

Cabinet
22 February 2007

Scrutiny Sub-Committee for Developing
Lifelong Learning
26 March 2007



**A Children's Trust for County Durham:
Structure and Governance Arrangements
Key Decision: LLL/CYPS/09/06**

**Report of David Williams, Corporate Director, Children and Young
People's Services
[Cabinet Portfolio Member for Children's Services, Councillor C Vasey]**

Purpose of the Report

1. To seek agreement on partnership proposals for the structure and governance arrangements for a Children's Trust for County Durham to be established on 1 April 2007.

Background

2. a. The Children Act 2004 introduced the term "*Children's Services Authority (CSA)*". Durham County Council and all upper tier local authorities were given the functions and statutory responsibilities of a CSA. The legislation required the CSA to appoint a Director of Children's Services and transferred all the responsibilities of the former statutory posts of Director of Education and Director of Social Services, insofar as they related to children, to the new post. The Act also required the appointment of a lead member for Children's Services.
- b. Section 10 of the Act places a duty on the CSA and its "relevant partners" to co-operate to improve children's wellbeing. The CSA was given the responsibility of taking the lead in making arrangements to promote co-operation between local agencies whose work impacts on children. Statutory and other guidance makes it clear that this duty should be delivered through the establishment of a Children's Trust or equivalent arrangements. Consultation on the format of the arrangements was undertaken in 2005 and it was agreed that Children's Trust arrangements (known as the Children's Trust) were a suitable basis for partnership working in County Durham.
- c. The Trust is to be the vehicle for inter-agency co-operation to improve children's wellbeing. The statutory guidance, in practice, requires the Trust to work to improve outcomes for children and young people through the integration of the work of partners to establish:
 - **Inter-Agency Governance** (ie the subject of this report)
 - **Integrated Strategy** (eg the Children and Young People's Plan)
 - **Integrated Processes** (eg through agencies sharing data and information to protect children and to enhance their well being; or through having common assessment frameworks for children;

and through common performance management systems to ensure the delivery of the Children and Young People's Plan.)

- **Integrated Front-Line Delivery** (eg through the establishment of multi-agency teams to support children and their families).
- d. The Trust will have very significant responsibilities. It will, in accordance with its governance arrangements, bring partners together to provide strategic leadership to determine our collective priorities for children and young people, it will prepare and implement the Children and Young People's Plan and it will ensure the development and delivery of services for children and young people and their families in the County in line with the Plan.
 - e. Since the Act was passed in 2004 officers and lead members have worked with partner agencies to develop the concept of a Children's Trust for the County. It is intended that the Trust will be overseen by an Executive Board comprising some of the most senior representatives from the partner agencies; it will be supported by officer working groups. It is envisaged that the priorities and strategy established by the Executive Board will be delivered locally through five Local Children's Boards. These will evolve from the 5 existing Local Children's Planning Groups that support the LSP arrangements. They will become the local thematic groups that link to the LSP in their work across the field of Children's Services.
 - f. A partnership body such as the Trust requires clear arrangements for governance. This is necessary to ensure clarity on issues such as membership, decision making, and how the Trust will relate to the agencies and organisations represented on the Trust.
 - g. A Shadow Children's Executive Board was established with partners in April 2006 to draw up and propose these governance arrangements for approval by parent bodies with an intention to move to a formally constituted Executive Board in April 2007. The Board is chaired by the Corporate Director, Children and Young People's Services. Its membership is broad, with the County Council also being represented by the lead Member for Children.
 - h. The outline structure for the Trust, is set out in Appendix 2. Proposed governance arrangements, strongly supported by members of the Shadow Board, are attached at Appendix 3.
 - i. Members are asked to note that the principles supporting the governance arrangements are largely modelled on those that have been established for the Local Area Agreement (LAA). They have been the subject of significant cross-agency discussion and consultation. The outcomes of this consultation are summarised at Appendices 4.
 - j. In addition to the proposed governance arrangements a draft *Memorandum of Understanding* has been drawn up (Appendix 5). This sets out a series of more detailed arrangements for the Trust and would be the basis for its constitution.

- k. The effectiveness of partnership working, the arrangements for the Trust and how well partners are improving outcomes for children and young people will be inspected through the new national system of Joint Area Reviews (JARs) led by Ofsted. County Durham will experience a JAR in spring 2007.

Statutory Position

3. The governance model proposed is underpinned by the Children Act 2004 and the associated "*Statutory guidance on inter-agency co-operation to improve the wellbeing of children: children's trusts*", (Department for Education and Skills, 2005). Statute provides for a direct link between the Children's Executive Board and the lead Member for Children. In addition, the arrangements in County Durham provide for the involvement of Members through an active role in the scrutiny arrangements for the Trust and in the ordinary workings of the CSA.

Revenue Budget

4. There are no direct budgetary implications arising from this report. There is an expectation in the statutory guidance that partner organisations will move towards some pooling of budgets which will then be used by the Trust directly to commission services for the benefit of children and young people. No County Council decision on this is sought at this time.

Recommendations

5. Members are asked to:
 - (a) note and agree the proposals for the structure, governance and constitutional arrangements for the Children's Trust as set out in Appendices 2, 3 and 5;
 - (b) note that officers are working with partner agencies to secure general agreement on these; and
 - (c) require the Corporate Director, Children and Young People's Services to negotiate with partners to secure County Councillor membership on the Local Children's Boards.

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Appendix 1: Implications

Finance

None

Staffing

The establishment of Children's Trusts and the associated new ways of working impact on staff workloads. Whilst some associated initiatives have benefited from specific government grants the strategic management required for the development of partnership working and the Children's Trust is largely unfunded and so means additional work for staff or the realignment of management priorities.

Equality and Diversity

The development of the Trust is aimed at improving the wellbeing of all children and young people. It will, in particular, have a role to play in improving outcomes and "narrowing gaps" for those children and young people who currently suffer from lower achievement, who have poorer health, are less safe and less able to make a positive contribution and so less likely to achieve economic wellbeing.

Accommodation

None

Crime and disorder

Improving outcomes for children and young people will almost certainly have a direct and positive long term impact on crime and disorder. A number of agencies involved in youth justice will be represented on the Trust including Police, Probation, and the Youth Engagement Service. The work of the trust and the Children and Young People's Plan should be complementary to that set out in the Youth Justice Plan.

Sustainability

N/A

Human rights

Improving the wellbeing of children and young people will make it more likely that their human rights will be promoted and protected.

Localities and Rurality

All areas affected. The establishment of Local Children's Boards will enable the framework set by the county wide strategy and priorities to be interpreted and delivered locally.

Young people

Children and Young People are at the heart of this initiative.

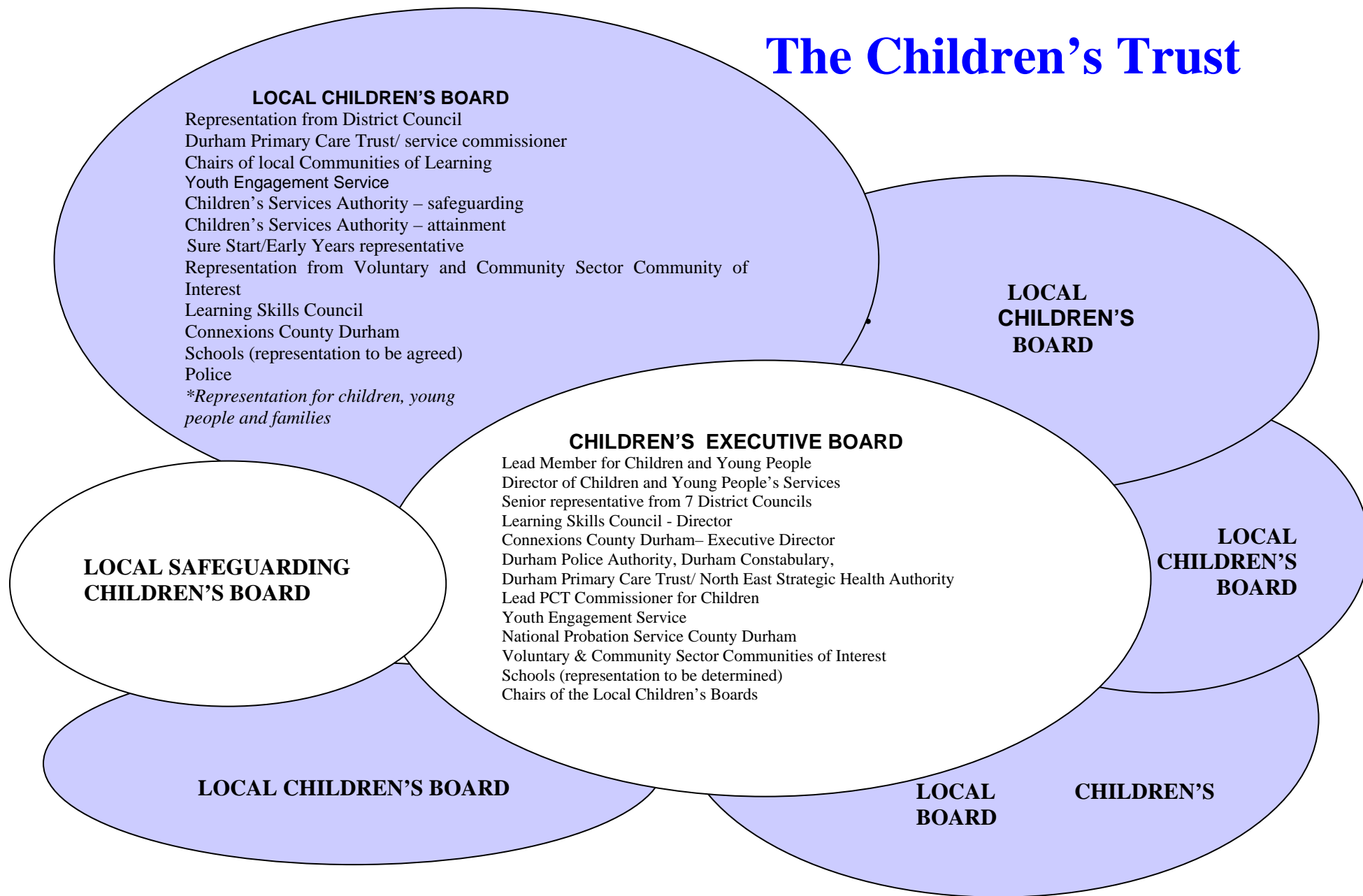
Consultation

All partner agencies have worked extensively on these proposals and all have been consulted. There is a very broad level of support.

