

Agenda item:

[No.]

Cabinet

On 21st April 2009

Report Title. Development of a Children's Trust within the Haringey Strategic Partnership

Report of : Chief Executive
Signed :

Contact Officer : Tim Dauncey Interim Director of Special Projects

Wards(s) affected: [All / Some (Specify)]

Report for: **[Key / Non-Key Decision]**

1. Purpose of the report (That is, the decision required)

- 1.1 The Joint Area Review report into Haringey's Children Services identified the need to improve governance of children safeguarding arrangements. This report sets out proposals for the creation of a Children's Trust within the Haringey Strategic Partnership to replace the Children and Young People's Partnership. This will help strengthen the commitment and focus of strategic partners on the needs of children and the 5 outcomes within Every Child Matters.

2. Introduction by Cabinet Member

- 2.1. As chair of the CYPSP I am recommending that this body is replaced by a Children's Trust in the terms set out in this report. I believe this will ensure a better focus on the work of improving the lives of children in the borough.
- 2.2. I believe the proposed executive performance management group will provide a more robust monitoring mechanism and the area based forums will ensure better and more locally focused delivery of services.
- 2.3. The creation of a place for an opposition member on the Trust will ensure that work around children is cross party and will also bring an element of challenge.
- 2.4. Local GPs play a key role in the health and safeguarding of children so a place for GP representation has been included on the Trust.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1. The changes proposed will strengthen the Council and partners ability to deliver

on the Children and Young People's Plan as it impacts upon all children within the borough.

4. Recommendations :

4.1 Cabinet are recommended to:

- consider the proposals set out in the report for creating a Children's Trust.
- agree that following further discussion and negotiations with Strategic Partners a further report setting out the detailed governance framework and partnership agreement for the Children's Trust be submitted to the next Cabinet meeting.

