

## Audit Committee

27 July 2015



## CAS Local Test of Assurance

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### Report of Peter Appleton, Head of Planning and Service Strategy, Children and Adult Services

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#### Purpose of Report

1. The purpose of this report is to seek approval from Audit Committee of the Local Test of Assurance (LToA) developed in May 2015 by Children and Adults Services.

#### Background

2. The "Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services" (issued by the Department of Education, April 2013) states that it is legally permissible for the role of Director of Children's Services to be combined with other functions, but local authorities should give due consideration to protecting the discrete roles and responsibilities of the Director of Children's Services before allocating any additional functions to individuals performing these roles.
3. This guidance states that Local Authorities should undertake a Local Test of Assurance to ensure that the focus on outcomes for children and young people will not be weakened or diluted as a result of adding other responsibilities. Where there is a joint Director of Adult Social Services and Children's Services, the guidance recommends that consideration is given to the impact on both children and adults services. The guidance states that authorities should:
  - carry out effective assurance checks, integrated as part of their usual decision-making and scrutiny work, of their structures and organisational arrangements; and
  - review any new arrangements regularly to satisfy themselves they continue to be effective.
4. The guidance recommends that these assurances should be agreed within the Council and subject to self – assessment, peer challenge and review.
5. Ofsted inspectors may scrutinise arrangements for discharging the functions of the Director of Children's Services and Lead Member for Children's Services to determine the quality and effectiveness of the assurance processes. This is likely to include the following essential elements to demonstrate that effective arrangements are in place:

- a) clarity about how senior management arrangements ensure the safety, educational, social and emotional needs of children and young people are given due priority
  - b) clarity about how the local authority discharges its children's service functions and is accountable for them from a political, professional, legal and corporate perspective
  - c) details of the seniority of and breadth of responsibility of individual post holders and how this impacts on their ability to undertake those responsibilities
  - d) evidence of the involvement and experiences of children and young people in relation to local services
  - e) clarity of child protection systems, ensuring professional leadership and robust practice
  - f) details of the arrangements in place to demonstrate the adequacy and effectiveness of local partnership arrangements
6. Benchmarking exercises with other authorities' Local Tests of Assurance have been undertaken to identify good practice.

### **Review process**

7. The LToA has been included as a component of the CAS Director's Assurance Statement and the contents, including the LToA, have been considered in drafting the Council's overall Annual Governance Statement.
8. Continuation of this process will ensure that the Local Test of Assurance will be appropriately reviewed annually.
9. The LToA has been shared with the relevant portfolio holders and is presented to the Audit Committee so it may be assured that the focus on outcomes for children and young people is being appropriately maintained.

### **Recommendation**

10. Audit Committee is asked to approve the Local Test of Assurance 2015, attached at Appendix 2, as part of the wider assurance work of the Council.

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**Contact: Ken Pattison, Strategic Manager, Service Support Tel 03000 265 885**

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## **Appendix 1: Implications**

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**Finance** – N/A.

**Staffing** – N/A.

**Risk** – The Local Test of Assurance is developed to ensure that the focus on outcomes for children and young people will not be weakened or diluted as a result of adding other responsibilities to the role of the Director of Children’s Services.

**Equality and Diversity / Public Sector Equality Duty** – N/A

**Accommodation** - N/A

**Crime and Disorder** – N/A

**Human Rights** - N/A

**Consultation** – Consultation with relevant staff has been undertaken during the review of the Local Test of Assurance.

**Procurement** – N/A

**Disability Issues** – N/A

**Legal Implications** – N/A

## Appendix 2

### Local Test of Assurance 2015

The “Statutory guidance on the roles and responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services” (April 2013) states that it is legally permissible for the role of Director of Children’s Services to be combined with other functions, but local authorities should give due consideration to protecting the discrete roles and responsibilities of the Director of Children’s Services before allocating any additional functions to individuals performing these roles.

This guidance states that Local Authorities should undertake a Local Test of Assurance to ensure that the focus on outcomes for children and young people will not be weakened or diluted as a result of adding other responsibilities. The guidance states that authorities should:

- Carry out effective assurance checks, integrated as part of their usual decision-making and scrutiny work, of their structures and organisational arrangements.
- Review any new arrangements regularly to satisfy themselves they continue to be effective.

