



Constitution and Terms of Reference

of

**The Essex Safeguarding
Children Board**

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1. Interpretation

- 1.1 In the following document, “a board partner” is one of the corporate bodies making up the Essex Safeguarding Children Board (ESCB), “a representative” is the person appointed by a board partner as its representative for the purposes of the Board and “the Board” means the board partners acting through their representatives in the discharge of the business of the Essex Safeguarding Children Board.
- 1.2 The ruling of the Chairperson (having taken advice from the Secretary) as to the construction or application of this document, or as to the proceedings of the Board, shall be final.

2. Statutory Basis

- 2.1 The ESCB is established under Section 13 of the Children Act 2004 and in conjunction with Section 11 will provide the statutory basis for achieving the vision of safeguarding set out in the Joint Chief Inspectors’ report Safeguarding Children 2002:

“All agencies working with children, young people and their families take reasonable measures to ensure that the risks of harm to children’s welfare are minimized: and

Where there are concerns about children and young people’s welfare, all agencies take appropriate action to address these concerns, working to agreed local policies and procedures in full partnership with other agencies”.

3. Objectives

- 3.1 The core objectives of the Local Safeguarding Children Board are set out in the Children Act 2004 as follows:-
- a) 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 of the authority; and
 - b) to ensure the effectiveness of what is done by each such person or body for that purpose.
- 3.2 Safeguarding and promoting welfare may be described as two sides of the same coin. Safeguarding has two elements:

- protecting children from harm: and
- preventing impairment of children's health or development.

3.3 Whereas promoting welfare is a proactive responsibility, i.e:

3.4 Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and

- creating opportunities to enable children to have optimum life chances such that they can enter adulthood successfully.

3.5 The Board will set the strategic direction for the fulfilment of the objectives and will monitor and review that work. The Board will be supported by the Business Planning and Performance Management Group which will be an operational group and further work stream sub-groups that will undertake discreet tasks. The terms of reference for those groups are set out in paragraphs 19 onwards of this document.

4. Functions

The functions of the ESCB in relation to its objectives (as defined in Section 14(1) of the Children Act 2004) are as follows:-

- a) Developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in relation to:-
 - i) the action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;
 - ii) training of persons working with children or in services affecting the safety and welfare of children;
 - iii) recruitment and supervision of persons who work with children;
 - iv) investigation of allegations concerning persons who work with children;
 - v) safety and welfare of children who are privately fostered;
 - vi) co-operation with neighbouring children's services authorities and their board partners.

- b) Communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done and encouraging them to do so.
- c) Monitoring and evaluating the effectiveness of what is done by the authority and their board partners individually and collectively to safeguard and promote the welfare of children and advising them on ways to improve.
- d) Participating in the planning of services for children in the area of the local authority.
- e) Undertaking reviews of serious cases and advising the authority and their board partners on lessons to be learned.

5. Membership and Appointment of Representatives

- 5.1 The Board shall determine which corporate bodies in Essex will be invited to appoint representatives to the Board taking into account relevant guidance issued by the Department of Health and the provisions of the Children Act 2004.
- 5.2 The Board shall determine from time to time the number of representatives each board partner shall be entitled to on the Board.
- 5.3 Each board partner shall appoint representatives to the Board in the number prescribed for it. The identity of a representative is a matter for the board partner and not the Board.
- 5.4 If a representative ceases to be a representative for any reason the Board shall as soon as reasonably practicable request the appointment by the relevant board partner of a new representative in their place.
- 5.5 The Board shall be entitled to co-opt a representative of a board partner or other organisation provided that the Board decision to co-opt the representative is unanimous.

6. Accountabilities of Board partners

- 6.1 All board partners of the ESCB are accountable for safeguarding, however the Strategic Core board partnership has specific responsibilities:

- to ensure that the duty to co-operate is understood and acted upon within own agency
- to ensure the policies, procedures, practice and culture of board partner organisations are effective in safeguarding and promoting the welfare of children
- to ensure designated staff within their organisations who have contact with children are aware of their responsibilities and are supported to comply with child protection policies and procedures
- actively promote and support the work of ESCB within their own organisation
- ensure staff are aware of their responsibilities in respect of information sharing to safeguard children
- to work with partner agencies to support and promote the work of the ESCB.

