Strategic governance and safeguarding

Part 2

Welcome to the second session exploring the strategic role of governance and safeguarding:

- Part 2
- Tensions between business need , targets and safeguarding
- Is your data robust, external view?
- Does it safely inform strategy?
- Reputational loss and potential links to safeguarding
- Defensible decision making

Group agreement- safeguarding / strategic governance

- Each delegate needs to be honest as well as open.

- Value a diversity of opinions on all topics - different people with different views and opinions. These opinions may clash with each other.

   Suggestions can then be noted,   referred to later or taken away for further consideration

- Opportunity for everyone for equal participation

- Be open to new approaches as well as listen to new ideas.

- Naïve questions are useful

- Balanced participation

- Anything else you wish to add?

Safeguarding-resourcing all aspects:-

- Take 15 minutes to identify the resources required to ensure effective safeguarding throughout the organisation.

- Are these in place ?

- Any pinch points?

- Areas of tension?

- One person to feedback from each group

dialogue

Safeguarding is the responsibility of organisations to make sure their staff, operations, and programmes, do no harm to children and adults at-risk nor expose them to abuse or exploitation- this needs to be resourced in all aspects – strategically , operationally.

- Meeting the requirements of all service regulatory frameworks which apply
- Meeting the requirements of employment law
- Meeting the requirements of health and safety law
- Recruitment processes including :
- Advertising
- Long listing
- Short listing
- Interview / appointment
- Safer recruitment
- HR departments and processes

Everyone connected to your organisation, should know how to keep children, adults at-risk, and staff safe

- Training- across all aspects of the organisation/recording training/external expert input/specialist input

- E learning- electronic platforms

- Face to face

- Updates

- DBS

- Electronic recording systems e.g. Cpoms

- DSL/ DDSL / safeguarding leadership and training / CPD

- Building in capability and capacity- scaffolding for growth

Safeguarding is the responsibility of organisations to make sure their staff, operations, and programmes do no harm to children and adults at-risk nor expose them to abuse or exploitation- this needs to be resourced in all aspects – strategically , operationally.

- Governance training / support
- Policy , procedure , process writing / review
- Resource unexpected costs which may be related to an inspection outcome, change in legislation / guidance etc
- Unexpected cost e.g. pandemic, cost of living , UK government budget
- Agency staff / supply staff
- Equity of resource by area , service, person?
- Internal / external governance audit / review
- Anything else?
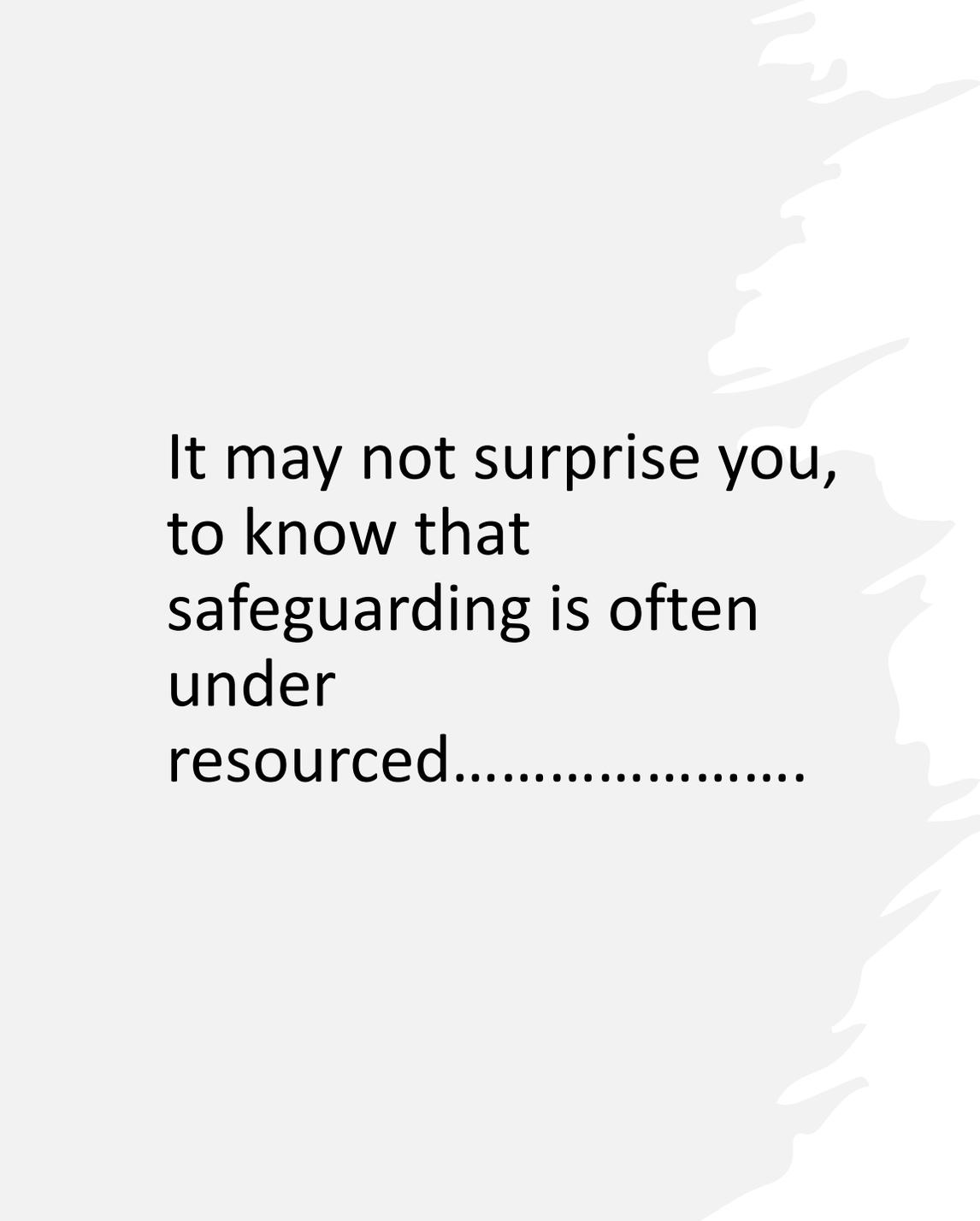
It may not surprise you, to know that safeguarding is often under resourced…………………..

