

# CHESHIRE EAST COUNCIL

## CABINET

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<b>Date of meeting:</b>	2 DECEMBER 2008
<b>Report of:</b>	JOHN WEEKS – STRATEGIC DIRECTOR ~ PEOPLE
<b>Title:</b>	CHILDREN'S TRUST – IMPLEMENTATION

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*This paper, which is in the format of a Cabinet report, is presented to the Advisory Panel (People) to enable Panel Members to be aware of a forthcoming Cabinet issue and to contribute views to inform the decision making of the Cabinet.*

### CHILDREN'S TRUST – IMPLEMENTATION ARRANGEMENTS

#### 1.0 Purpose of Report

- 1.1 The Local Authority has decided that it will set up its own local Children's Trust arrangement and has adopted the current Cheshire Children's Plan 2008-11 (as approved by all current Cheshire Councils).

This report sets out the key issues that now need to be addressed over the next 12 months and makes recommendations for how best to develop and implement future Trust arrangements taking account of current legislation, emerging DCSF guidance and local experience of setting up and operating the current Children's Trust. Views are also sought on how setting up the new Trust should be linked to the evolving LSP / LAA arrangements for each new LA.

#### 2.0 Decision Required

- 2.1 That the Cheshire East Council approves the creation of a Children's Trust Implementation Board with a mandate to consider the issues raised in this report and its appendices and take forward the future Children's Trust arrangements.
- 2.2 That the Executive delegates authority on behalf of Cheshire East to the Lead Member for Children and the Strategic Director - People to ensure that the Trust is set up in a timely fashion in order to be sufficiently operational for 1 April 2009.
- 2.3 It is presumed that final decisions in relation to the Governance Documents for the Trust, will, as with the (statutory) Children Plan and the LSP/LAA, be subject to the consideration and advice by the Cabinet and the final decisions of Council and partners.

#### 3.0 Financial Implications for Transition Costs

- 3.1 The Local Authority will need to appoint, nominate or second an Officer from Children's Services to act as facilitator and lead a shadow business unit (working on behalf of the Trust) during the implementation phase (i.e. from November 2009). Alternatively the Shadow LA will need to consider funding CCC to perform this role on its behalf as it cannot guarantee that capacity will be available to carry out this implementation work for both shadow authorities from within the existing business unit support.

- 3.2 However, the costs of setting up the two new Trusts can to some extent be mitigated by utilising the expert support of the highly respected DCSF Commissioning Support Team, which has offered a minimum of 10 days free 'consultancy' to each new Trust. This unit has experience of working with 80 Trusts so far and is closely linked to the DCSF. County Council officers are discussing with the Commissioning Support Team what support they could provide. The work can commence as soon as Cheshire East has approved the principle and process as set out in this report.

#### 4.0 Financial Implications 2009/10 and beyond

- 4.1 The Shadow Authority and its partners will need to consider how to resource its Children's Trust Business Unit on a permanent basis in-line with the future recommendations of the Strategic Director and the proposed Children's Trust Implementation Board (if approved).

#### 5.0 Legal Implications

- 5.1 The 2004 Children Act sets out requirements for Children's Trust arrangements to be established in every area (in England) by April 2008. Although Children's Trusts are not currently 'statutory', the Children Act 2004 clearly states that these are the *preferred* models for delivery. They are intended as the vehicle to fulfil the 'duty to cooperate' bringing together partners, to promote collaborative working with the aim of improving children's well-being.

- The local authority is responsible for driving forward the arrangements;
- The Director of Children's Services is accountable for the functioning of the Trust;
- The Lead Member for Children is politically accountable.

*"Local authorities must take a lead in making arrangements to promote co-operation between local agencies whose work impacts on children within the authority's area. As joint stakeholders, the relevant partners must cooperate with the authority in the making of those arrangements and will wish to help shape them so as to ensure that co-operation results in improvements in all areas of service delivery and in associated outcomes for children and young people<sup>1</sup>".*

- 5.2 The Government is currently consulting on legislative options to strengthen Children's Trusts by:
- revising Section 10 of the Children Act 2004 to extend the **duty to cooperate** to schools, the **Schools Forum**, 6<sup>th</sup> Form and FE Colleges and Academies;
  - revising Section 17 of the Children Act 2004 to **strengthen the statutory framework for Children's Plans** to require all areas to have a Children's Plan and extending ownership to all statutory partners, so that the Plan becomes the **shared responsibility of the Children's Trust Board**;
  - strengthening the statutory basis of **Children's Trust Boards** – with primary legislation to require LAs to create a Board and set it clear

