

**North Yorkshire LSCB
Constitution –
From January 2012**



NORTH YORKSHIRE SAFEGUARDING CHILDREN BOARD

CONSTITUTION

NORTH YORKSHIRE SAFEGUARDING CHILDREN BOARD

CONSTITUTION

January 2012

CONTENTS

		Page
1.	Title	3
2.	Purpose	3
3.	Objectives	3
4.	Definition	3
5.	Management & Support	4
6.	Membership	4
7.	Chair & Vice Chair	5
8.	Approach of the NYSCB	5
9.	Meetings of the NYSCB	6
10.	Quoracy	6
11.	Functions of the NYSCB	6
12.	Accountability of Members	6
13.	Conduct	7
14.	Financial Provision	7
15.	The Executive	8
16.	Locality Forums and Sub Groups	9
Appendix 1	LSCB Functions	10
Appendix 2	Membership Roles & Responsibilities	12

1. TITLE

- 1.1** The Board shall be known as the North Yorkshire Safeguarding Children Board, referred to in this Constitution as “NYSCB” or “the Board”.

2. PURPOSE

- 2.1** The NYSCB is the key statutory mechanism for agreeing how relevant agencies will cooperate to safeguard and promote the welfare of children in its locality and for ensuring the effectiveness of agencies’ safeguarding activity.
- 2.2** The work of the NYSCB fits within the wider context of the North Yorkshire Health and Wellbeing Board.
- 2.3** The local authority and statutory LSCB partners have a statutory obligation to establish and support the operation of the LSCB.
- 2.3** The Board has a particular focus on child protection and seeks to ensure all children and young people in North Yorkshire are protected from physical or mental injury or abuse, neglect, maltreatment, sexual abuse or exploitation or harm caused by witnessing violence or abuse.

3. OBJECTIVES OF THE NYSCB

- 3.1** The core objectives of the NYSCB are set out in Section 14 (1) of the Children Act 2004 as follows:
- (a) to coordinate, monitor and support 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 those purposes

4. MEANING OF “Child Protection”

- 4.1** A “child” is anyone who has not yet reached their 18th birthday. The term ‘Children’ therefore refers to both ‘children and young people’.
- 4.2** “Child protection and promoting the welfare of children” is defined for the purposes of this document as:
- protecting children from maltreatment
 - preventing impairment of children’s health or development
 - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
 - enabling children to have optimum life chances such as they enter adulthood successfully.
- 4.3** The operational focus of the NYSCB will be:
- Children at risk of or who have suffered significant harm as defined in Section 31(9)¹ and 31(10)² Children Act 1989

¹ ““harm” means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another;”

² “Where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.”

- “Children in need” who require multi disciplinary assessment, planning, services and review as defined in Section 17 of the Children Act 1989; Carers and Disabled Children Act 2002; and Criminal Justice Act 2004.

5. MANAGEMENT AND SUPPORT

- 5.1 In accordance with Working Together 2010** The Board will employ sufficient staff, within its resources to discharge its objectives. The LSCB Manager will be accountable to the Board for the discharge of those resources and functions. The LSCB Manager will in turn be responsible for the management of all staff employed or commissioned for the purposes of the Board.
- 5.2** Any partner agency can act as the employer of some or all staff who will work to the Board in order to achieve its objectives. Partners must agree as to whom will be the host agency for the said resources.

6. MEMBERSHIP

- 6.1** The NYSCB shall be composed of senior officers nominated by each member agency. Members representing individual agencies must have sufficient delegated authority to effectively represent their agency and to make decisions on their agency’s behalf. The role and responsibilities of members are set out in the LSCB Induction Handbook.
- 6.2** Membership will change over time and will be dependent on local, regional and national changes. Any person can be co-opted onto the Board with the agreement of the Chair if the Chair feels that it is in the best interests of the Board to do so.
- 6.3** If a member of the Board acts in a manner that brings the Board into disrepute the Chair will be responsible to the Board for taking the appropriate action.
- 6.4** North Yorkshire County Council’s (NYCC) Assistant Chief Executive (Legal and Democratic Services) has been commissioned to provide legal advice and services to the Board. The Assistant Chief Executive appoints a suitably qualified and experienced lawyer to serve as the Board’s legal advisor.
- 6.5** The Lead Member should be a “participating observer” of the Board. They will receive all its written reports but are not part of the decision making process.
- 6.6** The statutory partners are:
- Children and Young People’s Service
 - Police
 - Health