Health

The PCTs have been actively involved. The Trust will be charged with furthering the Every Child Matters aim to ensure that children and young people are healthy.

The Children's Trust





Every Child Matters
in County Durham

Governance Proposals

**Children's Trust
Arrangements**

**in
County Durham**

1. General principles

1.1 The governance arrangements for the Children's Trust for County Durham do not supersede or replace the statutory duties, constitutional or political governance arrangements of any partner organisation. They are designed to provide a framework for partners in the County to work together to make arrangements to co-operate to improve outcomes for children, young people and their families, as required by the Children Act, 2004.

1.2 The principles underpinning the governance model are:

- a) The needs of children, young people and their families, including the need for safeguarding, are paramount
- b) **All** partners will work towards agreed joint targets and joint priorities for children and young people and will be collectively accountable for their delivery
- c) Decisions should be made at the lowest level consistent with the efficient use of resources and the effective achievement of our desired outcomes
- d) A joint commissioning framework will inform decisions across all partners and be supported through the alignment, and in some cases, the pooling of budgets
- e) Services will be commissioned at the most appropriate level to support local decision making, cost effectiveness and quality within any framework set by the Children's Trust
- f) The Children's Trust will adhere to the principles of the Compact.
- g) Decisions of the Children's Trust can not override those of the parent bodies of organisations represented on the Trust. In particular the Children's Trust can not require any partner to act in a way contrary to their statutory responsibility.

1.3 Success criteria for the Children's Trust are based on:

- Improved outcomes for children, young people and families
- The delivery of priorities and targets set out in the Children and Young People's Plan
- Measurable and continuing service improvements
- Effective safeguarding for children and young people
- Radical cultural change in how services co-operate
- Universal, targeted and specialised services re-configured to improve access
- Efficient and effective systems and processes
- Joint commissioning arrangements
- Robust financial and budgetary information
- Appropriate governance arrangements and protocols

- Strong engagement with and from all partners
- Flexibility in responding to the changing needs of service users
- Needs and services identified through active involvement of children, young people and their families
- Performance management systems and active intervention to improve performance.

2. Overview

- 2.1 The Children's Trust comprises an Executive Board and 5 Local Children's Boards. All partners named in the Children Act 2004 will be included within the Executive Board and/or the Local Children's Boards of the Children's Trust. The governance structure is dependent upon the commitment of all partners and agencies, at all levels to achieve joint targets and priorities. All need to work together to develop new ways of working to improve outcomes.
- 2.2 Work in the children's services arena isn't the exclusive responsibility of the Children's Trust. Accordingly, there are a number of key partnerships and agencies in place that interface with the arrangements for the Children's Trust:



- 2.3 The Children's Trust will be held to account for its performance in relation to specific areas by other Boards and agencies, with whom there is a link for example:
- The Local Safeguarding Children Board as part of its statutory role is required to challenge the Children's Trust or individual member agencies to account if concerns arise in relation to safeguarding practices for children and young people in County Durham.
 - Local Strategic Partnerships may want to challenge a particular commissioning strategy that gives rise to service inequalities.

- The Local Area Agreement (LAA) Project Board has specific governance arrangements and responsibilities in relation to LAA targets included within the Children and Young People's Block.

3. Shared accountability

3.1 The Children's Trust is responsible for delivering improved outcomes for children, young people and their families. The Children Act 2004 specifically identifies a number of partners who are legally bound to co-operate and work together with the Children's Services Authority (CSA) in making this happen¹. Within Durham, there is a wider recognition that other partners including schools, colleges, communities, GPs and the voluntary sector have a significant contribution to make. Further, the views held by children, young people and their families are vital in developing future services for children and improving outcomes.

3.2 The arrangements for the Children's Trust enable partners with a duty to co-operate to make significant improvements to the outcomes for children and young people in County Durham. It requires:

- A coherent and strategic approach to issues facing children, young people and their families
- Locally driven decisions about resource allocation and service development within a county wide strategic framework
- Shared accountability within and between partners who are responsible to the Children's Trust for outcomes and targets in their area.

3.3 The success of arrangements for the Children's Trust in County Durham depends upon all partners seeking to act collectively to improve outcomes. Membership brings together a combination of partners at Executive Board and Local Children's Boards. Importantly, all partners must be recognised as equal, and active contributions from all are sought, respected and valued. However, recognition must be given to the continuing statutory responsibilities that attach to some organisations and individuals involved in the Children's Trust. For instance, the emergence of the Trust does not affect the statutory responsibilities of any of the criminal justice agencies or reduce the personal accountability of the Director for Children and Young People's Services.

¹ The following are defined as relevant partners for the purpose of the Act :

- District Councils
- The Police Authority and Police Constabulary
- Probation Board
- Youth Offending Team
- Strategic Health Authority and local Primary Care Trusts
- Connexions
- Learning Skills Council.

- 3.4 Whilst the focus of the Children's Trust remains on joint working with partners to deliver improved outcomes, individual partners will also have other responsibilities, many of which are statutory, that need to be considered. Some are identified below:



4 The Children's Trust

Purpose

- To bring partners within a single framework responsible for the major delivery of services to children, young people and their families within County Durham
- To provide strategic leadership to ensure the development and delivery of improved outcomes for children, young people and their families
- To agree and implement the Children and Young People's Plan, reviewed annually.
- To act cohesively to implement the strategic decisions of the Children's Trust.

Terms of reference

- **Strategic planning for services and service delivery**
 - Agreeing joint priorities and targets
 - Development of commissioning framework
 - Strategic joint commissioning
 - Determining funding arrangements
 - Resourcing priorities.

- **Performance management**
 - Establishing a framework for delivery that recognises both quality and quantity.
 - Active intervention where services commissioned by The Trust fail to meet requirements
 - Establishing new ways of working to deliver services more effectively
 - Exercising a power of veto in relation to the commissioning of a service where a service consistently falls short of requirements, or is ineffective.

- **Working in Partnership**
 - To ensure that the standard of partnership working is monitored and reviewed, and that action is taken to address concerns and remove obstacles to effective partnership working
 - Seeking and responding to the needs of stakeholders
 - To facilitate the resolution of any conflict within Local Children's Boards.

Composition of the Executive Board (and initially the Shadow CEB)

4.1 The Executive Board of the Children's Trust will consist of named senior representatives of the following key partners:

- The CSA (Director of Children and Young People's Services and the lead member for Children and Young People)
- 7 District Councils
- County Durham Primary Care Trust/ North East Strategic Health Authority
- Community of Interest of Voluntary Sector Organisation
- Durham Police Authority
- Durham Constabulary

- National Probation Service County Durham
- Schools (representation to be agreed)
- Learning and Skills Council
- Connexions County Durham
- County Durham Youth Engagement Service
- Chairs of Local Children's Boards
- Chair of the Local Safeguarding Children's Board

The composition of the Executive Board will be subject to review.

- 4.2 Organisations will nominate individuals as members of the Executive Board. Each member will need to have sufficient seniority e.g. Chief Executive or someone directly accountable for children's issues, with the authority to exercise the decision making powers of their organisation with regards to the Children's Trust arrangements. Within their own agency/organisation they will need to be able to influence the implementation of decisions taken and to report progress made. Each member will have a named deputy at a sufficiently senior level to ensure representation at each of the meetings.
- 4.3 In selecting representatives, partners must ensure that the individuals selected are able fully to represent them and, where possible, take collective decisions without referral back. Whilst some decisions will need to be ratified within partner organisations, having reached a collective decision within the Children's Trust each must play their part fully in taking positive action to support their successful implementation.
- 4.4. The Chair of each Local Children's Board will be a member of the Children's Executive Board. Each Chair will be selected according to local LSP arrangements. The Chair will fulfil representation by the LSP within the Children's Trust arrangements for the executive. Each Local Children's Board is responsible for the implementation and local delivery of the strategy of the Children's Trust.
- 4.5 At meetings of the Executive Board, the role of the Chairs of the LCB includes:
- Reporting progress on the local planning and delivery of children's services, including performance, financial management and raising specific issues of concern that impact on service delivery
 - Providing in depth awareness and advice to Board members in relation to the future local planning and delivery of the strategy for Children and Young People
 - Providing links to local developments that support improvements to outcomes for children and young people.
- 4.6 It is proposed that the Executive Board annually selects its own Chair or independent Chair together with a nominated deputy. In the interim, it was the expressed wish of the Shadow Children's Executive Board on 20th July

2006 that the Director for Children and Young People's Services takes the Chair of the Shadow Children's Executive Board, with an invitation for the PCT to nominate a deputy. These arrangements together with the composition of the Executive Board are to be subject to review in April 2007.

