

Title: Executive Board Report to consider a Council Resolution agreed at a Meeting of Full Council on the 22 March 2023.

Date: 21 June 2023

Report of: Director of Children & Families

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Following a resolution of Full Council at its meeting on the 22 March 2023 Executive Board are asked to consider a Council resolution in respect of Children's Safeguarding (minute 99 of the Council meeting held on the 22 March 2023 refers):

RESOLVED – *That this Council formally recognises the publication of the Leeds Safeguarding Children's Partnership Child Safeguarding Practice Review - "Ruby" (www.leedsscp.org.uk/ruby).*

Council believes there should be no circumstances in which convicted child sex offenders are given custody of a child and calls on the Executive Member for Adult and Children's Social Care and Health Partnerships to bring an urgent report to Executive Board setting out what actions the Council can take to help ensure no child in Leeds is placed into the care of a convicted child sex offender again.

Council notes the findings of the 2014 independent enquiry into child sex exploitation in Rotherham and believes openness and transparency is critical for both independent and democratic scrutiny of children's safeguarding. Council has valued the role of the Independent Chair of the Leeds Safeguarding Children's Partnership and commits to continuing the current model of independent oversight.

This report will explore the resolution made by Full Council and what actions the Council is taking and will continue to take, to safeguard and protect the children of Leeds in these circumstances. This is in the context of the legal framework that the council works within when safeguarding and protecting children. The main legislative framework is the Children Act 1989, and its supplementary regulations and statutory guidance, including Working Together 2018. This legal framework will involve other external agencies including CAF/CASS and the ultimate decisions made by the judicial process of the Family Court.

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Leeds is a child friendly city with strong values that underpin all activity and decision making, the council is unequivocally committed to the safeguarding and protection of the welfare of the children of Leeds. The welfare of the child is at the heart of all council policies, procedures and processes to keep children safe

The council and its partners are committed to Leeds being the best city for children and young people to grow up in, this is founded on the global movement of Child Friendly Cities initiated by UNICEF and guided by the voices of children and young people in Leeds, central to this is a commitment to a shared culture of learning and continuous improvement.

All children have the right to grow and develop in accordance with their individual needs, central to that is their safety, the Leeds multi-agency safeguarding partnership arrangements are strong, with work to ensure that effective safeguarding arrangements are in place across the city driven by this fundamental belief.

Whilst the council believes that there should be no circumstances where a child may grow up in an unsafe environment, no local authority can categorically say that there will be no circumstances where a child is brought up by a parent or carer who may be a convicted child sex offender, be on the sex offenders register or the subject of a Sexual Harm Prevention Order.

That is because decisions on where and with whom a child should live, are beyond the control of the council, and are dictated by other legal frameworks and decision-making bodies, the most important of which is the Family Court. Neither national legislation nor statutory guidance provides an absolute prohibition on children living with parents or carers who may be convicted sex offenders. This reflects the complex nature of the issues involved, including the range of possible offences committed by a sex offender, a recognition that there may be specific issues relating to a specific offence and an offender's engagement response to interventions. Any court decision for a child to live with a parent or carer who may be a convicted sex offender, will be based on the facts of that case and all the evidence presented to it.

This report aims to set out the council's part in the decision making of the Family Justice process, and how the council's policies and procedures inform judicial adjudication. This includes reference to the council's policies and procedures around assessing risk of sexual harm from persons posing risk. How the social work practice undertaking these risk assessments are underpinned by practice support, supervision, training and development. How Children's Social Work Service benefits from the multi-agency work and safeguarding arrangements it has in place with partner agencies and overseen by the Leeds Safeguarding Children's Partnership. But ultimately how the assessment of risk and arrangements for where a child should live is the decision of the court.

This report also aims to simplify and explain some of the language used. When the state is involved in a family's life, and a local authority applies for a court order in respect of a child, this is referred to as 'public children act law'. Where there are disputes between private individuals, this is known as 'private children act law'. The living arrangements for children are frequently referred to as '*custody*' and '*placed with*'. The term '*custody*' is not a legal term now used in family justice. This term was replaced with '*residence*' by the Children Act 1989, and in 2014

'residence orders' were replaced with 'child arrangements orders'. In private children act law, the focus is on the arrangements for the child, rather than for the parent or carer.

'Placed with' is a term more frequently referred to in public children act law. Local authorities may be described as taking action to 'place' children. What a local authority is doing in practice is 'making arrangements' for where a child should live, either with the consent of the parent or person with parental responsibility for the child, or by a court order. Local authorities do not have the power to 'place' a child away from its parents, without consent or a court order. There will be occasions when the court will make an order for arrangements for where a child should live, which is against the recommendation and assessment of the local authority.

Recommendations

Executive Board is asked to note and endorse the following:

- a) The work the council is undertaking to safeguard children where they may be linked to persons posing risk of sexual harm, in the circumstances set out in this report.
- b) That the council upholds and enacts the principles of openness and transparency for independent and democratic scrutiny of children's safeguarding.
- c) The council is committed to continuing the current model of independent oversight, by having a role of independent scrutineer.
- d) Agreement to be given to a cross party letter to central government, to be addressed to the newly established Child Protection Ministerial Group¹. In view of the issues raised by this report, and the learning from CSPRs, the letter will request a review of legislation and statutory guidance, in order to identify improvements and/or amendments to legislation; in particular those that will strengthen the voice of the child and the child's need and right to know about their individual circumstances. The letter will also highlight the multiple use of different assessment risk tools, across agencies, and request a review into these, and whether a more standard approach could be adopted.

What is this report about?

1 This report comes to Executive Board in accordance with the White Paper Motion, originally submitted by the Conservatives, as amended and formally approved by Full Council on the 22 March 2023, with the following Resolutions:

- (i) "That this Council formally recognises the publication of the Leeds Safeguarding Children's Partnership Child Safeguarding Practice Review - "Ruby" (www.leedsscp.org.uk/ruby).
- (ii) Council believes there should be no circumstances in which convicted child sex offenders are given custody of a child and calls on the Executive Member for Adult and Children's Social Care and Health Partnerships to bring an urgent report to Executive Board setting out what actions the Council can take to help ensure no child in Leeds is placed into the care of a convicted child sex offender again.

