

The States of Jersey Department for
Health & Social Services

Independent Safeguarding & Standards
Service Specification

August 2012

DOCUMENT PROFILE

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1. INTRODUCTION

This document sets out the reasons behind the development of this service provision and sets out a specification for the delivery of Safeguarding and Standards services, within Health & Social Services, that is ‘independent’ of day to day operational or resource management responsibility.

This specification, together with the linked policies and documents, will provide guidance for staff and partner agencies on how this service will seek to establish appropriate working arrangements.

2. BACKGROUND TO SERVICE DEVELOPMENT

The Minister for Health & Social Services holds certain obligations to individual children or young people (on behalf of the States of Jersey) under the Children (Jersey) Law 2002.

Whilst the statutory obligations are managed and discharged through Children’s Social Work Services (part of Community & Social Services), meeting the needs of those individual children and young people is central to all multi-agency planning and reviewing processes, as all the key agencies involved (both internal and external to H&SS) seek to protect and promote the welfare of children.

Two distinct processes establish these multi-agency ‘care’ and/or ‘protection’ plans with clear expectations of better outcomes for the child:

- **The Looked After Process** – established to ensure that children who are ‘looked after’ (by The Minister) have all aspects of their needs regularly reviewed and provisions made to meet those needs, including for their safety and protection.
- **The Child Protection Process** – established to ensure the safety and welfare of the most vulnerable children and young people living in the community considered to be at risk of significant harm.

Good practice indicates that children who are looked after need not usually be subject to a separate Child Protection Plan and that looked after children processes should be sufficiently robust to address their child protection needs.

In 2007 a UK expert, Andrew Williamson, was commissioned by the States of Jersey to review child protection processes in Jersey and his report, entitled ‘An Inquiry into Child Protection In Jersey’ (June 2008) identified the need for *“transparency of independence in the Reviewing post for Looked after Children”*.

He concluded that *“An essential requirement in the provision of safe, high quality service for children and young people is the appointment of an Independent Reviewing Officer (IRO) who would guarantee that personalised planning is provided for all children looked after”*.

Subsequent internal review established that both the Looked After Children **and** the Child Protection functions would benefit from the provision of a service which could offer a level of independent oversight to the planning and reviewing processes, and the proposal for Safeguarding & Standards services was developed.

That proposal, set out in full in Recommendation 4 of the Williamson Report: Implementation Plan - January 2009, (Appendix A) makes clear that this new development would have to amalgamate the functioning of the Independent Reviewing Officer (for look after children processes) and the Child Protection Adviser (for child protection processes) into one integrated service. It also outlines the need for an administrative function to organise and record meetings as well as to maintain a number of essential 'registers' that are key to monitoring the activities of the service provision in these areas.

3. LEGAL CONTEXT

The responsibilities of the Minister for Health & Social Services are set out within the articles of the Children (Jersey) Law 2002 and subordinate legislation.

Part 3 of that law sets out 'Ministerial Support for Children and Families' which includes articles dealing with the 'provision of accommodation' (in certain circumstances) which have the effect of making the child 'looked after' in a legal context, and leads to the need for effective Care Plans and processes to manage and monitor the on-going care of all 'looked after children'.

The above processes are further directed within the provisions of the Children (Placement) (Jersey) Regulations 2005 which set out specific requirements as to how any looked after child or young person should be supported 'in placement'. It is these regulations that set out the Minister's responsibility to maintain a 'placement register' – one of the three key registers referred to in the previous section (the other two being the Child Protection Register and a Court Proceedings Register).

Part 5 of the primary law sets out the Minister's responsibilities for the 'Protection of Children' and includes an article confirming the 'Minister's Duty to Investigate'. It is these processes that lead to the need for multi-agency Child Protection Conferences which consider the development of Child Protection Plans and set out an on-going monitoring and review process.

In England and Wales, all reviewing processes are undertaken within a complex legislative framework which differs considerably from that which exists in Jersey.