The LSCB will have access to appropriate expertise and advice from all the relevant sectors, including a designated doctor and designated nurse.

The Apprenticeships, Skills, Children and Learning Act 2009 amends section 13 and 14 of the Children Act 2004 (c31) and provides for LSCBs to appoint two representatives of the local community. The two members from North Yorkshire operate as full members of the Board, participating on the Board itself and appropriate Task Groups. Lay members are appointed by the Chair for a period of three years initially but can serve for a further period of three years if the LSCB supports the reappointment.

7. CHAIR AND VICE CHAIR

- 7.1** In accordance with Working Together 2010 the Chair shall be independent of all partner agencies and appointed by the Chief Executive with the agreement of Board Partners.
- 7.2** The Vice Chair shall be nominated and appointed by the NYSCB. Two or more agencies can ask for a review of the Vice Chair arrangements.

8. APPROACH OF THE NYSCB TO ITS WORK

- 8.1** The primary objective of the NYSCB is to ensure agencies work together to safeguard and promote the welfare of children and young people.
- 8.2** In discharging its functions, NYSCB will at all times use its best endeavours to promote equality and to meet the diverse needs of children and families.
- No one agency has supremacy over another. Partners are expected to work within the spirit of Working Together 2010. The Board is a partnership that should foster trust and understanding.
- 8.3** Problems may arise in connection to safeguarding responsibilities, which may include omissions or faults, friction or disputes. Agencies agree to take whatever steps are required to prevent or remedy such problems by:
- working together to minimise the frequency of difficulties occurring
 - focusing upon learning not blame
 - taking a holistic view rather than addressing minor issues in isolation
 - considering all relevant circumstances where problems have arisen
 - enabling and supporting innovation and decision making which is as close as possible to service delivery
 - taking part in joint training and supervision to ensure that staff focus upon problem-solving and effective outcomes rather than culpability
 - resolving problems locally where possible.

9. MEETINGS OF THE NYSCB

- 9.1 Administration of the NYSCB shall be managed by the LSCB Manager.
- 9.2 Meetings will be held at least quarterly, with the NYSCB determining the time and frequency. The Chair may call an extraordinary meeting at any time.
- 9.3 All matters will be discussed and a consensus sought. However, the Chair has the deciding role if a consensus can not be achieved.
- 9.4 Upon written request of at least four Board members directed to the Chair, an extraordinary meetings will be convened.
- 9.5 Agendas agreed by the Chair shall be sent to Board members five working days in advance of the meeting and Key messages shall be circulated to members within 20 working days of the Board meeting.
- 9.6 The NYSCB may invite or permit any person to attend its meetings either as an observer or to address the meeting or submit written material for consideration.
- 9.7 Any member of the Board may submit items to be included on the agenda of a meeting of the Board. Submissions shall be supported by a written statement/report and shall be sent to the Chair at least fifteen working days before the meeting.

10. QUORACY

- 10.1 A quorum of the NYSCB shall be four members (or substitutes) representing four separate agencies. If at any time there is not a quorum present, the meeting shall not proceed unless the Chair feels that a meeting must take place.