¹ [Government response to the final report of the Independent Inquiry into Child Sexual Abuse - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/government-response-to-the-final-report-of-the-independent-inquiry-into-child-sexual-abuse)

- (iii) Council notes the findings of the 2014 independent inquiry into child sex exploitation in Rotherham and believes openness and transparency is critical for both independent and democratic scrutiny of children's safeguarding. Council has valued the role of the Independent Chair of the Leeds Safeguarding Children's Partnership and commits to continuing the current model of independent oversight.

Legal Context – what is a child sex offender?

Child Sex Offenders

The term '*Schedule One Offender*' refers to someone who has a criminal conviction for an offence against a child, such offence being listed in Schedule One of the Children & Young Persons Act 1933, which includes offences under the Sexual Offences Act 2003.

A conviction for an offence in Schedule One does not trigger any automatic statutory requirement in relation to child protection processes. Inclusion within the definition of '*Schedule One Offender*' is determined solely by the age of the victim and the offence for which the offender was sentenced, rather than by any assessment of future risk of harm to children.

For this reason, the terms '*Schedule One offence*' and '*Schedule One Offender*' are decreasingly used and have been replaced by reference to '**People who Pose a Risk to Children**'. This clearly indicates that the person has been identified as presenting a risk, or potential risk, to children. Where a risk is identified, often by the police or probation, a Person Posing Risk assessment will be undertaken. There are a broad range of offences that come under the criminal definition above, and any assessment will need to consider all of the facts of the matter when reaching a recommendation.

If an individual has been sentenced and identified as presenting a risk to children, agencies have a responsibility to work collaboratively to monitor and manage the risk of harm to others. Where the offender is given a community sentence, offender managers in the National Probation Service have responsibility for monitoring the individual's risk to others and their behaviour and liaising with partner agencies as necessary, including ensuring that they communicate all relevant informant about the risks the offender poses, where they live and the children with whom they have contact with, to the relevant social care agency. An offender will be the subject of a risk assessment carried out by the National Probation Service. The offender manager may use a tool called the Offender Assessment System (OASys) to complete the risk assessment of the offender.

Where a person has been convicted of certain sex offences they are required to register with the police, and all such people are subject to Multi-Agency Public Protection Arrangements (MAPPA)² – a process which, in our area, is governed by an inter-agency protocol drawn up by the West Yorkshire Police and Probation Services. There are three categories of MAPPA, and three levels of risk. A MAPPA assessment and risk management plan is devised, which will provide intensive supervision by probation or community public protection police, and ensure offenders receive appropriate interventions aimed at reducing re-offending.

There is a [Referrals Procedure](#) for referrals to Children's Social Work Service where a risk has been identified, which will lead to a Person Posing Risk Assessment.

The Person Posing a Risk to Children Assessment

² [Multi-agency public protection arrangements \(MAPPA\): Guidance - GOV.UK \(www.gov.uk\)](#)

Following receipt of a referral to the Children's Social Work Service a team manager may decide that a Person Posing a Risk to Children Assessment (PPRTC) is required in addition to any other assessments, for example a Child and Family Assessment. A PPRTC assessment may be undertaken when it has been identified that the child is living with, or in contact with, a person who has been identified as presenting a risk, or potential risk, to children. It may also be undertaken if a person posing a risk has no contact with a child but is requesting this. The PPRTC assessment is conducted by an experienced social worker with close oversight from their manager through regular reflective supervision.

The PPRTC assessment is conducted openly with the individual concerned, the children, and all the other members of the household and is a detailed and comprehensive piece of work, which includes.

- Consulting other professionals who know the family, including police, probation, prison services, LADO, health, and education.
- Obtaining clear information about offences, cautions, allegations, and findings of fact and consideration of any other assessments that have been undertaken. Obtaining detailed information about any current orders in force and whether the PPR is known to Multi-Agency Public Protection Arrangements (MAPPA) and any action planning in place via this process.
- Observations of family interactions
- The individual's attitude to victims, their openness and ability to take responsibility for their actions
- Information about the child including individual work with them by the social worker to obtain their views
- Family and environmental factors and family history
- Information about the child's main carer, including their understanding of the offences and risks and ability to safeguard the child
- Support and monitoring systems from the professional network.

Once the information has been gathered an analysis is undertaken by the social work team carefully balancing the identified risk factors against the identified protective factors. A recommendation is then made on whether through an action plan the child could have contact or live with the person posing a risk.

A multi-agency action plan is drawn up as part of the assessment, in accordance with the multi-agency working provisions of Working Together 2018, and this plan is agreed and signed by the social work service delivery manager including setting out the plan for monitoring and oversight. The action plan is reviewed as part of the plan for the child (Child in Need, Child Protection, Pre-proceedings or Child Looked After). As part of the plan, contact between the child and person who poses a risk will be considered, including whether this may need to be supervised by another adult from within the child's family network. In some cases, there may be a recommendation that any contact between the child and the person posing a risk would present too high a risk, or a risk that is not manageable. If that is the case, legal advice would be required to ensure that the social worker has the authority to make this recommendation and that it is lawful.

If during the completion of assessment work the social work team gathers information that suggests that the child is at immediate risk of significant harm, then they would not wait for the assessment to be completed but would hold a strategy meeting immediately to decide whether to make enquiries under Section 47 of the Children Act 1989 (where a local authority has a duty to investigate whether there is reasonable cause to suspect that a child, who lives or is found, in their area is suffering, or is likely to suffer, significant harm) or to take immediate steps to protect the child, and this could be in the form of an emergency application to court for a

protective order, or working with the police to safeguard the child through utilisation of their police powers.

Management of Convicted Sex Offenders

The Sex Offenders Act 1997 introduced the requirement for people convicted of certain sex offences to register with the Police. All such people in Leeds are subject to the MAPPA (Multi-Agency Public Protection Arrangements)³ process governed by an inter-agency protocol drawn up by the West Yorkshire Police and Probation Services.

