

Item No.	Classification: Open	Date: July 21 2009	Meeting Name: Executive
Report title:		Young Southwark - Statutory Changes to Children's Trust Board	
Ward(s) or groups affected:		All	
From:		Romi Bowen, Director of Children's Services	

RECOMMENDATION(S)

1. To note system wide implications arising from changes to statutory guidance on Children's Trusts, the Children and Young People Plan (CYPP), and the roles of Lead Member (LM) and Director of Children's Services (DCS).
 - 1.1 Future governance considerations for the Council and its partnerships
 - 1.2 Council and partnership-wide strategic and joint planning arrangements for all services that aim to improve outcomes for children and young people
 - 1.3 Council and partnership-wide performance management arrangements for improving outcomes for children, and young people

BACKGROUND INFORMATION

2. The Children's Trust is a partnership between the council and the main provider services for children, young people and their families. It is underpinned by duties in Section 10 of the Children Act 2004 on local authorities and their 'relevant partners' to cooperate to improve well being for children and young people (see Appendix 1 for details of relevant partners). Well-being is defined as the five Every Child Matters (ECM) outcomes; be healthy, stay safe, enjoy and achieve, positive contribution and economic wellbeing.
3. The Government has published new statutory guidance for Children's Trusts under Section 10 of the Children Act 2004 to strengthen the role of Children's Trust boards, the DCS and LM. This means there is now a legal basis for the Children's Trust and its responsibility for setting the strategic vision and direction for services for children in the local area via the Children and Young People's Plan (CYPP). As a result of guidance the Children's Trusts should have "five essential" features in place. These are:
 - i. ensuring there is a child and family centred, outcome-led vision for all children and young people via the CYPP. This should be clearly informed by the views of young people and their parents and guardians and a Joint Strategic Needs Assessment (JSNA)
 - ii. putting in place robust arrangements for inter agency governance through the Children's Trust

- iii. developing integrated strategy, joint planning and commissioning including pooled and aligned budgets, underpinned by the CYPP
 - iv. supporting the above (i-iii) through integrated processes and effective joint working using shared processes and information sharing
 - v. developing and promoting integrated frontline delivery organised around children and young person rather than professional and institutional boundaries.
4. In recent weeks, the role of the Children's Trust has been strengthened with the outcomes of Laming's enquiry into the death of Baby P and the Government's response to the enquiry. The relationship between the Children's Trust and local Safeguarding Board is to change, with the latter set to report into the former. It will also require the Children's Trust to hold both the local Safeguarding Board and the wider system to account for safeguarding all children and young people. Furthermore, the Children's Trust and Safeguarding Board will not be able to be chaired by the same person, and therefore locally we are recruiting an independent chair for the Safeguarding Board. Many of the actions for the Children's Trust arising from Laming will be covered within the reviewed 'Working Together to Safeguard Children' guidance to be issued in autumn 2009. As a result the Children's Trust will be responsible for ensuring robust changes to practice on the ground are implemented around safeguarding and use of resources across partners in regard to this area.
5. The Apprenticeship Skills and Learning Children Bill, which is currently before the House of Lords, puts a duty on schools to promote pupil well-being and revises legislation for schools causing concern. These specifically relate to the Local Authority's strategic leadership role in promoting higher standards in education and improving wellbeing through schools. Furthermore, statutory guidance for children's trusts extended the duty to cooperate to schools, including academies and higher education institutions.
- 6.0 The government has also issued new statutory guidance for The CYPP. The key changes arising from this guidance include:
- 6.1 Primary care trusts and local authorities working together to achieve their common goals through children's trust arrangements. A shared and agreed vision, priorities, actions and use of resources will need to be included in both the CYPP and the PCT strategic commissioning plans and strategies.
 - 6.2 Schools at the heart of the children's system and a local vehicle for securing improved well being for children, young people and their families.
 - 6.3 To support child poverty reduction that partners work to ensure a multi faceted, coordinated approach by all partners across the five ECM outcomes to improving life chances, enhanced by the soon to be passed 'Child Poverty Bill'.
7. The Children's Trust is currently overseeing the development of a new CYPP for 2010-13. In line with statutory requirements, a robust needs assessment is being undertaken through the JSNA and extensive consultation with stakeholders across the borough is planned, including frontline practitioners, children, young people and families.

8. The change in the status of the CYPP will have implications for the Council and its partners in terms of how they align planning and delivery arrangements for services to children, young people and families to the CYPP. In doing so, there will also be a line of accountability to the Children's Trust on commitments and outcomes agreed with partners through the CYPP process and scope.
9. The impact of Children's Trust on outcomes will be inspected through the Comprehensive Area Assessment (CAA) process, as will other council partnerships. The Ofsted led component of the CAA will be a significant contributor to the CAA score overall, and feed directly into the Audit Commission led process and organisational score for the borough. This inspection framework will take into consideration our progress against the statutory guidance to the Children's Trust and CYPP.