The appointment of an Independent Reviewing Officer for 'looked after children' is a legal requirement under section 118 of their Adoption and Children Act 2002.

This requirement was further developed with the introduction of the Children and Young Persons Act 2008 which enabled the Secretary of State to issue statutory guidance to all local authorities on how the Independent Reviewing Officer should monitor the child's case on an ongoing basis; how they review the child's care plan and assure the quality of the planning process; as well as ensuring that the child's wishes and feelings are given full consideration.

Within their regulations the Independent Reviewing Officer has an ultimate sanction to refer a case to the Children and Family Court Advisory and Support Service (CAFCASS) if they consider a child's human rights has been breached or if they feel the relevant local authority has not adhered to the Care Plan.

The appointment of a Child Protection Adviser, to chair child protection conferences, is still the responsibility of the individual local authority Children's Services in England and Wales and there is no specific formal 'statutory' legal basis for it (unlike the 'regulations' that cover the Independent Reviewing Officer role).

The UK guidance that is often referenced in this area is the 'Working Together to Safeguard Children' document produced by the Department for Children, Schools and Families (DCSF), the latest version of which was published in March 2010, and incorporates the issues identified in the Care Planning, Placement and Case Review (England) Regulations 2010.

None of these provisions are currently requirements within local legislation but the developments of Independent Safeguarding and Standards services, alongside the development of the Jersey Family Court Advisory Service (JFCAS) – a Jersey version of CAFCASS, under the 'Williamson' proposals make clear an intention to develop services locally that can match those that are available and considered 'best practice' elsewhere.

4. SERVICE PROFILE – FUNDING & RESOURCES

The original resource profile (set out at the end of Appendix A) was modified and enhanced through the process of project review and implementation and now stands at:

- One full-time Team Manager overseeing the development and day to day management of the Service whilst being active as an Independent Reviewing Officer and/or Child Protection Adviser.
- One full-time IRO/CP Adviser at Senior Practitioner social worker grade
- One full-time administrative post directly within the Service
- The equivalent of (what is believed to be) a further full-time post providing administrative support as part of the functioning of a number of 'Team Secretary' roles within Children's Services (NB - Admin Review under way across C&SS in Quarter 1 2012 to determine the best way to manage this functioning).
- Additional funding to support the provision of 'external' (from Guernsey or the UK) Independent Reviewing Officer/Child Protection Adviser support, as and when required because of any local conflicts or disputes.
- Additional funding to support the appointment of external, UK based, supervisory and professional support for the local service which should include links to national organisations and opportunities for periodic short term 'job swaps' with potential benefits for both sides.
- An appropriate training budget to support the professional development of the postholders.
- Funding to secure the rental of appropriate office and meeting room accommodation at a site that is both 'user friendly' and which will be viewed as 'neutral' (from Children's Services) by service users.

5. SERVICE PARAMETERS

In order to meet the demands of two very different processes (Looked After Children and Child Protection) the new service will need to deploy its resources carefully so that best use is made of officer time and expertise, however, the tasks will centre around the needs of three specific 'groups':

- i. Looked After Children – currently averaging about 80 children and young people at any one time over the last few years; but the numbers can increase or decrease dramatically without warning. The potential needs to accommodate any large sibling groups in an emergency are clearly a factor in this.
- ii. Children on the Child Protection Register – numbers were consistent at an average of 30 children at any one time throughout 2003 to 2009 but these increased dramatically following the ‘Baby P’ case and are currently at about 50 at any one time (2011/12 figures).
- iii. Those children whose care is the subject of legal proceedings ‘before the Royal Court’ – the nature of these proceedings means that these children are already likely to be part of one or both of the above groups. The numbers before the Court at any one time is variable but, again, the aftermath of the Baby P case (2009/10) led to a dramatic rise in the number of proceedings and Children’s Services were dealing with nearly 30 active cases at one point during 2010, although those numbers have subsequently reduced.