11. FUNCTIONS OF THE NYSCB

- 11.1 The core functions of the Board, which are set out in Appendix 1 to this Constitution, are prescribed by the Local Safeguarding Children Boards Regulations 2005 and the *Working Together to Safeguard Children* Guidance 2010.
- 11.2 The NYSCB will produce an annual Business Plan.
- 11.3 The NYSCB will produce an Annual Report as set out in *Working Together* 2010.
- 11.4 The Board will ensure Locality Safeguarding Forums and Sub Groups are in place in order to support the delivery of its responsibilities.
- 11.5 The NYSCB will nominate members of the Board to act as Chairs of the Sub Groups.
- 11.6 The Board will undertake stakeholder and public consultations, and respond to consultations, as it considers appropriate. The Chair must agree any responses to public or governmental consultations.

12. ACCOUNTABILITY OF MEMBERS

- 12.1 The Role Responsibility Statement for members of NYSCB can be found in Appendix 2. Members of the NYSCB are accountable to a senior person in their own organisation, Board or elected body. They will:

- report to the Board on their agency's performance in relation to its safeguarding responsibilities including quality issues and implementation of procedures.
 - Report to the Chair of NYSCB on their agency's contribution to NYSCB in respect of time, human resources, finance and information relevant to their safeguarding duties,
- 12.2 All constituent agencies** agree that NYSCB shall be permitted to have a voice that is independent of its member Agencies in relation to the implementation, delivery, quality and effectiveness of Child Protection measures in North Yorkshire.
- 12.3** The Chair of NYSCB or their nominated representative shall attend the Children's Trust.
- 12.4** Where concern arises about non-compliance by an Agency with this Constitution or with the Board's policies and procedures, this will in the first instance be referred to the Chair, who will investigate and attempt to reach a satisfactory conclusion through discussion involving the relevant agencies. If this cannot be achieved, the matter will be referred to the relevant agency Chief Officers and can be further referred to the relevant Inspectorate and Government Department.

13. CONDUCT

- 13.1** If at any time, a Board member has a personal interest in any matter being considered by the Board he/she shall declare the existence and nature of that interest to his/her agency and to the Chair of the Board. Declarations of interest will be recorded.
- 13.2** Where an interest is potentially prejudicial, steps will be taken to ensure the individual concerned has no involvement in decision making in relation to the matter in question.
- 13.3** NYSCB and Sub Group members shall keep confidential any information obtained as a result of their involvement in the activities of the Board save to the extent that disclosure is necessary in order to discharge the safeguarding functions of the Board as set out in *Working Together to Safeguard Children*.

14. FINANCIAL PROVISION

- 14.1** To be effective, significant input of time, commitment and resources are needed from member agencies.
- 14.2** The NYSCB member agencies will contribute annually, in cash or in kind, at an agreed level, having regard to the differing size, resources and responsibilities of each agency.
- 14.3** The financial year will run from 1st April each to the 31st March of the following year. No later than November each year, the Board will agree a Budget for the following financial year and will also agree the contributions to be paid by each member Agency in respect of that year.
- 14.4 Any partner agency can administer the budget on behalf of the NYSCB.**
- 14.5** A financial statement will be provided annually to the NYSCB by the agreed financial agency.

14.6 The LSCB Manager will have the authority to act as the Board's budget holder for the authorisation of payments in connection with training and miscellaneous expenditure.

Any budgetary discussions outside of the above must include the Chair of the LSCB.

15. THE EXECUTIVE

15.1 The Board shall have an Executive Committee. It is the role of the Executive to ensure the effective delivery of the work of the NYSCB by the Locality Forums and Sub Groups.

15.2 The Executive will ensure the NYSCB is engaged with strategic planning for all children in North Yorkshire by ensuring appropriate mechanisms for communication with partnerships across North Yorkshire.

15.3 The Executive of the LSCB will comprise the following agencies:

- Independent Chair
- Director of Children and Young People's Service, NYCC
- NYSCB Safeguarding Board Manager
- Director of Nursing, PCT Commissioning Services
- Director, NY Local Delivery Unit, York & NY Probation Trust
- Deputy Chair of NYSCB
- Assistant Director, Children's Social Care
- Assistant Chief Constable
- Principal Education Social Worker
- Chief Nurse, Harrogate Trust.

