

NAME OF SCRUTINY COMMITTEE	Services Scrutiny Committee
DATE	21 February 2013
TITLE	Gwynedd Council's Response to the Pembrokeshire Joint Inspectorates' Review Report
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I. PURPOSE OF THE REPORT

- 1.1. This report summarises the main developments within Gwynedd Council in responding to the report of the joint inspectorates' review of child protection in Pembrokeshire and responds to specific points at the request of the Scrutiny Committee.

2. BACKGROUND

- 2.1. In August 2011 a report was published jointly by Estyn and the Care and Social Services Inspectorate Wales in relation to child safety arrangements in Pembrokeshire.
- 2.2. Inspectors expressed concern about the corporate response to the allegations of professional abuse and the arrangements for safeguarding children within the Pembrokeshire Council Education Services.
- 2.3. This resulted in intervention by the Assembly Government. In addition, a letter was sent jointly by the Minister for Education and Skills and the Deputy Minister for Children and Social Services to the Leader of every Council calling for a review of arrangements to manage allegations of professional abuse within every Local Authority. Every Authority was also asked to ensure that procedures were in place to ensure that all staff who work with children and young people are CRB checked.
- 2.4. The key main messages raised in the Joint Inspectorates' review of arrangements in **Pembrokeshire** were as follows:
- A lack of supervision by elected members and officers, on the highest level within the authority, of the management and treatment of cases of alleged professional abuse in the education services;
 - That the lack of strategic leadership and governance in relation to safeguarding and protecting children reflected specific failings within the culture of the authority as a whole;
 - An over-dependency on informal briefing sessions;
 - A lack of effective quality assurance systems;
 - Very little evidence of the rights-based approach of safeguarding children in education services;
 - The absence of a clear audit trail [keeping records] of making decisions and reporting on all levels across the system in the authority was a prominent feature of the investigation. Nobody had a clear overview of safeguarding and child protection matters in the education service;
 - Major cases of professional abuse had not been subject to scrutiny and challenging through the usual channels;
 - There was an absence of risk assessments of individuals who could have posed a risk of significant harm to children;
 - Rough treatment and inappropriate use of suspension and behaviour management techniques had been a prominent feature in a number of cases investigated;

- Some staff working with children did not have the required CRB or written references in place;
- The monitoring of Service Level Agreements was not adequately robust;
- Level 1 [basic introductory safeguarding training] was not adequate/commensurate with the additional levels of some staff members' additional safeguarding responsibility [e.g. a designated school governor, elected members, designated managers].

2.5. In December 2012 [17/12/12] Estyn and the Wales Audit Office published the 'Report of the quality of local authority education services for children and young people in Pembrokeshire Council'. It judges the education services as unsatisfactory because:

- performance in primary schools does not compare well with the performance of similar schools in other authorities across Wales;
- too many primary schools in the lower half compared with similar schools on the free school meals benchmarks;
- the authority's arrangements for supporting and challenging schools are not thorough enough;
- **the authority has not made adequate progress in the management and government of safeguarding by incorporating the changes that officers and elected members have done to practices to provide adequate assurance that the necessary improvements have been delivered;** and
- that the authority has not responded with enough speed to the increasing level of empty spaces in the secondary sector.

2.6. Specifically in terms of promoting welfare and safeguarding children, it is further judged that:

- despite a comprehensive action plan to respond to significant concerns about the quality of safeguarding, the authority has **spent too much time taking restorative steps to deal with the deficiencies noted in inspection reports, without getting to grips with the cultural issues** [i.e. lack of leadership/lack of scrutiny of quality/roles and responsibilities of senior manager unclear/lack of effective challenging/over-dependency on informal briefing sessions etc.] which had resulted in the unsatisfactory judgement in the reports in the first place;
- despite the improvements in safeguarding noted by the authority in its self-evaluation and by the inspectorates, the local authority has given **itself too positive a judgement** – namely that it had improved significantly;
- **the authority focused too much on fulfilling tasks [within the reporting system] without analysing the impact of changes in practice on service level** and without noting improvements in knowledge, attitudes or competencies of teachers and officers when dealing with managing safeguarding well enough. This has been a weakness which has prevented progress in this field.