The 6 essential elements of assurance stipulated by the guidance are listed in the table below alongside the self-assessed evidence demonstrating how Children and Adults Services address the required assurance measures. In addition to an annual refresh, this Local Test of Assurance will be revisited if any changes occur at Head of Service level in relation to children or adults social care.

#### Arrangements in Durham

In Durham, the Director of Children’s Services post is combined with the Director of Adult Social Care and, therefore, the arrangements below consider the impact on both children and adult services as recommended in the guidance. (Version April 2013, Paragraph 6).

- The Corporate Director of Children and Adults Services is Rachael Shimmin
- The Lead Members / Portfolio Holders are:
  - for Children and Young People’s Services - Councillor Ossie Johnson
  - for Adult and Health Services - Councillor Lucy Hovvels
  - for Safer Communities – Councillor Joy Allen

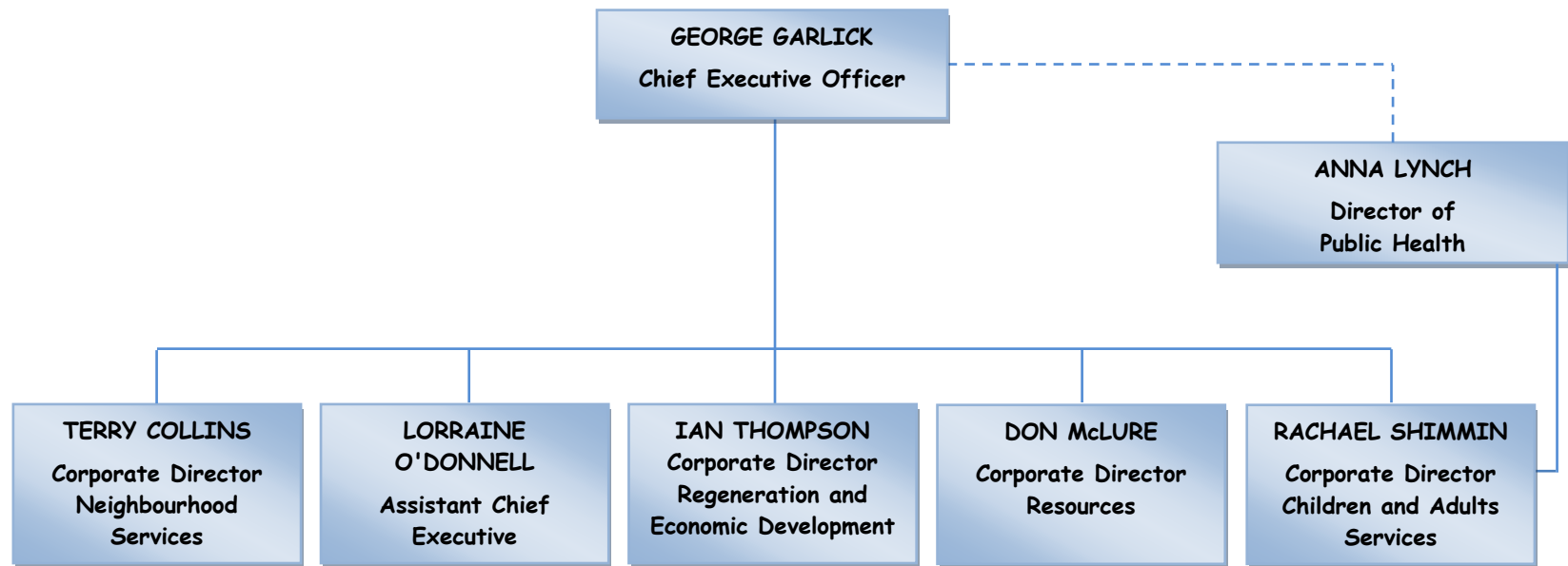
	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
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Clarity about how senior management arrangements ensure the safety and educational, social and emotional needs of the children and young people are given due priority and how they enable staff to help the local authority discharge its statutory duties in an integrated and coherent way.

