

REPORT TO: Health and Wellbeing Board

DATE: 18th September 2013

REPORTING OFFICER: Strategic Director Children and Enterprise

PORTFOLIO: Children, Young People and Families

SUBJECT: Joint Protocol between Halton Children's Trust,
Halton Safeguarding Children Board and Halton
Health & Wellbeing Board

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to discuss with Halton Health & Wellbeing Board a draft protocol/memorandum of understanding that has been developed to define the role of the Board and relationship with Halton Children's Trust and Halton Safeguarding Children Board. There is close and developing inter-working across each Board and this Protocol is intended to clarify and define the role of each to avoid both gaps in service and duplication.

RECOMMENDATION: That

- 1. the Board note the contents of the report;**
- 2. agree to sign up to the Protocol (attached as Appendix 1 to this report); and**
- 3. discuss the possibility of initiating 6-monthly meetings of the Chief Executive of Halton Borough Council and respective Board chairs as described in Paragraph 36 of the Protocol.**

2.0 SUPPORTING INFORMATION

2.1 The Children Act 2004 established the framework that led to the development of the multi-agency partnership arrangements that are now known as Halton Children's Trust and Halton Safeguarding Children Board. These arrangements are now well embedded and although the Trust is no longer statutory, the partnership remains in place as before the statutory duty was removed in 2010.

2.2 The Halton Health & Wellbeing Board was established to meet the requirements of the Health & Social Care Act 2012, initially in shadow form before being formally in place from April 2013.

- 2.3 Halton Children's Trust and Halton Safeguarding Children Board has long had a joint protocol in place that defines the expectations of each and the working relationship between the two. This is in need of updating in light of the new Working Together to Safeguard Children 2013 Guidance. This guidance places a Duty on the Director of Public Health to ensure that the needs of vulnerable children are a key part of the Joint Strategic Needs Assessment that is developed by the Health and Wellbeing Board.
- 2.4 Given the need for all three boards to conform to Working Together, in addition to the natural overlap between each, it was felt appropriate to extend the revised Protocol to cover the interrelationship between the three partnerships.

3.0 POLICY IMPLICATIONS

- 3.1 This Protocol sets out the expectations of the relationship and working arrangements between Halton Children's Trust, Halton Safeguarding Children Board and Halton Health and Wellbeing Board. It covers the respective roles and functions, membership of the boards, arrangements for challenge, oversight and scrutiny, and performance management.
- 3.2 By signing up to the Protocol on behalf of their Board, the chairs would agree to the arrangements set out in the document. These will be subject to review annually as a minimum to reflect recent developments or immediately following legislative change.

4.0 OTHER/FINANCIAL IMPLICATIONS

- 4.1 None identified at this time.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

All of the considerations outlined within this report directly contribute to improving outcomes for Children and Young People.

5.2 Employment, Learning and Skills in Halton

Work of all three boards will contribute towards improving educational attainment, skills and maximising employment opportunities.

5.3 A Healthy Halton

All of the areas outlined within this report focus on the linkages to improve the health and wellbeing of children and young people.

5.4 A Safer Halton

There are close links between partnerships on areas such as alcohol and domestic violence. It therefore remains a key consideration for the Health and Wellbeing Board.

5.5 Halton's Urban Renewal

The environment in which we live and the physical infrastructure of our communities has a direct impact on our health and wellbeing. It should therefore be a key consideration when developing strategies to address health and wellbeing.

6.0 RISK ANALYSIS

Without the agreement of a Joint Protocol between Halton Health & Wellbeing Board, Halton Children's Trust and Halton Safeguarding Children Board, there are risks of duplication, overlap and/or issues disappear through 'gaps' between the partnerships. The agreement of a Joint Protocol should significantly reduce these risks.

7.0 EQUALITY AND DIVERSITY ISSUES

This is in line with all equality and diversity issues in Halton.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Halton Children's Trust/Halton Safeguarding Children Board Joint Protocol	2 nd Floor, Rutland House, Runcorn	Mark Grady

**APPENDIX A – JOINT PROTOCOL BETWEEN HALTON CHILDREN’S TRUST,
HALTON SAFEGUARDING CHILDREN BOARD AND HALTON HEALTH WELLBEING
BOARD**

Joint Protocol

Between

**Halton Children’s Trust,
Halton Safeguarding Children Board,**

&

Halton Health & Wellbeing Board

Signed: Chair of Halton Children’s Trust

Signed: Chair of Halton Safeguarding Children Board

Signed: Chair of Halton Health & Wellbeing Board

Introduction

1. This document sets out the expectations of the relationship and working arrangements between Halton Council, Halton Children's Trust (HCT), Halton Safeguarding Children Board (HSCB) and Halton Health and Wellbeing Board (HHWB). It covers their respective roles and functions, membership of the boards, arrangements for challenge, oversight and scrutiny, and performance management.
2. The chairs of HCT, HSCB and HHWB and Halton Council have formally agreed to the arrangements set out in this document, which will be subject to review annually (from the date of initial agreement) or immediately following legislative change.

