

A GOVERNANCE FRAMEWORK FOR THE CHILDREN'S TRUST

Recommendations: that the Board

- (i) agree the proposed model of governance (see outline, Appendix 1);
- (ii) mandate a Task and Finish group to complete the Memorandum of Understanding and Handbook of Operational Procedures, for approval at the next meeting.

1. Background

- 1.1 In any partnership or complex system of policy and practice development it is important to have a robust governance framework. This means a clearly set out definition of where decisions are taken and accountability rests.
- 1.2 Revised statutory guidance and legislation will reinforce the primacy of the Children's Trust and its Board in regards to improving outcomes for children, young people and families. At its last meeting the Board requested that a group look at models of corporate governance to establish more formal accountability and responsibility for the Children's Trust.
- 1.3 We propose that the Children's Trust is viewed as an unincorporated association. The characteristics have emerged primarily from case law and are outlined in Appendix 5. The Trust will have a membership bound together for a common purpose by an **identifiable constitution or rules**.
- 1.4 We propose to present the identifiable constitution through a Memorandum of Understanding and a set of operating procedures. The model is based on the Connexions corporate model, and the responsibility framework of the Devon Local Safeguarding Children's Board.
- 1.5 As part of developing our governance for strategic commissioning we have captured graphically where the balance of responsibility will rest between the Board and the Partnership Council, and this will inform the Terms of Reference (Appendix 2).
- 1.6 The Task and Finish Group will set out relationships
 - between the Children's Trust Statutory Board, the Partnership Council, Commissioning Boards and local Children's Trusts.
 - With other decision-making organisations (e.g. DCC, PCT)
 - With the Devon Strategic Partnership, with which there must be a close relationship
 - With Devon Safeguarding Children Board, which has a statutory role (Children Act 2004) to agree how the relevant organisations in Devon will co-operate to safeguard and promote the welfare of children in that locality, and ensuring that what they do is effective.

2. The Memorandum of Understanding

- 2.1 All Duty to Cooperate partners will be required to sign up to this. It is envisaged that all schools and (for example) third sector organisations will sign individually. This would be a powerful way of directly involving all partners in the Children's Trust and the signature list will be a strong symbol of our commitment to cooperate.
- 2.2 The Memorandum of Understanding will include the Terms of Reference for the Children's Trust Board and the Partnership Council, and will provide the link between the principles and purpose of the Trust and the plans we make.

3. The handbook of operational procedures

- 3.1 The Memorandum will establish the high level commitments, translating the Duty to Cooperate into shared accountabilities (for outline, see Appendix 3). To make these work it will be underpinned by practical steps to secure common ground rules in how we work together. These are also based on feedback from the Children's Trust development day (Appendix 4)
- 3.2 Many of the operating procedures have already been agreed. For example, the Information Sharing Protocol and the multi-agency child protection procedures (through the Local Safeguarding Children's Board). The principal activity required is therefore to draw them together in one place for formal Children's Trust approval.
- 3.3 Where a need is identified for new operating arrangements they will be developed and phased in over the next three months as the governance model is developed.
- 3.4 They will form the foundations for stronger joint agency work by providing a "must do" set of procedures for partnership working. They will also provide a template for single agency working related to children, promoting alignment of our policies and practice beyond the work we do collectively.

4. Other considerations

- 4.1 We need to ensure there is capacity to obtain sign-up. Priority will be given to ensuring that statutory partners sign. The joint commissioning team can then manage sign-up over the next six months in accordance with the methods currently used by the Children's Trust for drawing in the wider partnership.
- 4.2 The proposed operating procedures will be developed by a Task and Finish Group and will be pragmatic in the first instance. For example, for investment and disinvestment, the focus will initially be on ensuring the Board is aware that investment and disinvestment will be a shared policy area.