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<sup>1</sup> Statutory guidance on inter-agency co-operation to improve the well being of children: Children's Trusts (Statutory Guidance 2005)

objectives in relation to: **improving outcomes for children, increasing early intervention, and narrowing gaps** in outcomes;

- introducing **regulations** relating to Children's Plans – including possibly prescribing what arrangements will be made for **Joint Commissioning** and **specified spending** by each 'partner' in specific areas;
- revising Section 10 of the Children Act 2004 to give local authorities and partners the **power to delegate functions**, and to extend the **power to pool budgets** beyond 'relevant partners' so that the private and voluntary sector can contribute to pooling of funding, staff, goods and services;

5.3 The current Children's Trust arrangements already comply with many of the proposals that the Government is considering enshrining in legislation and guidance. The proposed Trust models in this report takes full account both of current best practice in Cheshire and 'expected' future Government guidance where applicable. The models proposed are therefore anticipated as being fully compliant with future guidance due to be issued Autumn 2008. There are nonetheless some key issues to consider as set out at **Appendix 1**.

## **6.0 Risk Assessment**

6.1 There are no risks relating to the decisions sought. However, the Authority should be mindful that delays in establishing Trust arrangements will generate uncertainty and risks in terms of; the roll out of local/national plans and imperatives, exposure to negative performance assessments, poor partner relations etc. It is important therefore that the work is set in motion in time and with adequate resources.

## **7.0 Background and Options**

7.1 See Appendix 1 for an outline of the key issues and options relating to setting up a new Children's Trust.

## **8.0 Overview of Day One, Year One and Term One Issues**

8.1 See Appendix 2 for a timeline of key decisions and tasks.

## **9.0 Reasons for Recommendation**

9.1 To comply with the Children Act 2004 and other relevant legislation. To take forward the Every Child Matters agenda and related Children's Trust initiatives. To ensure the continued support and engagement of the future key partners of the Shadow Authorities.

### ***For further information:***

*Portfolio Holder: Councillor Paul Findlow*

*Officers: John Weeks and Rick Howell*

*Tel No: 01244 973342*

*Email:*

***Background Documents:*** Previous reports to Shadow LA on Plan and Trusts. Documents are available for inspection on CE website (Minutes and Agendas)

## **Issues and Options**

### **1. Children's Trust (implementation) Board**

There is no current statutory duty to establish a Children's Trust Board, but the Government is expected to bring in regulations in the Autumn this year that will require such Boards in the future. It is proposed that the Shadow Authority approves the creation of a Children's Trust Board to be implemented on a phased basis, starting with the creation of a 'Shadow' Children's Trust Board as an **Implementation Board**. This should be set up as soon as possible and be led by the Strategic Director as Children's Trust Boards should be led by the local authority's 'DCS' as accountable officer.

It is proposed that the Children's Trust Implementation Board has an initial core membership comprised of:

- **Strategic Director – People** (*Director of Children's Services*) (Chair)
- **Lead Member for Children**
- Chair or Senior Member of the **Police Authority and Chief Constable**
- Chair of the **Cheshire East Schools Forum**
- **Director of Public Health**
- Senior **PCT** representatives
- Trust Development / Business Unit Manager

In order to provide for greater Member involvement in the design of the Trust, as well as ensure links back to the emerging LSP and LAA structure and approaches, it is suggested that the Cabinet might consider nominating an Executive Member with responsibility for the Local Strategic Partnership to also sit on the Implementation Board during the design and set up phase.

Keeping the Board membership at this size and level will allow some fundamental early thinking to take place between the key partners in relation to the direction in which the Children's Trust should be developed, including the following **Key Issues**:

- Membership
- Governance
- Strategic Commissioning
- Delivery structure
- Business Unit - role and resources
- Integrated working arrangements
- Objectives, Priorities and Targets
- Performance monitoring and management

It is suggested that 3 months could be allocated to the above prior to Vesting day, with a further 3 months following it. The full Children's Trust Board should be set up by 1 July 2009, subject to the views and decisions of the Implementation Board. Other key partners (including the Third Sector, Connexions, Schools, LSC etc) can be brought into implementation discussions as necessary and appropriate.

