



Report to Cabinet

Subject **Children Act 2004**

Date **17 November 2005**

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1. Purpose of the Report

To inform Cabinet members of the implications for the authority of the Children Act 2004.

2. Background

The Children Act 2004 provides the legislative foundation for whole-system reform to support the government's aim to ensure statutory agencies work together to improve the lives of children, young people and their families. The act outlines new statutory duties and clarifies accountabilities for children's services.

The Children act 2004, which applies to all statutory agencies providing services either directly or indirectly to children, was driven mainly by the findings of the Laming Report into the death of Victoria Climbié in 2002. Interagency understanding and co-operation, and clear accountability were the key themes arising from the report. These have been built upon via several government documents, including Every Child Matters: Change for Children (DfES 2004) and the Children's National Service Framework.

County Councils, Metropolitan Authorities and Unitary Authorities have a legal duty to set up a Local Safeguarding Children Board (LSCB) and to ensure the delivery of this agenda.

The objectives of this board are:

- To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area by which it is established, and;
- To ensure the effectiveness of what is done by each person or body for those purposes.

LSCB's are expected to be in place by April 2006.

The Children Act 2004 is now supplemented by draft guidance on Section 11 of the Act. This covers the arrangements for safeguarding and promoting the welfare of children and places a duty on key people and organisations to ensure that they have regard to the need to safeguard and promote the welfare of children in discharging their functions. The implementation date for Section 11 was 1 October 2005.

It is clear from publications and guidance that partnership working is at the heart of the reforms.

3. Meeting the Requirements of the Children Act 2004 in Nottinghamshire

In preparation for meeting the requirements of the Children Act in Nottinghamshire partner agencies, including the 7 district councils agreed to set up a shadow LSCB from June 2005, in order to test the new arrangements and make any necessary adjustments in preparation for the legal implementation date of April 2006.

As Nottinghamshire is a large county, there are 40 statutory partners, plus other non-statutory partners including the voluntary sector. In light of the large numbers of partners and to ensure that the LSCB is able to function effectively, half the membership will form an Executive Group, which will be meeting alternately with the full LSCB group on a bi-monthly basis. Membership of the board is expected to be at Director, Assistant Director or Head of Service level. It has been agreed that one district authority will represent the 7 district council on the Executive Group. Newark and Sherwood District Council will provide this representative at district level, with a representative from Rushcliffe Borough Council attending in their absence, to ensure representation at all meetings. All 7 district councils will be represented on the full LSCB. Clear terms of reference will be drawn up for both groups, with clear lines of accountability.

The Every Child Matters: Change for Children (DfES 2004) sets out an outcomes framework which complements the statutory duties contained within the Children Act 2004. These are:

- Be Healthy
 - Aims
 - Physically healthy
 - Mentally and emotionally healthy
 - Sexually healthy
 - Healthy lifestyles
 - Choose not to take illegal drugs

- Stay Safe
 - Aims
 - Safe from maltreatment, neglect, violence and sexual exploitation
 - Safe from accidental injury and death
 - Safe from bullying and discrimination
 - Safe from crime and anti-social behaviour in and out of school
 - Have security stability and be cared for

- Enjoy and Achieve
 - Aims
 - Ready for school
 - Attend and enjoy school
 - Achieve stretching national educational standards at primary school
 - Achieve personal and social development and enjoy recreation
 - Achieve stretching national educational standards at secondary school

- Make a Positive Contribution
 - Aims
 - Engage in decision making and support the community and environment
 - Engage in law-abiding and positive behaviour in and out of school
 - Develop positive relationship and choose not to bully or discriminate
 - Develop self confidence and successfully deal with significant life changes and challenges
 - Develop enterprising behaviour

- Achieve Economic Well-being
 - Aims
 - Engage in further education, employment or training on leaving school
 - Ready for employment
 - Live in decent homes and suitable communities
 - Access to transport and material goods
 - Live in households free from low income

4. Implications for Gedling

Section 10 of the Children act 2004 places a duty on Children's Services Authorities, within county and unitary authorities to make arrangements to promote co-operation between the authority, relevant partners, other agencies it considers to be appropriate and it must have regard to government guidance. District Councils are included amongst a range of other Statutory Agencies as relevant partners and as such have a duty to co-operate with the Children's Services Authority to achieve well-being of children and young people within their area.

Section 11 of the Children Act 2004 outlines the duties on specified agencies to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children and also that any services provided by a third party pursuant to arrangements made are provided having regard to that need.

In order to ensure that the authority complies with the act the following actions are required:-

- Appointment of a Lead Officer within the authority for the Safeguarding Children Agenda
- Nomination of the authority's representative on the LSCB
- The undertaking of an audit of all services to assess where and how, either directly or indirectly the authority services come into contact or deal with children
- Action to ensure that services are managed safely via appropriate recruitment processes, and other policies and procedures
- Action to ensure that such standards are applied to all partner agencies which deal, either directly or indirectly with children
- Review of the authority's child protection policy and reporting protocols
- Identification of training needs for staff and delivery of appropriate training to all relevant staff

Whilst it is clear that the authority's main responsibilities lie within the Staying Safe agenda, much of the Council's work and initiatives within its Key Priority of "developing facilities, activities and a safe environment for children and young people" supports the other themes.

5. Proposal

To propose that the Head of Housing Services is appointed as the Lead Officer for the Safeguarding Children Agenda.

Then an action plan is developed to ensure that the required actions are achieved.

That members views are sought on the authority's representative on the full Local Safeguarding Children Board.

6. Resource Implications

To be met within the authority's existing resources

7. Recommendations

To propose that the Head of Housing Services is appointed as the Lead Officer for the Safeguarding Children Agenda.

That an action plan is developed to ensure that the required actions are achieved.

That Cabinet decide whether they wish to appoint a Member of the Cabinet to act as the Council's representative on the Local Safeguarding Children Board.