

Item 4

REPORT TO CABINET

28 JULY 2005

REPORT OF HEAD OF STRATEGY AND REGENERATION

All Portfolios

EVERY CHILD MATTERS: DCC CONSULTATION ON ESTABLISHING A CHILDREN'S SERVICES AUTHORITY FOR COUNTY DURHAM – PROPOSED RESPONSE

1 SUMMARY

- 1.1 This report outlines Durham County Council's proposals on establishing the structure of the Children's Service's Authority for County Durham, in which the Borough Council is legally required to participate.
- 1.2 The report seeks approval for a response to the County's consultation paper developed by the Lead Member for Social Inclusion/Children and Young People and key officers across the Council.

2 RECOMMENDATIONS

It is recommended that Cabinet approves the response to Durham County Council's consultation paper on establishing the structure of a Children's Service Authority for County Durham.

3 THE EVERY CHILD MATTERS AGENDA

Background

- 3.1 The Every Child Matters (ECM) Agenda emerged as part of the Government's response to the Laming Report on the death of Victoria Climbié, which called for a radical reform of child protection services.
- 3.2 The ECM Green Paper, published alongside the formal response to Laming in September 2003, proposed changes in policy and legislation in England to bring about radical improvement in opportunities and outcomes for children, driven by whole-system reform of the delivery of children's services.
- 3.3 Specifically this will mean the integration of universal and targeted services across the age range 0-19 to focus services more effectively on the five ECM outcomes for all children and young people - being healthy, staying safe, enjoying and achieving, making a positive contribution and economic wellbeing – and to close the gap in outcomes between the disadvantaged and their peers. 'Children's services' means all services received by children, young people and their families including core education, health and social services, child protection and services provided at local level such as housing, nursery provision and leisure.

- 3.4 The Children Act 2004 provides the legislative foundation for ECM, introducing the following...
- Appointment of a National Children's Commissioner
 - Duty on Children's Services Authorities to develop appropriate partnership arrangements (e.g. a Children's Trust) to promote the wellbeing of children and reciprocal duties on the other agencies to co-operate in these arrangements
 - Requirement to prepare an overarching Children and Young People's Plan
 - Duty to have regard to the need to safeguard children and promote their welfare
 - Statutory Local Safeguarding Children Boards to replace the existing non-statutory Area Child Protection Committees
 - Shared information databases on all children and young people
 - Appointment of a Director and Lead Member for Children's Services at Children's Services Authority level
 - Integration of reviews and inspections for Children's Services
- 3.5 Every Child Matters: Change for Children (December 2004) provides the national framework for all Local Authorities working within the change programme. As Children's Services Authority, Durham County Council is leading on the implementation of the ECM agenda in County Durham and is engaging relevant partners (including District Councils) via the County Children and Young People's Partnership and the District LSP's Planning Groups.
- 3.6 Legislation provides for the development of a fully co-ordinated and integrated service by 2014. However ECM in Durham is working towards a 3-5 year strategy with full co-ordination and integration by 2008/2009 with significant milestones achieved through the development of pathfinders during 2006/2007.
- 3.7 Work to date has concentrated on establishing an Outcomes Framework for County Durham to inform the Children and Young People's Plan, ensuring that the local element is fully addressed via the District Planning Groups. In June 2005 the County Council issued a consultation paper outlining proposals for setting up the structure of the Children's Service's Authority. Each of the partner organisations under the Children Act were requested to consider the discussion paper at the next relevant meeting of their Cabinet and offer a formal response to the consultation paper by 5 September 2005.

Proposals

- 3.8 The consultation paper seeks agreement to establishing the role of a **Children's Executive Board** – accountable for the strategic development, planning and commissioning of children's services; joint funding and resourcing of services; and the monitoring and reviewing of performance management standards. The Executive Board would ensure that collectively, organisations deliver effective, efficient and appropriate co-ordinated and integrated services and will function as a strategic decision making body. It would be accountable to Durham County Council as the Children's Services Authority. All members would also be accountable individually within their own organisation.
- 3.9 The format of the Children's Executive Board will either be a Trust or a Partnership and responses from Partners under a duty-to-co-operate within the legislation are particularly invited for consideration.