Decision Making and Resolving Differences

- 4.7 The Children's Trust brings together partners with a common responsibility to work together to improve outcomes. However, there must be an acknowledgment that occasionally competing agendas can present difficulties.
- 4.8 Each partner is responsible for ensuring that they play their part in reaching decisions within the Children's Trust and putting them into action. The overriding principle remains that partners cannot act contrary to their statutory duty. Tensions and differences may arise between partners in working together to determine how best to achieve this. Where differences arise within the Executive Board, the first step to resolution should be focused discussion to achieve consensus. Where this does not provide a solution, the Conflict Resolution Protocol outlined in section 9 will be used as a last resort.
- 4.9 The Executive Board also has a specific role under its terms of reference to facilitate the resolution of conflict within Local Children's Boards should the need arise.

5. Local Children's Boards: terms of reference

- 5.1 The Local Children's Boards will be the focus for the development and delivery of services that meet the local needs of children, young people and their families. Accordingly, arrangements will need to recognise the differing requirements in specific parts of the County. Each will be accountable for performance within their geographical area through the Local Strategic Partnerships and through the Children's Trust arrangements. The Local Children's Boards will evolve from existing arrangements of the local Children and Young People's Planning Groups and the Local Strategic Partnerships. They will become a formally constituted sub-group of the LSPs. Whilst there will be differences between local arrangements for the Boards they will share a common purpose and roles and responsibilities:

Purpose

- To bring together partners within a local area to plan, implement and deliver children's services, in order to secure improved outcomes for children, young people and their families
- To commission services at local level in line with the commissioning strategy and framework for the Children's Trust

- To co-ordinate delivery plans to achieve the outcomes in the Children and Young People's Plan
- To contribute to the strategic development of children's services within Durham

Roles and responsibilities

- **To develop a programme to implement the Children and Young People's Plan in the area and deliver agreed outcomes and key policy drivers for children young people and their families, taking account of local variation.**
 - To operate within any framework and direction set by the of the Executive Board
 - To commission service improvements at local level
 - To ensure that local service improvements are delivered
 - To ensure the specific needs of the locality are represented through activities/funding programmes, particularly with reference to narrowing gaps in outcomes.
- **To coordinate, monitor and manage performance locally**
 - To ensure service improvements are delivered and targets met; and action taken where this is not happening
 - To ensure the delivery of improved access to services through new ways of working together and configuring services
 - To report on local budgetary responsibilities
 - To seek new approaches in service delivery with partners that achieve better outcomes.
- **To actively seek and respond to the needs of local children, young people and their families**
- **To represent local issues at Children's Trust Executive Board and advise on wider issues within the developing Children's Agenda**
 - To share good practice within all Local Children's Boards
 - To report progress to the Executive Board as required
 - To ensure wider links are made with adult services to deliver a smooth transition for those young people who need support within adult services, and ensure appropriate joint working in relation to vulnerable parents.

Composition of the Local Children's Boards

5.2 Each Local Children's Board will comprise a range of partners responsible for securing effective and efficient delivery of services for children and young people. This will include representation from those partners who need to be actively engaged in delivery, especially at community level or who have locality responsibilities. To be successful, each Local Children's Board will need to ensure that its composition and work reflects local needs whilst operating within the overarching framework set by the Children's Trust and the Executive Board. Accordingly, each Local Children's Board will determine its membership relevant to its circumstances but as a minimum should be chaired by a senior representative who is a member of the Local Strategic Partnership together with named senior representatives of the following key partners:

- Local District Council(s)
- County Durham Primary Care Trust/ Service Commissioning
- Children's Services Authority
- Voluntary and Community Sector representation
- Police
- Schools
- Connexions County Durham
- Youth Engagement Service

5.3 There are several other relevant groups or individuals who could be usefully linked with Local Children's Boards to ensure wider participation such as representation from Sure Start/Early Years, CAMHS, the DAAT, Further Education colleges and local County Councillors. Local arrangements will determine the degree to which other partners and sectors are represented within the composition of their Board.

5.4 The Chair of the Local Children Boards and the process to co-ordinate its activity are both critical to the effectiveness of the LCB. Work will continue to be done to consider how best to support these important elements.

5.4 The role of the LCB is crucial to the success of the Children's Trust in County Durham. It must add value and strengthen, existing local arrangements. Shadow arrangement for all Local Children's Boards must be in place by September 2007 with a view to formalising arrangements in April 2008. To assist, a transition plan is being prepared within each locality to identify how they will approach and implement the change.

6. Relationships to other significant Partnerships or Partnership Arrangements

6.1 A number of effective partnership arrangements are already in place and deal with elements of work that fall within the arena of services for children, young people and their families. These responsibilities need to be set alongside the arrangements for the Children's Trust.

- 6.2 The purpose of the Children's Trust, to lead strategically to ensure the development and delivery of improved outcomes for children, young people and their families, will best be achieved by working with existing partnerships.
- 6.3 The Children's Trust will work positively with other partnerships to meet the needs of children and young people within County Durham. There may be occasions where elements of partners' agendas will sit uncomfortably within the overall direction of the Children's Trust and these can be sensitively dealt with on a day-to-day basis. Where the strategic direction of any partnership brings it in conflict with the principles of the Children's Trust, members of the Children's Trust will work positively reduce or resolve the issue wherever possible. Outlined overleaf are some of the key interfaces with a number of partnerships.

Local Safeguarding Children's Board

- 6.4 The Local Safeguarding Children's Board is a county-wide partnership focused on safeguarding children required by the Children's Act 2004. The Children's Trust will be held to account by the Local Safeguarding Children's Board in relation to its safeguarding practices, specifically in relation to any matter of concern that is referred to the LCSB.

Children's Services Authority

- 6.5 The Children's Services Authority holds the statutory responsibility for services for children and young people. It is responsible for removing some of the barriers to effective service delivery by setting up arrangements for Children's Trust. The Children's act requires that the CSA appoints a Director for Children and Young People's Services and a Lead Member for Children's Services to create a clear line of accountability. Both are personally accountable for how services work and for promoting the co-operation of partners in order to improve outcomes for children, young people and their families in County Durham. As a member of the Children's Trust, the CSA is under a responsibility to implement decisions made by the Trust unless contrary to the exercise of its statutory duties.

County Durham Strategic Partnership

- 6.6 Following a strategic review of the role of the CDSP, work is ongoing within the wider partnership to consider how the CDSP and LAA Project Board come together formally. It is envisaged that the Children's Trust arrangements will be viewed as both the strategic and delivery arm to all services for children, young people and their families and that they will become a thematic block of any subsequent arrangements.

Local Strategic Partnerships and Local Children's Planning Groups

- 6.7 The evolution of each of these local partnerships is crucial in bringing about the Local Children's Boards. The Children's Trust will benefit through the

involvement of the Chairs of the Local Children's Board. LSPs, Local Children's Planning Groups will work with the CSA and the Children's Trust to determine how the Local Children's Board will work most effectively within their area.

Crime and Disorder Reduction Partnerships

- 6.8 The five CDRPs that currently exist within County Durham work across a wide arena of which the Children and Young People's Service is a small but highly political and sensitive part. The current governance arrangements for the CDRPs are not diluted as a result of the emerging Children's Trust.

Local Area Agreement Project Board

- 6.9 The LAA Project Board are responsible for the performance of each of the four blocks of the LAA. The LAA arrangements recognise the Children's Trust as the co-ordinating group for the Children and Young People's (CYP) Block. Accordingly, the Children's Trust is accountable to the LAA Project Board for performance in relation to those targets included within the CYP block. The LAA Project Board may seek to influence progress where performance impacts on LAA results.

7 Commissioning

- 7.1 No single agency can deliver fully any one of the five outcomes for children and young people: effective joint planning and commissioning is at the heart of improving outcomes. Commissioning services for children will take place within a joint commissioning framework.
- 7.2 Strategic Commissioning is the term used to describe the processes that will be needed to plan, deliver and monitor services to all children, young people and their families in County Durham. This involves:
- Determining the overarching objectives of the service by high level analysis of needs, patterns and trends
 - Identifying key performance indicators for delivery of the best quality and outcomes
 - Agreeing priorities for service delivery and improvement by partners working collectively at a strategic level
 - Allocating resources in order to deliver the priorities and improvements, whether by pooling or aligning budgets
 - Taking into account differences of geography, social deprivation, under performance.
- 7.3 There will also be a need for service commissioning. This is the process for specifying, securing and monitoring individual services for children, young people and their families. These services may be universal, targeted or specialist and need to be delivered at the appropriate level or locality. The Executive Board, CSA and the Local Children's Boards would have

responsibility for service commissioning, but only the Executive Board would have responsibility for agreeing strategic commissioning.

