needs to be determined locally in line with local priorities. Our focus will be on how effective those audits are at identifying practice issues, areas for improvement and good practice.
24. While some respondents supported the grade descriptor that states 'all board partners make a proportionate financial and resource contribution to the main Board and the audit and scrutiny activity of any sub-groups', others, particularly those from the health community, have questioned how this will be interpreted. There is no precise calculation. We know that every board is different and we know that the configuration of the board will reflect local needs and structures. Our inspectors want to see evidence that statutory board members are active partners and participants and that their contribution reflects their potential influence on safeguarding children and young people.

Annex A. Respondents to the consultation

Association of LSCB Chairs	
Association of Directors of Children's Services	
SOLACE	
Local Government Association	
LSCBs / LSCB chairs	35
HMI Constabulary	
HMI Probation	
Local authorities	5
The College of Social Work	
British Association of Social Workers	
Health Sector (such as CCGs, NHS foundation trusts/teams, Royal Colleges)	6
Education sector representative groups	3
Children's representative groups	2
Groups representing deaf and disabled children	3
Private sector organisations	1
Others	5