7. Responsibilities of Board partners of LSCB

7.1 The ESCB expects its board partners to:

- be an active partner in safeguarding and promoting the welfare of children
- contribute to the ESCB financially or by providing staff for particular tasks
- collate and provide management information as required by ESCB and contribute to quality assurance arrangements
- share information to safeguard children in line with ESCB information sharing arrangements
- identify and support staff to participate in the interagency activities of the ESCB such as policy development, scrutiny of practice, training, Serious Case Reviews, practice development and new initiatives
- ensure that the policies and procedures of ESCB are disseminated in an effective way within their own organisations and acted upon
- represent the ESCB and its activities within their own organisation

- report difficulties with own organisation and between organisations to the ESCB and work with partners to find effective solutions
- promote the ESCB/Voluntary, Independent and Private Providers information exchange meetings as a way of developing and sustaining a shared understanding with this broader community of providers.

8. Calling and notice of meetings

- 8.1 A board partner may call a meeting of the Board by notifying the Secretary in writing.
- 8.2 A meeting shall not be called on a Saturday, Sunday or bank holiday.
- 8.3 All meetings of the Board shall be called by at least seven clear days' notice but may be called on shorter notice if it is so agreed by not less than one-half of all the board partners entitled to attend and vote.
- 8.4 The notice shall be given to all board partners but the accidental omission to give notice to, or the non-receipt of notice of any meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.
- 8.5 The notice shall specify the time and the place of the meeting and the general nature of the business to be transacted. No other business shall be transacted at the meeting.

9. Confidentiality

All agendas, reports and other documents and all proceedings of the Board shall be treated as confidential unless and until they become public in the ordinary course of the Board's business or are authorised to be communicated to and are available for publication by the press or other news media in accordance with a formal decision of the Board.

10. Quorum

- 10.1 No business shall be transacted at any meeting unless a quorum is present. Representatives of six board partners shall be a quorum.
- 10.2 If such quorum is not present within half an hour from the time appointed for the meeting, or if during a meeting such a quorum ceases to be present, the meeting shall stand adjourned.

11. Chairperson

- 11.1 The Chairperson shall be appointed by the Local Authority following consultation with Board members in accordance with paragraphs 3.49 and 3.50 of Working Together to Safeguard Children 2006.
- 11.2 Anything required to be done by, to or before the Board may be done by the Chair or the vice Chairperson.
- 11.3 The Chairperson shall preside at every meeting of the Board at which they are present. If there is no representative holding that office, or if the representative holding it is unwilling to preside or is not present within fifteen minutes after the time appointed for the meeting, the representatives present may appoint one of their number to be the Chairperson of the meeting. Any power of the Chairperson in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

12. Voting

- 12.1 Where the Board seeks to carry out a vote, the procedure shall be as follows.
- 12.2 A resolution put to the vote of the meeting shall be determined by a majority of representatives present and the method of voting shall be by a show of hands unless the meeting decides otherwise.
- 12.3 The decision of the Chairperson (having taken the advice of the Secretary) as to the right of any person to vote shall be final.
- 12.4 A declaration by the Chairperson that a resolution has been carried or carried unanimously, or by a particular majority, or lost, or not carried by a particular majority and an entry to that effect in the minutes of the meeting shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.
- 12.5 Any representative dissenting from a resolution passed by the Board or abstaining from voting shall be entitled to have their name recorded in the minutes.
- 12.6 All acts done by a meeting of the Board or by a person acting as a representative shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of the representative or that any of them were disqualified from holding

office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a representative and had been entitled to vote.

