

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Ellen Heaney
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date 27 May 2010

CONSTITUTION ADVISORY GROUP MEETING

Date:	Tuesday, 1 June 2010			
Time:	2.00 p.m.			
Venue:	Room 15A, Priory House, Monks Walk, Shefford			
Members	Cllrs	Mrs C F Chapman MBE D Jones M Jones	Cllrs	D Lawrence S F Male A J Shadbolt

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **ELECTION OF CHAIRMAN**

To elect the Chairman of the Advisory Group for the 2010-11 Municipal Year.

3. **NOTES OF THE PREVIOUS MEETING**

To consider the notes of the previous meeting held on 1 April 2010.

Attached.

4. **REVIEW OF THE POLICY FRAMEWORK - NEW REGULATIONS ON CHILDREN'S TRUSTS, CHILDREN AND YOUNG PEOPLE'S PLANS AND CHILD POVERTY.**

To receive a presentation from the Deputy Chief Executive and Director of Children's Services on recent changes in legislation relating to the Children and Young People's Plan and the duty relating to child poverty.

Documentation attached

5. **REVIEW OF CONSULTATION AND NEGOTIATION ARRANGEMENTS WITH PROFESSIONAL ASSOCIATIONS (JCNC)**

To propose an amendment to the Constitution to remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education as a subsidiary body of the General Purposes Committee.

Report of the Director of Customer and Shared Services attached.

6. **CONSULTATION STRATEGY**

To consider the aspects of consultation which are already covered in the Council's Communication Strategy, Community Engagement Strategy and Consultation Toolkit (to be developed in 2010) and to consider whether the Constitution Advisory Group recommends having a separate strategy.

Report of the Assistant Director, Communications attached.

7. **PUBLIC PARTICIPATION AT DEVELOPMENT MANAGEMENT COMMITTEE**

To consider this matter which was deferred from the last meeting (item no. CAG/09/53 of the notes refers).

Report of the Assistant Director, Development Management attached.

8. **CALL-IN OF PLANNING APPLICATIONS BY MEMBERS TO DEVELOPMENT MANAGEMENT COMMITTEE**

To consider amending Delegation No. 4.3.95.1 to require Councillors requesting the referral of an item to Development Management Committee to provide a material planning reason for the request.

Report of the Assistant Director, Development Management attached.

9. **PETITIONS**

To consider amendments to the Constitution to incorporate new statutory provisions relating to Petitions and e-Petitions.

Report of the Head of Democratic Services attached.

10. **AMENDMENTS TO THE CONSTITUTION**

To note a revision and a proposed revision to the Scheme of Officer Delegations approved by the Leader of the Council.

Report of the Head of Democratic Services to attached.

11. **WORK PROGRAMME**

To receive the work programme for the Advisory Group.

Attached.

12. **DATE OF THE NEXT MEETING**

To note that the next meeting of the Advisory Group will be held on Thursday 29 July 2010 commencing at 2:00pm in Room 13, Priory House, Chicksands.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 14A Priory House, Chicksands, Shefford on Thursday, 1 April 2010

PRESENT

Cllr S F Male (Chairman)

Cllrs	Mrs C F Chapman MBE	Cllrs	D J Lawrence
	D Jones		A Shadbolt
	M R Jones		

Officers in Attendance	Mrs K John	Head of Democratic Services
	Mrs E Malarky	Head of Policy
	Ms M Peaston	Interim Committee Services Manager
	Mrs G Stanton	Assistant Director Communications

CAG/09/49 Guidance for the managements of events and media relations.

The Group received a report of the Assistant Director (Communications) asking for consideration to be given to the formal adoption of guidance on the management of publicity events and activities. Guidance was also sought as to whether such a document should be included in the Council's Constitution or elsewhere.

The Group noted the guidance which would be for use in connection with ceremonial, civic and official events.

Members were of the view that the document should not be part of the Constitution but should be included in the Councillors' Guide.

Detailed consideration was given to the wording in the guidance. The Assistant Director (Communications) indicated that she would set out at the beginning of the document a clear statement that the Leader of the Council and the Chairman of the Council have different roles, one being political and one being associated with civic and ceremonial matters.

A comment was made about the management of political connotations in press releases particularly in view of the forthcoming General Election. It was noted that the Communications team was already aware of the need for care in relation to comments or quotations which could be considered political. The Group was advised that if they considered a press release or quotation by an officer to be political, they should report this matter to the Monitoring Officer.

The Advisory Group wished to record their support for the political neutrality of the officers and observance of the proper protocol.

Further detailed amendments to the wording of the document were discussed and agreed as set out below.

AGREED

1. that the document, as amended, should be included in the Councillors' Guide and not in the Council's Constitution;
2. that the following amendments be made to the document which should be re-circulated to members of the Advisory Group before being finalised and added to the Councillors' Guide.

Location	Wording to be inserted/amended
As a note at the beginning of the document	An explanation to be given as to the political, or civic and ceremonial, nature of the Leader's and the Chairman's representation of the Council.
Paragraph 1, after the second sentence begins	If it is a Council event, the chairman and the Vice-Chairman should also be involved.
Paragraph 8	Indicate that invitees may (not will) include appropriate persons from local authorities, etc.
Paragraph above the heading News Releases	This paragraph to be revised to be clearer and to include guidance on events arranged by other organisations to which the Council would sent representation.
Additional paragraphs to follow the existing one above the heading News Releases	An explanation be included of the position regarding outside appointments eg Fire Service awards, official events by partner organisations, Town and Parish Council notification of events in their area

CAG/09/50 **Notes of the last Meeting**

The notes of the previous meeting held on 15 February 2010 were approved as a correct record and signed by the Chairman.

CAG/09/51 **Outside Bodies Policy**

The Advisory Group recalled that at its last meeting it had considered a draft policy for Outside Bodies and had endorsed the draft, subject to some amendments. The draft policy had now been approved by General Purposes Committee at its meeting on 10 February 2010.

The Group requested a minor amendment to paragraphs 3-5 to delete the words "which receives funding from the Council" and the insertion of "where".

AGREED

Subject to the amendment detailed above, to endorse the Policy on Outside Bodies for inclusion in the Councillors' Guide and circulation to Members.

CAG/09/52 **Review of Policy Framework**

The Advisory Group considered a report proposing an updated set of policies and strategies to comprise the Council's Policy Framework.

It was noted that legislation required the Council's Constitution to set out a Policy Framework comprising those plans and strategies to be approved or adopted by Council. The inclusion of certain specified plans and strategies was mandatory, some were recommended for inclusion by the Secretary of State and others could be added at the Council's discretion.

Members were aware that the existing Budget and Policy Framework had been created by the Shadow Authority in 2008 and considered whether it was appropriate to review it now that Central Bedfordshire Council had been in place for a year. Comments were made that it was important that Members should have full involvement particularly while the Council was still a relatively new body. Members concurred that this proposal came a year too early.

A suggestion was made that when the Advisory Group reviewed the Council's policy framework it would be beneficial if those policy and strategy matters dealt with elsewhere, other than at Council, were specifically listed. It was noted that this list was currently being compiled. Members asked that consideration be given by the officers as to when the most appropriate time might be, having regard to the work which needed to be carried out.

Members were advised that some of the policies or strategies could be amalgamated together, for example all the budget strategy matters could be in one place under paragraph 2.1 Part B2 and the reference to the Sustainability Suite could now be updated to be Climate Change Strategy reflecting current terminology. Members welcomed this suggestion.

Members indicated support for re-titling the appropriate sections in part B from "statutory" to "required" and "other" to "recommended/discretionary".

A comment was made that at the point of a policy or strategy being brought before Members, particularly when it related to external organisations, they

were sometimes advised that there was no further opportunity for changes. A request was made that policies and strategies be brought before Members well enough in advance to enable changes to be made if required.

A suggestion was made that a separate stand-alone Consultation Strategy was needed. It was noted that there were times that consultation was a legal requirement and that this would fall outside of any consultation strategy agreed by the Council.

In response to a question it was noted that where consultation was a legal requirement this would be reported under the Legal Implications section of the reports template. A discussion ensued and Members commented that a specific section on Consultation should be included in the reports template to report on any consultation carried out with external bodies.

Comments were made identifying policies and strategies which Members felt strongly should remain in the Policy Framework, and also about various other items currently within the Framework, as set out below.

Policies /Strategies identified as those which should remain

- Regional Spatial Strategies including the MKSM sub-regional strategy
- Customer Service Strategy
- Communication Strategy
- Community Engagement Strategy
- Local Area Agreement

Policies/Strategies where other considerations applied

- Older People's Strategy – the Advisory Group noted that this was one of many social care and health items and indicated a willingness to consider that the Healthier Communities and Older People framework would in future provide the higher level strategic overview.
- Cultural Strategy (including Leisure Strategy) – a comment was made that this should remain unchanged for the moment but in the future this could be replaced by a Leisure Strategy only.
- Housing Investment Strategy – it was noted that there was no longer a requirement to produce a Housing Investment Strategy.

The Advisory Group discussed paragraph 5 of the report which set out a paragraph included in the Constitution indicating the role of the overview and scrutiny committees in developing plans and strategies. A suggestion that the chairmen of the overview and scrutiny committees be invited to the next meeting of the Advisory Group to discuss this was welcomed. A request was made that a short paper be brought to the meeting indicating that the development of policy should be carried out through team working between the overview and scrutiny committees, the Executive and senior officers.

AGREED TO RECOMMEND TO COUNCIL:-

That the Policy Framework in Part B2 of the Constitution be amended by:-

- (a) Inclusion of the budgetary plans listed in paragraph 1.1.3.2 under the Budget definition in paragraph 2.1, in order that all elements relating to the budget are listed in one place;**
- (b) Deletion of “Housing Investment Strategy” in paragraph 1.1.3.6, given that authorities are no longer required to produce Housing Investment Strategies;**
- (c) Amendment of “Sustainability Policy Suite” in paragraph 1.1.3.7 to “Climate Change Strategy” to reflect the correct title for the Strategy;**
- (d) Amendment of the headings of “Statutory” in paragraph 1.1.2 to “Required and “Other” in paragraph 1.1.3 to “Recommended/Discretionary” to reflect that the Government specifies certain plans and strategies which authorities are required to include in their Policy Frameworks, others which are recommended for inclusion and that the Council may also add plans at its discretion. (The deletion of “statutory” will also avoid confusion with other “statutory” plans which the Council is required to produce but which are not required by the Government to be included in the Policy Framework).**

(Note: a revised version of the Policy Framework is attached at Appendix A.)

AGREED

1. that a report be brought back to the Constitution Advisory Group in approximately 6 months (18 October 2010 meeting) proposing which specific policies and strategies should be included in the Policy Framework and additionally listing those which need not be included, with a detailed rationale to support the proposals;
2. that policies and strategies be brought before Members for consideration at a timely point such that changes could be made if Members required any;
3. that the Assistant Director Communications develop proposals for a stand-alone Consultation Strategy, possibly advised by an Overview and Scrutiny Task Group;
4. that a specific section be included in the reports template headed “Consultation” where consultation with external organisations should be reported;
5. that an item be placed on the agenda for the next meeting to consider the development of plans, strategies and budgets in the Budget and

Policy Framework and that the Chairmen of the overview and scrutiny committees be invited to attend to participate in the discussion.

CAG/09/53 **Proposed Amendment to Public Speaking at Development Management Committee**

The Advisory Group considered a report of the Assistant Director, Development Management regarding a request by a Parish Council Chairman to increase the time limit for speakers at Development Management Committee.

Councillor Shadbolt, Vice-Chairman of Development Management presented this item.

Members noted that further to research carried out by the Leader of the Council, findings concluded that the current arrangements were in line with national best practice. It was also noted that consideration had been given to the request at a meeting of key players at meetings of Development Management Committee, including the relevant Portfolio Holder, the Vice-Chairman of Development Management Committee and the Heads of Development Managements North and South, which had recommended that there be no change to the current arrangements.

The Advisory Group noted that the Chairman of the Development Management Committee could use his discretion to vary the amount of time available to speakers.

A debate ensued and a number of points were made. It was considered that it was appropriate for a Planning Officer to be present to advise. In view of this, the Advisory Group agreed to adjourn consideration of this matter to the next meeting and to ask a Planning Officer to attend.

AGREED

that the Constitution remain unchanged in respect of the time limit for members of the public speaking at meetings of Development Management Committee pending further consideration of the matter at the next meeting of the Advisory Group (1 June 2010) when a Planning Officer would be present.

CAG/09/54 **Variations to the Constitution**

The Advisory Group recalled that at its last meeting, the Monitoring Officer had been asked to make the amendments to the Constitution to reflect the new overview and scrutiny structure in consultation with the Group.

The report set out the consequential amendments in relation to:-

Overview and Scrutiny Committees

- Part A1 – paragraph 3
- Part D1 Overview and Scrutiny Arrangements and Terms of Reference

The report also set out previously agreed amendments in relation to:-

Officer Employment

- Part E2 – paragraph 8.1.1 (Terms of Reference of Appointments Sub-Committee)
- Part F4 – paragraph 5.1.4 (Protocol on Member/Officer Relations)
- Part H3 – paragraph 3.2.1.3 (Scheme of Delegation...to Directors and other Officers)
- Part H4 – Officer Employment Procedure Rules

An additional proposal was made to provide for the introduction of Leader's Announcements at Council meetings.

It was also proposed that the amendments to the Constitution arising from the Senior Management Review would be the subject of consultation with Members by e-mail prior to the Monitoring Officer effecting the changes through exercising her delegated power from the Council.

AGREED

1. that the revisions made to the relevant parts of the Constitution in respect of the amended overview and scrutiny structure and changed procedure for officer appointments at Assistant Director level, as set out in the attachments to the submitted report, be endorsed;
2. to note that the amendments to the Constitution consequential to the Senior Management Review would be the subject of consultation with Advisory Group members by e-mail prior to the Monitoring Officer effecting the changes through exercising the power delegated to her by Council.

AGREED TO RECOMMEND TO COUNCIL

To approve the variation to Part B5 of the Council Procedure Rules to provide for Leader's Announcements and Communications to be an item at meetings of Council.

CAG/09/55 Variations to the Scheme of Delegation to Officers

The Advisory Group received a report advising of changes approved by the Leader of the Council to the Scheme of Delegation to Officers.

Questions were asked as to the implications of the delegations. It was noted that in future the appropriate officer/s would be present to explain the implications of the delegations.

The Chairman requested that a letter be sent in his name to the Chief Executive asking that appropriate officers attend future meetings of the Advisory Group to ensure full advice was available to Members.

AGREED

1. to note the delegations recently approved by the Leader of the Council, as detailed in the submitted report;
2. that a letter from the Chairman of the Advisory Group be sent to the Chief Executive asking that where there is a proposed change to the Constitution, the relevant officer be present to advise the Constitution Advisory Group.

CAG/09/56 Publishing of the Constitution on the Website

The Advisory Group had recently been advised that changes on the website had provided hyperlinks in the Constitution to assist with navigation within it. Members had taken the opportunity to look at the document on the website and also received a printed version at the meeting.

Comments were made about the advantages of using a PDF editor which could enable bookmarking, making the document much more user-friendly.

AGREED

That further work be carried out by the officers to make the Constitution on the website more easily navigable.

CAG/09/57 Work Programme

The Advisory Group reviewed its Work Programme.

It was noted that the following items had been added during the course of the meeting to the agenda for the next meeting:

- Public participation for local council representatives at meetings of Development Management Committee (June)
- Consultation Strategy (June)
- Review of items for the Policy Framework (October)

Members were advised that the new statutory provisions for petitions would come into effect on 15 June before the Council meeting on 24 June 2010. The provisions relating to e-petitions would not be introduced until 15 December 2010. Consideration was given as to the most pragmatic approach to reviewing the adjustments needed to the current scheme in respect of the new statutory requirements. A discussion ensued, suggesting that the proposals for revising the petitions procedure should come to the Advisory Group's meeting on 1 June and that recommendations on proposed amendments would then be submitted to Council on 24 June 2010.

A comment was made that the Constitution did not appear to provide a satisfactory officer delegation in respect of savings/expenditure in relation to leases. It was noted that the Leader could use her delegated power to make the necessary amendment to the scheme of officer delegations.

AGREED

1. to add items to the Work Programme, as detailed above;
2. that the arrangements for dealing with petitions be brought to the meeting of the Advisory Group on 1 June 2010;
3. that the officers bring to the attention of the Leader the need for an additional officer delegation in relation to leases, and make the appropriate arrangements.

CAG/09/58 Dates of future meetings

The Advisory Group considered dates for future meetings further to a canvass of availability having been carried out.

AGREED

That future meetings of the Constitution Advisory Group be held on the following dates:-

- Tuesday 1 June 2010 2.00pm
- Thursday 29 July 2010 2.00pm
- Monday 18 October 2010 2.00pm
- Thursday 2 December 2010 2.00pm (Note: After the meeting this was changed to 1.00pm)
- Monday 21 March 2011 2.00pm.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.45 p.m.)

Chairman.....

Date.....

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Children's Trusts

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



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Introduction

0.1 The purpose of this statutory guidance is to set out in one place what a Children's Trust is, what it does and how, by promoting co-operation between partners, it improves the lives of local children, young people and families. This aim has been captured in the five *Every Child Matters* positive outcomes:

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic well-being

See also annex A.

0.2 These outcomes are underpinned by the General Principles of the United Nations Convention on the Rights of the Child (UNCRC)¹. Action taken by the Children's Trust partners to improve the five outcomes supports the implementation of the UNCRC in every area. The implementation of UNCRC is done through a mixture of policy and legislation at local and national level. The Convention includes children's rights to:

- protection from harm and violence and discrimination,
- a supportive family environment or alternative care,
- help to keep healthy;
- education, play and leisure; and
- additional support for those with the most need.

See also annex B.

1 The UNCRC is an international human rights treaty that grants all children and young people (aged 17 and under) a comprehensive set of rights. The UK ratified the convention in December 1991. Further details about the UNCRC can be found through the following link: <http://www.dcsf.gov.uk/everychildmatters/strategy/strategyandgovernance/uncrc/unitednationsconventionontherightsofthechild/>

- 0.3 Realising this vision, in which vulnerable children are protected within a framework of universal services to improve the well-being² of every child, requires excellent, integrated working across services focusing on the needs of each child, young person and/or their family.
- 0.4 Children’s Trusts have developed in different ways and that local variation should continue because what works well in one place will not necessarily work so well in another. It is more important that every local area is able to meet the challenge set by the *Children’s Plan (2007)*. This guidance sets out minimum standards which localities should aim to exceed – some are doing so already.

The status of this guidance

- 0.5 This guidance brings together statutory guidance on Children’s Trust co-operation arrangements, and the procedures and functions of the Children’s Trust Board (including the Board’s role in preparing, reviewing and monitoring the CYPP). It replaces *Children’s Trusts: statutory guidance on interagency cooperation to improve well-being of children, young people and their families (2008)* and *Children and Young People’s Plan Guidance (2009)*³. It is issued under sections 10(8), 10(10) and 12B(4) of the Children Act 2004 as amended by the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act 2009).
- 0.6 The guidance should be read by anyone with an interest in services for children, but local authorities, their statutory ‘relevant partners’ and the Children’s Trust Board must have regard to it⁴. This means they should follow the guidance unless they can demonstrate a good reason for departing from it. The statutory ‘relevant partners’ include district councils, Strategic Health Authorities, Primary Care Trusts, youth offending teams, the police, probation services, maintained schools, FE and sixth-form colleges, non-maintained special schools, Academies and Jobcentre Plus. For further advice on statutory ‘relevant partners’ and non-statutory but still highly ‘relevant’ partners, please see Chapter 2.
- 0.7 As this is statutory guidance, we have not included detailed examples of good practice. However, annex E provides a list of sites which might provide helpful

2 Well-being means achieving five positive outcomes: be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being. These were enshrined in section 10(2) of the Children Act 2004.

3 The CYPP guidance (2008) was non-statutory guidance but this guidance, on the exercise of the Children’s Trust Board’s functions and procedures (including its role in developing and monitoring the CYPP), is statutory under new section 12B(4)(b) of the Children Act 2004 as amended by the ASCL Act 2009.

4 Section 10(8) of the Children Act 2004 and new section 12B(4).

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practical material. The choice of whether or not to adopt examples provided through them is for the local partners.

- 0.8 While this guidance is specific to England, many of the challenges are common across the four countries of the United Kingdom. The Devolved Administrations in Northern Ireland, Scotland and Wales will each consider the most appropriate arrangements, for those areas for which they have devolved responsibility, by which to address the issues in ways that meet their own circumstances and needs.

What has changed?

- 0.9 This guidance reflects the changes arising from the ASCL Act 2009
- The Children's Trust Board is placed on a statutory footing from 1st April 2010.
 - Responsibility for developing, publishing and reviewing the CYPP passes from the local authority alone to the Children's Trust Board. The first new style CYPP must be published by 1st April 2011.
 - The CYPP becomes a joint strategy in which the Children's Trust partners set out how they will co-operate to improve the well-being of children and young people in the local area. It differs from the previous CYPP in that although the scope of the new CYPP includes all services that affect children and young people's well-being, once the Children's Trust Board has identified its main cross-cutting priorities, the Plan should focus on what the partners will do **together** to deliver them.
 - Responsibility for implementing the CYPP remains with the individual partners, who are under a duty to have regard to the Plan. The Children's Trust Board is responsible for monitoring 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, and non maintained special schools⁵), FE and sixth-form colleges and Jobcentre Plus are new statutory 'relevant partners' in the Children's Trust co-operation arrangements from 12 January 2010. This means that like other statutory 'relevant partners' they:
 - are required to co-operate with the local authority and its other partners to improve children's well-being through the Children's Trust co-operation arrangements;

5 Management committees of pupil referral units (which will be known as short stay schools from 1 September 2010) will also be included as 'relevant partners' under regulations made under Schedule 1 paragraph 3 of the Education Act 1996, intended to come into force during April 2010. The regulations will reflect the extent of the functions of such management committees.

- are (subject to any specific restrictions on partners' funding arrangements) able to pool budgets and share other resources with the other partners; and
 - must be represented on the Children's Trust Board (see below).
- 0.10 The CYPP regulations provide greater detail on what the CYPP must contain – see Chapter 5 for details.

Part One: What is a Children's Trust and what does it do?

This section explains that the statutory Children's Trust Board is part of the wider co-operation arrangements that make up the Children's Trust and that the purpose of the co-operation arrangements is to improve outcomes for children and young people in the local area. It also explains that the main statutory role of the Children's Trust Board is to develop, publish, monitor and review the Children and Young People's Plan, and that the individual partners that are represented on the Board are responsible for implementing it. This is an important principle which ensures that lines of accountability are clear and that the Children's Trust co-operation arrangements, including the Children's Trust Board, are strengthened as a genuine partnership. It also explains that the new-style joint CYPP is significantly different from its predecessor both in terms of ownership and purpose, being a plan of the partnership for the partnership, setting out what will be done by those partners in co-operation for local children, young people and families.

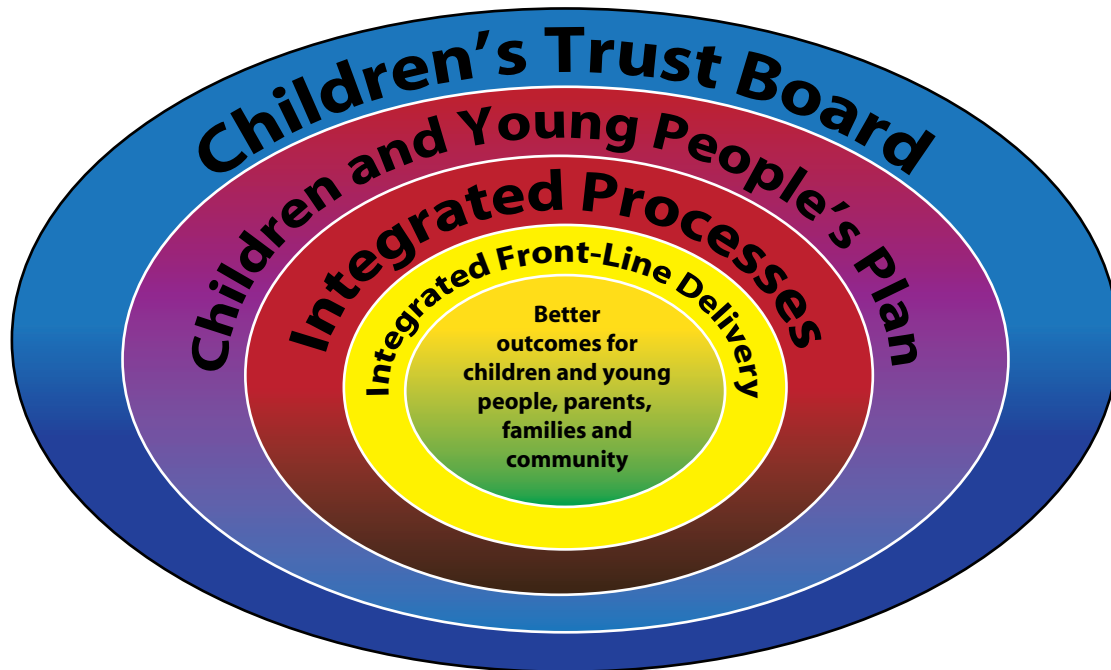
1 The Children's Trust co-operation arrangements

- 1.1 The Children's Trust is the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people (see annex A). This includes the Children's Trust Board. The aim is to promote co-operation between partner organisations to improve children's well-being, which should be underpinned by the General Principles of the UNCRC (see paragraph 0.2 above). **The Children's Trust is not a separate organisation. Each partner within the Children's Trust retains its own functions and responsibilities within the wider partnership framework.**
- 1.2 These co-operation arrangements can take any number of shapes, from formal agreements, with pooled funds and delegated functions (where permitted⁶), to softer or more ad hoc arrangements. They should also **operate at every organisational level**, from developing the overall strategy to delivering front line services. The Children's Trust Board is part of the co-operation arrangements (the part which provides the interagency governance of the arrangements), each Sure Start Children's Centre is another and processes, such as use of the Common Assessment Framework and joint staff training programmes, are also part of these same Children's Trust co-operation arrangements.

6 See for example regulations made under section 75 of the National Health Service Act 2006, which permit local authorities and prescribed NHS bodies to delegate certain health-related functions to each other.

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Children's Trust co-operation arrangements



The Children's Trust Board

- 1.3 This is a statutory body⁷ which provides interagency governance of the co operation arrangements as a whole (through the CYPP process). **The Children's Trust Board should have a clear and separate identity within the wider co-operation arrangements.** Chapter 4 sets out in greater detail many of its features.
- 1.4 The statutory functions of the Children's Trust Board relate almost exclusively to the CYPP (see Chapter 5). The purpose of the Children's Trust Board is to bring all partners with a role in improving outcomes for children together to agree a common strategy on how they will co-operate to improve children's well-being and to help embed partnership working in the partners' routine delivery of their own functions. It also provides a strategic framework within which partners may agree to commission services together, with pooled or aligned budgets, but **delivering the strategy remains the responsibility of the partners, both individually and together.** This means each partner's existing lines of accountability are unchanged, i.e. each partner of the Children's Trust Board retains its existing formal lines of accountability for delivering its own functions. This avoids any confusion or blurring of lines of accountability within the Children's Trust Board.

7 The ASCL Act 2009 requires each local authority to establish a Children's Trust Board as part of its arrangements to promote co-operation to improve well-being for children under section 10 of the Children Act 2004.

The Children and Young People's Plan (CYPP)

- 1.5 Preparing and reviewing the CYPP is the responsibility⁸ of the Children's Trust Board. The Plan is **the joint strategy of the Children's Trust partners on how they will co-operate to improve children's well-being** (across the five outcomes). It differs in several important respects from the previous CYPP, which was the sole responsibility of the local authority and set out the authority's strategy for discharging its functions in relation to children and young people. Although the scope of the new CYPP includes all services that affect children and young people's well-being, including services for adults and families that have an impact on children, it is not necessary or desirable for the Plan to include a list of everything each of the partners does for children. The CYPP should be based on a robust needs assessment which must cover the full range of a child's experience. Once the Children's Trust Board has identified its main cross-cutting priorities, the Plan must set out what the partners intend to do **together** to deliver them. It should specify how the individual partners will co-operate with each other to help deliver the agreed priorities.
- 1.6 Many actions are taken through different Children's Trust partnership arrangements; some around specific themes, such as teenage pregnancy, or around a particular group, such as looked after children or children in contact with the youth justice system. Other actions are taken by organisations alone but in alignment with their partners to achieve a common goal, such as raising attainment. All of these are regarded as joint working and should be included in the Plan. **The overriding purpose of the new CYPP is to drive forward better integrated working across services to improve outcomes for children and young people.** It is not simply about mapping everything each partner does for children and young people in isolation.

What Children's Trust partnerships (including the Children's Trust Board) do collectively

- 1.7 Children's Trust co-operation arrangements, which include the Children's Trust Board, promote co-operation through integrated working across services at each organisational level to commission or deliver services which are child (and family) centred and improve outcomes for all children and young people in the local area. These include:
- developing and promoting a local vision – set out in the CYPP – to drive improved outcomes for local children, young people and their families;

8 All Children's Trust Boards must be in place by 1 April 2010 and the first joint CYPP published by 1 April 2011.

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

- robust arrangements for interagency governance (i.e. the Children’s Trust Board);
- developing better integrated strategies such as strategic commissioning with pooled or aligned budgets, shared data and other information, and workforce development (this is explained in greater detail in Part 2);
- supporting those strategies via more integrated processes including effective joint working sustained by a shared understanding of professional language and common systems; and
- developing and promoting better integrated front line delivery, organised around the child, young person, or their family.

1.8 The Children’s Trust Board is additionally responsible for:

- developing and publishing the CYPP, keeping it under review and revising it; and
- monitoring progress and producing a report on the extent to which the Children’s Trust partners act in accordance with the CYPP.

What the Children’s Trust partners do individually

1.9 **The partners in the Children’s Trust (both statutory and those included by local agreement) are individually responsible for implementing the CYPP in the course of delivering their normal functions.** Partners will set out in the CYPP what their strategy will be to co-operate to improve children’s well-being. This should include, wherever possible, the level of resource each partner intends to commit to it. They must ‘have regard’ to the Plan⁹ and the commitments they have made, which means if they depart from them, they must be able to show a good reason for doing so.

1.10 Section 10 of the Children Act 2004 requires the local authority to ‘make’ the co-operation arrangements, (including establishing the Children’s Trust Board¹⁰) and each of the statutory ‘relevant partners’ is required to co-operate with it in doing so. In practice this means engaging with and contributing to the various arrangements for co-operation (partnerships, tools and processes) that are put in place. The local authority has a leading role insofar as it must make sure the arrangements are in place and fit for purpose, but in all other respects it is one partner among equals within the partnership, and alone it does not have the power to direct any other Children’s Trust partner on how to use its resources.

9 New section 17A of the Children Act 2004 as amended by the ASCL Act 2009.

10 New section 12A of the Children Act 2004 as amended by the ASCL Act 2009.

How the Children's Trust Board fits within the Local Strategic Partnership

- 1.11 There should be no sharp boundaries around services for children and young people: what matters is how best to improve outcomes for them in whatever way makes sense locally. To make this a reality, clear and effective communication channels with the Local Strategic Partnership should be developed.
- 1.12 Although it is a statutory body in its own right, the Children's Trust Board fits within the wider Local Strategic Partnership (LSP) as a thematic partnership¹¹. The LSP informs and influences the strategic vision for the whole population in the local area (the Sustainable Community Strategy) and, in partnership with the local authority, agrees the priorities for improvement in the local area agreement (LAA)¹². The joint strategic needs assessment (JSNA)¹³ process helps LSPs identify common needs, inequalities and priorities for health and other well-being¹⁴.
- 1.13 **It is vital that the Children's Trust Board is firmly positioned within the LSP so it can champion the interests of children and young people within this forum and ensure that the CYPP is fully consistent with the strategic vision in the Sustainable Community Strategy.** As part of the preparation and revision of the CYPP the Children's Trust Board should be involved in the development of the full range of LAA targets to the extent that they relate to and impact upon children, young people and their families locally. And the Children's Trust partners, again through the CYPP, should contribute to and help drive the delivery of those targets.
- 1.14 Services not specifically provided for children such as maternity, housing, transport, leisure, fire services etc., often directly affect children's and young people's well-being. The engagement of services with adults in a family may also affect children, such as the children of offenders. It is important when providing services not primarily aimed at children or young people that their needs are also considered. Furthermore, there are environmental services, including the provision of green spaces and clean air, and strategies which seek to reduce carbon emissions, all of which have the potential to have a radical effect on children's well-being now and in the future. Children's Trust partners which provide services that relate to these issues should consider what the effect on children may be and how the provision can best to improve children's well-being.

11 Statutory guidance: "Creating Strong, Safe and Prosperous Communities", published July 2008.

12 <http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/>

13 The joint strategic needs assessment is prepared by local authorities and PCTs in accordance with section 116 of the Local Government and Public Involvement in Health Act 2007.

14 <http://www.dh.gov.uk/en/Managingyourorganisation/JointStrategicNeedsAssessment/index.htm>

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- 1.15 Children's Trust Board partners are also well placed to influence, through the Local Strategic Partnership, infrastructure planning at local and regional levels to ensure that the needs of children, young people and their families are embedded in the local housing, regeneration and transport plans and reflected in action to reduce carbon emissions. One way to do this is through the co-operation and partnership arrangements that will need to be established once the local duties on child poverty¹⁵ come into force. Improved outcomes for children must be a corporate priority for the local authority as a whole and factored into the work of the LSP.
- 1.16 Most of the statutory 'relevant partners' are members of the LSP in their own right, but schools and FE and sixth-form colleges are not, so the Children's Trust Board should ensure it represents the views of schools and FE and sixth-form colleges in the context of the relationship between the CYPP and the wider community priorities.

How the Children's Trust Board works with other partnerships

Local Safeguarding Children Board (LSCB)

- 1.17 Keeping children safe is a top priority for the Children's Trust Board and each of the Children's Trust partners, statutory and non-statutory alike. Under Article 19 of the UNCRC, children have a right to be properly cared for, and protected from violence, abuse and neglect by their parents or anyone else who looks after them. Children's Trust Boards should, therefore, work closely with, and be clear how they relate to, the LSCB, which is responsible for co-ordinating work to safeguard and promote the welfare of children.
- 1.18 Lord Laming's 2009 progress report, *The protection of children in England (2009)*, stressed the importance of making a 'clear distinction between the roles and responsibilities between LSCBs and Children's Trusts to ensure appropriate challenge, scrutiny and impartiality'. The Children's Trust Board and the LSCB have important but distinctive roles in keeping children safe. For more information about the role of the LSCB see the revised *Working Together to Safeguard Children* to be published 15 March 2010.
- 1.19 The roles of the two boards are complementary. The Children's Trust Board is concerned with ensuring that services work in co-operation to improve children's well-being (across the five ECM outcomes) and the LSCB ensures the effectiveness of the arrangements made by individual agencies and the wider partnership to safeguard and promote the welfare of children. Although 'welfare' is a constituent part of 'well-being' and safeguarding is one of the five ECM outcomes, 'stay safe', **the LSCB has a separate identity and independent voice from the Children's**

15 Which will be created under Part 2 of the Child Poverty Act (2010), subject to parliamentary approval.

Trust; the LSCB is not subordinate to or subsumed within the Children's Trust Board.

- 1.20 It is essential that the Children's Trust Board and the LSCB form a strong relationship which reflects their important but distinctive roles. The Children's Trust Board is specifically accountable for overseeing the delivery of the CYPP. The LSCB is responsible in turn for challenging the Children's Trust Board and the Children's Trust partners individually on their success in ensuring that children and young people are kept safe. The Children's Trust Board should be consulted by the LSCB on issues which affect how children are safeguarded and their welfare promoted, and the LSCB must be consulted by the Children's Trust Board during the development of the CYPP.
- 1.21 There needs to be a clear distinction between the roles and responsibilities of the Children's Trust Board and the LSCB, which means they should be chaired by different people. To ensure there is no confusion both boards should agree local protocols which set these out clearly. Crucially, the LSCB must be able to:
- scrutinise the work of the Children's Trust Board and the Children's Trust partners;
 - form a view on the quality of local safeguarding by each body,
 - challenge as necessary with impunity; and
 - speak with an independent voice and be heard.
- 1.22 The LSCB and Children's Trust Board will need to establish and maintain an ongoing and direct relationship, communicating regularly. They need to ensure that their actions neither duplicate nor leave strategic or operational gaps in policies, protocols, services or practice.
- 1.23 In developing and reviewing the CYPP, the Children's Trust Board, drawing on the expertise of the LSCB, will ensure that the CYPP reflects the identified strengths and weaknesses of safeguarding practice in the local area. In particular the Children's Trust Board will include in the CYPP what the partners will do to co-operate to improve safeguarding and the promotion of welfare.
- 1.24 This will be informed by an annual report which the LSCB is required to publish on the effectiveness of local safeguarding arrangements. The reports should provide a comprehensive analysis of safeguarding in the local area; assess the level and nature of the challenge; and report on the extent to which the Children's Trust Board and partners are responding to it.

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- 1.25 Where the LSCB has an extended role beyond its core functions, for example undertaking research or delivering training on safeguarding issues, there is scope for the roles of the two boards to become confused. These additional activities should be discussed and agreed as part of the wider Children's Trust planning and the preparation of the CYPP. In such cases, the LSCB as a body should be represented on the CTB so that the CTB can call the LSCB to account for the extent to which it has acted in accordance with the Plan.
- 1.26 Local Authority Chief Executives and Council Leaders also have crucial roles to play. Chief Executives are responsible for satisfying themselves that the Directors of Children's Services are fulfilling their responsibilities for safeguarding and promoting the welfare of children and young people. In particular they should ensure that:
- the relationship between the Children's Trust Board and the LSCB is working effectively;
 - clear responsibility has been assigned within the local authority and among Children's Trust partners for improving services and outcomes; and
 - targets for improving safeguarding and progress against them are reported to the Local Strategic Partnership.

Community Safety Partnerships¹⁶

- 1.27 The Children's Trust Board should engage with other thematic partnerships in the LSP, especially the Community Safety Partnerships (CSP). Members of the CSP have a duty to work together to develop and implement strategies to tackle crime and disorder, anti-social behaviour, misuse of drugs and alcohol and to reduce reoffending¹⁷ in the area. Although the two partnerships play different roles, promoting positive outcomes for young people is an objective shared by both. The two partnerships have many of their partners in common, including the Youth Offending Team (YOT) – itself a multi-agency partnership – which has an important role to play in delivering the local priorities of both. See paragraphs 2.21 to 2.24 below on YOTs.

Behaviour and Attendance Partnerships

- 1.28 Behaviour and Attendance Partnerships, which will be mandatory under the ASCL Act 2009 from 1 September 2010, aim to ensure that secondary schools (including Academies and short stay schools/pupil referral units) co-operate with one another to promote good behaviour and discipline, and reduce persistent absence.

16 Previously known as Crime and Disorder Reduction Partnerships.

17 From 1 April 2010.

- 1.29 Draft statutory guidance on Behaviour and Attendance Partnerships will be published in spring 2010. These partnerships must provide Children's Trust Boards with an annual report on the activities, priorities and outcomes of the partnership and the Children's Trust Board will need to take account of this in its preparation, monitoring and review of the CYPP.

Other school partnerships

- 1.30 The White Paper, *Your child, your schools, our future: building a 21st century schools system* (2009), places extended services¹⁸ at the heart of its vision and includes an expectation that every school should work in partnership. These partnerships may vary depending on local arrangements, but all should be part of and have their work embedded in the wider Children's Trust co-operation arrangements. These school-based partnerships could include local area clusters, Behaviour and Attendance Partnerships, Federations and Trusts. School partnerships are well placed to identify each child's wider needs and commission provision to address them. The Children's Trust Board should help facilitate and support effective commissioning by schools, making clear through the CYPP the different levels at which commissioning for specific services will take place.