At the time of the conviction, the criminal court may also make a Sexual Harm Prevention Order (SHPO)⁴ in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. These types of orders can also be made in respect of someone who has been cautioned for a sexual or violent offence, including where offences are committed overseas. The purpose of the order is to protect the public by restricting the behaviour of an offender.

The court must be satisfied that the order is necessary for protecting the public, or any particular members of the public, from sexual harm, or protecting children from sexual harm from the defendant outside the United Kingdom.

The Orders prohibit the defendant from doing anything described in the order and can include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003). The order may include a prohibition of contact with any child under a certain age (other than where this may be inadvertent or not reasonably avoidable in the course of lawful daily life) or with the express approval of the Family Court or Social Services for the area.

A prohibition contained in a Sexual Harm Prevention Order has effect for a fixed period, specified in the order, of at least 5 years, or until further order. The Order may specify different periods for different prohibitions. Failure to comply with a requirement imposed under an Order is an offence punishable by a fine and/or imprisonment, with a maximum penalty of five years' imprisonment. The risk management plan (informed by the MAPPA or OASys assessment for instance) should include details of how the police will monitor and enforce particular conditions in an order. This includes agreeing arrangements for monitoring orders with other agencies. In practice persons subject to a SHPO will normally have an allocated police offender manager from either a Public Protection Unit or an integrated Offender management unit, as mentioned above. Depending on the terms of the order, the manager would visit the offender by way of announced and unannounced visits.

The Legal Processes – Children Act 1989

Private Children Act Law ('private law')

Private children act law refers to the types of applications and proceedings between private individuals. The 'state' (that is the local authority) is not involved.

The most common application made in private law is a Child Arrangements Order (under s8 of the Children Act 1989). This is an application to the court, to determine the arrangements for where a child shall live or spend time with a parent, grandparent, or other applicant.

At the outset of an application for a child arrangements order Cafcass (Children and Family Court Advisory and Support Service) are mandated to undertake safeguarding checks and enquiries of the parties to the proceedings. These enquiries include making checks of local

³ [MAPPA Guidance - Multi-Agency Public Protection Arrangements - MAPPA \(justice.gov.uk\)](https://www.justice.gov.uk/mappa)

⁴ [Sex Offender Registration Information | West Yorkshire Police](#)

authorities about whether the parties are known to them, if there are any known safeguarding concerns. And whether the local authority is currently involved with the family? The police are also contacted for any relevant information, such as if the parties have any offending history, and Cafcass will conduct a telephone risk identification interview with the parties. This involves Cafcass telephoning the parties, asking them whether they have any concerns about the safety or welfare of the children.

During the course of the proceedings the family court may make a direction for a report to be prepared to carry out more detailed work about the family and address the welfare issues for the child. This is known as a section 7 report. The section 7 report is usually prepared by a Family Court Advisor (FCA) who is an officer of Cafcass⁵. Sometimes if a local authority has recently been involved with a family, they may be ordered to complete this report.

When Leeds City Council is ordered to prepare a section 7 report in private proceedings, these are undertaken by a qualified social worker. The welfare of the child is central to the application, and views of other professionals involved with the family are sought to inform the section 7 report. In situations where risk of sexual abuse is prevalent, there would be liaison with the Public Protection Unit (PPU), Probation, and if they have prepared any assessments, these will be considered. It may be the case that a further assessment(s) is required. This will be subject to the individual circumstances and facts of the case, and whether there have been any other reports previously, and if these may need updating. The child will be seen alone by a social worker as part of the assessment to gather their wishes and feelings, and the social worker will undertake direct work with the child to gather these.

Guidance and supervision is provided by the team manager, and the report receives final approval by a service delivery manager.

The parties to private proceedings may be ordered to file statements of evidence. This is a document prepared by the parties setting out their views and position on the application, why they may be opposed to it, and what they think is in the best interests of the child. A judge or magistrate tasked with adjudicating upon an application for a Child Arrangements Order will consider all of the evidence and the recommendations within the s7 report. It is for the judge or magistrate to make the order, and the arrangements for where and who a child should live or spend time with. This decision by the court may be against the recommendation or analysis of the Local Authority.

In reaching a conclusion the judge or magistrate will reference the welfare checklist, which is contained with section 1 of the Children Act 1989⁶. Ultimately the child's welfare is the court's paramount consideration. The child is at the centre of the proceedings. The welfare checklist is as follows,

- a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- b) his physical, emotional and educational needs;
- c) the likely effect on him of any change in his circumstances;
- d) his age, sex, background and any characteristics of his which the court considers relevant;
- e) any harm which he has suffered or is at risk of suffering;

⁵ [Home - Cafcass - Children and Family Court Advisory and Support Service](#)

⁶ [Children Act 1989 \(legislation.gov.uk\)](#)

- f) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- g) his physical, emotional and educational needs;
- h) the likely effect on him of any change in his circumstances;
- i) his age, sex, background and any characteristics of his which the court considers relevant;
- j) any harm which he has suffered or is at risk of suffering;
- k) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- l) the range of powers available to the court under this Act in the proceedings in question.
- m) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- n) the range of powers available to the court under this Act in the proceedings in question.

Public Children Act Law ('public law')

Subject to section 47 enquiries referred to above at page 5, children's social work services may make an application to the Family Court for a Care or Supervision Order, under section 31 of the Children Act 1989. In considering that application the court has the power to make interim orders. Both a care order and an interim care order confers parental responsibility on the local authority, so that they share this with the parents or carers. Under an interim care order or care order, the local authority is able to exercise some aspects of parental responsibility to the exclusion of the parents, including being able to regulate where a child lives, oversee or make arrangements for contact.

There are two parts to any application for a care or supervision order. When the application to the Family Court is made, a local authority must first establish that the subject child has suffered or is likely to suffer significant harm. This is commonly referred to as the '*threshold criteria*' and provides the jurisdiction for the court to make decisions upon the welfare of the child. If a local authority is unable to establish the threshold criteria, that is to say that they are unable to evidence that a child has suffered or is likely to suffer significant harm, then the court is unable to progress to the next part, the welfare issues, and consider whether an order is necessary or not.