- 7.4 Whilst commissioning requires the commitment of all partners if the best outcomes are to be achieved the Children Act 2004 focuses on the strategic bodies involved in assessing need, developing overarching plans and commissioning services. Schools and GPs are not under a duty to co-operate and so may opt to continue to commission services through their respective commissioning arrangements. The work of schools and GPs makes a vital contribution to the delivery of the five outcomes and children will benefit most where the link is made explicit, and included within the overarching strategic planning requirements and decisions at both a countywide and local level.
- 7.5 Commissioning is inextricably linked to wider structural changes, and will require robust arrangements to remove structural barriers to inter agency working, considerable cultural change, and the development of scrutiny, audit and validation procedures. Work remains to be done in relation to the provider/purchaser dual role of some services. Similarly there are issues and commercial sensitivities to establishing a wider market economy, and encouraging participation by the voluntary, community and private sectors.
- 7.6 Arrangements will be put in place to align the overall spend on children and young people's services by partners. This will evolve into an integrated commissioning budget with pooled budgets being formed where appropriate. Further work will also develop independent scrutiny arrangements for the commissioning function.

8. Scrutiny of the Children's Trust

- 8.1 Proposals for scrutiny arrangements within the Children's Trust offer an opportunity to develop an inclusive process that ensures wide participation with those most affected by the performance of the Children's Trust. Partners and individual organisations will wish to retain their own scrutiny and review arrangements (both internal and external). It is, however, proposed that there is an agreed process for the overall scrutiny of the Children's Trust both at Executive Board level and that of the Local Children's Boards.
- 8.2 Recent Government policy (e.g. Health White Paper and Local Strategic Partnership consultation) advocates a strengthened role for Local Government in scrutinising the activities of partners and partnerships. In County Durham a scrutiny mechanism already exists for the health sector, with a joint County and District Councils' Health Scrutiny Committee regularly scrutinising and reporting on specific elements of the health agenda in the County. It is recommended that scrutiny for the Children's Trust builds on existing county council arrangements at the countywide level to expand joint scrutiny arrangements on a thematic basis to include the scope of the work of the Children's Trust Executive Board.

- 8.3 Mirroring this approach, it is recommended that Local Children's Boards (as integrated parts of the LSPs) be scrutinised by relevant District Council scrutiny mechanisms, again, on a thematic basis.
- 8.4 Arrangements to provide independent scrutiny would be welcomed. The current review of partnerships underway in the county includes proposals for an inclusive stakeholder forum. This forum, if agreed, would allow for an enhanced role for the voluntary and community sector in the scrutiny process within county-wide partnerships. This would bring a coherent approach to the scrutiny of the overall Children's Trust agenda and those elements which are in the Local Area Agreement.
- 8.5 The forums referenced above will be actively encouraged to engage children and young people as part of their scrutiny arrangements. Furthermore, it is vital that the Children's Trust provides children and young people with the opportunity to hold partners to account as part of regular evaluation and review of the Children and Young People's Plan.

9. Conflict resolution protocol

- 9.1 This protocol is designed to achieve a resolution within the Executive Board of the Children's Trust and the Local Children's Boards. It does not supersede the conflict resolution protocols of partner organisations or groups, but is to be used when conflict or disagreement is specifically in relation to the governance, funding, performance management or delivery arrangements relating to the Children's Trust. It is not intended to cover any issues outside the scope or workings of the Children's Trust.
- 9.2 Within the Children's Trust, partners are individually and jointly responsible for the delivery of services for children, young people and their families and for achieving the outcomes and targets contained within the Children and Young People's Plan. Many partners also have a series of duties in relation to their specific roles and responsibilities within the children's agenda which cannot be compromised by decisions made by Children's Trust. They are also individually financially accountable for any funding provided to enable the Children's Trust to commission services.
- 9.3 No single partner within the Children's Trust has precedence over another; however there are considerable differences in the statutory responsibilities that need to be discharged by partners. These must be respected when determining any course of action to be taken by the Children's Trust. On those occasions where conflict in determining a course of action does arise, the primary objective will be to resolve the matter through consensus. Every effort must be made to reach consensus as conflict within the partnership will be detrimental to the ability to improve outcomes. Failure to reach consensus cannot allow a stalemate to prevail, or any partner or group of partners to block action through active or passive resistance. Accordingly a dispute protocol has been developed to deal with those situations. The dispute resolution procedure will only be used as a last resort.

9.4 Conflict should be resolved as close to the point of conflict as possible. The Executive Board is to be the final arbiter in conflict. Where Local Children's Boards are unable to resolve conflict, they may refer the issue to the Executive Board of the Children's Trust, in which case their decision should be regarded as final.

9.5 The procedure for resolving conflict is as follows:

- a) In the first instance, a full discussion should be conducted around the area of conflict, allowing all partners to set out their views.
- b) In recording the discussion, the relative positions taken should be clearly recorded. If a consensus view is reached, this should also be clearly recorded.
- c) If consensus is not reached after a reasonable period of debate, a formal objection to the matter for decision should be made to the Chair of the relevant group (the Executive Board or the Local Children's Board).
- d) The matter will then be deferred to a second meeting, which must be at least seven days later. A special meeting of the relevant board can be convened in the event of an extended period between scheduled meetings or if further delay is problematic. During this intervening period, attempts should be made (facilitated by the Chair) to reach a compromise acceptable to all parties.
- e) Should compromise not be possible, the matter will be discussed again at the second meeting. If conflict still prevails then having had a further full and open debate by all partners, the matter will be put to a vote. A partner votes if the decision to be made directly affects the partner's statutory duty, powers or finances or if the partner is to be responsible for implementation.
- f) The Chair has a second and casting vote in the event of a tie.

The dispute resolution process will be included within the detailed constitution of the Children's Trust and is included here to aid clarification in how disputes would be resolved. Whilst the process arrives at a method for reaching and recording a consensus decision, it does not detract from the principles that:

- Decisions of the Children's Trust can not override those of the parent organisation, in particular the Children's Trust can not require any partner to act in a way contrary to their statutory responsibility.
- The needs of children, young people and their families, including the need for safeguarding, are paramount.

**SUMMARY OF CONSULTATION RESPONSES TO
THE CHILDREN'S TRUST AND CHILDREN'S SERVICES AUTHORITY
DESIGN DOCUMENT**

September 2006

The consultation period for responses to the design of the Children's Trust and Children's Services Authority was extended by request to August 2006. The document prompted a high level of interest and responses from a wide variety of partners and organisations, each with an active interest in developing and designing the Children's Trust arrangements within County Durham.

We have considered each of the responses carefully and been able to take a number of suggestions and comments forward in the governance proposals to support the next phase of our developments. All of the responses have afforded an opportunity to further consider the approach to the Children's Trust arrangements and to ensure that in making future arrangements with the Shadow Children's Executive Board cognisance is taken of all of your responses.

It isn't possible to deliver a consensus in all areas under discussion but we are charged with the responsibility of making decisions to provide arrangements to support a new way of working and deliver improved outcomes for children, young people and their families. We hope that our approach is sufficiently open to gain the continuing commitment of partners working with us to make the Children's Trust arrangements a success in County Durham.

We have summarised the responses received in the consultation and outlined where necessary how we intend to address issues that have been raised. These are marked in bold italics. We hope that this summary provides a useful context for our continued working together towards Children's Trust arrangements in County Durham.

We very much welcome the views of all of our partners and take this opportunity not only to thank you for the part you have played to date but to encourage you to continue challenging how the Children's Trust arrangements are developed for County Durham so that all of us, but particularly children, young people and their families can benefit from new ways of us working together.

Consultation responses

- 1. Is there still support for approaching the design of a service predicated on: prevention, early intervention, working to support parents and carers, delivering workforce reform and establishing clear accountability and integration?**

This approach is overwhelmingly supported by all partners responding: Durham Police Authority, Durham Constabulary, Sedgefield CYPPG,

Derwentside CYPPG, Durham and Chester-le-Street CYPPG, Derwentside District Council, City of Durham Council, Derwentside LSP, Tees, Esk and Wear Valleys NHS Trust, Durham and Chester-le-Street Primary Care Trust, Sedgefield PCT, Durham CAHMS Strategy Implementation Group, Learning and Skills Council, Connexions, , CDYES SMT, Durham Community Business College, Occupational Therapy Services and the School Nursing team Easington PCT.

Further work to ensure all agencies have an understanding of their roles and responsibilities within these changes may be beneficial – this would be particularly welcomed for those organisations under a duty to co-operate.

- **No contentious issues to resolve**

2. **Is there a continuing commitment to a structure based around a strategic Children’s Executive Board and a series of Local Children’s Boards and the Local Children’s Safeguarding Board?**

This approach is heavily supported. All responses agreed the need for a strategic Children’s Executive Board. Some clarity was requested in relation to the role of the Local Children’s Safeguarding Board.

With only one exception, the view was held that there is an essential need for delivery boards at local level in shape of Local Children’s Boards. This minority view expressed concerns about the coverage and role of the Local Children’s Boards given the continuance of delivery of some county-wide services within a county framework.