14-19 partnerships

- 1.31 The 14-19 partnership sits within the wider Children's Trust co-operation arrangements¹⁹. It is the strategic partnership which agrees and reviews the local long-term vision for delivering the 14-19 entitlement for young people. The partnership develops and evaluates area-wide strategies and plans to deliver the full range of 14-19 priorities (with 14-19 learning a central focus) and informs the commissioning of all services for 14-19 year olds²⁰. These services include learning provision, information advice and guidance, employer engagement, youth support services, facilities and transport. Each 14-19 partnership should produce a 14-19 plan, which should be an integral part of the CYPP²¹.

18 Extended services include: a varied range of before and after school activities, including study support; childcare (primary schools only); parenting and family support; swift and easy access to specialist services; and community use facilities.

19 Section 85 of the Education and Skills Act 2008.

20 14-19 includes learners up to the age of 25 if they have learning difficulties or disabilities.

21 14-19 Partnerships and planning guidance is available at <http://www.dcsf.gov.uk/14-19/index.cfm?go=site.home&sid=57&pid=496&lid=580&ctype=None&ptype=Contents>

'Prevent' partnerships

- 1.32 Most local areas have a partnership specifically tasked to lead work on preventing violent extremism.²² The Children's Trust Board should take this work into account when developing the CYPP.

Child and Adolescent Mental Health (CAMHS) partnerships

- 1.33 Local authorities, PCTs and other partners will need to work together in order to deliver effective local services for children and young people's emotional well-being and mental health covering universal services to promote well-being, targeted services to intervene early and high quality specialist provision.²³ Many local areas already have a partnership in place to assess needs and plan, commission and monitor service delivery. The Children's Trust Board should consider how they involve these partnerships, where they exist, in the preparation of the CYPP.²⁴

Scope

- 1.34 The co-operation arrangements, including the Children's Trust Board and the CYPP, are intended to improve outcomes for children and young people.²⁵ To avoid creating barriers to effective partnership working and co-operation between different organisations, a wide definition of 'child' or 'young person' is used in section 10(9)²⁶. This flexibility allows organisations providing services for slightly different groups of children and young people to work together more easily.

22 <http://www.dcsf.gov.uk/violentextremism/>

23 A comprehensive description of the effective services good local areas are already delivering to support children and young people's emotional well-being and mental health is set out in Keeping children and young people in mind: the Government's full response to the independent review of CAMHS (DCSF and DH January 2010).

24 See also Keeping Children and Young People in Mind, the Government's full response to the independent review of CAMHS.

25 Section 10(2) of the Children Act.

26 Section 10 refers to the well-being of "children", and 10(9) expands on this term. For the purposes of Children's Trust co-operation arrangements, the target audience of the arrangements include: young people aged 18 and 19; people over 19 receiving services as care leavers (under the Children Act 1989); and people over 19 but under 25 who have a learning difficulty (within the meaning of section 13 of the Learning and Skills Act 2000) and who are receiving services (under that Act).

Part two: Who are the Children's Trust partners?

This section provides a comprehensive list of all the partners who must, should or could be a part of the Children's Trust co-operation arrangements and may be represented on the Children's Trust Board.

2 The Children's Trust partners

- 2.1 The different categories of partner discussed in this chapter reflect the legal underpinnings, with some partners having a 'duty to co-operate' and others not. In practice it should make little difference to the work of the partnership whether the partners which comprise the local Children's Trust Board are statutory or non statutory. The local authority and the statutory 'relevant partners' must be engaged in these arrangements, although the nature of that engagement will vary depending on local circumstances. The wider list includes those partners who may have an important contribution to make but the type, frequency and extent of that contribution will vary from place to place and over time. What is important is that the co-operation arrangements and the Board adequately reflect the range of interests to meet local challenges.
- 2.2 The partners in the Children's Trust co-operation arrangements, including the Children's Trust Board, are:
- the top-tier local authority, required to set up and maintain the partnership;
 - the statutory 'relevant partners', (such as the PCT, police, schools, FE and sixth-form colleges and Jobcentre Plus), which are required to co-operate through the partnership; and
 - other partners, including those from the third sector, which have a key role to play in improving children's lives but are not under a duty to co-operate. These organisations are included in the partnership's 'co-operation arrangements' at the discretion of the local authority and may also become members of the Children's Trust Board following consultation with the other Board members.
- 2.3 The non-statutory partners are just as important as the statutory ones and, in the case of third sector organisations, for example, should be represented on the Children's Trust Board. The inclusion of non-statutory partners allows local partners the flexibility to shape their co-operation arrangements, including their Children's Trust Board, in a way that best suits local circumstances.
- 2.4 The Children's Trust Board is collectively responsible for developing, publishing, monitoring and reviewing the CYPP, but responsibility for delivering it rests with each of the Board partners whose strategy for co-operation is set out in the Plan. The CYPP sets out the joint strategy for improving well-being for children and young people in the local area and the partners set out in the plan their strategy for co-operating with the other Children's Trust partners to improve outcomes. This may include joint ventures with one or more of the other partners, but should also

include actions taken by that partner alone where it contributes to the overarching strategy.

- 2.5 Although each partner may have a particular interest in one of the five outcomes, all partners are to some extent responsible for all five outcomes. For instance schools have a major influence on 'be healthy' and 'make a positive contribution' as well as on 'enjoy and achieve'; Primary Care Trusts have a key role in 'enjoy and achieve' as well as 'be healthy'; and the police are central to 'stay safe' as well as to 'make a positive contribution'.
- 2.6 The next section deals with each of the main partners in turn and considers how they may contribute to the joint strategy for improving the well-being of children, young people and families.

The top-tier local authority

- 2.7 Top-tier authorities include upper-tier authorities in two-tier areas and unitary authorities, both of which have responsibility for education and children's social care. They have a lead role in setting up and maintaining the co-operation and partnership arrangements which comprise the Children's Trust. They also have a specific responsibility for establishing the Children's Trust Board. The aim, however, is to promote co-operation, so their leadership role must be exercised in a facilitative and consultative way which will enable partners to participate and contribute fully, and to develop a sense of ownership and commitment to the broad aim of improving children's well-being.
- 2.8 It is important that local authority services which do not come under the direct management of the Director of Children's Services, such as adult social care, housing, transport and leisure, are included, as all of these areas are likely to affect children's well-being. In unitary authorities, all of these services co-exist within the same organisation, so the Chief Executive has an important role in making the connections within the senior management team. The situation in two-tier areas is different because district councils, which have responsibility for a number of these important functions, are statutory 'relevant partners'. Here the top-tier authority must engage with the districts through the Children's Trust co-operation arrangements as it does with other 'relevant partners'. This added level of complexity will create additional challenges.

The statutory 'relevant partners' and how they should 'co-operate'

- 2.9 These partners are specifically listed in legislation and are placed under a duty to co-operate with the local authority in 'making arrangements to promote co-operation to improve children's well-being'. That is co-operation through the

Children's Trust between the organisations which commission or provide services for children (or which impact on children indirectly through their families) to improve the five outcomes set out in annex A. Subject to any specific restrictions on their funding arrangements, 'relevant partners' may pool funds or share other resources with the local authority, one another, or partners in another Children's Trust as part of those arrangements. 'Relevant partners', together with the local authority, must also have regard to this guidance.

- 2.10 In addition, statutory 'relevant partners' must be represented on the Children's Trust Board²⁷ (see Chapter 4).

District Councils

- 2.11 In two-tier areas, district councils as 'relevant partners' have responsibility for a range of services which impact significantly on the well-being of children, young people and their families. For example, they lead on enabling all young people to have access to sufficient positive activities, and safe places to go to meet friends and socialise. Other services, such as housing and transport, although not aimed primarily at children, directly affect their well-being.
- 2.12 In some large two-tier areas, the partnership may be organised around a group of district-level Children's Trust boards co-ordinated at county level. This helps ensure that local differences are picked up and fed into the strategic planning of the Children's Trust Board and helps secure engagement of the district councils, including Elected Members, in the wider children's agenda.

Primary Care Trusts (PCTs)

- 2.13 PCTs, local NHS organisations, have responsibility for improving health, reducing health inequalities, assessing the health needs of the local population and commissioning healthcare services from a range of providers to meet these needs through every stage of life. Good physical and mental health is essential to securing improved outcomes for children and young people. **The National Operating Framework for the NHS in England 2010/11** says *'tackling priority health issues of children and young people is complex requiring strong leadership and effective partnership working across the NHS, local authorities and partner agencies'*.
- 2.14 **The partnership between the local authority and the PCT is the driving relationship of the Children's Trust.** Neither a PCT nor a local authority can deliver its priorities without the active co-operation of the other. The guidance document *Transforming Community Services* (2010), supports this position and says, *'For children, service pathways will need to cover not only the interface between hospitals*

27 (excluding the Strategic Health Authority) see SI no 590 2010.

and community services but also the interface with early years services and schools, as well as with children's social care.'

- 2.15 Since 1 April 2008, local authorities and PCTs have been under a statutory duty to produce a Joint Strategic Needs Assessment (JSNA). The JSNA informs Local Area Agreements and the Sustainable Community Strategy and feeds into the development of the Children and Young People's Plan.
- 2.16 *Healthy lives, brighter futures: the strategy for children and young people's health* (2009) sets out how the changes to Children's Trust co-operation arrangements can enable PCTs and local authorities to make a reality of their partnership to deliver improved health outcomes for children and young people. The key points include:
- using the Joint Strategic Needs Assessment for establishing a shared vision of local service needs;
 - clear, transparent local plans for children's health as part of the CYPP, including plans for delivering safe and sustainable health and well-being services in locations of choice frequented by children, such as schools and Sure Start Children's Centres and delivering care close to home and in the home for children with acute or additional needs;
 - an agreed approach to commissioning at local authority/PCT level, which includes a framework for practice-based commissioning and incorporates commissioning by schools;
 - a joint focus leading to further action about progress on key children's health issues in the area, with joint scrutiny of feedback from children, young people and parents; and
 - a joint approach to providing accessible and comprehensive information to children, young people and families about what health services, advice and support are available locally to meet their needs.
- 2.17 Local areas will agree their own specific priorities, but there are six commonly identified areas where joint working between PCTs and local authorities can improve outcomes. These are:
- safeguarding;
 - maternity and early years (major benefits can be gained from PCT commissioning of universal services for families with pre-school children and local authorities' development of Sure Start Children's Centres and childcare);
 - encouraging children and young people to be active and eat well in order to maintain a healthy weight;

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- promoting emotional well-being and mental health;
- supporting children and young people with additional, complex or acute health needs and their families through the provision of services in the home, school or community; and
- influencing risky behaviour among young people.

Key to all of these is prevention and early intervention, backed up by effective and accessible specialist services. In particular the Healthy Child Programme from pregnancy to 19²⁸ sets out support for giving children and their families the best start in life. Major benefits can be gained from PCTs and local authorities working together to ensure a more family-centred approach to maternity and early years, building on the Healthy Child Programme and anchoring the family within a network of local practitioners (including Sure Start children's centres and childcare settings) extended family members, community peers and friends.²⁹

- 2.18 The Director of Children's Services should consult the PCT to secure a lead GP on the Children's Trust Board to act as a professional advisor building on existing local groupings of GPs. This would include offering advice on how to reflect the views of the wider community of GPs in developing and delivering the CYPP.

The Strategic Health Authority (SHA)

- 2.19 It is important that the SHA is a statutory 'relevant partner' in the Children's Trust co-operation arrangements because it provides strategic leadership to local health systems. It develops NHS organisations, is responsible for workforce development (including education, training and workforce planning) and ensures that local health systems operate effectively and deliver improved performance. SHAs operate at a regional level and hold all local NHS organisations (with the exception of Foundation Trusts) to account for performance. They are not required to be represented on the Children's Trust Board³⁰, but this does not preclude their involvement. The local authority should decide, based on advice from the other Board members and the SHA itself, what arrangement best suits local circumstances. Where they are not represented on the Board, SHAs must be consulted on each CYPP, including on the development of local workforce development plans.

28 The most recent clinical guidance for the Healthy Child Programme is available at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107563

29 The Prime Ministers Strategy Unit's Maternity and Early Years Review sets out its vision for a renewed maternity and early years service. It is available at <http://www.cabinetoffice.gov.uk/strategy.aspx>

30 By SI no 590 2010 made under sub-section 12A(4) of the ASCL Act 2009.

- 2.20 The Regional Director of Public Health has overall leadership and accountability for the Public Health function within the Strategic Health Authority and for Department of Health staff co-located in the Government Office for the region (known as the Regional Public Health Group).

Youth Offending Teams, Police and Probation

- 2.21 A child in conflict with the law has the right under Article 40 of the UNCRC to treatment which promotes the child's sense of dignity and worth and custody should be used only for the most serious or persistent offenders. Children's Trust partners and partnerships have a key role in commissioning services to help prevent offending and re-offending, and to help children and young people in the youth justice system gain access to the full range of support services they need. They are central to a local strategy for early identification, assessment and intervention in preventing offending behaviour occurring or becoming entrenched. That is why youth offending teams (YOTs), the police and the probation service, all agencies within the criminal justice system, are statutory 'relevant partners' in the Children's Trust co-operation arrangements. The police and probation also have a key role in identifying children and young people at risk of harm or other poor outcomes. Each Children's Trust Board should provide a named contact for neighbourhood policing teams.
- 2.22 The Youth Crime Action Plan (YCAP) and YCAP One Year On³¹ set out the cross-Government approach to tackling and reducing youth crime through a triple track approach of prevention, non-negotiable support and tough enforcement. The Children's Trust partners have a major part to play in the delivery of this Plan. The police, probation and YOTs should make sure that their local Children's Trust Board is fully aware of its role in preventing youth crime and re-offending, and that this is embedded within the CYPP together with related parenting and family support strategies.
- 2.23 The YOT, itself a multi-agency team, has an important role in making links between the criminal justice and social welfare systems. It is an important delivery partner for the Community Safety Partnership as well as being a 'relevant partner' in the Children's Trust co-operation arrangements. It is also involved in work with children and young people identified locally as being at a high risk of offending. The YOT helps to establish the needs of each young person who has offended, and identifies suitable interventions and programmes to address them which may include work with parents and families. This means that the YOT is well placed to advise the Children's Trust Board on services needed by young people at risk of offending or re-offending and to ensure that it provides coherent planning to meet the needs of

31 <http://www.homeoffice.gov.uk/documents/youth-crime-action-plan/>

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young people before, during and after their involvement in the youth justice system.

- 2.24 The YOT should provide a bridge between the Children's Trust partnership and the delivery of the Community Safety Partnership priorities, and co-ordinate the effective provision of services for young people at risk of offending or re-offending. (See paragraph 1.27.) This includes a particular focus on the needs of young people entering or leaving custody and how these needs can best be met. The Children's Trust Board has an important role in ensuring partners take responsibility for making the right support available during the important transition from custody to the community or when the YOT's statutory supervision ends. This would often be an offer of a CAF to provide a holistic assessment of the young person's needs which in turn enables the necessary support to be provided particularly accommodation, health, education, social care and family support.
- 2.25 Sentencers, for example youth court magistrates and district judges who work in Youth Courts, may also have an interest in the work of the Children's Trust Board. The YOT should ensure that sentencers are able both to contribute to the work of the partnership and also to gain a clearer picture of the existing services for young people, including understanding the use of the CAF which can help in assessing a young person's needs. This involvement could be through an invitation to participate in the Children's Trust Board or wider co-operation arrangements at a local level or through regular updates on Children's Trust work, especially where it will impact on the youth justice system.

Schools

- 2.26 The ASCL Act 2009 adds, among others, maintained schools, Academies, City Technology Colleges, and City Colleges for the Technology of the Arts to the list of Children's Trust 'relevant partners'. This is consistent with the role for schools set out in the White Paper *Your child, your schools, our future: building a 21st century schools system* (2009), which encourages schools to work in partnership to enable every child to succeed. It also strengthens the voice of front line providers at the strategic level by formalising schools' representation on the Children's Trust Board (see Chapter 4).
- 2.27 As well as being the main universal providers of services for children, schools can also be commissioning bodies. Where schools commission services individually or in partnership, including extended services, they will use their own budgets and expertise to identify what their pupils need most. But they must also 'have regard' to the CYPP and ensure that their commissioning fits into the wider strategic commissioning strategy of the Children's Trust Board. Individual schools can use their self evaluation form to demonstrate how they are working in partnership with

others in the local community to support their own pupils and others. During inspection, schools will be assessed by the Chief Inspector (Ofsted) on the effectiveness of partnerships in promoting learning and well-being.

*Maintained schools*³²

- 2.28 Schools already have a duty to promote the well-being of their own pupils and should expect support from other Children's Trust partners to fulfil it. But as a statutory 'relevant partner' in the Children's Trust co-operation arrangements, each school can set that duty within a wider community context and, operating as part of a local system of service providers within the Children's Trust, will be enabled to promote the wider well-being of all children and young people in the area. Any new structures and processes should, where possible, build on existing arrangements where they are working well.
- 2.29 As providers of universal services for school age children, schools play an essential role in identifying children who need extra support, and, with appropriate advice and help from other agencies, can ensure that it is provided early enough to avoid more serious problems later on. Where the cause of the problem lies with the parent, the child's needs should be considered in the wider context of parent and family needs shaping the experience of the child³³.
- 2.30 Most schools routinely work in some form of partnership with other schools and service providers and in school clusters to provide access to extended services. These partnerships should be integrated into the wider set of partnership arrangements that comprise the Children's Trust. For instance, some schools may work together with external partners as members of their charitable foundation or Trust.
- 2.31 Schools, as 'relevant partners' within the Children's Trust and commissioners in their own right, must be represented on the Children's Trust Board. This will give them a stronger voice in local strategic decision-making about the services that are commissioned locally, which should mean they get better tailored services to help them meet the needs of all their pupils. It would be impractical for every school to attend the Children's Trust Board, so a robust and fair system of representation should be set up to enable all schools to receive information and feed back comments to their representatives on the Children's Trust Board (see Chapter 4). Schools should contribute to the process of developing this system of representation and actively engage through it with the Children's Trust Board once it is established.

32 This covers both mainstream and special schools.

33 Through the national rollout of *Think Family* all local authorities are being supported to implement services and systems that encourage looking at wider family needs.

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

Academies

- 2.32 Paragraphs 2.28-31 above on maintained schools apply equally to Academies. They are covered by the same statutory duty to co-operate and must have the same access to the Children's Trust Board through a local system of representation. Engagement through the Children's Trust and access to the full range of partners for support is especially important since Academies educate some of the most vulnerable children in the country.

Special schools

- 2.33 It is important that the particular interests of children with special educational needs or disabilities in both mainstream and special schools are considered within the Children's Trust co-operation arrangements and by the Children's Trust Board. Maintained special schools are included as statutory 'relevant partners' on the same basis as other maintained schools. Non-maintained special schools are also 'relevant partners' in the Children's Trust and must be represented on the Children's Trust Board, although this may be through the same system of representation that covers maintained schools and Academies.
- 2.34 Like other independent schools, independent special schools supporting children with statements of special educational needs are not statutory partners but should be consulted in the preparation of the CYPP and, where appropriate, can be included on the Children's Trust Board³⁴.

Short Stay Schools/Pupil Referral Units

- 2.35 Management committees of pupil referral units (which will be known as short stay schools from 1 September 2010) (SSSs) will also be included as 'relevant partners' under regulations made under Schedule 1 paragraph 3 of the Education Act 1996, intended to come into force during April 2010. SSSs provide services to some of the most vulnerable children and young people in the local area, including children unable to attend mainstream schools, owing to illness, exclusion, or other causes. Strengthening the links between SSSs, other schools, and other services for children and young people should improve the quality and effectiveness of both SSSs and maintained schools. Governance of SSSs differs from that of other maintained schools particularly in terms of financial independence from the local authority. For that reason they will not be able to pool budgets in their own right like other statutory 'relevant partners'.

Further Education Colleges and Sixth-Form Colleges

- 2.36 Institutions within the further education sector³⁵ (referred to in the following paragraphs as "FE institutions") are also statutory 'relevant partners' in the Children's Trust co-operation arrangements covering the area in which their main site is located. This will help enable them to have a strong voice in local decisions about the use of resources and service commissioning. FE institutions also have a role to play in identifying young people who need extra support and, with appropriate advice and help from other agencies, ensure that it is provided early enough to avoid more serious problems later on.
- 2.37 Local authorities will have responsibilities for planning and funding 16-19 learning, which includes commissioning a range of provision from schools, FE institutions and other training providers to meet the learning needs of every young person in the local area up to the age of 19. This will be informed by the strategic commissioning priorities identified by the local strategic 14-19 partnership, which is part of the Children's Trust co-operation arrangements.
- 2.38 Most FE institutions draw learners from a wide geographical area and may have sites in several different local (Children's Trust) areas. The college is only required to be the statutory 'relevant partner' in the co-operation arrangements of the Children's Trust which cover the geographical area in which its main site is located; that is, where the main administrative offices are housed. When at least a quarter of the college's students under the age of 19³⁶ come from an area where the main site is not located, that college should also work closely with the partners of that area's Children's Trust, becoming a non-statutory partner in its co-operation arrangements and joining the Children's Trust Board. The flexibility exists to organise these matters locally, with the discretion of the local authority and the agreement of its 'relevant partners'. One representative may cover the interests of more than one college on the Children's Trust Board to reduce burdens and keep the Board a manageable size.

Jobcentre Plus

- 2.39 Jobcentre Plus is a statutory 'relevant partner' in the Children's Trust co-operation arrangements because it has a key role in eradicating child poverty and is also a

35 Further education colleges and sixth-form colleges, as defined in the Further and Higher Education Act 1992. The Apprenticeships, Skills, Children and Learning Act 2009 extends this definition to create two categories of institutions within the further education sector from 1 April 2010: further education college corporations and sixth form college corporations. The definition does not include independent specialist colleges.

36 Young people aged 18-19 in full time education or training are covered by the scope of the Children's Trust co-operation arrangements set out in Section 10(9) of the Children Act 2004.

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named partner in the Child Poverty Act³⁷ for cooperation. Its work in tackling worklessness, the affordability and availability of formal childcare, advising on in-work benefits for families on low income and reducing the number of young people not in employment, education or training (NEET) are all central to improving outcomes for children and young people and eradicating child poverty. Being a statutory 'relevant partner' will help Jobcentre Plus deliver a coherent package of support for young people through improved joint planning and delivery of local employment services, by ensuring it is effectively linked with wider children's services. Jobcentre Plus already plays an important role in Sure Start Children's Centres, where services are provided as part of the core offer to parents.

- 2.40 Jobcentre Plus must be represented on the Children's Trust Board, but as its districts are not the same as (Children's Trust) local authority areas, Jobcentre Plus will need to agree who is best placed to represent its interests. The representative should be able to cover the full range of Jobcentre Plus services³⁸ and have sufficient authority to speak for Jobcentre Plus locally and commit it, where appropriate, to the strategic and operational aims of the Children's Trust Board, including committing resources.

Connexions

- 2.41 Where services are provided under section 68 of the Education and Skills Act 2008 in the local area the provider will also be a statutory 'relevant partner'.

The non-statutory partners and how they can engage

- 2.42 This section covers those organisations which are not required to be statutory partners in the Children's Trust co-operation arrangements but which may add considerable value to the local partnerships and can be brought formally into the Children's Trust partnerships at the discretion of the local authority and/or onto the Children's Trust Board after consulting its other partners. The statutory 'relevant partners' should be regarded as the minimum core membership, but each Children's Trust Board should always include some non-statutory members, including at least one representative of the third sector and one from a Sure Start Children's Centre. These non-statutory partners are no less important than the statutory partners.

37 Subject to parliamentary agreement.

38 This should include services to help lift parents out of poverty as well as the provision of childcare services.

Third sector³⁹

- 2.43 As the third sector has an essential contribution to make, every Children's Trust Board should include third sector representation. Third sector organisations often work with marginalised and vulnerable groups who do not engage positively with statutory organisations. This means the sector can be acutely aware of their needs and challenges, such as children with Autistic Spectrum Disorder. Third sector organisations can provide a route for the most marginalised to be heard by supporting and empowering individuals to speak for themselves or by advocating and campaigning on their behalf. They can also deliver services that vulnerable people trust.
- 2.44 The local flexibility to include non-statutory partners in the Children's Trust co-operation arrangements and on the Children's Trust Board allows the diversity and complexity of the sector to be accurately represented. Where smaller third sector organisations do not have the capacity to engage – the local authority should take steps to engage them in the Children's Trust Board, through local third sector infrastructure organisations for example voluntary sector forums. All engagement with the third sector should follow the Compact principles which provide a framework for good partnership work for mutual benefit⁴⁰.

Private sector

- 2.45 Along with the third sector, private sector organisations may provide a significant proportion of all early learning and childcare. Where this is the case, it is important they are represented on the Children's Trust Board.

Sure Start Children's Centres

- 2.46 Sure Start children's centres are becoming a universal service – by 2010 there will be a children's centre for every community. Children's centres provide easy access to a range of services for all parents with young children under five, including: community and maternal health services; parenting and family support services; integrated early education and childcare; and links to training and employment opportunities. Children's centres are places where integrated early childhood services are provided by the local authority working with Children's Trust partners including the PCT and Jobcentre Plus. A key example of service integration is the

39 The third sector is defined as non-governmental organisations that are value-driven and which principally reinvest their surpluses to further social, environmental or cultural objectives.

40 The 'Compact on Relations between Government and the Voluntary and Community Sector in England' (Compact), is the framework agreement for how the government and the sector should work together. Further information on Compact can be found at the following address – <http://www.thecomcompact.org.uk/>

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Family Nurse Partnership programme⁴¹ (an evidence based preventative programme) working alongside local children's centres.

- 2.47 We expect Children's Trust partners to take into account the provision of services through local children's centres as part of their development and implementation of the Children and Young People's Plan. The Children's Trust Board must consult all Children's Centre advisory boards in the local authority's area when drawing up their Children and Young People's Plan and there should be a children's centre representative on the Children's Trust Board. Robust and fair arrangements should be developed for the selection of a representative following principles similar to those for selecting a schools representative (set out in paragraph 4.20 of this guidance).

General Practitioners

- 2.48 General Practitioners and GP practices play an important role within local services for children in their role of individual clinicians who are often a family's first point of contact, and may help point them in the direction of an assessment process such as the CAF to identify their needs. These practices work together with other local services; and increasingly as practice-based commissioners.
- 2.49 The work of Children's Trusts will be improved by greater input from GPs, with their extensive experience of dealing with the health needs of children and families. It is also vital that the children's services provided in every area support the work of GP practices.
- 2.50 The Director of Children's Services should consult the PCT to secure a lead GP on the Children's Trust Board to act as professional advisor, building on existing local groupings of GPs. This would include offering advice on how to reflect the views of the wider community of GPs in developing and delivering the CYPP.

Providers of health care

- 2.51 Acute, foundation and specialist NHS trusts, mental health trusts and community NHS services have a major role in improving outcomes for children and young people, and should be fully involved in the development of the Children and Young People's Plan. Other services such as ambulance trusts, walk-in centres and NHS Direct also provide important services to families, especially out of hours. The Children's Trust partners should actively engage clinicians and health care providers in the development and operation of local arrangements for multi-agency working, information sharing and joint training.

41 The FNP is currently being tested in many areas of England. It involves specially trained nurses working with first time vulnerable young parents from early pregnancy until the child's is two.

Housing sector

2.52 Access to decent housing is a major factor in helping to improve outcomes for children and young people. This is a local authority function, so technically the appropriate strategic bodies (the local authorities) are among the statutory members. However in practice, housing services may not be routinely included, as it might be considered an 'adult service' outside the scope of the Children's Trust. This should not be the case⁴². Within the local authority, the Chief Executive has an important role in forging those links and ensuring that housing functions are exercised in a manner consistent with the strategies set out in the CYPP. For example, it is particularly important that there are effective working arrangements for promoting and planning accommodation for young people leaving care or custody and for homeless 16 and 17 year olds and to address the housing needs of children and young people who have complex health conditions or disabilities.

Registered Social Landlords

2.53 Registered Social Landlords are the main delivery agents of social housing and, as such, have a crucial influence on children's well-being. That is why the Children's Trust Board must consult social housing providers when preparing the local Children and Young People's Plan.

Other adult services

2.54 As with housing, adult social care is a local authority function and so should be taken into account by the local authority in setting up its Children's Trust co-operation arrangements and Board, but in practice is often regarded as outside the scope of the Children's Trust. It is, however, crucial that young people, especially those from vulnerable groups, make a smooth transition from children's to adult services. The Director of Adult Social Services (DASS) should work closely with the Director of Children's Services (DCS) to ensure that young people leaving children's services make a successful transition. The local authority Chief Executive has an important role in helping to make sure that these links are made within the authority and that all local authority functions are exercised with regard to the strategies set out in the CYPP and relevant guidance⁴³.

2.55 A key finding of the recent Child and Adolescent Mental Health Services (CAMHS) review was that young people with mental health needs are often overlooked in the planning and delivery of services when they make the transition to adulthood. As a

42 See for example joint guidance on supporting young homeless people and their families <http://www.communities.gov.uk/publications/housing/goodpracticeguide>

43 See also Statutory guidance on the roles and responsibilities of the Lead Member for Children's Services and Director of Children's Services (paragraph 3.12 and Best Practice Guidance on the Role of the Director of Adult Social Services (paragraphs 34-43)

vulnerable group, they need a particular focus to prevent them falling through the gaps between services. Children's Trust Boards are well placed to ensure that young people make a seamless transition in a planned and predictable manner.

- 2.56 Links with other adult services are important too, as services provided to adult members of a child's family could affect that child's well-being. Services involved with vulnerable adults have an important role to play in identifying children in need of additional support. Similarly, where a child is identified as having some additional needs, families may also require support. Children's Trust partners should work together to develop services that provide holistic support for child and family needs, with clear information for parents on what local support is available. Through the national roll out of *Think Family*⁴⁴, all local authorities and their partners should be working to implement services and systems which enable them to consider wider family needs.
- 2.57 There is good evidence that high quality cultural and sporting activity can provide a range of benefits to children and young people, which contribute to improving the five *ECM* outcomes. Depending on local circumstances, organisations delivering these services may become partners in the Children's Trust co-operation arrangements. These include, arts and culture organisations such as museums, libraries, film music and other arts bodies, and sports organisations, including school sport partnerships, county sport partnerships, local sports clubs and a range of others.

School sector

Schools forums

- 2.58 Every local authority must have a Schools Forum for its area to represent maintained schools in the authority and other stakeholders with an interest in the distribution of the Dedicated Schools Grant through the Schools' Budget. Generally this representation will be by head teachers and governors of schools in partnership with other key stakeholders in the local authority. Schools forums have an important role to play in advising on the allocation of funding for education in a local authority's area and may have to approve proposals for the School's Budget to contribute to a 'combined service'. The Children's Trust Board will therefore need to consult the Schools Forum when preparing the CYPP so that they have strategic input into agreeing local priorities, given their impact on matters relating to the authority's schools' budget. But the Schools Forum is not a statutory partner in the Children's Trust, nor is it by itself an appropriate system of representation for schools on the Children's Trust Board, because its funding focus means it may not

44 <http://www.dcsf.gov.uk/everychildmatters/news-and-communications/local-authority-circulars-2008-2011/3112080003/>

represent the full range of school interests. See also Chapter 4 on schools representation.

Diocesan boards of education

- 2.59 As substantial commissioners of education services with a major role in strategic planning, the Anglican and Catholic diocesan boards of education should be included in the co-operation arrangements and be represented on the Children's Trust Board. They play an important leadership and management role in the voluntary aided schools for which they are responsible. Schools with a religious character have more freedoms and flexibilities around appointment of staff, teaching religious education and collective worship, with specific rights and responsibilities. Whilst the schools themselves will be statutory 'relevant partners' in the Children's Trust with representation on the Children's Trust Board, that alone may not be sufficient. The diocesan boards of education should, therefore, be represented on the Children's Trust Board and included in the cooperation arrangements. Every effort should be made to ensure that other faith communities with voluntary aided schools are also included in these arrangements.

Independent schools

- 2.60 Independent schools are not statutory partners in the Children's Trust co-operation arrangements. It is important, however, that the same level of support is available for children in education outside the state-maintained system, so these schools should engage and be engaged by the Children's Trust partners. There is local flexibility to allow any independent school to become a partner in the Children's Trust at the discretion of the local authority, and for them to join the Children's Trust Board at the invitation of the local authority after consulting its other partners, but there is no statutory duty on them to do so. The Children's Trust Board must, however, consult independent schools when preparing the CYPP.

FE and work-based learning sectors

Specialist colleges

- 2.61 Independent specialist colleges, unlike general FE institutions, are not statutory 'relevant partners' in the Children's Trust co-operation arrangements. They provide further education or training for young people with learning difficulties and/or disabilities, so they represent the interests of a highly vulnerable group of young people. To ensure the need for this type of specialist provision is taken into account in strategic planning and commissioning, the Children's Trust Board must consult specialist colleges during the preparation of the CYPP. As with other non-statutory

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partners, the flexibility exists for them to join the Children's Trust partnership and Board by local agreement.

Work-based learning providers

2.62 Work-based learning providers should have a strong voice and be able to influence the strategic planning and commissioning of children's services so that they can agree the part that they will play in delivering the CYPP and ensure they receive the support they need to deliver it. They should also be consulted on the CYPP.

Young People's Learning Agency (YPLA)

2.63 The YPLA has not been included as a statutory 'relevant partner' because, unlike its predecessor body (the Learning and Skills Council); it will not routinely have a commissioning role in the local area. But should the YPLA take on such a role, it should be brought into the Children's Trust co-operation arrangements as an additional partner and join the Children's Trust Board⁴⁵.

Youth custodial establishments⁴⁶

2.64 A range of rehabilitative services are provided for children and young people in custody to help address their personal needs and reduce the risk of them re-offending. Whilst some services are commissioned by custodial operators, some are commissioned by Children's Trust partners. These include: education services (which, following the ASCL Act 2009, will be commissioned by local authorities); information, advice and guidance; health and mental health services; and social work provision. These establishments are important partners with knowledge of the needs of some of the most vulnerable children and young people. They play a crucial role, alongside other Children's Trust partners, in resettling children and young people leaving custody.

Cafcass, Her Majesty's Court Services and other partners within the family justice system

2.65 Children in the family justice system, whether as a result of care proceedings or family disputes about a child's future, are vulnerable so it is important that their

45 The main role of the YPLA will be to support and enable local authorities to carry out their new functions in respect of securing sufficient provision for the education and training of 16-19 year olds. The YPLA will be able to intervene in a local authority if it is failing or likely to fail in these duties (ASCL Act 2009).

46 Youth Custodial establishments include Young Offender Institutions, Secure Training Centres and Secure Children's Homes and hold young people aged 10-17 who have been sentenced or remanded to custody. They may also hold some 18 year olds near the end of their sentence. Some Secure Children's Homes also hold young people detained for welfare reasons.

needs are recognised. Partners within the family justice system, including Cafcass, HMCS and other organisations engaged in local family justice councils, should work through the Children's Trust to ensure cases are progressed as quickly and effectively as possible and in the best interests of the children involved.

Engaging with children, young people, their parents and families

- 2.66 Listening to children and young people and taking account of their views is central to the success of policies to improve their well-being and life chances. Article 12 of the UNCRC⁴⁷ says that children have the right to express their views and have them taken into account and given due weight, according to their age and maturity, in all matters affecting them. The Children's Trust Board should take into account the views of children, including when developing and reviewing the CYPP⁴⁸.
- 2.67 All members of the Local Strategic Partnership (which include most Children's Trust partners) are under a range of duties to consult and involve citizens, including children and young people. The 'duty to involve' requires agencies to inform, consult and promote the participation of local people in their routine functions, as well as significant one-off decisions⁴⁹.
- 2.68 The Children's Trust Board should, as part of its development and monitoring of the CYPP, undertake full consultation with parents⁵⁰ and consider innovative ways of identifying and speaking to parents who are less likely to come forward to express their views, involving neighbourhood groups and community events to support outreach work, or existing arrangements such as parent forums under the *Aiming High for Disabled Children*⁵¹ programme. This work should involve and empower children, young people and their families as part of other local community engagement and empowerment work.
- 2.69 Specifically, children, parents and carers must be consulted during the preparation of the CYPP. In some areas the local authority and its partners may want to consider including representatives of young people, parents and carers on the Children's Trust Board.

47 <http://www.dcsf.gov.uk/everychildmatters/strategy/strategyandgovernance/uncrc/unitednationsconventionontherightsofthechild/>

48 The Hear by Right standards provide a framework for improving policy and practice in the participation of children and young people.

49 Including section 138 of the Local Government and Public Involvement in Health Act 2007.

50 This is underpinned by section 10(3) of the Children Act 2004, which requires local authorities to 'have regard' to the importance of parents and other carers when making co-operation (Children's Trust) arrangements.

51 More details on the *Aiming High for Disabled Children* programme are available at <http://www.dcsf.gov.uk/everychildmatters/healthandwellbeing/>

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- 2.70 The Children's Trust co-operation arrangements should include systems which provide accessible and comprehensive information about what services are available to young people and parents in the area. This should include information about child health services, advice and support and include services to promote mental health and psychological well-being and other appropriate specialist services. For families with disabled children, the principles of the 'core offer' set out a national statement of expectations on how those families and young people will be informed and involved.
- 2.71 Local authorities acting as a corporate parent are responsible for improving all (including health) outcomes for each child looked after by them. They also have specific duties to safeguard and promote the welfare of these children, and to promote the child's educational achievement. However, all partners in the Children's Trust should share responsibility for improving outcomes for all children and narrowing the outcomes gap for children from disadvantaged groups, including looked after children. Partners should ensure that their strategy and practice takes particular account of how they work with the local authority to improve the prospects of these vulnerable children. Children's Trust Boards should regularly review services for looked after children to ensure that they are effectively safeguarded and are provided with the opportunities they need.

Part three: How does the Children's Trust improve children's lives?

This section examines the integrated processes and tools that Children's Trust partners should employ, including commissioning. It also sets out in greater detail the actions that need to be taken to establish a Children's Trust Board and to develop a Children's and Young People's Plan, including the transitional arrangements for the period between 1 April 2010 and 1 April 2011.

3 Integrated processes and tools

- 3.1 To ensure that children, young people and their families get good quality services which meet the needs of every child, different organisations and specialists need to be able to work effectively together. This requires systems in which people are clear about their roles and responsibilities, how they link to one another and how they should use shared tools and align the processes which underpin their work.
- 3.2 It is important to have processes in place which are sufficiently integrated to enable staff in the different agencies to work together as a team around the child or family. As part of developing the CYPP, the Children's Trust Board should take the lead in planning and supporting activities that empower and build the confidence of practitioners to use their professional judgement in decisions related to children's well-being, and in fostering trust and professional understanding between the services. Having this in place is particularly important for effective safeguarding.
- 3.3 The Children's Trust Board should understand what processes and tools are available to support integrated working and how they can support improved outcomes for children, young people and their families through the CYPP. The Board should promote consistent adoption and use of these integrated processes and tools across the partnership. The Children's Trust partners should take individual responsibility for implementing and embedding them into their regular and routine working practice.
- 3.4 Good practice in information sharing and processes such as the Common Assessment Framework (CAF) and the lead professional role should be fully embedded. Access to a range of integrated working tools is necessary to support children's diverse needs. These include:
- ContactPoint;
 - National eCAF, the electronic enablement of the Common Assessment Framework;
 - the Integrated Children's System (ICS); and
 - the Client Caseload Information System (CCIS).

