

SHADOW EXECUTIVE

25 NOVEMBER 2008

SUBJECT	ESTABLISHING A CHILDREN'S TRUST FOR CENTRAL BEDFORDSHIRE (The attached report outlines the legislative backdrop to the national requirement to establish Children's trust arrangements in all Local Authorities with a Children's Services responsibility. It highlights issues and recommendations to consider and steps towards developing a Children's trust in Central Bedfordshire.)
REPORT OF	Director of Children, Families & Learning (Contact Officers: Wendi Ogle- Welbourn Tel: 01234 276371 / Roger Bullen Tel: 01234 276621)

IMPLICATIONS

SUSTAINABILITY	None
FINANCIAL	None
LEGAL	The Children's Trust will enable the council and its partners to exercise the 'duty to cooperate' under section 10 of the Children Act 2004.
PERSONNEL/EQUAL OPPORTUNITIES	None
COMMUNITY DEV/SAFETY	None
TRADES UNION	None
HUMAN RIGHTS	None
KEY ISSUE	Yes
BUDGET/POLICY FRAMEWORK	No

OTHER DOCUMENTS RELEVANT TO REPORT

RECOMMENDATION(S):

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| <ol style="list-style-type: none"> 1. That Members agree to the establishment of a Children's Trust in Central Bedfordshire following the proposed model 2. That Members agree to the steps as outlined in the report, primarily the establishment of a shadow trust board and joint commissioning board to guide and enable the establishment of the Trust 3. That Members note the intentions to develop stronger representation for young people on the Trust 4. That Members note the development of local Children's and Young People's Partnership Boards to ensure that local issues are addressed within the Trust |
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Reason for Recommendations: The Children's Trust is the key strategic partnership that brings all agencies and organisations together that work to improve outcomes for young people. It enables the council and its partners to exercise the 'duty to cooperate' under section 10 of the Children Act 2004.

BACKGROUND

1. The Children Act 2004 Section 10 requires that all local authorities with a children's services responsibility should make arrangements to promote co-operation between the authority and relevant partners with a view to improving the well-being of children and young people in the area. The Act establishes the Local Authority as the lead and accountable partner in such arrangements requiring each to appoint a Director of Children's Services and a Lead Elected Member.
2. The expectation is that these arrangements, commonly known as Children's Trusts, will be in place in all Local Authorities by the end of 2008. The extent to which such arrangements are bound by a legal agreement has been a matter for local discretion and Trusts established in the pathfinder stage have used agreements under Section 31 of the Health Act 1999 (now section 75) also Section 10 of the Children Act 2004 but more commonly less formal agreement through local partnership working.
3. *Preparing Britain for the Future*, the Government's draft legislative programme for 2008-09, states that the Education and Skills Bill to be introduced in the fourth session of Parliament will "legislate to strengthen the operation of Children's Trusts". Government is now consulting on proposed legislation, but it is likely that Children's Trusts will be given a more robust legislative framework to support their governance.
4. This may include;
 - Extending the 'duty to cooperate' to schools, schools forums, Sixth form and FE colleges and all future Academies through their funding agreements;
 - Requiring all areas to have Children and Young People's Plans and extending ownership and responsibility for it to all statutory partners.
 - Clarifying that plans need agreement from all partners.

5. From April 2009 there will be two unitary councils in Bedfordshire both with children services responsibility, therefore two Children's Trusts will need to be developed. Each Trust will be required to have a Children and Young People's Plan which projects the vision for Children's Services for all involved agencies and organisations in the area.

THE STRUCTURE OF THE CHILDREN'S TRUST

6. A significant initial problem for partners would be the duplication of attendance at both Trusts meetings. Over time, as services integrate and deliver increasingly at a local level, this additional demand is likely to decrease and the subgroups of the Trust will become more exclusively locally representative. To begin with the two new trusts could have an impact on the capacity of partner agencies.
7. To ease transition it would be helpful to rationalise the structures of the Trust and in the short to medium term ensure that meetings of both Trusts are held on the same day at the same venue.
8. The structure attached shows a merging of sub groups under thematic groupings:
 - Well-being:- Be Healthy, Stay Safe
 - Learning:- Enjoy and Achieve
 - Youth:- Make a Positive Contribution, Achieve Economic Well-being
9. This proposal rationalises the subgroups of the Trust to three thematic groups. Although this may lengthen meetings our analysis shows that these groupings will enable many members of the Trusts who currently attend two subgroups quarterly to now only have to attend only one in each Unitary rather than a total of four. This also has the added advantage of supporting greater cross outcome working between subgroups that have often previously had common agendas.
10. Other groups that operate at local area or neighbourhood level could be aligned to the Trust subgroups which would enable the Trusts to both gain local significance and deliver more directly to local communities.