The standard of proof in family proceedings, is the civil test, that is, on the balance of probabilities. This is a lower standard than in criminal proceedings, but is still a high bar, and this first part acts as a means of judicial scrutiny by the court, to ensure that the local authority has the facts and evidence to prove its case.

Where an application for a care or supervision order is made in respect of a child whose parent may be a convicted sex offender, the local authority will submit to the court evidence about the risk that person poses. The evidence is likely to be in the format of the Person Posing Risk Assessment (referred to above). The court may also require other specialist assessments, in the form of '*expert*' evidence, which may be from a psychologist, psychiatrist or independent social worker. '*Experts*' are appointed by the court where they are necessary to assist the court to resolve the proceedings. They may be appointed in situations where there are conflicting opinions, or the area of expertise is beyond the remit of the professional parties involved in the case. For instance, in a case concerning a parent who poses a risk of sexual harm, the court may be assisted by a report from an expert in '*sexual deviation*'. They are referred to as '*experts*', not because they are any more of an expert than the professionals involved in the case, but because this is the name they are given in the Family

Procedure Rules 2010 (s25.2 – “*expert* means a person who provides expert evidence for use in proceedings”)⁷.

All children in public law proceedings have the benefit of separate representation through their own solicitor. The court will appoint a solicitor on their behalf. Frequently the child is too young to instruct their solicitor directly, so the solicitor will take instructions from a Children’s Guardian, who is also an officer of Cafcass. The Children’s Guardians role is to make independent enquiries and check the local authority’s care planning protects the child, promotes their welfare and that it is in their best interests. The Children’s Guardian may also make an application for an *expert* to be appointed in the care proceedings.

Sometimes the expert evidence and the evidence of the professional parties may conflict, and both may be called to give oral evidence. The judge will then be tasked with carrying out a balancing exercise in respect of the evidence they have read and listened to and making a judicial decision as to which evidence they prefer. There may be a situation where the judge does not find that a convicted sex offender poses a risk to their own children. This may be for a host of reasons, but the judge will be expected to set out in a judgment their rationale and reasoning for why they have favoured one expert’s opinion over the other. Judges are entitled to do this. It is their job to consider all of the evidence and make decisions accordingly. If a party does not like the decision of the judge, this in itself is not necessarily grounds for appeal. The family appeal court will allow an appeal where the decision of the lower court was (a) wrong; or (b) unjust because of a serious procedural or other irregularity. Where necessary, the appeal court has the power to allow only part of the appeal. If a party makes an application for permission to appeal an order, that permission can only be granted if there is ‘a real prospect of success’.

The welfare of the child is also paramount in public law, and in considering the welfare of the child when it is adjudicating upon an application for a care or supervision order, the Family Court will refer to the Welfare Checklist, as set out above

Ultimately it may be that the court will decide that a child should live with a parent who the local authority has assessed as posing a risk, but the court has found there to be no risk, or a risk that can be managed or mitigated. In these circumstances, the local authority has not ‘placed’ a child with its parent, rather that the court has ordered where they should live, even though this is against the recommendation of the local authority.

Where a local authority is of the view that the child is at risk of ‘*immediate harm*’, it will seek an order for removal of the child from its parent or carer. But again, this is ultimately for the court to adjudicate upon, in the light of all the evidence before it, consideration of the welfare checklist, the relevant legislation and case law. The test of ‘immediate harm’ is a legal one and is a higher threshold to cross than the one referred to above.

A judgement will always be handed down, and where this local authority believes that the court has erred in law, consideration as to an appeal will always be undertaken and legal advice obtained accordingly.

Working with Partners

It must be noted at the outset of this section, that the multi-agency working approach to identifying and assessing risk of harm to children, from sexual harm, is essential to our commitment to keeping children safe. Agencies do not work in silos; collaborative working is ingrained in our practice and in our thinking. Working Together 2018⁸, in its introduction

⁷ [The Family Procedure Rules 2010 \(legislation.gov.uk\)](http://legislation.gov.uk)

⁸ [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

highlights that what is required to prioritise the welfare of children, is a system that responds to the needs and interests of children and families, not the other way round. Practitioners need to be clear about this, what is required of them individually but also how they need to work together in partnership with others.

Leeds has strong and effective partnerships, the strength of the Leeds multi-agency safeguarding children's partnership arrangements are referenced in the Independent Chair's introduction to the LSCP's annual report for 2021/23.

Multi Agency Child Protection processes

If there is a concern that a child may have been sexually abused, as part of the Section 47 Enquiry the social worker will always consult with medical professionals regarding a child protection medical. This will be arranged by the social worker or police in some circumstances and will be carried out by a paediatrician or by the Sexual Assault Referral Centre (SARC). The social worker attends with the child to offer support and will also provide a social care history to the health professional. The health professional will provide a verbal opinion of whether they consider the child has been sexually abused at the medical examination, and this will then be followed up with a written report. The report will be used as part of the assessment process and planning for next steps.

If a child is assessed to be at continuing risk of Significant Harm, then the decision may be made by the team manager following enquiries under Section 47 that an Initial Child Protection Conference is required. This is a statutory multi-agency meeting chaired independently by an experienced social worker who works for the Integrated Safeguarding Unit to decide if the child continues to be likely to suffer Significant Harm and if so, the category of harm and that an inter-agency Child Protection Plan is required.

The Child Protection Conference

Prior to the conference, children are contacted by the independent chair to explain the process to them. Children may attend the Child Protection Conference if they feel able to share their views and it is assessed that this is in their best interests. All children are offered to meet with an independent advocate prior to the conference, who will then attend and represent their views within the meeting. Where a parent or carer has sexual offences or an allegation has been made against them by the child, when planning the conference the chair will consider, in conjunction with the social work team, whether it is necessary to exclude them from attending to manage any risk. If a parent or carer is excluded from attending the chair will meet with them to ensure that their views are represented in the meeting and an advocate can also be considered.

When there are concerns that a parent or significant adult in the child's life has sexual offences against children or an order is in place such as a Sexual Harm Prevention order, there may be involvement from agencies such as the police and or probation, assessments from those agencies may also have been completed. These assessments will always be considered as part of the risk management and planning process and these agencies will be invited to attend the Child Protection Conference to contribute to the decision-making process.