2.7. **Estyn judged that the authority fell into the category of needing special measures.**

3. THE COUNCIL'S RESPONSE

3.1. As part of the response to the Ministers' letter, a Strategic Panel – Safety of Children and Young People was established within the Council, with members including the Lead Member for Children and Young People (Cllr. Sian Gwenllian) and the Cabinet Member for Social Services (Cllr. R. H. Wyn Williams). Other members of the Panel are the Corporate Director (Iwan T. Jones), Statutory Director for Social Services (Morwena Edwards), Head of Human Resources Department, Head of Democracy and Legal Department and Head of Education Department.

- 3.2. The Panel had a key role in order to ensure that clear corporate arrangements were in place to implement the recommendations of the Pembrokeshire report.
- 3.3. To that end, an Independent Adviser was commissioned in order to implement the project plan and to ensure that clarity existed regarding the way in which the Authority would respond to the recommendations.
- 3.4. In order to co-ordinate necessary actions, along with resolving responsibility for operational matters arising from the Project Plan, a Project Group has been established with members including Senior Managers and Managers from the relevant Services. The Chairman of the Project Group is Geraint Owen, Senior Manager – Human Resources. The Project Group will be accountable for its work to the Strategic Panel and will regularly submit reports regarding the progress against the Project Plan to the Strategic Panel.
- 3.5. Given the impact of the recent changes in guidance/legislation and the conclusions of the scoping exercise, **six zones or work streams [Management Sub-plans]** are prioritised as follows:
1. **That Children and Young People are protected from professional abuse and harm through a safe and well trained workforce.**

Significant progress: e.g. Audit of all cases/referrals of professional abuse completed. Full report with recommendations before the next Strategic Panel.
 2. **That Children and Young People are protected from professional abuse and harm through corporate governance and clear and transparent reporting arrangements.**

Significant progress: e.g. reporting arrangements to the Gwynedd and Môn Local Safeguarding Children Board confirmed. Clear corporate reporting arrangements in place when dealing with and managing allegations of professional abuse through the Strategic Panel to the Cabinet. The Panel's Terms of Reference in place.
 3. **Staff who continue to work with children and young people do so in compliance with statutory requirements and Gwynedd Council policy [i.e. in compliance with CRB and appropriate references in place];**

Significant progress but within the context of a low starting point/historic base. Situation statement completed. 20% of relevant staff without CRB. 64% of relevant staff without two references. Obvious concern remains but restorative plans in place. Additional resource supporting the process. Need to confirm the Council's policies in light of new legislation/guidance.
 4. **Staff and managers who work with children and young people are supported in their continuous professional development through safeguarding training on a level suitable to their role and responsibilities.**

Significant progress. Very significant number of relevant training courses commissioned.
 5. **Robust contractual arrangements in place where Gwynedd Council commissions or regulates work with children and young people from other agencies/bodies.**

Some services completing an audit. A request to commission an audit to monitor contracts within the work programme of Audit and Risk service. Submit the Output Report of the audit to the Audit Committee. Need to consider additional capacity in relation to ensuring

the quality of residential provision by external bodies. Social Services developing a business case.

6. An effective and integrated corporate database recording all staff employed by Gwynedd Council who work with children and young people.

Debatable Matters. Need to strike a balance between human rights/freedom act and maintaining a safe workforce. A brief and schedule agreed upon. Specific Task Group steering the work. To include a record of allegations against Council staff.

- 3.6. The general responsibility of operational management and implementing the Project Plan and its Management Sub-plans remains with the Heads of Service and senior managers across the council's services who have been co-opted onto the Project Group.
- 3.7. See **Appendix 1** namely all the action points within the Project Plan with progress status [RAG method is used]. The progress status of the action points have been agreed by the Strategic Panel [18/1/13]. Need to note in particular the final part of the progress status appendix, namely: 'Managing Change – Measuring the Impact of the Project Plan'. This final chapter strengthens the response and satisfies the main key issues from the Estyn and Wales Audit Office Inspectorate Report [published December 2012].
- 3.8. See **Appendix 2** namely 'Terms of Reference' of the Strategic Panel.