The Children's Trust Board

Role

11. The Trust Board is the Executive of the Trust. The plans, strategies and priorities of the Trust are developed and determined by the Joint Commissioning Board (JCB). These are recommended to the Trust Board who then ensures that the Trust maintains a coherent strategic direction that reflects the priorities of the Trust and the needs of children and young people in the area.

Membership

12. The strategic leaders of all partner organisations, executive and non-executive members of PCTs and Health Trusts, Lead Elected Members, a nominated representative from the Voluntary and Community Sector and others as determined by the Trust Board.
13. Joint Commissioning Board Members will be invited to report to the Trust Board for reporting purposes but not automatically be members of it.

Decision Making

14. The decision making of the Trust Board will operate on the basis of the consensus achieved through both consultations with partners and amongst those members attending the meeting. Decisions made by the Trust Board may also require agreement by partner organisations own political or executive leadership.

Frequency

15. The Trust Board will meet twice annually with a third date set aside for a wider partnership conference to review progress, share future challenges and address other issues as decided by the trust.

The Joint Commissioning Board

Role

16. The role of the Joint Commissioning Board is to direct the shared resources of the Trust towards the priorities agreed by partners as outlined in the Children and Young People's Plan and its subsequent reviews.

17. The Joint Commissioning Board's wider role is to conduct the business of the trust and to develop the Children & Young People Plan/ Review. In addition to scrutinise the action plans and progress against the targets and performance data of the sub groups and report these on to the Trust Board.

Membership

18. The Joint Commissioning Board will be comprised of the leads for commissioning and key managers from across all partner agencies best placed to deliver change and direct resources to meet the shared priorities of the Children and Young People's Plan. Membership will also include a nominated representative from the Voluntary and Community Sector.

Decision Making

19. The Joint Commissioning Board will operate on the basis of the consensus achieved through both consultations with partners and amongst those members attending the meeting. Funding decisions will always be dependant on agreement by partner agencies using their own internal procedures.
20. Decisions on pooling and resource sharing with the Bedford Unitary would be referred to the Accountable Bodies Board.
21. Key Strategic decisions will be referred for final agreement by The Trust Board.

Frequency

22. Meetings will take place on a quarterly basis.

The Thematic Subgroups of the Trust

Role

23. The role of the Thematic Subgroups is to translate the priorities and targets from the Children & Young People's Plan and its subsequent reviews into outcome focussed action plans. It is the subgroups responsibility to agree and ensure implementation of all planned actions, to review and update the progress against them and their related targets, using available performance data.
24. The sub group has the responsibility for monitoring performance and the achievement of outcomes and to complete a quarterly progress reports for the Joint Commissioning Board.

25. To implement the trust in Central Bedfordshire it would be more efficient to have three thematic sub groups:
- Well-being:- Be Healthy, Stay Safe
 - Learning:- Enjoy and Achieve
 - Youth:- Make a Positive Contribution, Achieve Economic Well-being

Membership

26. Each Subgroup is chaired by a senior manager from a relevant partner organisation with a co-chair, one of whom should be from the Local authority.
27. Membership of the Thematic Sub-groups should comprise of the key professionals from across the Trust who are involved in delivery of services relating to the five Every Child Matters (ECM) outcomes. Alongside the 3 Thematic Subgroups a number of groups addressing cross cutting issues for the whole trust will be maintained, i.e., Equalities, Work Force Development, Common Assessment Framework, Communications. Other sub groups may be convened on a time limited basis to address particular issues and themes as decided by the CMB. These will report to one of the Thematic Subgroups sub groups.

Decision Making

28. Thematic Sub-groups will use discretion about decisions that fall within its own remit and those that should be made at the Joint Commissioning Board. As a rule Sub groups should refer all major decisions to the Joint Commissioning Board.

Frequency

29. Meetings will take place quarterly designed to enable reporting into the relevant meetings of the Joint Commissioning Board.