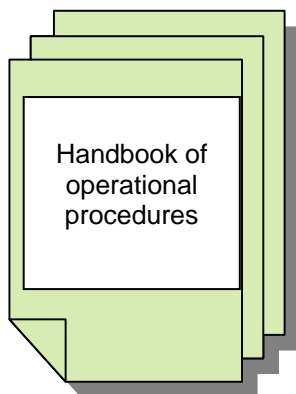
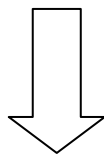
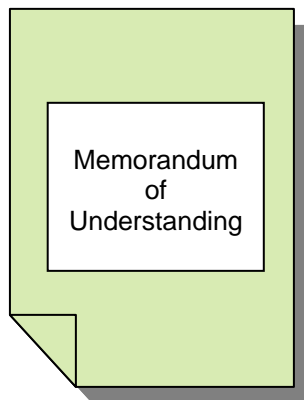
4.3 It is recognised that universal sign-up could be challenging.

- Individual agencies may struggle to agree the detail in a specific proposed operating procedure.
- Does the Board have a view of its position if any organisation refuses to sign?
- A model could be considered whereby each partner agency could formally “opt out”.

The Board may wish to give the Task and Finish Group a steer on this.

Anne Whiteley
Executive Director of Children and Young People’s Services

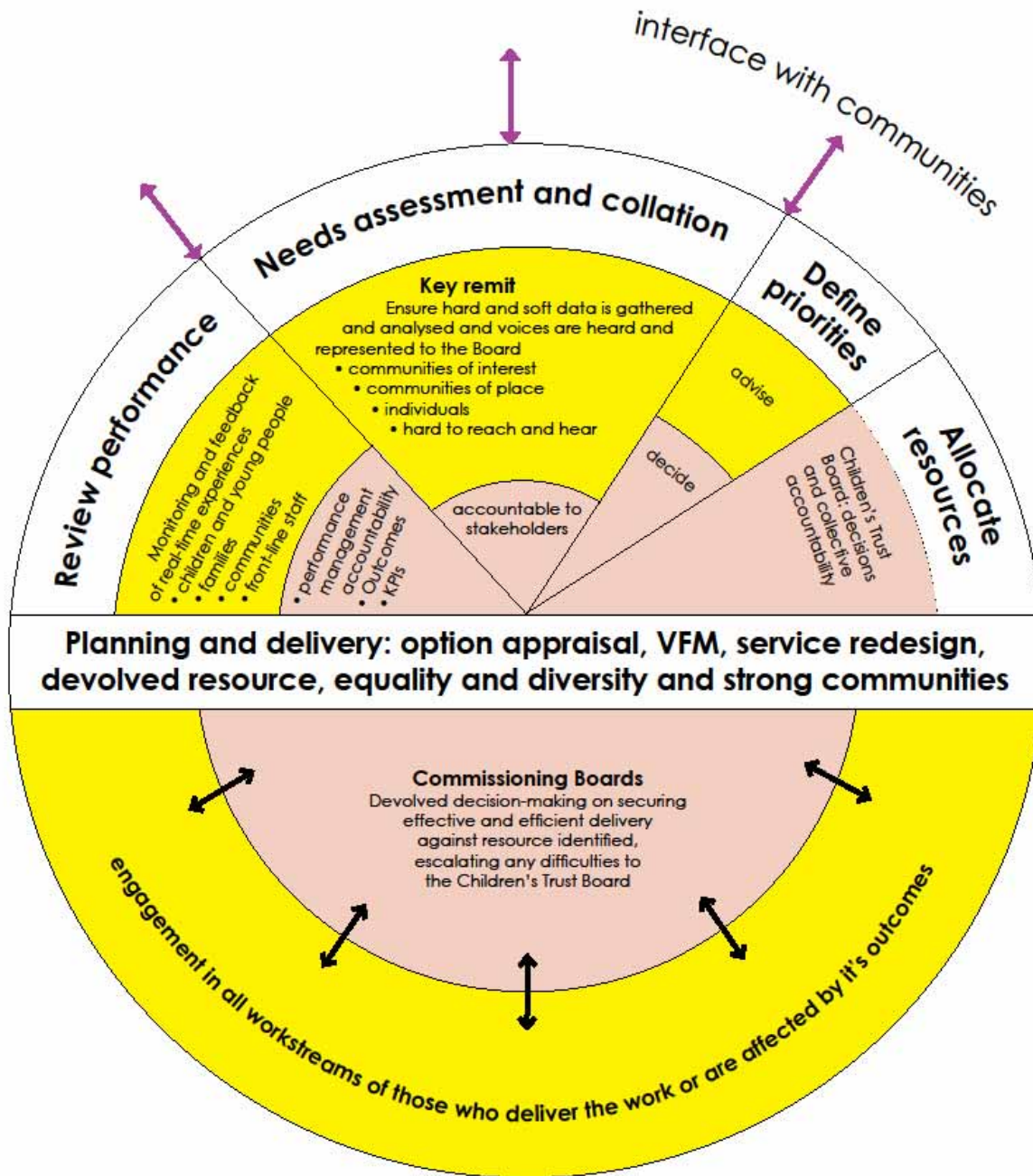
Proposed Children's Trust governance framework



