

Children's Trusts: statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan

General points:

The guidance is welcomed and there is much helpful material. It would be more useful if the document were a shorter, simpler one.

1. What has changed?

This guidance reflects the changes arising from the ASCL Act 2009

- The Children's Trust Board will be placed on a statutory footing from April 2010.
- Responsibility for developing, publishing and reviewing the Children & Young People's Plan passes from the local authority alone to the Children's Trust Board. The first new style Children & Young People's Plan must be published by April 2011.
- The Children & Young People's Plan becomes a joint strategy in which the Children's Trust partners set out how they will cooperate to improve the wellbeing of children and young people in the local area. It differs from the previous Children & Young People's Plan in that although the scope of the new Children & Young People's Plan includes all services that affect children and young people's wellbeing, the Plan should focus on what the partners will do together to deliver them
- Responsibility for implementing the Children & Young People's Plan remains with the individual partners, who are under a duty to have regard to the Plan. The Children's Trust Board is responsible for mentoring the extent to which the partners act in accordance with the Plan and to publish an annual report which sets this out
- Schools (including Academies, non maintained special schools and Short Stay Schools / Pupil Referral Units), FE and sixth-form colleges and Jobcentre Plus will become new statutory 'relevant partners' in the Children's Trust cooperation arrangements from January 2010. This means that like other statutory 'relevant partners' they:
 - will be required to cooperate with the local authority and its other partners to improve children's well-being through the Children's Trust;
 - will (subject to any specific restrictions on partners' funding arrangements) be able to pool budgets and share other resources with the other partners; and
 - must be represented on the Children's Trust Board

2. Consultation questions

1. *Overall, do you agree that the guidance will help to strengthen the engagement of Children's Trust partners (statutory or otherwise)? If not, what else is needed?*

The statutory guidance would be improved by simple lists of:

- what partners must be represented on the Board
- what partners are recommended to be represented at the Board
- what partners could be considered for representation on the Board
- what reports the Board should receive
- what partners have to be consulted on the Children & Young People's Plan

- what partners could be considered for consultation in the Children & Young People's Plan
- what has to be in the Children & Young People's Plan

2. *Does the guidance provide a clear explanation (in chapter one) of what the Children's Trust and the Children's Trust Board are and do, and how they are different? If not, how else should this be covered?*

It may be helpful to define the term 'Board' or something similar as inclusive of all the governance arrangements of the Trust. In a large county and given the complexity of the work, it is inappropriate to load the term 'Board' so heavily. It will become a massive inclusive group to match what is suggested (and thus unwieldy) Governance arrangements however, including a Board would give local flexibility.

Terms such as 'leaving the responsibility for implementing the Children & Young People's Plan to Board partners' do not sound robust. Also, given the potential variability of Board membership compared to the Children's Trust partnership, it would be advantageous to have more emphasis on the Trust, which operates at every level, and less on the Board

In Devon the Local Safeguarding Children Board is responsible for the stay safe element of the Children & Young People's Plan and there is a mutual challenge in this approach

3. *Does the guidance provide sufficient clarity (in chapters two and seven) on how partners should be represented on the Children's Trust Board? If not, how else should this be covered?*

Lists, as described above would be helpful so it is clear where there is flexibility and where not. There appears to be particular ambiguity around independent special schools. Please define.

4. *Does this guidance make clear (in chapter three) the integrated tools and processes to be used in Children's Trust cooperation arrangements? If not, how else should this be covered?*

Fairly clear

5. *Does the guidance make clear (in chapter four) what the responsibilities of the Children's Trust partners and the Children's Trust Board are around commissioning? If not, how else should this be covered?*

Fairly clear, except for saying the Board is not a commissioning body (so the Children & Young People's Plan is not a commissioning plan) seems perverse. It certainly is coordinating commissioning arrangements

6. *Does the guidance make clear (in chapter six) the role of the Children's Trust Board in developing the local workforce strategy? If not, how else could this be covered?*

Fairly clear

7. *Does the guidance make clear (in chapter seven) how to set up the Children's Trust Board? If not, how else should this be covered?*

The PEC need not, we suggest, have to be represented by a GP, but by their named representative.

In 7.31 second line, is the reference to the LA or all partners?

8. *Should the guidance provide (in chapter seven) additional information about the support and challenge role of the Government Office, and how they will work with the Children's Trust partners and the Board on areas where they may need improvement support?*

No

9. *Does the guidance make clear (in chapter eight) what the responsibilities of the Children's Trust Board are around representing children and young people's interests [and ensuring that the CYPP is properly reflected] in wider strategic planning overseen by the Local Strategic Partnership? If not, how else should this be covered?*

The relationship with the Local Strategic Partnership (LSP) is crucial and it requires the LSPs to have expectations on it to work with the Children's Trust, especially in two tier authorities.

10. *Does the guidance make clear (in chapter eight) what steps the Board should take in preparing, publishing and reviewing the CYPP? If not, how else should this be covered?*

8.41 – an example?

8.74 - helpful checklist

11. *Do you agree it would be helpful if the guidance were linked to "good practice" examples hosted on existing websites? Do you have any examples of websites to suggest? What would be the most helpful way of spreading good practice and through which website?*

Yes

Children and Young People's Plan regulations

12. *Do you agree that the matters to be dealt with in the Plan as set out in Section 4 of the Regulations are appropriate?*

Yes

13. *Are there additional requirements that you would like to see set out in the Regulations? If so, what are they?*

3. Questions for the Board : Reflections on the draft Guidance

- i. Youth Offending Team have all relevant particulars. Is the Board content that this is sufficiently represented through the Lead Member who chairs the Youth Offending Service management board and the DCS who has line management responsibility?
- ii. How do we engage a Lead GP effectively?
- iii. Are we confident that our current arrangements with the voluntary sector, the independent education setting and the Diocesan Boards of Education are appropriate and effective?

- iv. *The Children's Trust Board has a governance role of the totality of the Children's Trust cooperation arrangements, but does not manage them. It has a specific function to develop, publish, review and revise the Children & Young People's Plan but it is not a joint commissioning body. It provides a strategic framework within which the partners may commission services in a coordinated way using either joint or aligned budgets. Is the Board comfortable with this description?*
- v. Consider 7.24 (below) and how Devon approaches these arrangements
- vi. *The Children's Trust Board needs to be supported by its member organisations with adequate and reliable resources. New section 12C of the Children Act 2004 sets out that the local authority and its Board partners may make payments towards expenditure incurred by, or for purposes connected with, the Board by:*
 - *Making payments directly; or*
 - *Contributing to a fund out of which the payments may be made.*
- vii. Agree that current Children & Young People's Plan annual reports refresh should be published on particular websites as described on page 70.
- viii. Note paragraphs 8.47 and 8.48 below.

Implementing the CYPP

- 8.47 The Children's Trust Board does not deliver the CYPP; it is the individual partners which implement those parts of the Plan that relate to their functions; each must 'have regard' to the Plan. The implementation will involve a degree of co-operation among partners which could be through formal or informal partnership working or by aligning and coordinating activities and budgets. The Children's Trust Board is, however, responsible for monitoring and producing an annual report on the extent to which the partners act in accordance with the Plan.*
- 8.48 Every year, as part of the Board's report, the Chief Executive and the Leader of the Council should make an assessment of the effectiveness of local governance and partnership arrangements for improving outcomes for children and supporting the best possible standards for safeguarding children.*