ESTABLISHING THE TRUST

30. The Central Bedfordshire Children's Trust will build on the experience of the already successful, National Award winning existing Children and Young People's Strategic Partnership (CYPSP).
31. The initial steps (undertaken Aug - October 2008):

- Identify those partners on the existing CYPSP Joint Commissioning Board that represent the Central Bedfordshire Council area exclusively either from the two non-continuing District Councils or locally based agencies.
- Identify those members or organisations with a Countywide remit who will need to be duplicated on both Trust JCBs.
- From these members establish a shadow JCB as a working group tasked with establishing the Central Bedfordshire Trust.
- Shadow JCB to agree Draft Trust Agreement and Draft TOR for Trust Board and JCB.
- Shadow JCB to agree Draft Trust Structure.
- Disaggregate the Children and Young People's Plan using needs analysis to determine the priorities for a Central Bedfordshire Trust.
- Develop the draft Central Bedfordshire Children's Plan.
- Establish proposed membership of Shadow Trust Board.

32. Medium term steps (undertaken Nov - Feb 2008/09):

- Establish proposed membership of Thematic Sub Groups by criteria used for JCB using current membership as starting point.
- Each Shadow Thematic Group to meet and develop Draft Subgroup Action Plans based on the Draft Children's Plan.
- Shadow JCB to decide which supporting Sub Groups to address cross cutting themes to be established.
- Membership of supporting groups decided.

33. Final steps (March / April 2009):

- Inaugural meeting of the Trust Board.
- Trust Board ratifies the Children and Young People's Plan.
- Inaugural meetings of JCB, Thematic Sub Groups and other supporting groups.
- Thematic Subgroup Plans ratified.
- Performance Management Framework developed.

SHARING RESOURCES AND POOLING BUDGETS WITHIN THE CENTRAL BEDFORDSHIRE CHILDREN'S TRUST

34. The Act provides for resource sharing between children's services authorities and their partners so that they may *'provide staff, goods, services accommodation or other resources'* and *'establish and maintain a pooled fund'*.

35. Under Section 10 each authority is able to share resources with other partners, i.e., police authority, local probation board, PCT and LSC, but as the lead authority they would ultimately remain accountable for the use of these resources and the quality of the services provided.
36. Section 10 specifically disallows the delegation of responsibility and accountability through budget pooling. Section 75 (formally s.31) of the Health Act 1999 does allow this but only between a children services authority and a PCT.

RESOURCE SHARING BETWEEN TWO UNITARY BASED CHILDREN'S TRUSTS

37. Each Unitary Council will be a Children's Services Authority and therefore under Section 10 of the Children Act 2004 accountable for the delivery, improvement and development of services for children and young people in their area and any partnership arrangements made to achieve this.
38. The two new Unitary Trusts may decide that mutual resource sharing is one way to more cost effectively deliver some services. In these cases each council will have to be assured of their ability to exercise their responsibilities for children's services and maintain their accountability for them within any resource sharing agreement.
39. The ability to jointly enter into resource sharing or pooling arrangements will have efficiency gains for each council and their partners by reducing duplication and the additional administration of multiple contracts and agreements.
40. Voluntary Sector Organisations that operate Countywide Services will find this more sustainable as rather than having two contracts there would be one with Central Bedfordshire and Bedford.

Joint Assurance Board

41. The governance of inter-trust resource sharing may be achieved by the setting up of a 'Joint Assurance Board' sitting between the two trusts comprising of members from both councils and key partners. The Board could agree and administer the shared agreements of the two trusts, reporting to both and also to the Executive and Elected Members of each council.
42. Section 10 Children's Act agreements would be the most appropriate for those shared services or pooled resources that are purely social care related, where as, Section.75 Health Act agreements would be more suitable for those with the PCT.

43. Each council would retain a proportionate responsibility for any shared service. In shared services where staff from each council are engaged in delivery the 60/40 split could be maintained or any other proportion agreed appropriate by the two councils. The Management Role would be undertaken by the agreed host council.
44. The proportions of funding for shared services may reflect the degree of need identified in each council's needs analysis or be based on current client numbers or referrals. Where a clear picture of degrees of need does not exist each council could agree an appropriate level of funding which would then be reviewed annually against the needs analysis.

Objectives and Delivery Plan

45. Each Section 10 or Section 75 agreement would be governed by an Objectives and Delivery Plan (ODP) that will reflect the priorities that each council holds in their respective Children and Young People's plans. The ODPs should be established to mirror the life of a Children's Plan, i.e., three years. They may be reviewed annually alongside the Children's Plans.

THE LSCB

46. The Local Safeguarding Board for Children is aligned to the Children's Trust but remains independent of it. The Stay Safe Subgroup is an integral part of the Children's Trust and reports both to the Children's Trust Board through the Joint Commissioning Board and also to the Board of The Local Safeguarding Board (LSCB).

Background Papers: None

Location of Papers: N/A

File Reference: N/A