This Constitution does not allow for substitutes to the Executive.

15.4 The Executive will provide the strategic lead for the Board in line with national, regional and local objectives. If there are issues where the Board cannot reach agreement, the Executive will have the final decision making authority. If the Executive can not reach agreement the Chair will have the final decision making authority.

15.5 The role of the Executive shall be to:

- determine the Board's Business Plan,
- monitor performance against the Plan,
- determine the Board agenda and resources,
- determine key issues requiring executive action by partners, for example sign off of Serious Case Review Overview Report recommendations and implementation plans,
- accept the Annual Report.

16. LOCALITY FORUMS AND SUB GROUPS

16.1 The Board will establish Locality Forums and Sub Groups in order to ensure the Board meets its responsibilities and objectives. There will be Five Locality Safeguarding Children Forums covering the following geographical areas:

- Craven
- Harrogate
- Scarborough, Whitby and Ryedale
- Selby
- Hambleton and Richmondshire

16.2 The Sub Groups:

- Operational Practice Sub Group
- Quality Assurance and Audit Sub Group
- Training Sub Group
- Serious Case Review Panel
- Child Death Overview Panel

Sub Groups will always have a member of the full Board to act as Chair, but this will not be mandatory in relation to Forums or Task and Finish Groups.

The Executive from time to time may decide due to national, regional or local issues to implement a new Sub Group/Forum/Task and Finish Group or dispense with one already in existence.

16.3 Staff are a vital source of information, ideas and expertise. Their representation on Locality Forums and Sub Groups will ensure the benefit of their experience is built into the work of the Board. Members may be co-opted on to any Forum or Sub Group if particular expertise is required.

16.4 The Board may delegate power to Locality Forums and Sub Groups to:

- Carry out work in relation to the preparation and/or implementation of any part of the Business Plan;
- Undertake or respond to consultations on behalf of the Board;
- Take a decision on behalf of the Board in relation to any specific item in relation to which authority has been properly delegated by the Board;
- Publish material on behalf of the Board; and
- Discharge any functions delegated to it from the Board.

APPENDIX 1. LSCB FUNCTIONS

As defined in the Local Safeguarding Children Boards Regulations 2006
(2006 SI No 90)

5. (1) The functions of an LSCB in relation to its objective (as defined in section 14(1) of the Act (4) 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 who work 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 authority;
 - (e) undertaking reviews of serious cases and advising the authority and their Board partners on lessons to be learned.

(2) For the purposes of paragraph (1)(e) a serious case is one where:

(a) abuse or neglect of a child is known or suspected; and

(b) either:

(i) the child has died; or

(ii) the child has been seriously harmed and there is cause for concern as to the way in which the authority, their Board partners or other relevant persons have worked together to safeguard the child.

(3) An LSCB may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.

Further functions relating to child deaths

6. (1) From 1st April 2008 each LSCB shall, in addition to the functions referred to in regulation 5, have the following functions in relation to the deaths of children normally resident in the area of the authority—

(a) collecting and analysing information about each death with a view to identifying:

(i) any case giving rise to the need for a review mentioned in regulation 5(1)(e);

(ii) any matters of concern affecting the safety and welfare of children in the area of the authority; and