5. Reason for recommendation(s)

5.1. To respond to the recommendations within the JAR Action plan

6. Other options considered

6.1. Options for developing the Trust are considered within this report.

7. Summary

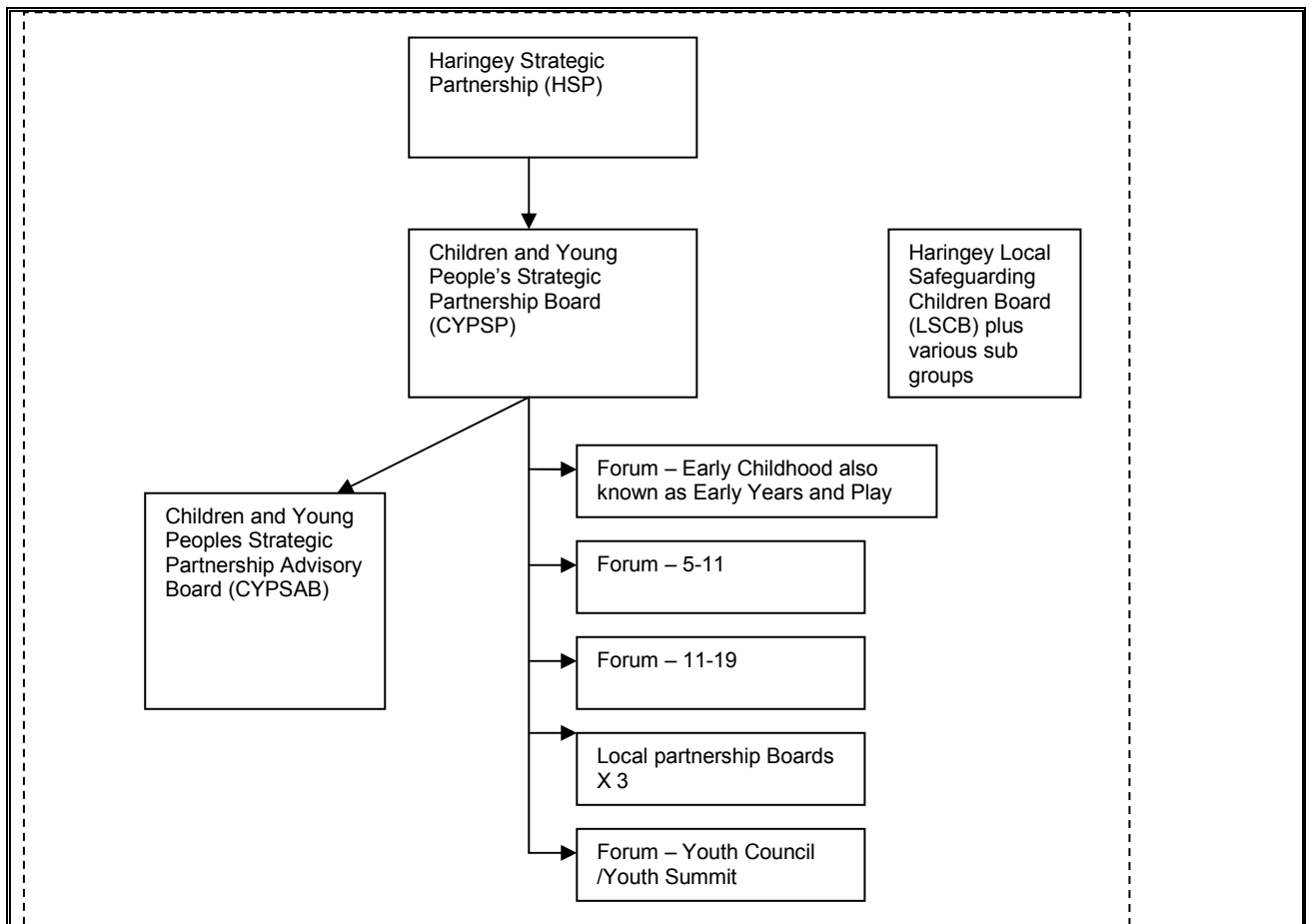
7.1 Background

The Joint Area Review report into Haringey's Children Services identified the need to improve governance of safeguarding arrangements for children.

The meeting of the CYPSP Board 3rd February 2009 were advised that the model for governance, consultation and participation was currently being reviewed with a view to transforming into a Children's Trust. As part of the review the Board's Terms of Reference and those of other relevant bodies were being examined to ensure that they were fit for purpose and that there were no areas of duplication. This report sets out the current position for the development of the Children's Trust.

7.2. Current Haringey Strategic Partnership Governance Structure

The current governance structure for the HSP is as set out below:



7.3 Children and Young People's Strategic Partnership Board

This is one of the Theme Boards established by the HSP. The purpose of the Board was to develop partnership working, strategic planning and joint commissioning of children and young people's services. Its responsibilities include delivering the Sustainable Community Strategy and the Local Area Agreement as they relate to children and young people.

The aims of the current CYPSP were defined as follows:

- Improve the outcomes for children and young people who live in, use local services and visit Haringey through closer and formal planning/ working relationships between all relevant stakeholders across the diverse community.
- Work closely with all relevant people and organisations, including capacity building and training to enable appropriate levels of involvement and decision making.
- Aim to reduce inequalities in outcomes for children and young people through multi agency actions of partner organisations.

- Check that services are delivered in ways that service users want and like.
- Make sure that services are provided without discrimination on the grounds of age disability gender race and sexuality.
- Make sure that the services are ethnically and culturally sensitive.
- Ensure services are responsive to the priorities of the people of Haringey.
- Make sure that the HSP hears the views of children and young people.

The proposal set out below is to delete this body and set up a Children's Trust.

7.4 The Children and Young People's Strategic Partnership Advisory Board (CYPSAB)

This is a partnership group reporting to the CYPSP. It is made up of representatives of the principal forums and agencies concerned with provision for children, young people and their families in Haringey. It draws together views from across the forums and stakeholders supporting the CYPSP in monitoring of Changing Lives, and makes recommendations to the CYPSP.

