



# MEMORANDUM OF UNDERSTANDING 2019

Safeguarding Children and Young People in  
Herefordshire



## Contents

Introduction and Context .....	2
Safeguarding Partners.....	4
Safeguarding Partners Roles and Responsibilities.....	5
Leadership.....	5
Relationships and resolution .....	6
Relationships with Relevant Agencies.....	6
Information and Communication .....	7
Assessment and services .....	7
Voice of Children and Young People .....	7
Data and Intelligence .....	7
Identification and review of serious child safeguarding cases .....	8
Training .....	9
Scrutiny and Assurance .....	9
Information Sharing and Information Governance .....	10
Funding and resourcing.....	10
Resolution of professional disagreements .....	11
Partnership Arrangements.....	12
Endorsement.....	14

## Introduction and Context

The Children and Social Work Act 2017 and its accompanying guidance Working Together to Safeguard Children 2018 place '**a shared and equal duty**' on the statutory safeguarding partners to make arrangements to work together to safeguard and promote the welfare of all children in a local area.

We have developed our new arrangements with a genuine ambition to ensure that everyone, including early years settings, schools, colleges, health commissioners and providers, police, voluntary and community organisations, youth justice and all those services who have a role in safeguarding children and young people, will know, understand and respond to those responsibilities in a way that has a really positive impact on the children and young people we serve.

We have put quality and effectiveness of practice at the heart of our arrangements, understanding that we need to maintain a clear focus on quality of practice, and training and developing practitioners to work in a respectful and empowering way with children & families. Through our new statutory relationship, we will overcome organisational constraints and boundaries to build a culture which improve outcomes for all.

**Safeguarding Children and Young People in Herefordshire 2019 - 2020** sets out the arrangements for safeguarding and protecting children and young people. It emphasises the vision and values of the new arrangements which we are determined will have a relentless focus on the difference we make to the lives of children and young people. Organisations, agencies and practitioners should be aware of, and comply with, the arrangements we have set out.

**This Memorandum of Understanding outlines our shared commitment to fulfil our statutory duties, and how we will work together to safeguard children and young people in Herefordshire.**

This Memorandum of Understanding provides clarity regarding:

- the safeguarding partners
- safeguarding partners roles and responsibilities
- funding responsibilities
- dispute resolution and escalation processes
- partnership arrangements including relationships with wider partnerships and boards

This Memorandum of Understanding will be reviewed on an annual basis, or sooner if required.

Chris Baird - Director of Children's Services

Susan Thomas - Superintendent Policing Commander for Herefordshire Local Policing Area

Ellen Footman – Head of Safeguarding & Designated Nurse for Safeguarding Adults and Children

## Safeguarding Partners

As defined in the Children and Social Work Act 2017 and its accompanying guidance, Working Together to Safeguard Children 2018, the lead representatives of the safeguarding partners are:

- The Chief Executive of the local authority
- The Accountable Officer for the clinical commissioning group for an area, any part of which falls within the local authority area
- The chief officer of police for an area, any part of which falls within the local authority area.

In Herefordshire, the lead representatives have delegated their responsibilities for the safeguarding arrangements to:

**Herefordshire Council:** Represented by Chris Baird - Director of Children's Services

**West Mercia Police:** Represented by Susan Thomas - Superintendent Policing Commander for Herefordshire Local Policing Area

**The Herefordshire Clinical Commissioning Group:** Represented by Ellen Footman – Head of Safeguarding & Designated Nurse for Safeguarding Adults and Children

The safeguarding partners have equal and joint responsibility for local safeguarding arrangements, which is underpinned by fair and proportionate funding including through any contributions from relevant agencies. Delegated representatives have the responsibility and authority for ensuring full participation with the safeguarding arrangements.

Although the lead representatives have delegated their responsibilities to those named above they remain accountable for any action or decisions taken on behalf of their respective agency. Decisions involving policy, resourcing and commissioning will involve full participation by Herefordshire Council's Cabinet Members, the Police and Crime Commissioner and Chief Constable for West Mercia and the Governing Body of Herefordshire CCG.