- This has been a lesson hard learned by the charitable / NGO sector when several major disclosures re. staff led to scandal and crisis for organisations . It was seen in respect of CSPR 1 & 2 and in the Whitefield School..

- Serious case reviews and safeguarding reports reflect on under resourcing and funding of safeguarding

- Any Inquiry will look top down / bottom up at this, as a key line of enquiry

- Unless safeguarding is seen as a core principle and responsibility for ALL then it can be defined as a weakness within the overall organisation.

Has a safeguarding resource map such as this been carried out?

What could it tell you about the organisation? Especially in terms of growth and issues which may come in with acquisitions (often despite the due diligence process)

What actions may need to arise - from your own knowledge?

Open discussion……………

What is the organisations' strategic role in safeguarding?

- *Protecting people and safeguarding responsibilities should be a strategic priority for all organisations. Board members/Directors must take reasonable steps to protect all people who come into contact with the organisation from harm, which is a WIDER duty than just taking care of young people and vulnerable adults.*

- *All board/governance /directors should have at least the level of knowledge equivalent to the staff working in the settings*

- How does this sit with business tensions……

In crude terms all markets operate in a dynamic tension between demand for goods or services and the supply of those goods and services at a given price:

- Few markets operate in an unregulated environment.

- There is a dynamic relationship between regulation, quality, price and supply.

- Although care markets may have tighter regulations and controls, they are still strongly influenced by the interaction between supply and demand

HOW CAN THIS IMPACT ON SAFEGUARDING? DO THE TWO NATURALLY ALIGN? CAN THEY? OPEN DISCUSSION…..

Loss of or damage to reputation is the risk of taking risks……………

Safeguarding , business and reputation- get safeguarding right!

- Getting safeguarding right is absolutely key – from top to bottom of an organisation and in many ways can be separated from reputational risk . However, you cannot eradicate risk …………only mitigate to as low a level as possible and for some services this will still be a high level of risk given the nature of the children , young people and adults who are placed.

- Occupancy (85% +) generally equates to financial viability and is seen as an organisation " protective " factor .Poor occupancy brings other tensions. Such as ?

- Cross organisation risk analysis (not just for insurance purposes) and includes levels of assumptive risk tied to :

- groups/ areas

- individual services

- market- growth / stability / need etc.

- crises – current and historic for the organisation and others in the news.

- what else?

Safeguarding and reputation…..

- To label safeguarding as a reputational risk is to misunderstand the issue. The primary impact of safeguarding failures is abuse of children and the long term physical and psychological consequences.

- Since safeguarding is a primary risk of an organisation, the management and governance response is confused if it also appears as a reputational risk with its' implication of a tacit acknowledgment that safeguarding is potentially weak and a risk

- A robust safegaurding culture from Board to child is key.