Background

3. The statutory duty to have a Children's Trust and for Local Authorities to develop and produce a Children and Young People's Plan has been removed from statute. Partners in Halton have however agreed to continue with the existing Children's Trust arrangements.
4. [Section 11](#) of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children. The HSCB ensures that this duty is carried out.
5. The [Health and Social Care Act 2012](#) establishes Health and Wellbeing Boards as a forum where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities. The new Working Together to Safeguard Children: March 2013 places a responsibility on the Director of Public Health to ensure that the needs of vulnerable children are a key part of the Joint Strategic Needs Assessment that is developed by the Health and Wellbeing Board.
6. Working Together to Safeguard Children: March 2013 provides guidance on inter-agency working to safeguard and promote the welfare of children.

Halton Children's Trust Arrangements & Responsibilities

7. Halton Children's Trust (HCT) has a clear and separate identity within the wider co-operation arrangements.
8. The purpose of HCT is to consult with and bring all partners with a role in improving outcomes for children together to agree a common strategy on how they will co-operate to improve children's wellbeing and to help embed partnership working in the partners' routine delivery of their own functions. It

also provides a strategic framework within which partners can commission services together. Delivering the strategy, the Halton Children & Young People's Plan, is the responsibility of the partners, both individually and together. This means each partner's existing lines of accountability are unchanged, i.e. each partner of Halton Children's Trust retains its existing formal lines of accountability for delivering its own functions. This avoids any confusion or blurring of lines of accountability.

9. HCT will take forward the priorities for children and young people within the Health and Wellbeing Strategy (priorities agreed following the Joint Strategic Needs Assessment). HHWB will provide constructive challenge and support to the HCT.
10. HCT will include an assessment of the effectiveness of all partners, including local government, and partnership arrangements in supporting the best possible standards for safeguarding children within its annual review of the Halton Children & Young People's Plan. In addition, as part of this review, HCT will advise on workforce development, in particular the safeguarding activity in the delivery of all frontline services.
11. The HSCB will be formally consulted by the HCT when the Children & Young People's Plan is being drafted. The consultation phase will be sufficiently long to allow a thorough debate to support the HSCB response to the consultation. The Children & Young People's Plan will draw on the support and challenge from the HSCB.
12. HCT will consult with HSCB and relevant partners regarding any proposed commissioning arrangements which are linked to the factors which impact on safeguarding children. These will include issues concerning compromised care, including domestic abuse, parental mental health, alcohol and substance misuse and adult criminality.
13. HCT has responsibility for performance information concerning early help, commissioning and vulnerable groups, covering Universal Services, Universal Plus and Multi-Agency Planning within the Levels of Need Framework. This information will be shared with HSCB and HHWB as appropriate. The Children's Trust will also provide challenge to HSCB and HHWB as necessary when scrutinising its performance information.
14. HCT has responsibility for the delivery and effectiveness of Early Help & Support within Halton. HCT will report on the effectiveness of Early Help and Support within Halton to HSCB on a quarterly basis.

Halton Safeguarding Children Board Arrangements & Responsibilities

15. The role of Halton Safeguarding Children Board (HSCB) as set out in Section 14 of the Children Act 2004 is to:
 - Co-ordinate what is done by each agency/partner to safeguard and promote the welfare of children and young people in the area.