Other comments identify;

- i) a need to ensure the locality focus is maintained, building upon the strength of local partnership working and the revised LSP structure and evolving from local Children and Young People’s Planning Groups. ***The Local Children’s Boards will be developed by the LSP and the local CYP Planning Group and will ensure that the local operational arm of the Children’s Trust arrangements reflect the local needs***
- ii) careful consideration needs to be given to how all agencies can ‘service’ all boards at the right level ***A review will take place to consider how Local Children’s Boards will be supported. This will include a rationalisation of other partnership meetings and arrangements to reduce duplication of attendance***
- iii) A desire to look at the costs associated with the Local Children’s Boards and their related infrastructure together with an indication as to how the costs will be met ***The review at ii) will inform this debate, however no additional monies will be made available through the Children’s Trust arrangements for partners to***

meet their responsibilities to work together on children's issues.

- **No other contentious issues to resolve.**

3. **Is the Shadow Children's Executive Board the right forum to become the Steering Group for Every Child Matters (ECM) developments?**

There was agreement by all that the Shadow Children's Executive Board should become responsible for overseeing the development of the ECM agenda.

Suggestions to formalise arrangements and agree membership as soon as possible. Most support the idea of starting slightly large and then downsizing at a later stage to reflect the need for flexibility/accountability during the development stage. The overall preference was for the inclusive approach at the outset.

Other comments identify:

i) that alternative ways in which partners can continue to play an active role in ECM developments at county and/or local level need to be considered early. **Consideration is being given to other facilitated forums and events that enable partners to contribute to ECM developments.**

ii) Suggestion to have an operational group 'servicing' the Board, taking forward issues as identified, and providing operational underpinning or a 'Strategy into Operation Group' i.e. SOG, accountable to the Shadow Executive Board in addition to the 5 Local Children's Boards. **The operational role is currently being delivered by the Every Child Matters Project Team, a multi-agency team which is responsible for undertaking work on behalf of the Shadow Children's Executive Board to ensure that timescales are met. The Shadow Children's Executive Board will conduct a review in March 2007 as to how it considers the Children's Executive Board should be supported moving forward.**

- **Contentious issues to resolve**

➤ *Whether parallel progress between the Shadow Executives Board and mechanisms for Local Children's Boards can be achieved. Workshops with all CYPPG, LSP for development of LCB have been planned for Sep. Arrangements have now been put in place to support the development of the LCBs within a parallel process. This will mean that clarity on some arrangements for the LCB will evolve over time following on from decisions of the Shadow Children's Executive Board.*

➤ *Representation of Local Children's Board at the Shadow (through CYPPG Chairs?) prior to evolution of Children's Executive Board.*

Representation at the Shadow Children's Executive Board of Local Children and Young People's Planning Groups via the relevant Chair is welcomed

4. **Given the need to balance inclusivity with manageability what should the representation be on the Children's Executive Board? Should, for example, all PCTs, District Councils be individual members or should there be some other form of representation?**

Within the consultation responses there was a general acknowledgment and agreement of the need to be inclusive in the early stages of development. There was also an often expressed recognition that in order for the Children's Executive Board to be strategic and effective, there would be a need to consider reducing the number of members. A crucial issue would be "who is prepared to be represented by whom".

Representation of District Councils was seen as the main issue given the number. Suggestions included District Council representation through LSP membership or similar to arrangements to those currently being organised for the Local Agreement Board.

A strongly expressed view suggested the matter should be left to the decision of the respective organisations to see whether they can come to some form of agreement on representation. It was believed that this kind of discussion would be fruitful and could potentially come up with some kind of representative solution. The expressed caveat provided that should any such discussion fail, or should one of the partners decide to "go it alone", then that partner reserves the right to be a full statutory ECM partner with all the rights and responsibilities attached to this role.

Other comments identify:

i) a challenge to chairs of the LCB attending solely as observers given their responsibility for devolved service delivery. ***In acknowledging this, provision has now been made for LCB chairs to attend as "full" members***

ii) that a debate of governance arrangements may assist and could resolve issues in relation to balancing "voting rights" within the Children's Executive Board and the Local Children's Boards. ***Full governance proposals are currently out for consultation with all partners. Voting would only take place on those rare occasions that consensus wasn't possible between members. The Conflict Resolution Protocol is contained in the governance proposals and provides that partners only vote in a conflict situation where the decision to be made directly affects the partner's statutory duty, powers or finances or if the partner is to be responsible for implementation of the decision.***

iii) representation from the voluntary sector seen as necessary ***The sector would be invited to be represented at the relevant level within the Children Trust arrangements both a local level and executive***

iv) a need to have a broader partnership meeting to enable more partners to contribute to developments, perhaps twice yearly. ***We are considering further the suggestion to develop an active stakeholder forum that can influence and call to account the Children's Trust arrangements. This will be explored further with the Shadow Children's Executive Board***

- **Contentious issues to resolve**

- ***Consider agreement to encourage respective organisations to seek agreement on method of representation. The Shadow Children's Executive Board will review membership of the Children's Executive Board as one of its functions. This may well result in a proposal that some organisations consider how they wish to be represented within the arrangements***

- ***Governance arrangements to be debated. The proposals for governance are part of an ongoing consultation. Please contact Anita.Spence@Durham.gov.uk to obtain a copy of the proposals.***

5. **Are the proposals in relation to the Children's Executive Board and shadow arrangements appropriate? What changes do you suggest?**

There was general consensus and agreement with the proposals so far with a number of reminders of the need to provide for a periodic review and evaluation of the arrangements. ***These have now been made explicit within the proposals for governance.***

A number of responses commented on the need to articulate a requirement for members to be senior representatives within their organisation and able to speak on behalf of that organisation and also to commit resources. Membership at meetings was called for to be consistent, action and outcome focused. ***This has now been made explicit within the proposals for governance.***

Other comments identify:

i) a need to remain aware that only the formal Children's Executive Board will be able to decide on some of the issues referred to in the proposals. ***The Shadow Children's Executive Board will make a series of recommendations to partners prior to the evolution of the formal Children's Executive Board, only those decisions within its remit will be taken under the Shadow arrangements. A review of the Shadow decisions is likely to be an early starting point for the formal Children's Executive Board.***

ii) a challenge to have children and young people as part of the CEB rather than solely represented by adults. **Currently we are not proposing to have children and young people as part of the Children's Executive Board but will work with experienced providers to understand how best to get contributions directly from children and young people within the Children's Trust arrangements.**

iii) a need to separate Commissioning functions from Service Provider and strategic leadership functions. **This tension falls within the commissioning functionality and will be the subject of debate at the Shadow Children's Executive Board in relation to the commissioning framework and processes.**

iv) a request for partners to be made aware of the rationale behind the decisions regarding who is involved at this early stage and how that will impact on future decisions. **Currently, inclusion at meetings of the Shadow Children's Executive Board has been arrived by inviting all those under to co-operate to attend together with organisations with a role within the arrangements for Local Children and Young People's Planning groups together with any other interested parties. Once a memorandum of Understanding has been agreed, those parties that are signatories will be members of the Children's Trust arrangements within the relevant role and responsibility as described in the governance proposals.**

- **Contentious issues to be resolved:**

- **Degree of immediacy of the need for seniority amongst Shadow Children's Executive Board members. There is a need for the Shadow Children's Executive Board to reflect the seniority necessary for the formal Children's Executive Board. Partners have been asked in the governance report to identify the relevant senior member for inclusion within the Shadow CEB.**

6. **Are the proposals in relation to the Local Children's Board appropriate? What changes do you suggest?**

There was overwhelming support for the Local Children Boards as the focus for the local development and delivery of services.

The large majority expressed a view that it was appropriate to establish five Local Children's Boards with the current infrastructure available to support this together with established networks and shared working arrangements already in place for LSP and local Children and Young People's groups. There is a recognition that the number of Children's Boards will need to be revisited in the future following the outcome of Local Government Review. **A review of all Children's Trust arrangements will take place following the outcome of any Local Government Review.**

Proposals for detailed arrangements were suggested for further discussion as part of the formal Children's Executive Board's work with a feeling that good progress in the discussions can be made if all statutory partners keep in mind the principle of "subsidiarity". There were suggestions that much could be done to develop Local Children's Boards now based on the contribution of the LSP and local Children and Young People's Planning Groups. **Workshops have been arranged to facilitate discussion on how each locality would wish to approach the development of Local Children's Boards. Their proposals will be presented to the Shadow Children's Executive Board once they have been considered by the LSPs.**

Clarity was required by a number of partners in relation to local commissioning arrangements, the alignment with practice based commissioners and the contribution of schools, school clusters and children centre clusters in commissioning decisions. **The work of the commissioning group will be discussed within the Shadow Children's Executive Board, and once agreed, will be shared widely with partners to raise awareness of the intended approach.**

Other comments identify:

i) concerns about the focus on developing the Shadow Executive Board at the expense of Local Children's Board. **This has been taken on board and addressed with the workshops inviting plans for development**

ii) the ability to involve children and young people fully at local level. **Each Local Children's Board will determine how it wishes to undertake this involvement**

iii) minority held view that Local Boards aren't required if robust arrangements are devised to deliver services that reflect local need. **There will be a review of the proposals and then a continuing review of the outcomes delivered by both the Children's Executive Board and the Local Children's Boards**

- **Contentious issues to resolve**

- locating LCB's directly in line with existing LSP's to enable tighter community focus. **The decision as to number will be determined by the LSPs but is likely to be 5**
- make up of the Local Children's Boards may need to be significantly different to the current make-up of the CYPPG in order to take forward the commissioning and service improvement requirements **The LCB will build on the strength of the CYPPG and the LSP but is likely to be significantly different in order to deliver its roles and responsibilities**

- Workshops planned for September may give rise to differing proposals thus lacking consistency ***The membership of LCBs will be different but there is a common purpose, role and responsibility that underpins the working of each of the arrangements for the Local Children's Boards***

7. **Are the proposals in relation to the interface of the CSA appropriate? What changes would you suggest?**

The vast majority of responses agreed to the outlines proposals and support change as needed to ensure an integrated and whole system approach in service delivery and commissioning to deliver improved outcomes.