### **2. Membership**

**The Implementation Board will need to consider what size and level of membership is appropriate for the full Trust Board.** Among the factors to consider in deciding these are:

- To what extent should Commissioning and Delivery responsibilities be separated at Board level. The Trust Board will need to ensure that those who sit on it and strategically commission are able to lead effectively and with some independence; for example not unduly influenced or guided by their 'own' stake as a provider of current and/or future services.
- The current Children's Trust has a mixture of those with commissioner and provider responsibilities, it may be more appropriate in future if the level of provider or those with operational leadership is kept to an appropriate minimum. Such an arrangement would challenge the current membership in relation to County Operations Managers, Connexions Chief Executive, Head teacher representatives etc. Their role and function may be linked more to service delivery and development arrangements in the wider operating structures of the Trust.
- The Trust will sit as part of a wider commissioning and partnership structure. How the LSP arrangements (and then CDRP's Drug Action Teams etc) are developed will be a key influence for the future shape of the Trust

**Appendix 4** provides a complete list of all the 'relevant partners' with to a duty to cooperate with Children's Trusts arrangements together with brief descriptions of their roles.

### 3. Governance

**The Implementation Board will need to consider what form of governance is appropriate for the Trust.** The Governance documents of the current Trust will provide an excellent starting point as these have been developed and approved in partnership with all the current Trust members including all 6 District Councils, Health, Police and Schools, but they will need to be reviewed in light of the Implementation Board's decisions in relation to membership, commissioning approach, role of the business unit, etc, as well as taking account of any new powers re **delegating functions, pooling resources** or new **statutory functions** imposed upon the Board, that arise from the ongoing DCSF review and subsequent guidance expected in Autumn 2008.

### 4. Strategic Commissioning approach

**The Local Authority and the Implementation Board will need to consider what approach to take regarding the commissioning role of a Children's Trust.** This is a key decision that will significantly guide many other decisions in relation to Trust membership, governance and operation. As outlined in the previous report to the Shadow LA on this matter, commissioning covers 2 principle arrangements:

- A commissioning approach to re-engineer or refocus current resources or services to meet agreed priorities;
- A commissioning approach to manage new or otherwise unallocated finance to invest.

Both of the above are based on the premise of this being locally sensitive and that decisions to de-commission run in parallel with commissioning.

Commissioning covers a range of activities incorporating local **needs analysis**, local **priority and target setting**, **service reviews** and **performance management**. The expectation is that Children's Trusts will undertake commissioning in collaboration with partners and resource the infrastructure to make it happen, e.g. by ensuring there are sufficiently connected staffing arrangements for each phase of the commissioning process. Such staff may continue to be employed within their host organisations but **an integrated commissioning and business unit approach for each Trust is a given for the future**. The Local Authority needs to decide (and design into its structures) how it will develop such commissioning functions within its local partnerships.

The 2008-11 Children Plan (adopted by both Shadow LAs) states the following:  
*"Most members of the Trust have a function as commissioners and as providers - future arrangements will need to ensure challenge in a process that delivers open and fair approaches when deciding how best to commission and reform provision."*