13. Adjournment

The Chairperson may, with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than business which might properly have been transacted at the meeting had the adjournment not taken place. When a meeting is adjourned for fourteen days or more, at least seven clear days notice shall be given specifying the time and place of the adjourned meeting and the general nature of the business to be transacted. Otherwise it shall not be necessary to give any such notice.

14. Representatives' interests

- 14.1 It shall be the duty of a representative who in any way has a direct or indirect pecuniary interest in a contract or proposed contract under consideration by the Board to declare the fact and the nature of his/her interest at a meeting of the Board.
- 14.2 The declaration shall be made at the meeting of the Board at which the contract or proposed contract is first taken into consideration, or, if the representative was not at that meeting, than at the next meeting of the Board held after he became so interested.
- 14.3 In a case where the representative becomes so interested after the contract is made following consideration by the Board, the declaration shall be made at the first Board meeting held after he becomes so interested.
- 14.4 For the purposes of this paragraph 14, a general notice given to the Board by a representative to the effect that:
- (a) he/she is a board partner of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm; or
 - (b) he/she is to be regarded as interested in any contract which may after the date of the notice be made with a specified connected person (as defined below)

shall be deemed a sufficient declaration of interest in relation to any such contract.

- 14.5 No such notice shall be of effect unless it is either given at a meeting of the Board or the board partner takes reasonable steps to secure that it is brought up and read at the next meeting of the Board after it is given.
- 14.6 For the purposes of this paragraph 14:
- 14.6.1 a person shall be treated as having a pecuniary interest in a contract if he/she or any connected person or nominee of his/her (a) is a member of a company or other body with which the contract was made or is proposed to be made in the contract or (b) is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or which has a direct pecuniary interest or who has a direct pecuniary interest in the contract
- 14.6.2 the term “contract” shall include any transaction or arrangement or course of action or inaction giving rise to a possibility of financial benefit to a representative beyond that of the general public
- 14.6.3 the term “connected persons” shall include the parents, siblings and spouse of the representative, blood-or step-descendants and any company or firm of which he/she or any of them is a director, shareholder, partner or employee and an interest of a connected person shall be deemed to be an interest of the board partner.
- 14.7 Provided that he/she has disclosed to the Board the nature and extent of any interest of his/her, a representative notwithstanding his office:
- 14.7.1 may be a party to, or otherwise interested in, any contract under consideration by the Board; and
- 14.7.2 shall not be accountable by reason of his/her office to any party for any benefit which he/she derives from such contract and no such contract shall be liable to be avoided on the ground of such benefit.
- 14.8 For the purposes of this paragraph 14, an interest of which the representative has no knowledge and of which it is unreasonable to expect him/her to have knowledge shall not be treated as an interest of theirs.

- 14.9 Notwithstanding that a representative has made a general disclosure under this paragraph 14, he/she shall orally disclose an interest and then withdraw from the meeting which the contract in which he/she has a pecuniary interest is under consideration by the Board unless the contract is under consideration by the Board as a matter of note and is not itself the subject of debate. If the meeting thereby becomes inquorate the contract shall not be discussed further at that meeting and the meeting shall move to the next business.
- 14.10 A representative who fails to comply with this paragraph 14 shall permanently cease to act as a representative on request by the Chairperson (having taken the advice of the secretary) and if the representative fails to do so the Chairperson may declare him/her excluded from meetings of the Board.
- 14.11 Nothing in this paragraph 14 shall prejudice the operation of any rule of law restricting representatives from having an interest in the contracts dealt with by this paragraph, nor of the standing orders of any board partner.

15. Minutes

- 15.1 The Board shall cause minutes to be recorded of all proceedings at meetings of the Board including the names of the representatives present at each meeting and the board partners so represented.
- 15.2 The Chairperson shall move that they be signed as a true record. No discussion shall then be allowed upon the minutes except as to their accuracy.
- 15.3 Immediately after confirmation, the minutes shall be signed by the Chairperson.
- 15.4 Unless the contrary is proved, a meeting of the Board, a minute of whose proceedings has been made and signed, shall be deemed to have been duly convened and held and all representatives present at that meeting shall be deemed to have been duly qualified.