As the number of children and young people that any Independent Reviewing Officer should hold on their caseload at any one time is recommended to be ‘between 50 and 70’ (UK guidance within the IRO Handbook), it is easy to see that the local service is likely to be operating at the limits of its capacity with the current levels of activity.

6. GOVERNANCE ARRANGEMENTS

Throughout the development of this service, the proposal has been that it should report directly under the ‘governance’ arrangements established for across Health & Social Services. Recent departmental restructures have led to the creation of a division for Community & Social Services (C&SS) and the appointment of a Managing Director for C&SS who is part of the Corporate Management Executive (CMEX) of Health & Social Services.

The most senior arrangements have also seen the creation of an Integrated Governance Board for H&SS and the creation of two Care Quality Groups, one specifically for Community & Social Services and chaired by the Managing Director.

The post of Policy Development, Governance and Quality Assurance Manager was created under these new structures and reports directly to the MD for C&SS (see Appendix B).

The Team Manager for ISS is accountable and reports directly to the PDGQA Manager for the day to day operational functioning of the Service but retains an ability to appeal directly to the Managing Director on any individual case where they believe the child or young persons safety or wellbeing may be compromised by conflicts within operational case management arrangements, or where they believe the child’s Human Rights have been breached.

The Team Manager for ISS has access to support and supervision from external (UK based) Independent Advisers who have direct input to the governance of the service through the post of PDGQA Manager.

The PDGQA Manager sits on the Care Quality Group and maintains links with internal and external partners through regular meetings of a cross-agency group ('children's' arrangements set out in Appendix B) who monitor governance arrangements across Community & Social Services and whose meeting minutes will be regularly reported to the Care Quality Group.

7. PERFORMANCE MEASURES

As the service that will maintain the range of registers referenced in '2' and '3' above, there is an associated expectation that those actions will lead to the collection, collation and reporting of a comprehensive range of quantitative data covering total numbers of children and young people on each register within specified 'categories' and within measured 'timeframes'.

There will also be the collection and collation of more qualitative performance measures relevant to each area (as resources allow):

Looked After Children Reviews

- Those held within timescales
- Those where all relevant documentation was available prior to the review as per procedural guidance
- Those where the LAC 7 (Review Form) is completed by the Independent Reviewing Officer within timescales
- Those where the views of the child/young person were heard
- Those where the young person (over 10yrs old) was present
- Those held at a venue which was the choice of the child/young person
- Those where all relevant participants were given information about how to complain about any aspects of the reviewing process

Child Protection Conferences and Reviews

- Initial Conferences held within timescale
- Review Conferences held within timescale
- Those where reports were received (by each agency)
- Those where reports were received within timescale (broken down by agency)
- Those where the views of the child/young person were represented
- Those where the young person (over 10yrs old) was present
- Those attended by parent(s)
- Those conferences which were inquorate (broken down by agency)
- Those where the minutes were distributed within timescales
- Those where all relevant participants were given information about how to complain about any aspects of the reviewing process

As the island develops a comprehensive 'performance framework' for all children's services, it is likely that the needs for more detailed information will lead to further measures being identified and developed in these areas.

It is anticipated that, where possible and practical, all performance measures will be 'benchmarked' and compared to the performance of a 'similar' Local Authority in the UK.

8. MANAGEMENT OF PRACTICE ISSUES, DISPUTES OR COMPLAINTS

Conducting multi-agency meetings in circumstances as potentially emotive and difficult as many of these issues around the welfare of children inevitably are, leads to a high probability of an individual or agency raising concerns about:

- The way Children’s Services are handling or managing the case
- The way a partner agency is contributing to the Care or Protection Plan
- The way the Independent Reviewing Officer or Child Protection Adviser has conducted the conference or review

Where any ‘practice issues’ are initially identified as part of any reviewing process these will be dealt with directly with the practitioner leading the case, by the IRO or CPA, if they are deemed to be minor issues. If a practice issue is deemed to be significant or it appears that there may be a series of minor issues developing into a theme, the IRO or CPA will complete a ‘Practice Alert’ which will be sent to the relevant team manager. The ‘Practice Alert’ pro-forma will outline what the concerns are and will request a response, with an action plan where appropriate, within 10 working days of the dated alert (see Appendix C).