4. ISSUES/SPECIFIC QUESTIONS

4.1. The Project Plan addressing the main points of the Inspection by the Wales Audit Office and Estyn

Under the supervision and leadership of the Strategic Panel, the Strategic Panel and the work of the Project Group has certainly reinforced Gwynedd Council's response to the main key issues. Significant progress has been seen – but the low starting point, especially in relation to CRB checks and ensuring that references were in place, must be acknowledged.

Evidence of qualitative analysis i.e. measuring the impact of the work programme was a core part of the Project Plan. Services developing a 'health and safety' audit to measure the impact of the recent changes on service practices. Also, the Strategic Panel has certainly reinforced the incentive of lead members to challenge reports from officers and strengthen corporate reporting arrangements.

Establishing the Safety Strategic Panel and the Project Group is certainly a major step forward in order to co-ordinate safety matters across the Council.

As you know, the Statutory Director of Social Services has final and indivisible responsibility for protection matters. These arrangements will also try to support the Director to fully address the need to ensure that effective local arrangements are in place.

4.2. Monitoring and challenging all schools and using the full range of powers available to the authority to improve leadership and management in underperforming schools [Recommendation 3 of the Pembrokeshire Inspection]

In terms of safeguarding children, the Education Department has prioritised a comprehensive training programme for Head teachers, Teachers with designated responsibility for child protection and designated governors [Level2], updating the Education Policy – Safeguarding Children, updating the policy on 'Use of Suspension and Time Out' [with a training programme to follow] and securing adequate resources to identify and process CRB checks and ensuring that two references are in place. Have used powers to insist upon individual risk assessments [where no references are in

place] and announced a clear statement with an element of enforcement [via an individual letter] of the need to complete a CRB application form urgently.

4.3. Are there lessons to be learnt from the Pembrokeshire Inspection?

The lessons to be learnt are reflected in the six zones or work streams [see 3.5 above]. Care must continue to be taken not to be too generous in self-evaluations, or to focus too much on reporting on the tasks fulfilled without measuring the impact and ensuring an open and transparent corporate working culture which welcomes the challenging and scrutiny of standards.

4.4. Within the last four years, has the Education Department checked the CRB forms of every member of staff dealing with children, as well as governors?

Of the jobs identified with the need for a CRB check to date [Schools] all the forms have been received by the Education Department [with the exception of four members of staff not currently at work – two suspended and two on long-term sickness absence]. However, literally hundreds of these forms are currently being processed by the Disclosure and Barring Service [based in Liverpool].

To date, the response from governors has not been as good. Not all governors have submitted their forms. The Education Department is following restorative arrangements.

4.5. Within the last four years, has the Education Department checked the references of Head teachers and teachers and all staff dealing with children?

Education Department has been working on this matter since January 2013. Significant progress. Where no references are in place, a risk assessment form has been completed. An analysis with full assurances of the numbers is not yet available – references continue to reach the Education Department.

4.6. What are the arrangements regarding CRB checks for Year 10 pupils when attending work experience?

All employers/locations offering extended work experience to Year 10 + learners are checked through the Service Level Agreement with Careers Wales on behalf of Gwynedd and Anglesey. This includes CRBs.

4.7. What are the proposed changes in April in relation to CRB checks?

The most fundamental change will be the creation of a 'Safe Workforce' central data-base. The data-base will contain all staff working with children and vulnerable adults within the Council [i.e. who require CRB checks]. It will create a reminder for relevant managers to update CRBs [every three years] and will also be a record of allegations of professional abuse [where a Strategy Meeting, Part 4 of the All Wales Child Protection Guidelines is held]. This will clearly have restricted access. Human Resources will lead. At present, the system's 'brief/operational specification' is subject to external legal advice.

For the first time, the Gwynedd Council 'Safe Workforce' data-base will offer a comprehensive overview of staff working with children and vulnerable adults within the Council and of allegations of professional abuse [with the outcome of any investigation].

5. RECOMMENDATIONS

- 5.1. To approve the direction of the work to date in responding to the Inspectors' report into child safety in Pembrokeshire.

ITJ/EWJ/ls
13.02.13