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# STATES OF JERSEY



## SAFEGUARDING PARTNERSHIP BOARD: MEMORANDUM OF UNDERSTANDING

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Presented to the States on 14th March 2014  
by the Council of Ministers

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STATES GREFFE





# Safeguarding Partnership Board

## Memorandum of Understanding

### Co-operation with the Safeguarding Partnership Boards for the purpose of safeguarding children and adults in Jersey

#### DOCUMENT PROFILE

<b>Short Title</b>	<b>Memorandum of Understanding – Safeguarding Partnership Boards</b>
<b>Document Purpose</b>	To ensure that signatory organisations have a clear understanding of the role of the Safeguarding Partnership Boards and make a commitment to work with the Boards
<b>Target Audience</b>	Statutory departments and third sector agencies working to safeguard children and adults in Jersey
<b>Author</b>	Glenys Johnston OBE, Independent Safeguarding Chair
<b>Publication Date</b>	1 <sup>st</sup> November 2013
<b>Review Date</b>	1 <sup>st</sup> November 2014
<b>Approval Route</b>	Safeguarding Partnership Boards
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# 1. Purpose of this Memorandum

- 1.1. Safeguarding and promoting the welfare of children and adults is the responsibility of everyone who comes into contact with them and their families/carers. The purpose of this Memorandum of Understanding (“MOU”) is to set out expectations on organisations with regard to the need to safeguard and promote the welfare of children and adults and co-operate with the Safeguarding Children Partnership Board and the Safeguarding Adults Partnership Board.
- 1.2. “Safeguarding”, both for adults and children, means protecting them from harm. In relation to children, this may include preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best life chances. In relation to adults, their circumstances may be such that they may be deemed to be ‘at risk’ of abuse or neglect and to require safeguarding from that risk. For example, adults requiring extra support, because of frailty, a learning disability, physical disability, sensory impairment or mental health problem which makes them unable to protect themselves against harm and abuse, may need to be safeguarded.
- 1.3. This MOU reflects the decision by the Council of Ministers<sup>1</sup> to establish a Safeguarding Adults Partnership Board to mirror the work of the existing Jersey Child Protection Committee (“the JCPC”) and the Children’s Policy Group decision that the JCPC should be renamed the Safeguarding Children Partnership Board<sup>2</sup>. Both boards will be chaired by the Independent Joint Safeguarding Chair (“the Independent Chair”). For the purposes of this MOU they are referred to collectively as the Safeguarding Partnership Boards.
- 1.4. The purpose of this MOU is to ensure that organisations have a clear understanding of the role of the Safeguarding Partnership Boards and make a commitment to work with the Boards, in particular by providing them with the information they require to fulfill their coordinating and monitoring functions and enable the Boards to hold agencies to account. This MOU also provides additional clarity as to organisational responsibilities to ensure effective safeguarding systems are in place to safeguard adults and children in Jersey.
- 1.5. This MOU sets out how organisations should work with the Safeguarding Partnership Boards and a number of detailed commitments and safeguarding standards. It is based on best practice developed in the UK, reflected in Working Together to Safeguard Children 2013<sup>3</sup> and relevant legislation, i.e. Care Bill 2013, for best practice with regard to safeguarding adults.
- 1.6. This MOU should be read by Ministers, the Chief Executives of participating organisations and senior managers within those organisations. By agreeing to this MOU, Ministers and the Chief Executives of each organisation undertake to ensure that their department’s practices and procedures facilitate co-operation with the Safeguarding Partnership Boards and comply with the detailed commitments and

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<sup>1</sup> At the meeting of the 4th October 2012

<sup>2</sup> Decision taken 26 April 2013.

<sup>3</sup> <http://www.workingtogetheronline.co.uk/resources.html>; Care Bill 2013-2014 - <http://www.publications.parliament.uk/pa/bills/lbill/2013-2014/0001/14001.pdf>

safeguarding standards set out in this MOU. Senior management within each organisation is then charged with ensuring that their organisation delivers on this undertaking.

