

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2006 No. (W.)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Local Safeguarding Children
Boards (Wales) Regulations 2006**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the functions of Welsh Local Safeguarding Children Boards in relation to the objective set for them by section 32 of the Children Act 2004, the membership of Boards and their procedures.

Regulations 3 and 4 deal with the functions of Boards. Regulation 3 prescribes a Board's functions in relation to its objective. Regulation 4 makes provision about the carrying out of serious case reviews.

Regulation 5 prescribes the membership of a Board. Regulation 6 deals with a Board's procedures and regulation 7 confers functions upon children's services authorities in relation to their Boards.

These Regulations come into force on 1 October 2006.

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Made

2006

Coming into force 1 October 2006

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 31(2), (4) and (5), 32(2) and (3), 34(1) and 66(1) of the Children Act 2004 ⁽¹⁾, and with the consent of the Secretary of State as respects regulation 5(2)(a) to (c), (f) and (g) ⁽²⁾, hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Local Safeguarding Children Boards (Wales) Regulations 2006.

(2) These Regulations shall come into force on 1 October 2006.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“2004 Act” (“*Deddf 2004*”) means the Children Act 2004;

“area” (“*ardal*”) means the area for which a Board is established;

“Board” (“*Bwrdd*”) means either a Local Safeguarding Children Board established for the area of a children’s services authority in Wales or a Local Safeguarding Children Board established

⁽¹⁾ 2004 c. 31.

⁽²⁾ See section 31(4) of the 2004 Act for the requirement to obtain the consent of the Secretary of State.

for the area of two or more children's services authorities in Wales⁽¹⁾

“Chair” (“*Cadeirydd*”), in relation to a Board, means the person who holds a current appointment to act as such under regulation 6;

“chief education officer” (“*prif swyddog addysg*”) means an officer appointed under section 532 of the Education Act 1996⁽²⁾;

“children's services authority” (“*awdurdod gwasanaethau plant*”), in relation to a Board, means the authority or authorities by whom the Board is established

“director of social services” (“*cyfarwyddwr gwasanaethau cymdeithasol*”) has the same meaning as in the Local Authority Social Services Act 1970⁽³⁾;

“harm” (“*niwed*”) has the meaning given in section 31(9) of the Children Act 1989;

“member” (“*aelod*”) has the meaning given by regulation 5(1);

“overview report” (“*adroddiad trosolwg*”) has the meaning given by regulation 4(4)(b);

“principal office” (“*prif swyddfa*”), in relation to a Board, means the premises designated as such by the Board;

“registered nurse” (“*nyrs gofrestredig*”) means a nurse or midwife registered with the Nursing and Midwifery Council;

“representative body” (“*corff cynrychioliadol*”) means a person who has appointed a person to act as its representative on the Board;

“secretary” (“*ysgrifennydd*”) has the meaning given by regulation 7(1);

“serious case review” (“*adolygiad achos difrifol*”) has the meaning given in regulation 4.

(2) In these regulations, a reference—

- (a) to a numbered regulation is to the regulation bearing that number in these Regulations;
- (b) in a regulation to a numbered paragraph is to the paragraph bearing that number in that regulation;
- (c) in a paragraph to a numbered sub-paragraph is to the sub-paragraph bearing that number in that paragraph.

⁽¹⁾ Section 31(1) of the 2004 Act requires each children's services authority in Wales to establish a Local Safeguarding Children Board for their area. Section 31(9) permits two or more authorities to discharge their respective duties under section 31(1) by establishing a Board for their combined area.

⁽²⁾ 1996 c. 56.

⁽³⁾ 1970 c. 42.