- Ensure the effectiveness of that work.
16. HSCB is the decision making body for multi-agency safeguarding issues within Halton. It is a statutory partnership and its work is directed by statutory guidance. This guidance dictates the functions to be undertaken by Local Safeguarding Children Boards and the criteria/functions against which they are inspected.
 17. The Director of Children's Services (DCS) has a statutory responsibility for ensuring that an effective LSCB is in place. It is the responsibility of the Chief Executive (Head of Paid Service) to appoint or remove the HSCB chair with the agreement of a panel including HSCB partners and lay members. The Chief Executive, drawing on other HSCB partners and, where appropriate, the Lead Member for Children's Services will hold the Chair to account for the effective working of the HSCB
 18. HSCB has an Independent Chair. The Board is supported in discharging its functions through its governance arrangements.
 19. HSCB will inform and, when necessary, challenge commissioning arrangements where issues are identified through the various quality assurance processes such as learning from Serious Case Reviews, the Child Death Overview Panel and multi-agency auditing of practice.
 20. HSCB will publish an Annual Report on the effectiveness of safeguarding locally. This will include an analysis of the contribution and activities of each partner, for keeping children safe, and the robustness and sufficiency of early help provision for children, young people and their families in Halton. This report will provide robust challenge to the work of HCT and HHWB.
 21. HSCB has responsibility for safeguarding performance information, at the Multi-Agency Plan to Protect from Harm level of the Halton Levels of Need Framework and will share this information as appropriate. HSCB will also provide challenge to the Children's Trust as necessary when scrutinising its performance information.

Halton Health & Wellbeing Board Arrangements & Responsibilities

22. Each top tier and unitary authority has its own health and Wellbeing board. Board members collaborate to understand their local community's needs, agree priorities and encourage commissioners to work in a more joined up way. As a result, patients and the public should experience more joined-up services from the NHS and local councils in the future.
23. The boards will help give communities a greater say in understanding and addressing their local health and social care needs. The boards will be expected to ensure that the needs of local people as a whole are taken into account in their work

24. Halton Health & Wellbeing Board (HHWB) has strategic influence over commissioning decisions across health, public health and social care.
25. HHWB strengthens democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning decisions alongside commissioners across health and social care. HHWB provides a forum for challenge, discussion, and the involvement of local people.
26. HHWB brings together Halton Clinical Commissioning Group, Halton Council, health care providers and other interested parties to develop a shared understanding of the health and wellbeing needs of the community. The HHWB takes overall responsibility for assessing local need through the undertaking and maintenance of the Joint Strategic Needs Assessment (JSNA) and for the development and implementation of a Joint Health and Wellbeing Strategy that reflects priorities identified within the JSNA and from local consultation.
27. Through undertaking the JSNA, the HHWB will drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system. Other services that impact on health and wellbeing such as housing and education provision will also be addressed.

Shared Responsibilities

28. HSCB will provide constructive challenge to HHWB and HCT to ensure that the commissioning of services is in line with safeguarding practices and is reflected in service level agreements with providers. The HHWB and HCT will work together to develop effective commissioning and will provide constructive challenge.
29. HSCB, HHWB and HCT must have separate identities to ensure there is clarity and transparency within the child protection system. In order to provide effective scrutiny, HSCB should be independent. It should not be subordinate to, nor subsumed within, other local structures.
30. At the same time, the HSCB must be held accountable for its work, and be subject to effective scrutiny. This need to balance the responsibility of the HSCB to challenge HCT and HHWB and its duty to speak independently, with the need for appropriate scrutiny and accountability, is addressed in this Protocol.
31. In order to achieve a co-ordinated and coherent planning and performance management process, the HSCB will receive and consider relevant data quarterly and be fully involved in the development of the Joint Strategic Needs Assessment. HHWB will ensure that the Joint Strategic Needs Assessment takes account of children's safeguarding issues, including the priorities set out in the HSCB Business Plan.

32. HHWB may request the HCT and/or the HSCB to consider issues for development, action or scrutiny.
33. The HSCB will present its Annual Report to both the HHWB and HCT. The purpose of the report is to provide a rigorous and transparent assessment of the performance and effectiveness of local services. The report will contribute to the development and annual review of both the Children & Young People's Plan and Joint Health and Wellbeing Strategy. The HHWB and HCT will review the HSCB Strategic Plan, and receive key reports on aspects of safeguarding on a quarterly basis. In return the HHWB and HCT will report on a quarterly basis the priorities of the Joint Strategic Needs Assessment relating to the safeguarding and welfare of children and young people.