- 1.7. This MOU has been agreed by the Independent Joint Chair of the Safeguarding Boards and the Ministers of Children's and Adults' Policy Groups together with the following persons, on behalf of their departments or organisations (hereafter referred to as "signatories").
  - a. The Chairman of the Comité des Connétables on behalf of the Honorary Police;
  - b. Chief Officer of the Health and Social Services Department;
  - c. Chief Officer of the Home Affairs Department;
  - d. Chief Officer of the Housing Department;
  - e. Chief Officer of Social Security Department;
  - f. Chief Officer States of Jersey Police;
  - g. Chief Officer Education, Sport & Culture;
  - h. Chief Officer Probation and After-Care Service;
  - i. Governor, HMP La Moye;
  - j. The Viscount;
  - k. Chief Executive Family, Nursing & Home Care;
- 1.8. In addition to the above, it is important to recognise the role that General Medical Practitioners ("GPs") and voluntary and community sector bodies play in safeguarding children and adults. The Independent Chair and the signatories referred to above will work to ensure that the commitment of GPs and voluntary and community sector bodies to the requirements in this MOU is secured. It is anticipated that GPs, voluntary and community sector bodies or their representatives will, where appropriate, become signatories to this MOU in due course. Notwithstanding the agreement within the MOU, GPs and other professionals are bound by the standards of their licensing bodies e.g. General Medical Council. These or other organisations that wish to become signatories to this MOU after it comes into effect may do so at the invitation of the Independent Chair.
- 1.9. In accordance with the commitments in Part 3 of this MOU, the signatories will ensure that they appoint representatives from their organisations to participate in the Safeguarding Partnership Boards. These representatives are referred to in this MOU as the "Members" of the Safeguarding Partnership Boards.
- 1.10. This MOU comes into effect on 1<sup>st</sup> November 2013 and the signatories and senior managers of participating organisations should use their best endeavors to bring it to the attention of their managers and staff that have contact with children, adults and their families.

## 2. Role of the Safeguarding Partnership Boards

- 2.1. Children and adults are best safeguarded when professionals are clear about what is individually required of them and how they need to work together. This means that organisations, and those who work or volunteer for them, must take a coordinated approach to their safeguarding roles. The Safeguarding Partnership Boards will co-ordinate work in Jersey to safeguard children and adults and monitor and challenge the effectiveness of Jersey's arrangements.
- 2.2. The Safeguarding Partnership Boards have a number of specific roles to play in safeguarding and protecting children and adults. In overview, the safeguarding role of the Safeguarding Partnership Boards is to:
  - a. Coordinate what is done by each organisation participating in the Boards for the purposes of safeguarding and promoting the welfare of children and adults in Jersey;
  - b. Promote understanding of the need and means to protect children and adults from harm; and
  - c. Monitor and ensure the effectiveness of the safeguarding systems that are in place both within and between organisations in Jersey.
- 2.3. As part of its coordinating role the Safeguarding Partnership Boards will develop policies and procedures to promote the welfare of children and adults and safeguard them from any form of harm. These policies and procedures may, among other things, relate to the:
  - a. Training of persons who work with children or vulnerable adults in services affecting their safety and welfare;
  - b. Safe recruitment and supervision of persons who work with children or adults;
  - c. Action to be taken where there are concerns about a child's or adult's safety or welfare, including thresholds for intervention;
  - d. Investigation of allegations concerning persons who work with children or adults;
  - e. Inter-agency arrangements for child and adult protection enquiries, and associated police investigations, and setting out the circumstances in which joint enquiries are necessary and/or appropriate; and
  - f. Safety and welfare of children who are privately fostered.
- 2.4. The Safeguarding Partnership Boards may also publish guidance on best practice to protect children and adults from abuse and harm; raise public and professional awareness of how this can best be done and encourage change where that is necessary. They may also promote and explain the policies and procedures to those who may be affected by them.
- 2.5. As part of its role in monitoring the effectiveness of what is done collectively and individually by organisations to protect children and adults, the Safeguarding Partnership Boards will:
  - a. Ensure that investigations into allegations concerning persons who work with children are carried out effectively;
  - b. Periodically audit inter-agency practice, focusing on compliance with the multi-agency procedures, the quality of service and the views of service users;
  - c. Monitor the arrangements (including recruitment and training policies) made by the States of Jersey and voluntary and private agencies to ensure that the children and adults to whom they provide services, are protected and

