

17 September 2018**Agenda Item: 13****REPORT OF THE CORPORATE DIRECTOR, CHILDREN AND FAMILIES
SERVICES
PROCEDURE FOR NOTIFYING ELECTED MEMBERS OF RELEVANT
INCIDENTS****Purpose of the Report**

1. To set out a formal process for notifying the Lead Member for Children's Services and other Elected Members, when appropriate, of relevant incidents that are being dealt with or have come to the attention of Children's Services.

Information

2. Statutory guidance published by the Department for Education (April 2013) sets out the roles and responsibilities of the Director of Children's Services (DCS) and the Lead Member for Children's Services (LMCS). The DCS has professional responsibility for Children's Services, including operational matters; the LMCS has political responsibility for Children's Services.
3. As part of Nottinghamshire County Council's usual decision-making and scrutiny of work, assurance checks are in place with regard to the effectiveness of structures and organisational arrangements for children's services. Currently the Corporate Director/relevant Service Director will bring serious matters to the attention of Elected Members using their professional judgement. In addition monthly briefings are provided to the LMCS and designates regarding serious incident notifications to Ofsted and serious case reviews (commissioned by the Nottinghamshire Safeguarding Children Board). It is thought that this arrangement could be further strengthened through the adoption of a formal procedure that defines which types of incidents are notified, who receives the notifications and the mechanism by which this happens.
4. The introduction of such a procedure will support appropriate oversight of practice in individual cases and ensure that Members are fully informed and able to respond effectively to cases that come to the attention of the media, regulatory bodies, government departments or otherwise be of public interest.
5. Suggested criteria for incidents under the procedure:

Details of potential incidents are gathered by Service Directors in Children's Services through existing management structures. The following criteria will be used to assess which of these should be notified to the LMCS under the procedure:

- all 'serious incident notifications' to Ofsted – these are defined in Working Together to Safeguard Children 2018 and include where a child dies, or is seriously harmed and abuse or neglect is suspected
- cases where a decision has been made to undertake a serious case review or child safeguarding practice review under Working Together to Safeguard Children 2018
- incidents where a member of Nottinghamshire County Council staff has been arrested or prosecuted in relation to their behaviour towards a child or young person
- allegations against a member of Nottinghamshire County Council staff reported to the Local Authority Designated Officer (LADO)¹ that may lead to disciplinary action being taken and/or notification to the Disclosure and Barring Service
- other cases likely to attract public interest or media attention (e.g. serious incidents relating to the safety of children and young people receiving services in Nottinghamshire, such as schools).

N.B. Some incidents may fit into more than one of the above criteria.

6. Process for notification and dissemination:

In the first instance the LMCS will receive the notification from the Corporate Director for Children and Families Services or designate using an incident notification form (available as a background paper). The Corporate Director will be responsible for providing advice on the further dissemination of details of the incident. This should include consideration of the impact on any ongoing criminal investigations or legal processes, legal requirements to preserve the anonymity of any person involved and obligations under the General Data Protection Regulations/Data Protection Act. The extent to which details of the incident are disseminated and the level of detail provided beyond the LMCS should be carefully considered and agreed between the DCS and LMCS. There will be circumstances where further dissemination is not appropriate but others where, for example, the Elected Member for the area in which the incident occurred is informed and/or notification of the incident to members of the Children and Young People's Committee is appropriate.

7. A log will be maintained by the Personal Assistant to the Corporate Director to record all notifications, the agreed dissemination of details of the incident, any action taken and the outcome of the incident. Updates will be provided to the LMCS on a regular basis and a report will be provided annually to the Children and Young People's Committee to enable assurance that the notification process is working effectively.

Other Options Considered

8. Retaining the current approach is an option however the additional clarity provided by the agreed procedure would help to ensure that appropriate incidents are brought to Elected Members' attention in a timely way and that a record is maintained of such notifications.

¹ Under Working Together to Safeguard Children 2018, the local authority is required to have a designated officer to be involved in the management and oversight of allegations against people who work with children.

Reason/s for Recommendation/s

9. To improve the current arrangements for notifying Elected Members of serious/significant incidents.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the proposed procedure, as set out in paragraphs 5 – 7 of the report, for notifying the Lead Member for Children's Services and other Elected Members, when appropriate, of relevant incidents that are being dealt with or have come to the attention of Children's Services be approved.

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Constitutional Comments (SLB 28/08/18)

11. Children and Young People's Committee is the appropriate body to consider the content of this report.

Financial Comments (SAS 24/08/18)

12. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Incident Notification for Elected Members - form

Electoral Division(s) and Member(s) Affected

All.

C1145