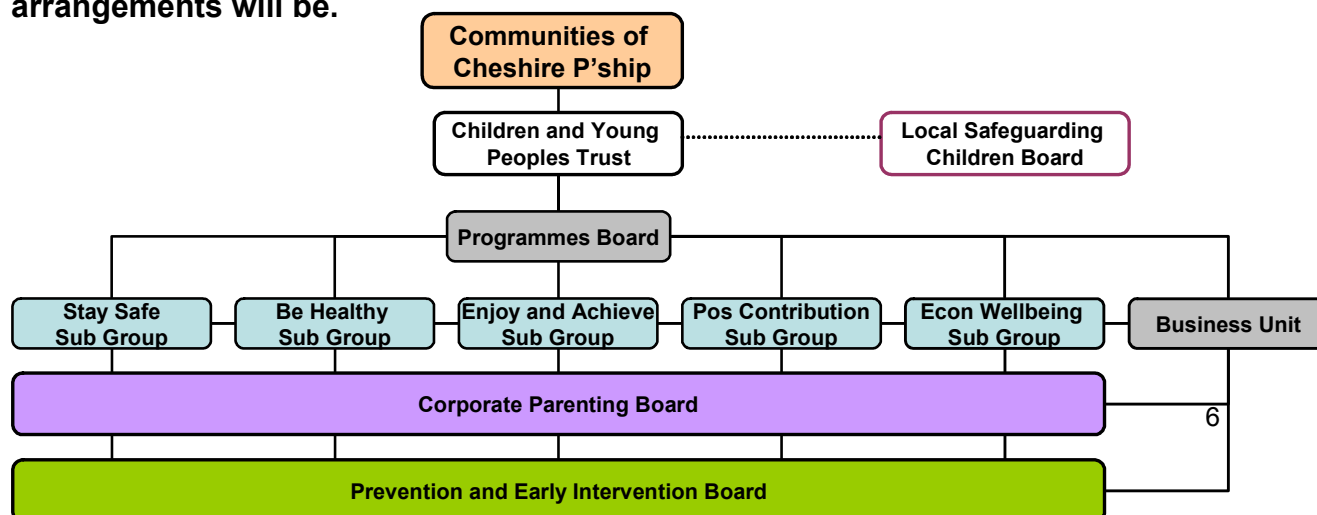
In relation to developing Joint Commissioning, the 2008-11 Plan says:  
*"The approach to developing this Plan is a good first step but it remains a priority over the next 6 months for an outline commissioning strategy for the Children and Young Peoples Trust to be developed that incorporates a commissioning model for the Children and Young Peoples Trust to apply to redesign and joint investment, and a competencies/skills review and action plan to ensure the model can be delivered"*

- **Joint Commissioning** arrangements might result in partners aligning their activities and resources around the priorities in the Children Plan.
- **Integrated Commissioning** arrangements might result in core partners integrating the resources (staff, money and assets) that they currently hold for services for children and young people and ultimately acting as one organisation with integrated strategies, governance and budget arrangements.

**It is proposed that a key task for the Children's Trust Implementation Board will be to define and design a commissioning model.**

## 5. Delivery Structures

The structure of the present Trust is as below. The Trust forms the strategic and commissioning body, while the Programmes Board and the Outcome Sub Groups form the delivery structure that draws together partners at an operational and management level to deliver on set Trust objectives and priorities. As part of the development of the new Trust(s) **the Implementation Board(s) will need to consider how commissioning and delivery will relate to each other in future; what the membership of the Board will be; what delivery arrangements are required; and what the skills, members and leadership of these delivery arrangements will be.**



## 6. Business Unit - role and resources

The Implementation Board and New trust will need business support to enable it to deliver, the current Business Unit (as shown above) works across the Trust structure to support it. However, it has always been constrained in its role by a lack of resources. **The Implementation Board will need to consider what role it wants the Business Unit to perform and the local authority and partners will need to put in the resources appropriate to enable it to fulfil that role.**

## 7. Integrated working arrangements<sup>2</sup>

The Government's 2008 guidance is expected to retain and build upon its existing 2005 guidance on a Children's Trust as a system for ensuring there is joint strategic commissioning board and co-located front line delivery. The issues relating to the development of a commissioning board have been summarised above, as has the supporting delivery and management structure including the business unit. The final piece in this emerging system is integrated frontline delivery of services in order to ensure that every child has access to appropriate preventative services and early intervention support.

The continuing development and implementation of the Common Assessment Framework, Multi-Agency Prevention Teams and Children's Centre are critical to this objective. **The Implementation Board will need to consider how to drive forward progress and what further integration and co-location will deliver the improvements to outcomes that the Government requires.**

## 8. Objectives and Priorities and Targets

**The Implementation Board will need to consider what objectives, priorities and targets should be set by/for the Trust.** The 2008-11 Children Plan contains some targets for the Shadow LAs, but many are mostly statements of direction of travel devised on a pan-Cheshire basis pending LGR and the creation of the new LAs. Final decisions on priorities and targets will likely be taken as part of the new Local Area Agreement and review of the Children Plan, and in discussion with GONW.

## 9. Performance Monitoring and Management

The Trust Board will be responsible for monitoring performance and delivery against those targets and priorities that are set. At the same time the Trust Board (as the Children's block of the LAA) will be accountable to the Local Strategic Partnership for overall Children's Trust performance against the key priorities and outcomes.

