

Sir Michael Bichard
The Bichard Inquiry
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16th December 2004

Dear

The Bichard Inquiry Report

The Commission discussed your report at its meeting on November 10th 2004 and in particular its implications for the work of the Commission.

The Commission welcomed your report and the recommendations to ensure proper checks are made on those who work with children. Recommendation 15 which specifically identifies the Commission has implications for three areas of our work.

- The inspection of local councils' children's services.
- The new integrated children's inspection framework which includes joint area reviews of children's services and the annual performance assessment of councils' children's services.
- The inspection of regulated children's settings.

In addition to reporting on how we are taking Recommendation 15 forward, the Commission welcomed the opportunity to make some further suggestions for your consideration when you reconvene your Inquiry.

These are set out in the Annex to this letter together with a brief outline of the remit of the Commission. I am enclosing a leaflet which covers our work more fully.

I hope that you are satisfied with the approach that we have taken to the specific recommendation to CSCI as well as the way we have responded to the spirit of the report as a whole.

Taking on board the overall importance of the Inquiry, we have completed our review of internal procedures for selection and recruitment of staff in line with the detailed findings and recommendations of the Inquiry.

We are of course happy to discuss with you our actions and suggestions for further consideration if this would be helpful.

Yours sincerely,

Dame Denise Platt DBE
Chair
Commission for Social Care Inspection

Annex

This annex cover areas.

1. A brief outline of the remit of the Commission, including our work on the integrated children's inspection framework and regulated children's services.
2. The actions we have taken in response to Recommendation 15. This is three parts: Inspection and Safeguards Review; Joint Area reviews; and Regulated children's services.
3. Further areas for consideration when the Inquiry reconvenes.

1. Commission for Social Care Inspection (CSCI): A brief outline.

Launched in April 2004, the Commission for Social Care Inspection is the single, independent inspectorate for social care in England. The Commission was created by the Health and Social Care (Community Health and Standards) Act 2003.

CSCI incorporates the work formerly undertaken by:

- the Social Services Inspectorate (SSI)
- SSI/Audit Commission Joint Review Team
- the National Care Standards Commission (NCSC)

The Commission has a much wider remit than its predecessor organisations. Its creation marks a significant milestone for social care and brings together the inspection, regulation and review of all social care services into one organisation, allowing for a more rational and integrated system.

For the first time, one single organisation has a total overview of the whole social care industry. The Commission will be able to provide a complete picture of social care in England.

The Commission for Social Care Inspection's primary function is to promote improvement in social care; it also has the duty to safeguard and promote the rights and welfare of children within its overall remit in social care.

The integrated children's inspection framework

The Children Act 2004 makes provision for a framework for inspection of children's services and for joint area reviews of children's services. The purpose of the new arrangements is to enable a coherent approach to inspection, review and assessment which:

- Supports the improvement in outcomes for children and young people.
- Reports systematically on how far all settings and services contribute to outcomes.
- Develops a unified system of inspection, review and performance assessment, underpinned by a single set of expectations.

The joint area reviews will be undertaken jointly by a combination of staff from the 11 Inspectorates who have contributed to the

development of the methodology including CSCI. The joint area reviews will start in September 2005, and about fifty joint area reviews will take place each year. The judgements arising from these reviews will contribute to the new Comprehensive Performance Assessment.

The cycle of the performance assessment of social care services begins in the summer and culminates in the publication of the star ratings for council social services in November. A key part of this cycle is the "improvement" discussions which result in a Performance Review Report which includes agreed priorities for improvement for each council.

Prior to introduction of the joint area reviews, the Commission will carry out inspections of children social services in eighteen local councils using our existing methodology. These will contribute to the Comprehensive Performance Assessment for next year.

Regulation of children's services

The Commission's remit includes the following children's services. The regulatory framework, registration and inspection requirements are covered by regulations and national minimum standards.

- children's homes (two inspections a year)
- residential family centres (one inspection a year)
- independent fostering agencies (one inspection a year)
- voluntary adoption agencies (one inspection every three years)
- local authority adoption services (one inspection every three years)
- local authority fostering services (one inspection a year)
- boarding schools, and further education colleges (one inspection every three years)
- residential special schools (one inspection a year)
- domiciliary care agencies (one inspection a year)

The Commission assesses the extent to which services achieve positive welfare, health and education outcomes for children and young people and reduce risks to their welfare and safety whilst at the same time assessing whether the right procedures are in place to protect and safeguard children and young people.

Through the registration process, the Commission, in effect, "licences" children's homes, residential family centres, independent fostering agencies and voluntary adoption agencies across England. The Commission does not "licence" local council fostering and

adoption services. Regulations set the frequency of inspections of these services regardless of whether they are in the public or independent sector.