A number of partners saw an opportunity for closer alignment and reconfiguration of the delivery and management of children's operational services at locality and strategic level through a review of existing forums that commission and deliver services for Children.

It was considered important that the CSA has a strong locality structure and proposals in relation to local area managers were welcomed.

A well expressed response requires that the interface with the Children Services Authority needs to be discussed in detail and be unanimously agreed by the formal Executive Board on the basis that it is a crucial part of the design document, but especially crucial for the future service delivery and partnership arrangements. ***Whilst the CSA is happy to involve partners in outlining its thinking about the structure that underpins its development, the decision as to how its management team is structured is considered to be one that is internal to the CSA. There is of course recognition of the need to properly service the locality structure that will be in place with Local Children's Boards.***

- **No contentious issues to resolve**

8 **Is there anything in the approach taken so far that gives you particular cause for concern?**

Responses to this question generally expressed a desire to make progress, given overall consensus on the key issues.

Responses included requests :

i) to see where this partnership integrates with others, eg LAA; LSP; CDSP; CDRP. ***This will be undertaken as part of the review that will take place on existing partnership and multi-agency meetings to address children's issues***

ii) for timescales for consultation to fit in more closely with timescales of CYPG and LSP meetings ***We are trying to give opportunity for these***

meetings to consider consultation proposals wherever possible without providing undue delay.

iii) for all elements of the CSA to be seen to be working collaboratively. **The development of a Children and Young People's Service has provided a further opportunity to improve collaborative working within all children's issues. It is certainly the intention of the CSA to work from a more collaborative and open basis with all partners.**

iv) for the philosophy and culture of the various organisations to be taken into account as the CSA develops. **We will need to ensure that the Children's Trust arrangements deliver a way of working together with partners that demonstrates the contribution of each is valued and respected. The Shadow Children's Executive Board may wish to consider whether any further work is undertaken in relation to Trust Values.**

- **No contentious issues to resolve**

9 What would you like to see done differently?

A number of suggestions were made by partners :

i) Giving a higher profile for the community and voluntary sector at strategic level. **The need for representation within the Executive Board has been included within the governance proposals**

ii) Establishing direct links with strategic partners from sport and physical activity at the Children's Executive Board level. **Remains to be discussed with the Shadow Children's Executive Board.**

iv) Emphasise an appreciation and understanding of political dynamics in a two tier system. **This needs to be demonstrated in how we approach our business and how we work together across the county**

v) The need to take time to bring people on board (without losing momentum) **We are aware that we will need to work with some partners to bring new people along the journey in order to get ownership of the process and to be jointly responsible for the outcomes**

vi) Making arrangements for the future planning for Every Child Matters to be cross cutting **This will be considered by the ECM Project Team in looking at working arrangements to support the Children's Executive Board**

10 How can your organisation be effectively engaged in future developments?

All partners gave very committed and positive responses to this question.

Continuing consultation was welcomed by those who played a significant but less hands-on role to developments.

A request was made to ensure feedback was given to the process to enhance confidence that consultation contributions have been heard and responded to. ***This summary approach we hope is helpful and would like to receive feedback prior to adopting it as the process for other consultation feedback exercises.***

There was recognition of the need to engage fully with schools and colleges and with local practice based commissioning arrangements. ***We are beginning to work with the Schools Forum, Schools Clusters and other organisations such as the Head Teachers Associations to explore better ways of doing this.***

- **Contentious issues to resolve**

- ***Ensure regular opportunities with lengthier timescales for involvement. This becomes difficult to achieve where pressed for progress. We are mindful of trying to balance speed of progress with long consultation periods and try to avoid periods of less than 6 weeks. We are very happy to extend timescales to accommodate a particular meeting on request.***

Additional Comments

Some partners took the opportunity to make additional comments which were welcomed.

One partner, who fully supported the developments, observed that there are already examples of conflicting approaches/priorities between partner agencies. There was a firmly held view that these positions can be and are routinely reconciled on a daily basis. ***This has specifically been reflected within the governance proposals as it reflects the context within which partners work together to resolve children's issues***

Other additional comments included:

- 1) A request for a communication strategy in relation to the next stages of these developments ***Further work on this will be undertaken by the ECM Project Team***
- 2) A request that the LCB workshops go ahead. ***Agreed***
- 3) A request to know whether the CYPPG would be expected to develop into the LCB ***Provided for within the LCB workshops***
- 4) A need to ensure Youth Services were appropriately represented in the CSA arrangements ***Agreed***
- 5) A request to know how learning and work based providers would be involved in developments ***This needs further***

consideration within the developments of the Shadow Children's Executive Board

- 6) A suggestion that deputising arrangements be provided for the Director of Children and young People's Services ***A vice chair has been now been provided for within the SCEB. Other deputising arrangement remain the remit of the CSA.***

A number of responses related to omissions from the indicative service model. These included Healthy Schools, school Nurses and Health Visitors, and Job Centre Plus. The model is not exclusive but we will reflect changes.

None of the additional comments were contentious needing discussion within the forum of the Shadow Children's Executive Board.

**Shadow Children's Executive
Board
Agenda Item 3**

September 2006

**Memorandum of Understanding
for the Children's Trust**



Report of Every Child Matters Project Team

Purpose

- 1 This report seeks "in principle" agreement from partners to the approach taken in the Draft Memorandum of Agreement supporting the Children's Trust arrangements in Durham.

Background

- 2 A multi-agency working group have been developing these proposals alongside the governance arrangements for the Children's Trust. The Memorandum of Understanding reflects the governance principles that would support the work of the Shadow Children's Executive Board in its evolution towards the Children's Trust arrangements. They are compatible with the partnership way of working already agreed by partners involved in the governance of the Local Area Agreement.
- 3 Huge support has already been evidenced in consultation responses to the development of many of the aspects of the Children's Trust. The roles and responsibilities of the Executive Board as the strategic lead organisation for Children and Young People's issues are largely accepted and viewed positively. The arrangements for the Local Children's Boards will be built on the outcomes of a series of locally held workshops with LSPs members and members of the Local Children's Planning Groups together with other interested parties during September. Proposals will be revised to reflect the outcomes of these discussions together with the outcomes from the consultation on the Governance proposals to support the Children's Trust arrangements.

Methodology

- 4 The Memorandum of Understanding is the basis of the constitution for the Children's Trust arrangements in County Durham. It proposes that those organisations with a duty to co-operate under the Children Act sign as Member organisations but that the agreement is also extended to all other organisations, partnerships and parties (called partners within the document) who choose to become party to the Children's Trust arrangements in order for it to be successful. This recognises the involvement of a large number of partners, not just those under a duty to

do so, in working together to achieve improved outcomes for children, young people and their families.

- 5 The Memorandum of Understanding embodies the principles described in the governance proposals together with the roles and responsibilities of the Children's Executive Board and Local Children's Boards. The principles together with the dispute resolution protocol will need to be revisited following the conclusion of the consultation period.
- 6 The necessary detailed proposals for the administrative arrangements for the workings of the Executive Board of the Children's Trust such as quorums, frequency of meetings, minute taking, administrative support, are included within the document.

Considerations

- 7 Partners are asked:
 - i) To discuss the approach taken so far and to identify what if any changes need to be made.
 - ii) To consider the Memorandum of Understanding and identify any key issues that need further work in order that you could recommend to the agency you represent that they sign the agreement.

CHILDREN'S TRUST ARRANGEMENTS IN COUNTY DURHAM

MEMORANDUM OF UNDERSTANDING

**This Memorandum of Understanding is made the
and is between the members of the Children Trust:**

day of

- (1) Durham County Council ("CSA")
and
- (2) Chester-le-Street District Council
and
- (3) City of Durham District Council
and
- (4) District of Easington District Council
and
- (5) Sedgefield Borough Council
and
- (6) Wear Valley District Council
and
- (7) Derwentside District Council
and
- (8) Teesdale District Council
and
- (9) Durham Constabulary
and
- (10) Durham Police Authority
and
- (11) County Durham Youth Engagement Service
and
- (12) North East Strategic Health Authority
and

- (13) County Durham Primary Care Trust
and
- (14) County Durham Connexions
and
- (15) Learning Skills Council for County Durham
and
- (16) National Probation Service County Durham

All the above are called “Members” and are placed under a duty to co-operate in making arrangements to improve outcomes for children, young people and their families by the Children Act 2004.