Whilst social workers are involved with a child, they will continue to be seen alone regularly. For children subject to child protection planning, the child will be seen at least every 15 working days. The social worker will continue to complete direct work with the child on these visits, to gain their views and for the child to be able to contribute to their plan. It is imperative that the social worker builds a trusted relationship with the child, so that they feel able to disclose any worries about abuse. The Therapeutic Social Work team in Leeds is a team of specially trained social workers who have an expertise in undertaking direct work with children and they are

available to offer support and advice to social workers who are working with children at risk of sexual abuse.

Parents and carers will also be seen at least every 15 working days at a home visit when children are subject to a child protection plan. It is important the social workers also build a positive working relationship with parents and carers; however, they remain alert to the fact that adults who pose a risk to children may attempt to divert attention from themselves. It is important that social workers are professionally curious and remain open to this possibility. Reflective supervision from the social work team manager is key in assisting the social worker to consider different hypotheses and be professionally challenged.

Child Protection Review Conferences are held to consider if the child remains at risk of significant harm; these are held initially three months after the plan is agreed and then every six months. These meetings are chaired by the independent social worker from the Integrated Safeguarding Unit. The decision for a child to be no longer subject to a child protection plan is a multi-agency decision that can only be made at a Child Protection Review conference.

Other multi-disciplinary meetings

A weekly referral review meeting is held every Monday afternoon and attended by team managers and service delivery managers from across the social work service as well as representatives from health and police and is chaired by the Principal Social Worker. As well as considering themes and trends in relation to contacts and referrals to the CSWS Front Door, quality assurance is also undertaken of decision making, with all referrals closed with a reason of no further action and all referrals with a referral reason of abuse, including sexual abuse, that have not had a strategy discussion audited. The attendance of team managers and service delivery managers at the meeting is to encourage a learning culture, and constant focus on practice improvement.

Legal intervention

Legal processes are explored in more detail above, but as part of the section 47 enquiry, if a child is assessed to be at immediate risk of harm and is not able to remain in their home environment, the social work team would try wherever possible for the child to remain within their family network. However, if this is not possible or safe then the Head of Service can decide in an emergency, but only with parental agreement, for the child to be accommodated in the care of the local authority under Section 20 of the Children Act 1989. If parents are not in agreement to this, then legal action will be considered for an emergency order, or support from the police to remove the child. Under section 46 of the Children Act 1989 the police have powers to remove and accommodate children in cases of an emergency, where they have reasonable cause to believe that a child would otherwise be likely to suffer significant harm.

When the local authority is considering the levels of risk to a child and whether this can be safely managed whilst ever the child is at home with their family, they may reach a conclusion that the child is not safe at home. This may result in a decision to commence legal proceedings, and discussion will then take place at a Legal Gateway/Planning Meeting. In Leeds, this is managed through a weekly meeting called Decision and Review Panel (DARP). The panel considers requests from social work teams to initiate pre-proceedings, care proceedings and for children to become looked after. The decision for a discussion to be held at DARP is made by the head of service.

The meeting is an opportunity to discuss a case fully, and to consult with colleagues to ensure that children are the subject of active case management, and that appropriate legal action is taken when required to promote and safeguard the welfare of the child. The panel is chaired by a head of service, and attended by a service delivery manager, legal advisor, and

representatives from early help services. The role of the local authority legal advisor is to advise on legal threshold and the legal options for the social work team. The decision on next steps is made by the head of service with the benefit of the legal advice and is clearly recorded.

When the local authority is finalising permanency planning for children, such as at the end of legal proceedings, children's final care plans are signed off and approved by the team manager and service delivery manager. In addition, in Leeds a Permanence Panel is also held on a weekly basis and scrutinises all the final evidence before submission to court. The permanence panel is chaired by a head of service and is attended by managers from across the service including from the Integrated Safeguarding Unit who present the views of the Independent Reviewing officer for the child.

In 2022, in the report by Ofsted following the Inspection of Leeds local authority children's services, reference was made to the oversight provided as outlined above:

“Children are brought into care through timely decision-making that is responsive to concerns of escalating risk. The wishes and feelings of children, and their parents, are clearly set out in good-quality assessments and applications to court. Delays are purposeful and are not detrimental to the welfare of children. Permanence panels chaired by senior managers provide an additional layer of scrutiny and ensure a strong focus on understanding the child's journey in care to support effective permanence decision-making.”

Maintaining good practice and supporting ongoing learning

Quality Assurance

Social work delivery in Leeds is underpinned by a robust quality assurance framework and continuing practice improvement. The quality assurance framework provides for a regular programme of auditing work, the outcomes of which are reported into the senior leadership team.

An audit undertaken in December 2022, of cases where sexual abuse was a factor at the point of referral, concluded positive practice in the work examined, with evidence of thorough assessment of risk and clear plans to safeguard, good evidence of multiagency working and use of wider family support. Assessments recognised the emotional impact of sexual abuse for the child and family, and the on-going support which may be required, there was evidence of swift decision-making, robust actions, and clear rationale within the referral, with effective management oversight from the team manager. Practitioners made specific recommendations highlighting further work to be undertaken following completion of the child and family assessment.

Workforce Development

A comprehensive programme of workforce development is offered to social workers to support them with their career development, and dissemination of learning from practice. All social workers must attend a core programme of training, starting at the point of qualification through the assessed and supported year in employment (ASYE) and beyond. This programme ensures that social workers develop the necessary knowledge and skills to be able to assess the risk of sexual abuse and can confidently speak to children who may be at risk and need support to be able to disclose. A two-day training course “Engaging Children in the Assessment Process” is mandatory for all social workers, and this training includes situations when children may have been sexually abused. Training is also provided to social workers on Section 47 Enquiries. A masterclass is offered on “Intra-familial sexual abuse”. More experienced social workers are offered the Achieving Best Evidence (ABE) training, which includes how to interview children who may disclose sexual abuse to ensure that criminal evidence is retained.

Advanced practitioners in children's social work service have all been trained by a specialist organisation in assessment of individuals who may pose a risk to children. Advanced practitioners are social workers with significant experience in child safeguarding who support and mentor other social workers particularly in relation to complex case work.