In all cases, any complaints to the IRO/CP Adviser will initially be handled through a discussion between the IRO/CP Adviser and the relevant social worker (as Keyworker and Case Co-ordinator) and their respective Team Manager. If it is not possible to resolve the issue in this way then the matter will be referred to the respective line management arrangements relevant to the individual/agency concerned, for it to be dealt with according to their standard complaints guidance and procedure.

All complaints emanating through Independent Safeguarding & Standards processes will be referred to the ISS Team Manager, will be recorded and monitored, and a quarterly statistical report on progress will be provided to regular meetings of both the Jersey Child Protection Committee and the Children’s Policy Group.

The Jersey Child Protection Committee has a role in agreeing and monitoring the multi-agency child protection processes in Jersey, but it does not get involved in individual cases or in the complaints process for an individual agency. However, it may be asked to review the processes if there are concerns about how multi-agency child protection procedures are working in Jersey.

9. REFERRALS TO JERSEY FAMILY COURT ADVISORY SERVICE (JFCAS)

As referenced at the end of section 3, the Williamson recommendations led to the relatively recent development of both Independent Safeguarding & Standards services (by H&SS) and the Jersey Family Court Advisory Service (by Probation). Neither service has the full statutory powers that are provided to their equivalents

by legislation in England and Wales, but both are seeking to develop their local services along the lines of ‘UK best practice’.

There are two instances where a case could be ‘referred to CAFCASS’ (UK equivalent of JFCAS) under UK provisions:

- i. As part of family proceedings when a child is ‘looked after’ and the JFCAS are acting as ‘Guardians’ within the proceedings.
- ii. When an Independent Reviewing Officer makes a direct referral on an active case because ‘they consider it appropriate to do so’ – this is normally only done in exceptional circumstances where they believe the child’s human rights have been breached and all attempts to resolve the matter have been exhausted..

The difference and effect of the relative statutory umbrellas (or their absence) means that detailed work needs to be undertaken between the services to establish some working ‘protocols’ that retain the spirit of UK provision, whilst being appropriate to Jersey legislation and culture.

10. FUTURE MONITORING AND REVIEW

As stated throughout several sections of this document, there are likely to be multiple functions that will act together to provide robust and effective future monitoring and review:

- Access to Looked After Children, Child Protection and Court Proceedings Registers by those professionals directly involved.
- A facility to be developed to ‘question the register’ and to have the source and substance of that questioning recorded, monitored and reported.
- The ability to appoint ‘external’ Independent Reviewing Officer/Child Protection Adviser support for contentious cases.
- The provision of external (out of island) professional support, supervision and guidance to the service.
- The development of quarterly meetings between the PDGQA Manager and linked professionals to oversee the progress and performance of this and other ‘governance’ developments from across Community & Social Services.
- The role of the Care Quality Group for C&SS who will receive minutes of these quarterly meetings.
- The development and reporting of relevant performance measures, as outlined earlier.
- The monitoring and reporting of progress of any complaints submitted about, or through, the Service.
- The development of working protocols with the Jersey Family Court Advisory Service that will allow that service to pick up any unresolved issues that are adversely impacting on the individual child’s basic rights.

The final part of the monitoring process will be the bringing together of much of the above information into an annual report which will be presented (by the ISS Team Manager) to the Managing Director of Community & Social Services and the Care Quality Group who will consider and, if appropriate, forward the report to the Children’s Policy Group.

Recommendation 4	Appoint Independent Reviewing Officer
Resource Implications	There are recurrent costs of £192,000, non-recurrent costs of £23,000 and 2.5 FTE manpower implications.

Recommendation

Appoint Independent Reviewing Officer

Existing Services

The Children's Service has a statutory requirement under the Children (Jersey) Law 2002 to initiate formal Child Protection and Looked After Children Reviews and Conferences. These should be chaired by a highly trained and experienced individual which, in Jersey, has meant that they have come from current or previous senior members of the Services' own fieldwork staff.