Partners

Partners are organisations not mentioned as “relevant partners” under a duty to co-operate within the Children Act but who are integral to making the working of the Children’s Trust arrangements successful and who wish to demonstrate that commitment by becoming a partner to this Memorandum of Understanding. Hereinafter called the “Partners”.

Partners to these arrangements will be included on an iterative basis as membership to the Children’s Trust changes to reflect the needs of children, young people and their families in County Durham.

Partners include

- (a) Voluntary and Community Sector Communities of Interest
and
- (b) Within this Agreement, the Members and the Partners will be referred to collectively as “the parties”.

1. Definitions

1.1 The following terms shall have the following meanings for the purpose of this Agreement:

“Children’s Service Authority “ “CSA”	Durham County Council in carrying out the functions of a Children’s Services Authority as defined by the Children Act 2004
“The Act”	The Children Act 2004
“Children’s Trust”, “Trust” and “Trust Arrangements”	Arrangements made by the partners to implement their obligations to cooperate and improve well being of children and young people and their families as defined by the Act.
“SCEB”	Shadow Children’s Executive Board
“CEB”	Children’s Executive Board
“LCB”	Local Children’s Board
“Trust Values”	A recognition by all the parties that the success of the Trust arrangements depends upon all parties acting collectively to improve outcomes for children, young people and their families and that in order to achieve this, all parties are recognised as equal; active contributions from partners are sought, respected and valued. Recognition is given to the continuing statutory responsibilities that attach to some organisations, for example the responsibilities of the Criminal Justice Agencies and the personal accountability of the Director of Children’s Services.
“Corporate Director of Children and Young People’s Services of Durham County Council”	The Director of Children’s Services of Durham County Council (DCSA)

1.2 Reference to any statute or statutory provisions includes a reference to that statute or statutory provision as from time to time amended, extended or re-enacted and to regulations issued under it.

1.3 Words importing the singular include the plural, words importing any gender include every gender and words importing persons include bodies incorporated and unincorporated and in each case vice versa.

1.4 The clauses, paragraph headings and titles appearing in this Memorandum of Understanding are for reference only and shall not affect its construction and interpretation.

2. Purpose of the Agreement

- 2.1 Durham County Council is the Children's Services Authority for the County of Durham pursuant to the Act and pursuant to Section 10 of the Act, the remaining "Members" are the "relevant partners" as defined therein and must make arrangements to improve the wellbeing of children in County Durham so far as relating to the five areas identified in Section 10 (2) of the Act, and must cooperate with the Children's Services Authority for the purposes of making those arrangements. The purpose of this Agreement is to commence those arrangements. The "partners" as referred to in this Agreement are other organisations who are to join the arrangements made under this Memorandum of Understanding.

3. How the Agreement will work

- 3.1 The arrangements agreed between the parties shall be called the "Children's Trust", and will comprise a Children's Executive Board ("CEB") and five Local Children's Boards (LCB). Work in the Children's Services arena is not the exclusive responsibility of those relevant partners named in the Act, so this Memorandum of Understanding also includes other agencies and bodies working together to make arrangements for the Children's Trust. The Children's Executive Board will be established from the 1st April 2007. A Shadow Children's Executive Board shall operate prior to this date within the spirit of this Agreement
- 3.2 The Governance structure is dependent upon the commitment of all partners at all levels to achieve joint targets and priorities and to work together to develop new ways of working to improve the outcomes related to the wellbeing of children, young people and their families.

4. General Principles of the Children's Trust

- 4.1 The Trust arrangements do not supersede or replace the statutory duties, constitutional or political governance arrangements of any party. They are destined to provide a framework for the relevant partners in the County to make arrangements to cooperate to improve the outcomes for children, young people and their families. It is acknowledged that any arrangement which involves the pooling of budgets may need also to be covered by separate legal agreement which is compliant with the relevant legislation and regulations.
- 4.2 Decisions of the SCEB/CEB cannot override those of the partners represented on it. In particular it cannot require any partner to act in a way contrary to its statutory responsibility.
- 4.3 Subject to 4.1 and 4.2 above, the principals underpinning the governance of the Trust arrangements are:

- 4.3.1 the needs of the children, young people and their families are paramount.
- 4.3.2 all partners will work towards agreed joint targets and joint priorities for children and young people and will be collectively accountable for their delivery.
- 4.3.3 decisions should be made at the lowest level consistent with the efficient use of resources and the effective achievement of the outcomes as agreed by the SCEB/CEB.
- 4.3.4 a joint commissioning framework will inform decisions across all partners and be supported through the alignment and in some cases the pooling of budgets.
- 4.3.5 services will be commissioned at the most appropriate level to support local decision making, cost effectiveness and quality within any framework set out by the Children's Trust.
- 4.3.6 Arrangements will be compliant with the compact between DCC and the voluntary and community sector.

5. Objectives of the Children's Trust

- 5.1 The objectives of the arrangement are to enable the parties to make significant improvements in the outcomes for children and young people through:
 - a. taking a coherent and strategic approach to issues facing children, young people and their families.
 - b. taking decisions about service development and resource allocation within a County wide strategic framework that is informed and driven by local needs.
 - c. shared accountability within and between partners who are responsible for the Children's Trust for actions and targets in their areas.
- 5.2 The success of the arrangements depends upon:
 - 5.2.1 the parties operating in accordance with the "Trust Values".
 - 5.2.2 bringing within a single framework the partners responsible for the major delivery of services to children, young people and their families.
 - 5.2.3 providing strategic leadership to ensure development and delivery of improved outcomes.
 - 5.2.4 agreeing and implementing the Children and Young Persons Plan.
 - 5.2.5 acting cohesively to implement the strategic decisions of the Trust.

6. Commencement, Duration and Expiry of the Memorandum of Understanding

6.1 The term of this Memorandum of Understanding will commence at the date of signature by each party to this Memorandum of Understanding and will continue until arrangements made in accordance with it are dismantled or terminated.

6.2 Termination

The Agreement may be terminated in relation to any one party by that party giving the other parties twelve months notice in writing.

6.3 In the event of any party giving notice, the Memorandum of Understanding and arrangements made under it will continue in relation to all other parties

6.4 Effect of Termination

Where notice of termination is given, or the Memorandum of Understanding is terminated for any other reason, the parties agree to meet regularly and in the spirit of cooperation to discuss and implement the appropriate actions needed to dismantle the arrangements with as little disruption as possible and paying full regard to any existing requirements and obligations entered in to by any other parties as part of the Children's Trust Arrangements at the time.

6.5 The Memorandum of Understanding will be dismantled upon the agreement of all members.

7. The Composition of the Executive Board (and Shadow Children's Executive Board)

7.1 Subject to clause 10 and to any review of membership agreed by the CEB, the Shadow Executive Board/Children's Executive Board will consist of the named senior representatives of the following parties:

- The Children's Services Authority (including the Director of Children and Young People's Service and lead member for children and young people)
- The seven District Councils within County Durham
- Durham Primary Care Trust
- North East Strategic Health Authority
- Community of Interest for the Voluntary and Community Sector
- Durham Police Authority
- Durham Constabulary
- National Probation Service County Durham
- Schools (representation to be agreed)
- Learning and Skills Council

- Connexions County Durham
- County Durham Youth Engagement Service
- Chairs of Local Children's Boards (prior to their establishment, the Chairs of the local Children and Young People's Planning Group)
- Chair of the Local Safeguarding Children's Board

7.2 The representative will be nominated by their originating organisation and the parties agree to nominate a representative of sufficient seniority, for example, Chief Executive or someone directly accountable for children's issues with the power to exercise decision making on behalf of their organisation with regard to the Children's Trust.

7.3 The parties agree to nominate a named Deputy for the representative nominated in 7.2 above, such representative to be of sufficiently senior level.

7.4 Each party undertakes to use its best endeavours to ensure that it is represented at each meeting of the CEB/SCEB.

7.5 In selecting representatives and their Deputies, the parties agree that the individuals selected are able to fully represent them and, where possible, take collective decisions without the need to refer back to the partners. Whilst it is acknowledged by all parties that some decisions will require ratification within each partner organisation, each party agrees that having reached a collective decision within the Trust, it will take positive action to support its implementation.

7.6 Role of the Chairs of the LCB:

The Chair of each Local Children's Board will be selected according to their local strategic partnership arrangements and will fulfil representation by the Local Strategic Partnerships for the Children's Trust.

The Chairs of the LCB in attending meetings of the Executive Board will take a full part in the meeting and in addition will fulfil the following roles:

1. report on progress on local planning and delivery of children's services including performance, financial management and raising specific issues of concern that impact on service delivery.
2. provide in depth awareness and advice to Board members in relation to the future local planning and delivery of the strategy for children and young people.
3. provide links to local developments that support improvements to the outcomes for children and young people.

8. Functions of the Children's Executive Board

8.1 The Children's Executive Board shall carry out the following functions:

8.1.1 Strategic Planning for Service Delivery

This involves:

- Agreeing joint priorities and targets
- Development of a common framework
- Strategic joint commissioning
- Determining funding arrangements
- Prioritising resources

8.1.2 Performance Management

This will include:

- Establishing a framework for delivery that recognises quality and quantity.
- Active intervention where services commissioned by the Trust failed to meet requirements.
- Establishing new ways of working to deliver services more effectively.
- Exercising a power of veto in relation to the commissioning of a service where a service consistently falls short of requirements or is ineffective.