16. Appointed representatives' decisions

Three representatives, comprising the Chairperson and vice Chairperson (or their nominees and one other representative, are authorised to take action on behalf of the Board on matters of urgency, such action to be reported to the next meeting of the Board.

17. Signature of documents

- 17.1 Where the Board has by resolution authorised the signature of a document on behalf of the Board, each of the Chairperson, the vice Chairperson, secretary and any person nominated by either of them for this purpose shall be authorised to sign that document on behalf of the Board.
- 17.2 Where there is no such resolution but such signature is within the powers vested in the Board, then any two of the foregoing shall together constitute a signatory authorised to sign such document.

18. Financial Regulation

In all matters pertaining to the receipt and expenditure of money by or on behalf of the Board, the Board and those authorised to act on its behalf shall conform to the Standing Orders of Essex County Council and subordinate documentation issued pursuant to those Standing Orders, including in particular the Procurement Standards and Guidelines.

19. Sub Groups

The Board shall oversee the work of the following workstream groups:-

The Business Planning and Performance Management Group, the Policy and Procedures Group, the Evaluation and Effectiveness Group and the Training Group.

In addition, the Board will oversee the work of two panels, namely the Serious Case Review Panel and the Child Deaths Overview Panel. The remit, chairing and support arrangements are set out below.

A. The Business Planning and Performance Management Group

- 19.1 The Business Planning and Performance Management Group will undertake the day to day business of the Board. Save for 19.3 below, the Business Planning and Performance Management Group shall have all authority and powers vested in the Board and anything required to be done by, to or before the Board may be done by, to or before the Business Planning and Performance Management Group.
- 19.2 Membership of the Business Planning and Performance Management Group shall be decided by the Board at the March meeting. Membership of the Business Planning and

Performance Management Group must include as a minimum the Chairs of the Workstream Groups and may include Chairs of Locality Groups together with such other delegates as may from time to time be deemed appropriate by the group. The Chairperson and Vice Chairperson shall be elected from among the board partners of the Business Planning and Performance Management Group at the first meeting of the Business Planning and Performance Management Group following a vacancy in respect either of the Chair or Vice Chair of the Business Planning and Performance Management Group.

19.3 The following Standing Orders of the Board shall apply to the Business Planning and Performance Management Group :-

1. Interpretation.
8. Calling and notice of meetings.
9. Confidentiality.
10. Quorum. Save that the quorum for the Business Planning and Performance Management Group shall be representatives of four board partners.
11. Chairperson unable/unwilling to attend.
12. Voting
13. Adjournment.
14. Representatives interests.
15. Minutes
16. Appointed Representatives decisions.
17. Signature of documents.
18. Financial Regulation

19.4 The following matters shall be reserved to the Board and excepted from the terms of any delegation to groups.

- a. Determining the objectives of the Board.

- b. Agreeing the budget of the Board.
- c. Matters reserved to the Board by financial regulations.
- d. Adoption and amendment of standing orders including the powers and duties of sub groups.

There shall be the following work stream sub groups and their chairpersons shall have delegated power to make decisions in relation to their delegated remit provided that they are acting on the view of the majority of their group and where appropriate the advice of the secretary.

B. Policy and Procedures

Chair: Member of LSCB

Supported by: Training and Development Manager and admin staff

Remit:

- Leading on procedure and policy developments to manage and improve inter agency practice e.g.
 - setting policy and procedures on protecting children from harm and preventing abuse and neglect
 - acting as a point of reference for agencies regarding safe recruitment and other child protection policies
 - reviewing private fostering procedures
- Co-operating with all neighbouring LSCBs to encourage uniformity of policies and procedures

C. Evaluation and Effectiveness

Chair: Member of LSCB

Supported by: Business and Performance Manager and admin staff

Remit:

- Monitoring member agencies' effectiveness in terms of their work to safeguard and promote children's welfare
- Evaluating county wide child protection statistics and other management information to identify trends and making recommendations for action
- Developing systems to monitor member compliance with ESCB multi-agency policy and procedures
- Liaising with the Serious Case Review Panel over the recommendations set for each Serious Case Review
- Monitoring agencies' implementation of recommendations from Serious Case Reviews
- Liaising with Local Safeguarding Groups to ensure local action occurs on issues within this remit
- Reporting to and making recommendations to the Board on issues within this remit

D. Training

Chair: Member of LSCB

Supported by: Training and Development Manager and admin staff

Remit:

- Ensuring that single and inter agency training on safeguarding and promoting welfare is provided in order to meet local needs
- Checking and evaluating single and inter agency training against local needs
- Agreeing the priorities for inter agency and single agency child protection training and feeding these into the local workforce strategy
- Developing and implementing the ESCB inter agency Training Strategy
- Developing training programmes for the implementation of new policy, procedures, legislation

E. Child Deaths Overview Panel

Chair: Member of LSCB

Supported by: Business and Performance Manager and admin staff

- Reviewing published guidance, relevant research and publications on Local Safeguarding Boards, Child Death Review Panels and Rapid Response Teams
- Ensuring that by April 2008 processes, in line with published guidance and established best practice, are in place to:
 - o Enable the coordinated rapid response of key professionals when an unexpected death of a child occurs
 - o Gain an overview of the facts and lessons from all child deaths that occur within the agreed area

F. Serious Case Review Panel

Chair: Member of LSCB (with delegated authority to agree SCR)

Supported by: Legal Advisor and admin staff

Remit:

- To undertake review of serious cases in line with Working Together guidance and the ESCB Serious Case Review Procedures Manual

G. Local LSCB Forums

Chair: To be agreed locally

Supported by: Business and Performance Manager or Training and Development Manager and admin staff

Remit:

Identifying local issues connected to child protection and safeguarding on which action is required and developing and implementing local plans to address these

- Highlighting to the Board via agreed processes areas of local concern which may require action at Board or workstream level
- Acting as a consultative forum providing a local perspective for the Board on issues within its terms of reference
- Ensuring safeguarding and child protection practice locally is in line with ESCB child protection procedures and that all new policy and procedure agreed by the ESCB is implemented locally
- Ensuring recommendations of Serious Case Reviews conducted by the ESCB are disseminated and implemented locally
- Identifying training and development needs in the locality and work with the ESCB Training and Development Manager in the context of the Training and Development Strategy to ensure these are responded to
- Maintaining and improving the effectiveness of safeguarding and child protection practice within the localities by monitoring performance and reporting to the ESCB via the Evaluation and Effectiveness workstream and in the context of the Quality and Evaluation Strategy
- Undertaking practice development in areas identified in the Business Plan of the ESCB or as requested by the Business Planning Group
- Working in conjunction with local Children and Young People's Strategic Partnerships to ensure that safeguarding and promoting the welfare of children is taken into account in the local planning and commissioning of children's services
- Providing reports to the Business Planning Group on local activity as requested

19.5 Membership of groups shall be decided at the first meeting of the Business Planning and Performance Management Group within each calendar year following the meeting of the Board at which the Chairperson and vice Chairperson are elected.

19.6 Members of groups do not need to be representatives on the full committee

19.7 No groups of the Board shall have delegated authority to bind the Board in anyway save that such authority on a particular issue may be delegated to a group by the Board.

19.8 The following standing orders of the Board shall apply to groups of the Board.

4 Confidentiality.

6.5. Inability or unwillingness of Chairperson to unable/unwilling to attend.

7. Voting.

9. Representatives interests.

12. Signature of documents

13. Financial Regulation.

19.9 Interpretation

For the purpose of this paragraph, “Board” means the “Local Safeguarding Children Board for Essex”.

