

**EXPLANATORY MEMORANDUM TO
THE LOCAL SAFEGUARDING CHILDREN BOARDS (AMENDMENT)
REGULATIONS 2010**

2010 No. 622

1. 1.1 This explanatory memorandum has been prepared by The Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Purpose of the instrument**

2.1 A children's services authority in England (i.e. a local authority) must take reasonable steps to ensure that the Local Safeguarding Children Board established by them includes representatives of relevant persons and bodies of such descriptions as may be prescribed. The instrument amends existing regulations to prescribe: the governing body of a maintained school; the proprietor of a non-maintained special school; the proprietor of a city technology college, a city college for the technology of the arts or an Academy; and the governing body of a further education institution the main site of which is situated in the authority's area.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None
4. **Legislative Context**

4.1 The instrument is made under section 13(4) of the Children Act 2004 (c. 31). A children's services authority in England must take reasonable steps to ensure that the LSCB established by them in accordance with section 13 includes representatives of relevant bodies and persons of such descriptions as may be prescribed.
5. **Territorial Extent and Application**

5.1 This instrument applies to England and Wales, but only affects children's services authorities in England.
6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The Secretary of State for Children Schools and Families, the Rt Hon Ed Balls MP, asked Lord Laming on 17 November 2008 to prepare a report on the progress being made across the country to implement effective arrangements to safeguard children. Lord Laming published his report, *The Protection of Children in England: A Progress Report*, on Thursday 12 March 2009. The report contained 58 recommendations, which the Government accepted in full including:

The Department for Children, Schools and Families should establish statutory representation on Local Safeguarding Children Boards from schools

7.2 This recommendation builds on existing good practice set out in *Working Together to Safeguard Children* (2006) which is statutory guidance issued under section 7 of the Local Authority Social Services Act 1970 and section 16 of the Children Act 2004. *Working Together* states that “*local authorities should secure the involvement of other relevant local organisations.....this should include state and independent schools, further education colleges (including sixth-form colleges)*”¹

- *Consolidation*

7.3 The instrument amends the Local Safeguarding Children Boards Regulations 2006 (S.I. 2006/90) which make provision for the constitution and functions of LSCBs.

8. Consultation outcome

8.1 In the course of developing his report and subsequent recommendations, Lord Laming received over 100 written submissions from key stakeholders and over 200 letters from a range of individuals including professionals across the children’s workforce. The team supporting Lord Laming visited six local areas and met with key staff from local authorities, education, health and the police. The team hosted a series of seminars to gather the views of national stakeholders, local leaders and frontline staff. Lord Laming met national stakeholders, trade unions, officials of Government departments, and some Members of Parliament. As part of the evidence base gathering, 11 Million consulted young people and passed on their views and experiences of services for children and young people to Lord Laming. Lord Laming used this evidence base to underpin his report and his recommendations.

8.2 The Government published its detailed response to Lord Laming on 6 May 2009, *The Protection of Children in England: action plan, The Government’s Response to Lord Laming*. This set out how each of the 58 recommendations would be taken forward, including that statutory

¹ *Working Together to Safeguard Children, A guide to Inter-agency working to safeguard and promote the welfare of children 2006, p.85*

representation of schools on LSCBs would be reflected in a revised version of *Working Together to Safeguard Children*. The Government has undertaken a formal consultation on the revised *Working Together to Safeguard Children* that ran from 18 December to 11 February. This consultation received 201 responses and included three stakeholder events which 480 professionals and practitioners including senior representatives from local authorities, schools, third and health sectors attended. These events included a specific workshop to discuss the representation of schools on LSCBs and Children's Trust Boards; feedback taken during the workshops was supportive. The revised statutory guidance *Working Together to Safeguard Children* includes further detail on the representation of schools on LSCBs.

8.3 DCSF consulted the Independent Schools Council regarding prescription of independent schools. Following discussion with that body, and in light of the fact that independent schools are not 'relevant partners' on Children's Trust Boards (under section 10 and 12A of the Children Act 2004), the approach being taken is not to prescribe independent schools in this instrument. However, the revised *Working Together* will state they should be involved as appropriate (and the intention is that guidance to be issued in respect of Children's Trust Boards will mirror this).

9. Guidance

9.1 DCSF intends to publish statutory guidance (a revision of *Working Together to Safeguard Children*) setting out how organisations and individuals should work together to safeguard and promote the welfare of children. This will include further detail on the representation of schools on LSCBs. The DCSF is also producing practice guidance for LSCBs that will include further supporting guidance for LSCBs and schools.

10. Impact

10.1 The Government responded to the recommendations made by Lord Laming, including ensuring statutory representation of schools on LSCBs, in *The Protection of Children in England: Action Plan, The Government's Response to Lord Laming*. Many recommendations made by Lord Laming re-emphasise the need for the consistent application of effective practice. As set out in 7.2 the taking of reasonable steps by local authorities to ensure representation of schools on LSCBs (as required by this instrument and the Children Act 2004) builds on existing good practice, and on requirements in statutory guidance that have been in place since 2006. Therefore there are no new burdens that are not already funded within existing base lines.

11. Regulating small business

11.1 The instrument does not apply to small businesses.

12. Monitoring & review

12.1 Government Offices act as the interface between the Department for Children Schools and Families and local authorities and their Children's Trust partners. The Government Office supports and challenges local partners to deliver Government priorities by translating national policy into improved local practice. This includes providing advice, support and challenge to LSCBs across their responsibilities, including the membership of schools on LSCBs, and reporting back to DCSF on any concerns raised by LSCBs or the authorities by which they are established.

13. Contact

13.1 Jonathan Bacon at the Department for Children, Schools and Families
Tel: 020 77838154 or email: jonathan.bacon@NSDU.gsi.gov.uk can answer any queries regarding the instrument.