- safeguarded;
- d. Operate a multi-agency complaints procedure so that persons who have been subject of, or affected by, a protection or abuse enquiry can make a formal complaint, or express dissatisfaction where they have concerns about how agencies have been working together to safeguard a child or adult;
  - e. Actively seek feedback from adults and children who are in receipt of child or adult protection services or have experience of how the procedures and guidelines work in practice, so that their opinions can be taken into account when evaluating and further developing guidelines and procedures;
  - f. Participate in the planning of services for children and adults in Jersey; and
  - g. Undertake Serious Case Reviews (SCRs), advise the individuals and organisations involved on lessons to be learned and monitor the implementation of recommendations (see section 4.1).

### 3. Detailed Commitments

- 3.1. The detailed commitments made by signatories with regard to working together with the Boards are set out below.

#### *Relationship between signatories, organisations and the Independent Chair*

- 3.2. The signatories acknowledge that the Safeguarding Partnership Boards are chaired independently and that in order to be effective they require the co-operation and participation of the Members and the organisations which they represent. The signatories agree that their organisations will take all appropriate and proportionate steps to support and facilitate the work of the Safeguarding Partnership Boards.
- 3.3. The Safeguarding Partnership Boards are funded by the Chief Minister's Department, but all signatories agree, as may from time to time be appropriate, to provide the Board with such additional and proportionate resources in kind as other commitments will allow, as may be required to facilitate their work.
- 3.4. The Independent Chair agrees to work closely with all organisations to improve outcomes for children and adults.

#### *Participation on the Safeguarding Partnership Boards*

- 3.5. Each signatory agrees that their organisation shall provide at least one representative who will be a Member of the relevant Safeguarding Partnership Board or Boards and will regularly attend and participate in the meetings of the Board or Boards. Members should be people with a strategic role in relation to safeguarding and promoting the welfare of children and adults within their organisation. They should be able, where possible, to:
- speak for their organisation with authority;
  - commit their organisation on policy and practice matters; and
  - hold their own organisation to account and hold others to account.

Members should make it clear where they are unable to do so because their organisation lacks a common position or otherwise.

- 3.6. Two or more organisations may be represented by the same Member, provided that the criteria set out in the previous paragraph are satisfied.
- 3.7. The Independent Chair will take reasonable steps to ensure that the Safeguarding Partnership Boards include lay members representing the local community. Lay members will operate as full members of the Boards, participating as appropriate on the Board itself and on relevant sub-groups and will be recruited by a transparent public recruitment process. Lay members should help to make links between the Boards and community groups, support stronger public engagement in local safety issues and an improved public understanding of the Board's work. All confidentiality and data security obligations shall apply to lay members.
- 3.8. The signatories representing the Education, Sport and Culture Department

agree that their department will take steps to ensure that all types of schools (early years, primary, secondary and further education) are effectively represented on the Safeguarding Partnership Boards.

- 3.9. Where the Safeguarding Partnership Boards require, signatories agree that their organisations shall make available to the Boards the expertise of frontline professionals working within their organisations from all the relevant sectors.

### *Annual Report*

- 3.10. The Independent Chair will publish an annual report on the effectiveness of child and adult safeguarding and of the work of Safeguarding Boards. The report will be published in relation to the preceding year and fit with local planning, commissioning and budget cycles. The report will be submitted to the Children and Adults Policy Groups, and all Members of the Safeguarding Partnership Boards before being made publically available.
- 3.11. Each annual report will provide a rigorous and transparent assessment of the performance and effectiveness of services; identify areas of weakness; the causes of those weaknesses and the action being taken to address them as well as other proposals for action. The report will include lessons from SCRs undertaken within the reporting period. The report will also list the contributions made by organisations and details of the Safeguarding Partnership Board's spending, including on SCRs and other specific expenditure such as learning events or training.