All have specific purposes and may be relevant to different groups of people. However, all support practitioners from different agencies and/or areas to work together more effectively to deliver the right package of support for each child needing multi-agency support.

Information sharing

- 3.5 Effective information sharing underpins integrated working and is a vital element of both early intervention and safeguarding. The cross-Government guidance *Information sharing: guidance for practitioners and managers*⁵² and associated materials provides advice on when and how front-line practitioners can share information legally and professionally. The guidance also covers how organisations can support practitioners. It is intended for practitioners and managers who have to make decisions about sharing personal information on a case by case basis in all services and sectors, whether they are working with children, young people, adults or families. It is also for those who support practitioners and managers and for others with responsibility for information governance. It should be read in conjunction with any specific organisational or professional guidance.
- 3.6 In his report, the Lord Laming⁵³ recommended, that every Children's Trust Board should assure itself that partners consistently apply the Information Sharing Guidance to protect children. This should mean that:
- all practitioners are aware of, and have access to, the information sharing guidance and training and are confident in making decisions about information sharing; and
 - the organisational and cultural aspects that are required to embed information sharing have been, or are being, addressed.
- 3.7 *The Embedding Information Sharing Toolkit*⁵⁴ focuses on the organisational and cultural aspects of information sharing. It describes activities that are specifically designed to address the key barriers to and drivers of effective information sharing and provides examples from local areas.
- 3.8 As part of embedding information sharing, the Children's Trust Board can help ensure that the Children's Trust partners consistently apply the guidance by developing a partnership wide information governance framework. This framework should establish common principles, policies and processes for information sharing, highlight the importance of professional judgment in information sharing at the front-line and focus on how to improve practice in information sharing within and between agencies. This will help to ensure that all staff are clear about their

52 The guidance and associated materials are available at <http://www.dcsf.gov.uk/everychildmatters/strategy/deliveringservices1/informationsharing/informationsharing/> The guidance does not deal with arrangements for bulk or pre-agreed sharing of personal information between IT systems or organisations (often called data sharing) other than to explain their role in effective information guidance.

53 The Protection of Children in England: A progress report.

54 Available at www.dcsf.gov.uk/ecm/informationsharing

organisational position on information sharing and build practitioner confidence in making information sharing decisions.

ContactPoint

- 3.9 **ContactPoint**⁵⁵ provides a quick way for people working with children to find out who else is working with the same child. It includes basic information⁵⁶ about every child in England from birth to their 18th birthday (over 18 in certain circumstances) and contact details for parents or carers and practitioners or other services working with that child. ContactPoint is subject to stringent security controls with access limited only to people with the appropriate training who have undergone security checks and who need to use it professionally.

The Common Assessment Framework (CAF)

- 3.10 The CAF introduced in 2006 is a tool to enable early and effective assessment of children and young people who need additional services or support from more than one agency. It is a holistic consent-based needs assessment framework which records, in a single place and in a structured and consistent way, every aspect of a child's life, family and environment. **National eCAF**,⁵⁷ which has been made available to a first wave of early adopters, will be a secure IT system for storing and accessing information captured through the CAF process. Practitioners will only be given access to information on national eCAF for a child or young person with whom they are working and then only with the specific consent of the child or young person (or parent/carer as appropriate).
- 3.11 The Children's Trust Board should have clear arrangements in place for implementing the CAF locally. This includes ensuring that the whole children and young people's workforce are aware of it and how it is used, and that there are enough people in the local area with the necessary skills, training and support to undertake a CAF. These arrangements should reflect that **the CAF form is not a referral form, although it may be used to support a referral or specialist assessment**. The absence of a CAF should not be a barrier to accessing services.

55 Information on ContactPoint is available at <http://www.dcsf.gov.uk/everychildmatters/strategy/deliveringservices1/contactpoint/contactpoint/>

56 The Children Act 2004 Information Database (England) Regulations 2007 available at http://www.opsi.gov.uk/si/si2007/uksi_20072182_en_1

57 Information on National eCAF is available at <http://www.dcsf.gov.uk/everychildmatters/strategy/deliveringservices1/caf/ecaf/ecaf/>

Integrated Children's System (ICS)

- 3.12 **ICS** is a framework for working with children in need and their families. Practice and case record-keeping is supported by information technology designed to handle a large amount of information on individual children.
- 3.13 **Asset** is the standard assessment framework used by Youth Offending Teams. It is the structured baseline assessment for all young people in the youth justice system of the factors contributing to a young person's offending, but will trigger further specialist assessment as necessary. **Onset** is the assessment framework for children and young people at risk of entering the youth justice system
- 3.14 The Client Caseload Information System (**CCIS**) is well established as a system that is delivered locally by different provider systems to a standard specification. It is used to monitor progress against targets for young people not in education, employment or training (NEET). It has been developed to help personal advisers and lead professionals support effective intervention with young people by tracking their activity and their needs to enable targeted support.
- 3.15 Some local areas have a specific system in place for referring concerns around violent extremism known as **Channel** and the Children's Trust Board should work with the Prevent partnership to agree how it fits with these other tools.⁵⁸

Integrated front line delivery

- 3.16 For every child to have access to the right services when they need them, specialist services have to be better integrated⁵⁹ within universal settings. This enables a more comprehensive approach to early intervention, better co-operation between organisations, and practitioners working effectively with families to improve outcomes.
- 3.17 In practice, this means that the co-operation arrangements of every Children's Trust should include effective structures, tools and systems which can support, sustain and embed a culture of integrated working with a child-centred focus. It takes a well trained and well led, committed workforce to improve outcomes for children and young people, where any practitioner coming into contact with a child or young person needing extra support will be empowered to initiate further action. Practitioners from different professional backgrounds should all be committed to:
- working together;

58 <http://www.communities.gov.uk/publications/communities/deliveringpreventguideupdate>

59 Integration here is not confined multi-agency teams, but includes better integration between professionals and administrators working independently with the same clients.

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- delivering services quickly and appropriately to deal with problems at an early stage; and
- ensuring a smooth transition from children's to adults' services.

3.18 Staff providing universal services should be:

- given access to a common induction that is based on the Common Core of Skills and Knowledge⁶⁰;
- supported to provide effective prevention and early intervention;
- be aware of the principles and provisions of the rights of the child under UNCRC; and
- given the skills and knowledge to promote children and young people's emotional well-being and mental health.

This training should equip them to be able to involve specialist services swiftly when necessary, and to work effectively with those services.

3.19 When children's needs are more complex staff in specialist services need to have the appropriate range of skills and competences to deliver support that is easy to access, readily available and based on the best evidence of what works.

Better information on services, support and advice

3.20 Information on services, support and advice should be available to all parents, children and young people in the local area. As part of their work on the CYPP, the Children's Trust Board should take the lead in ensuring that partners are providing this information. The Board's engagement with families as part of the needs assessment should help it come to a judgement on whether the information provided is sufficiently comprehensive and accessible and identify any improvements needed. Special attention should be given to services for disabled children and young people, and those with long-term conditions. The information should take account of the wide range of family structures and arrangements including grandparents and other relatives and friends caring fulltime for children who cannot live with their parents. Where further action is required, this should be set out in the Children and Young People's Plan (see Chapter 5).

3.21 Local authorities are already under a duty to provide parents with accessible information about the services, support and advice available to help them support their children up to their 20th birthday (25th birthday for disabled young people). It is usually delivered through their Families Information Service, which should act as a

60 <http://www.cwdcouncil.org.uk/common-core>

central information point with links to local NHS provision, Sure Start Children's Centres, Jobcentre Plus, schools, youth clubs, libraries etc.

- 3.22 Some other partners may also be under a duty to provide information on services to their local communities. For example, the NHS Constitution includes a wider pledge that the NHS will commit to inform the public about the healthcare services that are available locally and nationally. In addition, the NHS Choices website sets out information and advice on the services available and how to access them. The website also has an A to Z directory of advice on children's health issues, with signposts to other trusted sources of advice.⁶¹

Commissioning

- 3.23 Commissioning is about ensuring that the right services and the right people are in the right place at the right time for all children, young people and families. The term 'commissioning' has many definitions. **In this guidance commissioning means the overall process by which all relevant services should be planned, investment decisions agreed, delivery ensured and effectiveness reviewed** so that outcomes are continually improved.
- 3.24 Effective commissioning involves:
- Process (what?) – a cyclical set of steps / phases /stages that Children's Trust partners go through, beginning with identifying needs, and moving through mapping services, to investing, monitoring and finally reviewing services.
 - Behaviours (how?) – the way in which the partners move through these steps / phases / stages of commissioning. The health sector has defined these as the World Class Commissioning Competencies while local authorities have a number of articulations of commissioning behaviours.
- 3.25 There are various different models of commissioning that bring together process and the behaviours including the model set out in the DCSF/DH Joint Commissioning Framework for children and young people's health outcomes published as an annex to *Healthy Lives, Brighter Future*⁶². The crucial thing is that each Children's Trust Board should agree on a common model that all partners can recognise and in which they can all fully participate.⁶³

61 <http://www.nhs.uk/Pages/HomePage.aspx>

62 *Securing better health for children and young people through world class commissioning – A guide to support delivery of 'Healthy lives, brighter futures'* can be found at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_094401

63 Other models include the DCSF framework for local authority commissioning for schools.

The Commissioning Process

3.26 The basic stages in any commissioning process are as follows.

- **Understand** – the local needs, resources and priorities and agree what the desired outcomes from the commissioning process should be. This involves the analysis of relevant data, both quantitative and qualitative, and should take account of other related needs assessment processes including the Joint Strategic Needs Assessment. It should also involve commissioners harnessing the views of service users i.e. children, young people and families as well as service providers. (At its highest level, this stage aligns with the needs assessment and consultation elements of the CYPP).
- **Plan** – map out and consider different ways in which the desired outcomes can be achieved using the available resources in the most effective, efficient, equitable and sustainable way. As before, providers have an important role to play at this stage, in that they can bring their expertise and innovation to the discussion, and commissioners should also continue to engage with service users so that they become co-designers and producers of the positive outcomes that the commissioning process is intended to achieve⁶⁴. (At its highest level, this aligns with the agreement by the Board partners of a joint strategy for the CYPP.)
- **Do** – put the plans into action by securing the delivery of the desired service(s) from the most appropriate provider, regardless of whether that provider is from the public, private or third sector. This can be done in a number of ways including through the use of contracts, grants and service-level agreements. (This stage of the process relates to the Children's Trust partners implementing the CYPP.)
- **Review** – monitor service delivery against expected outcomes with providers being held to account and, where necessary, challenged on their performance. This should be based on evidence, including that collected from service users, and should, in turn, be used to inform future commissioning decisions including whether services need to be reconfigured or decommissioned (This stage aligns with the role of the Children's Trust Board to monitor and review the CYPP.)

3.27 Whilst service users can, and should be involved at all stages of the commissioning process, the position with providers is different, particularly when it comes to the "Do" stage. This is because, whilst the local health system is characterised by a purchaser-provider separation, other Children's Trust partners will simultaneously be acting as commissioners *and* providers. It is therefore crucial that there is a clear and agreed process for ensuring that conflicts of interest are avoided, particularly when specific investment and procurement decisions are being made.

64 This is consistent with local authorities' duty to involve and duty of best value, see *Creating Strong, Safe and Prosperous Communities – Statutory Guidance*, HM Government, July 2008.

The Different Levels of Commissioning

3.28 The commissioning of services for children, young people and families can operate at many different levels, although it should always involve the same basic series of actions as those outlined above. The principal⁶⁵ levels of commissioning in which the Children's Trust partners are likely to be involved are as follows:

- regional or sub regional – e.g. for specialist services and 16-19 education and training⁶⁶;
- local area – often referred to as strategic because it relates to whole service commissioning by the Children's Trust partners; and
- locality– a single unit such as a multi-agency team or a school (or cluster of schools) operating as a commissioner.

3.29 This means that Children's Trust partners can, and will be, commissioning at a number of different levels simultaneously, but all the commissioning will be conducted within the strategic framework provided by the CYPP and therefore informed by, and consistent with, the Plan. It is also important to note that, whilst the Children's Trust Board has the responsibility for setting this strategic framework through the CYPP, it will be the Children's Trust partners which commission and in doing so they will implement the CYPP, working in partnership where necessary⁶⁷.

3.30 Where it makes sense for Children's Trust partners to commission services in partnership, there are a number of options available, in particular flexible resourcing and budget pooling⁶⁸. Section 10 of the Children Act 2004 gives a power for the local authority and its statutory 'relevant partners' to pool budgets and share other resources both between themselves and with statutory partners in other Children's Trusts. Section 75 of the NHS Act 2006 allows the local authority and health bodies to pool budgets, share resources and delegate functions to each other.

3.31 Pooling budgets and sharing other resources not only concentrates funding on shaping local services to deliver the agreed outcomes, but also has the potential to deliver efficiencies. It provides a common pot from which to commission services at a strategic (whole service) or local level. For example, aligning the commissioning of

65 Commissioning can also occur at the national level, and the Children's Trust Board should be aware of how this relates to children, young people and families in the local area. as well as at the individual level.

66 Some health services, such as the in-patient Child and Adolescent Mental Health Services, are commissioned at regional or sub regional level, but should still be reflected in the CYPP.

67 Some Children's Trusts have set up 'joint commissioning units' as an effective means of driving partnership working.

68 This does not apply to Short Stay School (Pupil Referral Units) because of the way they are financially managed. Pooling on their behalf can be done by the local authority.

all the functions of integrated youth support services, or with the increased funding responsibilities around education and training, enables locality based multi-agency teams to deliver highly targeted or personalised services. Improvements can also be secured through aligning budgets and other resources. Further advice and good practice on pooling and aligning is available.⁶⁹

- 3.32 The Commissioning Support Programme (CSP)⁷⁰ has been set up to work with Children's Trust partners to improve their commissioning capacity and capability. The programme will run until March 2011 and complements and reinforces the aims of World Class Commissioning in health services. For more information see <http://www.commissioningsupport.org.uk/>

69 The Audit Commission's October 2009 publication "Children's Trusts: a briefing paper on improving financial management", for example, which provides advice to help Children's Trust partners strengthen their financial management arrangements in the light of the legislative changes.

70 Jointly sponsored by the Department for Children, Schools and Families and the Department of Health.

4 The Children's Trust Board

Background and role

- 4.1 Since 2005 the Government has recommended, through guidance, that the co-operation arrangements for each Children's Trust include an interagency governance board as its cornerstone. There are numerous examples of successful Children's Trust Boards, but progress overall has been uneven. The ASCL Act 2009 places the Children's Trust Board on a statutory basis in order to ensure that good practice becomes common practice in every local area. (The Audit Commission Report *Are we there yet? Improving governance and resource management in children's trusts* (October 2008) contains a self diagnostic tool for Boards to gauge their own effectiveness).⁷¹
- 4.2 The Children's Trust Board has a governance role of the totality of the Children's Trust co-operation arrangements, but does not manage them. It has a specific function to develop, publish, review and revise the CYPP. It provides a strategic framework within which the partners may commission services in a coordinated way using either joint or aligned budgets.

Legislative requirements

- 4.3 The ASCL Act 2009 amended the Children Act 2004 to require the local authority (from 1 April 2010) to establish a Children's Trust Board as part of its arrangements to promote co-operation under section 10 of the Children Act 2004. Each Board must include a representative of the local authority and each of its statutory 'relevant partners', excluding the Strategic Health Authority.⁷² It should also include other partners, including those from the third sector, as appropriate to reflect local circumstances.
- 4.4 The amendments to the Children Act 2004 by the ASCL Act 2009 place responsibility for the CYPP with the Children's Trust Board. That responsibility previously lay with the local authority alone. The Board must prepare, publish, review and revise the CYPP, monitor its implementation and publish an annual report on the extent to which the partners have acted in accordance with it. The Plan must set out the local strategy for co-operation between the partners to improve children's well-being. Responsibility for implementing the plan, however, rests with each of the partners.

71 <http://www.audit-commission.gov.uk/Pages/default.aspx>

72 Regulations made under section 12A(4) of the Children Act 2004 as amended by the ASCL Act 2009 specify that the Strategic Health Authority need not be included in Children's Trust Boards. See SI no 590 2010.

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

- 4.5 The Children's Trust Board does not create different lines of accountability nor does it blur or confuse existing lines of accountability. Each partner remains accountable for delivering its part of the CYPP through their existing lines of accountability, and the local authority is additionally responsible for establishing the Children's Trust Board. See also paragraphs 4.32 to 4.33 on inspection and intervention⁷³.
- 4.6 The Secretary of State for Children, Schools and Families is able to confer additional functions on the Children's Trust Board through regulations.⁷⁴ This guidance outlines the minimum the Board should aim to achieve within its functions.

Chair

- 4.7 As part of the duty to establish a Children's Trust Board, it is the responsibility of the local authority to appoint the Chair in consultation with the Board members. It is more important that the best person available is selected than that a particular role is prescribed. The Chair could, for example, be the Director of Children's Services, Lead Member for Children's Services, Chief Executive of the PCT, or an independent person. It is crucial that the Chair is able to speak with authority on behalf of the Children's Trust Board as a whole and ensure each of the members contributes fully to its work. Where the Chair is not appointed from within the local authority, the local authority should monitor the effectiveness of the Chair's work.
- 4.8 The Chair has a vital role in making sure that the Children's Trust Board operates effectively. The Chair should be of sufficient standing and expertise to command the respect and support of all partners. The Chair should act objectively and distinguish their role as chair from any other day-to-day job.
- 4.9 In line with Lord Laming's recommendation⁷⁵, the Children's Trust Board and the Local Safeguarding Children Board should be chaired by different people.

73 A local authority overview and scrutiny committee may review or scrutinise decisions made or actions taken with or in connection to the discharge of functions which are the responsibility of the executive or the authority, which include the delivery of children's services. In doing so, the Scrutiny Committee can request information from the children's Lead Member and LAA (Local Area Agreement) partners and make reports or recommendations to the authority or executive on matters relating to children and young people in the area, covering the full range of services for children and not just those commissioned or provided by the local authority itself. The individual partners of the Children's Trust Board remain responsible for delivery of their areas and are subject to scrutiny in terms of their delivery of services (eg. education, health, housing, police, etc.). This provides a means of ensuring strong local scrutiny for the delivery of local public services, including children's services. Guidance on overview and scrutiny committees can be found through the link below.

<http://www.communities.gov.uk/documents/localgovernment/doc/154833.doc>

74 Under section 12B(1)(b) of the Children Act 2004 as amended by the ASCL Act 2009.

75 Recommendation 51 in *The protection of children in England: a progress report* by the Lord Laming (March 2009).

Sub-groups

- 4.10 In order to keep the Board to a workable size and its meetings suitably focused, the local authority should set up sub-groups. These might be thematic (for example focusing on consultation), focused on a particular group of children (such as those with special educational needs and disabilities), or set up to enable effective representation on the Children's Trust Board (sub-groups of schools or third sector bodies, for example).
- 4.11 In practice, most of the day-to-day work will be done by these subgroups, so it is important to have clear mechanisms in place to ensure the Board can access the information it needs. The likelihood is that the structure of the Board will be determined by the functions of the subgroups. See also the Audit Commission report *Are we there yet? Improving governance and resources management in children's trusts* (October 2008) which provides some examples.
- 4.12 The Board may also nominate one of its members to take a strategic lead on a single theme of work and report back to it on a regular basis, effectively becoming a champion. This theme could be to promote the involvement of children and young people in the Board's work, or for safeguarding for example.

Membership

Lead Member for and Director of Children's Services (DCS)⁷⁶

- 4.13 Both the DCS and the Lead Member should be members of the Children's Trust Board. The Lead Member should attend as a member of the political executive with a pivotal role in championing children and defining political priorities for them on the Board and to represent the local community. Lead Members should be proactive in developing the local vision in the CYPP and drive improvements for children within the broader context of the Council. DCSs should attend as the senior local authority officer with responsibility for coordinating children's services within the authority and establishing the co-operation arrangements in the wider Children's Trust partnership, including setting up the Children's Trust Board.
- 4.14 Both the DCS and Lead Member have important strategic leadership roles and should work together to drive forward the development of a strong and dynamic Children's Trust Board.

⁷⁶ See also *Statutory Guidance on the roles and responsibilities of the Lead member for Children's Services and the Director of Children's Services* <http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00686-2009>

Representation

- 4.15 The Children's Trust Board must include a representative of the local authority and of each of its statutory 'relevant partners'.⁷⁷ It should also include non-statutory partners to reflect local circumstances. More advice on which non-statutory partners should be included on the Board is provided in paragraphs 2.42 to 2.65 above. As far as possible, the authority and its partners should designate named people as their Board representative, so that there is consistency and continuity in the membership.
- 4.16 Representatives need to be people with a strategic role within their organisation. They should be able to:
- speak for their organisation with authority;
 - commit their organisation on policy and practice matters; and
 - hold their organisation to account.
- 4.17 Representatives should be senior members of their organisation able to comment on the full range of their organisation's interests, report back to that organisation on debates within the Children's Trust Board and make decisions committing the organisation to taking action and providing resources through the CYPP. They should also be able to answer for their organisation's delivery of their commitments in the CYPP.
- 4.18 As with all public bodies, Children's Trust Boards are bound by the three general duties to promote disability, ethnicity and gender equality. This applies across all policies and functions. They are also bound by specific duties showing how they demonstrate compliance with the general duties, are required to publish equality schemes and must do equality impact assessments. This applies to representation on the Board.⁷⁸

Shared representation between partners

- 4.19 To be effective, the Children's Trust Board will have an optimum size: too big and meetings become unmanageable; too small and they will not cover the full range of interests. In order to keep the Board at a workable size, partners should share

⁷⁷ The Strategic Health Authority will not need to be represented under regulations to be laid under new section 12(A)4 of the Children Act as amended by the ASCL Act 2009. See SI no 590 2010.

⁷⁸ More information on the duties can be accessed here: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/> / The Equality Bill 2009 (subject to Parliamentary approval) will introduce a combined public sector duty which will require public bodies to have due regard to all protected characteristics - race, disability, gender, age, religion or belief, sexual orientation and gender reassignment. The exact details of the new single duty are still to be finalised but they will correspond to the existing duties for race, disability and gender as outlined in paragraph 7.17.

representation: that is one person representing more than one partner. Where this happens the representative should have a clear mandate which allows them to speak and act for all the organisations they are representing with authority and to feed back information.

Schools (including Short Stay Schools/Pupil Referral Units)

4.20 The addition of schools to the list of statutory 'relevant partners' is a key step to help strengthen the partnership between schools and other children's services. But their numbers make shared representation on the Children's Trust Board essential. The local authority is responsible for developing – in agreement with schools – a system for representation. Each local authority should establish with its schools partners a system that takes account of local circumstances, in agreement with the principles below.

- Wherever possible the local authority should build on existing arrangements and avoid duplication.
 - Existing arrangements might include the local Schools Forum and area-based head teacher and governor bodies.
- Existing arrangements alone are unlikely to be sufficient.
 - The Schools Forum has a statutory role in finance matters so may be too limited to represent the full range of interests needed for the Board.
 - Similarly, head teachers and governors may not bring in the full range of schools such as Academies or special schools.
- There is no single simple model of representation.
 - Large counties may wish to develop a system based on geographical areas to reflect demographic and other locality-based differences.
 - Smaller areas may favour a system based on different types of schools.
- The diverse range of schools should be represented; the schools becoming statutory 'relevant partners' cover a wide spectrum and all types should be appropriately involved and clearly represented on the Board. The types of schools are likely to include:
 - community;
 - voluntary aided, including faith schools;
 - voluntary controlled, including faith schools;
 - foundation, including Trust schools

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- maintained special schools;
 - Pupil Referral Units/Short Stay Schools;
 - non-maintained special schools; and
 - Academies, City Technology Colleges and the City College for Technology of the Arts.
- Where a number of Trust schools in an area are working together under a shared Trust or foundation it might be appropriate to include a representative from the Trust itself on the Children's Trust Board. The partners should also take account of any other locality cluster arrangements when deciding on the most appropriate representation for groups of schools.
 - It is important for all types of schools that they are satisfied that representation adequately reflects their particular interests.
- 4.21 The wider independent sector is not included among the local authority's 'relevant partners'. However, the local authority should include independent schools in the Children's Trust Board as appropriate.
- The number of school representatives should reflect local circumstances.
 - Schools should be given an appropriate level of representation on the Board.
 - This could mean more than one representative.
 - The selection process should be fair and transparent.
 - School representatives should be selected in a way that ensures that the best people are chosen for the job.
 - This may involve election, for which the local authority is responsible.
 - The selection process should be transparent and have credibility.
 - The representation process should make mandate and communication systems clear.
 - Representatives need to have a mandate to speak for and make decisions on behalf of the body of the schools they represent.
 - This will require an efficient and effective means of communication with all schools, both to seek their views on issues and to feed information back.
- 4.22 Diocesan Boards of Education should also be invited to join the Children's Trust Board so they can represent better the particular interests of schools with a religious character and in their own right as major providers of education.

- 4.23 Arrangements will need to be made to ensure that FE institutions are appropriately represented on the Children's Trust Board. This is likely to require new ways of working and refreshing the 14-19 partnerships and should reflect the student population with representation that is proportionate to where young people chose to study.

Terms of reference

- 4.24 As part of its work to establish the Children's Trust Board, the local authority should develop terms of reference and agree these with its partners. The terms of reference should cover roles and responsibilities, governance, membership, objectives and frequency of meetings.
- 4.25 The Children's Trust Board should have no quorum, so it is essential that if a member of the Board cannot attend, a deputy or alternative representative who has decision-making powers attends in their absence. Alternative representation or deputies should be agreed with the Chair.

Funding

- 4.26 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.
- 4.27 The local authority and its partners should agree who will take responsibility for administering the fund. The funding requirement of the Children's Trust Board will depend on its circumstances. The budget for each Board and the contribution made by each member organisation should be agreed locally. The member organisations' shared responsibility for the discharge of the Board's functions includes shared responsibility for determining how the necessary resources are to be provided to support it.
- 4.28 The core contributions should be provided by the local authority, the Primary Care Trust and the police. Other organisations' contributions will vary to reflect their resources and local circumstances. For some, taking part in Children's Trust Board work may be the full extent of their contribution. Other organisations may wish to commit resources in kind, such as accommodation or staff, rather than funds. Where a member organisation provides funding, this should be committed in advance of spend.

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- 4.29 The staffing of each Children's Trust Board should be agreed locally by the Board partners. Staff may be paid for from a common fund or seconded as part of a contribution in kind, but they should provide the Board with the capacity to:
- drive forward the Board's day-to-day business in delivering its functions; and
 - provide administrative and organisational support for the Children's Trust Board and any subcommittees that it might have.

Supplying Information to the Children's Trust Board

- 4.30 Section 12D of the Children Act 2004 enables data-sharing for the purposes of the Children's Trust Board's functions, where the Board has first requested the information and it is for the purpose of enabling or assisting the Board to perform its functions.

Joint Children's Trust Boards

- 4.31 Two or more local authorities may establish a joint Children's Trust Board. Local authorities and their partners may consider whether a Children's Trust Board covering more than one local authority's area would suit local circumstances better, perhaps to get a closer fit with the areas covered by other bodies or because issues are common to different areas.

Inspection and intervention

- 4.32 The work of the Children's Trust partners will normally be assessed as part of the Comprehensive Area Assessment (CAA) which will draw on regulation and inspection findings of many of the partners. Inspectorates will inspect partnership arrangements if outcomes are poor or not improving and not enough is being done to remedy it. Where CAA identifies significant concerns, an inspection of the work of the Children's Trust Board may be triggered⁷⁹. Ofsted and the Care Quality Commission, the independent regulator of health and adult social care services, also undertake a three year rolling programme of inspections of outcomes and services for safeguarding and looked after children's services. In both cases the inspections assess partnerships as an aspect of leadership and management.
- 4.33 The Secretary of State is able to intervene⁸⁰ when a local authority is failing to perform any of its children's services functions to an adequate standard. This includes failing to fulfil its responsibilities to set up the Children's Trust Board, to

79 Under section 20 of the Children Act 2004 as amended by the ASCL Act 2009.

80 Section 497A of the Education Act 1996 as applied to children's social care by section 50 of the Children Act 2004. The ASCL Act 2009 extends the list of relevant functions of a local authority to include establishing the Children's Trust Board.

make its contribution to the funding of the Board, or to provide the information requested by the Board. In such cases the Secretary of State may direct that the local authority take the necessary remedial action. These changes are in addition to and do not otherwise affect any other powers that exist to intervene in any of the Children's Trust partners.

Children and Learner Strategic Advisers

- 4.34 Children's Trust partners will need to have a keen eye on continuous improvement. Strategic challenge and support will play an important role in helping them achieve this.
- 4.35 From April 2010, a new cadre of specialist advisers – Children and Learner Strategic Advisers (CLSAs) – will support Directors for Children and Learners in the regions in leading and coordinating high level strategic support and challenge to local authorities and their Children's Trust partners across all five ECM outcomes on behalf of the Department for Children, Schools and Families.
- 4.36 The exact nature and intensity of support and challenge provided to each local area will vary according to local need. However, CLSAs will work closely with Directors of Children's Services and Children's Trust partners in reviewing and driving forward progress against the CYPP, children's priorities in the LAA and the DCSF statutory targets. For those priorities and targets relating to the 'Be healthy' and 'Stay safe' outcomes, this will need to be done in agreement with the Strategic Health Authority.
- 4.37 The CLSAs will also provide professional expertise and advice to local authorities, and advise on, coordinate and broker tailored improvement support aligned to the Children and Young People's Plan.

5 Children and Young People's Plan (CYPP)

Introduction

- 5.1 The CYPP is the joint strategy of the Children's Trust partners which sets out in detail how they will co-operate to improve well-being for local children and young people.⁸¹ When preparing, reviewing or revising the CYPP, Children's Trust Boards must have regard to the importance of acting, so far as possible, in a manner which is compatible with the United Nations Convention on the Rights of the Child (UNCRC)⁸² (see also Annex B.) The CYPP is also the main means through which the Children's Trust Board can demonstrate its compliance with the three general duties to promote disability, ethnicity and gender equality.
- 5.2 The CYPP represents the local vision and aspirations for children and young people in the area.⁸³ The Plan shows how partners on the Children's Trust Board will work together to commission services to address locally identified needs, integrate provision better and focus on early intervention, safeguarding and mitigating the effects of child poverty (in line with the local poverty strategy), to improve outcomes. The CYPP should set out what actions will be delivered by which partner or partnership and, as appropriate, what resources they will commit to deliver the priorities in the CYPP.

The CYPP in context

- 5.3 The CYPP is embedded as a core element within the overall vision for the area contained in the Sustainable Community Strategy (SCS)⁸⁴ and should be integral to the wider strategic planning overseen by the Local Strategic Partnership (LSP) (see paragraphs 1.11 to 1.16).
- 5.4 As the following diagram sets out, an effective Children's Trust Board will engage with the LSP to ensure that joined up local governance, commissioning and planning strategies all feed through to service delivery.

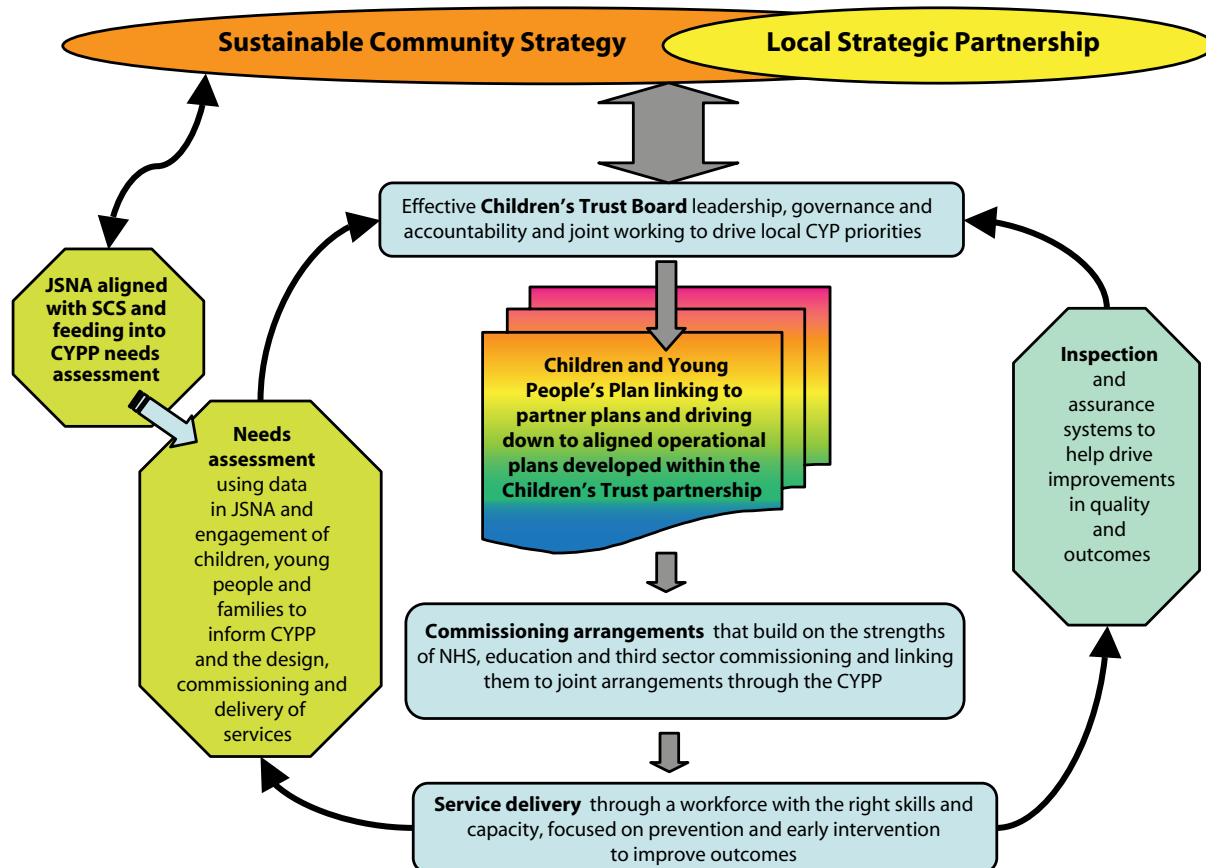
81 Section 17A of the Children Act 2004 as substituted by the ASCL Act 2009 and regulations to be made in 2010.

82 <http://www2.ohchr.org/english/law/crc.htm>

83 Including for example young people accommodated in youth custodial establishments and looked after children placed in the area by another local authority.

84 The Sustainable Community Strategy sets the overall strategic direction and long-term vision for the economic, social and environmental well-being of a local area.

The Local Strategic Planning Cycle



- 5.5 The priorities and objectives of the CYPP should inform and be informed by the Sustainable Communities Strategy (SCS), the Local Area Agreement (LAA) and the Joint Strategic Needs Assessment (JSNA), which itself feeds into the SCS. They should reflect an awareness of the impact of the environment on children and young people and cross cutting local strategies such as greenhouse gas reduction.
- 5.6 The different plans of the Children's Trust partners form a complex array of inter-related strategic, commissioning, and operational plans at different levels and covering different target groups, but all should be aligned through the CYPP. These include:
- a. the Local Area Agreement
 - b. PCT operational plans
 - c. Youth Justice plans
 - d. the 14-19 Plan (which is an integral part of the work of the Children's Trust Board).

- 5.7 While the CYPP focuses on services for children and young people, its scope includes those services which focus on parents and families, which can impact on children's well-being.

Consultation and participation

During the preparation of the plan the Children's Trust Board must consult with a range of people and bodies specified in regulations⁸⁵

- 5.8 CYPP regulations require the Children's Trust Board to consult widely during the preparation of the Plan and to assist this process the regulations set out a comprehensive list of who must be consulted. There is, however, considerable scope for local discretion. The regulations provide a check list of all parties with an interest in the CYPP which includes service users (children, young people and their families and bodies representing their interests); commissioning and provider partners (such as Sure Start Children's Centre Advisory Boards) and other organisations which affect children's well-being (including registered providers of social housing).
- 5.9 Consultation during the preparation of the CYPP should be a systematic activity co-ordinated across the partnership and involve communities and special interest groups. The activity can be tailored to fit local circumstances.
- 5.10 It is important that the consultation strategy is effective in supporting the active participation of children and their families who are at particular risk of poor outcomes, such as those with SEN or disabilities, or who do not routinely access universal services. For example, consulting parents or carers who choose elective home education as a group would provide important insights into perceived issues with the education provision and at the same time highlight any additional services those families might be missing. This could feed directly into the needs assessment.

Needs assessment

Each plan must include a needs assessment for children and young people against the five outcomes

- 5.11 A key element of the CYPP is the requirement for the Children's Trust Board to carry out a thorough, wide ranging and up to date analysis of children and young people's needs, mapped against existing services, to identify gaps in service provision and inform strategic commissioning priorities over the period of the Plan.

85 CYPP regulations which come into force on 1 April 2010, provided at Annex D to this document.

This should include service users' views of the adequacy of existing services. This is not a one-off activity; the Board should review the needs assessment on an ongoing basis as information becomes available.

- 5.12 The Children's Trust partners will each have access to a wide range of data and analyses which will need to be brought together to gain a more complete picture of local needs. For example PCTs and local authorities will each be looking at data on the delivery of the CAMHS services through the Vital Signs and National Indicator collections.
- 5.13 The CYPP needs assessment should inform and be informed by the statutory Joint Strategic Needs Assessment (JSNA)⁸⁶ which identifies the current and future health and well-being needs of the local population, across all age groups, in the light of existing services. The CYPP and the JSNA processes should be complementary; both have a focus on outcomes, partnership working and consultation. To avoid duplication, the CYPP needs assessment should, where possible, be integrated with the JSNA and draw on the same data sets.
- 5.14 The CYPP must in particular identify the key actions planned to improve outcomes for three groups of children: children with special educational needs, children with disabilities and looked after children – so the needs assessment must include an analysis of available data on outcomes for these three groups and the services provided specifically for them, such as short breaks services. The existing data may not be sufficiently sensitive or fine grained to identify the needs of some the most vulnerable groups of children. Where that is the case the Children's Trust partners should work together to improve their collective data, wherever possible. For example, children with different impairments have very different needs. Databases can be used to collect and share information on groups of children with specific needs or disabilities.
- 5.15 The Children's Trust Board should also ensure that the CYPP needs assessment pays particular attention to safeguarding priorities. The annual report from the Local Safeguarding Children Board will be a key source of information.
- 5.16 Subject to Parliamentary approval, the forthcoming Child Poverty Act 2010 proposes that local authorities and named partners carry out a child poverty needs assessment and prepare a joint child poverty local strategy. Although this should be fully integrated into the CYPP, it will, of necessity, extend wider into the SCS and the JSNA.

86 Prepared by the local authority and its partner PCTs in accordance with section 116 of the Local Government and Public Involvement in Health Act 2007.

Resourcing the Plan

- 5.17 Following the needs assessment, the CYPP should be clear on what resources are available, the cost of delivering the priorities and how they will be met. Formal pooled budgets can be a particularly effective method of commissioning and providing joint local area priorities, but budgets aligned around those priorities are also a powerful driver to better partnership working and more integrated services.
- 5.18 The CYPP should show how partners on the Board intend to increase efficiency and effectiveness through better use of their combined assets, both financial and non-financial.
- 5.19 Detailed financial information is not required in the CYPP but the Plan should contain sufficient information to give confidence that the actions proposed in the CYPP are realistic, affordable and more than a set of aspirations.