## Safeguarding Partners Roles and Responsibilities

All safeguarding partners have equal and joint responsibility for local safeguarding arrangements underpinned by equitable and proportionate funding.

The lead representatives and those they have delegated their authority to, are able to:

- Speak with authority for the safeguarding partner they represent
- Take decisions on behalf of their organisation or agency and commit them on policy, resourcing and practice matters
- Hold their own organisation or agency to account on how effectively they participate and implement the local arrangements

Safeguarding partners will work together openly and honestly, will agree on ways to co-ordinate their safeguarding services, will act as a strategic executive in supporting and engaging others, and implement local and national learning including from serious safeguarding incidents.

The Safeguarding Partners have committed to Safeguarding Partners Board meetings a minimum of twice a year, but more often when required - as will be the case during the first year of the arrangements. Those named commit to attend the meetings as arranged and will not delegate this commitment.

The partners are required to set out how they will work together with any relevant agencies (as set out in The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018). The relevant agencies in Herefordshire are set out in **Safeguarding Children and Young People in Herefordshire 2019 – 2020**.

The safeguarding partners are responsible for the following:

### Leadership

- The Safeguarding Partners are committed to leading the new safeguarding arrangements effectively and pro-actively, ensuring compliance with statutory responsibilities relating to safeguarding, as set out in *Working Together 2018* and related legislation, and creating the right conditions to enable effective safeguarding practice to flourish. This means they will provide dedicated

resources to ensure the sub-groups work effectively and will ensure they make arrangements to assure themselves that the groups are making a difference.

- If an issue arises which requires a clear, single point of leadership, the safeguarding partners will decide on who would take the lead on issues that arise (this would be agreed at the Partners Board or virtually, depending on the urgency and circumstances involved)

## Relationships and resolution

- The Safeguarding partners will work together to build positive relationships with each other and with and other relevant bodies to ensure that information is shared in a timely and proportionate way.
- They will work together to ensure there is an effective, timely and straightforward means of resolving professional differences.
- They will make arrangements to assure themselves that the arrangements are working well and take steps to make improvements if they are concerned.

## Relationships with Relevant Agencies

- The Safeguarding Partners will make sure the relevant agencies are aware of the expectations placed on them by the **Safeguarding Children and Young People in Herefordshire** arrangements.
- They will consult with relevant agencies in developing the safeguarding arrangements further to make sure the expectations take account of other agency's statutory obligations.
- They will be clear how they will assure themselves about the quality of safeguarding practice and that relevant agencies have appropriate, robust safeguarding policies and procedures in place.
- They will provide a framework for effective information sharing amongst all relevant agencies and safeguarding partners
- They will be clear on how agencies with a national remit should collaborate and take account of that agency's individual responsibilities and potential contributions towards a number of safeguarding arrangements
- They will consider specifically how they will secure the clinical expertise of designated health professionals for safeguarding within their arrangements.

- They will make arrangements specifically to enable all schools, colleges, early years settings and other educational providers in the local area to be fully engaged, involved and included in the safeguarding arrangements

## Information and Communication

- The Safeguarding Partners will be aware of their own responsibilities under the relevant information law and have regard to guidance provided by the Information Commissioner's Office when issuing and responding to requests for information
- They will communicate regularly with their relevant agencies and others they expect to work with them

## Assessment and services

- The Safeguarding Partners will agree with their relevant agencies the levels for the different types of assessment and services to be commissioned and delivered
- They will ensure there is an up to date threshold document, which sets out the local criteria for action in a way that is transparent, accessible and easily understood

## Voice of Children and Young People

- The Safeguarding Partners will ensure children and young people have a voice by ensuring the partnership creates opportunities to creatively engage with them and listening to their views.
- They will seek assurance that practitioners are working in an empowering, compassionate and honest manner with children, young people and their families, listening to their views and experiences and helping them find their own solutions.

## Data and Intelligence

- The Safeguarding Partners will provide data, analysis and intelligence to assess the effectiveness of help being provided to children at risk.