**The Implementation Board will need to consider how performance will be monitored and accounted for, how frequently, and how those who monitor performance will be separated from those who are responsible for delivery and are being monitored.** This latter issue takes us back to the matter of defining the commissioning role of the future Trust Board and ensuring that membership is appropriate to that role.

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<sup>2</sup> Appendix 3 to this report provides some further guidance drawn from the Every Child Matters 'Onion' model in relation to integrated governance and working.

### **Outline Schedule of Day 1 / Year 1: Key Tasks and Milestones**

October 2008	-	Shadow Authority approvals to proceed to implementation re Trusts (linked to LSP decisions)
November 2008	-	Set up facilitators identified (i.e. Business Unit development manager)
December 2008	-	Directors of Children's Services take up posts
January 2009	-	Shadow LSP set up ??
	-	Children's Trust Implementation Boards convened

<b><i>TASK:</i></b>	<b><i>Implementation Board start 6 month review of key issues</i></b>
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1 April 2009	-	Vesting Day
June 2009	-	Implementation Board completes review of key issues: <ul style="list-style-type: none"> <li>• <i>Full Membership agreed</i></li> <li>• <i>Governance arrangements agreed</i></li> <li>• <i>Strategic Commissioning approach/model agreed</i></li> <li>• <i>Delivery structure approved (with appropriate leads for all outcome groups)</i></li> <li>• <i>Business Unit role and resources (incl funding source and level) agreed</i></li> <li>• <i>Integrated working arrangements agreed</i></li> <li>• <i>Objectives and Priorities and Targets set (incl with GONW)</i></li> <li>• <i>Performance monitoring arrangements in place</i></li> </ul>

June 2009	-	Business Unit set up and staffed
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<b><i>TASK:</i></b>	<b><i>Business Units set up Trust websites for their new Trusts</i></b>
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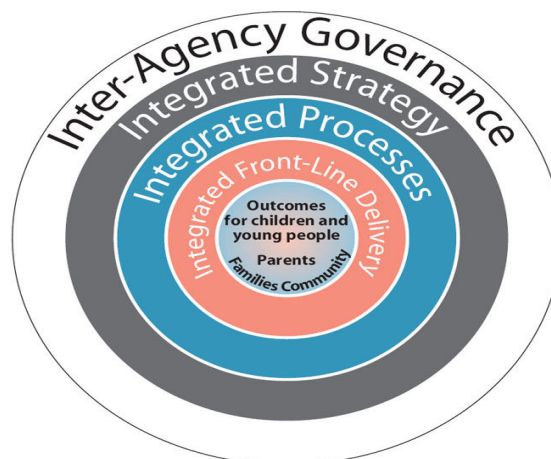
July 2009	-	Children's Trust Board inaugurated
April 2010	-	Children Plan reviewed and approved



## **The Every Child Matters integration 'Onion' Model<sup>3</sup>**

### **Inter-agency governance**

- Robust inter-agency governance and accountability
- Local authority Director of Children's Services establishes and leads cooperation arrangements with partners
- Partners include public, private, voluntary and community organisations



### **Integrated strategy**

- Joint assessment of local needs involving children, young people and parents
- Single plan shared between all children's services agencies reflecting national and local priorities for improved outcomes
- Pooling of budgets to support joint commissioning of services
- New Joint Area Reviews to inspect local children's services
- The delivery of integrated frontline services to improve outcomes for children and young people will need support at a strategic level

### **Integrated processes**

- New common initial assessment to reduce duplication and improve referrals
- Better information sharing between professionals
- Local processes and procedures re-engineered to support integration around the needs of children
- The delivery of integrated frontline services to improve outcomes for children and young people will need to be supported by more integrated processes which drive multi-agency working. The development of children's trusts will involve integrated processes such as the Common Assessment Framework: a national, common process for initial assessment to identify more accurately and efficiently the additional needs of children and young people at risk of poor outcomes,

### **Integrated frontline delivery**

- More integrated, accessible and personalised services built around the needs of children and young people, not around professional or service boundaries
- Shift to prevention and improved safeguarding
- Services co-located in places like children's centres and extended schools
- Workforce reform to ensure sufficient, suitably trained staff. All staff working with children have a common core of knowledge and understanding about children's needs and increased understanding and trust between professionals
- Development of multi-disciplinary teams and lead professionals

