

**CHILDREN AND ADULTS SERVICE DIRECTORATE**

**NEED TO KNOW POLICY**

|  |  |
| --- | --- |
| Publication Date: | July 2017 |
| Review Date: | March 2020 |
| Authorising Officer: | Ian Sutherland, Director of People |
| Target Audience: | CMT; CADMT |

Contents

[1. INTRODUCTION 3](#_Toc38638509)

[2. CIRCUMSTANCES REQUIRING A “NEED TO KNOW” BRIEFING 3](#_Toc38638510)

[3. FORMAT OF THE BRIEFING 4](#_Toc38638511)

[4. DECIDING WHO ELSE NEEDS TO KNOW 5](#_Toc38638512)

[5. BRIEFING ELECTED MEMBERS AND CORPORATE COLLEAGUES 5](#_Toc38638513)

[6. SENDING THE “NEED TO KNOW” BRIEFING 6](#_Toc38638514)

[7. “NEED TO KNOW” BRIEFING PRO FORMA 6](#_Toc38638515)

[8. PROCEDURE FOR CHILD DEATHS AND SERIOUS INCIDENTS 7](#_Toc38638516)

# INTRODUCTION

The Director of People holds overall accountability for the Directorate’s performance and must be informed of all major incidents, situations or controversies involving services, staff, service users and buildings.

These guidelines set out what the Director of People needs to know in the format for the “Need to Know” briefing. The purpose of the policy is to ensure effective, timely and standardised reporting of serious and significant incidents relating to children and young people.

The Director of People, working with the Directorate management team (CADMT) and members of corporate communications team, will ensure that the Chief Executive, other corporate colleagues and elected members are informed as necessary and appropriate.

A Need to Know Notification must be completed within 24 hours of any incident by the Group Manager. Once complete, the Group Manager must send to their Head of Service to review. If in agreement, the Head of Service should send the alert to safeguarding.alerts@medway.gov.uk

[Statutory guidance of roles & responsibilities of DCS / Lead member](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271429/directors_of_child_services_-_stat_guidance.pdf)

# CIRCUMSTANCES REQUIRING A “NEED TO KNOW” BRIEFING

**2.1 Director**
The Director needs to be briefed by the most appropriate manager concerned with the incident in the following circumstances: -

**2.2 Service Users**

* Death, serious accidents or injuries on local authority premises or where a member of staff is present
* Death where the death is unusual or unexpected
* Death or serious injury of a child in care or subject to a child protection plan
* Death or serious injury of a child who is currently receiving departmental services, including children looked after by the Council
* Death or serious injury of a child attending a Medway School
* Violent incidents whilst on local authority or school premises, in the company of local authority i.e. school transport or school staff or were there are serious implications for the staff working with that person
* Cases of serious communicable diseases in schools, residential or day care premises, and including foster homes
* Missing children, where the child is either in care, subject to a child protection plan or otherwise vulnerable as per Missing from Home & Care Procedures.

**2.3 Staff**

* Unexpected death or serious injury
* Significant accidents or injuries at work. (This in addition to the corporate Health and Safety procedures which should be followed in all cases of accidents at work)
* Involvement in violent incidents
* Allegations, arrests or convictions for serious criminal offences
* Media coverage relating to members of staff where the publicity may impact on the council

**2.4 Service Premises or Schools**

* Serious or significant damage caused by floods, accidental fire etc.
* Significant vandalism or burglary
* Any incident of arson

**2.5 Controversies**

* Major complaints implicating Safeguarding and Children’s Services
* Matters likely to attract local or national interest
* Any matter which has or is likely to attract the attention of the media, elected members or Members of Parliament
* Ofsted inspection reports of schools or services where poor performance has been identified

**2.6 Significant Legal Proceedings**

* Proceedings likely to attract public or media interest
	+ Criminal trials resulting from child protection proceedings
	+ Trials relating to fraud or other offences committed by staff
* Proceedings with potentially high financial or policy implications; for example threat of judicial review, civil litigations for damages, employment tribunal claims etc.
* Inquests