Functions of a Board in relation to its objective

3.—(1) A Board is to have the following functions in relation to its objective under section 32 of the 2004 Act⁽¹⁾—

- (a) to take steps whose aim is to foster a relationship of mutual trust and understanding amongst the persons or bodies represented on the Board in relation to safeguarding and promoting the welfare of children within the area of the Board;
- (b) to take steps whose aim is to raise awareness throughout the Board's area of the need to safeguard and promote the welfare of children and to provide information about how this might be achieved;
- (c) to develop policies and procedures whose purpose is to co-ordinate what is done by each representative body for the purposes of safeguarding and promoting the welfare of children within the area of the Board, including policies and procedures in relation to —
 - (i) information sharing;
 - (ii) actions, including thresholds for intervention, to be taken where there are concerns about a child's safety or welfare;
 - (iii) the recruitment and supervision of persons who work with or have regular access to children;
 - (iv) the safety and welfare of children who are privately fostered.
- (d) to review the efficacy of the measures taken by each person or body represented on the Board to co-ordinate what they do for the purposes of safeguarding and promoting the welfare of children within the area of the Board and to make whatever recommendations it sees fit to those persons or bodies in light of such a review;
- (e) to undertake "serious case reviews" in accordance with regulation 4;
- (f) to monitor the extent to which any recommendations made in a review under paragraph (d) or a serious case review are being or have been met;

⁽¹⁾ Under section 32(1) of the 2004 Act, the objective of a Board is (a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; and (b) to ensure the effectiveness of what is done by each such person or body for those purposes.

- (g) to develop criteria for measuring the performance of the children's services authority against the plan produced under section 26 of the 2004 Act (children and young people's plans)(1), in so far as the plan relates to safeguarding and promoting the welfare of children in an authority's area;
- (h) to disseminate information about best practice in safeguarding and promoting the welfare of children amongst the representative bodies and such other persons as the Board sees fit;
- (i) to undertake research into safeguarding and promoting the welfare of children;
- (j) to review the training needs of those working in the area of the Board with a view to identifying training activities to assist in safeguarding and promoting the welfare of children in the area of the Board;
- (k) to provide training whose purpose is to assist in safeguarding and promoting the welfare of children in the area of the Board;
- (l) to co-operate with other Boards (whether in Wales or England) and any similar such bodies in Scotland and Northern Ireland where the Board considers that would be of mutual benefit; and
- (m) to seek advice or information where the Board considers that to be desirable for the purposes of any of the above functions.

Serious case reviews

4.—(1) A Board must undertake a review (a "serious case review") in accordance with this regulation in any of the following cases—

- (a) where, within the area of the Board, abuse or neglect of a child is known or suspected, and—
 - (i) a child has died, or
 - (ii) has sustained a potentially life-threatening injury, or
 - (iii) has sustained serious and permanent impairment of health or development.

(2) A Board may undertake a serious case review in accordance with this regulation where a child within its area suffers harm which does not fall within paragraphs 1(a)(ii) or (iii).

(3) The purpose of a serious case review is to identify steps that might be taken to prevent a similar death or harm occurring.

(1) Regulations made under section 26(2) of the 2004 Act will make specific provision in relation to children and young people's plans.

(4) In carrying out a serious case review, a Board must—

- (a) ask each representative body to provide the Board with a written report of its involvement with the child who is the subject of the review, unless the Board is of the opinion that such a report is unnecessary in the circumstances;
- (b) following receipt of each report referred to in sub-paragraph (a), produce a written report (referred to in these Regulations as an “overview report”) that—
 - (i) identifies steps to be taken to reduce the risk of a similar death or harm occurring; and
 - (ii) recommends the time by which, and identifies the persons by whom, those steps should be performed;
- (c) produce an anonymised summary of each overview report and make it available for inspection at the Board’s principal office.

(5) The Board must provide the National Assembly for Wales with a copy of—

- (a) each report provided by a representative body in accordance with paragraph (4)(a) above;
- (b) each anonymised summary; and
- (c) each overview report.

(6) The Board must provide each representative body with a copy of —

- (a) each anonymised summary; and
- (b) unless the Board considers it inappropriate, each overview report.

