

**South West Peninsula**

**Learning & Improvement Framework**

**Appendix 5**

**Section 11 Audit Framework**

**Contents:**

|  |  |  |
| --- | --- | --- |
| **Section** | **Description** | **Page** |
|  | Flowchart | 3 |
| 1 | Introduction |  |
| 2 | Safeguarding Staff Survey |  |
| 3 | Submission of Section 11 declarations |  |
| 4 | Multi-Agency presentations |  |
| 5 | Feedback to Agencies |  |
| 6 | Review of Section 11 and other quality assurance activity |  |
| 7 | Escalation process |  |
| Template 1 | Section 11 Letter to Agencies |  |
| Template 2 | Self Evaluation |  |
| Template 3 | Template for Agency Presentations |  |
| Template 4 | QA Sub-group report to the Executive  |  |
| Template 5 | Feedback Letter to Agencies |  |
| Template 6 | Escalation Process Map |  |

Flowchart

November? Staff Survey submissions

January Self Declarations

May QA extraordinary event – Agency Presentations and Challenge

June feedback to Agencies

Throughout the Year Sub-group feedback

Throughout the Year Exec monitoring of ongoing feedback

1. **Introduction**

The purpose of this document is to provide a clear framework to outline the Torbay Safeguarding Children’s Board’s audit of Section 11 declarations. Included in the document are relevant templates relating to the Section 11 submissions and audit processes.

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.

Various other statutory duties apply to other specific organisations working with children and families which are set out in (Working Together to Safeguard children, a guide to interagency working to safeguard and promote the welfare of chidldren, March 2015)

Section 11 places a duty on:

* Local authorities and district councils that provide children’s and other types of services, including children’s and adult social care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services;
* NHS organisations including the NHS England and clinical commissioning groups, NHS Trusts and NHS Foundation trusts;
* The police, including police and crime commissioners and the chief officer of each police force in England and the Mayor’s office for Policing and Crime in London;
* The British Transport Police;
* The National Probation Service and Community Rehabilitation Companies[[1]](#footnote-1);
* Governors/Directors of Prisons and Young Offender Institutions;
* Directors of Secure Training Estates;
* Principals of Secure Colleges; and
* Youth Offending Teams/Services.

These organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

* a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children;
* a senior board level lead to take leadership responsibility for the organisation’s safeguarding arrangements;
* a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services;
* clear whistle blowing procedures, which reflect the principles in Sir Robert Francis’s Freedom to Speak Up review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed;[[2]](#footnote-2)
* arrangements which set out clearly the processes for sharing information, with other professionals and with the Local Safeguarding Children’s Board (LSCB);
* a designated professional lead (or, for health provider organisations, named professionals) for safeguarding. Their role is to support other professionals in their agencies to recognise the needs of children, including rescue from possible abuse or neglect. Designated professional roles should always be explicitly defined in job descriptions. Professionals should be given sufficient time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively;
* safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check;
* appropriate supervision and support for staff, including undertaking safeguarding training;
	+ employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role;
	+ staff should be given a mandatory induction, which includes familiarisation with child protection responsibilities and procedures to be followed if anyone has any concerns about a children’s safety or welfare; and
	+ all professionals should have regular reviews of their own practice to ensure they improve over time.
* Clear policies in line with those from the LSCB for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has;
	+ Behaved in a way that has harmed a child, or may have harmed a child;
	+ Possibly committed a criminal offence against or related to a child; or
	+ Behaved toward a child or children in a way that indicates they may pose a risk of harm to children.

(Working Together to Safeguard children, a guide to interagency working to safeguard and promote the welfare of chidldren, March 2015)

There have been consistent themes running throughout the Multi-Agency Case Audits during 2014 – 2015 which highlight areas for improvement in respect of the Section 11 duties across all agencies:

* Limited evidence of professional challenge and use of the professional escalation policy;
* Evidence of key information not being shared, and varying levels of attendance at conferences and core groups;
* Not seeking the wishes of the child and/or failing to take into account the impact of parental behaviour on children;
* Limited focus on historical and/or partner agency information in making assessments;
* Varying levels of good quality practice supervision.

SCR40 and SCR 42 were also completed this year and included specific recommendations around Section 11:

* The Boards should ensure that work already undertaken in response to other Serious Case Reviews, multi-agency case audits and inspections is built upon. The Boards should consider the feasibility of the development of agreed standards for supervised structured safeguarding reflection (supervision), in terms of quality and frequency, across the children’s workforce that ;
• are proportionate and appropriate to the role, ways of working, experience and competence;
• challenges assumptions and fixed thinking, promotes curiosity, critical and systematic thinking and the exercising of confident professional judgement
• addresses the emotional impact of working with children and families.
* The Boards should develop a competency framework, supported by appropriate training and guidance to ensure that supervisors have the relevant knowledge, skills and attitudes to support this supervision
* The Boards should regularly seek assurance from the CCGs and other commissioners of health services that contract management arrangements include clear standards for safeguarding, documentation, supervision and inclusion of fathers and wider family members.
* The TSCB to ensure that as part of Section 11 arrangements partner agencies can demonstrate they have supervision standards in place, are actively monitoring them and can demonstrate this.