<sup>3</sup> <http://www.everychildmatters.gov.uk/aims/strategicoverview/>

### **Relevant Partners under the 2004 Act (who must cooperate in a Trust)**

- District Councils (functions relating to Housing, Leisure and Recreation services)
- Police Authority and the Chief Officer of Police
- Probation Board
- Youth Offending Team
- Strategic Health Authority
- Primary Care Trust
- Connexions
- Learning and Skills Council

**Local Authorities** need to ensure their constituent departments work together to achieve a coherent, whole agency approach. Relevant departments include education, children's social services, regeneration, lifelong learning, the youth service and housing and leisure. The activities of these departments will need to be co-ordinated within the Children and Young People's Plan, which in turn should be consistent with the Community Strategy.

Strategic direction for the **Police Service** is established by the annual National Policing Plan (NPP). Beneath this are two local planning documents which will need to be consistent with the local vision for children and strategic actions set out in the Children and Young People's Plan: *Three Year Strategy Plans* and *Local Policing Plan*

**National Offender Management Service / Probation Boards** are able to work with the local authority and partner agencies to contribute strategic priorities for children and young people and deliver improved outcomes through the Children and Young People's Plan.

**Youth offending teams** (YOTs) are multi agency teams with pooled budgets made up of representatives from the police, probation service, social services, health, and education; and, at local discretion, other relevant services such as drugs and alcohol misuse and housing. YOTs can jointly commission and pool budgets with other partners for the benefit of children at risk of offending and those involved in the youth justice system. The annual Youth Justice Plan will need to be aligned with the Children and Young People's Plan.

**Strategic Health Authorities (SHAs) and Primary Care Trusts** (PCTs) have a key role in ensuring the provision of health services to meet the needs of the population. They have a central role in delivering all five outcomes and must be closely involved with the children's trust arrangements at all levels.

- SHAs manage the National Health Service (NHS) locally and are responsible for improving health services in their local areas and ensuring that the approach to managing children's services across local partner organisations is consistent and is reflected in organisational and joint plans, including the Children and Young People's Plan. SHAs should ensure that PCTs are actively working towards meeting these objectives.
- PCTs are responsible for commissioning and some provision of health services in local areas. PCTs commission primary care services using a number of different contracts. Drawing upon these contracts and other mechanisms such as training and development, PCTs will be able to ensure the engagement of primary care providers, including general practitioners.

**Connexions** undertake the mapping of need, data collection, strategic planning and commissioning of services for teenagers in their area. This will provide a useful and detailed basis for, assessing need, pooling budgets and joint commissioning for young people within the children's trusts arrangements. In Cheshire the Connexions Cheshire and Warrington is

a wholly owned Company Limited by Guarantee of Cheshire County Council and Warrington BC, which delivers Integrated Youth Services for those LAs on a Contract basis.

The **LSC** is a key player in planning and commissioning services for young people in the locality. It has significant funding powers and extensive networking and brokering skills, with cross-agency links at national, regional and local level. The LSC will need to work to ensure that its local strategic plans are closely aligned with the local Children and Young People's Plan.

### **Co-operation arrangements**

Co-operation arrangements should not be limited to the local authority and 'relevant partners'. Section 10 (1)(c) of the Act states that other agencies that exercise functions or are engaged in activities in relation to children and young people should also be involved, including

- voluntary and community sector agencies;
- agencies with responsibility for delivering other front-line statutory services to children young people and their families
- learning providers, providers of health services
- childcare, culture sport and play organisations;
- families, carers and communities. The Act also specifically requires authorities to 'have regard to' the importance of parents and other persons caring for children when making arrangements under section 10.
- Schools

### **Related partnership bodies with links to a Children's Trust**

- Local Strategic Partnership
- Crime and Disorder Reduction Partnership
- Drug and Alcohol Action Team
- Behaviour and Education Support Teams

It should also be noted that though Fire and Rescue Services are not listed in government legislation or guidance as a statutory Trust partner, the Cheshire Fire Service has been a member of the current Trust and is keen to continue as part of any future arrangements in order to further its community work with young people.

### **Latest Guidance from DCSF**

As highlighted in the main report, the DCSF is likely to legislate make the following Relevant Partners with a duty to cooperate to improve well-being;

- Schools Forum
- 6<sup>th</sup> Forms and Colleges
- Academies