It is proposed this Board is deleted and replaced as part of the setting up of a Children's Trust.

7.5 Forums of CYPSP

There are a number of established forums reporting into the CYPSPB including early childhood, 5-11, 11-19, partnership boards based upon the 3 children's networks and the Youth Council/Forum.

It is proposed that these are deleted and their work is taken forward via area-based forums, based on the three Children's Networks.

7.6 Local Safeguarding Children's Board

Within the current arrangements the LSCB is a stand alone body set out in legislation, however it is proposed that the Chair of the LSCB is a member of the Children's Trust. Under the new independent chair it will bring forward its own recommendations for how the LSCB will relate to the Trust when further advice is provided by the Department for Children, Schools and Families .

7.7 Development of a Children's Trust

7.8 What is a Children's Trust?

Section 10 of the Children's Act 2004 sets out the duty to co-operate to improve the well being of children by local authorities and their partners.

All Children's Trusts need to focus on a number of key priorities – which should be informed by their Joint Strategic Needs Assessment and clearly set out in their

Children & Young People's Plan – including:

- identifying children and young people at risk of failure or harm, and intervening early to make sure children are safe and can thrive;
- narrowing the gap – especially in educational attainment – between vulnerable children and young people (like children in care) and others, while also improving the lives of all children; and
- reducing child poverty.

They should do this by:

- listening to the views of children and young people – as well as their parents and carers – about what services they need and are available, involving them (and their parents and carers) in delivering them;
- promoting joint working between all professionals working with children and young people;
- ensuring effective commissioning (i.e. planning and delivery) of services for children and young people – based on a robust analysis of their needs – and using resources flexibly and creatively (for instance by aligning or pooling budgets); and
- overcoming unnecessary barriers to sharing and using information.

The term Children's Trust applies to the whole system of children's services covering the work of partner agencies at every level, from the development of overall strategy to the delivery of front line services. **It is not a separate organisation in its own right.** Each partner retains its own responsibilities while working together to join up services.

7.9 Key issues to be considered in creating a Children's Trust are as follows:

There are two models for strategic interagency governance of a Children's Trust:

- i. Collaboration between partners, defined as governance and policy enacted by the various statutory bodies with the Council and Health as the accountable bodies based upon a duty to cooperate using section 31 of the Health Act 1999.
- ii. Partnership governed by legal agreement defined as governance and policy enacted through a Children's Trust board through a legal agreement between key partners.

It is proposed that Haringey should follow the second model and a draft of the partnership agreement is attached at Appendix 1.

This will provide a structure for:

- Leadership that includes managing pilot initiatives, joint commissioning, co-ordinating and managing changes in delivery mechanisms. There is a critical role in building and strengthening working relationships between agencies which meet the objectives of the Trust
- Joint planning, including the identification of budgets available for children's services from social care, education, health and other agencies. These can be pooled through legal agreements or aligned through sharing information on resources and spending to aid the development of fully costed plans.
- Joint commissioning of children's services to strengthen the integrated working of agencies and redesign of services for children.
- Preparation and submission of a Children & Young People's Plan setting out the Children's Trust's strategy for delivery of the 5 outcomes within the Every Child Matters Strategy for local children and young people.

7.9. Terms of Reference for Children's Trust

7.10 The vision of the Children's trust should reflect the vision within the current Children and Young Peoples Plan which is:

'We want every child and young person in Haringey to be happy healthy and safe with a bright future'

7.11 The draft terms of reference for the Children's Trust is set out below:

- To develop and publish a child and family centred outcome led vision for all children and young people in a Children and Young People's Plan which incorporates all partners strategies related to children and young people.
- To put in place robust arrangements for inter agency governance and performance measurement of all the Every Child Matters outcomes for children and young people.
- To develop integrated strategy, joint planning and commissioning , pooled and aligned budgets to deliver the Children and Young People's plan
- To deliver child safeguarding services through integrated processes, effective multi agency working underpinned by shared language and shared processes.
- To develop and promote integrated front line delivery organised around the child, young person or family rather than professional or institutional boundaries.