### *Information sharing*

- 3.12. Information sharing is essential to the effective operation of the Safeguarding Partnership Boards and the Boards have an important role to play in supporting information sharing between and within organisations and addressing any barriers to information sharing. The signatories agree that the Safeguarding Partnership Boards shall agree and keep under review an effective protocol for the sharing of information between their organisations. This protocol will set out the standards of data security and confidentiality required, ensuring compliance with the Data Protection (Jersey) Law 2005. It will also include a requirement on agencies to inform the Independent Chair regarding all internal safeguarding enquiries, whether or not these are liable to result in a referral for a Safeguarding Adult Review or Serious Case Review.
- 3.13. The signatories agree that their organisations shall ensure that a culture of appropriate information sharing is developed and supported with the support of suitable multi-agency training.
- 3.14. The Safeguarding Partnership Boards may also ask an organisation to provide specific information where that is necessary and proportionate to a particular legitimate aim. The members of the Safeguarding Partnership Boards agree to ensure that such specific requests as are necessary, lawful and proportionate are complied with, within a reasonable time.
- 3.15. The signatories agree that the sharing of information regarding child deaths within the Island is necessary to facilitate the Safeguarding Partnership Boards work and will ensure that their organisations provide appropriate information about child deaths, in a timely manner, to the Safeguarding Children Partnership

Board to enable the Board to identify any trends or concerns.

### *Learning and improvement*

- 3.16. The signatories agree that organisations, and those who work or volunteer for them, need to reflect on the quality of their services and learn from their own practice and that of others. The signatories agree that their organisations shall share good practice so that there is a growing understanding of what works well. Conversely, when things go wrong, signatories agree that there needs to be a rigorous, objective analysis of what happened and why, where appropriate led by the Safeguarding Partnership Boards, so that important lessons can be learnt and services improved to reduce the risk of future harm to children and adults.
- 3.17. The signatories agree that the Safeguarding Partnership Boards should maintain a local learning and improvement framework which is shared across local organisations who work with children, families and adults. This framework should cover reviews and audits which are aimed at driving improvements to safeguarding. The framework should enable organisations to be clear about their responsibilities, to learn from experience and improve services as a result.
- 3.18. Signatories agree to give their organisation's full commitment to supporting the conduct of any review and to share with the Boards all internal (serious untoward incident reviews etc) that relate to safeguarding or protection. This commitment will be subject to limitations required by data protection considerations, with attention drawn to the possibility of redacting documents.

## 4. Serious Case Reviews

- 4.1. The Safeguarding Partnership Boards will conduct Serious Case Reviews SCRs<sup>4</sup>, in respect of children, Safeguarding Adult Reviews<sup>5</sup> in relation to adults, child death reviews and partnership reviews into cases that can identify learning as to the way organisations work together to safeguard and protect the welfare of children and adults. The signatories and Independent Chair agree that these reviews will be conducted in accordance with the criteria in Working Together 2013 (for children) and in accordance with best practice from the UK, that will be reflected in guidance that will be issued by the Safeguarding Adults Partnership Board (for adults)<sup>6</sup>.
- 4.2. The signatories agree to ensure that SCRs will be conducted in accordance with the following principles and practices:
- a. The approach taken to SCRs will be proportionate according to the scale and level of complexity of the issues being examined;
  - b. SCRs will be led by experienced independent consultants who will be contracted to act as the SCR Panel Chair and the Independent Overview Author;
  - c. All organisations will nominate individuals who are independent of the case under review and have professional knowledge of the area under review to complete Management Reports that inform the Overview Report;
  - d. SCRs will make use of relevant research and case evidence to inform the findings and will seek to understand practice from the viewpoint of the individuals and organisations involved at the time, rather than using hindsight;
  - e. Practitioners must be fully involved in reviews and invited to contribute their perspectives without fear of being blamed for actions they took in good faith; reviews must recognise the complex circumstances in which professionals work together to safeguard children and adults; and the procedures in operation at the time of the incidents that led to the review;
  - f. Families, including surviving children, should be invited to contribute to reviews and they should understand how they are going to be involved and have their expectations managed appropriately and sensitively;
  - g. The child or adult should remain at the centre and focus of the process;
  - h. Consideration will be given to publishing, either in full or in part, the overview report of SCRs and the Safeguarding Partnership Board's response to the review findings. The Board will give careful consideration when making a decision about publication to the need to balance the benefits of publishing all