**Senior Management Arrangements**  
 Durham County Councils (DCC) services are wide ranging and delivered using a budget of around £1billion, to more than 513,000 people. All Chief Officer and Heads of Service posts are permanent and the council structures to deliver these services are spread across five departments as shown in the Corporate Management and Service Structure diagram below:

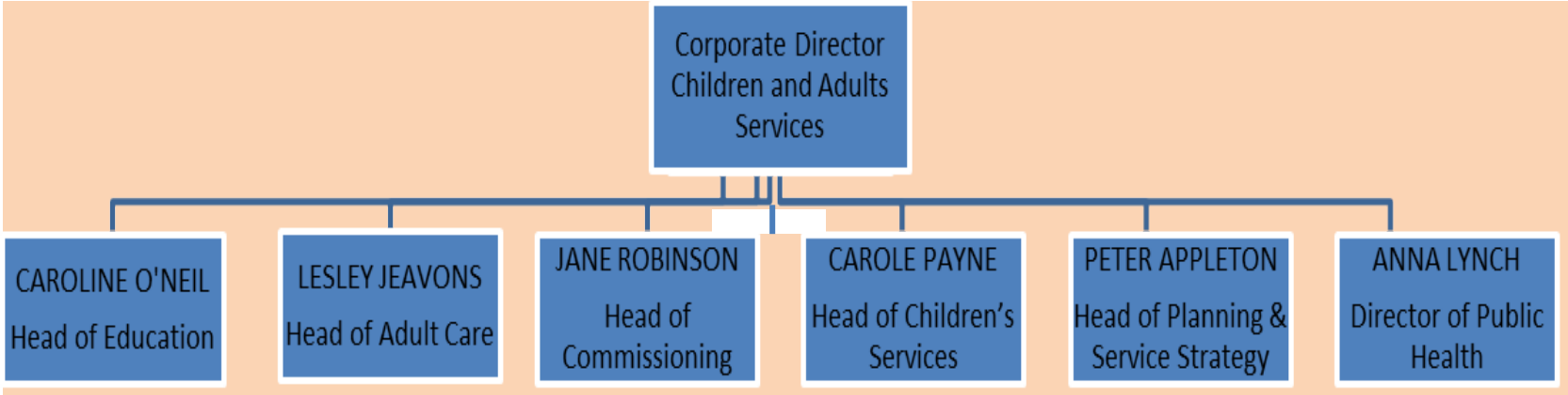
**The Corporate Management Team and Service Structure**



The Corporate Director of Children and Adults Services (CAS) directly reports to the Chief Executive (Head of Paid Service) and consults with other Corporate Director colleagues who form Corporate Management Team where proposals are discussed and subject to challenge.