These terms of reference will be reviewed after 12 months.

7.12. Membership of the Children's Trust

7.13 Consideration needs to be given to the representation on the Children's Trust. Current Membership of the CYPSP (currently 30 members) includes the following and suggested changes are highlighted:

- 4 Local Authority Councillor representatives
 - Cabinet member for Children and Young People's Services (Chair)
 - **Leader of Council – to be ex-officio**
 - Cabinet member Safer Communities and Enforcement
 - Councillor X1
 - **Opposition councillor X1**
- 2 Local Authority Officers
 - Chief Executive
 - Director of Children and Young People's Services
- LSCB Chair
- 4 Teaching Primary Care Trust representatives
 - Non executive Directors X2
 - Chief Executive
 - Executive Director
- Haringey Police - Borough Commander
- Mental health Trust – Chief Executive/ Director of CAMHS
- Whittington Hospital - Chair of Trust /Chief Executive
- North Middlesex
- GOSH – Partnership Director of Operations
- General Practitioner Representative
- Voluntary Sector - 3 Voluntary Sector representatives – Community Link
- College of North East London – Principal
- Middlesex University - **delete**
- Learning Skills Council – Chief Executive
- Youth Offending Service – Head of Safer Communities
- 3 Children's Networks representatives - Head of each Children's Network
- 2 Haringey Youth Council – Nominations from Youth Council –
- 3 schools representatives (1 x Secondary, Primary and Special)
- 1 x sixth form college
- 1 x Job Centre Plus.

Further considerations are required to agree the representation from the Voluntary Sector on the various bodies within the Trust.

7.14 The structure of the Trust will follow a model well-established now by practice as follows:

- A Children's Trust Board reporting into the Local Strategic Partnership acting as the thematic board for Children and Young People's services.
- A Children's Trust Executive Performance Management Group who act as the management group for the Children's Trust.

- Children's Trust Sub Groups based on services targeted on local needs (via the 3 Children's Networks) Occasional 'task and finish' groups to focus upon specific issues.

The trust would be governed in accordance with the Nolan principles which will be set out in the formal documents setting up the Children's Trust.

7.15 Children's Trust Executive Performance Management Group Role :

The Executive Performance Management Group will:

- Direct agenda and forward planning for the Trust
- Manage and monitor the implementation of the JAR Action Plan.
- Manage reporting arrangements between the Trust ,sub groups and LSCB
- Decision making in emergencies between Trust meetings
- Undertake performance management of key issues and outcomes from the Children and Young People's Plan.
- Ensure follow up of decisions made at Trust meetings.

7.16 Membership to include the following:

- Chair and Vice Chair of Children's Trust
- Director of Children and Young People's Service
- Representative of the Metropolitan Police
- Representative of Primary Care Trust
- Representative of Voluntary Sector

7.17 Creation of Sub Groups to support the work of the Children's Trust:

The creation of a sub group structure to the Children's Trust needs to encompass the facilitation of multi agency delivery of the Children and Young People's Plan in a framework that is understandable to all members of the Trust Board and delivers the outcomes set out in the plan.

Two options have been considered as set out below:

Option 1

Three sub-groups based on the 3 Children's Networks: North, South and West within the Borough. The groups remit would include the following as part of a core offer, with cross-cutting working groups for more wide-reaching issues including disability and the post 16 agenda:

- Children's centres.
- Parenting.
- Play
- Early years.

- Extended schools.
- Health.
- Safeguarding.

These sub-groups could co-opt additional locally based members, drawing particularly on voluntary sector representatives. There would also be scope to involve young people and parents.

Option 2

5 sub-groups formed to address each of the 5 Key Outcomes of Every Child Matters and in line with the national Children’s Plan and our local Children and Young People’s Plan:

- Be Healthy.
- Stay Safe.
- Enjoy and Achieve.
- Make a Positive Contribution.
- Achieve Economic Wellbeing.