- 3.10 At local level, the paper suggests the development of **Local Children's Boards** responsible for the local development, commissioning and planning of services to deliver and implement services that meet local needs and priorities for children and support the strategic direction of the Executive Board. The Local Boards would be accountable locally for the delivery and performance of the services within their locality and would be at the forefront of developing and implementing co-ordinated and integrated service provision to achieve better outcomes for children, young people and their families.
- 3.11 The format for the Local Boards can also adopt that of a Trust or Partnership. Proposals within the paper for the number of local boards are pragmatically based on current PCT and CDRP boundaries (Dales; Derwentside; Durham and Chester-le-Street; Easington and Sedgefield). Views are particularly sought from partners in relation to the format, responsibilities and number of the Local Children's Boards and on their accountability arrangements.
- 3.12 Durham County Council has requested responses to seven questions, as follows...
- 1 What improvements can be made to the model?
 - 2 (a) Does the proposed functional model address the Every Child Matters Agenda?
(b) Is your core business area represented appropriately within it?
 - 3 What format, Trust or Partnership, do you consider would be most effective?
 - 4 Is the membership of the Children's Executive Board adequately representative?
 - 5 Is the membership of the Local Children's Boards adequately representative?
 - 6 What government arrangements would best support the model?
 - 7 What do you consider as the major risks in implementing the model?

Recommended response

- 3.13 The Lead Member for Social Inclusion/Children and Young People and key officers across the Council were consulted in the preparation of the draft response to the consultation questions attached at Appendix 1. Management Team approved the draft for submission to Cabinet on 18 July 2005.
- 3.14 The key points to be noted in the draft response include...
- A request for the County Council to fully explore the possibility of establishing a Children's Trust for County Durham so that vision, accountability and governance arrangements are clear to organisations, employees and the local community
 - A request for appropriate consideration to be given to establishing Local Boards at the District LSP level and 'contextualising' the model within current and proposed arrangements for the delivery of all public services across the County e.g. a Local Area Agreement for County Durham

Next steps

- 3.15 Durham County Council has stated that further development of the model will take place throughout the consultation process as a result of the feedback from workshop sessions together with formal responses by all interested parties. The outcomes of the consultation will be shared during September 2005 and a model for the future formally identified after this.

Corporate policy implications

- 3.16 The proposals are at the consultation stage only at present but ultimately will impact on the Council's policy and practice in respect of children and young people. A further report will be brought forward on implications when the County Council has considered all consultation responses and issued a formal proposal.

4 RESOURCE IMPLICATIONS

- 4.1 Approval of this draft response does not result in any costs to the Council but it should be noted that a significant amount of officer time – particularly within Strategy and Regeneration – is expended on the planning and delivery of the Every Child Matters agenda in the Borough.

- 4.2 However, once the structure of the Children's Services Authority is agreed and approved the Council will no doubt be required to commit resources to support the structure. The degree of organisational change involved will be determined in the coming months.

5 CONSULTATIONS

- 5.1 The Lead Member for Social Inclusion/Children and Young People and key officers across the Council have participated in the development of this draft response.

- 5.2 Durham County Council has hosted consultation events across the County to collate the views of key service providers, the voluntary and community sector and other stakeholders on its proposals. Children and young people across the County are closely involved in the development of the Every Child Matters agenda, through Investing in Children amongst other agencies.

6 OTHER MATERIAL CONSIDERATIONS

6.1 Legal Implications

Participation in the development of the Children's Services Authority and the delivery of the Every Child Matters agenda in County Durham ensures compliance with the Children Act 2004.

6.2 Risk Management

The establishment of the Children's Services Authority will reduce the risk to organisations and importantly to individuals deriving from silo working on children and young people's issues.

6.3 Efficiency/ Procurement

The establishment of the Children's Services Authority will no doubt result in efficiencies in respect of use of employees and in commissioning, in the medium-term.

6.4 Sustainability

The Children's Services Authority will play in significant role in the development of sustainable communities in County Durham. However the model itself needs to be

sustainable and consistent with the future development of local government in the County. This key point is raised in the draft response.

6.5 Information Technology

No implications at this stage.

6.6 Human Rights

The proposal and the draft response in no way contravene the Human Rights Act 1998.

6.7 Health and Safety

The establishment of the Children's Services Authority will result in significant improvements in child protection across County Durham.

6.8 Equality and Diversity

The proposal does not clearly set out how it will promote the Equality and Diversity agenda and this has been raised in the draft response.