8.1.3 Working in Partnership

- Ensuring that partnership working is monitored and reviewed and that action is taken to address concerns and remove obstacles to partnership working.

8.1.4 Seeking to respond to the need of stakeholders.

8.1.5 Facilitating the resolution of areas of conflict referred to it by any Local Children's Board or from the Children's Executive Board itself.

8.2 Chair of the Children's Executive Board

The Chair will be selected annually by either the Board electing its own Chair or an independent Chair, together with a nominated deputy. The Director for Children and Young People's Services will be the Chair of the Shadow Children's Executive Board with an invitation for the PCT to nominate a Vice Chair.

9. Meetings of the Children’s Executive Board/Shadow Children’s Executive Board

9.1 Subject to clause 11, the meeting of the SCEB/CEB shall be conducted in accordance with the following:

a. Place and Time

Meetings will take place at such places and times as the parties shall decide but shall be held at least quarterly. Agendas will be circulated on behalf of the Chair 5 business days in advance of the meeting (with supporting papers). Any parties wishing to raise agenda items will notify the secretariat (to be provided by the CSA) no later than 10 business days in advance of the meeting. No substantive issue shall be raised as AOB unless agreed by those attending.

b. Chair

In the absence of a Chair at the meeting, the Vice Chair shall be Chair. In the absence of both the appointed Chair or Vice Chair then the meeting shall determine whether it elects a Chair to deal with business.

c. Quorum

The quorum for the proper and valid conduct of any business of the CEB/SCEB shall be at least one third of the representatives entitled to attend including the Chair or Vice Chair of the meeting. If a quorum is not present within 30 minutes of the scheduled start of the meeting, it shall be adjourned unless those present determine otherwise. In the event that the meeting continues, no decision in relation to funding can be taken.

d. Decisions of the CEB/SCEB

Decisions of the CEB/SCEB shall be by consensus, in the first instance and the parties agree to adhere to the “Trust Values” in the manner in which they conduct themselves at meetings and accept that parties cannot act contrary to their statutory responsibilities. Where differences arise within the meeting, the first step to resolution should be a focused discussion to achieve consensus, the length of such discussion to be determined by the Chair. Where this does not provide consensus, the conflict resolution protocol defined in clause 13 will be used.

e. Where, after use of the conflict resolution protocol, a matter is to be decided by voting, the decision will be by a majority of those entitled to vote.

f. A party is entitled to vote in matters referred to in (e) above, if the decision which is the subject of the vote directly affects its statutory duty, powers or finances or if the party is to be responsible for its implementation.

- g. The Chair has a second and casting vote in the event of a tie.
- h. Secretarial support from the CSA will be provided for meetings of the CEB/SCEB. Minutes of the meeting will be taken and circulated as unconfirmed within 15 business days after the meeting. Such minutes are to be submitted to the next meeting of the Board for confirmation. Discussion on the minutes is to be restricted to accuracy and any matters arising that are not substantive issues on the business agenda.

10. The Shadow Children's Executive Board

- 10.1 The Shadow Children's Executive Board shall operate from the date of the Agreement until when its functions will be replaced by the CEB.
- 10.2 The Partners acknowledge that the current composition of the Shadow Children's Executive Board may be too large to facilitate dynamic decision making and it is agreed that the Shadow Children's Executive Board will, during its currency, review arrangements for:
 - 1. the appropriate membership of the Children's Executive Board
 - 2. the frequency of the meetings
 - 3. the quorum of the meetings
 - 4. how the CEB will be Chaired
 - 5. any other arrangements that affect the effective working of the Children's Trust
- 10.3 The SCEB will undertake the work and make recommendations referred to in clause 12 (Scrutiny).

11. The Local Children's Boards

- 11.1 Each Local Children's Board will enter its own specific arrangements to effect joint working. These will be proposed by the local area through the agreement of the relevant Local Strategic Partnership and the local Children and Young People's Planning Group. The arrangements for each locality will be considered and ratified by the Children's Executive Board. Whilst differences will be encouraged to reflect the local needs of each of the Local Children's Board, they will work within a shared framework of common purposes, roles and responsibilities which are as follows:

11.2 Purpose

The purpose of the Local Children's Board is:

- To bring together partners within a local area to plan, implement and deliver children's services in order to secure improved outcomes for children, young people and their families.

- To commission services at local level in line with the commissioning strategy and framework for the Children's Trust.
- To coordinate delivery plans to achieve the outcome in the Children and Young People's Plan.
- To contribute to the strategic development of Children's services within Durham.

11.3 Roles and Responsibilities

The Local Children's Board shall have the following roles and responsibilities:

11.3.1 To develop a programme to implement the Children and Young People's Plan in the area and to deliver agreed outcomes and key policy drivers for children, young people and their families, taking into account local variation. This will include:

- a. operating within a framework and direction set by the Children's Executive Board.
- b. commissioning services improvements at local level.
- c. ensuring that local service improvements are delivered.
- d. ensuring that the specific needs of the locality are represented in activities/funding programmes, particularly with reference to narrowing gaps in outcomes.

11.3.2 To coordinate, monitor and manage performance locally by:

- a. ensuring service improvements are delivered and targets met and action taken when this is not happening.
- b. ensuring the delivery of improved access to services through new ways of working together and configuring services.
- c. reporting on local budgetary responsibilities.
- d. seeking new approaches in service delivery with partners that achieve better outcomes.

11.3.3 To actively seek and respond to the needs of local children, young people and their families.

11.3.4 To represent local issues at Children's Trust Executive Board and advise on wider issues within the developing children's agenda.

11.3.5 To share good practice with all Local Children's Boards.

11.3.6 To report progress to the Children's Executive Board as required.

11.3.7 To ensure wider links are made with Adult and Community Services to deliver a smooth transition for those young people who need support within adult services.

12. Scrutiny of the Children's Trust

- 12.1 The Shadow Children's Executive Board will undertake further work to recommend the most appropriate arrangements for scrutiny of the Children's Trust arrangements. These will be based on a strengthened role for Local Government in scrutinising the activities of partners and partnerships. Arrangements will cover joint scrutiny committees addressing thematic areas covering the scope of the work of the Children's Trust Executive Board. They will be developed from existing joint arrangements and will be agreed by the CEB.
- 12.2 Mirroring this approach, it is recommended that Local Children's Boards (as integrated parts of the LSPs) be scrutinised by relevant District Council scrutiny mechanisms, again, on a thematic basis.
- 12.3 Arrangements to provide independent scrutiny will also be considered.

13. Conflict Resolution Protocol

- 13.1 A protocol has been designed to achieve a resolution within the Executive Board of the Children's Trust and the Local Children's Board. It does not supersede the conflict resolution protocols of partner organisations or groups, but is to be used when conflict or disagreement is specifically in relation to the governance, funding, performance management or delivery arrangements relating to the Children's Trust. It is not intended to cover any issues outside the scope of the Children's Trust.
- 13.2 Within the Children's Trust partners are individually and jointly responsible for delivery of services for children, young people and their families and for achieving the outcomes and targets contained within the Children and Young Peoples Plan. Many partners also have a series of duties in relation to their specific roles and responsibilities within the Children's Agenda which can not be compromised by decisions made by the Children's Trust. They are also individually financially accountable for any funding provided to enable the Children's Trust to commission services.
- 13.3 No single partner within the Children's Trust has precedence over another; however, there are considerable differences in the statutory responsibilities that need to be discharged by partners. These must be respected when determining any course of action to be taken by the Children's Trust. On those occasions where conflict in determining the course of action does arise, the primary objective would be to resolve the matter through consensus. Every effort must be made to reach consensus as conflict within the partnership would be detrimental to the ability to improve outcomes. Failure to reach consensus can not allow a stalemate to prevail, or any partner or group of partners to block action through active or passive resistance. Accordingly a dispute protocol has been developed to deal with those situations.

13.4 The conflict should be resolved as close to the point of conflict as possible. The Executive Board is to be the final arbiter in any conflict. Where local Children's Boards are unable to resolve conflict, they may refer the issue to the Executive Board of the Children's Trust, in which case their decision should be regarded as final.

13.5 The procedure for resolving conflict is as follows:

- a. in the first instance, a full discussion should be conducted around the area of conflict, allowing all partners to set out their views.
- b. in recording the discussion, the relative positions taken should be clearly recorded. If a consensus view is reached, this should also be clearly recorded.
- c. if consensus is not reached after a reasonable period of debate, a formal objection to the matter for decision should be made to the Chair of the relevant group (the Executive Board or local Children's Board).
- d. the matter will then be referred to a second meeting, which must be at least 7 days later. A special meeting of the relevant Board can be convened in the event of an extended period, but in scheduled meetings or if further delays are problematic. During this intervening period, attempts should be made (facilitated by the Chair) to reach a compromise acceptable to all parties.
- e. should compromise not be possible the matter will be discussed again at the second meeting. If conflict still prevails, then having had a full and open debate by all partners, the matter will be put to a vote. A partner votes if the decision to be made directly affects the partners statutory duty, powers or finances or if the partner is to be responsible for implementation.
- f. The Chair has a second and casting vote in the event of a tie.

14. Variation

14.1 This Memorandum of Understanding may be varied at any time upon such terms as the parties agree.