Following consultation with members of the Children and Young People Strategic Partnership Board and the Performance Management Group of the Haringey Strategic Partnership an area based approach reflecting the geographical areas of the Children’s Networks is the preferred outcome. However the sub group governance framework will also provide sufficient flexibility to allow for task and finish groups to be created on specific issues as determined by the Children’s Trust Board.

8. Chief Financial Officer Comments

- 8.1. There are no direct financial implications arising from the proposals in the report. The proposed creation of Joint Commissioning Framework and control of pooled funding will lead have financial implications which will be the subject of future reports.

9. Head of Legal Services Comments

- 9.1 The report refers to two options for the development of the Children’s Trust: (i) a Collaborative Model and (ii) a Legal Framework Model. With both options there is an important issue to be resolved and that is the question of the extent of the “authorisation” given to Members and senior officers who may be asked to serve on the Children’s Trust.
- 9.2 It appears that a large part of the functions of the Children’s Trust will be oversight and scrutiny type functions resulting in authoritative recommendations to agencies in their operational work. However, it is also being suggested that the Children’s Trust functions will include joint commissioning and budget planning where a

degree of legal certainty on authorisation and responsibilities will be even more necessary.

- 9.3 When Cabinet Members take legally binding decisions in the context of the Council, they do so subject to a Protocol for Decision-making (part 5 section D of the Council's Constitution). This requires proper written reports containing legal and financial advice/comments and sets out the factors to be addressed. If the decision involves expenditure over £500K then it becomes a "key decision" which has to be advertised in advance in the Forward Plan.
- 9.4 Individual Cabinet Members can take "key decisions" on expenditure but subject to these and other formal requirements. It should be noted that there is no express power in Haringey's Contract Standing Orders for Individual Cabinet Members to award contracts whatever the value. But they can individually authorise waivers for contracts valued between £50K and £250K where there is justifiable non-compliance with Contract Standing Orders.
- 9.5 Senior officers have many delegated powers but are normally prevented from taking "key decisions". Directors or their nominees could take decisions to award contracts below £250K in value.
- 9.6 Non-executive Members will have no powers to take decisions individually.
- 9.7 As a collective body the Children's Trust would have no automatic power to commit Haringey Council to expenditure or procurement decisions as it will not be a Committee of the Cabinet or Council. The fact that decisions were being taken in a partnership context would confer no extra power to bind Haringey Council as local authority or to avoid the restrictions noted above arising in the Council's Constitution (some in statutory rules).
- 9.8. If the intention is to have the Children's Trust capable of taking expenditure or procurement decisions with immediately binding effect, then consideration will have to be given to these points. Solutions could be found but might involve, for example, specific rules to govern the taking of "key decisions" that would match and comply with the statutory requirements binding the Council as local authority, such as inclusion on the Forward Plan. Amendments could be made to Contract Standing Orders to give the Leader or a Cabinet Member individually, the authority currently given to the Cabinet Procurement Committee for the purposes of the Children's Trust.
- 9.9 Clearly, there will be many issues to discuss but all of the above tends to favour a "legally binding framework" in order to ensure compliance with formal rules and requirements.
- 9.10. A final point to bear in mind for a "legally binding framework" is the need for a practical way to resolve disputes and difference between partners. Even if a Trust Constitution is stated to be "legally binding" it would be very much a last resort for

the partners to commence legal proceedings against each other. There should be provision for reasonably cheap and quick “alternative dispute resolution” written into any Trust Agreement.

10. Equalities &Community Cohesion Comments

10.1. [click here to type]

11. Consultation

11.1. There has been extensive consultation with members of the current Children’s and Young people Strategic Partnership Board and the Performance Management Group within the Haringey Strategic Partnership .