The current arrangement involves a former Senior Practitioner Social Worker being contracted to provide a limited service on two days a week. There is no dedicated administrative or secretarial support.

Proposed Services

The appointment of a full-time Independent Reviewing Officer (IRO) at a team manager grade is required. The IRO must be truly independent of the statutory 'child protection' and 'looked after children' authorities and be able to guarantee that personalised planning is provided for all children and young people. They would also provide external scrutiny of the work of children's services generally provided in these areas. Monies should be provided to ensure that appropriate training and supervisory support is available to the local officer from an appropriate source in the UK.

Additional funding will also be required to ensure that an external IRO can be brought in from Guernsey or the UK in contentious cases where there has been previous, disputed, involvement by the 'on Island' IRO.

Child Protection Conferences and Looked After Child Review meetings need to be arranged and organised by an administrator, independent of services that normally contribute to these meetings. This role will ensure that all meetings are appropriately minuted and an effective system is in place for amendments and/or challenges to the accuracy of any recordings to be promptly and properly adjudicated. This role will also ensure the maintenance of a range of 'registers' aimed at ensuring accurate and up to date information is available to all individuals and agencies involved (as appropriate) relevant to:

- A Child Protection Register – including a mechanism which allows this register to be 'questioned' by authorised parties. Such queries would be recorded, reviewed and, if necessary, considered for further action as a result of the level of any concerns expressed.

- A Looked After Children Register – the provision of a central ‘collation point’ for information about all admissions, transfers and discharges, to and from care environments, that ensures the maintenance of an accurate and up to date register of any children who are ‘looked after’ on a particular date and the provision of a further register which records the individual transactions by date order.
- A Court Proceedings Register – a central point that monitors the progress of any applications for care proceedings by the Minister for Health & Social Services within the Family Division of the Royal Court.

In order to establish independence and appropriate external scrutiny, it is proposed that these new posts are created under the umbrella of the H&SS Governance Section.

Rationale

It is a principle of good governance that any potentially 'life changing' decisions are opened up to external and independent scrutiny whenever possible. The development of this new Service, monitored, directed and reporting to the Governance Section, would allow a level of independence that has not been possible to date.

The development of a centralised administrative role to sit alongside the IRO post will also ensure that all agencies can have a ‘single point of contact’ for any enquiries of children that are: under registration, being ‘looked after’, and/or are subject to care proceedings; and/or the timing and co-ordination of the associated meetings; and the management of any complaints relevant to processes and procedures in this area.