Team managers within the children's social work service all receive training in relation to strategy discussions, Section 47 Enquiries and effective supervision for staff, Professor David Shemmings has also been commissioned to deliver training on good quality decision making. Professor Shemmings has also delivered bespoke training in decision making to the Duty and Advice team.

Values and Principles

Social workers are required to register with Social Work England to be able to practice as a social worker. In 2019, Social Work England published their professional standards. The professional standards are the threshold standards necessary for safe and effective practice. They set out what a social worker in England must know, understand and be able to do after completing their social work education or training. Social workers must continue to meet the professional standards to maintain their registration. The standards apply to all registered social workers in all roles and in all settings. The standards are:

- Promote the rights, strengths and wellbeing of people, families, and communities.
- Establish and maintain the trust and confidence of people.
- Be accountable for the quality of my practice and the decisions I make.
- Maintain my continual professional development.
- Act safely, respectfully and with professional integrity.
- Promote ethical practice and report concerns.

Social Work in practice, Early Intervention and equipping children to disclose

Schools are required to have a robust preventative curriculum in relation to teaching children and young people about how to keep themselves safe, how to recognise abuse and how and who they can tell about this. This teaching through the preventative curriculum starts in Early Years provision and is then built on all the way through school and on to further education. Additionally, schools endeavour to create an environment where children and young people feel safe to disclose, advertise safe spaces and identify key members of staff for children to disclose to. This may include posters, worry boxes and specific emails addresses that children can use to contact a member of staff. This is not specific to sexual abuse, but any kind of harm a child may be experiencing. Professionals are required to be vigilant in picking up on changes in behaviour and appearance for children and young people who may be experiencing abuse.

Designated safeguarding leads (DSL) within schools in Leeds attend three days of initial training to understand legislation and policy, be able to identify types of abuse and recognise signs and indicators, refer to onward agencies, specifically children's social care and be an integral part of any plans for children and young people. The DSLs in school are also required to support their wider workforce in keeping up to date with information and training. All staff in schools receive training in relation to being able to identify different types of abuse, recognise signs and indicators, and following reporting procedures in school. All training covers the fact that a child may disclose/report abuse to anyone at any time and in any place, so all staff have the responsibility to be vigilant and report accordingly. School governors also receive safeguarding training and have a responsibility to provide robust challenge to schools if needed. DSL's are expected to receive safeguarding supervision, a requirement for this is set out in Leeds City Council's safeguarding policy. Training in safeguarding supervision is provided by the

Education Safeguarding team, and the provision of this is monitored by the safeguarding audit process.

Every three years schools, including those part of Multi-Academy Trust arrangements, are monitored via Local Authority Safeguarding Audits; schools provide a self-assessment and the Education Safeguarding team visit the school to verify the evidence that the schools provide and speak to children and staff. An action plan is provided to schools following this process which sets out any improvements that may be required. There is excellent compliance with this process in Leeds and the Education Safeguarding team are observing exemplary work in the preventative curriculum.

The Education Safeguarding Team are well established in Leeds. A telephone line is provided by the team which all schools can access for urgent support and guidance, as well as a dedicated email for queries. The team also work closely with the Duty and Advice Team, the social work team within the front door.

If an agency or professional identifies that a child may need some support in addition to that provided in school, then they can seek support from clusters. All cluster staff have access to the training outlined above that schools receive and in addition have received training in motivational interviewing. The clusters can refer children to 6-8 sessions of counselling support if this is an identified need, or if it is felt that the child would benefit from a trusted adult to speak to. Targeted Services Leads within clusters offer advice and support to DSLs in schools and have access to MOSAIC (CSWS recording system). There are strong links between schools, early help services and CSWS throughout the city. Regular Bronze partnership meetings are held in each of the three wedges which are an opportunity to share best practice in relation to working with vulnerable children in the city.

Implementation of Learning

Dissemination of learning from Child Safeguarding Practice Reviews (CSPR), and previously from Serious Case Reviews (SCR) and Learning Lessons Reviews (LLR)

As part of any learning following a CSPR or previous SCRs or LLRs, an action plan will be put into place to ensure that the learning is disseminated to the relevant agency, via the Leeds Safeguarding Children's Partnership, and previously the Leeds Safeguarding Children's Board. In addition, the reviews may make recommendations as to the improvement of practice. It is acknowledged that continuing professional development, and any opportunity to improve on good practice is to be embraced. These values and principles, as detailed above, are part of the bedrock of good social work practice.

Themes following a recent CSPR have included,

1. Raising awareness of and ensuring practitioners know how to escalate multi-agency disagreements.
2. Improving upon multi and inter agency information sharing with registered sex offenders' public protection officers.
3. Providing a general oversight of the processes around 'people who pose a risk to children', so that professionals understand where to go for further information and/or how to challenge an assessment.
4. Ensuring that reference to previous assessment is only done with authorisation from the author, and recognising that risk changes over time with changing circumstances? Is there adequate supervision in place to support this?
5. Ensuring we remain alert to over optimism.
6. Ensuring appropriate senior management of Section 7 reports.

7. Ensuring staff working with children understand court processes, and what a professional could do if they are concerned that a decision of the court is leaving a child at risk of harm.
8. Developing practice and professional response with partner agencies around children who have gone missing but have not been reported
9. Ensuring staff are equipped to support children in relation to disclosures.
10. Ensuring we remain alert to disguised compliance.
11. Ensuring appropriate management and development of complex cases.
12. Ensuring we have mechanisms in place to enable children to talk about their experiences.

Overarching all of the learning from this report, and other reviews and reports, is the need for professionals to always keep an open mind and be curious about the information presented to them in any situation concerning safeguarding. Professional curiosity encompasses all safeguarding work and is a theme which the LSCP has been addressing over the course of the last 12 months. The findings from this work, which has been undertaken as a tri board approach (that is the LSCP, the Adults Safeguarding Board and SaferLeeds), have fed into supporting a universal understanding of and approach to professional curiosity. As professional curiosity is a theme nationally, regionally and locally, the LSCP along with other regional safeguarding partnerships hosted a week of learning (8 May 2023) around professional curiosity and disguised compliance for staff from Social Care, Health and Police. These were very well attended and included sessions around research and the importance of professional curiosity, supervising a professionally curious workforce, curiosity in practice, disrupting perpetrators through a professionally curious multi-agency approach and disguised compliance. To follow up the council held a session on professional curiosity for all Social Care Team Managers to support workers around asking the right questions, getting the right information in a multi-agency context, and analysis in decision making. This will be offered quarterly to new managers on an ongoing basis.