This toolkit is therefore being developed to support an effective and thorough audit process of Section 11 activity within all agencies

1. **Staff Safeguarding Survey**

A key part of the Section 11 process is the staff survey, which will allow agencies to review levels of understanding within their own staff group. The staff survey will be commissioned by the Board each year, prior to the completion of the self evaluation.

1. **Submission of Section 11 declarations**

Agencies are required each year, to complete a self evaluation which should provide the evidence for their self declaration. The declarations are collated by Devon Safeguarding Children’s Board on behalf of the Peninsula.

Each declaration should include the following:

* A copy of the completed self evaluation tool (template 2);
* The self declaration;
* A copy of the agency’s training needs analysis for the current year;
* A copy of the agency’s current improvement plan.

Declarations will not be accepted/signed off unless accompanied by all of these documents which should be fully completed.

1. **Multi Agency Presentations**

Following submission of the declarations, an extraordinary QA sub-group will take place, at which time, agencies will be expected to present their findings and improvement plans. This event will provide an opportunity for all agencies to review the findings against case audits and reviews that have already been completed, the staff survey and performance information to ensure there is a robust challenge process in place.

A template is attached (template 3) for agency presentations.

Following this event, a report (template 4) will be provided to the Executive from the QA Sub-Group Chair, outlining the findings and making recommendations to the Executive as follows:

* The declaration is approved;
* The declaration is approved on the condition of further evidence/action being included;
* There is a recommendation for peer review to further analyse the declaration and supporting evidence;
* The declaration is not sufficient and requires completing again.
1. **Feedback to Agencies**

Following submission of the self declarations and presentations, agencies will receive formal feedback from the Board in respect of their submissions and improvement plans. This will include any suggested further areas for improvement (template 5).

1. **Review of Section 11 and Other Quality Assurance Activity**

Agencies will be expected to feedback on the progress of their improvement plans on a quarterly basis to the Safeguarding Board Executive meetings. They may also be required to provide evidence of improvements.

Quarterly performance reports are provided to the Executive which includes agency attendance at conferences and review meetings.

A number of practice initiatives and guidance documents have been introduced which support effective Section 11 activity, and are all available via the website [Devon & Torbay Safeguarding Boards](http://www.devonsafeguardingchildren.org/library/%20). These include:

* [Supervision Principles](http://www.devonsafeguardingchildren.org/documents/2015/04/dscb-tscb-supervision-principles.pdf)
* [Think Family Protocol](http://www.devonsafeguardingchildren.org/documents/2015/04/tscb-think-family-protocol.pdf)
* [Professional Differences (Escalation) Policy](http://www.devonsafeguardingchildren.org/documents/2014/12/tscb-professional-differences-escalation-policy.pdf)
* [Golden Rules](http://www.devonsafeguardingchildren.org/documents/2015/04/tscb-golden-rules.pdf)
* [Information Sharing Advice for Professionals](http://www.devonsafeguardingchildren.org/documents/2015/03/information-sharing-advice-for-professionals.pdf)
* [The Child's Journey](http://www.devonsafeguardingchildren.org/documents/2014/11/the-childs-journey.pdf)

The Board has a programme of Quality Assurance activity which assesses agencies’ compliance with Section 11 and associated guidance and policies;

* Serious Case Review
* Child Death Review
* Review of a child protection incident which falls below the threshold for a SCR
* Review or audit of practice in one or more agencies

Feedback from the sub-groups and Case Audits to the Executive meeting includes specific reference to agency compliance with Section 11, and will therefore inform ongoing monitoring of compliance.

1. **Escalation process**

Where there is evidence of agencies not meeting their Section 11 responsibilities across a number of areas, or repeatedly in one area, this will be highlighted to the Executive and a formal response will be required from that agency to outline what specific actions will be undertaken to improve the performance.

This may also include additional peer audit to review progress against any specific actions.

In the event that this does not resolve the issue, the Board will write formally to the Chief Executive to raise concern and request a formal response.

Template 1

DEVON SAFEGUARDING CHILDREN BOARD

PLYMOUTH SAFEGUARDING CHILDREN BOARD

TORBAY SAFEGUARDING CHILDREN BOARD

CORNWALL AND ISLES OF SCILLY SAFEGUARDING CHILDREN BOARD

5th November 2014

Dear ..................................

Section 11: 2015 submission

On behalf of the Safeguarding Children Boards of Devon, Torbay, Plymouth, Cornwall and the Isles of Scilly we would like to set out the Section 11 process covering the year 2015.

Section 11 (1) of the Children Act 2004 places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children.

Working Together 2013, whilst reducing national prescriptive guidance, does not change this legislative framework stating that:

*‘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 Section 11 process remains part of the peninsula LSCB’s assurance of safeguarding arrangements within organisations, and undertaking a review of these duties provides an opportunity for all organisations to self-evaluate and improve their safeguarding children functions.