Setting the strategic priorities for children and young people with special educational needs, disabilities, and looked after children in the local area

Each plan will be required to include an outline of the key actions as identified by the needs assessment planned to achieve the outcomes, for children and relevant young people who:

- (i) have special educational needs within the meaning of section 312 of the Education Act 1996;
- (ii) are disabled within the meaning of section 1 of the Disability Discrimination Act 1995; or
- (iii) are looked after by a local authority

- 5.20 Although the CYPP encompasses all children living in the area, regulations require that the Plan should in particular set out the key actions, as identified in the needs assessment, to demonstrate how local services will help to improve outcomes for children with special educational needs, disabilities, and looked after children.⁸⁷ All CYPPs should provide satisfactory evidence that progress is being made across each of the five outcomes.

⁸⁷ The term 'looked after children' refers to all children and young people being looked after by a local authority, within the meaning of section 22 of the Children Act 1989.

- 5.21 For example, in the case of children with autistic spectrum disorders (ASDs), including those with Asperger's syndrome, the Plan might set out how Children's Trust partners will work together to establish how many children in the area have been identified with an ASD, and what assessment has been carried out on their current and future needs. The Plan could then set out the current provision for children with ASDs, what arrangements are in place to commission services to meet those needs and how the parents of children with autism are being involved in developing relevant local services.⁸⁸
- 5.22 Improving the lives of looked after children must involve all partners and the Plan should extend to all looked after children in the local area, irrespective of the type of school they attend or their home local authority area. The arrangements for co-operation set out in the Plan do not extend beyond the Board's geographical area unless a joint Children's Trust Board has been set up⁸⁹. Nevertheless, each local authority retains its legal responsibilities for looked after children who have been placed in another authority. Local authorities may also request help from one another and from health bodies in other local areas to fulfil their function in respect of the looked after children for whom they are responsible⁹⁰.

Safeguarding and promoting welfare

The plan must set out the arrangements made by Board partners to co-operate to safeguard and promote the welfare of children and relevant young people which must, in particular, take into account the report submitted to the Board by the Local Safeguarding Children Board under section 14A(2) of the Children Act 2004 as amended by the ASCL Act 2009.

- 5.23 Safeguarding and promoting welfare of children and young people includes considering accidental and non-accidental injury, safe use of technology, gaps in service and sharing intelligence from information systems across the partnership. The annual report⁹¹ to be provided by the LSCB to the Children's Trust Board will provide essential advice to help the Board understand the strengths and weaknesses of service provision and inform decisions about what more needs to be done to improve safeguarding in the area.

88 Support and services should be consistent with Quality Standards for SEN Support and Outreach Services – see <http://www.teachernet.gov.uk/wholeschool/sen/teacherlearningassistant/qualitystandards/>

89 Section 12A of the Children Act 2004 as amended by the ASCL Act 2009.

90 Section 27 of the Children Act 1989.

91 (required by section 14A of the Children Act 2004 as amended by the ASCL Act 2009)

Early intervention⁹²

Each plan must set out the arrangements made by Board partners for co-operating on early intervention and preventative action.

- 5.24 All services need to contribute to early intervention, especially universal services. Each Plan should set out what processes will be in place to enable the partners will co-operate to:
- identify children and young people needing additional help. This will mean processes which both identify groups of children at risk and filter out the individuals least likely to need extra help;
 - assess what that help should be, for example processes for sharing information such as the CAF;
 - agree which service will provide help, for example through universal, specialist or targeted services; and
 - deliver the help in a co-coordinated way, such as use of multi-agency teams.
- 5.25 The CYPP should also demonstrate how these arrangements for early intervention and prevention are embedded into the routine delivery of services to all children, young people and families and that professionals from across the children's workforce are gaining the skills and experience to be alert to emerging needs. `

Families

Each plan must set out the arrangements made by Board partners for co-operating to co-ordinate services for children and relevant young people and adults within their family with a view to improving the well-being of those children and young people.

- 5.26 The principle underpinning this provision is that services provided for adults in a family should also take account of the effect an adult's problems might have on any children within that family. Services should also take account of the needs of families where children are living with relatives, including grandparents or friends who may have particular needs owing to their age, health or accommodation. The CYPP must set out at the strategic level how the Board partners will ensure that they have the structures and processes in place to make this happen on a routine basis. So, for example, where an adult is taken into custody or has mental health problems the services dealing with the adult should, as a matter of routine, check to see if the adult has responsibility for any children and whether the child's well-being could be

92 For greater detail see the discussion document on early intervention to be published shortly

affected. If necessary they should seek advice or make a referral to local children's or family services in line with local arrangements.⁹³

Reducing child poverty

Each plan must set out the arrangements made by Board partners for co-operating on reducing and mitigating the effects of child poverty in the area of the establishing authority.

- 5.27 Growing up in a low-income household, and the associated disadvantages and deprivation that brings, underlies many of the poor outcomes for children and young people. Effective action to tackle child poverty will have wide-ranging and positive effects which will be of significant benefit to local services, particularly in reducing the future demand. Subject to Parliamentary approval, the Child Poverty Act 2010 will say that local authorities and named partners will be required to work together to produce a local needs assessment and joint child poverty strategy for their area. The CYPP regulations reflect this by requiring the CYPP to set out the arrangements they will make to reduce and mitigate the effects of child poverty, so the CYPP is a key route through which the priorities identified within the child poverty strategy for children's services can be actioned. Other aspects of the child poverty strategy, for example on employment and skills, and neighbourhoods, transport and regeneration, will need to be taken forward through other plans (along with plans on employment and skills).

Behaviour of children and attendance at school

Each plan must set out the arrangements made by the Board partners to co-operate to improve the behaviour of children and relevant young people in the local area and attendance of pupils at school. This must take into account the partnership reports submitted to the Board under section 241(3) of the ASCL Act 2009.

- 5.28 The CYPP must set out how the Children's Trust partners will improve the behaviour of all children and young people in the wider community, both outside and in school, and their attendance at school or college. This should include how appropriate support will be made available across agencies, at an early stage, for those children at risk of exclusion, those who have been excluded permanently or for a fixed period ('day 6' provision) and those who are persistent absentees. This should give details of a co-operative approach to the support needs of young people in accessing suitable alternative provision.

93 Think Family toolkit – Improving Support for Families at Risk, available from DCSF publications.

- 5.29 The Children's Trust Board should consider the impact of behaviour and attendance on all five outcomes and, for example, look at how schools work with police and other organisations and consider whether establishing or strengthening a Safer School Partnership⁹⁴ might be beneficial. From 1 September 2010, the behaviour and attendance partnership must provide annual reports on progress which will feed into the CYPP needs assessment, monitoring and review processes.

Local workforce strategy

Each plan must set out arrangements made by the Board partners for co-operating on the training and development of people working with children and relevant young people in the local area.

- 5.30 The Plan should include a strategy which sets out how the partners will work together to ensure that the local workforce is deployed and developed, and specify clear responsibilities for developing, delivering and reviewing local workforce reform. Included in the local workforce strategy should be a training and development plan setting out how the *Common Core of skills and knowledge for the children and young people's workforce* will be applied to everyone working with children and young people in the local area.⁹⁵
- 5.31 The *One Children's Workforce Framework* was developed by the CWDC and its partners and rolled out in 2008-09. It provides a blueprint for and describes clearly the characteristics of a fully integrated workforce. Children's Trust Boards should use the Framework and Tool to develop a comprehensive workforce strategy. It will link to the CYPP and help create a workforce that genuinely delivers improved outcomes for children through integrated working and early intervention. Every local area has a Strategic Integrated Workforce Lead to help drive the development and delivery of the integrated workforce strategy.

94 <http://www.teachernet.gov.uk/wholeschool/behaviour/sspg/>

95 The Children's Workforce Development Council (CWDC) in conjunction with the Teachers Development Agency (TDA) and the National College is working to develop a shared vision for local strategic workforce planning and designing a support offer for Children's Trust Boards in developing their local workforce strategy.

Performance management and target setting⁹⁶

Each plan must include the arrangements made by Board partners to co-operate towards achieving:

- (a) any local targets made pursuant to regulations made under:
 - section 102 of the Education Act 2005 (LEA performance targets);
 - section 19 of the Education Act 1997 (school performance targets);
 - section 1(3) of the Childcare Act 2006 (local authority well-being of young children targets); and
 - section of the Act (safeguarding targets).
- (b) Each plan will be required to include Local Area Agreement targets insofar as they relate to children and young persons.

Local Area Agreement⁹⁷ (LAA) improvement targets

- 5.32 To ensure that the CYPP is fully consistent with the SCS and the LAA the CYPP must include all specified LAA targets (both designated and local) relevant to children and young people and set out the joint strategy for contributing to delivering them. It should also reflect, where appropriate, actions taken by Children's Trust Board partners which impact on targets adopted for the whole population but which affect children's well-being, such as reducing carbon emissions.
- 5.33 The strategy should identify, as appropriate, the contributions by Children's Trust partners to achieving those targets.⁹⁸ Where local partners have agreed to the target being specified in the LAA and that the target relates to them they are under a duty to have regard to those LAA targets which relate to them.

⁹⁶ The arrangements made by Board partners to contribute towards achieving any local improvement targets (within the meaning of section 105 of the Local Government and Public Involvement in Health Act 2007) that relate to children and relevant young persons and are specified by the establishing authority in its local area agreement under section 106 of the Local Government and Public Involvement in Health Act 2007.

⁹⁷ The LAA represents the key delivery contract between central and local government and its partners.

⁹⁸ All local authority targets for children and young people will be negotiated by the Children and Learner Strategic Advisers in Government Offices from April 2010.

DCSF statutory targets

5.34 The CYPP should also include and set out a joint strategy contributing to the delivery of the statutory DCSF targets. The current set of DCSF statutory targets covers early years and school attainment and, following the ASCL Act 2009 a number of statutory safeguarding targets will also be introduced. Notwithstanding the introduction of the statutory safeguarding targets, CYPPs are expected to include clear targets for keeping children safe.

Other priorities

5.35 The CYPP goes wider than LAA targets to focus on a set of key priorities in line with identified local needs for children, young people and their families.

5.36 The CYPP should also include how Board partners will contribute to achieving any local priorities for improving outcomes for children and young people which do not appear in the LAA, for example, those from the *NHS Operating Framework Vital Signs*, and the priority outcomes the PCT has chosen to improve under World Class Commissioning. The annual review of the CYPP should consider progress towards all targets and priorities set out in the Plan, along with the implications for future action.

Publishing, monitoring and reviewing the CYPP

The Board must publish each plan by:

- a) placing it on the website of the relevant PCT and the establishing authority;
- b) placing it on the website of any other person or body represented on the Board as the Board considers appropriate;
- c) depositing sufficient copies of the plan to allow members of the public to take a copy in such public libraries and other places to which the public have access in the area of establishing authority as the Board considers appropriate.

The first plan shall be published on or before 1st April 2011. Each subsequent plan shall be published no later than 6 weeks after the end of the plan period for the previous plan.

- 5.37 The local authority and the PCT must publish the CYPP on their websites. The Board should also agree which other partners on the Board should also publish the Plan on their websites and how to communicate the Plan to all those consulted in its preparation, as well as depositing sufficient copies in public libraries and other local outlets.
- 5.38 We expect the publication to include a child-friendly version of the CYPP which explains what the Plan is; summarises its content; shows how children and young people's views have been taken into account and how this has affected the content of the Plan as well as setting out what services are available. The completed Plan should be proactively disseminated to each stakeholder person/organisation engaged in the consultation.
- 5.39 There is no prescribed duration of the CYPP, but the Board must decide on a 'plan period' which sets out the agreed duration, typically three years. Following publication each subsequent CYPP must be published no later than six weeks after the end of the period for the previous CYPP.

Implementation and monitoring progress

Implementing the CYPP

- 5.40 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.
- 5.41 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.

Monitoring the CYPP (role of the Children's Trust Board and the individual partners)

- 5.42 The annual report must provide an annual account of how well the partnership is working to deliver the CYPP. To do this the Children's Trust Board should form a collective view of the extent to which the priorities and targets identified in the CYPP are being achieved and specifically how each partner is implementing the Plan, providing challenge if necessary. Individual representatives of partners on the

Board must provide information to enable the Board to come to an opinion and agree any next steps. Evidence includes relevant data such as inspection reports and assessments of progress against milestones.

- 5.43 It may be appropriate for the Children's Trust Board to set up a sub-group to carry out the monitoring task and to produce the annual monitoring/progress report, which should be published alongside the annual review of the CYPP. See below.

Annual review and revising the CYPP

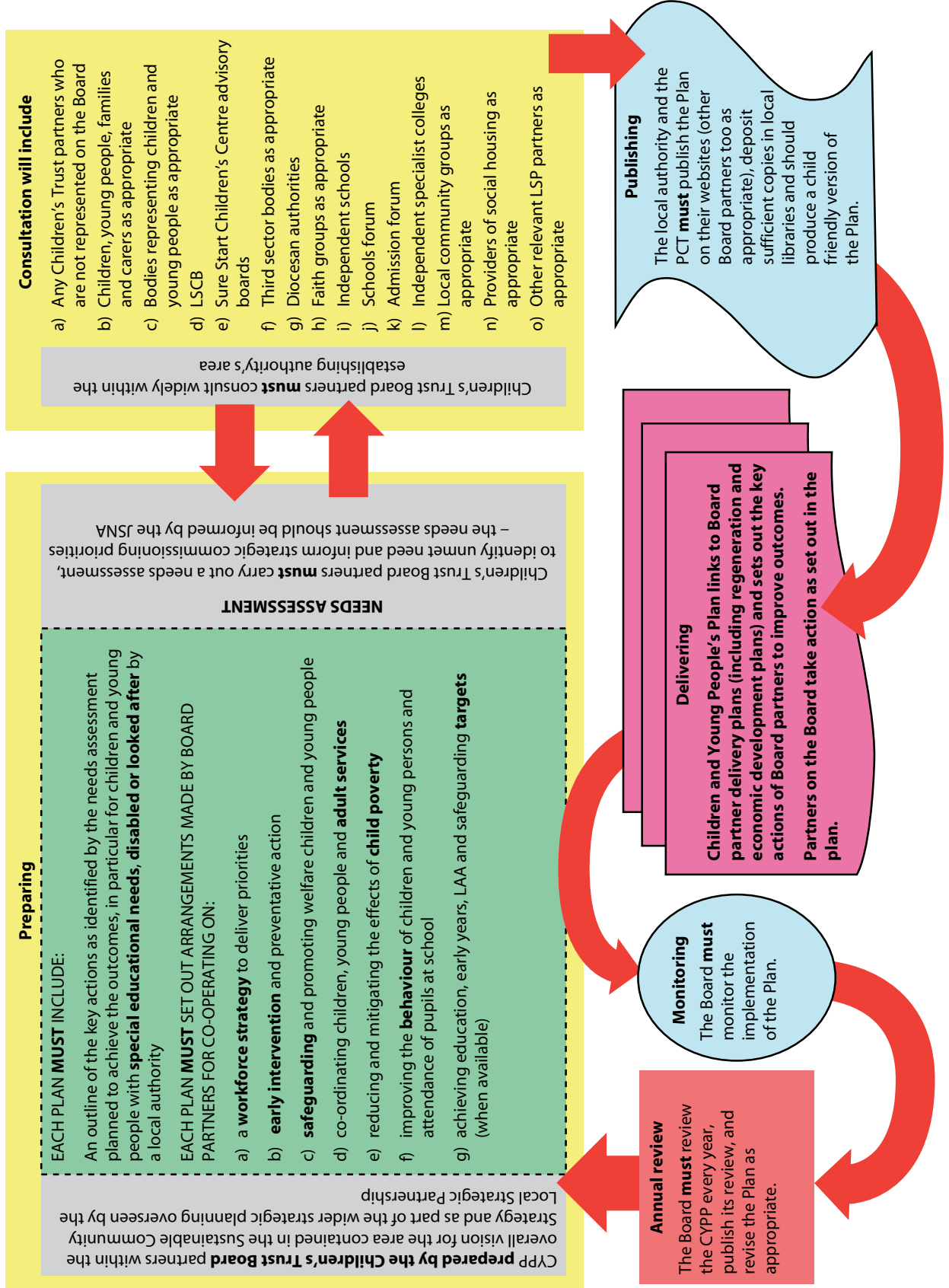
Where the plan period exceeds a year or more the Board must review its plan each year in which the Board is not required to publish a plan.

When reviewing the plan the Board must consult such persons or bodies as it considers appropriate.

Following any review of the plan the Board must, if it considers it is necessary, revise the plan and re-publish it.

- 5.44 The Children's Trust Board must review the Plan each year in which a new Plan is not published. This is a separate but complementary activity to that of monitoring the extent to which the partners are acting in accordance with the Plan. The emphasis of the review is to assess the effectiveness of the Plan itself to meet the needs of children and young people in the local area. This means consulting service users and others as appropriate, although not necessarily to the same extent as for the initial needs assessment for a new Plan.
- 5.45 As part of the review the Children's Trust Board should ensure the priorities in the CYPP take account of changing circumstances. The CYPP review is an opportunity to refresh the Board's engagement with the community, especially children and young people and their families. The Children's Trust Board should revise the Plan as it considers necessary following its review. Revising the Plan should take account of changes in the membership of the Board.
- 5.46 We expect the CYPP review to be published alongside the annual monitoring/progress report. See above.

Essential requirements for the CYPP



6 Transitional Arrangements

- 6.1 From 1 April 2010, when The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010 come into force, the Children's Trust Board (CTB) will have responsibility for preparing and publishing a new, jointly-owned Children and Young People's Plan. The CTB need not publish its CYPP until 1 April 2011, although it may choose to do so earlier. This allows the CTB 12 months in which to conduct its needs assessment, consult fully and get final sign off from the different partners on their contributions to the Plan. During that time the existing CYPP, which is the responsibility of the local authority alone (the LA CYPP), will continue to have effect until the Children's Trust Board produces its CYPP (the CTB CYPP), or until 1 April 2011, whichever is the sooner.
- 6.2 This transitional period in which the LA CYPP continues to have effect while the CTB makes arrangements for the preparation of the new CTB CYPP has the potential for confusion over the roles and responsibilities of the Lead Member for Children's Services (LM), the Director of Children's Services (DCS)⁹⁹ and the Chair of the Children's Trust Board¹⁰⁰. This section clarifies these roles in respect of each CYPP and, in the case of the LM and DCS, supplements and revises relevant sections¹⁰¹ in the statutory guidance on the roles and responsibilities of the LM and DCS (2009).

The Lead Member for Children's Services

- 6.3 The Lead Member is the local Councillor with delegated responsibility from the Council for local children, young people and families. As the elected representative the LM continues to have a key role in developing the local vision for the CYPP and driving improvements for local people, including better integrated children's services with children, young people and families at the centre of their policies and activities. LMs should also continue in their role as champions for children's interests across functional boundaries within the local authority and across local partnerships, including the statutory Children's Trust Board. The LM is still required, if called by the relevant Overview and Scrutiny committee of the Council, to attend or answer questions on matters relating to children and young people in the area covering the full range of services for children not just those commissioned or provided by the local authority.
- 6.4 The LM has a key role in setting the overall vision for the LA CYPP and, as the elected representative of the local people, will continue to have a major influence in what

99 Sections 18(7) and 19(2) Children Act 2004.

100 This person may also be the LM or DCS.

101 Paragraphs 2.7 and 3.17 in Statutory Guidance on the Roles and Responsibilities of the Lead Member for Children's Services and the Director of Children's Services (published July 2009).

that vision should be for the CTB CYPP. The Children's Trust Board as a whole, however, must agree what that vision should be. The LM should communicate to the Council the vision articulated in the CTB CYPP, and together with the DCS¹⁰², secure their agreement to the specific contribution of local authority services as a whole (i.e. not just children's services but also housing, transport, leisure, etc. as appropriate). The CTB will have final sign off of the CTB CYPP after it has gone through all the Board partners own governance arrangements, such as the Council, PCT Board etc.

- 6.5 Whether or not LMs are members of the CTB will depend on local circumstances, but where they are they will have a collective responsibility (together with other CTB members) for the CTB CYPP. See paragraph 6.8 below.

The Director of Children's Services

- 6.6 The DCS is the senior officer within the local authority tasked with improving the well-being of all children and young people in the local area across all five *Every Child Matters* outcomes and part of that involves ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced. The DCS role is to provide a clear line of accountability for children's services, promote leadership in improving outcomes for all children and secure the provisions of services which address children and young people's needs. From 1 April 2010 the DCS has the additional function of setting up an effective Children's Trust Board; and that includes a Board that is capable of fulfilling its functions in relation to the preparation and publication of the CTB CYPP.
- 6.7 The role of the DCS with regard to the LA CYPP during the transitional period is to maintain the strategic oversight of delivery against the Plan and, where the LA CYPP sets out the arrangements that the LA has made with other Children's Trust partners, engage with those partners in contributing to the implementation of the Plan. The DCS role in relation to the CTB CYPP is significantly different. The DCS should retain the role of championing children across the partnership, but with regard to the CTB CYPP the DCS is responsible only for securing and delivering the local authority's contribution to the development and delivery of the CYPP.
- 6.8 The DCS (and LM) will also be a member of the CTB and in that capacity will have a collective responsibility for the CTB CYPP. Together with the other Board members, that responsibility includes producing, publishing, monitoring and reviewing the Plan, holding the CTB members to account for implementing the Plan (the extent to which they act in accordance with the Plan) and for publishing the annual progress report. In addition the DCS can be held to account by the Board as a whole for the extent to which the local authority acts in accordance with the Plan.

102 The DCS is in this context the Corporate Officer representative in the Council.

The Chair of the Children's Trust Board

- 6.9 Chapter 4 sets out the main roles and responsibilities of the Chair of the CTB. During the transitional period the main focus of the Chair is to ensure that the necessary arrangements are in place to enable the CTB to fulfil its functions in relation to the preparation of the CTB CYPP and to have published it by 1 April 2011. It will also be important to make sure that the CTB CYPP is developed with full awareness of the LA CYPP.
- 6.10 The LM or DCS may be the Chair of the CTB but the role could also be filled by a representative from another partner, such as the Chief Executive of the Primary Care Trust or by an independent person with the necessary professional skills.

Annexes

- A Improving outcomes and reducing child poverty**
- B United Nations Convention on the Right of the Child**
- C Legislative Basis**
- D Children's Trust Board regulations**
- E Useful links**
- F CYPP checklist**

Annex A: Improving Outcomes and Reducing Child Poverty

1. The Children's Trust is based on statutory duties to promote co-operation to improve children's well-being, which are underpinned by the General Principles of the UNCRC, with which partners should be familiar. The Children's Trust Board is responsible for setting the strategic framework within which the partners improve children's well-being, and the CYPP is the joint strategy which sets out how the partners will co-operate to improve children's well-being. Well-being here is defined in section 10 of the Children Act as five outcomes: be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being. All partners need the active co-operation of at least one of the other partners to deliver their own priorities, so all partners are responsible for improving all five outcomes. It is important that, as well as improving outcomes for all children, partners work to narrow the gap in outcomes between the most vulnerable children and their peers. These vulnerable groups include looked after children, children with disabilities and children in the youth justice system. These children often require a wide range of services from most of the partners. Partners should create a local service culture within which prevention and early intervention are seen as important aspects of the overall continuum of services to make these aims a reality.

Be healthy

2. All partners in the Children's Trust – in particular the local authority, PCT and SHA – need to work together to promote good health for children and young people. Good physical, mental and emotional health is not only a central outcome in its own right, but it also has a crucial influence on each child's current and future success. Health impacts directly on performance at school, gaining qualifications and later career chances. For example, children and young people who are emotionally healthy achieve more and participate more fully – with their peers and in their community – and cope better with adversity. Partners working together on preventive action, through the Healthy Child Programme for example, may encourage children and young people to adopt healthier lifestyle habits which help minimise the risk of acute and chronic conditions in adulthood.
3. *Healthy lives, brighter futures: the strategy for children and young people's health* (2009) sets out the plans for universal, targeted and specialist support across three life stages – early years and pregnancy; school-age children; and young people – as well as the additional support for children and young people in need of acute or ongoing healthcare. It also sets out how the delivery system can be supported in taking forward the recommendations – in particular, how the range of services in

contact with children and young people can work better together, and with families, to achieve common aims. This includes more integrated evidence-based provision of health and well-being services, such as through services being provided in schools and Sure Start Children's Centres, and the importance of care for children with acute or additional health needs being delivered in the home or as close to home as possible. Such integration is core work for the Children's Trust partners and the Children's Trust Board, which should promote more joint working between local authorities and Primary Care Trusts to commission services, share information and develop multi-agency front line services. For example, each Children's Trust Board should identify how it will ensure the delivery of the full range of services to support children's emotional well-being and mental health across the full spectrum of need. **To support delivery, clinical guidance for the Healthy Child programme from pregnancy to age 19 was published in 2009. It sets out an integrated approach to high quality prevention and early intervention based on the latest clinical and public health evidence.**

Stay safe

4. All children and young people should feel safe, be protected and allowed to develop independence and confidence. This means that all Children's Trust partners should consider children's safety and safeguarding needs and how to promote children's welfare across the whole spectrum of services – and champion these within the wider Local Strategic Partnership. This outcome is about protecting children and also encompasses the much wider need to promote welfare. This might be done by, for example, ensuring safer recruitment practices; tackling bullying; preventing accidents through, say, traffic calming measures; and the installation of smoke alarms. Children's Trust partners should also consider the provision of access to safe spaces for children to engage in outdoor play and for teenagers to meet up socially, helping both to prevent offending and to prevent young people becoming victims of crime. See also the Youth Crime Action Plan [see paragraph 2.22]. In identifying local safety priorities, when developing the CYPP, the Children's Trust Board should work closely with the appropriate Fire and Rescue Authority and agree what contribution the Fire and Rescue Service will make.
5. *The protection of children in England: a progress report* by Lord Laming (2009) assessed progress being made in the delivery of arrangements to protect children. Children's Trusts were identified as having a key role in delivering the best possible arrangements for keeping children safe. The Children's Trust Board, drawing on support and challenge from the Local Safeguarding Children Board, should ensure that the CYPP recognises strengths and weaknesses in the area, and addresses what more needs to be done by each partner to improve outcomes in safeguarding. Lord Laming's report demands a clear distinction between the roles and responsibilities

of the LSCB and Children's Trust to ensure appropriate challenge, scrutiny and impartiality.

6. Children's Trust partners should ensure¹⁰³ that they are all prepared for and implement correctly the Vetting and Barring Scheme (VBS) that began operation in October 2009. Failure to comply with the scheme's requirements will be a criminal offence.¹⁰⁴

Enjoy and achieve

7. There are clear links between success at school, positive social behaviour and a lower chance of engagement with the youth justice system. Education is also about learning to adopt a healthy lifestyle and raising awareness of other cultures and faiths. To improve the lives and prospects of all children and young people, the attainment of underperforming groups must be raised against a background of improved attainment for all¹⁰⁵. To achieve this, schools, FE institutions and early years settings will need to continue to address barriers to learning, including health, behaviour or other personal and social problems. They can, through their engagement in the Children's Trust, expect to receive timely support from specialist services, including, for example, mental health and speech and language services. Similarly, services should be commissioned to ensure home-educated children get the support they need either through working collaboratively with schools or providing services at home.
8. The White Paper, *Your child, your schools, our future: building a 21st century schools system* (2009) recognised that no school alone can provide the full range of opportunities that children and young people will need to succeed. It set out an expectation that all schools work in partnership and that, as part of the wider Children's Trust, they do so with the full range of providers and commissioners of services for children. This should help them to identify children who need additional help early and ensure that appropriate support is provided in good time to prevent problems developing into more serious barriers to learning. The Children's Trust also provides a means for supporting better co-operation between schools and police by facilitating Safer School Partnerships.¹⁰⁶

103 The legal requirement is for employers to apply the scheme so the responsibility rests with the individual partners and not the Children's Trust Board. Its role is to remind and encourage partners to comply.

104 <http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/vettingandbarringscheme/vettingvadbarring/>

105 For example, as part of the National Challenge, it is important that there are sustained improvements made in the schools supported by the programme.

106 <http://www.teachernet.gov.uk/wholeschool/behaviour/sspg/>

9. In terms of the 'enjoy' element of this outcome, evidence suggests that good quality outdoor play opportunities can drive improvements for children and young people across all five outcomes. The *National Play Strategy for England* (2008)¹⁰⁷ requires not only a strategic approach to planning, creating and maintaining play provision across the local area (with children, local communities and the third sector¹⁰⁸ fully involved in the decision-making process), but also introduced a new national indicator¹⁰⁹ which measures children's satisfaction with their local play facilities. Delivering these excellent outdoor play opportunities for all children requires working closely with the Local Strategic Partnership on issues such as town and highways planning and the management and maintenance of public spaces, to promote child-friendly neighbourhoods. Similarly, participation in regular structured activities, in for example sport or music, can support young people to develop social and emotional skills¹¹⁰.

Make a positive contribution

10. All young people should feel valued members of their communities and have their achievements recognised and celebrated. Children's Trust partners need to empower young people, increasing their influence over the design and delivery of services. This could be done by, for example, giving them a role on the Children's Trust Board, consulting them on the CYPP, actively engaging with local youth councils or forums, and offering them opportunities to contribute to their communities. This type of empowerment can be an important way of building young people's resilience, which will contribute to improving all their outcomes. It is important for decision makers to speak directly to groups at risk of becoming marginalised, such as looked after children¹¹¹, children with disabilities, or children in contact with the youth justice system. Children's Trust partners will also need to consider how they can collectively gain insight into the experience and needs of very young children including those with communication needs. Various good practice approaches are available.
11. The Youth Crime Action Plan (YCAP) and YCAP One Year On¹¹², set out the cross-Government approach to tackling and reducing youth crime through a triple track approach of prevention, non-negotiable support and tough enforcement. It provides funding to support families with the most entrenched problems in all local

107 <http://www.dcsf.gov.uk/play/>

108 The third sector is defined as non-governmental organisations that are value-driven and which principally reinvest their surpluses to further social, environmental or cultural objectives.

109 (National Indicator 199)

110 See also *Aiming High: a ten year strategy for positive activities* and *Youth Matters and Youth Matters Next Steps*

111 This could be done through involvement in children in care councils.

112 <http://www.homeoffice.gov.uk/documents/youth-crime-action-plan/>

areas and intensive action for areas facing the greatest youth crime challenges. It should enable youth justice services, youth services and the police to work more effectively in partnership with commissioners and providers of other services for children and young people so that young people at risk of or already involved in crime and their families get the support they need. In particular, the Children's Trust Board, through the CYPP, should enable coherent planning to meet the needs of children and young people before, during and after their involvement in the youth justice system.

12. Schools have a statutory duty to promote community cohesion¹¹³ and FE institutions will also be actively engaging in this area. Their Children's Trust partners, especially the local authority, should support and work with them by, for example, helping schools understand live issues in their neighbourhoods, or facilitating links with community partners. Partners could promote interaction between children and families from different backgrounds, using play facilities or positive activities for young people, and schools could make their facilities available to local people.

Achieve economic well-being

13. The Children's Trust Board has an important role in ensuring that children and young people achieve economic well-being in the future. By 2015, all young people will be in education or training until they are 18, helping to ensure they acquire the skills and qualifications necessary for success in the world of work. *Delivering 14-19 reform: next steps* (2008)¹¹⁴ sets out the qualifications and support offer that will be available to all young people. The ASCL Act 2009 places responsibilities on local authorities from April 2010 to secure education and training for learners aged 16-18, and for those aged 19-25 subject to a learning difficulty assessment. They should work closely through their local 14-19 partnership¹¹⁵ and embed commissioning of 16-19 education and training in the wider strategic commissioning process.
14. Access to good quality, comprehensive and impartial advice and guidance (IAG) is key to helping young people, especially those in custody, stay in learning and make the right choices about qualifications and career paths. Local authorities have the responsibility for commissioning IAG services for young people.¹¹⁶ IAG is an integral part of the local authority's strategic leadership in implementing the 14-19 reforms

113 Under section 21(5) of the Education Act 2002.

114 <http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00805-2008>

115 Under section 85 of the Education and Skills Act 2008, 14-19 partnerships are part of section 10 of the Children Act 2004; that is they are part of the Children's Trust.

116 *Quality Standards for Young People's Information Advice and Guidance* (2007) can be found at <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00253/> It sets the standards for IAG services. Forthcoming Directions and statutory guidance will clarify how local authorities should discharge their responsibilities.

and raising the participation age, and many of the Children's Trust partners have important contributions to make. Agencies responsible for wider services to young people and with an interest in the local labour market already work through the Children's Trust co-operation arrangements. The ASCL Act 2009 makes all the strategic and operational voices with a direct interest in effective IAG formal partners in the Children's Trust as statutory 'relevant partners'.

15. Work-related learning, including work experience and learning about working practices and skills required in the workplace, has a strong positive impact on children's well-being and maximises their life chances. It is essential that a range of employers, which may be involved in running apprenticeships or providing other training, are engaged through the Children's Trust co-operation arrangements to advise on the implications for future employment and similar matters at both strategic and operational levels. Children's Trust Boards should, through the CYPP, ensure that commonly excluded groups, including looked after children, children with disabilities and young people in contact with the youth justice system, have access to appropriate education, training and employment opportunities.

Reducing child poverty

16. As well as thinking about economic well-being in the future, Children's Trust partners should consider the experience of local children growing up in poverty. Poverty still blights many children's lives and has far-reaching effects on their experience of childhood and future well-being. Child poverty has a negative impact on all five outcomes, so preventing and tackling it should be a central part of the work of the Children's Trust partners, linking in with the new duties anticipated on child poverty through the Child Poverty Act.¹¹⁷
17. Reducing child poverty requires a multi-faceted approach across all five outcomes by all Children's Trust partners, but the full range of factors determining child poverty cannot be addressed through the CYPP alone. Action to support parents and their children is needed across all local adult services too, including improving parents' employment prospects with training to improve their skills, helping them into work and to make progress, and assisting them to access financial support and good quality childcare. The Children's Trust Board should also be actively engaged, through the new co-operation arrangements on child poverty, with the wider agenda of the Local Strategic Partnership to influence economic regeneration, housing developments, transport, and wider community support all of which potentially have an impact on child poverty and outcomes but are beyond the normal scope of the Children's Trust Board.

117 Subject to Parliamentary approval.

18. Jobcentre Plus makes an important local contribution to tackling child poverty. It is important that its services are delivered in conjunction with other services which affect children. For this reason, Jobcentre Plus has been included as a statutory 'relevant partner' in the Children's Trust with representation on the Children's Trust Board.
19. Subject to the will of Parliament, the Child Poverty Act 2010 will provide that local authorities and certain named partners will be required to work together to conduct a child poverty needs assessment and produce a joint child poverty strategy for the area. The regulations underpinning the CYPP (see annex D) require Children's Trust Boards to include in their CYPP the arrangements they will make for reducing and mitigating the effects of child poverty locally – see Chapter 5.

Annex B: The United Nations Convention on the Rights of the Child¹¹⁸

This diagram shows how action taken by Children’s Trust partners to improve the five Every Child Matters outcomes for children and young people in their area will support the implementation of the UNCRC across the country; and how Children’s Trust partners should be guided by the Convention in their work with children and young people.

Statutory guidance and regulations place an expectation on Children’s Trust Boards that they will consider the importance of having regard to the UNCRC when drawing up their Children and Young People’s Plan and how partners implement the plan locally. In relation to each outcome, in the diagram below, the list of Articles in the Convention is not exhaustive, but highlights where Children’s Trust partners can have the greatest impact in a local area.¹¹⁹

These Articles of the UNCRC are relevant to all five ECM outcomes				
<p>Article 1 The UNCRC applies to everyone under the age of 18.</p> <p>Article 2 The UNCRC applies to every child, whatever their nation, race, colour, sex, religion, abilities, opinion, wealth or social position.</p> <p>Article 3 In all actions concerning children the best interests of the child shall be a primary consideration.</p> <p>Article 4 Governments shall take all necessary steps in legislation and through the implementation of policy to make these rights available to all children.</p>	<p>Article 5 and Article 18 Governments shall respect the rights and responsibilities of parents and support parents to bring up children.</p> <p>Article 6 All children have the right to life. Governments should ensure that children survive and develop healthily.</p> <p>Article 12 Governments must ensure that children have the right to express freely their views and take account of children’s views. Children have the right to be heard in all matters that affect them.</p> <p>Article 22 Refugee and asylum-seeking children have the right to protection and assistance and the same rights as all other children.</p>			
<p>Being healthy Enjoying good physical and mental health and living a healthy lifestyle</p>	<p>Staying safe Being protected from harm and neglect; safe from bullying and anti-social behaviour</p>	<p>Enjoying and achieving Fulfilling their potential and developing broad skills for adulthood</p>	<p>Making a positive contribution Supporting the community and environment and engaging in law-abiding behaviour</p>	<p>Economic well-being Living in households free from low income and not being disadvantaged by poverty</p>

118 This Annex is produced by DCSF in partnership with UNICEF UK. The full text of the United Nations Conventions on the Rights of the Child can be found at <http://www2.ohchr.org/english/law/crc.htm>

119 The Regulations and this statutory guidance support Article 42 of the UNCRC that Governments should ensure that everyone should be aware the rights and responsibilities in the UNCRC.