KEY ISSUES FOR CONSIDERATION

Future Arrangements for Strategic and Joint Planning and Governance

10.0 There are a number of key issues for consideration, these are as follows:

- 10.1 The DCS and LM will need to be able to hold individual council departments, partners and Members with duties to cooperate to account. In exercising this duty, all partners contributing to improved outcomes for children and young people will need to be clear of their accountabilities to the DCS, LM, Children's Trust and/or LSP.
- 10.2 The Executive Member for Children's Services will chair the Children's Trust.
- 10.3 The portfolio of the Leader of the Council will now include responsibilities for schools, attainment and post 16 and he will be joining the Children's Trust Board.
- 10.4 We will need to consider locally the future interface and arrangements between the Children's Trust and the council, partnerships and partners including the LSP for the delivery of the CYPP and related LAA targets. The council and the LSP will need to ensure that governance arrangements can sufficiently support the emerging children's trust agenda. This will include alignment of joint and strategic planning activities of council services and thematic partnerships, and consideration of how use of resources across the system will deliver the CYPP priorities.

Future commissioning arrangements

- 11.0 There are implications for the future commissioning of borough-wide services that impact on outcomes of children and young people and their families.
- 11.1 The national direction for Children's Trusts is moving into a strategic commissioning model, similar to that of the PCT. Southwark is currently one of a small number of authorities working with the National Commissioning Support Unit to model this new way of working. This is

likely to result in a future move to a stronger commissioning and quality assurance function for the Children's Trust, and by extension the DCS and LM roles. This may include more formalised arrangements with other council departments, members, partners and/or other partnerships within and across the LSP.

- 11.2 By 2011, the CYPP will need to clearly set out the roles, responsibilities and use of resources by council and partners agencies in delivering agreed and shared outcomes across five ECM domains. This will need to be underpinned by a range of arrangements that secure the delivery of local priorities and improvements in all ECM outcomes.

Policy implications

- 12.0 There are a wide range of policy implications from the changes. However, the way in which they will impact on the council and partners will become clearer over time. This will include further development of the relationship between council wide business, the LSP and Children's Trust in light of changes to both the body and the CYPP.

- 12.1 The roles and duties of the DCS and LM will need to be reviewed and developed over time in line with national and local changes in responding to the agenda. An anticipated change in their role is in relation to how they will commission services.

- 12.2 As the children's trust moves into a commissioning model, the formalised arrangements will need to develop to meet statutory requirements and will influence arrangements with council departments, partnerships and partners across the borough. This could include aligned or pooled budget arrangements with other departments, the LSP or council partners to underpin joint working arrangements. This is likely to eventually impact on the working practices of the borough wide system as a whole.

- 12.3 The CYPP will need to inform a wider range of planning arrangements, including borough and council wide strategic and partnership plans and those that impact on outcomes for children, such as the spatial plan. Once shared vision and priorities are agreed, the CYPP will be a key driver in securing council services, provision and other partners' commitments to delivering its priorities and outcomes. This will include council wide and partnership commitments to use of resources and performance management arrangements. The requirement for the system to align to the CYPP will mean that the priorities will need to be visible and reflected in relevant plans, commissioning, operational and performance management arrangements at both council and partnership levels.

Community Impact Statement

13. The work of the Children's Trust and the CYPP has wide reaching implications for all children, young people and families, including the most vulnerable. A key underpinning principle will be to ensure it embeds considerations of equalities and human rights throughout its development, action and review. We are currently working to mainstream equalities in all aspects of the work such as the needs assessment, stakeholder engagement and performance review arrangements. The CYPP and Children's Trust will be underpinned by a range of equality impact assessments in line with the corporate model and approach.

Resource implications

- 14.0 The CYPP must include a statement of how the Local Authority's use of resources will contribute to the improvement of outcomes. Detailed financial information is not required, but the statement of resources should be sufficient to give confidence that the actions proposed by the CYPP are realistic, affordable and not merely a set of aspirations. Financial information should be available to elected members and boards of local partners when they are endorsing the plan. This will need to be reflected in council budget setting process.
- 14.1 The CYPP should show how the budgets of local partners involved in preparing the plan, including the voluntary sector, will be used to contribute to the delivery of the plan. It should also set out progress on the pooling and aligning of budgets and how Children's Trust partners intend to integrate the use of assets, resources and new technologies in support of delivery. It is particularly important where joint actions are proposed without a pooled budget that partners set out clearly the level of resources committed to and how budgets will be aligned or funding apportioned.
- 14.2 The quality of service provision is one of the most important factors in delivering overall improvement in outcomes. The challenging public sector financial context over the coming years makes it vitally important that services are evidence-based, cost-effective and efficient. The CYPP will be used as a driver to remove duplication where it exists across the children's system and target resources against an agreed set of priorities.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director, Communities Law & Governance

15. The Executive are being asked to note the forthcoming changes which arise in respect of Children's Trusts, the Children and Young People Plan, the roles of the Lead Member and Director of Children's Services, its partnerships and relevant partners. The changes will focus on governance, strategic and joint planning and performance management arrangements. The changes will come about through statutory guidance (some of which has been issued) and new legislation. The report sets out what these changes are expected to deliver, how they will be delivered and how Children's Services are responding.

