

# NSPCC Cymru/Wales

**Response to:**

## **Delivering the New NHS for Wales (Consultation Paper II)**

**February 2009**

NSPCC Cymru/Wales, Capital Tower, Greyfriars Road, Cardiff, CF10 3AG  
Tel: (029) 2026 7011 Email:



Registered charity number: 216401 and  
SC037717

**About us:**

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC's purpose is to end cruelty to children. We seek to achieve cultural, social and political change - influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

The NSPCC exists to end cruelty to children through a range of activities designed:

- to help children who have suffered abuse overcome the effects of such harm;
- to prevent children from suffering abuse;
- to prevent children from suffering significant harm as a result of ill-treatment;
- to help children who are at risk of such harm; and
- to work to protect children from further harm.

The NSPCC has more than 180 teams and projects throughout Wales, England and Northern Ireland. Their work includes:

- family support, assessment, counselling and therapy to children and families experiencing abuse;
- investigations into allegations of child abuse; and
- work within schools and other youth organisations to provide a voice for children and advocate their rights.

Since February 2006 NSPCC has also delivered the ChildLine service, the UK's free, 24-hour, confidential helpline for children and young people.

## **Introduction**

NSPCC Cymru/Wales welcomes the opportunity to respond to this consultation on the proposed new structure for the NHS in Wales. Health professionals play a crucial role in safeguarding and protecting children and young people. *Safeguarding Children: Working Together Under the Children Act 2004*<sup>1</sup> states the unique responsibilities and access to children and young people that health professionals have:

*Because of the universal nature of health provision, health professionals are often the first to be aware that families are experiencing difficulties in looking after their children. (p.58)*

Health professionals frequently have to work alongside partner agencies to ensure that any concerns about a child are raised, referred and handled appropriately. NSPCC Cymru/Wales has a very positive experience working alongside health professionals on protection and safeguarding issues, and supports the description in the Healthcare Inspectorate Wales report *A Review of Child Protection Arrangements Across NHS Wales*<sup>2</sup> of the workforce:

*The review highlighted that the protection and safeguarding of young people is taken very seriously across NHS Wales. Every organisation visited had highly committed and enthusiastic staff, who applied the principles of child protection in their everyday working practices (p.1-2)*

In light of our experiences and the crucial role health professionals play in safeguarding and protecting children and young people we were surprised that there was no recognition or discussion around how the proposed changes would impact on this important agenda. In our response we address the key areas where we believe the statutory duties on the NHS in Wales should be highlighted and where further clarification is needed on how the proposed changes will impact. The proposed changes should also be used to look at how child protection and safeguarding practice is being undertaken by health professionals to ensure they are supported, best practice is being followed and that there is accountability throughout the NHS structure in Wales.

## **NHS Wales' role in safeguarding children and young people**

The Children Act 2004 places certain statutory duties on Local Health Boards (LHBs) in Wales and NHS Trusts.

Section 25 of the Act outlines the responsibilities of these bodies to work together with local authorities to improve wellbeing. Section 27 outlines the duty for an LHB to appoint a "lead officer for children and young people's services" and a "lead member for children and young people's services". These roles are reflected in NHS Trusts who also have a duty to appoint a "lead executive director for children and young people's services" and a "lead non-executive director for children and young people's services". Section 28 of the Act outlines the duty on NHS Trusts and LHBs to safeguard children and young people. Sections 31 to 33 outline the establishment of Local Safeguarding Children Boards (LSCBs), of which representatives of LHBs and NHS Trusts are required to sit on.

The main duties on the NHS bodies are outlined in *Safeguarding Children: Working Together Under the Children Act 2004* and the *All Wales Child Protection Procedures 2008*<sup>3</sup>.

## **LHB board membership**

NSPCC Cymru/Wales would like to express our surprise at the question relating to whether there should be a non-officer member nominated as LHB champion for children's services. We believe that there is an existing statutory duty under Section 27 of the Children Act 2004 to designate both an officer for children and young people and a member. These roles would provide ultimate accountability for the duty to safeguard and promote the welfare of children and young people by the new LHBs. As these bodies will also be taking over the

<sup>1</sup> <http://wales.gov.uk/topics/childreanyoungpeople/publications/guidance/1297522?lang=en>

<sup>2</sup> <http://www.hiw.org.uk/Documents/477/Report%20of%20a%20Review%20of%20Child%20Protection.pdf>

<sup>3</sup> <http://www.awcpp.org.uk/9547.html>

responsibilities of the NHS Trusts, who also have a statutory duty on them to have designated roles, we believe it would be essential for these designated posts to be included in any guidance. There also needs to be further clarity over the responsibilities of these enhanced posts following the new structure becoming operational in October 2009.