Principal Responsibilities and Accountabilities of LSCB Members

1. Role Purpose

Each Essex Safeguarding Children Board (ESCB) partner is responsible for agreeing how different services and professional groups should co-operate to safeguard children in Essex, and for making sure the arrangements work effectively to bring about good outcomes for children.

2. Accountabilities of statutory partners on the ESCB

To meet their statutory responsibilities each ESCB partner needs to:

- a) demonstrate own organisation (including those from whom they commission services) is able to meet their duties to safeguard and promote the welfare of children;
- b) act on behalf of own organisation and, if necessary, hold them to account;
- c) agree ESCB policies, protocols and procedures on behalf of their organisation;
- d) contribute agency resources in cash and/or kind to a pooled ESCB budget;
- e) attend meetings and ensure adequate agency representation in all relevant work streams;
- f) be responsible for the monitoring and evaluation of the effectiveness in arrangements to safeguard children in Essex;
- g) bring key strategic issues to the board's attention;
- h) be responsible for receiving, disseminating and collating information regarding ESCB matters within their organisation;
- i) ensure that the ESCB core functions as set out in regulations are met;
- j) take an active part in Joint Area Reviews of Children's Services;
- k) contribute to agreeing and implementing the ESCB business plan;
- l) abide by the constitution;

- m) where members represent more than one organisation, establish a process for reporting arrangements;
- n) where the board is represented by both senior managers and professional advisors to have agreed key responsibilities.

3. Principal Functions and Accountabilities for non-statutory partners on ESCB

To meet their responsibilities each ESCB partner needs to:

- a) demonstrate own organisation (including those from whom they commission services) is able to meet their duties to safeguard and promote the welfare of children;
- b) offer a professional point of view on work to safeguard and promote the welfare of children;
- c) take responsibility to communicate the work of the ESCB within their organisation;
- d) contribute to relevant ESCB work streams as appropriate;
- e) contribute to the monitoring and evaluation of the effectiveness in arrangements to safeguard children in Essex;
- f) ensure own organisation follows ESCB policies and procedures for safeguarding and promotion of children's welfare in Essex;
- g) be responsible for receiving, disseminating and collating information regarding safeguarding children and ESCB matters within their organisation;
- h) support the ESCB in meeting its core functions as set out in regulations;
- i) contribute to agreeing and implementing the ESCB business plan;
- j) abide by the constitution;
- k) where members represent more than one organisation, establish a process for reporting arrangements.

4. Principal Functions and Accountabilities for sub group members

- a) Ideally as per ESCB members

- b) To represent their organisation on relevant work streams and contribute to the work of the business plan as agreed.
- c) To commit working time to taking forward the ESCB business plan. Ideally this should be included in the representative's job description and/or form part of their annual appraisal
- d) To be responsible for receiving, disseminating and collating information regarding safeguarding children and ESCB matters within their organisation.
- e) To communicate the work of the ESCB within their organisation as appropriate.

5. Work stream leads

Chairs of work streams should be representative of the range of agencies on the board. Work stream leads will:

- a) ideally as per ESCB members;
- b) lead and direct the work as set out in the business plan;
- c) provide written reports for the Business Planning Meeting and main board;
- d) provide an annual report that details the outcomes of the work identified in the business plan;
- e) move forward the agenda set out in the business plan by taking chairs actions as required between meetings;
- f) be accountable for actions agreed at meetings and the quality assurance of work;
- g) to work within the funding arrangements agreed for the work stream;
- h) liaise with the ESCB Development, Training and Business Managers in order to progress work.

Where ESCB members are not statutory partners, as set out in the Children Act 2004, but members in view of their role in working with children in Essex, their agency will be encouraged to commit to these responsibilities.

Inspection

Local Safeguarding Boards will be inspected by Joint Area Reviews. The scope of the inspection will encompass all agencies involved in the Safeguarding Board in particular those who are required by statute to co-operate.

Liability

All partners represented on the Essex Safeguarding Children Board retain liability for their actions within their participating organisations. For the avoidance of doubt, membership of the Board will not confer any indemnity for the actions of Board partners.