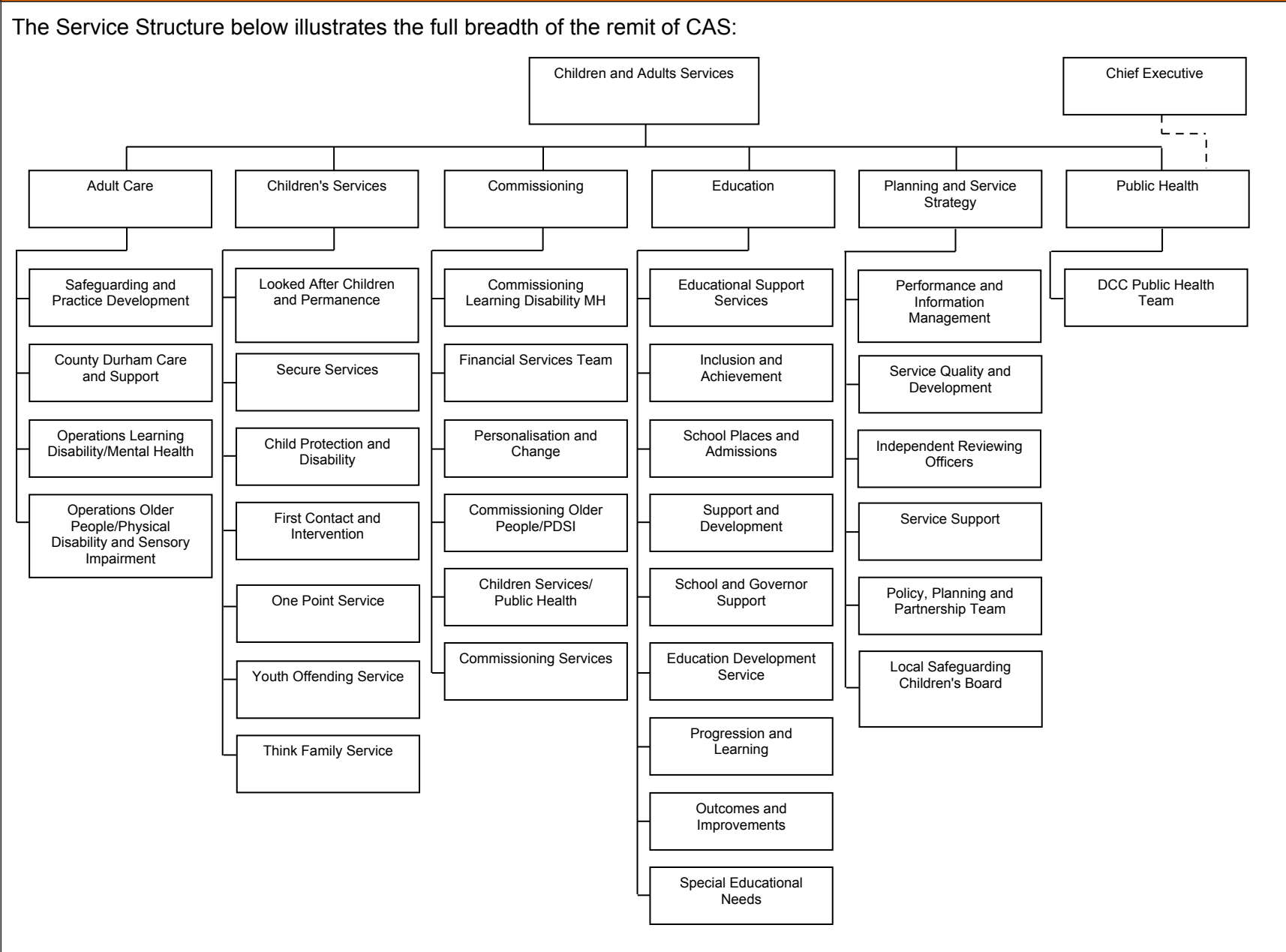
The Corporate Director of CAS has overall responsibility as the Director of Children’s Services and Director of Adult Social Care and has a background in adult and children’s social care.

Reporting to the Corporate Director of CAS and the Chief Executive, the Director of Public Health (Chief Officer role) provides additional assurance in the provision of expertise in Public Health Services and arrangements.