**NSPCC Cymru/Wales recommends that as a matter of urgency these proposals are altered to recognise that there is a statutory duty on Local Health Boards, under Section 27 of the Children Act 2004, to appoint both a lead officer for children and young people and a lead member for children and young people. This should not be presented as an option, but a duty under legislation. It should also be made clear in guidance that these posts would have ultimate responsibility for discharging the duties outlined in Sections 25 and 28 of the Children Act 2004**

NSPCC Cymru/Wales welcomes the commitment to including a representative from the third sector on the board of LHBs. In saying this we feel that the remit of this one agency would be vast and it would require significant support for any agency to be able to claim to represent the entire sector across geographical boundaries. Further to this it needs to be considered that if the representative organisation was from the children's sector, it could not realistically be expected to represent those in the adult sector. It may be more appropriate to have two representatives from the third sector, one representing adults and one representing children and young people. This would provide a balance in the age ranges and make the role of feeding back to the relevant sectors slightly easier. NSPCC Cymru/Wales firmly believes that there is a need to ensure that whoever undertakes the role of third sector representative should be supported in that role. In our experience on Local Safeguarding Children Boards (LSCB's) we are aware that at times the voluntary sector representative can struggle to engage with and feedback to the wider voluntary sector unless actively supported by the local Community Voluntary Council. The resource to support the voluntary sector representative should be considered within these proposals to ensure that the role can be a genuine conduit between the sector and the NHS in Wales.

**NSPCC Cymru/Wales recommends that consideration is given to appointing two representatives from the third sector, one representing adults and one representing children and young people. Further thought should also be given to how this role will be supported and enabled to be a genuine voice for the third sector in the developments of the LHB.**

#### **Membership of the Stakeholder Reference Group (SRG)**

NSPCC Cymru/Wales welcomes the intention to involve children and young people in the Stakeholder Reference Group (SRG) as providing their right under Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) which articulates the right to be involved in decisions affecting them and to having their voice heard. Whilst we welcome this it needs to be considered how this will be facilitated and how the SRG will work in order to empower and facilitate the involvement of children and young people. Consideration should also be given to how to involve hard to reach groups of children and young people who may use health services more frequently, e.g. disabled children and young people. There is also no indication here about whether advocacy would be available to these young people to help them get their voice heard and to provide support. Each of these points would have an obvious resource implication.

**NSPCC Cymru/Wales welcomes the intention to include children and young people in the SRG and urges the Welsh Assembly Government and LHB Boards to ensure that appropriate resource and support is provided to this group so that they can be active members of the proposed forum.**

#### **Workforce issues**

Whilst this may be more relevant to the current consultation on the *Unification of Public Health Services in Wales*<sup>4</sup>, NSPCC Cymru/Wales believes that it is important to consider how the new structure will link with professionals to deliver the LHBs duties with regard to safeguarding and child protection.

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<sup>4</sup> <http://wales.gov.uk/consultations/healthsocialcare/unification/?lang=en>

*Safeguarding Children: Working Together Under the Children Act 2004* outlines the role of “designated professionals” as:

*All LHBs should have access to a designated doctor and designated nurse who work within the NPHS to take a strategic, professional lead on all aspects of the health service contribution to safeguarding children across the LHB area (p.62)*

These professionals play a crucial role on LSCB's providing practice advice and support that contributes to the multi-agency safeguarding work that the boards undertake. Alongside these designated roles NHS Trusts appoint “named professionals”, with regard to them *Safeguarding Children* states:

*All NHS Trusts are to identify a named doctor, a named nurse and where relevant a named midwife for safeguarding children and young people who take a strategic and professional lead on all aspects of health service contribution to safeguarding children across the Trust.. (p.63)*

These “named professionals” also engage with the work of LSCB's.

With the proposed changes to the structure there is a need to clarify these roles in relation to the work of LSCB's. From our experience whilst the designated professional's workload is significant, partly due to the number of boards they have to cover, they provide an invaluable link to health. Currently the designated professionals in health often work across a number of LSCB's and whilst their commitment cannot be doubted, we are concerned about the sustainability of this approach. As the LHBs will now be covering wider geographical areas we would strongly suggest that the Welsh Assembly Government considers the development of a wider team of designated professionals within an LHB area to share the workload and provide greater coverage. The role of “named professional” could potentially be incorporated into a wider pool of designated professionals.