# FORMAT OF THE BRIEFING

* 1. In the above circumstances, the Group Manager responsible for the business area involved in the particular incident, must wherever possible, complete the “Need to Know” pro-forma. The Group Manager should then send the completed “Need to Know” pro-forma to their Head of Service to review. The Head of Service will send to the safeguarding.alerts@medway.gov.uk email. This is a managerial task; the detail must be confined to a level that will inform the Director of the seriousness of the incident, actual or potential risk to the Directorate and Council, and of actions being taken to proactively manage the situation within 24 hours of the incident / event.
	2. The “Need to Know” is in addition to and will inform any statutory notifications that may be required. The Head of Service responsible for the “Need to Know” briefing must ensure that they are clearly identified on the “Need to Know” and that all details for any statutory notifications that may be required are included.

# DECIDING WHO ELSE NEEDS TO KNOW

* 1. The Assistant Director for Children’s Services must routinely be included in all “Need to Know” notifications in order to ensure that CADMT shares accountability for managing the situation. The Assistant Director for Children’s Services will then be in a position to effectively deputise for the Director as necessary on “Need to Know” issues and be able to identify and act on any cross-divisional implications. Where relevant, the Head of Safeguarding and QA will distribute the “Need to Know” to the Assistant Directors for Adult Services and Education and SEND.
	2. When a “Need to Know” is being completed in relation to a missing child please ensure that the Director of People, Assistant Director for Children’s Services and Assistant Director for Education and SEND are routinely copied in to the notification. Additionally this should also be sent to childmispers@medway.gov.uk
	3. Similarly, the Head of Safeguarding and QA will distribute the “Need to Know” to the relevant Heads of Service.
	4. Where a member of staff in the subject of the “Need to Know” the departmental HR Business Partner must also be included.
	5. The “Need to Know” should be copied to all managers involved in managing aspects of the incident.
	6. Should someone in receipt of the “Need to Know” believe that a key person has not been included; they must refer back to the Head of Safeguarding and QA who will decide on distribution. Under no circumstances should a recipient distribute the information without permission.

# BRIEFING ELECTED MEMBERS AND CORPORATE COLLEAGUES

* 1. The “Need to Know” is also intended to be used to brief the Chief Executive, Council Leader and Portfolio Holder as necessary. It is not intended to routinely brief all elected members who may have an interest in the situation (for example constituency members). Other members may require a specific briefing tailored to ensure that data protection and client confidentiality are not breached. The Director or Assistant Directors on his/her behalf will decide whether the “Need to Know” requires a wider confidential elected members briefing, and what format it should take; for example there will be some times when Members will need to be informed about incidents in the Directorate they are the Portfolio Holder.
	2. Confidential member briefings will come from the Director or Assistant Directors.
	3. Similarly, the Director or Assistant Directors will decide whether the matter requires the Chief Executive or other corporate colleagues to be briefed. In all circumstances where the incident is likely to attract publicity, the Chief Executive will be informed.
	4. Depending on the circumstances, the “Need to Know” may be used to brief corporate colleagues who need to be involved; for example internal audit, fraud and investigation, health and safety, communications team, legal services, and human resources.