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
1	Continued from previous page	<p><b>Children and Adults Services, Service Management Team (CAS SMT) and Service Structure</b></p> <p>CAS SMT consists of a team of 6 Heads of Service, who are appointed at a senior level to reflect their duties in a large Unitary Authority. The Head of Service posts are supported by a number of experienced and professionally qualified Tier 4 managers who lead key functional areas. Details of the CAS SMT and Head of Service areas of responsibility are provided below:</p>  <pre> graph TD     CD[Corporate Director Children and Adults Services]     CO[CAROLINE O'NEIL Head of Education]     LJ[LESLEY JEAVONS Head of Adult Care]     JR[JANE ROBINSON Head of Commissioning]     CP[CAROLE PAYNE Head of Children's Services]     PA[PETER APPLETON Head of Planning &amp; Service Strategy]     AL[ANNA LYNCH Director of Public Health]     CD --- CO     CD --- LJ     CD --- JR     CD --- CP     CD --- PA     CD --- AL </pre> <p><b>Lead Members</b></p> <p>Durham has three County Councillors as Lead Members for Children and Adults Services. These Councillors work closely with the Corporate Director of CAS and Senior CAS Officers. As detailed in the Council's Constitution, they have responsibility for:</p> <ul style="list-style-type: none"> <li>• The portfolio for the Lead Member for Children and Young People's Services includes: Education 0-19, Specialist and Safeguarding Children's Services, Youth Services including Youth Offending Services, Children's Centres and is a Health and Wellbeing Board Member.</li> <li>• The portfolio for the Lead Member for Adult Services includes: Adult Social Care, Personalisation, Adult Safeguarding, Carers, Welfare Rights and Adult Social Care Commissioning.</li> <li>• The portfolio for the Lead Member for Safer and Healthier Communities includes: Community Safety, Links with Durham Police, Gypsy Roma and Traveller Service, Emergency Planning, Health and Wellbeing and Best Bar None.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
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	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
1	Continued from previous page	<p><b>Decision making arrangements</b></p> <p><u>Constitution</u> The Constitution of the Council sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. This document provides details of decisions which are delegated to all Chief Officers, including the Corporate Director of CAS.</p> <p><u>Officer Decisions and Scheme of Delegation</u> All Chief Officers have extensive delegated powers which allow them to take action and make decisions on behalf of the Council in relation to their service area. The CAS Scheme of Delegation sets out details of the decisions which have been delegated by the Corporate Director of CAS to Officers across the service. The document includes details of:</p> <ul style="list-style-type: none"> <li>• mechanisms for making decisions;</li> <li>• consultation requirements;</li> <li>• details of where the authority to delegate has been given; and</li> <li>• highlights which decisions should be recorded on the corporate Decision Register.</li> </ul> <p>This document is reviewed every six months and consultation is undertaken with legal colleagues before changes are approved by the CAS Service Management Team and the revised document is published on the Council's Intranet. Decision records are monitored.</p> <p><u>Cabinet</u> The Cabinet discusses and makes decisions about DCC policies and strategies as well as countywide issues that affect more than one the Council's services. The Corporate Director of CAS exercises her statutory duties in consultation with the Lead Members for Children and Adult Services and Cabinet itself (the executive of the Council). Key decisions made, or due to be made, by Cabinet are publically available on the Internet on the DCC web page.</p> <p><u>Overview and Scrutiny</u> Seven Overview and Scrutiny Committees hold the Council's Cabinet to account for its decisions. These Committees contribute to evidence-based policy-making in the Council and are also responsible for investigating services provided by a wide range of public, private and voluntary and community sector partners.</p> <p><u>Boards and Joint Committees</u> DCC works alongside a number of boards and joint committees which involve other Councils and organisations, including the Police and Crime Panel and the Combined Fire Authority for County Durham and Darlington.</p>