In November /December 2015 the web-based Section 11 staff survey will be launched and the link circulated to all organisations for completion by their front-line staff and immediate managers.  The results from the survey will be analysed and forwarded onto each agency, and should underpin your self- evaluation and Section 11 return.

To assist agencies with understanding their compliance with the Section 11 standards, a Self Evaluation tool is attached. All agencies are expected to complete this which should then be used to provide evidence of meeting the standards to the respective Chief Executive/ Chief Officer of each organisation, prior to completing the attached Declaration of Compliance.

The completed self-evaluation tool should be returned with the Declaration of Compliance, your training needs analysis and any improvement plan arising from your self evaluation. Improvement plans will be monitored quarterly at Executive Board Meetings, and you may be required to provide evidence of improvements/engage with a peer review to assess progress.

The LSCBs are required to produce an Annual Report on the effectiveness of the safeguarding arrangements within each authority. It is anticipated that reference to your Section 11 submission will be included in the 2015/16 Annual Report as part of the evidence of safeguarding children assurance.

All Declarations of Compliance, Self – Evaluations, Training Needs Analysis and Improvement Plans should be with the DSCB office by ..............................

All On behalf of the peninsula LSCBs, we thank you for your cooperation.

Yours sincerely



…………………..

John Clements

Independent Chair

Cornwall and Isles of Scilly Safeguarding Children Board

Pendragon House

Gloweth, Truro

Cornwall, TR1 3XQ

………………………………………..

David Taylor

Independent Chair

Devon Safeguarding

Children Board

Room 22 Matford Office

County Hall, Topsham Road

Exeter

EX2 4QD

………………………………………..

David Taylor

Independent Chair

Torbay Safeguarding

Children Board

1st Floor South, Tor Hill House

c/o Town Hall, Castle Circus, Torquay,

TQ1 3DR

*on behalf of*

Andy Bickley

Independent Chair

Plymouth Safeguarding

Children Board

Windsor House

Tavistock Road

Plymouth

PL6 5UF

Declaration of Compliance

South West Peninsula LSCBs

Section 11 Declaration of Compliance

……………………………………………………………….. (name of organisation)

declares that it has completed a self-evaluation against the standards as set out in Section 11 of the Children Act 2004 and identified improvements which will be acted upon during 2015. A copy of the completed self-evaluation will be supplied if requested to verify the evidence used to support the completion of this declaration. This organisation confirms it has:

1. Senior management commitment to the importance of safeguarding and promoting children’s welfare;
2. A clear statement of the agency’s responsibilities towards children available for all staff;
3. An understood structure and lines of accountability for safeguarding and promoting the welfare of children;
4. Service developments that take account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families;
5. Staff training on safeguarding and promoting the welfare of children;
6. Safe recruitment procedures as defined in legislation and guidance;
7. Effective inter-agency working arrangements that safeguard and promote the welfare of children
8. Effective information sharing practice within the organisation and with other agencies involved in safeguarding and promoting the welfare of children.

I confirm compliance for the agency listed above. Where improvements have been identified these actions are attached.

Signed: ………………………………………………………………

(Chief Officer)

Name: ……………………………………………………………...

Date: ………………………………………………………………

Template 2

Insert peninsula self evaluation

Template 3



**Section 11 Agency Presentations**

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Presenter |  | Agency |  |
| Summary of Findings:To include:* Staff Survey Results
* Training Needs Analysis
* Strengths
* Areas for Development
 |
|  |
| Examples of Good Practice and Multi-Agency working/Projects |
|  |
| Specific Improvement /Action Plans |
|  |

Template 4



**QA Subgroup report to the Executive on Section 11 Agency Presentations**

|  |  |
| --- | --- |
| **Agency** |  |
| **Summary of findings to include:*** **Areas of Good Practice**
* **Quality of Self Evaluation**
* **Quality of Improvement Plans against Self Evaluation**
 |
|  |
| **Recommendation:** |
| **Declaration approved:** |  |
| **Declaration approved with inclusion of further evidence/actions outlined below:** |  |
| **Recommendation for Peer Review:** |  |
| **Declaration not sufficient and requires re-evaluation:** |  |
| **Further actions/evidence required:** |
|  |

**Template 5**

****

**Date:**

**Dear ..............................**

**Section 11: 2015 submission**

Thankyou for your engagement with the Section 11 process this year.

Your submission has been evaluated by the Safeguarding Board, with the following finding:

**Declaration approved**

**Declaration approved with inclusion of further evidence/actions outlined below**

**Recommendation for Peer Review**

**Declaration not sufficient and requires re-evaluation**

I would be grateful if you could amend your improvement plan to include the following recommendations:

Improvement plans will be reviewed quarterly at the Executive Meeting, and you may be required to provide evidence of improvements.

Thankyou for your cooperation with this process.

Yours sincerely



Insert escalation process flowchart

1. The section 11 duty is conferred on the Community Rehabilitation Companies by virtue of contractual arrangements entered into with the Secretary of State [↑](#footnote-ref-1)
2. Sir Robert Francis’s Freedom to Speak Up review report can be found at [https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU web.pdf](https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU%20web.pdf). [↑](#footnote-ref-2)