Representatives

5.—(1) A Board must include the following as representatives of the children’s services authority—

- (a) the authority’s lead director for children and young people’s services or some other officer directly accountable to the director who is of sufficient seniority to represent the authority instead of the director;
- (b) unless the authority’s lead director for children and young people’s services is—
 - (i) the director of social services, the authority’s director of social services or some other officer directly accountable to that director who is of sufficient seniority to represent the authority instead of that director;

- (ii) the chief education officer, the authority's chief education officer or some other officer directly accountable to the chief education officer who is of sufficient seniority to represent the authority instead of the chief education officer;
- (iii) the officer appointed by the authority with responsibility for the discharge of its functions under Part VI or VII of the Housing Act 1996⁽¹⁾, some other officer directly accountable to that person who is of sufficient seniority to represent the authority instead.

(2) A Board must include the following as representatives of the children's services authority's Board Partners—

- (a) in respect of the chief officer of police for any police area any part of which falls within the area of the Board, an officer who—
 - (i) holds at least the rank of Inspector; and
 - (ii) whom the chief officer has charged with responsibility for safeguarding and promoting the welfare of children;
- (b) in respect of a local probation board for any area any part of which falls within the area of the Board, the Chief Officer or some other officer directly accountable to the Chief Officer who is of sufficient seniority to represent the Board instead of the Chief Officer;
- (c) in respect of a youth offending team for an area any part of which falls within the area of the Board, the team's manager or the manager's deputy;
- (d) in respect of a Local Health Board ("LHB") for any area any part of which falls within the area of the Board—
 - (i) the LHB's lead officer for children and young people's services or some other officer directly accountable to the lead officer who is of sufficient seniority to act as the LHB's representative instead of the lead officer;
 - (ii) a registered medical practitioner charged with specific responsibilities in relation to the protection of children within the area of the LHB; and
 - (iii) a registered nurse charged with specific responsibilities in relation to the

⁽¹⁾ 1996 c. 52.

protection of children within the area of the LHB;

- (e) in respect of an NHS Trust providing medical services in the area of the authority, other than the Welsh Ambulance Services NHS Trust, the Trust's lead executive director for children and young people's services or some other officer directly accountable to him or her who is of sufficient seniority to act as the Trust's representative instead of the lead executive director;
- (f) in respect of the governor of any secure training centre within the area of the Board (or, in the case of a contracted out secure centre, its director), the governor's (or director's) deputy or an individual of higher rank; and
- (g) in respect of the governor of any prison in the area of the Board which ordinarily detains children (or, in the case of a contracted out prison, its director), the governor's (or director's) deputy or an individual of higher rank.

(3) The representatives in paragraph (2) are hereby prescribed for the purposes of section 31(2) of the 2004 Act.

Procedure etc. of a Board

6.—(1) A Board must maintain a list of those persons who hold a current appointment to represent a person or body on the Board (referred to in these Regulations as the Board's "members").

(2) A Board is to take decisions by majority vote of its members unless the decision falls to be taken in connection with a function to which paragraph 4 applies. The Chair has a casting vote.

(3) A Board may decide that a particular function may to any specified extent (including in its totality), and subject to any specified conditions, be discharged on its behalf by any one or more of its members, unless the function is one to which paragraph 4 applies.

(4) This paragraph applies to the Board's function of developing procedures to co-ordinate the activities of representative bodies under regulation 3(1)(c).

(5) Where paragraph (4) applies, a decision in connection with the function may only be taken by unanimous vote of the members.

(6) A Board must by majority decision appoint one of its members to be its Chair. In making that decision the members shall have regard to the need to appoint a Chair who has sufficient expertise and standing to command the respect of the representative bodies.

(7) The Chair's appointment shall come to an end if—

- (a) he or she was appointed for a fixed term and that term expires;
- (b) he or she resigns;
- (c) he or she is no longer a member of the Board;
- (d) the members by majority decision so decide.

(8) Subject to the above provisions, a Board is to decide on its own procedures.

Functions of Children's Services Authorities in relation to their Boards etc.

7.—(1) A children's services authority must provide a member of its staff to provide administrative services to the Board (referred to in these Regulations as the "secretary").

(2) The records of a Board (in whatever form) are to be treated as if they were records of the children's services authority.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

Date
Name
Title

(1) 1998 c. 38.