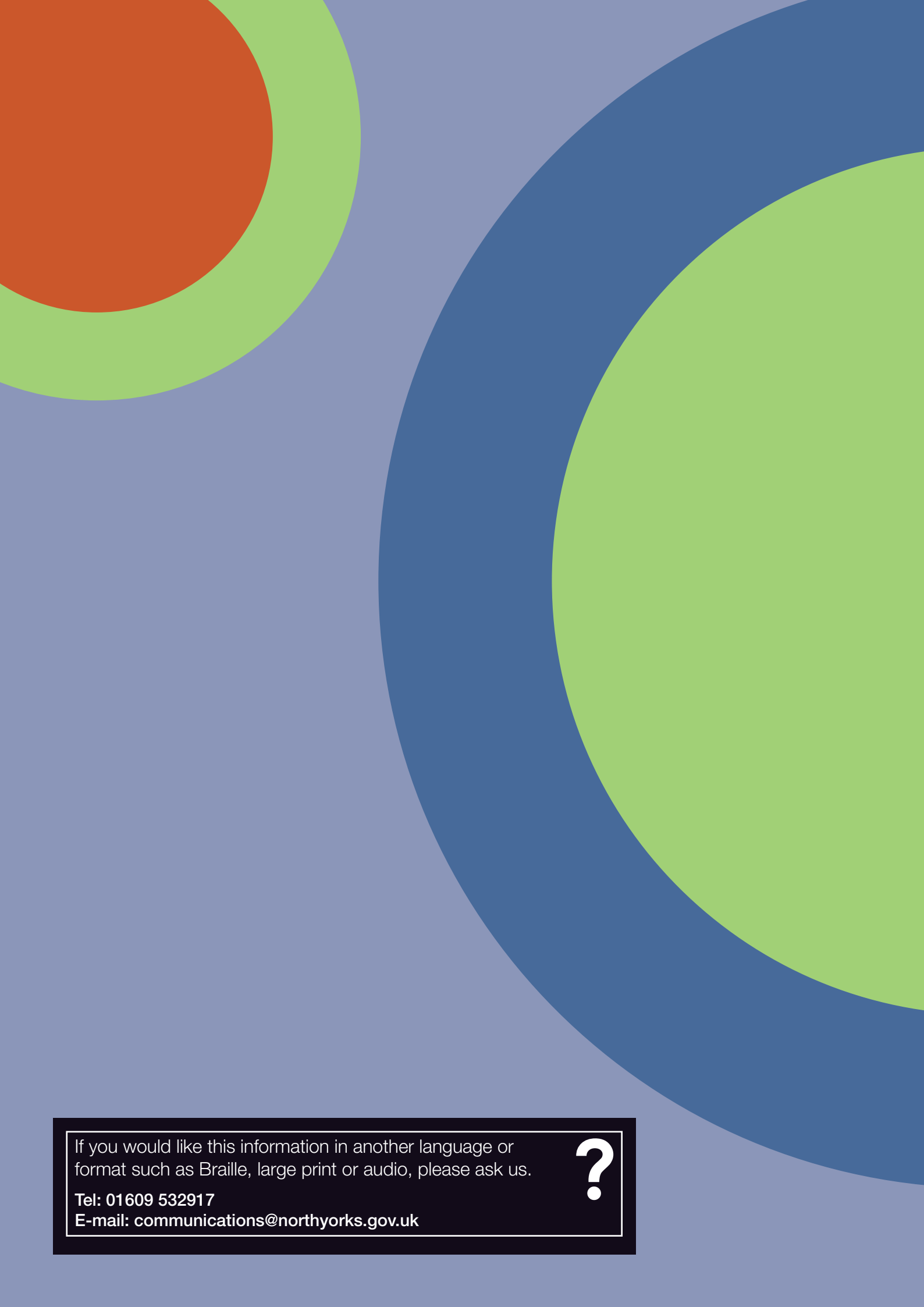
(iii) any wider public health or safety concerns arising from a particular death or from a pattern of deaths in that area; and

(b) putting in place arrangements for a rapid response to each unexpected death of a child, by a group of key professionals who come together for the purpose of enquiring into and evaluating the death.

APPENDIX 2.

NORTH YORKSHIRE SAFEGUARDING CHILDREN BOARD MEMBERSHIP ROLE AND RESPONSIBILITIES

The Role and Responsibilities of members are set out in the Induction Pack given to all members. This pack will be reviewed once a year by the Safeguarding Unit. Any major changes will result in the pack being re-issued. Major funding Partners are expected to have a one to one meeting with the Chair once a year.



If you would like this information in another language or format such as Braille, large print or audio, please ask us.

Tel: 01609 532917

E-mail: communications@northyorks.gov.uk