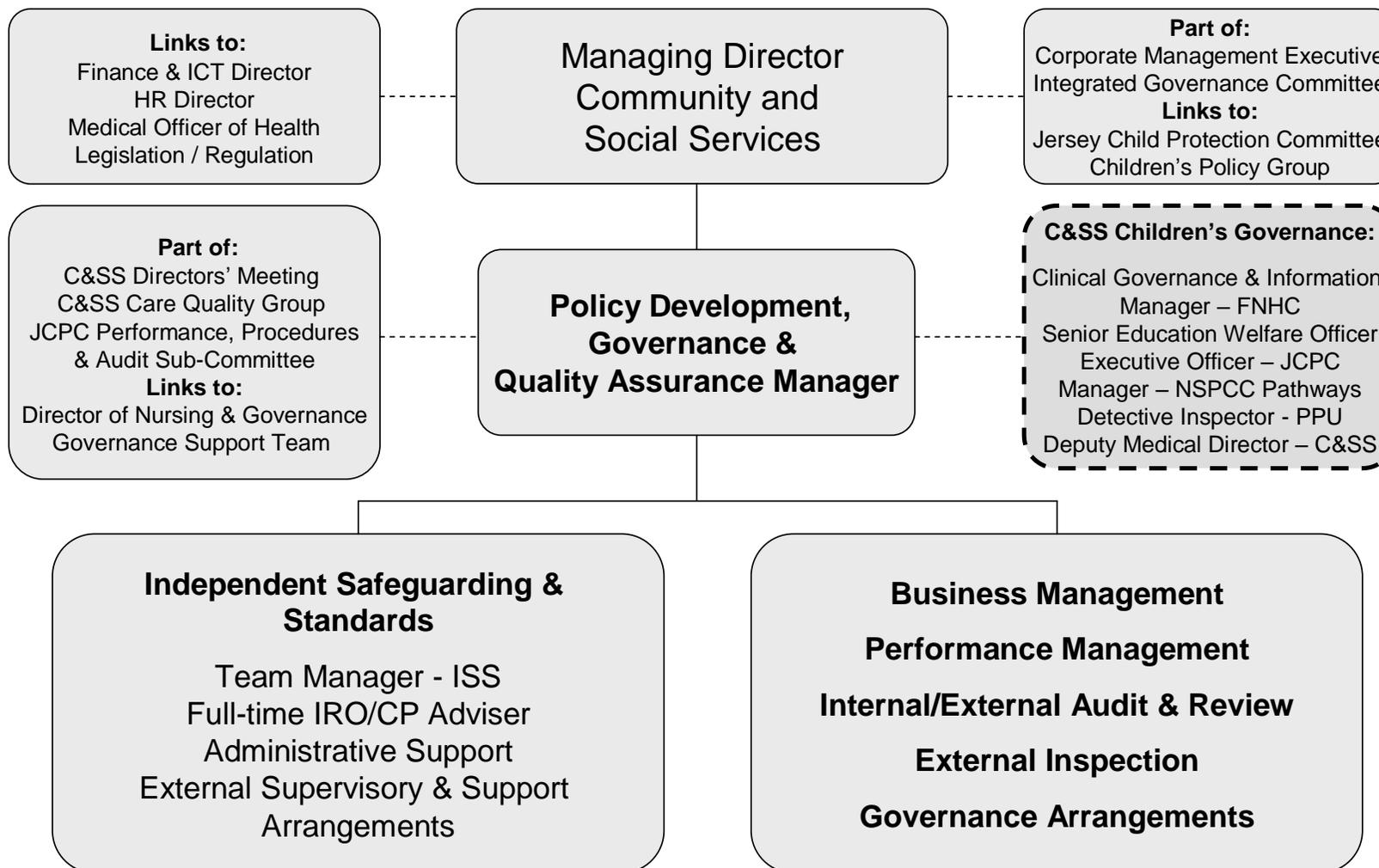
Trajectory

The increasing demand for formal review clearly warrants the development of a full time post with associated additional support mechanisms. It is envisaged that the postholder would be regulated via the H&SS Governance Unit (i.e. outside of the management structure of children’s services). It is proposed that the reviewing officer would have responsibility for meetings and procedures both for Looked after Children and for those on the Child Protection Register. This would bring welcome independence to both processes.

Resource Implications (see appendix ix for summary of financial schedule)

- 4.1** One full-time Team Manager post to act as Independent Reviewing Officer
- 4.2** 0.5 fte External Independent Reviewing Officer for contentious cases.
- 4.3** One full time administrative post
- 4.4** Supervisory support from reciprocal arrangements with UK local authority
- 4.5** A budget currently exists to pay for the ‘part-time’ arrangement and it is proposed that this is retained within this area to pay for support to the main IRO during periods of annual leave, sick leave, or whilst they are at conferences or on training.

Children’s Governance Arrangements across C&SS



Independent Safeguarding & Standards Practice Alert

Child's Name		DOB	
Social Worker			
Senior/ Team Manager			
Team			

Context

Issues / Concerns

Child Protection Advisor / Independent Reviewing Officer (delete as appropriate)

Name:

Signature:

Date:

Please respond with a proposed action plan within 10 working days of the above date

Response of Operational Manager:

Action Plan:

Action to be taken	By Whom	By when	Planned Outcome