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**NEED TO KNOW PROCEDURE**

**ESSENTIAL REPORTING FOR Sandwell Children’s Trust.**

**May 2019**

**To Review – May 2020**

1. **INTRODUCTION**

The Operations Director and Head of Service (or those delegating in their absence), and the Head of Safeguarding must be informed of all major incidents, situations or controversies involving children, services, staff, service users and buildings.

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

The Operations Director, working with the Directorate’s Senior Leadership Team and members of corporate communications team, will ensure that key people from the council including members are informed as necessary.

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

2.1 The Operations 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
* The unexpected or avoidable death of a child or young person in receipt of services or referred via the MASH
* Serious injury to a child or young person in care or subject to a child protection or Child in Need Plan
* Any incident where a pre-mobile baby suffers serious injury
* 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
* All serious incidents where there is a likelihood of an SCR or serious incident learning process

where a child has suffered serious harm because of professional failings

* All ‘major’ crimes (murder/attempted murder/rape/arson) committed by children or young people currently known to us (or former Looked after Children or those currently known to YOS)
* All serious violent crime committed against another child or young person
* All crimes/incidents that are considered gang related and involve the use of weapons
* Any incident likely to result in significant media attention
* Any case with organised or large-scale abuse for example, organised crime/county lines/issue around child sexual exploitation
* Where a registered provider (residential, Independent Fostering Agency or early years) is judged inadequate or closed following enforcement action by Ofsted;
* All formal notifications to Ofsted;
* Proceedings likely to attract public or media interest
* Criminal trials resulting from child protection proceedings
* Missing children where the child is either in care, subject to a child protection plan or living at home with family or connected carers

**For missing children, the following circumstances must be adhered to.**

* The Operations Director and Head of Service to be informed as soon as possible if a child or young person is missing
* Looked after children and young people who have been missing for 24 hours must have a need to know form completed within a working day following notification above
* This also involves completing a need to know for children and young people who live in our area but are not looked after by Sandwell
* There is a missing from home and care shared list (can be found at documents – children’s services – missing from home and care) that relevant managers need to update with relevant information and current ‘Need to Know’ form

**2.3 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)
* Staff as perpetrators in violent incidents
* Allegations, arrests or convictions for criminal offences (LADO may not be aware)
* Media coverage relating to members of staff where the publicity may impact on the Trust and wider council
* Any member of staff or ex member of staff who have been struck off the HCPC register for misconduct

**2.4 Other Issues**

* Major complaints implicating the Trust
* 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 safeguarding performance has been identified

**2.6 Significant legal proceedings**

* Proceedings likely to attract public or media interest. Criminal trials resulting from child protection proceedings, including Serious Case Reviews
* 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.
* Trials relating to fraud or other offences committed by staff
* Inquests in respect of children/young people
1. **FORMAT OF THE BRIEFING**

2.1 The relevant Team Manager/Operations Manager must begin to collate information in respect of the incident immediately upon receipt of the information received and inform the Head of Service on the same day or as soon as practicable. This can be done initially by email or discussion

2.2 In the above circumstances, the Operations Manager/Head of Service responsible for the business area involved in the incident, should wherever possible, complete the ‘Need to Know’ form

2.3 The ‘Need to Know’ is in addition to and will inform any statutory notifications that may be required. The Head of Service 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.

1. **DECIDING WHO ELSE NEEDS TO KNOW**

3.1 The Operations Director will decide who to share the ‘Need to Know’ to ensure that the Senior Management Team takes accountability for managing outlined issues.

3.2 Where a member of staff is the subject of the ‘Need to Know’ the departmental HR Business Partner must also be included.

3.3 Should someone in receipt of the ‘Need to Know’ believe that a key person has not been included; they must refer 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.**

**5. BRIEFING ELECTED MEMBERS AND CORPORATE COLLEAGUES**

5.1 The ‘Need to Know’ is also intended to be used to brief the Lead Member for Children’s Social Care & Early Help

5.2 If an IRO is involved, they should be informed about the Need to Know

5.2 The Operations Directors will decide whether the ‘Need to Know’ requires a wider confidential elected member briefing and what format it should take

5.3 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. The Operations Director will decide on this action and who to distribute to

**6. SENDING THE ‘NEED TO KNOW’ BRIEFING**

6.1 All ‘Need to know’ forms must be stored electronically by the Safeguarding & Quality Assurance Service. They will be tracked, and the author will be prompted for any anticipated updates until the matter is finally concluded.

6.2 Updates must be added to the original ‘Need to know’, as further information is received or developments from the original information occur. The updates must be dated and clearly identify the Service Manager and reviewing HOS 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.

**7. ‘NEED TO KNOW’ BRIEFING PRO-FORMA**

7.1 The [Need to Know Briefing – form](http://www.proceduresonline.com/sandwell/cs/user_controlled_lcms_area/uploaded_files/TX430%20Need%20to%20know%20briefing%20-%20form.docx) that must be completed is available on Tri.X

7.2 The Summary Page should be completed but must not include identifying information regarding children or young people. Initials and date(s) of birth are sufficient as this will form information shared by the Operations Director and relevant others

**8. MONITORING OF NEED TO KNOW BRIEFINGS**

8.1 The Director of Quality and Performance/Head of Safeguarding must be included in every NTK briefing and will liaise with Ofsted and the LSCB. They are required to do so under the DfE Guidance - Working Together 2018. If the threshold is met s/he will submit any necessary notifications. The Director of Quality and Performance/Head of Safeguarding must be kept up dated at all times, as any changes in the child’s circumstances can mean that the threshold for an Ofsted Notification or LSCB/MASA referral that wasn’t met earlier in the NTK, is now met and required.

8.2 The monitoring of briefings and subsequent updates is supported by administration processes coordinated by Business Support.

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| **Action**  | **Timescale - within 5-day framework**  |
| The person who becomes aware of the incident must inform their Team Manager  | On Day One  |
| The Line Manager will inform the relevant Operations Manager/Head of Service  | On Day One  |
| The Operations Manager will: - prepare a draft briefing - inform the relevant Head of Service of the incident - where the relevant Head of Service is unavailable, ensure an alternative Head of Service is identified to review and authorise the Need To Know - Seek and include legal advice where necessary.  | On Day One  |

The Head of Service will then:

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| Review and agree the briefing and send to the Director of Operations, Director of Performance and Quality/Head of Safeguarding and the Chief Exec for the Trust | On Day One  |
| Review whether there is a need to seek legal advice and/ or media/communications team advice  | On Day One  |
| Verbally alert the Director of Operations, Director of Performance and Quality/Head of Safeguarding and the Chief Exec, as well as using the “Need to Know” pro-forma  | On Day One  |
| Review and update the NTK briefing and send this to Director of Operations, Director of Performance and Quality/Head of Safeguarding and the Chief Exec. | Within one working day |
| The Director of Quality and Performance will consider if there is a need to refer the case to the LSCB/MASA for a Serious Case Review and will make the decision whether to notify Ofsted using the online notification process. | By Day Five  |