12. Use of appendices /Tables and photographs

12.1. Appendix 1 – Draft Interagency Children Trust Model Partnership agreement

12.2. Appendix 2- Timetable for creating Children’s Trust

13. Local Government (Access to Information) Act 1985

13.1. None

Appendix 1 Interagency Children's Trust Model partnership agreement

The two models referred to in the paper are a Collaborative Model and a Legal Framework Model.

The collaborative model is as currently exists through the Children and Young People Partnership Board. The key determinant of the role of the members of the Partnership Board is set out in the aims as in Para 7.3 of the main report.

The legal framework model could be based upon a Partnership Agreement which sets out membership, functions and protocols and key arrangements for decision making, ownership of the Children and Young People's Plan, integrated working, joint commissioning and the alignment and management of budgets including pooled budgets. Such a partnership agreement would be signed up to by all agency members of the Trust.

Responsibilities for partners could be defined within the partnership agreement in the following terms:

- Take responsibility for developing, publishing and monitoring the Children and Young People's Plan.
- Ensure that the 'duty to co-operate' is understood and acted upon within their agency.
- Ensure that the needs assessment that informs the CYP Plan is regularly reviewed, with particular attention paid to those children in need of protection.
- Ensure that all assessments of need for children and their families include evidence from all the professionals involved in their lives and must include direct contact with the child.
- Ensure that in respect of safeguarding of children :
 - All referrals to children's services from other professionals lead to an initial assessment including processes to require direct involvement with the child or young person and their family and direct engagement and feedback with the referring professional.
 - Core group meetings, reviews and casework decisions include all the professionals involved with the child.
 - Records are kept of such meetings including the written views of those unable to attend.
 - Formal resolution procedures are in place for managing conflict of opinions between professionals from different agencies.
 - All agencies have well understood referral processes which prioritise the protection and well being of children.
 - Named representatives from the police service, and the health service are co-located and active partners within each children's social work department
- Represent their agencies and bring experience and knowledge about other sectors and organisations; however the primary duty will be to act in the interest of children and young people.

- Ensure that all staff within their agency who have contact with children are aware of their safeguarding responsibilities and are supported to carry out any designated role with regard to partnership work including integrated working, CAF, area based projects and sharing information.
- Ensure that actions to support the Trust are firmly bedded within their agency and that for all staff who work with children there is adequate skills, training and professional development in understanding child development and recognising potential signs of abuse or neglect.
- Ensure that there is multi agency training in place to create a shared language and understanding of local referral procedures, assessment , information sharing and decision making across all services who work to protect children
- Ensure that their agency makes an appropriate contribution to the resourcing of the delivery CYP Plan.
- Ensure that partners consistently apply the Information Sharing Guidance published by the DCSF and DCLG
- Ensure appropriate consultation with parents and other stakeholders on the work of the Trust
- Ensure that reports, policies, procedures and decisions of the Trust are disseminated effectively within their agencies.
- Contribute to the development of robust and effective monitoring and performance arrangements.
- Commit to attending a minimum of meetings and nominate a named deputy who meets the membership criteria to attend up to balance of all meetings a year.
- Actively support the work of the Trust particularly sub groups to undertake any necessary research or additional work.
- Actively contribute to Joint Area Reviews of Children Services.

Appendix 2

Timetable for decision making to create Haringey's Children's Trust

Phase 1 Consultation on Options for Children Trust

- Children and Young People Strategic Partnership Board – 7th April 2009
- Haringey Strategic Partnership Performance Management Group 9th April 2009
- Cabinet 21st April 2009
- Haringey Strategic Partnership 27th April 2009

Phase 2 Agreement of Governance Model, membership and sub group framework

- Children and Young Persons Strategic Partnership Board – 19th May 2009
- Haringey Strategic Partnership Performance Management Group 1st June 2009
- Cabinet 16th June 2009
- Haringey Strategic Partnership 23rd June 2009

Phase 3 Implementation of Children's Trust

- Children's Trust Meeting 13th July 2009
- Children's Trust Executive Performance Management Group - TBA
- Children Trust Sub Groups - TBA