	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
2	<p>Clarity about how the local authority intends to discharge its children's services functions and be held accountable for them from political, professional, legal and corporate perspectives (including where for example, services are commissioned from external providers or mutualised in an arm's length body).</p>	<p><b>Political Accountability</b></p> <ul style="list-style-type: none"> <li>• Political accountability is achieved through the roles of the Lead Member for Children and Young People's Services, the Lead Member for Adult Services and the Lead Member for Safer and Healthier Communities.</li> <li>• Key roles of Head of Children's Services, Commissioning and Education ensure a strong focus on outcomes for children and young people.</li> <li>• Key roles of Head of Adult Care and Commissioning ensure a strong focus on outcomes for adults.</li> <li>• Durham's Overview and Scrutiny Management Board and the Adults, Wellbeing and Health, Children and Young People's and Safer and Stronger Communities Scrutiny Committees provide a significant role in the independent scrutiny and challenge of children's and adults safeguarding arrangements and decisions. These Boards and Committees produce regular reports for Cabinet.</li> <li>• Overview and Scrutiny Committees provide assurance through consultation in the development of service plans and strategies.</li> <li>• The Council has a Looked After Children Panel which organises visits to children's home by elected members who advise and challenge officers on the quality of care provided to Looked After Children.</li> <li>• Revised arrangements for child safeguarding referrals are being developed in line with the recommendations made after the Independent Inquiry into Child Sexual Exploitation in Rotherham. A Multi Agency Safeguarding Hub (MASH) has been established to ensure a joined up multi-agency approach to referrals/concerns about children.</li> <li>• Durham's Corporate Parenting Panel holds Officers to account when making decisions.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
2	Continued from 2 above	<p><b>Professional, legal and corporate arrangements</b></p> <ul style="list-style-type: none"> <li>• Annual programmes for Service and Corporate audits provide additional assurance of the performance and risks associated with operational arrangements. Audit programmes are developed using risk assessment methodologies and are approved and monitored by appropriate Senior Managers each year. The Audit Committee provides additional scrutiny.</li> <li>• Durham Local Children’s Safeguarding Board (LSCB) provides challenge to child safeguarding practices including, for example, completing Serious Case Reviews. The LSCB challenges all agencies involved in safeguarding children on fulfilling their role and working effectively with each other.</li> <li>• The Corporate Risk Register includes risks relating to the safety of adults and children. Risk entries on the Register are challenged quarterly by CAS SMT, the Corporate Risk Management Group and the Audit Committee.</li> <li>• National inspection regimes for CAS services are actively supported. The Service proactively commissions peer reviews in line with sector led improvement principles.</li> <li>• Quality assurance of child protection and looked after placements are supported by the Independent Review Officers (IRO) Service.</li> <li>• CAS service users’ complaints are investigated in full compliance with Children’s Statutory Complaints and Representations procedures.</li> <li>• A Foster Carers’ Scheme of Delegation provides guidance for Foster Carers on the decisions which are delegated to Foster Carers looking after children placed with them by the Local Authority.</li> <li>• A CAS Information Governance and Caldicott Group meet regularly and maintain a Caldicott Risk Register. The Head of Service, Planning and Service Strategy, is the Caldicott Guardian</li> <li>• Arrangements in relation to the management of the Medium Term Financial Plan are overseen by a Board chaired by the Corporate Director. These arrangements include the production of Equality Impact Assessments and internal and external consultation and reporting arrangements in relation to all savings projects for CAS.</li> <li>• Arrangements to ensure statutory and essential services can be maintained in an emergency or during a business interruption event are in place in corporate and CAS Business Continuity and Emergency Plans. These arrangements include suitably qualified CAS Officers and Managers on on-call rotas to respond to incidents outside of office hours.</li> <li>• A Schools’ Crisis plan is in place to ensure education services can be maintained in the event of a significant incident affecting schools or education services.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
2	Continued from 2 above	<p><b>Commissioning arrangements</b></p> <ul style="list-style-type: none"> <li>• Clear commissioning arrangements are in place within all aspects of children’s and adults services, with a discrete commissioning function managing and monitoring arrangements.</li> <li>• CAS procurement and commissioning arrangements have been developed to comply with the Financial Procedure and Contract Procedure Rules set out in the Constitution of the Council.</li> <li>• Proactive liaison with Corporate Procurement colleagues.</li> <li>• Delegated authority levels for contract decisions including those to develop, review, approve and/or decommission contracts are agreed and approved by CAS Service Management Team (CAS SMT), and are set out in the CAS Scheme of Delegation.</li> <li>• Appropriate contractual decisions are recorded and monitored on the Corporate Decision Register which is open to public scrutiny.</li> <li>• A CAS Contract Register is maintained and regularly reviewed.</li> <li>• All services commissioned on behalf of CAS are required, through standard contract clauses, to provide assurance of a number of key arrangements including, for example, robust Business Continuity Plans. Contract monitoring processes provides assurance that commissioned services comply with these requirements.</li> <li>• Plans to ensure the transition of Health Visitor commissioning over to the Council in October 2015 are being finalised. The Transition Board has been established and is chaired by the Director of Public Health.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