6.9 Social Inclusion

The Children's Services Authority will be focused in improving outcomes for all children and narrowing the gap between the quality of life experienced by the disadvantaged and their peers. In tailoring services to the needs of individuals it will significantly improve the quality and accessibility of children's services in the County.

6.10 Neighbourhoods

Integrated planning and delivery for children and young people will assist in narrowing the gap in comparative disadvantage experienced by children and young people across the Borough.

6.11 Children and Young People

The Children's Services Authority will deliver improved outcomes for children and young people across the County.

6.12 Crime and Disorder

Integrated planning and delivery for children and young people will be more effective in protecting children and young people and in steering them away from potential pathways to crime and anti-social behaviour.

7 OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 Overview and Scrutiny has not been involved in the preparation of the draft response. The role of Overview of Scrutiny within the proposed model is not made clear and this has been raised in the draft response.

8 LIST OF APPENDICES

DCC proposals on CSA functional modelling: Draft SBC response

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Wards: Potential to impact on all wards but consultation only at present.

Key Decision Validation: Consultation only at present, formal approval of structure will be key decision.

Background Papers:

- Children Act 2004
- Every Child Matters: Change for Children
- Every Child Matter in County Durham: Functional Modelling (DCC consultation)

Examination by Statutory Officers

	YES	N/A
1 The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPENDIX 1
DCC PROPOSALS ON CSA FUNCTIONAL MODELLING
DRAFT SBC RESPONSE

<p>Question 1: What improvements can be made to the model?</p>	<p>It should be made clear how the model links with LSP arrangements across the County. The model needs to be sustainable/future proof – the concept of Local Boards for current PCT boundary areas would be unlikely to achieve this, given their potential amalgamation. In addition this structure would promote confusion over the concept of local (e.g. 7 Local Strategic Partnerships but 5 Local Boards) within the County and the responsibility of elected members within those PCT areas that are not coterminous with district boundaries. Appropriate consideration must be given to establishing Local Boards at the District LSP level and the model must be ‘contextualised’ within current and proposed arrangements for the delivery of all public services across the County. In particular, it must be consistent with the governance arrangements and the proposals for neighbourhood engagement developed through the Local Area Agreement for County Durham.</p> <p>The role and membership of the ‘Local’ Safeguarding Children Board requires clarification – how will this link to the local level and work on the ‘Staying Safe’ outcome? In addition the roles of the Children’s Champions for safeguarding and attainment need to be clarified.</p> <p>Communication between the Executive Board and the Local Boards needs to be strengthened and the respective roles and responsibilities of each need to be set out clearly. A Communication strategy will be required to enshrine the ‘bottom-up’ design principle.</p> <p>The accountability and responsibilities of Local Boards in respect of commissioning requires clarification – will Local Boards have some devolved responsibility for commissioning or just provide services?</p> <p>In addition, the operational aspects of the model require further consideration. It may be considered appropriate to establish thematic working groups below the Local Board level focusing on the five ECM outcomes. This will ensure that the outcomes are given appropriate consideration outside of current remits and delivered from the bottom-up.</p> <p>The model suggests unclear commitment to VCS and a lack of inclusion of the views of children and families - contrary to claims that this is what the preferred model will secure. Consideration must be given as to how the views of CYP and families can be central to the CSA’s development and governance.</p>
<p>Question 2: (a) Does the proposed functional model address the Every Child Matters Agenda?</p>	<p>UNCLEAR</p> <p>The 5 ECM Outcomes do not appear to be sufficiently addressed in the model. It is not clear whether the personnel selected can fully deliver the five outcomes (e.g. would have limited impact on the economic wellbeing outcome without involving the business sector). A stakeholder mapping exercise should have been undertaken to inform representation on the Boards.</p> <p>As stated above, thematic working groups could support the Boards in order to ensure appropriate consideration of the ECM Outcomes Framework.</p>
<p>(b) Is your core business area represented appropriately within it?</p>	<p>YES</p> <p>The Council welcomes the full involvement of Districts in the model. The Council’s Management Team has previously determined appropriate officer representation on the County and Borough’s Children and Young People’s Partnerships and this will be reviewed when the CSA model is finalised. An internal officer group chaired by the Council’s ECM Officer Champion is in place to ensure officers working with children and young people are familiar and comfortable with the impending changes.</p> <p>However, there is a need to clarify the representation of Sure Start/Children’s Centres in the structure.</p>