Particular learning has taken place in the Children and Families Social Work Service in relation to Section 7 reports, senior managers are now required to approve section 7 reports. In addition a thematic audit of section 7 reports has been added to the service's existing Quality Assurance Framework.

An action plan is in place to implement these recommendations and their impact will be monitored through the Leeds Safeguarding Children's Partnership. The Leeds Safeguarding Children's Partnership publishes an annual report, in accordance with statutory requirements, which includes a summary of the safeguarding system, information from the Young People's Partnership, the LSCP sub-groups and any external inspections. In particular, it highlights the key learning, how this is disseminated and the assurances it seeks from partner agencies about how the learning is being embedded by partners. This report is brought to Executive Board, on an annual basis, for noting and sharing of key information. Key learning is also taken to the Children and Families Scrutiny Board on an annual basis.

As has been described, Children's Services have robust policies and procedures in place when working with families where a family member or other closely connected person, may be a person posing risk, be on the sex offenders register have a caution or criminal conviction for offences against a child. These policies and procedures are underpinned by practice support and supervision, training and development for social workers. The policies and procedures are in place to ensure that wherever it is known that a person posing risk is part of a child's life, that the risk is carefully assessed, including whether any risk can be mitigated or managed safely.

The social work processes and procedures are benefited by the multi-agency work that Children's Social Work Service undertakes with its partners, and the safeguarding arrangements it has in place, through the Leeds Safeguarding Children's Partnership. As can be seen from the learning identified from a recent Child Safeguarding Practice Review, and existing multi-agency arrangements, Children's Services and its partners are committed to a culture of learning and continuous improvement when working with families, to safeguard and protect the welfare of children who are at risk of harm.

Where it is assessed that the risk to a child is too high for the risk to be safely mitigated or managed, whilst ever the child remains at home with their parents or carers, Children's Services will make appropriate plans and take necessary legal action to ensure that each child is protected, and their welfare safeguarded. Ultimately, the decision about how the risks are managed or mitigated against, and where a child should live whilst the assessments of risk are ongoing, is a matter for the court. The court can overrule the assessment of Children's Services, supported by its partner agencies, and order that a child lives with a parent who may have a criminal conviction for an offence against a child. In determining any decision for a child, including where and with they should live, the child's welfare is the court's paramount consideration.

What has also been borne out by this report is the number of assessment tools that professionals use in assessing risk. Different tools are used by different agencies to assess different things, to meet different statutory objectives. When it comes to assessing risk that a person poses of sexual harm, it is essential that multi-agency work is employed. This report does raise the question of whether a more standard approach and use of one assessment framework would improve the process.

Wherever it is appropriate to do so, Children's Services will appeal any decision that it is advised has erred in law and has the relevant grounds for appeal.

In the Family Court's guidance on Judicial Co-operation with Serious Case Reviews 2017⁹ (which was prepared by the then President of the Family Division, Sir Justice Munby, and SCRs have since been replaced by CSPRs) he stressed the importance of the independence of the judiciary, and said this about whether or not the judiciary should be involved in SCRs, "*Judicial independence is a fundamental principle, of key importance to both the constitutional separation of powers and the rule of law. The judiciary and individual judges must be independent of and protected from potential encroachment by the executive. And individual judges, in the exercise of their judicial functions, must be, and are, free from direction or management by other judges. Thus neither the judiciary nor the senior judiciary nor the relevant Head of Division (in this instance, the President of the Family Division) has any right to intervene in or any responsibility for the decision of a judge in a particular case. The responsibility is, and must be, that of the individual judge, subject of course to review by an appellate court.*"

This principle of judicial independence highlights the separation of the decision making of the court from other agencies, including government, as well as independence from each other as judges (apart from when being appealed), and reinforces that, ultimately, the decision of where a child should live, is a matter for the court.

The findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013, by Alexis Jay OBE, are contained within her report of August 2014¹⁰.

⁹ [President of the Family Division guidance: Judicial Cooperation with Serious Case Reviews \(judiciary.uk\)](https://www.judiciary.uk/wp-content/uploads/2017/06/judicial-co-operation-with-serious-case-reviews-2017/)

¹⁰ [independent-inquiry-into-child-sexual-exploitation-in-Rotherham](https://www.independent-inquiry-into-child-sexual-exploitation-in-rotherham.org.uk/)

The Inquiry adopted the recommendations for improvement that had already been made by Rotherham Council, its partners and the Safeguarding Board, in the preceding two years. In addition the Inquiry identified fifteen areas which were considered as a priority for Rotherham including; risk assessments, the protection of looked after children who are sexually exploited, outreach and accessibility, a joint CSE team, collaboration across teams, ongoing work with victims, post abuse support, quality assurance, more direct and frequent engagement with ethnically diverse communities, the issue of race, and the paramountcy of children's welfare in Serious Case Reviews (these have now been replaced with Child Safeguarding Practice Reviews).

The issue of transparency arose in the Rotherham Inquiry in the context of redaction of information in a Serious Care Review, and whether "*absolute transparency should take precedence over protecting the confidential details of children*" (page 123). The Inquiry found that, "*the guiding principle on redactions in Serious Case Reviews must be that the welfare of any children involved is paramount*" (page 119).

The council also adopts the principles of openness and transparency, subject to the principle that the welfare of any child is paramount and what is permissible by law.

The role of the Independent Chair of the Leeds Safeguarding Children's Partnership and commitment to continuing the current model of independent oversight

The Leeds Children's Safeguarding Partnership was established in 2019, following changes to legislation in accordance with reforms recommended by the Wood Review.

The Wood Review, published in 2016¹¹, set out recommendations for making local safeguarding children's boards more effective.