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<p>Being healthy Enjoying good physical and mental health and living a healthy lifestyle</p>	<p>Staying safe Being protected from harm and neglect; safe from bullying and anti-social behaviour</p>	<p>Enjoying and achieving Fulfilling their potential and developing broad skills for adulthood</p>	<p>Making a positive contribution Supporting the community and environment and engaging in law-abiding behaviour</p>	<p>Economic well-being Living in households free from low income and not being disadvantaged by poverty</p>
<p>Article 6 All children have the right to life. Governments should ensure that children survive and develop healthily.</p> <p>Article 23 Special care and support for children with disabilities and special educational needs to lead a full and independent life</p> <p>Article 24 Right to good quality health care, nutritious food, a clean and safe environment and information to help maintain a healthy lifestyle</p> <p>Article 31 Right to rest, play and enjoy art and culture</p> <p>Article 33 Protection from harmful drugs</p> <p>Article 39 Governments to help restore a child’s health, self-respect and dignity after abuse or neglect</p>	<p>Article 9 Right to family life unless the child is abused or neglected</p> <p>Article 10 Right of families to be together</p> <p>Article 13 Right to speak freely and receive and share information so long as it is within the law</p> <p>Article 19 Government protection of children from violence, including from abuse or neglect by parents</p> <p>Article 20 Governments to provide proper care and protection for children who cannot be looked after by their own family</p> <p>Article 21 Adoption of children according to what is best for a child</p> <p>Article 25 Children in care, protection or under treatment to be reviewed regularly</p> <p>Article 32 Protection from work that is dangerous or detrimental to health or education</p> <p>Article 34 Protection from sexual abuse</p> <p>Article 35 Governments to prevent the abduction, sale or trafficking of children</p> <p>Article 36 Protection from activities that harm children’s well-being</p> <p>Article 39 Help to restore health, self-respect and dignity after abuse or neglect</p>	<p>Article 14 Right to freedom of thought and religion, government respect for parental guidance</p> <p>Article 23 Special care and support for children with disabilities and special educational needs to lead a full and independent life</p> <p>Article 28 Right to education</p> <p>Article 29 Education should develop each child’s personality, talents and abilities to their fullest potential, as well as develop respect for parents, other members of society, and the environment</p> <p>Article 30 Right to enjoy own culture and practice own religion</p> <p>Article 31 Right to rest, play and enjoy art and culture</p>	<p>Article 12 Right to express views, to be heard and to be listened to</p> <p>Article 13 Right to speak freely and receive and share information so long as it is within the law</p> <p>Article 15 Right to meet with other children and to join groups and organisations, as long as this is done peacefully</p> <p>Article 30 Right to enjoy own culture and practice own religion</p> <p>Article 31 Right to rest, play and enjoy art and culture</p> <p>Article 37 Detention of young people to be a last resort; and children not to be imprisoned with adults</p> <p>Article 40 Children accused or guilty of breaking the law must be treated with dignity and respect</p>	<p>Article 18 Governments should support parents with their responsibility to bring up children, including through the provision of services</p> <p>Article 24 Right to good quality health care, nutritious food, a clean and safe environment and information to help maintain a healthy lifestyle</p> <p>Article 26 Right to social benefit; providing extra support for families in need</p> <p>Article 27 Right to a standard of living that meets needs of children’s physical, mental and social development</p>

Annex C: Legislative Basis

Legislative basis

Part 2 of the Children Act 2004 (as amended by the Apprenticeships, Skills, Children and Learning Act 2009)

CHILDREN'S SERVICES IN ENGLAND

General

10 Co-operation to improve well-being

- (1) Each children's services authority in England must make arrangements to promote co-operation between -
 - (a) the authority;
 - (b) each of the authority's relevant partners; and
 - (c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.
- (2) The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to-
 - (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by them to society;
 - (e) social and economic well-being.
- (3) In making arrangements under this section a children's services authority in England must have regard to the importance of parents and other persons caring for children in improving the well-being of children.
- (4) 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 police authority and the chief officer of police for a police 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;
 - (ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
 - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner 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 in pursuance of section 68 of the Education and Skills Act 2008 in any part of the area of the authority;
 - (fa) the governing body of a maintained school that is maintained by the authority in their capacity as a local education authority;
 - (fb) the proprietor of a school approved by the Secretary of State under section 342 of the Education Act 1996 and situated in the authority's area;
 - (fc) the proprietor of a city technology college, city college for the technology of the arts or Academy situated in the authority's area;
 - (fd) the governing body of an institution within the further education sector the main site of which is situated in the authority's area;
 - (fe) the Secretary of State, in relation to the Secretary of State's functions under section 2 of the Employment and Training Act 1973.
- (5) The relevant partners of a children's services authority in England must co-operate with the authority in the making of arrangements under this section.
- (5A) For the purposes of arrangements under this section a relevant person or body may -

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- (a) provide staff, goods, services, accommodation or other resources to another relevant person or body;
 - (b) make contributions to a fund out of which relevant payments may be made.
- (8) A children's services authority in England and each of their relevant partners must in exercising their functions under this section have regard to any guidance given to them for the purpose by the Secretary of State.
- (9) Arrangements under this section may include arrangements relating to -
- (a) persons aged 18 and 19;
 - (b) persons over the age of 19 who are receiving services under sections 23C to 24D of the Children Act 1989 (c.41);
 - (c) persons over the age of 19 but under the age of 25 who have a learning difficulty, within the meaning of section 13 of the Learning and Skills Act 2000, and are receiving services under that Act.
- (10) In deciding for the purposes of subsection (4)(fd) whether the main site of an institution within the further education sector is situated within the area of a children's services authority, the authority and the governing body of the institution must have regard to any guidance given to them by the Secretary of State.
- (11) In this section -
- “governing body”, in relation to an institution within the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992;
- “institution within the further education sector” has the meaning given by section 4(3) of the Education Act 1996;
- “maintained school” has the meaning given by section 39(1) of the Education Act 2002;
- “proprietor”, in relation to a city technology college, city college for the technology of the arts, Academy or other school, means the person or body of persons responsible for its management;
- “relevant payment”, in relation to a fund, means a payment in respect of expenditure incurred, by a relevant person or body contributing to the fund, in the exercise of its functions;
- “relevant person or body” means -
- (a) a children's services authority in England;
 - (b) a relevant partner of a children's services authority in England.

Legislative basis

Part 2 of the Children Act 2004 (as amended by the Apprenticeships, Skills, Children and Learning Act 2009)

Children’s Trust Boards

12A Establishment of CTBs

- (1) Arrangements made by a children’s services authority in England under section 10 must include arrangements for the establishment of a Children’s Trust Board for their area.
- (2) A Children’s Trust Board must include a representative of each of the following—
 - (a) the establishing authority;
 - (b) each of the establishing authority’s relevant partners (subject to subsection (4)).
- (3) A Children’s Trust Board may also include any other persons or bodies that the establishing authority, after consulting each of their relevant partners, think appropriate.
- (4) A Children’s Trust Board need not include any of the establishing authority’s relevant partners who are of a description prescribed by regulations made by the Secretary of State.
- (5) Subsection (2) does not require a Children’s Trust Board to include a separate representative for each of the persons or bodies mentioned in subsection (2)(a) and (b).
- (6) Where two or more children’s services authorities jointly make arrangements under section 10 for the establishment of a Children’s Trust Board, references in sections 12B and 17 to the area of the authority that established the Board are to be read as references to an area consisting of the combined areas of those authorities.
- (7) For the purposes of this section and sections 12B and 12C-
 - (a) “the establishing authority”, in relation to a Children’s Trust Board, is the children’s services authority that establishes the Board;
 - (b) a person or body is a “relevant partner” of a children’s services authority if it is a relevant partner of the authority for the purposes of section 10.

12B Functions and procedures of CTBs

- (1) The functions of a Children’s Trust Board are -
 - (a) those conferred by or under section 17 or 17A (children and young people’s plans);
 - (b) any further functions conferred by regulations made by the Secretary of State.
- (2) Regulations under subsection (1)(b) may confer a function on a Children’s Trust Board only if the function relates to improving the well-being of children or relevant young persons in the area of the establishing authority.
- (3) In subsection (2) “well-being” means well-being so far as relating to one or more of the matters specified in section 10(2)(a) to (e).
- (4) A Children’s Trust Board must have regard to any guidance given to it by the Secretary of State in connection with -
 - (a) the procedures to be followed by it;
 - (b) the exercise of its functions.
- (5) In this section “relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.

12C Funding of CTBs

- (1) The establishing authority and any of their relevant partners represented on a Children’s Trust Board may make payments towards expenditure incurred by, or for purposes connected with, the Board -
 - (a) by making the payments directly; or

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- (b) by contributing to a fund out of which the payments may be made.
- (2) The establishing authority and any of their relevant partners represented on a Children’s Trust Board may provide staff, goods, services, accommodation or other resources for purposes connected with the functions of the Board.
- (3) Two or more Children’s Trust Boards may establish and maintain a pooled fund for the purposes of any of their functions.
- (4) A pooled fund is a fund -
 - (a) which is made up of contributions by the Boards concerned, and
 - (b) out of which payments may be made towards expenditure incurred in the discharge of functions of any of the Boards.

12D Supply of information to CTBs

- (1) A person or body represented on a Children’s Trust Board must supply to the Board any information requested by the Board for the purpose of enabling or assisting it to perform its functions.
- (2) Information supplied to a Children’s Trust Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.
- (3) Information requested under subsection (1) must be information that relates to -
 - (a) the person or body to whom the request is made;
 - (b) a function of that person or body, or
 - (c) a person in respect of whom a function is exercisable by that person or body.

Legislative basis

Part 2 of the Children Act 2004 (as amended by the Apprenticeships, Skills, Children and Learning Act 2009)

17 Children and young people’s plans

- (1) The Secretary of State may by regulations require a Children’s Trust Board established by virtue of arrangements under section 10 from time to time to prepare and publish a children and young people’s plan.
- (2) A children and young people’s plan is a plan setting out the strategy of the persons or bodies represented on the Board for co-operating with each other with a view to improving the well-being of children and relevant young persons in the area of the authority that established the Board.
- (3) In subsection (2) “well-being” means well-being so far as relating to the matters specified in section 10(2)(a) to (e).
- (4) Regulations under this section may in particular make provision as to -
 - (a) the matters to be dealt with in a children and young people’s plan;
 - (b) the period to which a children and young people’s plan is to relate;
 - (c) when and how a children and young people’s plan must be published;
 - (d) keeping a children and young people’s plan under review;
 - (e) revising a children and young people’s plan;
 - (f) consultation to be carried out during preparation or revision of a children and young people’s plan;
 - (g) other steps required or permitted to be taken in connection with the preparation or revision of a children and young people’s plan.
- (5) In this section “relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.

17A Children and young people’s plans: implementation

- (1) This section applies where a Children’s Trust Board prepares a children and young people’s plan in accordance with regulations under section 17.
- (2) The persons and bodies whose strategy for co-operation is set out in the plan must have regard to the plan in exercising their functions.

(3) The Board must -

- (a) monitor the extent to which the persons and bodies whose strategy for co operation is set out in the plan are acting in accordance with the plan;
- (b) prepare and publish an annual report about the extent to which, during the year to which the report relates, those persons and bodies have acted in accordance with the plan.

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Legislative basis

Education and Skills Act 2008

Co-operation as regards 14-19 education and training

85 Co-operation as regards provision of 14-19 education and training

- (1) The arrangements made by a children's services authority in England (a "children's authority") under section 10 of the 2004 Act (co-operation to improve well being of children) must include arrangements within subsection (2) or (3).
- (2) The arrangements within this subsection are arrangements to promote co-operation between -
 - (a) the children's authority,
 - (b) the authority's relevant partners, and
 - (c) the other persons and bodies (of any nature) who exercise functions, or are engaged in activities, relevant to the provision of 14-19 education or training in the authority's area.
- (3) The arrangements within this subsection are arrangements made jointly by the children's authority and one or more other children's authorities to promote co operation between -
 - (a) the authorities,
 - (b) the authorities' relevant partners, and
 - (c) the other persons and bodies (of any nature) who exercise functions, or are engaged in activities, relevant to the provision of 14-19 education or training in each of the authorities' areas.
- (4) Subsection (1) is not to be read as affecting the generality of the duty imposed by section 10(1) and (2) of the 2004 Act so far as relating to education and training.
- (5) In this section -

"the 2004 Act" means the Children Act 2004 (c 31);

"children's services authority in England" has the meaning given by section 65(1) of that Act;

"14-19 education" and "14-19 training" mean, respectively, education and training suitable to the requirements of persons during the period beginning with the start of the academic year in which they attain the age of 15 and ending when they attain the age of 19;

"relevant partner", in relation to a children's services authority in England, has the meaning given by section 10(4) of the 2004 Act.
- (6) For the purposes of subsection (5) -
 - (a) "education" means full-time or part-time education, but does not include higher education (namely, education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 (c 40));
 - (b) "training" means full-time or part-time training, and includes vocational, social, physical and recreational training;
 - (c) "academic year" means any period beginning with 1 August and ending with the next 31 July.

Annex D: New Children and Young People's Plan regulations

STATUTORY INSTRUMENTS

2010 No. 591

CHILDREN AND YOUNG PERSONS, ENGLAND

The Children's Trust Board (Children and Young People's Plan)
(England) Regulations 2010

<i>Made</i>	- - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>		<i>9th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 17 and 66 of the Children Act 2004⁽¹⁾:

Citation and commencement

1. These Regulations may be cited as the Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010 and shall come into force on 1st April 2010.

Interpretation

2. In these Regulations—

“the Act” means the Children Act 2004;

“appropriate diocesan authority”, “Church of England school” and “Roman Catholic Church school” have the same meanings as in section 142(1) of the School Standards and Framework Act 1998⁽²⁾;

“Board” means a Children's Trust Board established by virtue of arrangements under section 10 of the Act;

“Board partners” means the persons or bodies represented on the Board⁽³⁾;

“establishing authority” means (subject to regulation 9) the local authority in England which established the Board;

“plan” has the meaning given in regulation 3;

“plan period” has the meaning given in regulation 3;

“relevant partner” has the same meaning as in section 10 of the Act⁽⁴⁾.

Requirement to prepare and publish a plan

3.—(1) Each Board must, in accordance with these Regulations, prepare and publish a children and young people's plan setting out the strategy of the Board partners for co-operating with each

⁽¹⁾ 2004 c.31; section 17 was substituted by section 194(3) of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) (“the 2009 Act”).

⁽²⁾ 1998 c.31; section 142(1) was amended by S.I. 2003/2037.

⁽³⁾ Which will include any persons or bodies included under section 12A(3) of the Act. Section 12A(3) was inserted by section 194(2) of the 2009 Act.

⁽⁴⁾ Section 10 was amended by section 193 of the 2009 Act.

other with a view to improving the well-being of children and relevant young persons in the area of the establishing authority so far as relating to—

- (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by them to society; and
 - (e) social and economic well-being
- (referred to in these Regulations as “the outcomes”) (‘plan’).

(2) Each Board must set out in any plan the period to which the plan is to relate (‘the plan period’).

Matters to be dealt with in the plan

4.—(1) Each plan must, in particular—

- (a) include an assessment of the needs of children and relevant young persons in the area of the establishing authority so far as relating to the outcomes (‘the needs assessment’);
- (b) identify the key actions (as identified by the needs assessment) planned to be taken to improve the outcomes for children and relevant young persons in the area of the establishing authority with reference in particular to children and relevant young persons who—
 - (i) have special educational needs within the meaning of section 312 of the Education Act 1996⁽⁵⁾;
 - (ii) are disabled within the meaning of section 1 of the Disability Discrimination Act 1995⁽⁶⁾; or
 - (iii) are looked after by a local authority (within the meaning of section 22 of the Children Act 1989⁽⁷⁾); and
- (c) set out the arrangements made by the Board partners for co-operating with each other, in particular the arrangements set out in paragraph (2).

(2) The arrangements referred to in paragraph (1)(c) are arrangements relating to—

- (a) early intervention and preventative action;
- (b) co-ordinating provision of services for children and relevant young persons and adults within their families with a view to improving the well-being of such children and relevant young persons;
- (c) reducing, and mitigating the effects of, child poverty in the establishing authority’s area;
- (d) improving the behaviour of children and relevant young persons in the area of the establishing authority, and attendance of pupils (whether full-time or part-time) at school which must, in particular, (in the case of secondary schools) take into account the partnership reports submitted to the Board under section 248(3) of the Apprenticeships, Skills, Children and Learning Act 2009;
- (e) safeguarding and promoting the welfare of children and relevant young persons which must, in particular, take into account the report submitted to the Board by the Local

⁽⁵⁾ 1996 c.56; section 312 was amended by Schedule 7, paragraph 23(a) and (b), and Schedule 8 to the Education Act 1997 (c.44); Schedule 30, paragraph 71(a) and (b), and Schedule 31 to the School Standards and Framework Act 1998 (c.31) (“the 1998 Act”); Schedule 9, paragraphs 1 and 56 to the Learning and Skills Act 2000 (c.21); Schedule 1, paragraphs 2 and 3 to the Education and Inspections Act 2006 (c.40). Further amendments made to section 312 by Schedule 2, paragraphs 1, 6(1), (2) and (3) to the 2009 Act will have effect from 1 September 2010 (S.I. 2010/303).

⁽⁶⁾ 1995 c.50.

⁽⁷⁾ 1989 c.41; section 22(1) was amended by Schedule 5, paragraph 19 to the Local Government Act 2000 (c.22); section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c.35) and section 116(2) of the Adoption and Children Act 2002 (c.38).

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Safeguarding Children Board⁽⁸⁾ for the area of the establishing authority under section 14A(2)⁽⁹⁾ of the Act;

- (f) contributing towards achieving any targets that relate to the area of the establishing authority and are set under regulations made under—
 - (i) section 102 of the Education Act 2005⁽¹⁰⁾ (LEA performance targets);
 - (ii) section 19 of the Education Act 1997⁽¹¹⁾ (school performance targets);
 - (iii) section 1(3) of the Childcare Act 2006⁽¹²⁾ (local authority well-being of young children targets); and
 - (iv) section 9A of the Act⁽¹³⁾ (safeguarding targets);
- (g) contributing towards achieving any local improvement targets (within the meaning of section 105 of the Local Government and Public Involvement in Health Act 2007⁽¹⁴⁾) insofar as they relate to children and relevant young persons and are specified by the establishing authority in its local area agreement pursuant to section 106 or 110 of that Act; and
- (h) the training and development of persons working with children and relevant young persons in the area of the establishing authority in order to deliver the key actions referred to in paragraph (1)(b), and the arrangements required by paragraph (2)(a) to (g).

Matters to be taken into account

5.—(1) When preparing, reviewing or revising a plan, the Board must have regard to the importance of acting, so far as possible, in a way which is compatible with the United Nations Convention on the Rights of the Child.

(2) In paragraph (1) the reference to the United Nations Convention on the Rights of the Child is to the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989, subject to any reservations, objections or interpretative declarations made by the United Kingdom at any time and for the time being in force.

Timing and manner of publication of the plan

6.—(1) The Board must publish the first plan on or before 1st April 2011 and each subsequent plan no later than 6 weeks after the end of the plan period for the previous plan.

(2) The Board must publish each plan by—

- (a) placing it on the website of the establishing authority and any Primary Care Trust that is a relevant partner of that authority;
- (b) placing it on the website of any other Board partner as the Board considers appropriate; and
- (c) depositing sufficient copies of the plan to allow members of the public to take a copy in such public libraries and other places to which the public have access in the area of the establishing authority as the Board considers appropriate.

Consultation during the preparation of the plan

7.—(1) When preparing the plan the Board must consult—

- (a) such persons or bodies that the establishing authority has made arrangements with to promote co-operation under section 10(1)(c) of the Act and who are not also Board partners;

⁽⁸⁾ Established under section 13 of the Act.
⁽⁹⁾ Section 14A was inserted by section 197 of the 2009 Act.
⁽¹⁰⁾ 2005 c.18.
⁽¹¹⁾ Section 19 was amended by Schedule 30, paragraph 213 to the 1998 Act.
⁽¹²⁾ 2006 c.21.
⁽¹³⁾ Section 9A was inserted by section 195(1) of the 2009 Act.
⁽¹⁴⁾ 2007 c.28.

- (b) any relevant partners who are prescribed in regulations made under section 12A(4) of the Act and who are not Board partners;
- (c) such children, relevant young persons and their families in the area of the establishing authority as the Board considers appropriate;
- (d) such persons or bodies representing children, relevant young persons or families as the Board considers appropriate;
- (e) the Local Safeguarding Children’s Board for the area of the establishing authority;
- (f) any advisory board for a Sure Start Children’s Centre⁽¹⁵⁾ in the area of the establishing authority;
- (g) such persons or bodies in the establishing authority’s area, in particular those from the private, voluntary or independent sector, providing or commissioning services relating to children, relevant young persons, families or carers as the Board considers appropriate;
- (h) the appropriate diocesan authority for any foundation or voluntary school situated in the area of the establishing authority which is a Church of England or Roman Catholic Church school;
- (i) such other faith groups as the Board considers appropriate;
- (j) the proprietors of independent schools (within the meaning of section 463 of the Education Act 1996⁽¹⁶⁾) in the area of the establishing authority;
- (k) the schools forum⁽¹⁷⁾ for the area of the establishing authority;
- (l) the admission forum⁽¹⁸⁾ for the area of the establishing authority;
- (m) the proprietors of independent specialist colleges in the area of the establishing authority;
- (n) such groups of persons representing local communities in the establishing authority’s area as the Board considers appropriate;
- (o) such registered providers of social housing in the establishing authority’s area as the Board considers appropriate; and
- (p) such partner authorities specified in section 104(2) and (3) of the Local Government and Public Involvement in Health Act 2007⁽¹⁹⁾ who exercise functions or provide services within the area of the establishing authority as the Board considers appropriate.

(2) If before the day on which these Regulations come into force any consultation was undertaken which, if it had been undertaken after that day would to any extent have satisfied the requirements of paragraph (1), those requirements will to that extent be taken to have been satisfied.

Review of the plan

8.—(1) Where the plan period exceeds a year or more the Board must review its plan each year in which the Board is not required to publish a plan.

(2) When reviewing the plan the Board must consult such persons or bodies as it considers appropriate.

(3) Following any review of the plan the Board must, if it considers it is necessary, revise the plan and publish it in accordance with regulation 6(2).

⁽¹⁵⁾ See section 5A of the Childcare Act 2006; advisory boards are referred to in section 5C of that Act. Sections 5A and 5C were inserted by section 198 of the 2009 Act.

⁽¹⁶⁾ Section 463 was substituted by section 172 of the Education Act 2002 (c.32) (“the 2002 Act”).

⁽¹⁷⁾ Established in accordance with regulations made under section 47A of the 1998 Act, which was inserted by section 43 of the 2002 Act. Section 47A(1) was substituted by section 165(1) and (2) of the Education and Skills Act 2008 (c.25).

⁽¹⁸⁾ Established in accordance with regulations made under section 85A of the 1998 Act. Section 85A was inserted by section 46 of the 2002 Act.

⁽¹⁹⁾ Section 104(2) was amended by Schedule 4, Part 4, paragraph 68 to the Local Transport Act 2008 (c.26) and Schedule 6, paragraphs 1 and 3 to the Local Democracy, Economic Development and Construction Act 2009 (c.20).

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Transitional provision

9.—(1) Until a section 162(1)(b) order comes into force the reference to a “local authority” in the definition of “establishing authority” in regulation 2 is to be read as a reference to a children’s services authority.

(2) In paragraph (1) “section 162(1)(b) order” means an order under subsection (1) of section 162 of the Education and Inspections Act 2006 containing provision made by virtue of paragraph (b) of that subsection (power to replace statutory references to children’s services authorities with references to local authorities).

Dawn Primarolo
Minister of State

3rd March 2010

Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for each Children’s Trust Board (“Board”) to prepare, consult upon, publish and review a children and young people’s plan (“plan”). The plan sets out the Board partners’ strategy for co-operating with each other with a view to improving the well-being of local children and relevant young persons.

Regulation 4 sets out the matters which must be included in the plan.

The Board when preparing, reviewing or revising the plan must have regard to the importance of acting, so far as possible, in a way which is compatible with the United Nations Convention on the Rights of the Child (regulation 5).

The first plan is to be published on or before 1st April 2011, and then each subsequent plan must be published no later than 6 weeks after the end of the last plan period (which is the period to which the plan is to relate and is determined by the Board). Regulation 6(2) provides for the way in which the plan must be published.

The Board must consult the persons and bodies set out in regulation 7 when preparing the plan. Under regulation 8 the Board is also required to review and if necessary revise the plan in each year that it is not required to publish a new plan, with provision for further limited consultation during the conduct of such a review.

Regulation 9 is a transitional provision to allow for these Regulations to refer to a children’s services authority as a local authority prior to the anticipated coming into force of an order under section 162(1)(b) of the Education and Inspections Act 2006, which will replace any references in legislation to children’s services authorities with references to local authorities.

A full regulatory impact assessment of the effect that this instrument will have on the costs of businesses and the voluntary sector is available from the Department for Children, Schools and Families, Sanctuary Buildings, Great Smith Street, London SW1P 3BT and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

STATUTORY INSTRUMENTS

2010 No. 590

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Children's Trust Board (Relevant Partners) (Exceptions)
(England) Regulations 2010**

<i>Made</i> - - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>	<i>9th March 2010</i>
<i>Coming into force</i> - -	<i>1st April 2010</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 12A(4) of the Children Act 2004⁽²⁰⁾:

Citation and commencement

10. These Regulations may be cited as the Children's Trust Board (Relevant Partners) (Exceptions) (England) Regulations 2010 and come into force on 1st April 2010.

Prescribed relevant partners for the purposes of section 12A(4) of the Children Act 2004

11. A Strategic Health Authority is a relevant partner of a prescribed description for the purposes of section 12A(4) of the Children Act 2004.

3rd March 2010

Dawn Primarolo
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 12A of the Children Act 2004 requires a children's services authority ("establishing authority") in England to establish a Children's Trust Board ("Board") for its area as part of the arrangements made under section 10 of that Act. A Board must include a representative of each of the establishing authority's relevant partners unless they are of a prescribed description. These Regulations prescribe the Strategic Health Authority as such a relevant partner. This has the effect that a Board will not need to include a representative of the Strategic Health Authority on the Board.

⁽²⁰⁾ 2004 c. 31. Section 12A was inserted by section 194(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

Annex E: Useful Links

The links below provide access to a wide range of practice guidance at both national and local level across various themes which may be useful. Most of these sites have been suggested by people who responded to the consultation on this guidance. Most of these sites are not managed or controlled by DCSF and may be subject to regular updates, and they are not part of the statutory guidance to which partners must have regard.

The Association of Public Health Observatories (APHO):

APHO represents a network of 12 public health observatories (PHOs) working across the five nations. They produce information, data and intelligence on people's health and health care for practitioners, policy makers and the wider community.
<http://www.apho.org.uk/default.aspx?>

The Autism Education Trust:

The Autism Education Trust is aimed at sharing good practice between practitioners working with children and young people with autism:
www.autismeducationtrust.org.uk

The British Association for Counselling and Psychotherapy (BACP):

The BACP's work with large and small organisations within the sector ranges from advising schools on how to set up a counselling service, assisting the NHS on service provision, working with voluntary agencies and supporting independent practitioners.
www.bacp.co.uk

The Centre for Excellence and Outcomes (C4EO):

The Centre for Excellence and Outcomes in Children and Young People's Services, launched in July 2008, is a collaborative centre, which gathers and shares the best available knowledge of "what works" to contribute to improving outcomes for children, young people and their families.
<http://www.C4EO.org.uk>

Child and Maternity Partnership (CHaMP):

CHaMP is a national service improvement resource for Child Health and Maternity Services funded and supported by the Office of the Strategic Health Authorities (SHAs) Chief

Executives and Department of Health. It acts as a vehicle for consultancy and capacity building for service improvement with particular expertise in integrated working across health and social care.

www.cypf.org.uk

Children England:

Children England provides capacity building, support and information to its members and the wide range of voluntary sector organisations working with children, young people and families. It does this by building active networks, promoting good practice, stimulating policy debate and ensuring that the issues that matter most to its members are taken up with decision makers.

<http://www.childrenengland.org.uk>

Children's Services Mapping:

Children's Services Mapping is an on-line data collection and reporting system that aims to provide information about services for children and young people in England. It is a source of information for anyone interested in children and maternity service provision and investment.

<http://www.childrensmapping.org.uk/>

Children's Workforce Development Council (CWDC):

The Children's Workforce Development Council (CWDC) leads change so that thousands of people, including volunteers, working with children and young people across England are supported to do the best job they can. CWDC is developing *Share Street*, an online community of learning bringing material for the children and young people's workforce together in one place. It enables people to build relationships and share ideas, experiences and resources.

www.cwdcouncil.org.uk/ShareStreet. For more information visit www.cwdcouncil.org.uk

Commissioning Support Programme (CSP):

The (CSP) was launched in November 2008 to help develop the effectiveness of Children's Trusts through transforming strategic commissioning across the breadth of children's services. As part of their package of support the CSP have established a website which includes online special interest groups, collaborative tools to help commissioners share practice and explore approaches to problem solving and a resource bank, which contains a wide range of resources related to commissioning and children's services, including good practice case studies.

<http://www.commissioningsupport.org.uk/resource-bank.aspx>

Every Child Matters (ECM):

The Every Child Matters resource and practice database can be used to find topic specific and area specific examples of practice that will help deliver the Every Child Matters agenda.
<http://www.dcsf.gov.uk/everychildmatters/resources%2Dand%2Dpractice/>

Hear By Right:

Hear by Right is a tried and tested standards framework for organisations across the statutory and voluntary sectors to assess and improve practice and policy on the active involvement of children and young people. At time of writing the website had particular resources on Children's Trusts.

<http://hbr.nya.org.uk/>

The Improvement and Development Agency (IDeA):

IDeA works for local government improvement so councils can serve people and places better.

<http://www.idea.gov.uk/idk/core/page.do?pagel=1>

The Improvement Network:

The Improvement Network builds capacity for public sector managers and practitioners. It promotes its sponsors' collective knowledge and expertise on key improvement issues. It provides practical examples of cross-sectioned improvement.

<http://www.improvementnetwork.gov.uk/imp/core/page.do?pagel=1>

The Local Government Association (LGA):

The LGA works on behalf of local councils at a national level. The LGA is active in capturing and publicising best practice.

<http://www.lga.gov.uk/lga/core/page.do?pagel=13896>

The National Children's Bureau (NCB):

The NCB provides examples of good practice in local authorities engaging in the third sector, covering the boroughs of Bradford, Durham, Nottingham, Richmond, Tower Hamlets and Blackburn with Darwen. The NCB Voluntary Sector Support programme also provides a range of support services directly to the sector, keeping the sector informed on matters of policy and practice, and building capacity to enable it to deliver effective services for children and young people.

www.ncb.org.uk/vss

The National College for Leadership of Schools and Children's Services (NCSL):

The National College for Leadership of Schools and Children's Services works to develop and inspire great leaders of schools, early years settings and children's services so that they can make a positive difference to children's lives.

<http://www.nationalcollege.org.uk/>

The NHS Institute for Innovation and Improvement:

The NHS Institute for Innovation and Improvement supports the NHS to transform healthcare for patients and the public by rapidly developing and spreading new ways of working, new technology and world class leadership.

<http://www.institute.nhs.uk/>

Participation Works

Participation Works is a consortium of six national children and young people's agencies that enables organisations effectively to involve children and young people in the development, delivery and evaluation of services that affect their lives.

www.participationworks.org.uk

SkillsActive:

SkillsActive works across the UK leading the development of playwork education and training for all those working with children and young people.

<http://www.skillsactive.com>

Social Care Institute for Excellence (SCIE):

SCIE identifies and disseminates the knowledge base for good practice in all aspects of social care throughout the United Kingdom.

<http://www.scie.org.uk/>

Sustainable Development Commission:

The Sustainable Development Commission is the Government's independent adviser on sustainable development across the following policy areas: climate change, consumption, economics, education, energy, engagement, health, housing, regional & local government and transport.

<http://www.sd-commission.org.uk/>

The Training and Development Agency (TDA):

The TDA is the national agency and recognised sector body responsible for the training and development of the school workforce.

<http://www.tda.gov.uk/>

VCS Matters:

VCS Matters works to increase the involvement and influence of the voluntary and community sector (VCS) in the new Children's Trust arrangements in Birmingham.

www.vcsmatters.org

Annex F: CYPP checklist

The statutory sections of the Children’s Trust guidance focuses on supporting Children’s Trust partners on the essential steps they must take in establishing the Board and preparing the Children’s and Young Peoples Plan (CYPP). This accompanying CYPP checklist is designed to assist local areas in the preparation of the plan. This is not part of the statutory guidance to which Children’s Trust partners must have regard.

Aligning plans

- CYPP linked to:
 - local authority asset management plans
 - business cases for large-scale procurements
 - Building Schools for the Future
 - local policing plans
 - local crime and disorder reduction plans
 - local ‘Prevent’ action plan
 - strategies for parents and families

Consultation and participation

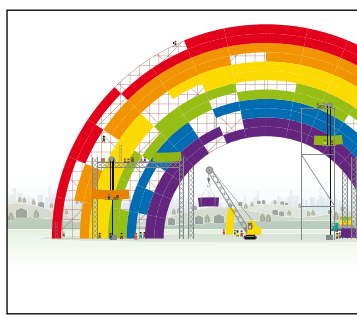
- active participation of children who are looked after, with SEN, disabilities and their parents or carers
- in-depth understanding of service user views
- evaluated the comprehensiveness and accessibility of information about services and advice available
- included institutions which have a local presence:
 - higher education institution
 - Young Offender Institution
 - Secure Training Centre
 - Secure Children’s Home
 - museums
 - local sports clubs

- art and cultural centres
- monitoring the consultation to identifying gaps in terms of its coverage
- included additional groups for example:
 - those who do not routinely receive services, such as home educating parents and their children
 - asylum seekers
 - victims of domestic violence
 - fathers as well as mothers
 - lesbian, gay and bisexual young people

Needs Assessment

- good understanding across the partnership that needs assessment is a strategic activity
- plan for how needs assessment data will be analysed and acted on
- people with good analytical skills who can interpret the data and make sense of it for commissioners
- data used to forecast the changing pattern of needs into the future
- people who collect and analyse data about needs can work effectively together if they are working in different parts of the Children's Trust
- strategic commissioning and service provider teams are clear about how they feed into the needs assessment process
- needs and performance and analysis team tackles problems of data sets not being compatible
- evidence of what works to improve outcomes of particular groups of children brought together
- CAF contributes to what is known about the needs of children, young people and families
- information from social workers about looked after children, children with disabilities and children with SEN, feeds into the needs assessment
- process for balancing the needs discovered through analysis of data, talking to parents, children and young people and providers of service including schools

- engaged Local Strategic Partnership to champion children's issues and needs in cross cutting issues which do not have a specific child focus, such as local housing, regeneration, transport plans and climate change
- key messages from CYPP feed into the Joint Strategic Needs Assessment to help commissioners consider children's needs when planning services that address the wider determinants of health



You can download this publication at
<http://www.dcsf.gov.uk/everychildmatters/>

Search using ref: DCSF-00253-2010

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 Priory House
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CONSTITUTION ADVISORY GROUP	
DATE: 1 June 2010	

TITLE	Review of consultation and negotiation arrangements with Professional Associations (JCNC)
REPORT OF	Director of Customer and Shared Services

PURPOSE	To propose an amendment to the Constitution to remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education as a sub committee of the General Purposes Committee.
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ORIGIN OF PROPOSAL	This proposal has come from discussions held between the Portfolio holder for Children's Services, the Chairman of the Constitution Advisory Group and the Director of Children's Services.
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RECOMMENDATION:	That subject to endorsement by the General Purposes Committee, the Council be recommended to amend Sections E2 (7.1.5) and E2 (10) and remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC) as a subsidiary body of the General Purposes Committee.
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SUPPORTING INFORMATION

Background

The current consultation and negotiation framework with the professional associations for schools based employees within Central Bedfordshire has been in operation since 1 April 2009 and is based on the former County Council framework.

It is noted that in the original terms of reference for the JCNC there would be a review after 12 months, when there would be a better understanding by Members, officers and professional associations of the effectiveness and appropriateness of the sub committee.

In addition to the formal JCNC there are a number of working parties that meet each term:

- JCC (Joint Consultative Committee) Working Party
- JNC (Joint Negotiating Committee) Working Party
- WAMG (Workforce Agreement Monitoring Group)
- Soulbury Working Party
- EJC Health & Safety Committee

In recent months discussions have been held to review the existing consultation and negotiation framework for schools, (formal JCNC and working parties) with a view to streamlining them and making them more efficient and effective.

Business case for the proposed change to JCNC

There is a need to reflect the changing environment:

- To broaden the current framework to reflect the wider children's workforce and the Team around the Child and Family agenda.
 - To recognise and acknowledge that terms and conditions of the children's workforce (especially schools based employees) is largely nationally negotiated.
 - Following the creation of Central Bedfordshire and also the Senior Management Review there is a reduction of officer capacity to be able to attend the number of meetings currently held.
 - To ensure that the issues raised by the professional associations and trade unions are considered and dealt with at the appropriate level within the consulting and negotiating framework.
 - To ensure that GMB and Unison who represent the views of non teaching employees in schools and other employees within the wider children's workforce are included in all decisions that affect their members.
-

- Discussion of key strategic matters are held at Executive, Overview and Scrutiny Committee and Council and between the Director of Children's Services and Head Teachers and Governors through the Schools Forum. We need to ensure that following appropriate decision making, these matters are not by default subject to further review and consideration through JCNC arrangements.

Proposal

It is recognised that there is a need to provide an interface between Members and the professional associations and trade unions and it is proposed that JCNC is replaced by a Joint Consultative and Negotiating Forum involving the Portfolio Holder for Children's Services, and representatives of relevant trade unions and Professional Associations.

Details of the framework including the working parties and a brief summary of their terms of reference are set out on the attached Appendix A. These details have been discussed by the Director of Children's Services with all the professional associations and trade unions and they are fully supportive of the proposed changes.

Any matters that remain unresolved by the Joint Consultative and Negotiating Forum will be referred to the General Purposes Committee to resolve/determine.

Employee Partnership Committee

The terms of reference for this Committee will also be reviewed in the forthcoming months and it is likely that a proposal similar to the one outlined in this report will come for consideration to a later meeting of the Constitutional Advisory Group following further discussions between Members, officers and trade unions.

Contact Officer Details:
Gordon McFarlane – Acting Assistant Director (HR/OD) 01234 276679

Key Background Papers:
None

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Central Bedfordshire Council – Meeting Framework with Teacher and Children’s Services Trade Unions May 2010

Consultation Forum	Membership	Frequency	Brief Terms of Reference
Joint Consultative & Negotiating Forum (this would not be a sub-cttee of General Purposes, so would need to seek delegation to Director in consultation with the P/F Holder)	Portfolio Holder for Children’s Services (Chair) Director of Children’s Services Teaching unions, UNISON & GMB One HR representative	Termly (3 per year)	<ul style="list-style-type: none"> • Interface with Director and Portfolio Holder to discuss major policy and/or key strategic issues affecting schools and children’s services that could not be resolved at the working party. • To discuss any major policy issues that either the Portfolio Holder, Director and unions wish to raise further to their discussion at the working party. • To consider any disputes between the Council and the Trade Unions where there has been failure to agree at JCNC working party level.
Joint Consultative & Negotiating Working Party	Head of Partnership and Workforce (Chair) representing Children’s Services HRBP (Children’s Services), Teacher trade unions, UNISON & GMB	Termly (3 per year). *Commencing in September 2010 ** provision exists for further meetings to be arranged if required.	<ul style="list-style-type: none"> • Implementation of national terms and conditions of employment. (HR) • Policy Development work relating to schools and the wider children’s workforce (HR) • Consultation/Negotiation of local policies/procedures and working practices (Chair/HR) • To inform, communicate and consult on employment and organisational issues that are relevant to schools and the wider children’s workforce, ensuring that the involvement of staff is achieved. (Chair/HR) • To promote good employee relations and a positive working environment by recognising common interests and building a culture of working together to achieve solutions. (Chair/HR)
Workforce Agreement Monitoring Group (WAMG)	Head of Partnership & Workforce Development (Chair) HR as required Teacher Trade Unions, UNISON & GMB	Termly (3 per year) *To be timed to happen prior to the JCNC working party on	<ul style="list-style-type: none"> • To raise and monitor standards and tackle workload and to provide benefits of the National Agreement and whole School Workforce reform across all phases.

		same day.	
Soulbury Working Party	<p>Schools Relationship Manager (BBC) or HRBP Children’s Services (CBC)* (Chair)</p> <p>Representative from Children’s Services, ASPECT, AEP, & NUT trade union reps</p> <p>* joint meeting with Bedford Borough Council</p>	As required – ad hoc	<ul style="list-style-type: none"> To discuss the local implementation of any national terms and conditions affecting Soulbury employees and any other related issues.
EJC (Health & Safety) Schools Based Staff	<p>Chair – Head of School Support</p> <p>H&S team, HR (as required), Teacher trade unions, UNISON & GMB</p>	Termly (3 per year)	<ul style="list-style-type: none"> Consider all health and safety matters affecting staff, members of the public, pupils, contractors, other Authority employees and any other persons who may be affected by work activities including: <ul style="list-style-type: none"> Discussing monitoring procedures and the results of monitoring. Monitoring the effectiveness of the training of employees in safety matters and the adequacy of safety and health communication in the workplace. Reviewing statistics on accidents, dangerous occurrences, ‘near misses’ and cases of work related ill health. Making recommendations regarding immediate action on matters of emergency affecting the health and safety of employees. Recommending standards, where appropriate, on health and safety laws and regulations. Making formal recommendations on all matters affecting the health and safety of employees to the Director of Children’s Services.