**NSPCC Cymru/Wales recommends that any future documentation relating to the restructure of the NHS in Wales considers the role of “designated professional”, its relationship with the “named professional” and the impact of the restructure on the future demands on these roles. It is vital that there continues to be a sustainable input into multi agency meetings from health professionals and we are concerned that this appears not been fully taken into account in this restructuring process.**

The implementation of the Safeguarding Vulnerable Groups Act in the next twelve months will pose a considerable challenge for all agencies. As part of the new structure consideration needs to be given as to how the new LHBs will undertake this process. This is particularly crucial in light of the Healthcare Inspectorate Wales report *A Review of Child Protection Arrangements Across NHS Wales* in 2007, which raised a number of concerns over the systems in place for monitoring child protection arrangements and CRB checks with agencies who are commissioned to undertake work on behalf of NHS Trusts and LHBs in Wales. Whilst this report was published in 2007, it is vital that the new structures are prepared for the introduction of the new vetting and barring system and also have robust arrangements in place to ensure that agencies they are commissioning have equally robust vetting, barring and child protection arrangements.

**NSPCC Cymru/Wales recommends that there is further work undertaken to ensure that the recommendations from the Health Inspectorate Wales report in 2007 have been implemented and that due consideration is given to the ability of the new structures to undertake their duties in relation to the Safeguarding Vulnerable Groups Act.**

### **Localism and partnership working**

NSPCC Cymru/Wales is disappointed that the statutory role that the NHS in Wales plays on LSCB's is not recognised in this section. As outlined above, the NHS in Wales, and specifically LHBs, have an explicit statutory duty with regard to safeguarding children and their role on LSCB's is crucial to the multi-agency safeguarding agenda. *Safeguarding Children* outlines these responsibilities:

*The LHBs statutory duties include involvement in, and commitment to the work of the Local Safeguarding Children Boards (LSCBs) including representation on the board at an appropriate level of seniority, i.e. lead executive. (p.60)*

We have already expressed our concern at the failure in this proposal to state that there should be designated roles for children and young people. This section should contain specific reference to the senior role that the NHS in Wales plays on LSCB's, which would reflect the importance placed by the organisation on safeguarding children and young people.

**NSPCC Cymru/Wales recommends that this section contains clear reference to the role that the new LHBs will play on Local Safeguarding Children Boards. That this is also reflected in an acknowledgement of the statutory duty to have designated roles for children and young people, as outlined in a previous recommendation.**

### **Planning, funding, and performance management**

Whilst this consultation document provides broad descriptions of the planning process we would like to take this opportunity to raise the issue of the planning and funding of Child and Adolescent Mental Health Services (CAMHS) in Wales. It has been our experience that the commissioning and planning of CAMHS in Wales lacks transparency and is an over complicated process. We have found it extremely difficult to accurately pin point the accountability for decisions and the evidence base upon which they were made. The Welsh Audit Office and Health Inspectorate Wales are currently undertaking a joint review of CAMHS in Wales, which we understand is due to report within the coming weeks. We would urge the Welsh Assembly Government to strongly consider any recommendations made in this report relating to the commissioning and planning process of CAMHS and link this into the guidance on the restructuring of the NHS in Wales. Whilst the issue of the funding of these services is still crucial, we also believe that there needs to be an overhaul of the commissioning and planning systems to ensure they are transparent, accessible and provide the services that children and young people in Wales need.

**NSPCC Cymru/Wales recommends that the final document considers the recommendations from the joint review of CAMHS currently underway and strives to provide a more transparent and accessible commissioning and planning process, which is provided with appropriate funding levels to meet the needs of children and young people in Wales**

### **Conclusion**

NSPCC Cymru/Wales hopes that the Welsh Assembly Government will take on board the critical points raised within this response relating to the role of the NHS in Wales in safeguarding and protecting children and young people. We believe that this restructure should continue to make clear the crucial role that health professionals play and that the new structure needs to retain accountability and involvement in multi-agency systems.

Simon Jones  
NSPCC Policy & Public Affairs Manager Wales  
(029) 20267011  
[simonjones@nspcc.org.uk](mailto:simonjones@nspcc.org.uk)