Safeguarding, business and reputation- get safeguarding right……

- WEAK safeguarding is the reputational risk factor (as Castlebeck discovered with Winterbourne View in the case of adult care and the Hesley Group in Doncaster) and can have a substantial impact on the viability of an organisation, regardless of its profitability.

- Increasing the spend on a communication team to put out "the message" can imply the "something to hide scenario"- even more reason to invest time and money in safeguarding itself.

- Put simply, reputation can be thought of as deriving from three different things.

- Trustworthiness

- Competency

- Values

- ARE THESE THREE FACTORS SECURE?

How do organisations/ services / departments protect their reputation?

- Proactive approach to adaptation , change – embedding change.

- Building resilience across the whole organisation to prevent occurrence of the consequential risk to reputation.

- Creating culture of responsibility throughout the organisation (reputation can't be effectively managed in a single layer of a large organisation). This includes you.

- Training at all levels, including senior executives.

- "Minding your own business model" to make sure you understand how every internal and external element of your provision influences the organisations' success.

- DO YOU RECOGNISE THIS?

Insurance is not the sole answer.

Does the organisations' register of risks accurately reflect a safeguarding profile…………..

Is this informed by robust data strands in relation to safeguarding?

Recognise the role and impact of:

- Urban myth vs reality ------- some aspects of media reporting may be an example?

- Lens / filter used in commissioning , contracting from LA level to individual placing officer / SW level- all impact.e.g. ADCS views in children's services provision

- Does this have an impact-

- on staff?

- managers?

- recruitment?

- long term impact on business?

- do you fight it ? If not , why not?

dialogue

Current models in large organisations which have been seen to be working…

- Health models of governance and safeguarding- recent exception at Countess of Chester Hospital / culture

- NGO codes of conduct and governance- after a very difficult period , a wholesale sector review undertaken. Similar re. SEND and CSPR 1 and 2.

- External / internal mechanisms to ensure date is robust

- **how do you know your safeguarding data is robust and effectively informs plans , resource mapping , developments etc?**

- **does the data accurately inform the board/director(s) in order to further inform organisational /service development and resourcing?**

- OPEN DISCUSSION.

dialogue

How do you know if your strategic and / or operational culture is closing ?

- What would be the key indicators?

- Open discussion

Overview

- Safeguarding is becoming ever more complex within societal settings which are also demanding far greater accountability and are increasingly litigious.

- In the role as the DSL ,you are the key point for initial responses re. safeguarding.

- You may then be medium to longer term involved in decision making with others , but are more often managing the situation within an ongoing plan within the organisation policies , protocols and procedures

- This is where the practice of DEFENSIBLE DECISION MAKING is key.

dialogue

What is defensible decision making?

- Take a few minutes and note down your understanding of the meaning of "defensible decision making ?

- Discussion

How ?

- Defensible decision-making sits within the constructs of :
- the organisation
- law-civil and criminal
- guidance and regulatory frameworks
- local frameworks
- supporting the police in the process of achieving best evidence (ABE)
- A secure safeguarding framework underpinned by-professional curiosity , vigilance, forensic analysis , non assumptive and non biased behaviours/ responses.

Range of decisions involved.

- Self-contained : e.g. whether to disclose information to a third party

- Larger decisions, with potentially multiple decisions required

- What may seem not to be decisions such as decided upon a process of "no further action."

Potential definitions.

- **Cooper, 2011**: 'Critical, reflexive and careful judgements...with the fully considered evidence of incomplete knowledge so that you can defend and justify your assessments, plans and interventions

- **Kemshall,2009**: Decisions that will withstand the harsh scrutiny of hindsight bias in the event of a risk failure....informed, balanced, proportionate and just risk decisions

- A defensible decision is one that is 'necessary, proportionate, legal, ethical and consistent with the values of the organization' .