The Children Act 2004¹² (as amended by the Children and Social Work Act 2017), introduced a new framework to support the delivery of multi-agency services to protect and safeguard children. The legislation abolished the local safeguarding children's boards ('LSCB's), and introduced the concepts of *safeguarding partners*, involving local government, the police and health services. Previous legislation had provided for LSCBs to undertake serious case reviews, where appropriate.

All new arrangements for areas across the country were to be in place and published by September 2019, with some areas having been early adopters, and their arrangements having been in place since summer 2018. Leeds introduced their new arrangements in September 2019, which included an independent chair being in place, by December 2019.

The legislation also introduced a new Child Safeguarding Practice Review Panel (a national panel established by the Secretary of State), a new framework for reporting serious incidents, also more commonly referred to as notifications; and the assimilation of learning as a result¹³. A significant change in the reporting of notifications of serious incidents was that these became the responsibility of the local authority, whereas previously it was the LSCB's collective duty to make decisions about whether an incident warranted a serious case review or not.

The changes to the legislation also saw the abolishment of the independent chairs of LSCBs, and instead introduced the role of '*independent scrutineer*'(s16G(3)CA04). Working Together 2018 helpfully summaries the role of independent scrutiny "*..to provide assurance in judging*

¹¹ [Wood review of local safeguarding children boards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

¹² [Children Act 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)

¹³ [One minute guide: serious child safeguarding incidents and reviews \(leeds.gov.uk\)](http://leeds.gov.uk)

the effectiveness of multi-agency arrangements to safeguard and promote the welfare of all children in a local area, including arrangements to identify and review serious child safeguarding cases”¹⁴.

The decision on how best to implement the system of independent scrutineer is to be made locally, by the safeguarding partners, who should ensure that the scrutiny is, “*objective, acts as a constructive critical friend and promotes reflection to drive continuous improvement*”.

The Director of Children & Families is a member of the Leeds Safeguarding Children’s Partnership (‘LSCP’) Executive, together with the most senior colleagues from Health and Police. The LSCP Executive determines the scrutiny arrangements for the area and has committed to having an Independent Scrutineer as part of the ongoing LSCP arrangements, ensuring that the legal framework is complied with and that the most appropriate arrangements are put in place to ensure the required level of objective assurance and drive for continuous improvement.

The most recent Ofsted Inspection of Leeds City Council’s department of Children’s and Families found that ‘*Strategic partnerships are strong*’¹⁵.

Ofsted and the Child Safeguarding Practice Review Panel provide an additional layer of external and independent scrutiny.

In Conclusion

Leeds City Council is unequivocally committed to the safeguarding and protection of the welfare of the children in the city. The welfare of the child is paramount, and the council’s clearly stated values are at the heart of all its policies, procedures and processes to keep children safe.

The city has a strong Safeguarding Children’s Partnership and effective arrangements in place across the city to safeguard children and young people.

Leeds City Council, the Children and Families directorate and the city’s Safeguarding Partners are committed to continuing to cultivate and embed a shared culture of learning and continuous improvement to realise the shared ambition of Leeds being a truly Child Friendly City and the best city for children to grow up in.

What impact will this proposal have?

- 2 This proposal will support and protect the welfare of the children of Leeds.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 3 The recommendations within this report promote the provision of effective help and protection for the most vulnerable citizens of the city.

The recommendations within this report align with the council’s ambition to be the best city in the country for children and young people to grow up in.

¹⁴ [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

¹⁵ [50182665 \(ofsted.gov.uk\)](https://www.ofsted.gov.uk)

The impact on the climate emergency may be perceived as negligible, however the cumulative effect of any safe and appropriate reduced statutory intervention with families over the course of time, will have a small but beneficial impact on the environment.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 4 The proposal to bring this report to Executive Board was supported by Full Council on the 22 March 2023. Children and Families colleagues have worked closely with legal colleagues and engaged group leaders.

What are the resource implications?

- 5 All of the information, set out in this report, relies on a committed, capable and well supervised work force. At a time when local authorities are challenged by the recruitment and retention of staff, and face challenging budgets, there will always be resource implications. Alan Wood's review of the implementation of the new multi-agency arrangements for safeguarding partners (May 2021)¹⁶ has noted that resources for protecting children are under much stress, and the recruitment and retention of safeguarding professionals remains a challenge across the three statutory agencies. The demand and complexity of referrals will also stretch the already tight resources of a local authority. This report highlights how a 'one size fits all' approach to child protection and safeguarding is not possible and that each case must be assessed on its own individual facts and circumstances.

What are the key risks and how are they being managed?

- 6 Some children may live with or have contact with a parent who is a schedule one offender, all identified risks are robustly managed through multi agency assessment and intervention underpinned by close managerial oversight, as set out above.

What are the legal implications?

- 7 These are discussed in detail above, in so far as they relate to the judicial and legal processes concerned with the arrangements for where children should live and with whom, whether these be in public or private child care law proceedings.

Options, timescales and measuring success

What other options were considered?

- 8 N/A

How will success be measured?

- 9 In order to ensure that children are safeguarded and protected, robust oversight, scrutiny and good quality, clear assessment practice and procedures are required. The Ofsted ILAC inspection of February 2022¹⁷ found that, '*Children's assessment are thorough and comprehensive*'. Qualified social workers should make clear judgements and plan accordingly.

¹⁶ [Wood Review of multi-agency safeguarding arrangements \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1018266/wood-review-multi-agency-safeguarding-arrangements.pdf)

¹⁷ [50182665 \(ofsted.gov.uk\)](https://www.ofsted.gov.uk/reports/50182665)

Staff are suitably trained and supported to be able to undertake this work. Support and supervision are provided by senior management with a clear chain of accountability. The department has clear procedures, which are reviewed regularly. Social workers are sufficiently qualified with good quality reflective supervision, and shared decision making.

A quality assurance framework provides for regular auditing, the department has the benefit of legal advice. The Principal Social Worker promotes good practice, spear heads improvement and quality of practice.

What is the timetable and who will be responsible for implementation?

10 The Director of Children and Families is responsible for this ongoing work within the council, with support from legal colleagues.

Appendices

None

Background papers

None