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<sup>4</sup> For these purposes a serious case is one where abuse or neglect of a child is known or suspected; and 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 organisation or other relevant persons have worked together to safeguard the child.

<sup>5</sup> Safeguarding adult reviews should be arranged by the Safeguarding Adults Partnership Board when: i) there is reasonable cause for concern about how the SAPB, members or other person involved, worked together to safeguard the adult ii) the adult dies iii) an adult with needs for care and support was, or the SAPB suspects that the adult was, experiencing abuse or neglect.

<sup>6</sup> This guidance may reflect the requirements that are or may be contained in the UK's Care Bill, which is currently before the UK Parliament.

or some of the review with the need to protect the rights, including the privacy rights, of individuals. The signatories and the Independent Chair recognise that in some cases, the Boards may decide that this balance may weigh in favour of withholding from publication some or all of the contents of a review;

- i. The impact of SCRs and other reviews on improving services to children and families and on reducing the incidence of deaths or serious harm to children or adults must be described in the Safeguarding Partnership Board's annual reports and will inform any inspections; and
- j. Improvement must be sustained through regular monitoring and audit so that the findings from these reviews make a real impact on improving outcomes for children and adults.

## 5. Safeguarding Standards

- 5.1. The signatories agree to ensure that, so far as appropriate, their organisations will carry out their functions with regard to children, adults and their families in accordance with the safeguarding standards set out below.
- 5.2. The signatories agree that their organisations will ensure that:
- a. Senior management are committed to the importance of safeguarding and promoting children's and adult's welfare;
  - b. Senior management have a clear statement of the organisation's responsibilities for safeguarding children and adults and this is made available to all staff; this includes ensuring that service users and their families are informed about complaints procedures;
  - c. There exists a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children and adults;
  - d. Service development takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children, adults, families and carers;
  - e. Staff training on safeguarding and promoting the welfare of children and adults for all staff working with or in contact with children, adults, families and carers is appropriate and in line with the recommendations of the Safeguarding Boards' training strategy;
  - f. Safe recruitment procedures are in place;
  - g. Effective inter-agency working to safeguard and promote the welfare of children and adults is promoted; and
  - h. Effective information sharing protocols exist and are implemented ensuring compliance with appropriate data handling and confidentiality procedures.
- 5.3. Signatories agree that compliance with these standards will be monitored and audited annually by the Safeguarding Partnership Boards and will ensure that their organisations cooperate with any monitoring or auditing activities carried out by the Boards.
- 5.4. The signatories agree that the Safeguarding Partnership Boards will work to agree and to keep under review a document that explains what each of these standards requires of organisations in practice (Appendix 1). Signatories agree that their organisations will use their best endeavors to bring that document to the attention of social workers and professionals from health services, adult services, the police, education and the voluntary and community sector that have contact with children, vulnerable adults and their families.

## 6. Confirmation of Agreement

On behalf of.....

I have read and understood the terms of this MOU and I undertake to ensure that my organisation's practices and procedures facilitate co-operation with the Safeguarding Partnership Board and comply, as resources will allow, with the detailed commitments and safeguarding standards set out in this MOU.

Name.....

Position.....

Signature.....

Date.....