Finance Director

16.0 There are no immediate financial implications arising from this report.

16.1 However, as set out above, it is a requirement for the CYPP to show how the budgets of the local partners (including the Council) involved in preparing the plan will be used to contribute to the delivery of plan.

16.2 The CYPP will also set out the Council and its partners' priorities for service delivery and performance and will, therefore, provide a means by which scarce resources can in future be targeted to the areas of greatest need.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Children and Young Peoples Plan Guidance 2009	Southwark Council Strategy and Partnerships Children's Services 160 Tooley Street London SE1 2TZ	Elaine Allegretti 53816
Statutory Guidance Children's Trust	Southwark Council Strategy and Partnerships Children's Services 160 Tooley Street London SE1 2TZ	Elaine Allegretti 53816

APPENDICES

No.	Title
Appendix 1	Exerts from statutory guidance regarding "relevant partners"

AUDIT TRAIL

Lead Officer	Romi Bowen, Strategic Director of Children's Services	
Report Author	Elaine Allegretti, Head of Strategy and Partnerships, Children's Services	
Version	Final Version	
Dated	July 10 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Communities Law & Governance	Yes	Yes

Finance Director	Yes	Yes
List other officers here		
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	July 10 2009	

Appendix 1 – Exerts from Statutory Guidance regarding relevant partners

Source: Statutory guidance on inter-agency co-operation to improve the wellbeing of children: children’s trusts 2005

Key partners

Agencies are covered will vary with local circumstances, but to ensure wide ownership of the arrangements the partners should seek representation from the following¹⁰:

- Voluntary and community sector agencies and private sector bodies working with children and young people (e.g. childcare providers, culture, sport and play organisations). Where participating organisations are understood to be representing a wider body of interested parties, it will be important that representatives both report to those they are representing and are able to be instructed and informed by them. Where existing infrastructure to accommodate representation does not exist, the authority will need to consider how best representation can be achieved and what support they can offer to facilitate representation;
- Young people and their families, either through the direct representation, or through some form of advocacy arrangement. Participation from children and young people should also reflect local diversity in the community and include the input of service users, for example disabled children;
- Schools, including special schools, which will be expected to work with the children’s trust partners through appropriate co-operation arrangements. A head teacher of a large extended school may be well-placed to participate in the children’s trust governance arrangements directly; others may be represented by a delegate; or through an umbrella body. Some schools may simply express their views through consultation exercises;
- other agencies with responsibility for delivering front-line statutory services to children, young people and their families, e.g. , colleges, General Practitioners, faith organisations and Job Centre Plus;
- Agencies such as the Immigration Service, which may come into contact with children, young people and families on a regular basis.

The relevant partners

The agencies that are named in the Children Act 2004 as ‘relevant partners’ have a reciprocal statutory duty to co-operate in making the arrangements with the local authority:

- District Councils
- Police & Police Authorities
- National Offender Management Service (NOMs) – Probation Service
- Youth Offending Teams
- Strategic Health Authority and Primary Care Trust
- Agencies responsible for providing services under section 114 of the Learning & Skills Act 2000 – The Connexions Service
- Learning and Skills Council

Other partners

The involvement of these will vary between local areas, but in order to reflect the overall contribution to children’s wellbeing the local authority should include frontline service providers, especially schools, and representatives from the voluntary,

community and private sectors e.g. youth work providers, culture, sports and play organisations. Unlike the 'relevant partners' these agencies have no statutory duty to co-operate with the arrangements.

- Children, young people and families
- Schools, City Technology Colleges, Academies, Further Education Colleges and Work-Based Learning Providers
- Primary Care Providers
- NHS Trusts and Foundation Trusts
- Voluntary and community sector
- The private for profit and not for profit sectors
- Greater London Authority
- Immigration Service and National Asylum Support Service
- Jobcentre Plus
- CAFCASS

Other related partnerships

- Local Strategic Partnerships (LSPs)
- Crime and Disorder Reduction Partnerships (CDRPs)
- Drug Action Teams
- Behaviour and Education Support Teams (BESTs)

Source: Statutory guidance on inter-agency co-operation to improve the wellbeing of children: children's trusts 2008

Children's Trust: Statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families

- The local authority – including all constituent services that impact on children and families, such as housing;
- named statutory 'relevant partners'; and
- Any other partners the local authority considers appropriate.

The '**relevant partners**' are currently: district councils, the police, the probation board; the youth offending team; the Strategic Health Authority and Primary Care Trusts, Connexions partnerships and the Learning and Skills Council. **The relevant partners are placed under a 'duty to cooperate in the making of arrangements to improve well-being' and have a power to pool budgets and share other resources. The Government is intending to add to this list of relevant partners other bodies including maintained schools, Academies, FE and sixth form colleges and Job Centre Plus, to bring key delivery partners into the strategic planning role of the Children's Trust.**

- Health Partners: Sure Start Children's Centres; PCT; Professionals such as health visitors and GPs are key players; In 2009, revised guidance will be published on the health of looked after children.
- District Councils
- Youth Offending Teams, Police and Probation
- Front line providers, including schools colleges and work-based learning providers
- The Third and Private Sectors