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Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP
DATE: 1st June 2010

TITLE	Consultation Strategy
REPORT OF	Assistant Director of Communications / Consultation Manager

PURPOSE	To outline the current Council Strategies/ Polices which cover consultation requirements.
----------------	---

ORIGIN OF PROPOSAL	The Council's Constitution Advisory Group have been considering the Council's Policy Framework. At the meeting on 1 st April 2010 the Constitution Advisory Group requested information about the Council's strategic approach to consultation.
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RECOMMENDATION:	
(1)	Consider the aspects of consultation which are already covered in the Council's <ul style="list-style-type: none"> ▪ Communication Strategy ▪ Community Engagement Strategy and ▪ Consultation Toolkit (to be developed in 2010) And consider what, if any, further issues need to be addressed.
(2)	Consider if the Constitution Advisory Group wish to recommend to the Executive to consider having a separate strategy as per the Policy Framework list.

SUPPORTING INFORMATION

1. The Council's approach to Consultation is detailed in two existing Council Strategies; Communications Strategy and Community Engagement Strategy.
2. The following aspects are covered in the Communication Strategy:
 - Corporate Consultation Team's role in providing training, advice and support to services in conducting consultation and
 - A forward plan of the corporate consultation and market research activity that will be carried out by the Consultation Team.
3. The corporate consultation work for the year ahead includes:
 - Maintaining the Council's consultation database
 - Establish a framework contract with research suppliers to ensure best value for money
 - Six monthly reputation tracker surveys
 - Bi-annual Place Survey (2010)
 - Annual budget consultation
 - Set up stakeholder database
 - Set up social media engagement tools
 - Run quarterly online polls
 - Member survey
 - Stakeholder survey
 - Internal satisfaction survey
 - Refresh employee engagement survey (2011)

The team will also support services in their consultation activities.
4. The following aspects of consultation are covered in the Community Engagement Strategy:
 - The Council's response to the Duty to Involve, including various mechanisms for the public to influence our decision making, officer and member guidance and training, coordination of consultation and engagement activities.
 - A set of agreed values for consultation and engagement activities to ensure a consistent approach, all engagement and consultation should be planned, timely, transparent, inclusive, proportionate, resourced, evaluated and published.
 - How Members will be supported in their role as community leaders.
 - How we will coordinate our engagement and consultation work with key partners.
 - How we will measure success through national indicators.

5. In 2010 the Consultation Team is developing a consultation toolkit. The toolkit will be a guidance document for officers in designing, managing and analysing consultation. The toolkit will cover:
- The Council's statutory requirements around consultation
 - When to consult
 - Who to consult (including the role of members)
 - How to consult (including the 12 week consultation period guidance)
 - Choosing and designing consultation methods
 - Evaluating consultation

The toolkit can also be used by Members to assist them in evaluating consultation results.

Contact Officer Details:	Key Background Papers:
Georgina Stanton, Assistant Director Communications, 01462 611438 and Karen Aspinall, Consultation Manager, T. 0300 300 6286	

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Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP
DATE: 1 June 2010

TITLE	Proposed amendment to public speaking at Development Management Committee
REPORT OF	Gary Worth AD Development Management

PURPOSE	To consider allowing speakers 5 minutes rather than 3 minutes as currently allowed by the Constitution of Central Bedfordshire (Part A4, Annex 3, 3.1 – 3.4).
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ORIGIN OF PROPOSAL	This matter was originally discussed by the Constitution Advisory Group on 1 April 2010 and was deferred (see attached report).
---------------------------	---

RECOMMENDATION:

As set out in the original report to the Advisory Group on 1 April 2010, a copy of which is appended.

SUPPORTING INFORMATION

1. At the meeting of the Constitution Advisory Group held on 1 April 2010, Members requested that consideration of the report regarding public speaking at the Development Management Committee should be deferred in order that the appropriate Planning officer could be present at the meeting to provide advice on the report.
2. The original report is appended for Members' consideration.

Contact Officer Details:
Gary Worth

Key Background Papers:
Report to CAG 1 April
Town and Parish report

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP

DATE: 1st April 2010

TITLE	Proposed amendment to public speaking at Development Management Committee
REPORT OF	Gary Worth AD Development Management

PURPOSE	To consider allowing speakers 5 minutes rather than 3 minutes as currently allowed by the Constitution of Central Bedfordshire (Part A4, Annex 3, 3.1 -3.4)
----------------	---

ORIGIN OF PROPOSAL	Following the Town and Parish event of 4 th November 2009, Cllr Shadbolt discussed this issue with Peter Brown of Stondon Parish Council after Mr Brown had raised the issue during Open Forum Questions at the event. Cllr Shadbolt undertook to investigate the matter further with a view to bringing forward an item to the CWG.
---------------------------	---

RECOMMENDATION:

- (1) That the Constitution of Central Bedfordshire Council remains unaltered in respect of public speaking at Development Management Committee to allow 3 minutes to speakers.

SUPPORTING INFORMATION

1. Following the question from Peter Brown at the Central Bedfordshire Council Town and Parish event on 4th November 2009, Cllr Trisha Turner undertook to carry out research of national best practice and to include the findings in the report of the Town and Parish event. This work was carried out and the findings concluded that Central Bedfordshire Council current arrangements were in keeping with national best practice and therefore no changes should be proposed. The findings were included with the responses to the open forum questions in the Town and Parish Event Post Conference Report (A copy is attached, please see page 9). It should be noted that the Chair of the Committee has discretion to allow longer for speaking by virtue of Part A4, Annex 3, 4.
2. A meeting was held on 1st March 2010. In attendance were Cllr Tom Nicols PFH Sustainable Development, Cllr Alan Shadbolt Vice Chair of DMC, Gary Worth AD Development Management, Andrew Davie, Head of Development Management North and David Hale, Head of Development Management South. Cllr Peter Vickers, Chair of DMC was invited but did not attend. The issue was discussed at this meeting and it was agreed by all present, given the research carried out and the reported findings, that no change to the Constitution was required.

Contact Officer Details:

Gary Worth

Key Background Papers:

Town and Parish report

Town & Parish Council Conference

4 November 2009
Post Conference Report



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Introduction

In response to the feedback you gave at our first conference in April, we have committed to holding two Parish & Town Council conferences each year. These conferences provide an excellent opportunity for us to develop our working relationship and to discuss some of the key challenges we need to tackle together on behalf of our residents.

At this, our second conference, nearly 150 Parish & Town Council representatives had a chance to contribute to the early development of two key strategies: the Community Engagement Strategy; and the Sustainable Community Strategy, as well as network with colleagues and meet the Council's new chief executive, Richard Carr. We also hosted an open forum to respond to your questions and concerns. As we did not have the time on the night to answer all of the questions you submitted, this report takes the opportunity to do so, as well as providing a summary of the conference, and a write up of all the comments from the roundtable discussions and feedback forms.

Thank you to all who were able to participate as your involvement is critical to our joint working for the benefit of all our communities. Our next conference will be held on 9th June 2010 at Priory House, Chicksands. Please put this date in your diaries.

These conferences are not the only ways in which we will work together and we will continue to consult with you in between times through a variety of means.

Finally, as we welcome in the New Year let me wish you all a very happy and prosperous 2010.



Councillor Tricia Turner MBE
Leader, Central Bedfordshire Council

P.E. Turner.

Economic briefing for the public sector

The Conference was preceded by an economic briefing for the public sector from Clive Heaphy, Director of Corporate Resources, which was well received. One question which was raised during that session, and to which the Council committed to respond to, is detailed below.

Question

Please clarify Central Bedfordshire Council's policy position for road closures.

Answer

The £150 charge for road closures relates to advertising. This is a genuine cost to the authority (made by Tribal who do the advertising on our behalf). There are many requests for road closures that come from charities all over the district. If we did not pass this cost on, then the tax payer would have to pay a significant amount of additional money to subsidise these activities.

The Conference

The objectives of the Conference were to:

- introduce the new Chief Executive, Richard Carr;
- update on progress towards implementing the Community Engagement Strategy;
- contribute to the development of the Sustainable Community Strategy for Central Bedfordshire; and
- enable open communications between the Council and Town & Parish Councils.

Welcome and introduction

Councillor Tricia Turner MBE, Leader of Central Bedfordshire Council welcomed everyone to the Conference and introduced the new Chief Executive, Richard Carr.

Introducing the new Chief Executive

Richard Carr, the new Chief Executive, introduced himself and shared his thoughts on Central Bedfordshire.

Community Engagement Strategy

Councillor Richard Stay, Deputy Leader of Central Bedfordshire Council, gave a presentation on the draft Community Engagement Strategy, outlining the five key principles, which are:

- Giving more people more opportunities to influence decisions
- Enabling councillors to be leaders in and for their communities
- Enhancing the role of Town & Parish Councils
- Building the capacity for local people to engage
- Ensuring a joined-up, strategic and coordinated partnership approach.

The presentation focussed in on the support for Town & Parish Councils, which includes:

- bi-annual Town & Parish Council Conferences;
- identifying opportunities for devolving services, and budgets, to Town & Parish Councils (where they want them);
- supporting clusters of Town & Parish Councils working together to resolve common issues; and
- providing a key contact point for Central Bedfordshire Council for Town & Parish Councils.

This was followed by round table discussions on what Town & Parish Councils would like to gain from the localism agenda in the context of the five principles in the Council's agreed policy position.

The outcomes of those discussions can be found in Appendix 1 and are summarised as follows:

- Challenges around devolving services to Town & Parish Councils eg. grass cutting, weed control, hedge cutting and street cleaning.
- Concerns around how devolved services will be funded.
- Overwhelming support from Town & Parish Councils to work together wherever possible.
- Named contacts at Central Bedfordshire Council are preferred rather than a single hotline number.
- Improved / better communications between Central Bedfordshire Council and Town & Parish Councils is needed.
- Greater involvement is wanted from Town & Parish Councils in influencing local planning decisions.

Sustainable Community Strategy

Richard Ellis, Director of Business Transformation gave a presentation on the Sustainable Community Strategy, detailing the draft priorities that were beginning to emerge, as follows:

- Supporting and caring for a vulnerable and ageing population.
- Educating, protecting and providing opportunities for children and young people.
- Promoting healthier lifestyles for all.
- Ensuring our local people have the skills to prosper.
- Keeping our communities safe.
- Nurturing a sense of pride and belonging by providing opportunities for everyone to take part in community life.
- Maximising employment and housing opportunities to meet the needs of our growing population.

This was followed by round table discussions on whether these priorities reflected the critical issues for Central Bedfordshire and how they related to Town & Parish Council's own communities.

The outcomes of those discussions can be found in Appendix 2 and are summarised as follows:

- There was strong support for all of the emerging priorities.
- Jobs growth should match housing growth.
- Requirement for robust infrastructure and budgets in order to deliver improvement to roads, transport and local facilities.
- Need to minimise the impact on the environment by the use of brownfield sites.
- Need to engage communities to ensure success.
- Sharing of local events / facilities, tied into robust infrastructure.
- Concerns about access to public transport, particularly in rural areas.

Open Forum

There was an opportunity to send in questions in advance which could be answered on the night in a session format similar to that of "Question Time". Thank you to everyone who took the time to send in their questions. Although only some could be put forward on the night, the table below gives answers to all the questions which were received.

The following questions were responded to during the conference

Council	Name	Question	Answer
Streatley Parish	Geoffrey Farr	Beds CC gave us names of staff for particular areas of work ie. Grass cutting, pavement care etc. Central Beds does not seem to have the confidence to give PC's these names, which extends the time on telephone etc. Will you be releasing these names to aid progress of works?	<p>CBC would be happy to release details, however this is likely to be lengthy. Our Customer Service Centre (0300 300 8000) enables callers to be connected to our service providers. A full list of all of our services and contact numbers is included in the back pages of our News Central magazine. In addition, we have proposed a dedicated contact number for T&P Councils to speed up the process of contacting the appropriate people within CBC.</p> <p>Please note that immediately after the conference the contact details of all senior managers was circulated.</p>
Shefford Town	Jennifer Harrison	What do you see as the future of local bus services and the Bus Pass scheme within Central Bedfordshire's area?	<p>Local bus services are subject to a review of all passenger transport in Central Bedfordshire, under the umbrella of preparations for the next Local Transport Plan. It is anticipated that the review will recommend a number of changes to the way that local bus services are delivered, as well as clarifying the Council's policy on matters such as rural accessibility, and combating congestion in our urban areas. The English National Concessionary Travel Scheme looks set to remain in force for the time being, so free travel will continue to be enjoyed by elderly people and people with disabilities in Central Bedfordshire. The Council has no plans to make any alterations to the non-statutory element of the concession scheme, which is the ability to travel free on weekday mornings before 9:30.</p>
Kensworth Parish	Cllr Robin Radford MBE	Correspondence - Why is some correspondence coming from several different sources ie. Bedford, Dunstable and Chicksands given the headquarters for Central Bedfordshire is Chicksands? Isn't it about time that Central Bedfordshire "Put its House in Order"!	<p>CBC is in the process of consolidating its offices, however this will take time and is a huge task. It should be noted that the head office address is: Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ and any correspondence sent there will be forwarded on as appropriate.</p>

Blunham Parish	Cllr Malcolm Mugridge	Does Central Bedfordshire operate a letter / email tracking system for comments and enquiries received from the public to ensure their acknowledgement and a timely reply? If not, does the Council consider such a system is a good idea? If yes, should this also apply to it's major long term partners and contractors.	CBC does not operate a tracking system for general correspondence. Although we are not currently researching this, if an affordable and cost effective system is identified that would improve the quality of service to our customers this will be considered. If a system is implemented then this would also apply to partners.
Totterhoe Parish	Cllr Peter Tasker	In view of the Central Bedfordshire budget shortfall as now advised when will the Council be able to introduce Council Tax Bands across the whole Authority Area that are equal and not continue with the current 2 tier system.	Executive on 8 December 2009 approved the draft budget for consultation, which incorporated a proposal to harmonise Council Tax rates for 1 April 2011.
Stondon Parish	Cllr Peter Brown	I have asked, and will continue to ask, that Town & Parish Councils be afforded the same consultation opportunity as Ward Members when attending Committee Decisions meetings eg. planning & boundaries, rather than the current 3 minute one way inadequate currently practised. Excuses given to date regarding time and constitution constraints are unacceptable. Talk is cheap. Why can't we work closely together as you claim is your wish?	Research has revealed that many Councils apply a time limit to speaking rights that tends to be 3 minutes. Best practice guidance (The Planning Offices Society, Practice Note 1 - Public Speaking in Planning Committees) states that a time limit of 3 minutes or 5 minutes per speaker should be given. Only one example was found of a Council with a 5 minute speaking rule. The Constitution of Central Bedfordshire Council allows the Chairman of the Development Management Committee (DMC) discretion to vary the 3 minute rule where an application affects more than one town/parish when he or she considers it conducive to the despatch of business and will not cause prejudice to the parties involved. CBC's approach is therefore entirely consistent with what other councils are doing, and with best practice. (Other best practice guidance includes - Local Government Association - Probity in Planning - revised guidance note on good planning practice for councillors and officers dealing with planning matters).

The following questions were not raised during the conference

Council	Name	Question	Answer
Kensworth Parish	Cllr Robin Radford MBE	Human Resources - It would appear that whereas Central Bedfordshire has reduced the total number of serving councillors the reduction in staff has not been proportionate to the reduction in service cover of the three merged authorities. Why?	The priority for the new unitary authority was to ensure business continuity from day one and to make sure the quality of service remained high. This was achieved. The Council is now responding to delivering substantial savings and has recently committed to reducing the senior management overhead by 20%. Work to implement this has already begun.
BRCC	Cllr Jim Gledhill	Why am I and a number of parish councils unable to open attachments to emails received from Central Bedfordshire Council ? It appears that with emails emanating from Priory House it is possible to see and open attachments but with those received from Borough Hall, Melbourn House and the Dunstable Offices it is frequently not so. Recipients of emails with unopenable attachments report that either the attachment box is blank or that it contains an icon with winmail.dat . In the latter case it is not possible to open the attachment either. It would appear that email recipients facing this problem do not experience similar problems with emails from any other sender.	If recipients have access to a webmail version of their email account then this usually has no problem opening attachments sent in different formats. Alternatively request the sender to re-send the email in HTML format, they should then be able to open attachments.
Stotfold Town	Cllr Alan Cooper	Sustainable Community Strategy - What are your current and future proposals for the provision of public transport to urban areas with particular reference to towns and villages	As long as congestion and control of air quality remain important factors in the management of our urban areas, it is anticipated that the Council will continue to pursue policies designed to encourage people to switch from driving cars to more environmentally friendly and economically sustainable modes of travel, such as walking, cycling and using public transport. Furthermore, the problems of accessibility in rural areas are high on the agenda, and likely to be the focus of many of the recommendations of the review of passenger transport, which is expected to report in 2010.

Stotfold Town	Cllr Alan Cooper	Community Engagement Strategy - Question on the lack on community engagement in regard to the LDF Task Force, with particular reference to the admission of public to attend the meetings under the attendance rules contained in the constitution for all meetings.	On the creation of Central Bedfordshire, a new Task Force was set up under the Overview and Scrutiny Committee for Sustainable Communities to oversee production of LDF documents but also to examine various housing and transport strategy documents. The OSC meeting on 4 August 2009 set up the Development Strategy Task Force and established its terms of reference etc. The issue of public involvement in these meetings was discussed. Members' views at that stage was that Members needed an informal arena in which to develop ideas and discuss issues prior to public consultation and that public attendance at these meetings would not usually be appropriate. The Task Force is not a decision-making body but makes recommendations to Executive or to the Portfolio Holder. All its recommendations are considered, in public, by the OSC. The Chairman of the Task Force is able to invite representatives to give evidence to the Task Force on specific issues. During the discussions on potential Site Allocations the Task Force heard from a number of Town and Parish Councils who provided local input to inform the recommendations from Task Force.
Stotfold Town	Cllr Malcolm Smith	In view of the fact that the Mid-Beds/South Beds bid for Unitary Status rested on the assurance that, unlike the County bid, it would enable Council Tax to be reduced, why is it that, to equalise Mid- and South-Beds Council Tax it has been decided to increase ours rather than to show them how to reduce theirs? And what measures are you now proposing to take to reduce Council Tax for the whole Council Area in future years?	Key factor that has changed is, not surprisingly, the state of the economy - lost investment interest on cashflow, loss of income from planning fees and increased benefits case loads. This on top of national pressures in respect of Looked After Children following the Baby Peter case, the ageing population and greater taxes on landfill. In spite of all of these emerging and ongoing financial pressures we are working hard to minimise the Council Tax burden.
Southill Parish	Cllr Paul A Gowers	Given the recent concerns expressed by Southill Parish Council regarding extremely dangerous high speeds of vehicles could the council outline its plans to address this important issue and provide notice of practical plans to control speeding vehicles on the B658.	The speed limit review of the B658 was carried out in the financial year 2008/09. The road was assessed using the Department of Transport criteria, which includes the road function (i.e. through route or local access), casualty records, police concerns, speed data, road lay-out, environment and visibility of the existing speed limit locations. Having assessed the existing speed limit, we feel that it is appropriate for this location and no further work is planned. However, we will forward the Parish Council's concerns, together with our relevant data, on to Bedfordshire Police Traffic Management for their consideration and possible future action.

Clifton Parish	Barry & Cllr Pauline Livesey	Beds CC had a well established network of Tree Wardens. There has been no communication from Central Beds to Tree Wardens. Has the scheme been consigned to the scrap heap? Is Central Beds no longer interested in trees?	All tree wardens in the Central Bedfordshire area received confirmation of a tree scheme this winter and an application for trees and materials. Several responses have been received, although most enquiries regarding the scheme generally have come from the north. The scheme is running in a similar way to the previous county model and this will need to be reviewed. Volunteers will be asked how they would like to be involved in this process. Tree wardens' input over the years has been amazing in establishing many new hedgerows and trees.
Studham Parish	Cllrs Des Salmon & Tony Gatehouse	As you are dealing with Parish Councils who perhaps are not so well organised as Town Councils could you please give larger notice at events which are planned well in advance. Could the arrangements for communicating be more realistic ie. sensible deadlines	As part of the feedback for the Conference we have been advised that more notice is required to enable the matter to be brought before Council meetings. This has been noted and will be factored into all future events.
Kensworth Parish	Cllr Robin Radford MBE	Grasscutting - Parishes should again be given the opportunity to take on the responsibility for grasscutting (some parishes are currently responsible some are not ie. Billington) and be given the full re-imburement for all grasscutting within and without the 30mph speed limits ie. all grasscutting within the parish boundaries.	CBC support the devolvement of services such as grasscutting to Town & Parish Councils and understand that funding will be required as a result. Any actions CBC take are with potential devolvement in mind.
Stondon Parish	Cllr Peter Brown	Given that we were told by Tricia Turner at the last Town & Parish Council meeting that you wish to work closely together in partnership with Town & Parish Councils why then is this not happening? If anything things have got worse.	CBC is keen to work in partnership with Town & Parish Councils and we encourage you to talk to us about any concerns you have. The bi-annual conferences are an opportunity for us to discuss the big challenges, and officers and members will be happy to meet with you in response to specific requests.

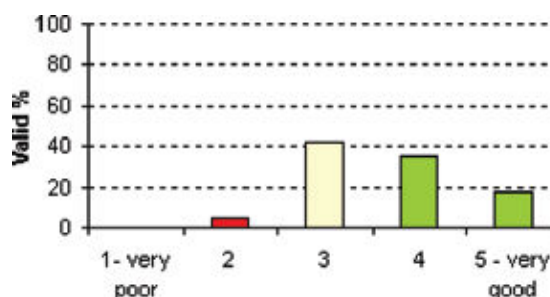
Kensworth Parish	Cllr Robin Radford MBE	Library Services - Why does the mobile library travel from one end of the district (Biggleswade) to the other (Kensworth, Studham and Whipsnade) which must entail at least 2 hours travel in total?	<p>When we became Central Bedfordshire & Bedford Borough we had to share the two mobiles and two Library Link vehicles on a 2 each basis. Our Library Link vehicle (serving residential homes, sheltered accommodation etc) is based at Flitwick (the mobile that used to be based there was transferred to Bedford). The mobile library that remained in Central was the one based at Biggleswade so we have to cover the whole of Central with that vehicle in terms of the mobile library service.</p>
Shefford Town	Paul Mackin	How do you see Central Bedfordshire Councils progress towards improving communication with Town & Parish Councils and devolving responsibility for "local issues"?	<p>From April 2010 we will be producing a Local Strategic Partnership Newsletter. This will be circulated to our stakeholders - including all Town and Parish Councils. This will complement our twice yearly Town & Parish Council conferences and all of the dialogue we have individually with Town & Parish Councils on an ongoing basis.</p> <p>CBC has made a policy statement at the conference to work closely with Town & Parish Councils to devolve budgets for quality of life services to those who want them and where the service will be enhanced by doing so. Devolved budgets will be distributed by allocating the pro-rata costs for delivering the same service on a broader area-wide basis.</p>

Feedback on the Conference

A conference feedback form was provided in the Delegate Packs and below are the results from the 47 completed forms received.

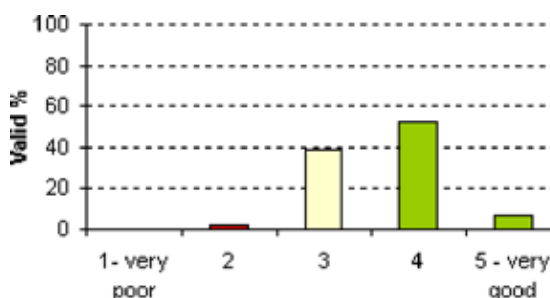
Introducing the new Chief Executive, Richard Carr

	Count	%	Valid %
1 - very poor	0	0	0
2	2	4	4
3	19	40	42
4	16	34	36
5 - very good	8	17	18
Total	45	96	100
Missing	2	4	4
Grand total	47	100	104
Mean score	3.67		
% Good	53		



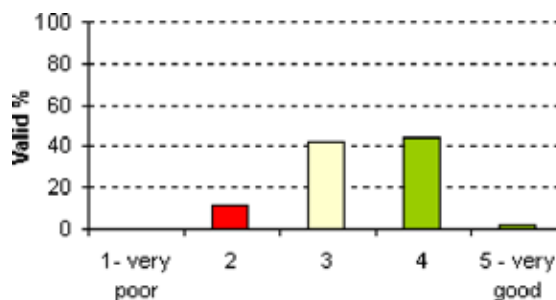
Updating you on the progress towards implementing the Community Engagement Strategy

	Count	%	Valid %
1 - very poor	0	0	0
2	1	2	2
3	17	36	39
4	23	49	52
5 - very good	3	6	7
Total	44	94	100
Missing	3	6	
Grand total	47	100	
Mean score	3.64		
% Good	59		



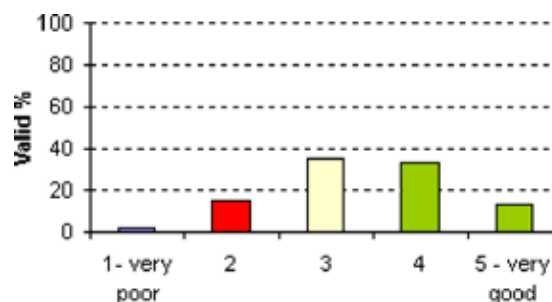
Allowing you to contribute to the development of the Sustainable Community Strategy for Central Bedfordshire

	Count	%	Valid %
1- very poor	0	0	0
2	5	11	11
3	19	40	42
4	20	43	44
5 - very good	1	2	2
Total	45	96	100
Missing	2	4	
Grand total	47	100	
Mean score	3.38		
% Good	47		



Enabling open communication between the Council and Town & Parish Councils

	Count	%	Valid %
1- very poor	1	2	2
2	7	15	16
3	16	34	36
4	15	32	33
5 - very good	6	13	13
Total	45	96	100
Missing	2	4	
Grand total	47	100	
Mean score	3.40		
% Good	47		



A summary of comments made about the Conference

	Count	%
General Positive- good event, well organised, provided value	5	11
More time for round table discussions	4	9
Good opportunity for developing open dialogue/ communicating with the Council	4	9
More openness/opportunities to ask questions during open forums (Question Time)	4	9
Poor sound	3	6
Good networking opportunity	3	6
More details around aspects covered	3	6
Economic briefing was useful	2	4
Timing- event overran, alternative day preferred	2	4
Less of a prescribed format	2	4
Two strategies was a lot to consider	1	2
Photographer was distracting	1	2
More around the Councils views on the challenges being faced	1	2
Stronger table facilitation to keep discussions on track	1	2
To find out what other participant's responses were during discussion sessions and the Council's response	1	2
Other	3	6

Conclusion

The general consensus from the feedback was that the Conference was worthwhile and met its primary objectives of meeting the new chief executive, contributing to the development of two important partnership strategies, and facilitating an open dialogue. However, you would like more opportunity for two way conversation on issues that impact on Towns and Parishes directly.

What's Next?

We will build on all of the feedback we have received, both formal and informal, to continue to improve how we work together.

We look forward to meeting you all again at our next conference on 9th June 2010 at Priory House, Chicksands. In the meantime, a full copy of this report and the presentations can be found on the Council's website.

Appendix 1 – Community Engagement Strategy

Round Table Discussions Output

(Langford, Potton, Henlow, Caddington)

- Not inspired by the thought of increasing precept by 5% if CBC then only increase by 1% (Langford)
- Need some convincing that hot-line would give priority access. How will it actually work? Needs to be quicker than existing arrangements
- Inconsistency in Service from Customer Services ie. Safeguarding Children – very good. Flytipping was passed onto 3 different services
- If Services are taken on is there potential for phased financial support and we need to identify where services can be shared by neighbouring parishes
- More notice needs to be given on key strategic planning decisions

(Clifton, Leighton-Linslade, Tingrith)

- More meaningful role in planning (Leighton Linslade / Clifton)
- Development – not coalescing with other town / villages (Clifton)
- Ability to access specialist support services eg. Finance / HR (All)
- Grass cutting / weed spraying – good examples of Town & Parish management (Clifton / Leighton Linslade)
- General – list of possible services was uninspiring
- Theatre / markets – Local management (Leighton Linslade)
- General – May not be able to deliver at Town & Parish level, but £ contn to improvement
- More say in policing police in local areas eg. Speeding surveys (pay to get survey done in peak times) (Tingrith, Clifton)
- Line person – not helpful based on previous experience (Leighton Linslade), but may be helpful for newer clerks (inc. general e-mail address) (Clifton)

(Studham, Toddington, Arlesey)

- Hotline – declared names
- Explanation / discussion, devolution of services eg. Grass cutting, street scene (Arlesey)
- Co-ordination of local activity. Lack of duplication eg. Overlap of action, grass cutting by Parish councils then CBC contractors do a few days later
- Forced to change, common area looked after by CBC - grass cutting, trees, road clearing (Studham)
- New maps of contract / Parish responsibilities (Studham)
- Make sure residents aren't "double paying"
- Ward budgets eg. Small hedge needing attention – can Parish arrange local action immediately from ward budget rather than wait for a gang/team to come along

(Heath & Reach, Stanbridge, Eggington, Chalton)

- Devolved Services – Grass hedge cutting – can do even as small parishes. Would need help & guidance on costs / budget / viability & procurement / contract commitment.
- Devolved Services – Better job achievable through local maintenance. Need better information on which areas are currently meant to be cut.
- Devolved Services – Need to be mindful of need for guidance & support from CBC (need help eg. on procurement)
- Devolved Services – Can Central Beds help?

(Southill, Shefford, Dunstable, Steppingley, Northill, Blunham, Caldecote)

- Each Parish or Town Council has to decide – timing an issue for next year
- When can this start 2010/11 or realistically 2011/12?
- Street cleaning, weed control, road closures (Shefford)
- Grass cutting, street cleansing – Parish Councils could share costs eg. Shefford & Southill. Could employ person between the two Parish Councils
- Speeding in villages (B658). Can Southill & Shefford work together on this, also other Parish Councils. Northill, Blunham, Caldecote could potentially work on this too with above. Recognition that Police resources & CBC resources limited.
- Issues noted – supervision of work / contract needed too.
- Dunstable – “man in a van” service jointly funded to deal with local issues – could look at this approach
- Work with local sports clubs (barter / local co-operation) Steppingley Parish Council – cricket club
- Mix of reciprocal arrangements very local or specific & other
- Agree joint meeting between Parish Councils eg. Southill & Shefford – can do anyway
- Level of cynicism re: redistribution of costs
- Concern that multi service approach by Town Councils & Parish Councils would add to precept burden
- Mixed economy approach to provide most relevant / needed services in areas rather than “compromise global” service seen as beneficial
- Community Safety Panels – example of local police presence – Localism is more useful – Better co-ordination
- Information on how elderly are being cared for
- CBC need to get their own services fully integrated
- Parishes have had high response to vacancies on Parish Councils
- We have already got item 1 (Notice boards say what is going on, no-one responds). How are you expecting this to happen?
- Why do we want Councillors to be leaders in their Communities?
- Would like to gain the funding to carry out services. Weed control, grass cutting, community development & economic development
- Town / Parish Plan is “building” interest and galvanising local views. But “what’s the point” if involvement has been established over time. Are you going to do this? Talking about it isn’t enough
- Concern that the ground rules may have changed on Parish Plans

- People want proof that “involvement” makes a difference
- Councillors are advocates / “supportive” on local issues – but hedge cutting & weed killing is not community leadership, but grass cutting makes a difference
- Perceived reluctance to give away (relinquish) those things that give aggravation
- Don’t want to see it as cost cutting measure
- Whipsnade Conference – CAN (Community Action Network) – Concern about structure of CANs. Local people must be galvanised
- Strong desire to work with neighbouring Parishes
- There is a lot of business expertise in Parish Councils that is not being used ie. Planning, PCSOs, Licensing
- Hotline no benefit. Directory would help. Named contact – liaison person! We asked for it 6 months ago & not delivered

(Dunstable, Houghton Regis, Eversholt)

- Grass cutting (Dunstable)
- Footpath maintenance (Dunstable)
- Will consider shared arrangements with Houghton Regis (Dunstable)
- Strengthen town centre management committees to become Town management committees – look at the whole town
- Need to examine where service can be enhanced before pursuing devolved services (Houghton Regis)
- Consider promoting “Fix my street” website for residents to report issues (Houghton Regis)
- Want better communication (Houghton Regis)
- Rural Communities – traffic management – rat runs (Eversholt)
- Issues – bus services, public transport, street lighting, rural mobility, deprivation, insufficient support for rural areas. Access to services
- Hotline – dedicated line support – logged & tracked enquiries
- General support for the 5 principles as a framework
- Improved consultation concerning change which impacts on local communities ie. changes to transport / buses
- Improved / better communication between CBC and Town & parish Councils
- Opportunities for clustering between Town / Parish / Ward Councillors

(Shillington, Brogborough)

- Time for consultation (Shillington)
- Remember we meet monthly (Brogborough)
- IT – speed of access, formats love PDF
- Don’t hurry – it’ll go wrong
- To listen takes time
- Give us plenty of notice, 3-4 months as a rule
- Remember there is a lot of knowledge at a Parish Council
- In particular local Planning
- Really want to influence decisions
- “small” projects especially

- Traffic calming
- Speed limit in Sherpen Ave
- We already do the things on suggested services
- Clarity of Contact points to progress queries – people not hotlines

(Dunstable, Flitton, Flitwick, Pulloxhill)

- Influencing decisions :
 - Town & Parish Councils feel powerless on planning issues
 - Knowledge gap by Town & Parish Councillors training need
 - Access to Planning Officers – attending Town & Parish Council meetings
 - Planning “Hotline”
 - Influence on highway improvements to be greater
- Councillors in the Community:
 - Need to improve visibility / ability to contact
 - Help Ward Councillors communicate with residents
 - CBC to recognise that Town & Parish Councils have greater local profile
 - Many CBC Councillors have “split loyalties” – “twin hatters”
 - Ward Councillor to have a budget for use on local issues
- Devolvement:
 - Dunstable very eager to discuss anything and everything – all options open

(Harlington, Stondon)

- Hot line only liked by one Council (Harlington) – but mixed view otherwise as the bigger issue was consistency & continuity of responses (customer tracking)
 - Assistance communicating with the public (Harlington)
 - Messages not getting through particularly to planning (Stondon)
 - Consultation periods too short – 2/3 weeks when Parish Councils meet monthly. Sometimes notice is 24/48 hours eg. LDF consultation & planning (All Councils)
 - Parish Councils’ views not acknowledged particularly re: planning – given only 3 minutes to speak. Need to have an approach for more constructive dialogue (Stondon)
 - More opportunities for officers to talk about Planning Law
 - Parish Councillors must Feel that they are listened to (Stondon)
 - Concern that CBC offloading issues (Stondon)
-
- Not working to take on responsibilities – costs money
 - Actions taken in timely way
 - Could take on some responsibilities if shared (clusters) ie. weeds, verges, pavements if money & workers
 - Barnet “Easyjet Mode 1” “but we are already paying for a deluxe service!”
 - Support Hotline – Potton Council asked for this last time! Should be more experienced people NOT just getting through quicker. Freephone could claim but bother Councillors & Clerk access (not others)

- More street lights back up to CBC rather than devolve more
- Source services cheaper than CBC
- Need quality control standards
- More say on Rights of Way – work together
- Not necessarily able to take on services but want to be informed & consulted (particularly Highways)
- VAS powered
- Ward Councillors need to assist Town & Parish Councils , not how Town & Parish Councils can help CBC
- Have hot email account. Use Ward Councillors to escalate issues
- All agree with enhancing role of Town & Parish Councils
- Particularly planning issues – work with Town & Parish Councils

(Houghton Conquest)

- Concern as Parish Council volunteers, not full time Councillors. Concern asked to do more.
- Share maintenance issues of roads with others a possibility
- Already do grass cutting in Parish
- Engagement with Health services for advice / assistance needed. Ageing population
- Concern about bus services meeting local need. Care group used to assist in getting people about
- “Hotline” – ask Parish Clerks if would be useful
- Concern over waste removal

Appendix 2 – Sustainable Community Strategy

Round Table Discussions Output

Question 1 - Do the priorities reflect the critical issues for Central Bedfordshire?

Question 2 - How do the priorities relate to your own communities?