- They will use the Joint Strategic Needs Assessment to help them understand the prevalence and contexts of need, which in turn should help shape services

## Identification and review of serious child safeguarding cases

The Safeguarding Partners are responsible for making arrangements to identify and review serious child safeguarding cases which, in their view, raise issues of importance in relation to their area. This means:

- They will have regard to statutory guidance together with any guidance the national Child Safeguarding Practice Review Panel publishes
- They will ensure that notifications of serious incidents are made in all relevant circumstances to the appropriate bodies by the local authority
- They will ensure that arrangements are in place for rapid reviews of cases to be undertaken promptly, in line with any guidance published by the national Panel and as soon as the rapid review is complete, they will send a copy to the Panel
- They will commission and oversee the review of those cases, where they consider it appropriate for a review to be undertaken, ensuring that improvements to practice and protecting children from harm are identified and implemented
- They will ensure there is a clear process for how reviews will be progressed alongside other investigations and processes, working collaboratively with those responsible for carrying out those reviews
- They will appoint an independent scrutineer/chair whose role it will be to consider whether a case meets the criteria for a local review and to determine whether a review is appropriate, taking into account that the overall purpose of a review is to identify improvements to practice
- They will ensure that decisions on whether to undertake reviews are made transparently and the rationale communicated appropriately, including to families
- They will make arrangements to agree with the reviewer of a local child safeguarding practice review, the method by which the review should be conducted
- They will seek to ensure that practitioners are fully involved in local child safeguarding practice reviews, and that families, including surviving children, are invited to contribute to the review

- They will have oversight of the review to ensure that the reviewer is making satisfactory progress and that the review is of satisfactory quality
- They will make arrangements to ensure the final report of a local child safeguarding practice review includes a summary of recommended improvements and an analysis of any systemic or underlying reasons why actions were taken or not in respect of matters covered in the report
- They will consider carefully how best to manage the impact of the publication of local child safeguarding practice reviews on children, family members, practitioners and other closely affected by the case
- They will make arrangements to inform the national Panel and the Secretary of State of the reasons for a delay of a local child safeguarding practice review, set out any justification for any decision not to publish either the full report of information relating to improvements and have regard to any comments from the Panel and Secretary of State in respect of the publication
- They will make arrangements to send a copy of the full report of the local child safeguarding practice reviews to the National Panel and Secretary of State
- They will take account of the findings from their own local reviews and from all national reviews, highlight findings from reviews with relevant parties and regularly audit progress on the implementation of recommended improvements
- They will maintain oversight of the Joint Case Review subgroup which has responsibility for learning reviews as set out in **Safeguarding Children and Young People in Herefordshire**, including ensuring that adequate resources (financial and capacity) are available for it to fulfil its responsibilities.

## Training

- On the advice of the Practice and Development Sub Group, the Safeguarding Partners will agree what training will be provided through the safeguarding arrangements and will assure themselves that the effectiveness of any training they commission is monitored and evaluated.

## Scrutiny and Assurance

- The Safeguarding Partners will appoint an independent scrutineer. They will ensure scrutiny of the safeguarding arrangement is objective, acts as a critical friend and promotes reflection to drive continuous improvement.
- They will take steps to ensure that the performance management framework established by the Quality and Effectiveness Group will be sufficiently robust to give them the information and assurance they need to know that the safeguarding arrangements are working effectively.
- They will publish a report at least once in every 12-month period to set out what they have done as a result of the arrangements, including Child Safeguarding Practice Reviews, and how effective these arrangements have been in practice and make this report widely available.
- They will agree arrangements for independent scrutiny of the annual report.
- They will report any updates to the published arrangements in their annual report and the proposed timescale for implementation
- They will ensure that the views and experiences of children and Young people inform scrutiny and assurance activity.

## Information Sharing and Information Governance

- Safeguarding partners will play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing. They will ensure there is an Information Sharing Agreement in place, that adheres to all relevant data protection and Freedom of Information legislation and that promotes and prioritises the protection of children.

## Funding and resourcing

Working in partnership means organisations and agencies should collaborate on resourcing and financial management of the arrangements, ensuring they are proportionate and equitable.