- Vision, purpose and First Principles (including commitment to CYPP)
- Key objectives
- Remit and range
- Responsibility Framework (who does what)
- CT Board and Partnership Council Terms of Reference
- Accountability and disclosure of interests (Nolan principles)
- List of operating procedures
- Relationship between governance

- Information Sharing
- Safeguarding
- Understanding need
- Integrated working
- Financial planning
- Prioritisation
- Investment and disinvestment
- Performance and reporting model
- Timeline of strategic planning

Outline of remit of Children's Trust Board and Partnership Council within the commissioning cycle



-  remit of Partnership Council
-  remit of Children's Trust Board and Commissioning Boards
-  workstreams overseen by Commissioning Boards
-  active links to local Children's Trusts and Learning Communities

Children's Trust development day What does the Duty to Cooperate look like?

*Participants in the Children's Trust development day (9 February 2009) described what Duty to Cooperate means through a series of **destination statements** which have now been developed from collating the feedback. They reflect what it looks like when we work well together, providing us with a target and the means to benchmark our progress.*

1. **We all commit to** improving outcomes for all children and young people, addressing inequalities, and ensuring that the Articles of the United Nations Convention on the Rights of the Child are upheld in policy and practice.
2. **Understanding need.** We contribute to a shared understanding of the needs of children, young people, families and communities in Devon, using the information to improve outcomes and to narrow the gaps in life experiences.
3. **Information sharing.** We share information regularly, committing ourselves to ensure that we minimise the barriers to sharing the right information with the right people.
4. **Safeguarding.** We protect children through all joint and single agency working.
5. **Financial planning.** We plan and marshal our resources annually, within a three year cycle which seeks alignments that support the delivery of the Children and Young People's Plan.
6. **Investment and disinvestment.** We share information on when we invest and/or disinvest resources where we know this may have an impact on children, young people and families. We work to secure shared outcome-focussed investment and disinvestment plans as far as possible.
7. **Integrated working and colocation.** We promote and support integrated working. Where it supports improved services for children, young people and families we will colocate services wherever possible
8. **Agreeing priorities.** Shared priorities are a first principle, not an afterthought. They help shape individual agencies' own priorities and discrete plans.