(Langford, Potton, Henlow, Caddington)

- In supporting our ageing population we need to ensure there is adequate public transport
- The use of village based facilities to provide activities for children and young people complimented by adequate transport to larger towns
- Healthy opportunities to encourage people to pursue sport
- Skills opportunities for those who want to pursue new careers and informed learning for vulnerable adults
- Third sector do not sustain their intervention and it ends up being a waste of time – need to re-think time limited funding
- Police shouldn't distance themselves from anti-social behaviour
- Solving the Catch 22 of getting volunteers to organise community events eg. Potton festival is week long
- Affordable housing for local people is key issue
- ie. All 7 priorities unanimously endorsed

(Clifton, Leighton-Linslade, Tingrith)

Question 1

- Concern re: lack of wider infrastructure to support house building – urban housing in villages – lack of green space (Clifton / Leighton Linslade)
- Amount of building can lead to lack of sustainability, building on green space / food supply (Clifton / Leighton Linslade)
- General – agreement to priorities, but danger that less will be achieved without appropriate infrastructure – context of reduced budgets

Question 2

- Flexible / creative use of land eg. for allotments, school land, large private gardens, unused Central Beds land (Clifton)
- Some reluctance from schools re: use of school grounds (General)
- Healthier Lifestyles – transport from villages to swimming facilities (General)
- Transport after 6pm problematic, safety, taking part in community life (Leighton Linslade)
- Missing element – environment

(Studham, Toddington, Arlesey)

Question 1

- Desirable to see these developed for all communities not “rhetoric” but “reality”

Question 2

- Use brownfield sites (Studham)
- Balance green space – housing / business need (Studham)
- Issue of older children being educated in Toddington (Toddington)
- Need to offer alternatives to the school bus eg. cycle paths, safe pathways (Toddington)
- Lack of accessible green space around the village eg. water walks, networks – green infrastructure (Toddington)
- Encouraging new housing “1,000” into area through LDF (Arlesey)
- More positive “regeneration” of brownfield sites/farms to create local jobs eg. conversion of empty barns (Toddington)
- Increased availability of higher paid people with workshops / infrastructure to support (Studham, Toddington & Arlesey)
- Need to provide employment beyond farming opportunities (Studham)
- Successful village hall events already held – need capacity / volunteers to do more (Studham)
- Already provide voluntary transport (for more vulnerable in community) – rural transport is an issue (Studham)
- Pavements 5 year plan – SW facing to improve / make it safer (Studham / Arlesey)
- More street lighting in certain high risk areas (Studham / Arlesey)
- Children – lower speed limit at local lanes school / nursery (Arlesey)
- Improved road infrastructure / bypass village – growth will have greater impact (Toddington)

(Heath & Reach, Stanbridge, Eggington, Chalton)

- Need to focus on issues we can really influence (Chalton)
- High level aspirations / statements all well & good but can't be resolved in anyway other than locally eg. local promotion of footpaths
- Concern about final statement re: maximising employment & housing. Should be separate (Heath & Reach although consensual support)
- Significant debate about affordable housing – vitals important
- But concern about balance & relationship with need to generate employment
- Concern about resources to “keep communities safe” – not enough resources & not well managed
- Dedicated point of contact really - important & valuable
- Good experience of customer services
- Like idea of somebody you have a relationship with
- Dedicated email for Town & Parish contacts
- Highways Helpdesk good – but only as good as ability to RESOLVE queries
- Not message taking – must understand how the Council works
- Get rid of superfluous / out of date info weekly report
- Create channels for feedback & commentary on info provided (eg. how do we enable people to be able to correct info)

- Broadly content with the 7 BUT is highways covered as it is important? And waste recycling?
- Yes, priorities relate to our communities. Easier for villages than towns – but it is local people rather than the Councils that provide local successes. Could have a greater role.
- Perhaps cluster of businesses eg. on site training
- Importance of recycling, unemployed act as volunteers
- Employment & commuting discussed “life in 21st Century will be challenging in Central Bedfordshire”

(Southill, Shefford, Northill, Blunham, Caldicott, Dunstable, Steppingley)

- Town Councils can support work with young people
 - Farmers market, locally support initiative
 - For Southill, not seen as having local focus (ie. 7 priorities not relevant)
 - Can see link with Central Beds area & Town Councils
 - Need local transport & health provision – develop Wander Bus across more Parish & Town Councils
 - GP dispensing services –needed locally & to continue for community
 - Provide more services to local older people – practical eg. smaller, bespoke services
 - Potentially develop taxi / bus token scheme
 - Support youth work in towns & villages
 - Explore opportunities with Film clubs, theatre for young people & provide service on Saturdays / Sundays
 - Older people lunch clubs, coffee mornings – work with independent / voluntary groups
 - Share transport to events between Parish Councils - joint publicity, joint events
 - Much around sharing ideas, local services for specific trips eg. to local surgery, leisure centres, lunch clubs, other
 - Sharing school bus – bringing older & young people together
 - Table felt strongly about providing local public transport in their areas
 - Agree they reflect the priorities for their residents
-
- Concerned about top heavy approach to community safety. Prefer local panel feeding into higher level. Duplication at the moment.
 - Funding to encourage clustering of Parishes.
 - Skills training – people losing jobs.
 - Relevant local training – skills audit? Training Centres – re-training of people. Apprenticeships. Links to Growth agenda.
 - Low interest in local area – Lots of people commuting. Don't get involved in community
 - Planned growth will create enormous pressure on jobs
 - Transport integration
 - Transport – can't get to many places on public transport
 - Community Development team – elderly
 - Active in leisure facilities – various programmes over next 10 years. Healthy walking groups

(Harlington, Stondon)

- Crime top of the list (Harlington)
- Emphasise young people into nurturing a sense of pride & belonging (Stondon)
- Concern expressed about use of word "protecting" children – view that this was over emphasised (All)
- Add supporting parents to educate children
- Some areas are commuting areas so maximising employment locally is not so relevant (Harlington)
- Priorities OK but they need to be underpinned by the infrastructure eg. maximising housing needs to be developed alongside adequate school provision
- Localism not stressed in the priorities

- Shopping – Death of town centres!!
- Infrastructure is missing and key to all!!!!!!
- Green issues / sustainability eg. combined heat & power recycling extended to business
- How promote healthier lifestyles? Living longer, healthier
- Not priorities (or lesser) – nurturing a sense of pride ... it come with the rest; promoting healthier lifestyles. How relate? They are things "you" do – not what "we" do except "nurturing" which "we" do, volunteering fairs, mobile shops might be the way forward.
- The priorities relate to our areas but not our work as Councillors

(Dunstable, Houghton Regis, Eversholt)

- Child poverty – particularly in some areas
- Priority – target unemployment hot spots (Dunstable & Houghton Regis)
- Local jobs growth to match housing growth
- Economic regeneration
- High level jobs – knowledge based economy
- Jobs growth highest priority
- Designated employment areas
- Pride in communities – educate within communities (travel to school)
- Strategic Planning – will infrastructure be in place to cope with growth?
- Provide facilities within local communities – particularly for vulnerable groups eg. local health centres & childrens centres
- Skills – Apprenticeships – local jobs to provide infrastructure – more vocational skills
- Area for consideration would be Economic Regeneration. Strengthen the message of priority 7
- Need to deliver local services in consultation with Town & Parish Councils eg. local resource centre
- Frustration that there is too much focus on planning & not enough on "doing"
- The implementation of local initiatives are outweighed by the economics/cost
- Group feel that the development of cluster groupings would enhance the delivery of the proposed priorities

(Shillington, Brogborough)

- Exactly what any Council should be doing
- Where is sustainability?
- Reduction of carbon footprint
- Nurturing sense of pride is the key
- Maintaining the green belt
- If these are the priorities what will not be done?
- Actions should be short, medium & long term
- What are the quick wins?
- Will CBC circulate the slides from tonight please

(Dunstable, Flitton, Flitwick, Pulloxhill)

- Overall support for 7 priorities but add: highway improvement (All), tackling congestion (Dunstable)
- Varying levels of support to elderly
- Generally good involvement by schools in local communities
- Health
 - Good facilities
 - School meals important
 - Encourage use of rural facilities
- Housing
 - Uneven provision of flats to houses
- Need better mix
 - Need for small house building ie. villages
- Safety
 - Crime & disorder partnerships not working (Dunstable)
 - Police presence good in villages
 - Traffic speed through villages needs addressing
- Community pride
 - No single issue
 - Village shop support (Pulloxhill)
- Jobs / infrastructure first !
- Growth
 - How make sustainable?
 - Where are the jobs coming from?
 - Priority should be more jobs / protect jobs
 - Affordable housing
 - Job types need to match housing stock
- Promote healthy lifestyles – costs less – don't need services
- Skills to prosper. Include vocational courses
- Nurturing woolly ! Agree with concept but not a priority
- Fight housing growth
- Balance housing and growth

(Houghton Conquest)

- Agree with priorities. Real concern over tier education issue.
- Traffic congestion, Public transport, Local shopping – not covered in priorities list
- Public transport to achieve the priorities to be an enabler
- Keeping communities safe – policing levels cause concern. Need to be closer to community
- Sense of pride difficult to achieve. Commute out of village. Local clubs available.
- Involve Health in planning process to design suitable housing. Health as a consultee in Planning.
- Play areas – tie in with healthy lifestyle

Central Bedfordshire in contact



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by email...

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Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP

DATE: 1st June 2010

TITLE	Call-in of planning applications by Members to Development Management Committee
REPORT OF	Andrew Davie Head of Development Management (North)

PURPOSE	To amend 4.3.95.1 of the Constitution to require planning reasons to be given to justify the referral of planning applications to Development Management Committee.
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ORIGIN OF PROPOSAL	Following a meeting of Cllr Shadbolt and Cllr Nicols and officers it was agreed to propose that the Constitution be amended to give greater clarity for the reasons behind referral of planning applications to Development Management Committee.
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RECOMMENDATION:

- (1) That 4.3.95.1 of the Central Bedfordshire Constitution is amended to include planning reasons in support of requests for Development Management Committee to consider a planning application.

Suggested revision:

A ward member of the Council requests in writing, on an agreed pro-forma and supported by planning reasons, within 3 weeks of the application being registered, for it to be referred to a meeting of the Development Management Committee. The Member making a call-in is required to speak about the reasons for the call-in at the Committee where the application may be considered¹.

¹ A Member may withdraw a request by notifying the Assistant Director Development Management no later than six clear working days before the date of the Committee meeting.

SUPPORTING INFORMATION

1. At a meeting on 1st March 2010 attended by Cllr Shadbolt, Cllr Nicols, Assistant Director of Development Management and Heads of Service it was agreed to propose an amendment to the Central Bedfordshire Constitution to require Ward Member requests for planning applications to be considered by Development Management Committee to be supported by planning reasons.
2. It was considered that it is good practice for the planning concerns that are applicable to each application be set out at the time a referral request is made and has two clear benefits. Firstly, it provides transparency to applicants and the public for the reasons why a specific application is to be considered by the Committee. Secondly, it provides the Members of the Committee with a clear steer from the Ward Member as to the planning issues which are relevant to the consideration of the application. It is important that planning reasons are provided to ensure that the Committee are considering applications where genuine planning issues are present for consideration. The Committee cannot attribute weight to non planning considerations and the consideration of these applications places an unnecessary burden on a busy and lengthy Committee that already has a high workload.
3. It is common practice for planning reasons to be given and acceptance of this amendment would not put Central Bedfordshire out of line with common practice in adjoining authorities.

Contact Officer Details:

Andrew Davie

Key Background Papers:

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP
DATE: 1 June 2010

TITLE	Petitions Scheme
REPORT OF	Head of Democratic Services

PURPOSE	To recommend to Council the approval of a Petitions Scheme and amendment of the Constitution in order to comply with the Local Democracy, Economic Development and Construction Act 2009
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ORIGIN OF PROPOSAL	To meet the legislative requirements under the Local Democracy, Economic Development and Construction Act 2009, The Local Authorities (Petitions) (England) Order 2010 and Statutory Guidance on the Duty to Respond to Petitions.
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<p>RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. That the Group review the threshold for:- <ol style="list-style-type: none"> (i) General petitions received under the scheme; (ii) Petitions which must be debated at a full Council meeting; and (iii) E-petitions. 2. That the Group:-
--

- (i) note the provision for petitions to trigger a requirement for a senior member of Council staff to attend a meeting of the Council's Overview and Scrutiny Committee;
 - (ii) consider whether the threshold to trigger such a requirement in the draft scheme at Appendix B (1200) is appropriate; and
 - (iii) recommend the Council that the Chief Executive and Directors, should be specified as the Senior Officers who shall be subject to the requirement to give evidence at a meeting of the relevant overview and scrutiny committee in response to a petition.
3. That the Group note the proposals relating to e-petitions as set out in paragraphs 3.13 – 3.14 and recommend the Council to introduce the e-petitions facility, subject to satisfactory testing, with effect from 1 October 2010.
4. That the Group considers the issues identified during operation of the current petitions scheme and specifically:-
 - (i) considers whether to specify a consistent period during which the public may speak either under the public participation scheme or the petitions scheme (paragraph 4.1 (i) of this report refers);
 - (ii) approves the clarification of the wording of paragraph 9.1 of Annex 2 (Part A.4) (Appendix C to this report) on what is meant by reviewing "the adequacy of the response to the petition" (paragraph 4.1 (ii) of this report refers); and
 - (iii) Determines the timescale within which the lead petitioner must submit a request for a review by overview and scrutiny (paragraph 4.1 (iii) refers).
5. Subject to 1 - 4 above and to any further comments from the Advisory Group, to recommend to Council on 24 June 2010 to approve:
 - (i) The Public Petitions Scheme as set out at Appendix C; and
 - (ii) The consequential amendments to Part A4 and D2 of the Constitution as set out in Appendices D and E

SUPPORTING INFORMATION

1. Introduction

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 contains a duty on local authorities to respond to petitions.

1.2 Statutory guidance (a copy of which is attached at Appendix A) has now been published and local authorities must have regard to this guidance in developing their petition schemes. All authorities must have a petitions scheme in place by 15 June 2010 and the e-petitions duty comes into force on 15 December 2010.

2. Current Arrangements for Petitions provided through the Constitution

2.1 Provision for the submission of petitions by members of the public is currently set out at Part A4 section 4 paragraph 4.1 and also in detail at Part A4 Annex 2 Petitions Procedure.

2.2 Members will recall that when the new Constitution was drafted, the section relating to petitions was prepared having regard to the provisions of the Local Democracy, Economic Development and Construction *Bill*, in order that, as far as possible, the Council already had in place a compliant scheme. A report was submitted to the meeting of the Group on 25 January 2010 which referred to the provisions of the *Act* finally passed, together with draft Statutory guidance issued for consultation. The report set out the main discrepancies between the Council's current petitions procedure and the requirements of the *Act* and guidance.

2.3 In addition to a number of minor textual amendments required to ensure compliance (such as clarification of exclusions from petitions schemes (eg: licensing and planning decisions), the main discrepancies are:-

(a) A requirement to debate petitions containing signatures above a given threshold at a meeting of full Council (Chapter 2 of guidance);

(b) A requirement to include provision for petitions to trigger attendance of Senior Officers to attend a meeting of an overview and scrutiny committee, to answer questions about their work and how they are delivering public services (Chapter 3 of guidance); and

(c) A requirement to provide an e-petitions facility (Chapter 1 – paragraphs 41 – 46 of the guidance).

2.4 A draft Public Petitions Scheme is set out at Appendix C, whilst an amended Part A4 to the Constitution is set out at Appendix D.

3. Matters for Consideration

(i) *Thresholds*

3.1 The Government recommends that local authorities set low thresholds such as those used in the model scheme in the statutory guidance (1% of population for petitions requiring debate by full Council and 0.5% for petitions requiring senior officers to give evidence.)

- 3.2 The Council has already set a very low level for general petitions (10 signatures) **but may wish to take the opportunity to review that threshold.**
- 3.2 Using the threshold levels recommended in the guidance would produce a figure of 2,500 (rounded down) for a petition requiring a debate in Council and 1200 (rounded down) for a petition requiring a senior officer to give evidence.
- 3.3 **The Group may also wish to consider the threshold level for e-petitions and this is dealt with under the section relating to e-petitions. (Paragraphs 3.13 to 3.15 refer)**
- 3.4 Attached at Appendix B is a table showing the number of petitions received by Central Bedfordshire Council to date, the subject matter of the petition and the number of signatories.

(ii) *Debates at Full Council*

- 3.5 The statutory guidance requires that petitions containing signatures above a specified threshold shall trigger a debate in full Council. The Council's existing scheme allows any petitioner to submit their petition to Council and that petitions shall normally be debated for up to 10 minutes.

In practice, only three petitions have been received at full Council to date (one on leisure facilities in Sandy, one on a planning matter and one on a traffic management matter), none was debated and the petitions were referred to the Executive, Development Management Committee and the Safer and Stronger Communities Portfolio holder's Traffic Management meeting respectively.

- 3.6 Part A4 of the Constitution retains the provision to allow *any* petition to be submitted to Council and still retains the statement that "petitions shall normally be discussed by the Council for up to 10 minutes." However the Scheme provides that petitions with over 2,500 signatures **must** be debated by Council. **Given that invariably smaller petitions are referred to the relevant committee for consideration, the Group is invited to consider whether it wishes to retain the provision relating to discussion of general petitions or wishes only to debate petitions above the larger threshold.**

(iii) *Senior Officers Giving Evidence*

- 3.7 Local people now have the right to petition for a senior officer to attend a public meeting of an overview and scrutiny committee. If the signatures exceed a specified threshold, a senior officer will have to attend the meeting and answer questions about their work.

- 3.8 This provision extends the existing powers of overview and scrutiny committees to require members and officers to attend their meetings and give evidence.
- 3.9 The statutory guidance indicates setting the threshold at around 0.5% of the total population, a figure of 1200 for Central Bedfordshire.
- 3.10 The Act provides that as a minimum the scheme should provide that the Head of Paid Service and Chief Officers should be required to provide information on their activities at overview and scrutiny meetings.
- 3.11 In Central Bedfordshire therefore the Chief Executive, Deputy Chief Executive/Director of Children's Services, Director of Social Care, Health and Housing, Director of Sustainable Communities and Director of Customer and Shared Services would be required to give evidence.

A minor amendment is suggested to the Overview and Scrutiny Procedure Rules as set out in Appendix E.

- 3.12 The guidance makes it clear that the final decisions on which officer should attend and the questions to be asked, rest with the overview and scrutiny committee. The committee can decide that for the purposes of addressing the concerns raised in a petition it is more appropriate for another officer to be called to attend instead and may also wish to invite the elected Member with the responsibility for the service area concerned.

(iv) *E-petitions*

- 3.13 The 2009 Act requires that local authorities provide a facility for people to submit petitions to the authority electronically.
- 3.14 The Council's Committee Management System, Modern.Gov, has an e-petitions facility which is easy to use by members of the public. It is already in use by councils such as Lambeth, Brighton and Hove and Staffordshire County. Members may wish to look at the facility on the Lambeth Council website though the attached link:-

<http://www.lambeth.gov.uk/moderngov/mgePetitionListDisplay.aspx>

The same system will be used by Central Bedfordshire Council and arrangements are in hand to test this site with a view, **subject to the Group's endorsement**, to introducing the e-petitions scheme on 1 October 2010, ahead of the deadline of 15 December 2010.

3.15 As indicated above, the current constitutional requirement is for a minimum of 10 signatures for a petition to be valid. E-petitions require a different e-mail address for each name. It would be easy for one individual to create, at no cost, several e-mail addresses from which to enter a “signature” on the e-petition. **Members may therefore wish to reflect upon an appropriate threshold for e-petitions.**

4. Practical Issues during Operation of the Current Scheme

4.1 Operation of the current scheme has identified a number of issues which should be drawn to the attention of the Group:-

- (i) The Council’s current public participation scheme allows speakers 3 minutes in which to address a committee. Speakers on a petition at Council are permitted to speak for 5 minutes. The current petitions procedure is silent as to how long the lead petitioner may speak for at Executive or any meetings other than Council. **The Group are therefore asked to reflect on this anomaly and determine whether consistency should be adopted in relation to length of speaking permitted under either the public participation or petitions schemes** (ie: should speakers be allowed 3 minutes or 5 minutes?)
- (ii) If a petitioner is not satisfied with the Council’s response to their petition they are able to request a review by an overview and scrutiny committee who will then “review the adequacy of the response”. There is a need to provide clarity as to what is meant by “the adequacy of the response” – is this the written response or actions undertaken by the Council to deal with the petition? In reality, what is meant is that the overview and scrutiny committee will review the steps taken in response to the petition (bearing in mind the list of potential steps available under Section 14 (6) of the 2009 Act) and determine if it has dealt with the petition properly. The revised scheme at Appendix C therefore contains some additional wording to clarify **and Members’ endorsement is sought to this change.**

- (iii) There is a lack of clarity around whether the right for a lead petitioner to seek a review by overview and scrutiny impacts upon the ability to implement a decision. At present Executive decisions cannot be implemented until the expiry of the call-in period. The emerging view is that the review by Overview and Scrutiny should be of the steps taken by the decision maker rather than a review of the decision itself. Nonetheless it might be advisable to impose a deadline for submission of a request for a review. The Monitoring Officer is currently required to respond to the petitioner on the outcome of the petition within 5 clear working days of the decision. The draft scheme at Appendix C provides for the review to be made within 10 working days of being informed of the outcome of the petition ***but the Group's views are now sought on the appropriate timescale for submission of a request for review.***

Appendices:

- A "Listening to Communities" – Statutory Guidance on the Duty to Respond to Petitions
- B Table showing Petitions received by Central Bedfordshire Council to date.
- C Draft Public Petitions Scheme.
- D Part A4 of the Constitution – Revised
- E Extract from Part D2 of the Constitution – Revised

Contact Officer Details:	Key Background Papers:
Mel Peaston 0300 300 72050	Local Democracy, Economic Development and Construction Act 2009; CBC's Constitution; websites for Lambeth Council, Brighton and Hove Council, and Staffordshire County Council.

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Listening to communities:

Statutory guidance on the duty to respond to petitions



Listening to communities:

Statutory guidance on the duty to respond to petitions

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Introduction

Context

1. The Local Democracy, Economic Development and Construction Act 2009 (referred to in this document as 'the 2009 Act') aims to reinvigorate local democracy – putting local authorities at the forefront of the drive to reconnect people with public and political decision-making. This democratic renewal is about restoring trust and confidence in local government and its institutions and its starting point is the citizen.
2. While the Place Survey shows that 80 per cent¹ of people are happy with their area, satisfaction with the way the council runs things is low at 45 per cent. The perception in communities that people can influence decisions that affect their local area is even lower. The duty to respond to petitions is an important step towards addressing this.
3. Signing a petition is one way for citizens to express their concerns and priorities to their local authority and the Citizenship Survey shows that petitions are the most popular and recognised form of civic action². Some local authorities already have well developed processes for responding to petitions and approach them as an opportunity to listen to the community and demonstrate strong local leadership.
4. However, this is not the case across the board. Communities and Local Government examined all English local authority websites in April 2008, and found that only one in five councils make details about how to submit a petition publicly available. In a climate where only 39 per cent³ of people feel they can influence decisions in their local area and in some areas only 48 per cent⁴ feel that their council keeps them well informed about the services it provides, it is essential that we ensure people can easily find out how to send their views about public services to local decision makers. If not, people will continue to feel that their views are not welcome, and will be discouraged from trying to get involved in local decisions in the future.
5. The petitions provisions in the 2009 Act, are a significant step towards addressing this situation.

¹ Place Survey: England – Headline Results 2008 (Revised), <http://www.communities.gov.uk/publications/corporate/statistics/placesurvey2008>

² 60 per cent of those people who engaged in an act of civic participation in 2007-2008 signed a petition, Citizenship Survey, 2007-2008

³ Citizenship Survey April to December 2007

⁴ Place Survey

Guidance

6. The statutory guidance to which local authorities will be required to pay regard can be found on pages 7 – 32. This guidance sets out the key principles and key requirements of the petitions duty and gives guidance to which local authorities⁵ must have regard when designing and complying with their petition scheme. It gives information about the role of overview and scrutiny committees under these requirements. It also contains, at Annex A, a model scheme which local authorities may choose to adopt or to adapt to local circumstances. This guidance does not replicate the provisions set out in the legislation and should be read in conjunction with Sections 10 – 22 of the 2009 Act and the Local Authorities (Petitions)(England) Order 2010 (SI 2010/898).

⁵ The petitions duty applies to principal local authorities, defined for the purpose of Chapter 2 of the Local Democracy, Economic Development and Construction 2009 Act as a) a county council in England; b) a district council in England; c) a London borough council; d) the Common Council of the City of London in its capacity as a local authority; e) the Council of the Isles of Scilly; f) a county or county borough council in Wales. However, this guidance applies only to principal local authorities in England.

Chapter 1

The petition scheme

Key principles:

- ensuring that local people know how to express their views
- local authorities will take action to respond to petitions
- local people know that their views have been listened to
- keeping prescribed requirements on councils to a minimum, and
- building on local authority best practice

Key outcome:

Everyone, no matter where they live, will be easily able to find information about how to petition their local authority and they will know what to expect from their local authority in response.

Overview

7. The petitions duty in the 2009 Act means that for the first time councils will be required to respond to petitions and tell local people what action is going to be taken to address their concerns. Petitions can no longer be ignored because they raise a difficult or challenging issue in the local area.
8. Government believes that local authorities should approach their petition scheme from the starting point of responding to all the petitions they receive. Petitions are an important tool for local people to raise concerns with their locally elected representatives and we expect petitions to trigger action where appropriate. This guidance includes examples of the responses local authorities should consider in four key areas, under-performing schools, alcohol related crime and disorder, under-performing health services and anti-social behaviour.
9. The model scheme at Annex A demonstrates these principles by setting out that all petitions, regardless of the number of signatures, will receive a response providing they follow the guidelines set out in the scheme. The model scheme also gives details about the types of action the 'model' local authority will take in response to petitions on key areas of concern.

Summary of requirements

10. The 2009 Act requires all principal local authorities in England to establish a scheme for handling petitions made to the authority.
11. The scheme:
 - must be approved by a meeting of the full council before it comes into force;
 - must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area
 - can be revised at any time but the revised scheme must be approved and publicised as detailed above; and
 - the authority must comply with its petition scheme.
12. The 2009 Act requires petition schemes to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect. Beyond this small number of requirements local authorities have a high level of flexibility about how they approach the duty – leaving a lot of scope for local determination.
13. The requirements are:
 - anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
 - a facility for making electronic petitions is provided by the local authority
 - petitions must be acknowledged within a time period specified by the local authority
 - among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee

- petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population (see Chapter 2)
 - petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee (see Chapter 3)
 - petition organisers⁶ can prompt a review of the local authority's response if the response is felt to be inadequate (see Chapter 4)
14. The requirements listed above are the minimum set by the 2009 Act. Local authorities are encouraged to consider designing a scheme which is wider than these requirements, for example, responding to petitions from those who do not live, work or study in the local area or e-petitions which are not made through the authority's own e-petition facility.
15. Section 18 of the 2009 Act clarifies that local authorities can include other information which they consider to be appropriate in their petition scheme. For example, details about how they handle petitions which do not qualify under the scheme or which apply to the functions of another principal local authority, particularly in areas with two tiers of local government.
16. Once published the local authority must comply with its petition scheme but can revise it at any time by taking the steps set out in Section 11 of the 2009 Act.

Designing a petition scheme

17. Principal local authorities, when designing their petition scheme, are expected to
- take into account local circumstances to ensure that the scheme is locally appropriate; for example, *the same thresholds set in a densely populated urban area may not be suitable for a rural authority, the same thresholds may not be appropriate for a ward-specific issue in comparison to one affecting a county.*
 - ensure that the scheme is accessible to all; for example, *the e-petitions facility is compliant with web accessibility standards*
 - ensure that the process is easy for citizens to use; for example, *that the scheme sets thresholds which are achievable for petitions on very local, as well as authority wide, concerns, no previous knowledge of council procedure is needed in order to submit a petition, the scheme is written in Plain English, people know what they have to do in order to receive a response*

⁶ "petition organiser", in relation to a petition made to a principal local authority, means—

(a) the person designated in the petition as the person with whom the authority may deal in relation to the petition, or
(b) such other person as agrees with the authority to be the person with whom the authority may deal in relation to the petition;

18. Government expects any thresholds which local authorities decide to set to be locally achievable. We expect that where practical local authorities will set low thresholds, such as those used in the model scheme at Annex A. The model scheme takes the approach already used by some local authorities of setting no threshold for triggering a response to a petition. This means the 'model' local authority responds to all the petitions it receives, providing that the petition follows the guidelines set out in the scheme i.e. the petition is not discriminatory or about an excluded matter such as a planning decision.
19. Local authorities should also consider whether variable thresholds would be appropriate to their local circumstances. For example, top tier authorities might consider setting the same threshold as district councils for matters specific to each of their constituent district areas. Government expects local authorities' petition schemes to ensure that petitions on very local issues, such as anti-social behaviour in a particular street, will receive a response from the council. Setting no threshold, or thresholds which vary depending on the issue or geographic location affected, might be one method of achieving this.
20. Thresholds can be reviewed after a period of activity and amended if necessary provided the process set out in paragraph 11 and Section 11 of the 2009 Act is followed. Should it become apparent that authorities are setting requirements which are unachievable, the Secretary of State has the power to direct them, to amend their petition schemes.
21. The model petition scheme at Annex A can be used by local authorities as a starting point and guide as to how a scheme might operate. Principal local authorities may choose to adopt this scheme as a whole or amend it to reflect local circumstances.

Responding to petitions

22. As a minimum, a local authority's petition scheme must apply if a petition meets all of the following criteria:
 - it calls for the authority to take action
 - it is signed by the requisite number of people who live, work or study in the local area
 - it is made under another enactment but does not qualify under that enactment (see paragraph 34)
 - If made electronically, it is made through the authority's e-petition facility
23. The legislation does not define what constitutes a petition – in virtually all cases it will be immediately obvious whether something is or is not a petition. It is however

important that authorities make sensible judgements about whether to deal with an item of correspondence under its petition scheme or under some other procedure, such as its internal complaints procedure. The Government's view is that authorities should treat as petitions for the purposes of their scheme anything which identifies itself as a petition, or which a reasonable person would regard as a petition.

Verification of signatures and acknowledgement

24. Local authorities can choose to verify the signatures given on a petition should they wish. Authorities must take account of the signatures of people who provide valid addresses where they live, work or study within the local authority area; but authorities may take account of signatures of people who do not supply such information, or supply information which shows that they do not live, work or study in the area.
25. In the case of e-petitions the local authority must decide what counts as an authentic signature, for example it might decide that a valid email address is sufficient, a valid postcode or both.
26. All petitions which meet the scheme criteria (see Section 12(1) of the 2009 Act) must be acknowledged within the period specified in the authority's scheme.

Relevant matters

27. Petitions are a valuable opportunity for local authorities to demonstrate strong leadership on issues of concern to the community. As community leaders and place shapers local authorities have a key interest in issues which, although wider than their functions, affect the local area. In view of this, and their role in the local area agreement process, Section 14(2)(b)(ii) of the 2009 Act requires top tier authorities to respond to petitions which relate to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute. This means that these local authorities must deal with petitions which relate to the functions of partner authorities as well as petitions which relate to their own functions, including petitions on matters which are sub-regional and cross-authority.
28. In practice, this may mean acting as an advocate for the local community, working with partners to resolve the issue, lobbying a partner organisation on behalf of the community or instigating an overview and scrutiny review of the issue.
29. Should a petition of this sort call for something which goes against council policy a principal local authority may choose to say 'no' to the request. However, to ensure the step taken in response to the petition is substantive a local authority must clearly explain their position in their response.

Exclusions

Petitions which are vexatious, abusive or otherwise inappropriate

30. Local authorities should approach the petitions they receive positively and not assume that the motivation is one which is vexatious, abusive or inappropriate. However, petitions, which are in the opinion of the authority vexatious, abusive or otherwise inappropriate, do not qualify under the Section 14 requirement to take steps in response to the petition. Principal local authorities must acknowledge these petitions, as set out in Section 13 of the 2009 Act, and this acknowledgement should explain why the authority will not be taking action.

31. When considering whether a petition is vexatious a principal local authority should use as a starting point the guidance under the Freedom of Information Act 2000. Guidance to the Act states that *“Deciding whether a [Freedom of Information] request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause”*⁷. In most circumstances it should be the subject matter of the petition, rather than the personality of the petitioners or the manner in which the issue is supported, that is the deciding factor.

32. It is important that petitions which are abusive or otherwise inappropriate are also identified at this stage. Particular care must be taken when considering petitions which call for an officer to give evidence under Section 16 of the 2009 Act that these petitions relate to the role of the individual in delivering public services and not matters relating to an officer’s personality or private life.

33. The types of petitions which local authorities may consider inappropriate include those relating to matters which are part of ongoing legal proceedings or those which target individual members of a community. However, the decision on what constitutes an inappropriate petition is ultimately for the local authority to decide considering the circumstances of the individual case. In addition, it may be inappropriate for councils to deal with certain petitions during periods when they are subject to restrictions immediately before elections or referendums. A description of what may happen in these circumstances should be set out in the authority’s petition scheme – for example, the organiser might be informed of the date when the petition will be considered, or when material relating to it will be published on the council’s website.

⁷ http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf

Petitions under other enactments

34. Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, should be dealt with according to the procedures set out in those enactments. If such a petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it should be addressed through a local authority's petition scheme in exactly the same manner as any other petition.

Matters excluded by order

35. In order not to duplicate procedures where established processes exist for communities to have their say Government has excluded the following matters from the scope of the petitions duty (see Local Authorities (Petitions)(England) Order 2010):

- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy
- any matter relating to an alcohol, gambling or sex establishment licensing decision,
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment

36. However, failure to deliver services in these areas remains within the scope of the duty. For example, a petition on an individual planning application is excluded from the duty but a petition about the local authority's failure to deliver an effective service for planning applications would be within scope.

37. When in receipt of a petition on an excluded matter a principal local authority should acknowledge receipt of the petition and explain why the matter is not covered by the authority's petition scheme. If the petition can be taken into account as part of existing procedures, the authority should explain how this will happen. If the petition cannot be taken into account as part of these procedures a principal local authority should explain the existing arrangements for communities to have their say as part of the process in question.

Appropriate steps

38. Principal local authorities are required to take appropriate steps when responding to the petitions they receive. A local authority's response should be proportionate to the seriousness of the issue and the level of support contained in the petition. The actions referred to above (see paragraph 13 and in Section 14(6) of the 2009 Act need to be among those considered but should not be regarded as the only options. Government encourages authorities to be innovative when considering their response to petitions, **including considering any courses of action open to them that are specific to the subject of the petition.**

39. Examples of appropriate steps local authorities should consider in response to specific subjects are included in the table below.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If a local authority receives a petition about alcohol-related crime or disorder, Government expects them to fully consider with their partners the range of options available to them including considering the case for establishing a designated public place order or, as a last resort, establishing and imposing an alcohol disorder zone covering the relevant area.
Anti-social behaviour (ASB)	As the elected representatives of the local area, and often as social landlord and licensing authority, local councils have a significant role to play in tackling anti-social behaviour. Recently crime and disorder reduction partnerships, of which local authorities are a constituent member, have been challenged to set minimum service standards and publicise these to their local communities by March 2010. The police and many local authorities also have a target to increase public confidence that the police and council are working together to deal with crime and ASB issues that matter most locally. As such, when responding to petitions on ASB, local authorities are expected to consider, in consultation with local partners, all the options available to them including the wide range of powers and mechanisms they have to intervene as part of these roles. They should, for example, work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community, Registered Social Landlords and other neighbourhood partners on issues of ASB in the area in question and, where appropriate, alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.

Under-performing schools	Local authorities are expected to consider, in consultation with local partners, all the options available to them when working with schools to secure their improvement. For example, on behalf of the local authority, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing the local authority should consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to local authorities, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures include; appointing additional governors, establishing an interim executive board, removal of the school’s delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.
Under-performing health services	Local authorities are expected to work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue. The health overview and scrutiny committee should also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue should be referred to them to consider for review.

40. The local authority must notify the petition organiser of the steps it intends to take and publish this notification on the authority’s website.

E-petitions

41. The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:
- principal local authorities are only required to respond to e-petitions made through their e-petition facility
 - principal local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility
 - principal local authorities will decide what equates to a signature on an e-petition (see paragraph 25 above and also Section 12(3)(b) of the 2009 Act)
 - Principal local authorities are required to provide a facility for people to submit petitions to the authority electronically. In addition to this, local authorities can choose to respond to e-petitions submitted by other means and should indicate in their petition scheme how they will deal with these types of petitions.

42. A local authority's petition scheme must secure that the authority's e-petition facility allows citizens to create a petition which can be published online and made available to others for electronic signature. Government does not consider that mere acceptance of emailed petitions meets this requirement.
43. Local authorities should consider how best to integrate their e-petition process with relevant online information and existing online functions, for example, linking petitions to council meetings or decisions, to the minutes or webcast of the relevant meeting, to online forums and most importantly, to the authority's published response to the petition.
44. When taking the decision whether to host an e-petition principal local authorities should, in addition to following the guidance above on vexatious, abusive and otherwise inappropriate petitions, consider those issues pertinent when publishing any information of their website. For example, issues such as data protection, libel and the statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation⁸.
45. Under Section 10 (2) of the 2009 Act principal local authorities are required to give reasons should they decide not to host an e-petition. This will allow petitioners an opportunity to amend and resubmit their petition.
46. Further sector led best practice guidance on e-petitions will be available, including practical advice for selecting and setting up an e-petitions facility and a set of recommended data standards.

⁸ Section 33 of the Equality Act 2006 sets out a list of "equality enactments" covering equalities and anti-discrimination legislation

Chapter 2

Petition debates

Key principle:

Local people know that their views have been listened to and they have the opportunity to hear their local representatives debate their concerns.

Key outcome:

Local people will know that if they can get the number of signatures specified in their council's petitions scheme, they will be guaranteed a public, full council debate on their concerns.

47. A systematic review of evidence on empowerment found that when petitions are linked with decision making there are increased levels of empowerment⁹. Section 15 of the 2009 Act therefore requires that petitions which receive a significant level of support should be debated at a meeting of the full council. Principal local authorities are required to set out in their petition scheme the number of signatures needed to trigger a debate as part of the authority's response. This debate may be added to the agenda of a normal meeting of the full council.
48. Where a petition receives the required level of support to trigger a council debate the council should also consider what other steps they should take in order to ensure their response is adequate (see Chapter 4 – Petition Reviews). A debate alone may not be considered a sufficient response to a petition with this level of support.

The debate

49. The principle behind a petition debate is the increased transparency of the local decision making process. Therefore the petition organiser should be informed in writing about when the debate will be held and with sufficient notice to enable their attendance. This notification should also be published on the authority's website. The Government expects local authorities to endeavour to consider such petitions at the next meeting of the full council but recognises that a balance will need to be struck between the debate of petitions and other council business. In exceptional cases, for example where there are a number of petitions already scheduled for debate, it may not be possible to debate every eligible petition at the next full council

⁹ *Empowering communities to influence local decision making – A systematic review of the evidence*, Communities and Local Government 2009, <http://www.communities.gov.uk/publications/localgovernment/localdecisionreview>

meeting. On these occasions the Government expects local authorities to ensure the remaining petition debate(s) takes place at the following meeting of the full council.

50. Petitioners should be offered the option of presenting their petition to the council at the beginning of the debate. Principal local authorities should also consider what other contribution the petitioners might make to the discussion, for example, answering questions put by councillors.
51. The debate should conclude with a decision being taken by the full council. This could be a decision to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the full council should decide whether to make recommendations to inform that decision. In line with the principle that local authorities should listen to the people they represent, and give them feedback, the petition organiser should then receive written notification of this decision. The notification should also be published on the local authority's website.

Setting the threshold for debates

52. Local authorities are required to set a threshold for triggering a full council debate and to include this information in their petition scheme. The Government recommends where practical, that local authorities set low thresholds, such as those used in the model scheme at Annex A, at the outset. These thresholds can be reviewed after a period of activity and amended if necessary provided the process set out in paragraph 11 and Section 11 of the 2009 Act is followed. If, for example, no debates were triggered in the space of a year, a local authority should review their threshold and consider lowering it in order to ensure that it is locally achievable.
53. Should it become apparent that authorities are setting requirements which are unachievable, the Secretary of State has the power to direct authorities to amend their petition schemes.
54. The Local Authorities (Petitions)(England) Order 2010 stipulates that the maximum threshold which can be set is 5 per cent¹⁰ of the local population. We expect that in most cases a much lower figure will be considered locally appropriate. The maximum figure should be calculated using the estimate of the population of the area of the authority contained in the Registrar General's population estimates for England and Wales published by the Office of National Statistics. The threshold should be expressed in the scheme as a simple figure so that people know the number of signatures they need to trigger a debate (see model scheme at Annex A for an example).

¹⁰ The 5 per cent maximum threshold is a proxy figure, easy for local authorities to calculate, but not directly related to the number of people eligible to sign a petition.

Exclusions

55. An authority is not required to hold a debate in response to any petition which falls outside the scheme, for example because it is vexatious, or relates to a licensing or planning decision. Petitions calling for evidence from an officer are also excluded from the requirement to hold a debate.

Chapter 3

Giving evidence

Key principle:

Local people know that their views have been listened to.

Key outcome:

Local people have the right to petition for a senior member of council staff to attend a public meeting of the council’s overview and scrutiny committee. If enough people sign the petition, a senior officer will have to attend the meeting, answer the committee’s questions and explain how they are delivering public services.

- 56. Principal local authorities’ petition schemes must allow for petitions to trigger a senior member of council staff to attend a meeting of the authority’s overview and scrutiny committee and answer questions about their work. This builds on existing powers of overview and scrutiny committees who can already require members and officers to attend a meeting of the committee and give evidence. It is based on the principle that local government should be as transparent as possible and that officers are accountable to elected members. It allows members of the local community to make use of petitions to influence the way that this scrutiny takes place.

Existing guidance

- 57. Guidance¹¹ under the Local Government Act 2000 is already in place to cover the way in which overview and scrutiny committees should conduct themselves when questioning an officer of the local authority – including, for example, considering the appropriate seniority of witnesses to ensure that junior officers are not put under undue pressure, and restricting questions to matters of fact and explanation.

Setting an appropriate threshold

- 58. Local authorities must consider the detail of how these provisions should work in the broader context of their petition scheme. An authority’s petition scheme must specify how many signatures will be needed to require an officer to attend a public hearing.

¹¹ *New council constitutions: guidance to English Authorities*
<http://www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

59. Local authorities should consider a suitable threshold according to local circumstances. While local authorities will need to ensure that the level of support is appropriate for the steps triggered, thresholds should be achievable and expressed as a simple figure so that people know the number of signatures needed to trigger this type of response.
60. Again, we recommend where practical, that local authorities set low thresholds, such as those used in the model scheme at Annex A, at the outset. These thresholds can be reviewed after a period of activity and amended if necessary provided the process set out in paragraph 11 and Section 11 of the 2009 Act is followed. If, for example, no such evidence sessions are triggered by petition in the space of a year the local authority should consider the reasons for this including, for example, the level of public awareness of the scheme and whether the threshold set may be too high.
61. Should it become apparent that authorities are setting requirements which are unachievable, the Secretary of State has the power to direct authorities to amend their petition schemes.