dialogue

A defensible decision is:-

One that is evidence based , which uses all the information available/discoverable to you at the time (while being aware that we rarely have all the information);
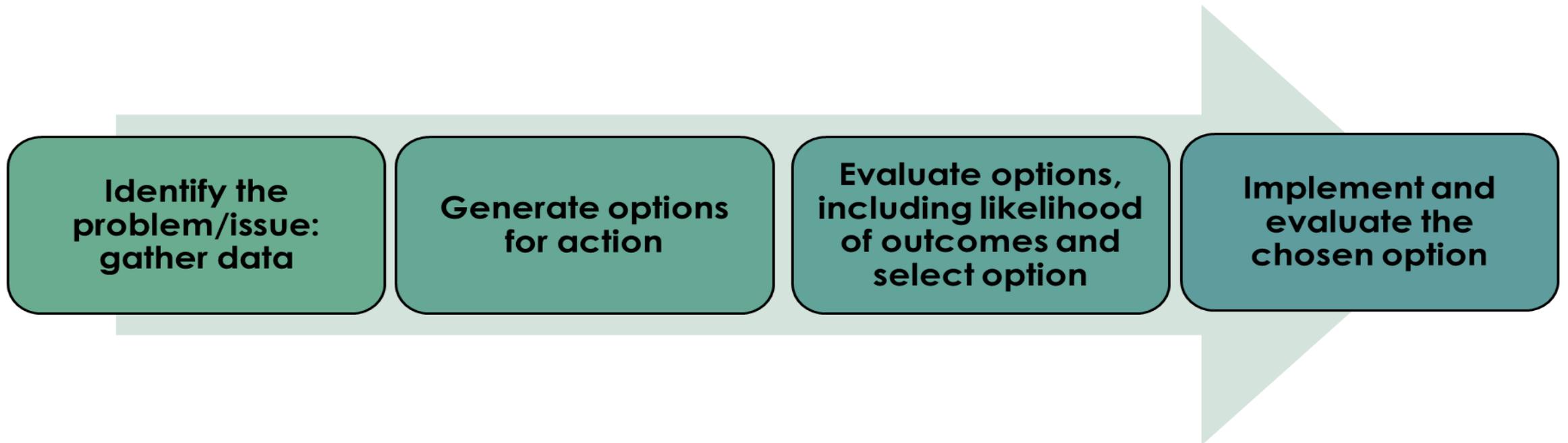
- Where the information has been thoroughly evaluated and analysed;
- <mark>Which has weighed up different outcomes and options before deciding;</mark>
- Which evidences the rationale for the decision , including anyone consulted (e.g. your manager);
- Follows policy and legislative responsibilities/duties;
- Is recorded in a way which evidences all the above.

It is not:

- About making "a correct" decision as when we make a decision, we don't have the benefit of hindsight. We don't know what will happen. We may, in the light of later events or evidence , have made a decision that had an untoward outcome. However, if we can justify our decision making, it will be a defensible decision.

- A defensive practice- or shouldn't be. e.g. referring to the LADO when we know the event does not meet threshold, but want a LADO referral on record.

dialogue

Do you use a model ?

- Using a consistent model and approach across the organisation is key.
- The so- called "Rational" model is useful.

Identify the problem/issue: gather data	Generate options for action	Evaluate options, including likelihood of outcomes and select option	Implement and evaluate the chosen option

dialogue

What can impact/influence this process?

Assumption

Bias

Availability of information

Professional experience "gap filling" where information is lacking

Weighing up options and our own knowledge base or available research to support decision making

Intuition

Using stereotypes

Confirmation bias

ARE YOU AWARE OF THE IMPACT THESE HAVE ON SAFEGUARDING DECISIONS ?

Decision making

- We often look to a balance in our decision making

- Do you look at a situation and note the options available to you? Do you review those options ?

- How do you record this ? Do you record this ?

- Do you look at the decision and reflect upon it using failure mode effect analysis (FMEA) – if we do this what could happen , what could go wrong?

Munro offers us the "decision tree" model

- Useful when we are faced with a complex safeguarding / well being decision

Munro (2008 p. 105) suggests there are 7 stages to a decision tree:

1. **What is the decision?**

2. **What options are there?**

3. **What information is needed to help make the choice?**

4. **What are the likely/possible consequences of each option?**

5. **How probable is each consequence?**

6. **What are the pros and cons of each consequence?**

7. **The final decision**

Recording

- Increasingly under scrutiny.

- Recording within your organisation's records system is a vital part of defensible decision making

- If you are later asked to justify your decision making (e.g. in court or to a Coroner), the absence of a written record will weaken your evidence considerably.

- Compliance with your organisation's recording systems is important as is alignment with CP / safegaurding and other policies

- Ensure that you consider for example writing up as soon as possible after events, including who has been consulted etc.

Recording.

- Cover what has been decided, but also why: the rationale for the decision:

- How have you come to this decision?

- What information have you used in making this decision?

- What other options are there, and why do you evaluate they are not viable?

- Increasingly email trails are used as evidence of decision making. Be careful though: they may cover what has been decided and who has been consulted, but does it cover the rationale?

- Has the decision been communicated to all who need this information(Information sharing guidance)

Lots to think about…..

- It would be useful to perhaps do a poinbt in time review in respect of current practice/ strategic thinking by the Board and Directors.

- This could give you a baseline for a development plan if needed.

- Any questions or queries ?

Thank you.

- Chris Freestone .

Dialogue