## Appendix 1

### What the organisational safeguarding standards mean to practice

Organisations will ensure that:

**a. Senior management are committed to the importance of safeguarding and promoting children's and adult's welfare**

*This may be evidenced through:*

- Named person at senior level responsible for safeguarding and championing role clearly in job description
- Corporate plans include reference to safeguarding and staff involved
- Senior managers demonstrate good understanding of safeguarding
- Annual monitoring is in place and is communicated to staff and action plans to address issues developed

**b. Senior management have a clear statement of the organisation's responsibilities for safeguarding children and adults, where appropriate, and this is available for all staff**

*This may be evidenced through:*

- All staff are aware of safeguarding policies and procedures
- Effective complaints system in place, which is in line with current guidance, for children, staff and other people to make complaint about non-compliance with agency procedures. Information is targeted and accessible e.g. child-friendly complaints information
- Organisation demonstrates how recommendations / outcomes on practice are communicated to staff
- Commissioning arrangements include monitoring of safeguarding responsibilities
- Organisation can demonstrate policies and procedures have positive impact on outcomes for children/adults

**c. There exists a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children and adults**

*This may be evidenced through:*

- Named person has ultimate accountability for safeguarding arrangements
- There are clear lines of accountability from staff through organisation to named person and flow chart of accountability is displayed and available to staff
- Anyone who comes into contact with children, adults or their families in the course of their work has their responsibility for safeguarding welfare explicitly stated in job description.

- Staff are aware who has overall responsibility for their agency's contribution, and are clear of own responsibilities.
- Effective supervision and monitoring is available to all staff.

**d. Service development takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children, adults, families and carers**

*This may be evidenced through:*

- Children, families and adult service users are actively involved in the design, development and delivery of services and their involvement is demonstrated.
- Different methods of communication are available to children and adults with communication difficulties to express their views.
- Children, young people and adult service users are involved in the development of equal opportunity policies
- There is a responsive process in place to act on identified unmet needs
- Improved outcomes for service users are demonstrated as a result of service development

**e. Staff training on safeguarding and promoting the welfare of children and adults for all staff working with or in contact with children, adults, families and carers is appropriate and in line with the recommendations of the Safeguarding Board's training strategy.**

*This may be evidenced through:*

- A clear induction process is in place for all staff that addresses safeguarding and is delivered in a timely way
- Staff receive appropriate safeguarding training (ref SPB Training Strategy) and individual training plans are in place; training enhances staff awareness of safeguarding and diversity issues
- Organisations can evidence training undertaken by staff through a database
- Organisations can demonstrate impact of training on practice and improved outcomes

**f. Safe recruitment procedures are in place**

*This may be evidenced through:*

- Organisations (including States of Jersey HR) have safe recruitment and selection procedures in place in line with best practice recommendations
- Organisations can demonstrate that agencies commissioned to provide services have safe recruitment in place

- Safe recruitment training is in place for managers involved in recruitment
- Organisations have 'managing allegations' procedures in place
- A senior manager has been identified for the managing allegations process and knows who is the Designated Officer for States of Jersey, responsible for managing and advising regarding allegations, and when it is appropriate to contact them
- Support is available for staff who are subject to an allegation
- Audit processes are in place to monitor safer recruitment and managing allegations

**g. Effective inter-agency working to safeguard and promote the welfare of children and adults is promoted**

*This may be evidenced through:*

- Multi-agency working is actively promoted and children, families and adult service users are consulted regarding the effectiveness of such inter-agency working.
- Early assessment tools are utilised to improve outcomes and are monitored for effectiveness of improved outcomes
- Outcomes identified through assessment of children/adults are monitored to demonstrate improvement at all levels of intervention
- Organisations ensure effective contribution to multi-agency child protection conferences, adult reviews and care planning
- Participation in multi agency case planning at multi-agency meetings is monitored and non-attendance addressed

**h. Effective information sharing protocols exist, where appropriate, and are implemented.**

*This may be evidenced through:*

- Organisations have a clear policy on appropriate information sharing to ensure children and adults are safeguarded and their welfare promoted. Organisations can evidence how this impacts on outcomes
- Training addresses the need for effective information sharing and encourages staff to use professional judgement
- Staff know where to seek advice on information sharing and have confidence in their professional judgement
- The highest standards of data handling and security in compliance with the agreed protocol and the Data Protection (Jersey) Law 2005