OUTLINE OF PROCEDURAL GUIDANCE

1. To prepare for meetings by reading minutes and associated papers.
2. To attend meetings, or to send a substitute who is adequately briefed.
3. To have undertaken any actions agreed at the previous meeting.
4. To discuss issues relevant to the Children's Trust business within one's own agency or organisation and be prepared to contribute from the agency or organisation standpoint.
5. To be willing to offer a representative view from one's own area of work and/or organisation to take forward discussions.
6. To establish a process for the way decisions taken through Children's Trust governance are communicated to one's own agency/organisation, and ensuring that processes are in place for implementation within single agency policies and plans.
7. To provide information within one's own agency, increase awareness of the role and responsibilities of the Children's Trust and ensure the agency adheres to the agreed First Principles.
8. To provide agency-specific information to the Children's Trust as required, by producing or ensuring the production of reports to/from agency/organisation as appropriate
9. To meet agreed deadlines.
10. To accept a share in the collective responsibility and accountability for the satisfactory completion of the Children's Trust work programme, by undertaking tasks as appropriate, including participation in sub-groups (or identifying staff to do so where relevant).
11. To take back into one's own agency/organisation policy development implications, ensuring that processes are in place to respond to them appropriately.
12. To contribute to the development of policy, on behalf of one's own agency/organisation (therefore members are required to be familiar with the "position" the agency/organisation holds on areas under discussion).
13. To establish effective systems for being briefed by one's own agency or to liaise within own profession, about views on safeguarding/child protection.
14. To contribute to the review and delivery of the CYPP, its implementation plans and the work programme of Commissioning Boards.
15. To assist in annual budget setting by identifying all relevant budgets and agreeing use based on joint priorities and through best joint commissioning practice.
16. To contribute to regular review of the membership of the Children's Trust and ensure that it is both representative and effective.
17. To respect confidentiality of sensitive information provided by the constituent agencies of the Children's Trust.
18. To ensure Equality Impact Assessments are completed for all policy and implementation proposals.

Background detail

1. Duty to Cooperate partners

Children Act 2004 (Chapter 31 Part 2)

For the purposes of this section each of the following is a **relevant partner** of a children's services authority in England

- a) where the authority is a county council for an area for which there is also a district council the district council;
- b) the policy authority and the chief officer of police for policy area any part of which falls within the area of the children's services authority;
- c) a local probation board for an area any part of which falls within the area of the authority;
- d) a youth offending team for an area any part of which falls within the area of the authority;
- e) a Strategic Health Authority and Primary Care Trust for an area any part of which falls within the area of the authority;
- f) a person providing services under section 114 of the Learning and Skills Act 2000 (c. 21) in any part of the area of the authority;
- g) the Learning and Skills Council for England.

New legislation will add schools, colleagues and Jobcentre Plus.

2. Unincorporated associations

The characteristics of an unincorporated association have emerged primarily from case law. An unincorporated association is not a legal entity:

- it is an organisation where the form of association is not recognised in law as being something else (for example, an incorporated body or a partnership);
- it is an organisation of more than one person, or bodies, with an identifiable membership that may change over time;
- the members are bound together for a common purpose by an identifiable constitution or rules (written or oral);
- it must have an existence distinct from those who would be regarded as its members;
- the tie between the members need not be a legally enforceable contract.

There is no reason why an unincorporated body should not have trading or business objectives, or undertake significant commercial activities.

3. Membership of Devon's Children's Trust

Cllr John Smith (Chair)
Dr Kevin Snee
Dr Virginia Pearson

Lead Member for Children & Young Peoples Services - DCC
Chief Executive Devon PCT
Director of Public Health

Jayne Carroll	Strategic Commissioning Officer PCT
Anne Whiteley	Executive Director of CYPS - DCC
Mary Nisbett	Independent
Alan Wooderson	Devon Local Safeguarding Children Board - Independent Chair
Commander Jo Tenant	Devon & Cornwall Constabulary
Nicola Bulbeck	Devon District Councils - Chief Executive
tbi	Devon District Councils (to replace Alan)
Carolyn Elliot	Adult and Community Services
Richard Newton-Chance	Devon Association of Secondary Heads
Gary Chown	Devon Association of Primary Heads
Cherie White	Special Heads Association of Devon
tbi	Colleges of Further Education
John Peart	Learning and Skills Council
Anne Proctor	Probation Service
Jenny Rudge	Chief Executive, Connexions Cornwall and Devon
tbi	Jobcentre Plus
Penny Mathers - Observer	Government Office South West
Debbie Pritchard in attendance	Children's Trust Programme Director
Brian Grady in attendance	Head of Commissioning and Procurement