# SENDING THE “NEED TO KNOW” BRIEFING

* 1. “Need to Know” notifications must be sent on email to all addressees with “Need to Know” in the subject box and **marked urgent and confidential**. It is important that all necessary steps be made regarding safe routes for sending information via email to external addresses.
	2. On completion of a “Need to Know” the document should be sent to safeguardingalerts@medway.gov.uk. If the alert is in relation to a missing child then the sender should also copy in childmispers@medway.gov.uk as well as the Director for People, Assistant Director for Children’s Services and Assistant Director for Education and SEND.
	3. All “Need to Knows” will be stored electronically by the Safeguarding and Quality Assurance Service. They will be tracked and the author will be prompted for any anticipated updates until the matter is concluded.
	4. Updates must be added to the original “Need to Know”, dated and clearly identify the Group Manager and reviewing Head of Service, who may be different from the originator. This way, an emerging picture is captured in one document for ease of reference and a defined conclusion is recorded to end the particular “Need to Know” issue.
	5. The Head of Safeguarding and QA or QA Manager will provide an initial response to the first “Need to Know” to ensure safeguarding oversight and any relevant recommendations.
	6. In the event of a sudden or unexplained child death, all files on Mosaic and paper files will need to be secured within 1 working day.

# “NEED TO KNOW” BRIEFING PRO FORMA

* 1. A pro-forma for completion is appended to this procedure. The form and guidance can be found in the local resources area of [Medway Children’s Service Procedure Manual](https://medwaychildcare.proceduresonline.com/index.html) (tri.x).

# PROCEDURE FOR CHILD DEATHS AND SERIOUS INCIDENTS

**Aim of document**

The aim of this document is to promote:

* An awareness of statutory reporting requirements
* An awareness of the procedure of reporting notifiable incidents.

**Purpose**

This document sets out the guidance and responsibilities for the notification of serious incidents and child deaths. It should read alongside:

Working Together (2018) **–
 http://www.workingtogetheronline.co.uk/**

Kent and Medway Safeguarding Children Procedures - **http://www.proceduresonline.com/kentandmedway/**

Children’s Homes Regulations (2015) – **http://www.legislation.gov.uk/uksi/2015/541/introduction/made**

In accordance with Care Standards Act (2000) - [**http://www.legislation.gov.uk/ukpga/2000/14/contents**](http://www.legislation.gov.uk/ukpga/2000/14/contents)

**Reporting a Serious Child Safeguarding Incident**

You must notify the Child Safeguarding Practice Review Panel if it is known or suspected that a child has been abused or neglected.

Use this service if a:

* child dies or is seriously harmed in your area
* child dies or is seriously harmed outside England, who is normally resident in your area

For looked-after children, you must notify the Child Safeguarding Practice Review Panel of their death whether or not you know or suspect abuse or neglect.

You must do this within 5 working days of becoming aware of the incident.

The Panel will share all notifications with:

* the Department for Education
* Ofsted

The Panel will not consider the deaths of looked-after children where abuse or neglect is not known or suspected. DfE and Ofsted will take appropriate action in these cases.

**Process for Reporting a Serious Child Safeguarding Incident**

The local authority must notify any event that meets the above criteria to the Panel76. They should do so within five working days of becoming aware that the incident has occurred. The local authority should also report the event to the safeguarding partners in their area (and in other areas if appropriate77) within five working days.

The local authority must **also** notify the Secretary of State and Ofsted where a looked after child has died, whether or not abuse or neglect is known or suspected.

The duty to notify events to the Panel rests with the local authority (Head of Safeguarding and QA).

**Need to Know**

The briefing to the Director and/or Assistant Directors will take the form of a “Need to Know”.

**Children who are normally resident outside Medway boundaries (regardless of legal status)**

Where First Response identify that the referred child is normally resident in another Local Authority, they will contact the relevant Local Authority and inform Medway Safeguarding Children Partnership. This should be done regardless of whether the referred child is known to the originating Local Authority or not.

If a child whose death or serious injury is notified to the Medway Safeguarding Children Partnership (MSCP) is normally resident outside Medway, the MSCP will provide notification of that death or injury to the appropriate Local Safeguarding Partnership in writing within 1 working day.

**Media**

In all situations, the anonymity of the child must be preserved. Before any involvement with the press, legal advice should be recorded and passed with the “Need to Know” to the Director of People who should be consulted prior to media activity. Where a number of agencies are involved there should be consideration of any statement to be given by the MSCP Executive Leads rather than by individual agencies