



## **Pan Berkshire LSCB Children Act 2004 S11 Self-Assessment Audit Process**

### **S11 Panel Terms of Reference**

#### **Introduction**

Section 11 (s11) of the Children Act 2004 places a duty on key people and bodies to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Each LSCB has a duty to ensure the effectiveness of safeguarding activities within their area, with a particular focus on ensuring that those organisations providing services to their populations are fulfilling their statutory responsibilities. These Terms of Reference set out the process agreed by the Berkshire LSCBs for ensuring that this is achieved for organisations that cut across more than one LSCB area, and for other organisations for whom single LSCB assessment is compromised (e.g. Local Authorities). This is undertaken through this Section 11 panel, which has an on-going role, aligned to the S11 self-assessment timeframe.

#### **Purpose of the Panel**

The role of the Panel is to:

1. Set clear expectations with the LSCBs and host organisations about the timeframe and process for submission of a self assessment section 11 audit.
2. Review and evaluate S 11 returns of the full three yearly audit of s11 Children Act 2004 in order to make an assessment of agencies compliance with the duty to safeguard.
3. Review and evaluate the organisations' mid-term status of compliance against the three yearly full audit, and provide support as needed.
4. Contribute to the LSCB's annual report and to feed back to each LSCB on the 'effectiveness' of safeguarding arrangements, and identify any associated recommendations to the LSCBs including identifying emerging themes across agencies that relate to safeguarding effectiveness.

This panel will be supported by the Wokingham LSCB Chair and Business Manager, with admin support provided by the Wokingham LSCB administrator. These arrangements will stand unless changed by the Berkshire Independent Chairs.

## Terms of reference

- The Panel will consider those returns that relate to more than one LSCB, and organisations for whom single LSCB assessment is compromised by a lack of objectivity by the virtue of its relationships or size. Returns from those partners that only relate to one LSCB (e.g. schools, YOT and any small voluntary organisations that have participated) will be considered by the relevant LSCB and not this Panel.
- In the case of Local Authority submissions, each LA will be asked to submit evidence of compliance to this panel before submitting the panel's feedback to their own LSCB.
- Organisations will be asked to carry out a full self -assessment against the Section 11 standards once every three years. The last period of full self- assessment was summer 2015.
- The full audit is a self -assessment. Agencies are asked to grade the extent to which they meet the criteria i.e. fully, partially or not at all, and to describe their evidence. A key part of the return is a robust action plan to ensure improvements.
- Completed assessments will be distributed to Panel members a week before the meeting.
- The panel will evaluate whether the evidence is sufficient to warrant the judgement made. Although the panel is not in a position to view all the evidence, it will expect that the nature of the evidence is described.
- The application of the s11 duty will vary according to the nature of each agency and its functions. This means that organisations can legitimately claim that a particular criterion does not apply to them. The Panel will consider this and challenge via the relevant link LSCB business manager or Chair where necessary.
- Where agencies have already been asked to submit a detailed evaluation of S11 compliance to another organisation e.g.: CCG commissioners, this may be accepted by the panel as sufficient evidence.
- If the evidence is not clear, or the evidence indicates a different judgement from the one claimed, the Panel will refer back to the agency via the relevant business manager for clarification or reconsideration.
- The host Business manager will meet with the relevant organisation in the event that the organisation's submission falls outside the timeframe, or does not meet the expectations as set by the process. The purpose of this meeting will be to ensure that organisations understand their responsibilities, rather than completing the template.
- In the event of the above meeting NOT securing organisational engagement, there will be an escalation process, via the host LSCB Chair.
- While it is expected that organisations strive for full compliance, there is no expectation that organisations will be fully compliant with all of the S11 requirements at the onset; accurate self-assessments, representing a realistic level of adherence to the requirements, will be welcomed by the LSCBs. The Panel will consider the action plans and assess whether the actions address all of the organisation's development needs sufficiently, to ensure compliance

with s11 is met. If they assess that the plans will not ensure compliance the Panel will refer back to the agency via the relevant LSCB Chair/business manager for reconsideration.

- If necessary the Panel will reconvene after a reasonable interval to allow any revised audits to be reconsidered. The Panel will repeat the above steps, but any continued concerns about the quality or content of completed audits will be referred back, and noted in the report to LSCB.
- The Panel will agree the main points to go into the report to LSCB, commission its drafting, and agree the final report.
- It is the responsibility of each LSCB business manager, not the Panel, to ensure the report is presented to their LSCB.
- Following the full three yearly audit, the panel will initiate a mid-term review process, 18 months after submission of the full audit.
- This purpose of this process will be to request of organisations whether their circumstances have changed which may impact on compliance, and how they are progressing against their previous action plan.
- It is expected that monitoring S 11 compliance for organisations is an on-going process, and it is not anticipated that this mid-term review will require more work.
- The panel welcome attendance at the panel to present submissions when an agency believes this may be beneficial.

## **Membership**

Members are required to commit to all panel meetings for a period of three years minimum. This turn over will be agreed on a rolling basis, to ensure learning of the process is maintained.

The panel membership should be balanced and representative of a range of agencies, all of whom function as independent panel members, bringing their knowledge and experience of safeguarding, but not representing their own agency or organisation.

- Chair – Any agency
- Designated nurse CCGs West
- Lead Nurse for Safeguarding CCGs East
- Service Manager, Children’s Social Care
- Berkshire Probation Services
- Thames Valley Police
- 2 x LSCB Business Managers
- 1 x LSCB Officer ( administrator)
- Community health
- Lay Member
- Local Area Team (health)

These members represent a range of professional backgrounds and experience, and will be asked to objectively analyse the self-assessments and the mid-term reviews submitted to the panel.

The panel has devised a process for audit based on a number of key questions. Achieving consistency in this approach rests on some development and learning. Given that this is the case, it is NOT recommended that deputies attend in the place of members.

The panel will meet a minimum of 4 times per year.

### **Quorum**

The panel will be quorate with the Chair, the Administrator, plus 3 further members.

### **Conflict of interests**

Any conflict of interest in the review of a self-assessment e.g. from panel members' host organisation, will be noted by the Chair at the start of the review. Individuals with a conflict of interest will remain neutral in discussions about the relevant self assessment. If it is perceived by any other Panel member (s) that a contribution is not neutral, members are responsible to raising that with the panel.

**These Terms of Reference** will be reviewed every 2 years from date of acceptance, or as required by changes in regulation, which ever is soonest.

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