**NEED TO KNOW PROCEDURE**

**ESSENTIAL REPORTING FOR CHILDREN’S AND YOUNG PEOPLE’S SERVICES**

**REVIEW DATE: 20.06.22**

**TARGET AUDIENCE All staff and managers in Safeguarding & Children & Young People’s Services**

1. **INTRODUCTION**

The Director for Children Services, (DCS) holds overall accountability for the Directorate’s performance and must be informed of all major incidents, involving employees and critically children and young people.

These guidelines set out what the DCS needs to know and the format for the ‘need to know’ briefing.

The DCS, Children and young people services, working with the Directorate’s Management Team (DMT) and members of corporate communications team, will ensure that the Chief Executive, other corporate colleagues, and elected members are informed as necessary.

1. **CIRCUMSTANCES REQUIRING A ‘NEED TO KNOW’ BRIEFING**

* 1. The Director needs to be briefed by the most appropriate manager concerned with the incident in the following circumstances:
  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 Haringey school
* Violent incidents whilst on local authority or school premises, in the company of local authority or school staff or where 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
* Where a child is sentenced to custody including remands
* Child and Adolescent Mental Health (CAMH) tier 4 in-patient admissions. (CAMH Tier 4 Children’s Services deliver specialist in-patient and day-patient care to children who are suffering from severe and/or complex mental health conditions that cannot be adequately treated by community CAMH services.)
  1. **Staff**
* Unexpected death or serious injury
* Significant accidents or injuries at work. (This is 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
  1. **Service premises or schools**
* Serious or significant damage caused by floods, accidental fire .
* Significant vandalism or burglary
* Any incident of arson
  1. **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
  1. **Significant legal proceedings**
* Proceedings likely to attract public or media interest. This will include 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 litigation for damages, employment tribunal claims etc.
* Inquests

1. **FORMAT OF THE BRIEFING** 
   1. In the above circumstances, the Service Manager responsible for the business area involved in the particular incident, should wherever possible, complete the ‘Need to Know’ pro-forma. **This is a managerial task**; the detail must be confined to a level which will inform the Director, through the respective Assistant Directors, 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.
   2. The ‘Need to Know’ is in addition to and will inform any statutory notifications that may be required. The Assistant Director responsible for reviewing 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.
   3. Circumstances which are sufficiently serious to notify the Director, require the ‘need to know’ to be completed in draft by the Service Manager who will invariably have been involved in dealing with the matter. This must then be sent to the relevant Head of Service who is responsible for a review of the ‘need to know’ and further distribution. This process must be completed within 24 working hours of the incident and the knowledge of the concern.
2. **DECIDING WHO ELSE NEEDS TO KNOW** 
   1. All Assistant Directors must routinely be included in all ‘Need to Know’ notifications in order to ensure that DMT shares accountability for managing the risk or the situation. Assistant Directors will be in a position to effectively deputise for the Director and each other as necessary on ‘Need to Know’ issues and be able to identify and act on any cross divisional implications.
   2. Similarly, all Head of Service including the Head of Service, must be routinely copied into all ‘Need to Know’ notifications.
   3. Where a member of staff is the subject of the ‘Need to Know’ the departmental HR Business Partner must also be included.
   4. The ‘Need to Know’ should be copied to all managers involved in managing aspects of the incident.
   5. Should someone in receipt of the ‘Need to Know’ believe that a key person has not been included; they must refer, back to the relevant Head of Service who will decide on distribution. Under no circumstances should a recipient distribute the information without permission of the relevant Head of Service.
3. **BRIEFING ELECTED MEMBERS AND CORPORATE COLLEAGUES** 
   1. The ‘Need to Know’ is also intended to be used to brief the Lead Member for Children and Young People’s services. ***It is not*** intended to routinely brief all elected members who may have an interest in the situation. 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 the Director’s behalf) will decide whether the ‘Need to Know’ requires a wider confidential elected member briefing and what format it should take; for example, there will be some times when Members will need to be informed about incidents in their Division, or if they are a member of the Governing Body of a school.
   2. Confidential member briefings will come from the Corporate Director, Assistant Directors or corporate communications team working on behalf of DMT. Any confidential member briefing will be copied to the managers involved with the incident for information.
   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 and the resilience teams.
4. **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. The attachment must be clearly saved with a file name and date which is recognisable when stored in electronic folders. For example: *Need to know John Smith 1st Jan 20 Need to know update John Smith 31st March 20.*
   2. All ‘Need to Knows’ will be stored electronically by the Engagement, Safeguarding and Quality Assurance service. They will be tracked, and the author will be prompted for any anticipated updates until the matter is finally concluded.
   3. Updates must be added to the original ‘Need to Know’, dated and clearly identify the Service 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. **‘NEED TO KNOW’ BRIEFING PRO-FORMA** 
   1. The ‘Need to Know’ pro-forma is attached as appendix 1.
6. **MONITORING OF NEED-TO-KNOW BRIEFINGS** 
   1. The Engagement, Safeguarding and Quality Assurance, (ESQA), Head of Service is included in every NTK briefing and will liaise with HCSP to advise update or closure as required. The Head of Service will also advise regarding Ofsted notification in conjunction with the Assistant Director for Safeguarding and Children’s Services.
   2. The monitoring of briefings and subsequent updates is supported by administration processes undertaken by the Children’s Directorate. Service/Residential Manager should prepare a draft briefing and inform relevant Head of Service, identifying an alternative Head of Service if the relevant Head of Services is unavailable. Consideration should be given to seek legal advice and in all cases the Child’s Mosaic file should be updated within 5 working days.
   3. Assistant Director to:

* Consider discussion with DCS
* Consider obtaining COMMS advice
* Copy in ESQA Head of Service to any advice received
* Consider the need to alert Lead Members
* Alert Chief Executive (as required)
* Give consideration to ESQA to be informed when Notification / Alerts are made by the service e.g. residential homes
* ESQA in conjunction with the Assistant Director for Safeguarding and Children’s Services decide, using the information provided on the Need to Know, once ratified by the Operational Manager, whether an Ofsted notification is required
* Where notification is required, the case must be referred to the HSCP to consider if a Rapid Review or other review is needed using the HSCP procedures
* Where there is a child death or serious incident, ensure HSCP is notified
* Information collated and tracked within ESQA
* Information utilised in learning cycle for the Haringey Children’s Academy