<p>Question 3: What format, Trust or Partnership, do you consider would be most effective?</p>	<p>TRUST</p> <p>The Council strongly urges the County Council to fully explore the possibility of establishing a Children's Trust for County Durham. The Council's view is that the benefits of the Trust structure remain clear...</p> <ul style="list-style-type: none"> ■ Offers a clear vision and mandate, a robust structure and governance arrangements ■ Provides a focus on service improvements – clear workstreams to facilitate commissioning ■ Secures appropriate resources through the pooling of budgets ■ Promotes accountability ■ Supports change management by being suitably distinct from current arrangements <p>This is a decision that it is crucial to get right first time and to be fully persuasive that a Partnership would be the most appropriate structure the consultation paper should present a compelling argument for implementing an alternative arrangement to the Trust structure. However, an informed discussion of alternatives – demonstrating learning from pathfinders (that include Gateshead and Darlington) and other sources – is not included and the 'detailed analysis' at Appendix 2 is merely a brief SWOT exercise.</p> <p>Whilst partnership working in the County is indeed strong, the sheer scale of this endeavour and the mandate to integrate services would not be best promoted through a Partnership structure, which would no doubt prove extremely difficult to manage and may result in continued silo working. The Trust structure would promote true integration across all levels – from fieldwork to management and governance – and create new culture that would respond to needs of families and not needs of service provider.</p> <p>However, it may prove appropriate to combine the two structures e.g. a County Durham Trust supported by local partnerships or vice versa (to ensure local needs are met). Consideration should perhaps be given to commissioning a detailed options appraisal on this matter if consensus cannot be reached.</p>
<p>Question 4: Is the membership of the Children's Executive Board adequately representative?</p>	<p>NO</p> <p>It is questionable whether the Executive Board can be truly representative of local services/needs if the Chairs of the Local Boards attend the Executive for 'communication purposes'. The Executive Board should also secure representation in respect of the following...</p> <ul style="list-style-type: none"> ■ Schools ■ Sure Start/Children's Centres ■ Acute Hospital Trusts ■ County Durham Youth Service ■ Further Education providers ■ Building Schools for the Future and extended schools initiatives ■ Business community ■ VCS ■ Participation workers ■ Children and young people and their families
<p>Question 5: Is the membership of the Local Children's Boards adequately representative?</p>	<p>NO</p> <p>The Local Boards should also secure representation in respect of the following...</p> <ul style="list-style-type: none"> ■ Schools ■ Acute Hospital Trusts ■ County Durham Youth Service ■ Further Education providers ■ Building Schools for the Future and extended schools initiatives ■ Business community ■ VCS ■ Participation workers ■ Children and young people and their families

<p>Question 6: What government arrangements would best support the model?</p>	<p>UNCLEAR</p> <p>The document does not provide sufficient information to make a call on this issue. Clearly effective governance (performance, financial and risk management) can be better achieved within the Trust environment and the processes adopted should safeguard local interests within the overall County agenda. Particular consideration should be given to the following issues...</p> <ul style="list-style-type: none"> ■ Learning from best practice in respect of governance ■ Terms of reference for each group within the structure ■ Clear decision-making, including a policy on alternates ■ Guidance, training and support for employees ■ Internal and external communication ■ Monitoring/assessment of progress ■ Appropriate scrutiny/audit arrangements
<p>Question 7: What do you consider as the major risks in implementing the model?</p>	<p>The document concedes that there is considerably more risk in implementing the Partnership structure yet does not fully explain how the benefits would make this option the most appropriate. Generic risks of service integration would include...</p> <ul style="list-style-type: none"> ■ Local needs being lost within the overall County picture ■ Insufficient links to CYP and families and VCS – may not be delivering what is needed ■ Raising community expectations but not delivering through lack of resources etc. ■ Disruption to delivery/inconvenience to families, with reputations increasingly damaged ■ Impending Green Paper and other policy changes – does model fit? ■ Difficulties in marrying systems/data sharing ■ Lack of experience in joint-commissioning ■ Roles and responsibilities not clearly specified ■ Change management issues – training, communication etc.
<p>Any Other Comments</p>	<p>The Council would stress the importance of effectively 'managing the change' during the integration of services, particularly in respect of staff involvement, to ensure that the transition is as effective as possible.</p> <p>In addition, the model should more clearly set out how it addresses and promotes the equality and diversity agenda.</p>

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