3	<p>The seniority and breadth of responsibilities allocated to individual post holders and how this impacts on their ability to undertake those responsibilities (especially where a local authority is considering allocating any additional functions to the DCS and LMCS posts).</p>	<ul style="list-style-type: none"> <li>• The Corporate Director for CAS has the statutory responsibility for all functions relating to adults social care, education, children’s social care and preventative services across Children and Adults Services.</li> <li>• Responsibilities deployed across Head of Service portfolios are broad. A comprehensive senior management structure is in place to support Heads of Service. All Senior Managers are professionally trained and qualified for their roles.</li> <li>• Arrangements to ensure full compliance with all professional registrations are in place including, for example, Social Workers, Approved Mental Health Professionals, Residential Managers, etc.</li> <li>• All staff, including the Corporate Director of CAS, are subject to the Council’s supervision and appraisal arrangements and adhere to statutory training requirements.</li> <li>• Scrutiny and evidence of continued professional development is provided through annual appraisals including, for example, the requirement to maintain professional registration with the General Medical Council for senior staff in Public Health roles.</li> <li>• Disclosure and Barring Service checks are completed and reviewed for all appropriate staff.</li> <li>• Job Descriptions and Person Specifications detail essential experience and qualifications for all posts.</li> <li>• Appropriate and identified training is secured for managers, including courses provided through the Durham Manager Programme.</li> <li>• Group supervision arrangements have been developed and will be added to the CAS Supervision framework from April 2015.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
4	The involvement and experiences of children and young people in relation to local services.	<p>Adults, children and young people are strongly involved in planning services and these arrangements are managed at Head of Service level. Examples are provided below:</p> <ul style="list-style-type: none"> <li>• Children are invited to attend quarterly Investors in Children (IiC) meetings where their views can be expressed and considered in the development of plans for services linked to key priorities. DCC is renewing its application for IiC Membership Award.</li> <li>• The Young Carers' Group provides a consultation function as part of the Family Action Bridge Group.</li> <li>• Parents and disabled children are consulted through the Making Changes Together groups.</li> <li>• Children and young people regularly attend both the Children and Families Partnership and the LSCB to provide views on specific issues.</li> <li>• The annual Big Tent event held in October provides an opportunity for engagement and consultation with all service users (including children), stakeholders and partners.</li> <li>• A peer challenge of the Youth Offending Service provided a critical assessment of services in 2014.</li> <li>• The 14 County Durham Area Action Partnerships (AAP) were consulted in the development of priorities and the review of the Safe Durham Partnership. AAP's provide support for other consultation exercises. For example, "It's UP 2 U 2015" where consultation is requested in deciding how the Community Grant Fund should be distributed.</li> <li>• A number of service areas set up focus groups for consultation purposes when required. For example the Carers' Forum.</li> <li>• The Service undertakes an Annual Survey Programme which is developed, completed and reported to CAS SMT by the Performance and Information Management Team.</li> <li>• All service users completing Adult Learning course are asked to complete feedback questionnaires.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
5	<p>Clarity about child protection and looked after systems, ensuring professional leadership and practice is robust and can be challenged on a regular basis, including an appropriate focus on offering early help and working with other agencies in doing so.</p>	<ul style="list-style-type: none"> <li>• The Corporate Director of CAS, as well as the Head of Adults Care and the Head of Children’s Services, is a member of both the Safeguarding Adults Board (ASB) and the Local Safeguarding Children’s Board. (LSCB).</li> <li>• Child protection systems are led by the Head of Service who has responsibility for safeguarding children and the provision of early help services.</li> <li>• Professionally qualified and experienced senior managers are responsible for child protection and looked after children.</li> <li>• Adult protection systems are managed by a Head of Service.</li> <li>• The Head of Adult Care is responsible for discharging functions that protect vulnerable adults. The Corporate Director has the lead for protecting vulnerable adults in line with statutory guidance, is supported by a strong Head of Service and an established range of processes and working practices in relation to safeguarding.</li> <li>• Critical assessments of services provided by or through the LSCB and Youth Offending Service have been undertaken by way of a peer review. A further peer review of the Youth Offending Service is planned for October 2015.</li> <li>• Self-assessments of the Learning Disability Autism Service and in relation to Winterbourne View have been completed.</li> <li>• The LSCB and ASB have developed annual reports, business plans and working together protocols.</li> <li>• CAS complies with the Single Assessment framework and continues to develop existing and new processes and systems to comply with this framework.</li> <li>• A review of the Durham Safeguarding Framework is due to be undertaken in 2015, to include the development of appropriate links to the Health and Wellbeing Board, Safe Durham Partnership and the Children and Families Partnership.</li> <li>• Changes to the CQC inspection regime due to be implemented in April 2015 will be built into existing processes and systems.</li> <li>• Accreditation to the Young Carers’ Charter was completed in June 2015.</li> <li>• An Emotional Wellbeing and Resilience Group was set up through Public Health.</li> <li>• Established early intervention arrangements for children, young people and families are in place through, for example, the One Point and the Think Family Services.</li> </ul>