Officers to which section 16 applies

62. Principal local authorities must determine which of their officers are able to be called to account in this way and include these details in their petition scheme. This information should include the names and job titles of the officers in question. In order for petitions to have a meaningful impact petitioners must be able to call on the most senior officers to attend meetings and give evidence. Section 16(5) of the 2009 Act therefore requires that, as a minimum, petition schemes provide that the head of paid service – often known as the chief executive of the authority – and the most senior officers responsible for the delivery of services can be required to provide information on their activities at public meetings of overview and scrutiny committees. Petition schemes should apply to senior officers responsible for delivering council functions and public services and not junior members of staff.

Appropriate officer

63. The final decisions on which officer should attend, and the questions to be asked of him or her, rest with the overview and scrutiny committee. Under Section 16(10) of the 2009 Act overview and scrutiny committees can decide that for the purposes of addressing the concerns raised in a petition it is more appropriate for another officer to be called to attend instead. The committee may also consider it appropriate to call the relevant elected member with responsibility for the service area in question, in addition to the appropriate senior officer.

Giving 'grounds'

64. It is essential that the scrutiny prompted by petitions is appropriate and fair to the officers involved. They must not be exposed to inappropriate public scrutiny of their private lives, nor to harassment or bullying. To safeguard officers, Section 16 of the 2009 Act stipulates that the 'grounds' given in the petition for attendance at a meeting of the overview and scrutiny committee must relate to their job – it cannot relate to their personal circumstances or character. An officer is not required to attend a meeting of the overview and scrutiny committee to give evidence if the petition calling for the attendance is deemed to be vexatious, abusive or otherwise inappropriate by the local authority.

Reporting

65. A principal local authority should inform the petition organiser when the overview and scrutiny meeting will take place with sufficient notice to enable them to attend. In any case where the subject of the petition is likely to lead to the discussion of confidential information, and therefore a resolution under the provisions in Part 5A of the Local Government Act 1972 to hold any part of the meeting in private, the reasons and process should be made clear in this notification. This notification should also be published on the local authority's website.
66. After the relevant person has appeared before the overview and scrutiny committee, the committee must make a report or recommendations to the authority (under its existing powers) and send a copy of that report or recommendations to the petition organiser. If appropriate, the report should also be published on the authority's website.

Chapter 4

Petition reviews

Key principle:

That local people know that their views have been listened to.

Key outcome:

Petitioners will be able to appeal to the council's overview and scrutiny committee if they feel the response from their council is not adequate.

67. Section 17 of the 2009 Act is essentially an appeal provision. If a petition organiser is not satisfied with the way an authority has dealt with a petition, this section gives the organiser the power to ask an overview and scrutiny committee to review that authority's response to the petition. The overview and scrutiny committee will decide whether *the steps taken by the authority in response to the petition were adequate*. One of the steps that an authority might take in response to a petition is to refer it to the overview and scrutiny committee for consideration. Should the petition organiser subsequently be dissatisfied with the authority's response to the petition, and request a review by the overview and scrutiny committee, that committee might feel that this could give rise to a conflict of interest. Should this be the case, authorities might wish to arrange for a differently constituted overview and scrutiny committee to carry out any such review. If this is not practicable the committee can still appropriately review whether the authority's response to the committee's recommendations was adequate. Considering petition appeals can help raise public awareness of the important role of overview and scrutiny.
68. The overview and scrutiny committee will bear in mind the list of potential steps which could be used to respond to the petition, listed in Section 14(6) of the 2009 Act. An adequate response is likely to be proportionate to the issue set out in the petition and the level of support the petition has received. High quality responses which take people's concerns seriously should lower the volume of appeals.
69. There may be petition organisers who appeal because the action their petition calls for is rejected, no matter how thorough the council's process for coming to that decision. Reviewing appeals of this sort should not be onerous providing the principal local authority keeps records of how they have decided to respond to each petition.

70. If the committee has reason to be concerned about the adequacy of the authority's response it may decide to carry out a full review of the issues raised in the petition using their powers under the Local Government Act 2000.

Triggering a meeting of the full council

71. If the overview and scrutiny committee is very concerned – for instance if the committee thinks that the authority is seriously neglecting its responsibility to listen to local people – under Section 21(3)(b) of the Local Government Act 2000¹² the committee can arrange for the full council to carry out the review function. That is to say the overview and scrutiny committee can arrange for the authority's response to the petition to be discussed at a meeting of the full council.

Publicising the outcome of the review

72. Under Section 17(4)(b) of the 2009 Act the principal local authority must inform the petition organiser of the results of the review and Section 17(4)(c) requires that the results are also generally published on the authority's website. Local people will therefore be able to see how many petition organisers appeal against their council's response to petitions compared to other councils – and read the response to the appeals. People will therefore be able to judge for themselves how seriously their council is taking community petitions.

¹² Reg 6(3) (b) of the Local Authorities (Alternative Arrangements) (England) Regulations (SI 2001/1299) for those authorities operating alternative arrangements.

Annex A

Model scheme

In order to demonstrate how the framework set out in the 2009 Act can translate in practice we have created a model scheme which local authorities can choose to adopt or adapt. The example below is based on an authority with a population of 150,000 and is the public facing information about their petition scheme published on their website. The model authority has chosen to respond to all the petitions it receives. Petitions which contain 1500 signatures will be debated by the full council and petitions which call for evidence from a senior officer, and have 750 signatures, will trigger that response. The model authority operates executive arrangements and has responsibility for education and housing functions – authorities which do not have responsibility for such functions may wish to modify some of the illustrative examples given. The model authority holds a full council meeting on a 6 weekly basis. [‘link’ indicates where the council’s webpage includes a link to related information]

Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

[insert address]

Or be created, signed and submitted online by following this link [link]

Petitions can also be presented to a meeting of the council. These meetings take place on a 6 weekly basis, dates and times can be found here [link]. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact [insert name] on [insert phone number] at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more it will also be scheduled for a council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [insert links]

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [[link to account settings](#)]

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>

Under-performing schools	We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school’s delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The health overview and scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [link].

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting [insert details] up to three working days before the meeting.

E-petitions

The council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [insert details]. In the same way as a paper petition, you will receive an acknowledgement within 10 working working days. If you would like to present your e-petition to a meeting of the council, please contact [insert details] within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [insert link].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition

adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

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Petitions Logging System

Ref. No.	Location of Petition	Type of Petition	No. of Signatures	Relevant Cttee	Relevant Cttee Meeting Date
1	Houghton Regis - Gypsy & Traveller Sites - proposed plots	objecting to the disproportionate allocation of gypsy and traveller sites to Houghton Regis and requesting the drawing up of alternative proposals	1350	Executive	23/06/09
2	Townfield Road and Vicerage Hill, Flitwick	unsafe and deplorable condition of the footpaths and roads around this estate.	133	Traffic Management	23/06/09
3	Northwood End Road, Haynes	applying speed restrictions in the village	13	Traffic Management	21/07/09
4	Poynters Road, Dunstable	amount and speed of HGV's to be improved.	468	Traffic Management	21/07/09
5	Leighton/Woburn Road, Hockcliffe (A4012)	a footpath/cycleway and footbridge along Leighton/Woburn Road, Hockcliffe.	tba	Traffic Management	21/07/09
6	Skimpot Lane, Caddington Park (In the electoral register this is called Skimpot Road)	condition of Skimpot Lane	13	Traffic Management	21/07/09

Petitions Logging System

Ref. No.	Location of Petition	Type of Petition	No. of Signatures	Relevant Cttee	Relevant Cttee Meeting Date
7	Southcott Avenue, Leighton Buzzard (the ward is Southcott but in the register this is Southcott Avenue although there is a Southcott Village)	introduction of a resident permit scheme.	10	traffic Management	21/07/09
8	Mount Pleasant, Aspley Guise	introduction of traffic calming measures received from parents and teachers of Aspley Guise Pre-School and Lower School	67	Traffic Management	21/07/09
9	Church View Avenue and Hillside Close, Shillington	footpath to be resurfaced.	16	traffic Management	21/07/09
10	Albion Street / Matthew Street Dunstable	mis-use of parking and illegal taxi office		Traffic Management	21/07/09
11	Burr Street, Dunstable	introduction of a resident permit scheme.	22	Traffic Management	21/07/09
12	A600 Deadmans Cross	installation of a Vehicle Activated Sign (VAS).	12	Traffic Management	21/07/09
13	Richmond Road, Leighton Buzzard	asking that the road become a one way street.	tba	Traffic Management	21/07/09
14	Billington Road, Leighton Buzzard	width restrictions along the road to reduce the speed of vehicles.	tba	Traffic Management	21/07/09

Petitions Logging System

Ref. No.	Location of Petition	Type of Petition	No. of Signatures	Relevant Cttee	Relevant Cttee Meeting Date
15	Union Street, Dunstable	installation of traffic calming along the road.	75	traffic Management	21/07/09
16	Heath Road and Heath Park Road, Leighton Buzzard	double yellow lines to both sides of Heath Park Road at its approach and junction with Heath Road from Green Gables	66	Traffic Management	18/08/09
17	Boughton End, Lidlington	resurfacing of the entire road due to current state.	tba	Traffic Management	18/08/09
18	St Neots Road, Sandy	Curb speeding traffic	138	Traffic Management	15/09/09
19	Everton Road, The Heath	Speed Reduction to 40mph, additional footpath and maintenance of existing footpath	70	Traffic Management	15/09/09
20	Housing Development in Northfields Ward	Council not to give planning permission for a housing development	2699	Council passed to DevMan	24/09/09 then 21/10/2009
21	Southfields, Shefford	The state of disrepair of the footpaths.	40	Traffic Management	
22	97 Bus Service - Stotfold and Fairfield Park	Do not want this vital service to be withdrawn	151	Executive	

Petitions Logging System

Ref. No.	Location of Petition	Type of Petition	No. of Signatures	Relevant Cttee	Relevant Cttee Meeting Date
23	Husborne Crawley	Reduction of Speed through Husborne Crawley	13	Traffic Management	
24	Dunstable	Withdrawal of No. 34 bus service from calling at Salters Way, Dunstable	59	Executive	13/10/09
25	Sandy	Petition for a public swimming facility in Sandy	1169	Council then to Executive	25/02/10 then 06/04/2010
26	Ivel Way, Flitwick	Petition regarding dog fouling in Ivel, Flitwick	66	Executive	06/04/10
27	School Buses for children going to a Faith School in Central Bedfordshire	Petition seeking the continuation of school buses going to Faith Schools in Central Bedfordshire	1384	Executive	09/03/10
28	Hitchmead Foundation Special School	Objection to proposals to discontinue Hitchmead Special School from 31 August 2010	25	Executive	06/04/10

CENTRAL BEDFORDSHIRE PETITION SCHEME

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 3 clear working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or it seems to us that it is intended to be a petition.

Paper petitions can be sent to:-

The Monitoring Officer
Central Bedfordshire Council
Priory House, Monks Walk
Chicksands
Beds SG17 5TQ

or be created, signed and submitted (with effect from 1 October 2010) online by following this link [*insert link*].

Petitions can also be presented to a meeting of the Council. These meetings take place on a 8 weekly basis, dates and times can be found here <http://www.centralbedfordshire.gov.uk/modgov/mgCalendarMonthView.aspx?bcr=1> If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 0300 300 4032 at least 7 clear working days before the meeting and they will talk you through the process. If your petition has received 2,500 signatures or more it will also be scheduled for a Council debate [*Link to section on Full Council debates*] and if this is the case we will let you know the date of the Council meeting at which the petition will be discussed.

What are the guidelines for submitting a petition?

Petitions submitted to the Council **must** include:-

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; and
- the name and address and signature of any person supporting the petition.

The petition should contain at least 10 signatures. Higher thresholds apply to petitions requiring a debate in full Council [*insert link to "Full Council Debates"*] or to require a Senior Officer to give evidence [*insert link to "Officer Evidence"*].

The petition should concern a matter for which the Council is responsible or relate to an improvement in the economic, social or environment well-being of the Council's area to which any of our partners could contribute.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will **not** be placed on the website. If the petition does not identify a petition organiser will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescales which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 3 clear working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition is being referred to a meeting of the Council's Executive or a Committee the acknowledgement will advise where and when the meeting will take place. If the petition has enough signatures to trigger a Council debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Please contact Democratic Services [*insert link*] on 0300 300 4032 for more guidance.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's relevant overview and scrutiny committee*
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of Councillors who are responsible for scrutinising the work of the Council and its Executive – in other words, the overview and scrutiny committee have the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [link].

If your petition is about something that a different Council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council debates

If a petition contains more than 2,500 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 1200 signatures, the appropriate senior officer will give evidence at a public meeting of the Council's relevant overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [\[insert link\]](#). You should be aware that the overview and scrutiny committee or its Chairman, may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting Democratic Services [\[insert link\]](#) on 0300 300 4032 up to three clear working days before the meeting.

E-petitions (to be introduced with effect from 1 October 2010)

The Council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 clear working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 3 clear working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services [*insert link*] on 0300 300 4032 within 7 clear working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [*insert link*].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant overview and scrutiny committee review the steps that the Council has taken in response to your petition. Your request should be submitted within 10 clear working days of being advised of the Council's response. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 10 clear working days. The results of the review will also be published on our website.

A4 CITIZENS AND THE COUNCIL

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1. Citizens' rights

1.1 The Council welcomes participation by citizens in its work and has put in place procedures allowing public participation in meetings to enable citizens to influence the Council's decision making process. Citizens have the rights set out below. Their rights to information are explained in more detail in the Access to Information Procedure Rules in Part G.2 of the constitution.

2. Voting

2.1 Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.

3. Information. Citizens have the right to:-

3.1 Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

3.2 Attend meetings of the Executive when Key Decisions and other matters are being considered (except where confidential or exempt information is likely to be disclosed and part of the meeting is therefore held in private);

3.3 Find out from the forward plan what Key Decisions will be taken by the Executive and when;

3.4 See reports and background papers, and any records of decisions made by the Council and the Executive;

3.5 Inspect the Council's accounts and make their views known to the external auditor;

3.6 Receive information held by the Council subject to the Freedom of Information Act 2000; and

3.7 Obtain a copy of the constitution.

4. Participation (including petitions). Citizens have the right to:-

4.1 Speak at, submit petitions [and e-petitions](#) and make deputations to meetings of the Council, its committees and the Executive in accordance with the Council's Public Participation Procedure as set out at Appendix A to Part A4 of the constitution;

- 4.2 Participate in and contribute to investigations by overview and scrutiny committees; and
- 4.3 Contact their local councillor about any matters of concern to them.

5. Complaints. Citizens have the right to complain to:-

- 5.1 The Council itself under its complaints procedure and receive a timely response;
- 5.2 The Council's Standards Committee about a breach of the Councillors' Code of Conduct and receive a timely response;
- 5.3 The Ombudsman after using the Council's own complaints procedure; and
- 5.4 Their elected ward members.

6. Citizens' responsibilities

- 6.1 Citizens must observe the law in their dealings with councillors and officers.

APPENDIX A

PUBLIC PARTICIPATION PROCEDURE

Asking questions, making statements, deputations and presenting petitions at meetings of the Council, the Executive or Committees

1. When Public Participation will Operate

1.1 Members of the public will be able to participate at meetings of:-

- The Full Council;
- The Executive;
- The Overview and scrutiny committees
- Licensing Committee ¹
- Regulation Committee ¹

(¹: where a public hearing is being conducted by the Licensing Committee or its sub committees or the Regulation Committee, public participation shall be considered in accordance with the separate procedure applying to such hearings)

- Development Management Committee²

(²: a separate public participation procedure operates where the Development Management Committee is determining planning or other applications, as set out in Annex 3 of this procedure)

- General Purposes Committee
- Audit Committee
- Standards Committee

by asking questions or making statements at either, or both of, the beginning of the meeting and/or on individual agenda items, by presenting petitions or making a deputation

1.2 At other council forums open to the public but not referred to in 1.1 above, formal or informal means of public participation may be permitted. Please ask the contact officer for the forum you are interested in participating in for more details.

1.3 The arrangements for public participation at the meetings will be as follows:-

Annex 1 Procedure for Public Questions, Statements and Deputations at Meetings

Annex 2 Petitions

Annex 3 Procedure for Public Participation in Development Management Committee Meetings

2. General Principles Governing All Public Participation

2.1 Questions, statements, deputations or petitions are not permitted on:-

2.1.1 Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about a development plan document or the community infrastructure levy)

Deleted: individual planning matters

However participation on planning applications is permitted under the separate public participation scheme that operates where the Development Management Committee is determining planning or other applications, as set out at Annex 3 to this Appendix.

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2.1.2 Any matter relating to an alcohol, gambling or sex establishment licensing decision.

A separate procedure applies for quasi judicial hearings being held by the relevant committee or sub committee and this is available, on request, from the Monitoring Officer.

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2.1.3 Any matter relating to the performance or employment of individual council staff;

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A separate procedure applies to petition for a senior Council officer to give evidence at a public meeting of the Council's relevant Overview and Scrutiny Committee (See paragraph 8 of Annex 2)

2.1.4 Any matter relating to an individual or an entity where that individual or entity has a right of recourse or right of appeal conferred by or under any enactment ;

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2.1.5 Complaints about the conduct of a councillor

(A separate procedure applies for dealing with complaints against councillors)

2.1.6 matters which are "confidential" or "exempt" business.

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2.2 Authority of the chairman

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2.2.1 The chairman will have the right to stop persons from speaking at any time if he/she considers any speech to be defamatory, improper or outside the responsibilities of the Council.

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2.2.2 The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-

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2.2.2.1 that it is necessary to do so for the purpose of maintaining order at the meeting; or

2.2.2.2 that it is convenient and conducive to the despatch of business to do so.

(Note: the term "public" also includes town/parish councillors or clerks.)

Annex 1

**PROCEDURE FOR PUBLIC QUESTIONS, STATEMENTS AND DEPUTATIONS
AT MEETINGS**

1. Public Questions, Statements and Deputations at the Beginning of the Meeting

- 1.1 At the beginning of each meeting of the Council (other than annual or extraordinary meetings, except at the discretion of the chairman), the Executive and committees, a period of up to 15 minutes will be allowed for public questions or statements, deputations and responses.
- 1.2 The Chairman of the Council, executive or committee will have discretion to extend this period.
- 1.3 Questions, statements or deputations should be relevant to the functions of the body to which they are addressed and relate to matters over which the Authority has powers or duties, including where the Council shares delivery responsibilities, or which affect the area of the Authority.
- 1.4 Normally no more than three speakers will be allowed to speak at a meeting on any one subject, with each individual speaker being restricted to a total of three minutes.
- 1.5 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.
- 1.6 Questions, statements and deputations during the 15 minute period will also be subject to the principles set out at paragraphs 3 below and to the general principles governing public participation at paragraph 2 of Appendix A.

2. Questions, Statements and Deputations on Individual Agenda Items

- 2.1 Questions, statements or deputations on an individual agenda item will be allowed immediately after it has been introduced by the report author, another officer, relevant member or the chairman of the Council, Executive or committee.
- 2.2 Normally no more than three speakers will be allowed to speak on any one subject, with each individual speaker being restricted to a total of three minutes.
- 2.3 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.

- 2.4 After members of the public have been able to speak, the chairman may invite the relevant member (or, at a meeting of the Executive or a committee, the relevant officer) to comment and/or clarify matters.
- 2.5 The item will then be considered by members of the Council, executive or committee.
- 2.6 Questions, statements and depositions on individual agenda items will also be subject to the principles set out at paragraphs 3 below and to the general principles [and exceptions](#) governing public participation at paragraph 2 of Appendix A.

3. Principles Governing Public Questions and Statements

- 3.1 Advance Notice:-
 - 3.1.1 Advance notice of questions, statements or depositions need not be submitted in writing but if notice has been given, it will be easier to give a more detailed reply;
 - 3.1.2 However persons wishing to speak must arrive no later than 15 minutes before the start of the meeting and complete a form indicating their wish to speak; and
 - 3.1.3 Where a speaker has given advance notice, it is recommended that he/she be present at the start of the meeting, since the timing of individual agenda items cannot be predicted.
- 3.2 The order of speaking will be in the order in which requests are received.
- 3.3 Questions should be directed to the chairman, who may request the appropriate member (or at a meeting of the Executive or a committee, the relevant officer), to reply.
- 3.4 Each question will be put and answered without discussion, although the chairman may allow:-
 - 3.4.1 Further clarification or supplementary questions, including the Chairman asking questions of the member of the public; and
 - 3.4.2 A Member to request that an issue raised be included on the agenda of a future meeting.
- 3.5 Any question which does not receive a response through lack of time or notice will be given a written reply within 5 working days after the meeting on the condition that the questioner has completed and handed in a form containing full details of the question and his/her name and address.

Annex 2

PETITIONS SCHEME

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1. Submission and Content of Petitions

1.1 Members of the public may present the Council, or the Executive, or a committee with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer. If, following consideration of the petition as provided in paragraphs 4 or 5 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 6.

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1.2 The petition shall:-

1.2.1 be addressed to the Monitoring Officer of the Council;

1.2.2 contain a clear and concise statement covering the subject of the petition and what action the petitioner wishes the Council to take.

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1.2.3 be validly signed by at least 10 persons who live, work or study in the Authority's area (a petition shall be deemed to be "validly signed" if the person has signed it and the petition states the person's name and address and the date of signature)

1.2.4 Designate one of the persons who has validly signed it as the person with whom the Council may deal in relation to the petition (Where no lead petitioner is identified, the Council will contact signatories to the petition to agree who shall act as the petition organiser).

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1.3 Petitions should be relevant to the forum to which they are addressed and:-

1.3.1 concern a matter which relates to a function of the Authority; or

1.3.2 whilst not relating to a function of the Authority, relate to an improvement in the economic, social or environmental well-being of the Authority's area to which any of its partner authorities could contribute.

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2. Rejection of Petitions

2.1 The Monitoring Officer may reject any petition which :-

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2.1.1 does not meet the criteria set out in paragraphs 1.2 and 1.3 above in the case of written petitions or the criteria set out in paragraphs 1.2.2 and 1.3 in the case of e-petitions; and/or

2.1.2 relates to a matter which is excluded under the provisions of paragraph 2.1 of Appendix A; and/or

2.1.3 is, in his/her reasonable opinion, vexatious, abusive or otherwise inappropriate to be dealt with under the Council's Petitions Scheme; and/or

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2.1.4 is the same as, or has a substantially similar effect to a petition which has been made to the Council within a period of six months ending with the date on which the petition was made to the Council; and/or,

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2.15 in the case of e-petitions, breaches data protection, libel or the Authority's statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.

3. Acknowledgement of Petitions

3.1 The Monitoring Officer will send a written acknowledgment to the petition organiser within 3 clear working days of the date of receipt. The acknowledgement will give information about what the Council proposes to do in response to the petition, including the date and time at which the petition will be considered by the Council, Executive or relevant committee and will advise the petitioners of their rights to speak under the provisions of this procedure.

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4. E Petitions

4.1 Members of the public may also submit e-petitions through the Council's website.

4.2 The petition organiser shall provide their name, postal address and email address and indicate for how long the petition should be open to signature.

4.3 E-petitions shall also comply with the provisions of paragraphs 1.2.2 and 1.3 above.

4.4 The Monitoring Officer shall be authorised to determine whether to host an e-petition and may reject any petition which he/she deems inappropriate. The decision on whether to host an e-petition will be made within 5 working days of submission of the original petition.

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4.5 If the Monitoring Officer determines not to host an e-petition, he/she will notify the petition organiser within 3 clear working days of such decision. The petition organiser may, within 10 clear working days, change and resubmit the petition. In the event the petition organiser does not do this, a summary of the petition and the reason why it has not been accepted will be published under the "rejected petitions" section of the Council's website.

4.6 Members of the public signing an e-petition will be required to provide their name, postcode and a valid email address. On submission of this information, an email will be sent to the email address provided with a link to confirm the email address is valid. Upon completion of this step, the signature will be added to the petition.

4.7 When an e-petition has closed for signature, it will be submitted to the next available meeting of the Executive or relevant committee of the Council having regard to the subject matter concerned. The Monitoring Officer will send a written acknowledgement of the petition as provided in paragraph 3. If the petition organiser wishes to present the e-petition to the Council, they shall notify the Monitoring Officer within 10 working days of receipt of the acknowledgement.

5. **Petitions presented at full Council**

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5.1 At meetings of full Council (other than annual or extraordinary meetings, except at the discretion of the chairman), a period of up to 30 minutes per meeting shall be allowed for the receipt and discussion of petitions.

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5.2 Petitions will be considered in the order that they are received on the basis of the following procedure:-

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5.2.1 Petitions should be presented by either:-

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5.2.1.1 The lead petitioner; or

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5.2.1.2 An individual nominated by the lead petitioner; or

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5.2.1.3 A member of the Council on behalf of the lead petitioner.

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5.2.2 who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

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5.3 Petitions shall normally be discussed by the Council for up to 10 minutes;-

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5.4 Petitions containing more than 2,500 signatures **must** be debated by the Council and will be discussed for up to 15 minutes.

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5.5 Petitions calling for evidence from an officer under paragraph 8 are excluded from the requirement for debate by the Council.

5.6 The Council will take one of the following steps in relation to the petition:-

5.6.1 Giving effect to the request in the petition; or

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5.6.2 Holding an inquiry; or

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5.6.3 Commissioning research; or

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5.6.4 Holding a public meeting; or

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5.6.5 Giving a written response to the petition organiser setting out the Council's views about the request in the petition; or

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5.6.6 Referring the petition to the Executive or relevant committee or to an overview and scrutiny committee.

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5.6.7 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer and Stronger Communities convened to deal with traffic regulation orders and highways related matters.

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5.7 Where the issue is one on which the Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

5.8 The chairman shall have discretion to extend the period allowed for the receipt and discussion of petitions, in the event that any petitions of which notice has been given remain to be received.

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5.9 The Monitoring Officer shall within 5 clear working days of the date of the Council agreeing its response to the petition:-

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5.9.1 Notify the petition organiser in writing of the steps the Council has taken or proposes to take in response to the petition and the reason for doing so; and

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5.9.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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5.10 Where a petition has been referred to the Executive, the relevant committee, an overview and scrutiny committee or the Portfolio holder for Safer and Stronger Communities, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

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6. Petitions presented at or referred to the Executive or Committees

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6.1 Where petitions are presented directly to the Executive or a committee, or referred to the Executive or a committee from the Council, they will be considered in the order that they are received on the basis of the following procedure:-

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6.1.1 Petitions should be presented by either:-

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6.1.1.1 The lead petitioner; or

6.1.1.2 An individual nominated by the lead petitioner; or

6.1.1.3 A member of the Council on behalf of the lead petitioner

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who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

6.2 The Executive or committee will take one of the following steps in relation to the petition:-

6.2.1 Giving effect to the request in the petition; or

6.2.2 Holding an inquiry; or

6.2.3 Commissioning research; or

6.2.4 Holding a public meeting; or

6.2.5 Giving a written response to the petition organiser setting out the Executive's or committee's views about the request in the petition; or

6.2.6 Referring the petition to an overview and scrutiny committee; or

6.2.7 Referring the petition to the full Council.

6.2.8 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer and Stronger Communities convened to deal with traffic regulation orders and highways related matters.

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6.3 The Monitoring Officer shall within 5 clear working days of the date of the Executive or relevant committee agreeing its response to the petition:-

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6.3.1 Notify the petition organiser in writing of the steps the Executive or committee has taken or proposes to take in response to the petition and the reason for doing so; and

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6.3.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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6.4 Where a petition has been referred to the Council, an overview and scrutiny committee or the Portfolio holder for Safer and Stronger Communities, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

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7 **Petitions referred to meetings of the Portfolio holder for Safer and Stronger Communities**

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7.1 Where petitions are presented directly to a meeting of the Portfolio holder for Safer and Stronger Communities, or referred to the Portfolio holder from the Council or Executive, they will be considered in the order that they are received on the basis of the following procedure:-

7.1.1 Petitions should be presented by either:-

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7.1.1.1 The lead petitioner; or

7.1.1.2 An individual nominated by the lead petitioner; or

7.1.1.3 A member of the Council on behalf of the lead petitioner.

Who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

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7.2 The Portfolio holder shall take one of the following steps in relation to the petition:-

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7.2.1 Giving effect to the request in the petition; or

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7.2.2 Holding an inquiry; or

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7.2.3 Commissioning research; or

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7.2.4 Holding a public meeting: or

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7.2.5 Giving a written response to the petition organiser setting out the Portfolio holder's views about the request in the petition; or

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7.2.6 Referring the petition to an overview and scrutiny committee; or

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7.2.7 Referring the petition back to the Executive where the Portfolio holder considers it appropriate having regard to the circumstances relating to the petition in question.

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7.3 The Monitoring Officer shall within 5 clear working days of the date of the Portfolio holder agreeing his response to the petition:-

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7.3.1 Notify the petition organiser in writing of the steps the Portfolio holder has taken or proposes to take in response to the petition and the reason for doing so; and

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7.3.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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7.4 Where a petition has been referred to the Executive or an overview and scrutiny committee, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

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8. Officer Evidence

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8.1 Petitions may ask for a senior council officer to give evidence at a meeting of the relevant overview and scrutiny committee about something for which the officer is responsible as part of their job.

8.2 Such petitions must contain at least 1200 signatures. Save as provided in paragraph 8.3 below, the relevant senior officer will give evidence at a meeting of the relevant overview and scrutiny committee. A list of which senior officers can be called to give evidence can be found on the Council's website.

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8.3 The relevant overview and scrutiny committee, or its chairman, may request that another officer of the Council should attend before the committee where the committee and/or chairman considers that, for the purposes of addressing the concerns raised by the petition, it would be more appropriate for that officer to attend.

9. Review by Overview and Scrutiny of Adequacy of Response to Petition

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- 9.1 The petition organiser may, by giving notice in writing to the Monitoring Officer within 10 working days of being advised of the Council's response, request that the relevant overview and scrutiny committee review the adequacy of the response to the petition (ie: the overview and scrutiny committee shall review the steps taken by the Council in response to the petition). Deleted: 7
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- 9.2 Where such a request is received, the Monitoring Officer shall arrange for the request, together with the response to the petition to be included on the agenda for the next scheduled meeting of the relevant overview and scrutiny committee. Deleted: 7
- 9.3 The overview and scrutiny committee has four options having reviewed the adequacy of the response to the petition:- Deleted: 7
- 9.3.1 To agree with the steps taken or proposed to be taken in response to the petition; Deleted: 7
- 9.3.2 To call upon the Executive, relevant committee or the Council to reconsider the matter; or Deleted: 7
- 9.3.3 To make recommendations to the Executive, committee or the Council to pursue a particular course of action; or Deleted: 7
- 9.3.4 To refer the matter for consideration by the full Council. Deleted: 7
- 9.4 The Monitoring Officer shall within 10 clear working days of the date of the overview and scrutiny committee completing its review of the response to the petition:- Deleted: 7
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- 9.4.1 Notify the petition organiser in writing of the results of the review; and Deleted: 7
- 9.4.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so. Deleted: 7
- 9.5 The presentation of petitions will also be subject to the general principles governing public participation set out at paragraph 2 of Appendix A. Deleted: 7

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Annex 3

**PROCEDURE FOR PUBLIC PARTICIPATION IN DEVELOPMENT MANAGEMENT
COMMITTEE MEETINGS WHEN DETERMINING
PLANNING OR OTHER APPLICATIONS**

Applicants, agents, representatives of parish/town councils, councillors who have a personal and prejudicial interest and members of the public, who have already submitted comments in writing prior to the despatch of the Agenda, will be entitled to speak (but will not be entitled to question officers or members) during the consideration of a planning or other application at any meeting of the Development Management Committee. Such entitlement to speak should be in accordance with the following provisions:

1. Any person (meeting the qualifications above) who wishes to speak must notify the Director of Sustainable Communities by letter, telephone, e-mail or fax by close of business on the day before the meeting at which the application in which he/she has an interest is to be considered.
2. The following procedure will apply in respect of each item:-
 - 2.1 Introduction of item by officers and/or chairman;
 - 2.2 Representations by parish/town council representative(s);
 - 2.3 Representations by objector(s) or representative for all objectors;
 - 2.4 Representations by applicant and/or any supporters;
 - 2.5 Representations by a councillor with a personal and prejudicial interest;
 - 2.6 Opportunity for officer(s) to comment/clarify; and
 - 2.7 Consideration of application by members, beginning with representations by ward member(s);

- (*Note
1. In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.
 2. Any information to be considered by the committee should be presented to officers by midday 3 working days prior to the meeting to allow for the information to be considered. No new information may be presented during the meeting.
 3. Any other councillor (not being a member of the committee) may also be permitted to speak on an item.)

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3. The total time allowed for speeches in respect of each of the following groups of speakers will not exceed three minutes:-
 - 3.1 Parish/town council representatives for each parish/town council that may have been consulted on an application who will be authorised, in writing, to speak by the clerk or chairman of the parish/town council on that council's behalf;
 - 3.2 Objectors;
 - 3.3 Applicants and/or supporters; and
 - 3.4 Councillors with a personal and prejudicial interest.
4. Where an application affects more than one town/parish, the chairman will have discretion to vary the requirements of 3.1 to 3.4 above where he/she considers it conducive to the despatch of business and will not cause prejudice to the parties involved.
5. In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category 3.2 and/or 3.3 above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
6. Where consideration of a planning or other application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements at 1 above have been complied with.
7. In relation to any matter which is on the agenda or to be discussed at Development Management Committee which is not a planning application within the scope of this Procedure, the provisions of the general Public Participation Procedure above will apply with the exception of paragraph 1. of Annex 1 (Procedure for Public Questions, Statements and Deputations at Meetings) and paragraph 2.1.4 (General Principles Governing All Public Participation) of Appendix A).
8. This scheme provides members of the Council with the only opportunity to be able to speak where they have declared a personal and prejudicial interest in the planning application. Such members must withdraw from the meeting after speaking under this scheme.
9. For interpretation purposes, parish/town council shall be taken to include a parish meeting.
10. This procedure applies only in respect of applications in relation to which the Council is the statutory planning authority and has the power of determination. Any application in respect of which the Council is acting as a consultee is subject to the provisions of 7 above.

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11. The chairman will have the right to stop persons from speaking at any time if he/she considers the question or statement to be defamatory, improper or outside the responsibilities of the committee.
12. The chairman of the committee may vary the order in which applications are to be considered if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.
13. The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-
 - 13.1 That it is necessary to do so for the purpose of maintaining order at the meeting; or
 - 13.2 That it is convenient and conducive to the despatch of business to do so and that it will not cause prejudices to the parties involved.

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- 2.2 In the case of any petition that relates to a consultation (statutory or otherwise) being conducted by the Council (eg: on a planning or licensing matter), the petition will be treated as a representation in respect of that consultation and its report and consideration will be the same as that determined for all other such representations received.

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APPENDIX E

D2 EXTRACT FROM THE OVERVIEW AND SCRUTINY PROCEDURE RULES Formatted Table

8. Members and Officers giving Account

8.1 An overview and scrutiny committee (or task group) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation an overview and scrutiny committee (including any task group) may, in fulfilling the scrutiny role [or responding to a public petition calling for a senior Council officer to give evidence](#), require any member of the Executive, the Head of Paid Service and/or any Director to attend before it to explain, in relation to matters within their remit:-

8.1.1 Any particular decision or series of decisions;

8.1.2 The extent to which the actions taken implement Council policy; and/or

8.1.3 Their performance.

8.2 [In respect of a public petition calling for a senior officer to give evidence, an overview and scrutiny committee or its Chairman, acting on the committee's behalf, may request that another officer of the Council attend instead, where it considers that, for the purposes of addressing the concerns raised by the petition, it is more appropriate for that officer to attend.](#)

8.3 [The overview and scrutiny committee, or its Chairman may also wish to invite the relevant portfolio holder with responsibility for the service area concerned.](#)

~~8.4~~ An overview and scrutiny committee may also require any Council member who has been granted local ward member powers (for instance a delegated budget) under Section 236 of the Local Government and Public Involvement in Health Act 2007 to attend before it to answer questions on any function which the member has power to exercise.

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~~8.5~~ [Save as provided in Rule 8.2, it is the duty of those persons](#) described in Rules 8.1 and 8.2 to attend if so required.

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- 8.6. Where any member or officer is required to attend an overview and scrutiny committee or a task group under this provision, the committee administrator will inform that member or officer in writing, giving at least 5 clear working days notice of a meeting of the overview and scrutiny committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Deleted: 4
- 8.7. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given at least 7 clear working days notice to allow for preparation of that documentation. Deleted: 5
- 8.8. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting. Deleted: 6

Central
Bedfordshire
Council
Priory House
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CONSTITUTION ADVISORY GROUP

DATE: 1 June 2010

TITLE	Variations to the Scheme of Delegation to Officers	ITEM NO.
REPORT OF	Head of Democratic Services	

PURPOSE	To advise the Group of changes approved by the Leader of the Council to the Scheme of Delegation to Officers.
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ORIGIN OF PROPOSAL	Leader of Council/ Deputy Chief Executive and Director of Children's Services
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RECOMMENDATION:

To note the revisions to the Scheme of Delegation to Officers now submitted.

SUPPORTING INFORMATION

- As the Advisory Group is aware, the Leader of the Council has authority under Paragraph 3 of the Executive Procedure Rules to delegate Executive functions or amend existing delegations.
- The following new delegation has been approved by the Leader.

Function

Qualifications (if any)

To be responsible for the administration and planning of the 14 – 19 Commissioning process, including the administration and allocation of funding to commissioned post 16 Education and Skills providers in accordance with the functions transferred from the learning and Skills Councils to the Local Authority.

After consultation with the relevant portfolio holder

3. It is anticipated that the Leader will approve the following change shortly:-

Current Delegation No. 4.4.2

Function

Qualification (if any)

To carry out the functions of the Council as a Children's Services Authority including those functions referred to in Section 18 (1) of the Children Act 2004 (as amended from time to time).

None

Revised Delegation No. 4.4.2

Function

Qualification (if any)

To carry out those functions of the Council as a Children's Services Authority including those functions referred to in Section 18 of the Children Act 2004 (as amended from time to time).

None

4. The revision above is required to correct an error whereby the original delegation refers only to Section 18 (1) of the 2004 Act when it was intended to refer to the whole of Section 18.
5. The Advisory Group is requested to note the variation set out in paragraph 2 above and the anticipated further variation to the Scheme of Delegation as indicated in paragraph 3.

Contact Officer Details:

Kathrin John

Key Background Papers:

None

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP

DATE: 1 June 2010

TITLE	Work Programme
REPORT OF	Head of Democratic Services

PURPOSE	To consider the future work programme for the Group
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ORIGIN OF PROPOSAL	CAG minute 31, meeting held on 9 November 2009
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RECOMMENDATION:

That the Advisory Group review the draft work programme at Appendix A.

SUPPORTING INFORMATION

1. The draft work programme for the Group is set out at Appendix A for consideration.
2. The Advisory Group is invited to review the work programme and amend as appropriate.

Contact Officer Details:

Kathrin John

Key Background Papers:

Notes of previous meetings.

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Appendix A

Constitution Advisory Group	
Work Programme	
<i>Date</i>	<i>Task</i>
June 2010	<ul style="list-style-type: none"> • Petitions procedure (dependant upon production of final statutory guidance) • Public participation for Local Council representatives at Development Management meetings
July 2010	<ul style="list-style-type: none"> • Review of the schemes of delegation to officers of unitary councils within the CIPFA comparator group • Review of non-statutory non-executive committees and their roles • Display of Constitution on the website – progress review and update
October 2010	<ul style="list-style-type: none"> • Review of items for Policy Framework
December 2010	
January/February 2011	
March 2011	

In addition at each meeting, all changes to Executive delegations approved by the Leader of the Council will be reported for information.

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