The Commission inspects the welfare arrangements in boarding schools, residential special schools and further education colleges accommodating students under eighteen in England assessing how well they are safeguarding and promoting the welfare of their pupils and students.

CSCI in the future will also inspect adoption support agencies and local authority private fostering arrangements.

2. Action taken in relation to Recommendation 15

Recommendation 15 stated:

'The Commission for Social Care Inspection should, as part of any Social Services inspection, review whether decisions not to inform the police have been properly taken.'

The actions that CSCI is taking are listed below:

A. Inspections

The specific changes - implemented on the 1st November 2004 - to our inspection methodology for children's services in local councils are listed below.

- When inspectors become aware that a sexual offence has been committed or is suspected of having been committed against a child and the police have not been informed, they will follow this up with the Director of Children's Services to establish the reason and to confirm that that the right procedures have been followed.
- When inspecting procedures developed by Area Child Protection Committees, we will focus on the policy and arrangements for reporting to the police of sexual offences that have been committed or suspected of having been committed against a child. The expectation will be that this has been appropriately addressed in line with Working Together and LASSL 2004(21) as well as ensuring this is known across other agencies.
- We will inspect guidance and protocols about handling allegations of sexual abuse of children including the plans and action taken to develop, review and implement them.

Children's safeguards review.

CSCI is currently leading the Children's Safeguards Review with eight other inspectorates. It draws on the work each has carried out over the past two years. In addition we have commissioned extra fieldwork to fill some gaps in our knowledge. We will publish the report in the summer of 2005 and make further recommendations about safeguarding children and young people.

B. Joint Area Reviews and annual performance assessment

The detailed methodologies for this work are still being developed. It is likely that they will include all the above, with the additions below.

- Joint area reviews will include inspecting a sample of case records where a decision has been made not to inform the police that a sexual offence has been committed, or suspected of having been committed, against a child
- CSCI will monitor information provided through the integrated children's system on the number/proportion of allegations of sexual offences against children where the police have not been informed by the local council. CSCI will be able to compare local councils to identify outliers which may indicate unusual practice and follow up where appropriate. This should be possible with the implementation of the children's integrated information system from 2006.
- As part of annual performance assessment, local councils will be asked to provide information about how they audit the decisions made to inform or not to inform the police of sexual offences that have been committed or suspected of having been committed against children. Local councils are required to outline the reasons why they have not informed the police of a sexual offence that has been committed or suspected of having been committed.
- In the annual performance assessment we will request information from local authorities about how they have responded to the Bichard Inquiry and the corresponding Local Authority Social Services Letter 2004(21).

C. Inspection of CSCI regulated children's services.

- We will issue guidance about the handling of allegations of sexual abuse of children to those inspectors, who undertake inspections in the children's services regulated sector. The guidance will state that staff must check that the provider and the local council have acted in line with LASSL 2004(21). We will issue our Guidance by **January 2005**.
- As part of the registration process, CSCI assesses whether those who wish to operate services for children are suitable to do so. It includes an assessment of the "fitness" which is

wider than checking with the CRB. We are reviewing our process for assessing the fitness to incorporate the findings of the Inquiry. We will implement these changes from **April 2005**.

- We will complete a review by **31st December 2004** of the policy on the collection, retention and sharing of information about people who have been refused registration, or had their registration cancelled. We will ensure that the collection and sharing of this information fits both with the current legal framework and safeguarding children and adults.
- During 2002/03 many organisations were unable to secure CRB disclosures and had to recruit staff on the basis that checks would be completed at a later stage. CSCI will have written to all regulated children's services by 31st January 2005 reminding them that they need to ensure that staff have CRB checks in accordance with the regulations. From 31st January 2005 CSCI will therefore include in our inspections of regulated children's services a sample of staff appointments during 2002/3 to assess whether the provider undertook those CRB checks.
- The dissemination of lessons learnt from the Bichard and Kelly reports, including briefings to all regulation and business relationship managers in November and December 2004

C Further areas for consideration

There are three further issues that you may wish to consider when you reconvene the Inquiry and on which we would welcome your views:

1. There should be consideration given to an early implementation of CRB checks for schools within CSCI's remit, which requires all staff working with children to have an up to date CRB check, without the current exemption for staff already in post before 1st April 2002.
2. All regulating bodies working with children and young people should consider developing a code for the sharing of personal information. This would address the sharing of information with regard to the protection of children and vulnerable adults. This code should cover soft intelligence and factual information that should be shared between regulation bodies, other government bodies and the barring list/register.
3. We think that the existing procedures under "Working Together" and LASSL 04(21) need to be strengthened for the regulated sector. Consideration should be given to requiring providers of children's services that are regulated by CSCI to notify without delay the placing authority and the host authority if a sexual offence has been committed or has been suspected of having been committed against a child.