	Essential Element of Assurance	Durham arrangements (including impact on adult services as recommended in the guidance)
6	<p>The adequacy and effectiveness of local partnership arrangements, e.g. the local authority's relationship with schools, the LSCB, the courts, the Children's Trust cooperation arrangements, Community Safety Partnerships Health and Well Being Boards, Youth Offending Team Partnerships, Police, Probation, Multi-agency Risk Assessment conference (and their respective accountabilities)</p>	<p><b>Partnership Arrangements</b></p> <p>CAS work in partnership with a number of key organisations to deliver improvements for people who live in County Durham, as well as those who specifically use services. These organisation include other statutory, independent and voluntary sector bodies including:</p> <ul style="list-style-type: none"> <li>○ County Durham Partnership</li> <li>○ Children and Families Partnership</li> <li>○ Safe Durham Partnership</li> <li>○ Local Safeguarding Children's Board and Local Safeguarding Adults Board</li> <li>○ Tees, Esk and Wear Valleys and County Durham and Darlington NHS Foundation Trusts- regularly reviewed Cooperation Agreements are in place for these 2 partnerships' integrated working arrangements.</li> <li>○ North Tees and Hartlepool Hospitals NHS Foundation Trust</li> <li>○ City Hospitals Sunderland NHS Foundation Trust</li> <li>○ North Durham and Durham Dales, Easington and Sedgefield Clinical Commissioning Groups</li> <li>○ Healthwatch County Durham</li> <li>○ 14 Area Action Partnerships</li> <li>○ Crime and Community safety partners including Police, Fire and Rescue Service and the Probation Service</li> <li>○ Education partners including Durham University, schools and colleges</li> <li>○ Welfare organisation including Citizens Advice, Age Concern, Jobcentre Plus, etc.</li> </ul> <ul style="list-style-type: none"> <li>● A refresh of Annual Plans and Partnership Governance Reviews have been completed for each of the following partnerships; <ul style="list-style-type: none"> <li>- County Durham Youth Offending Service</li> <li>- Children and Families Partnership</li> <li>- Safe Durham Partnership</li> <li>- Local Safeguarding Children's Board</li> </ul> <p>This included an assessment of the effectiveness of the partnerships, a review of the Terms of Reference of the Board and consideration of existing communication structures.</p> </li> <li>● The Safeguarding Framework has strengthened governance of work between LSCB/LASB and the three Partnership Boards – Safe Durham Partnership, Health &amp; Wellbeing Board and Children and Families Partnership.</li> <li>● Arrangements within various Information Sharing Agreements are in place to enable more coherent and efficient joint working arrangements with partners involved in joint safeguarding cases. Arrangements are in place with partners including Police, Health, Probation, etc.</li> </ul>

	<b>Essential Element of Assurance</b>	<b>Durham arrangements (including impact on adult services as recommended in the guidance)</b>
6	Continues from 6 above	<ul style="list-style-type: none"> <li>• The following partnership arrangements provide additional support for Children’s Services; Think Family, MARAC, Improving Progression Partnership and Youth Offending Service.</li> <li>• The Corporate Director of CAS is a member of the Health and Wellbeing Board and chairs the Safe Durham and the Children and Families Partnerships.</li> <li>• Revised arrangements for child safeguarding referrals are being developed in line with the recommendations made after the Independent Inquiry into Child Sexual Exploitation in Rotherham. A Multi Agency Safeguarding Hub (MASH) has been established to ensure a joined up multi-agency approach to referrals/concerns about children.</li> <li>• Education Services work closely with and consult regularly with the Durham Association of Primary, Secondary and Special Head teachers and work closely with and support the Durham County Association of Governors.</li> </ul>