The three safeguarding partners will make equitable and proportionate payments towards expenditure incurred in conjunction with the local arrangements for safeguarding and promoting the wellbeing of children. They have agreed their funding contributions for 2019/20 as set out below. They will provide through financial or in-kind contributions the

resources required to deliver on their ambition for effective multi-agency safeguarding arrangements as set out in **Safeguarding Children and Young People in Herefordshire** and the annual business plan. This will include committing in kind contributions to support the work of the local arrangements e.g. work on the safeguarding groups, training capacity, auditing.

The safeguarding partners will work with Relevant Agencies to agree any financial or in-kind contribution to the resources of the multi-agency safeguarding arrangements, given that they continue to benefit from the work of the partnership.

Funding allocations from 2020 onwards are to be agreed by safeguarding partners through the Safeguarding Partners Board and will be subject to an annual review.

If any safeguarding partners do not fulfil their funding responsibilities as identified in this Memorandum of Understanding, the dispute resolution process will be used.

Safeguarding Partners Funding for 2019/20	
Children's Wellbeing	133,600
CCG	80,190
Police	53,510
<b>TOTAL FUNDING</b>	<b>267,300</b>

## Resolution of professional disagreements

Working collaboratively to safeguarding and promote the welfare of children is at the heart of Herefordshire's local arrangements. Through effective leadership, openness, transparency and effective professional challenge, there is a commitment to resolving any disputes locally between the safeguarding partners, selected relevant agencies and other organisations and agencies in a timely fashion.

The policy for resolving professional differences in Herefordshire is called '*Resolution of Professional Disagreement about a Safeguarding Children Response*' and considering the new arrangements will be reviewed and updated.

If a clear, single point of leadership is required, safeguarding partners will agree the most appropriate partner, who will act on behalf of and in the interest of all three safeguarding partners. This will usually be done

virtually given the frequency of the Safeguarding Partners Board, although unresolved disputes should be discussed when the Board meets. If the partner cannot resolve the issue it will be referred to the Independent Scrutineer/Chair, who will engage with the Local Authority Chief Executive, the CCG Accountable Officer and the Chief Constable to resolve the issue.

If no resolution can be reached, consideration should be given by the three safeguarding partners in consultation with the Independent Scrutineer/Chair to seek formal independent arbitration via a professional body such as the Chartered Institute of Arbitrators to reach an acceptable conclusion.

It is acknowledged that safeguarding partners that fail to comply with their statutory obligations are held to account through a variety of regulatory and inspection activity for example, Ofsted, HMICFRS and CQC.

Where necessary, legislation allows the Secretary of State to take enforcement action against any agency that is not meeting its statutory obligations as part of local safeguarding arrangements.

## Partnership Arrangements

The **Safeguarding Children and Young People in Herefordshire** arrangements have been established in the context of wider partnership arrangements across Herefordshire. As such, the Safeguarding Partnership will link with other strategic partnerships that support children and young people and the adults on which they are dependent, including the following:

- Health & Well Being Board
- Children and Young People's Partnership
- Serious and Organised Crime Joint Agency Group
- Community Safety Partnership (and related subgroups)
- Child Death Overview Panel (CDOP)
- Herefordshire Safeguarding Adults Board
- Corporate Parenting Board
- Youth Justice Board
- Practitioner Forums
- Regional Safeguarding Policies Group

The links will include for e.g. alignment of strategic plans and processes, ensuring these partnerships are sighted and can take action to support the strategic aims of the children's safeguarding arrangements including influencing commissioning decisions. The Safeguarding Partners will ensure that communication takes place with all relevant boards and fora and where appropriate will seek the support and action of these groups necessary to achieve the outcomes of the **Safeguarding Children and Young People in Herefordshire** arrangements.

## Endorsement

We the undersigned, endorse the content of this Memorandum of Understanding and accept our responsibility for ensuring the effectiveness of the **Safeguarding Children and Young People in Herefordshire** arrangements

Chris Baird - Director of Children's Services

*Signed and endorsed by partners*

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Date..... 10th September 2019.....

Susan Thomas - Superintendent Policing Commander for Herefordshire Local Policing Area

*Signed and endorsed by partners*

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Date..... 10th September 2019.....

Ellen Footman – Head of Safeguarding & Designated Nurse for Safeguarding Adults and Children

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