Relationship between the chairs of HSCB, HCT and HHWB and with the Director of Children's Services (DCS), the Lead Member for Children and the Chief Executive

34. In Working Together to Safeguard Children: March 2013 there is a clear role for the Chief Executive and Lead Member (as identified in the Children Act 2004), in satisfying themselves that the DCS is fulfilling their managerial responsibility for safeguarding and promoting the welfare of children. This relationship and working arrangements are governed by agreements and processes within the local authority and among partners for improving services and outcomes; and that targets for improving safeguarding and progress against them are reported to the Children's Trust Board and Health and Wellbeing Board. Every year, as part of the HSCB Annual Report and reporting against the Joint Strategic Needs Assessment, the Chief Executive and the Leader of the Council should make an assessment of the effectiveness of local governance and partnership arrangements for improving outcomes for children and supporting the best possible standards for safeguarding children.
35. In Halton the chairs of the Children's Trust Board and Health and Wellbeing Board will receive the annual report of the HSCB. This will set out the achievements of the HSCB against its agreed business plan and work programme priorities and targets, highlighting particular areas of improvement, and particular areas of concern and challenge. This report will be presented to the Chief Executive who will hold the Independent Chair to account.
36. In addition, meetings between the Chief Executive, the DCS, the chair of the Health and Wellbeing Board, chair of the Children's Trust Board and the Independent Chair of HSCB will take place not less than on a 6 monthly basis to ensure co-ordination of work and priorities. There will be an expectation of mutual challenge and accountability. The agenda will cover:
- Progress against priorities;

- Any issues of concern in relation to the HSCB, including attendance of members, contribution to work plan and priorities;
 - Any issues of concern about safeguarding arrangements which should be reported to HHWB or HCT, including the contribution of individual agencies;
 - LSCB chair accountabilities for the effectiveness of the LSCB and its delivery of the work programme.
37. The Director of Children's Services (DCS) has the responsibility within the local authority, under section 18 of the Children Act 2004, for improving outcomes for children, local authority children's social care functions and local cooperation arrangements for children's services.
38. The Department for Education Statutory Guidance on the Roles and Responsibilities of the DCS and the Lead Member for Children's Services states that the DCS will make a key contribution to ensuring effective working relationships between HHWB and HSCB. The DCS sits on the HHWB as a statutory member.
39. The independent chair of HSCB is responsible for the effective delivery of specific priorities as agreed within the Business Plan, as well as challenging the HHWB and HCT if agencies are not delivering on their safeguarding responsibilities.

Membership of HSCB, HCT and HHWB

40. Many organisations will be members of HSCB, HCT and HHWB. However, representation will not necessarily be by the same person. In order to ensure good communication and co-ordinated development, some individual members of HSCB will also be members of the HHWB and HCT. These include:
- The Strategic Director, Children & Enterprise or representative attends each as representative of children and young people services, and also due to their overall responsibility for ensuring the efficient and effective operation of children and young people partnership working;
 - The Chair of HSCB will also be a member of HCT and will receive regular minutes of meetings and pertinent papers from the HHWB for comment. They are responsible for attending HCT/HHWB meetings to report on key issues arising from HSCB and providing progress reports on key aspects of safeguarding and the delivery of the annual report. They will also be responsible for challenging the HCT and HHWB on issues of safeguarding, as set out in Working Together to Safeguard Children: March 2013;
 - The Lead Member will be an elected representative of the HHWB, will chair HCT, and continue as a participating observer of the HSCB as set out in Working Together to Safeguard Children: March 2013.

41. Each will ensure clear lines of communication and will represent the interests of each board at all meetings.
42. Other individual members will take part in working groups across the boards as required and agreed between the HCT, HHWB and HSCB chairs, and will ensure safeguarding is securely embedded in all developments, as well as other priority issues such as commissioning and early help as appropriate.
43. Working Together to Safeguard Children: March 2013 states that: members (of Local Safeguarding Children Boards) need to be people with a strategic role in relation to safeguarding and promoting the welfare of children within their organisation. For each board, (HSCB, HCT and HHWB) all representatives of organisations should be able to:
 - Speak for their organisation with authority;
 - Commit their organisation to partnership policy and practice matters as appropriate; and
 - Hold their own organisation to account and hold others to account.

Resolution Process

44. Each board will request evidence if any issues arise from any aspects of its work. For example, the HCSB will monitor HCT as to its rigour in commissioning or developing safeguarding services, and will call HCT to account should it have evidence that children are not being adequately safeguarded by one or more partners. The resolution would require a formal response/action. Similarly, HCT will hold HSCB to account if necessary over aspects of safeguarding that go beyond early help if it feels HSCB is not providing sufficient support or resource to the issue. This again would require a formal response from the HSCB in order to ensure a resolution.
45. Boards will be open to mutual challenge and will share any unresolved issues with the Strategic Director Children & Enterprise and ultimately with the Chief Executive if not resolved.