

meeting HEALTH AND WELLBEING BOARD

date 4 May 2011

agenda item number **10**

REPORT OF THE CORPORATE DIRECTOR FOR CHILDREN, FAMILIES AND CULTURAL SERVICES

The Role of Nottinghamshire Children's Trust

Purpose of report

1. To make recommendations on Nottinghamshire Children's Trust governance and its relationship with the Health and Wellbeing Board.

Information and advice

Background

Recent national policy and legislative changes impacting on partnership arrangements to support children and families.

2. Nottinghamshire Children's Trust is currently the strategic partnership of those organisations that provide services to children and families in the County. The main legislation underpinning it is Section 10 of the Children Act 2004. 'Relevant partner' organisations named within the Act have a 'duty to co-operate' with the local authority responsible for children's services (in Nottinghamshire, the County Council) in order to safeguard children and to promote their wellbeing.
3. Under the previous national administration, additional legislation and statutory guidance extended this duty to co-operate to schools, colleges and Jobcentre Plus, and required each Children's Trust to have a formal Board which would produce a detailed Children and Young People's Plan. The Secretary of State for Education has announced his intention to remove all of this additional legislation and guidance, while maintaining the 'duty to co-operate' as defined in the Children Act 2004. There is still the expectation that local authorities should continue to lead partnership arrangements to support children and families but with much greater flexibility in how they operate.
4. Relevant policy or legislation changes are that:
 - Statutory guidance on Children's Trust governance has been revoked, and there is no requirement to produce a partnership

Children and Young People's Plan. Further legislation is planned for the next Parliamentary session to remove the requirement for there to be a statutory Children's Trust Board, allowing arrangements to be determined locally.

- The Education Bill 2011 makes provision to remove the legislative duty for schools and colleges to be 'relevant partners' as defined in the Children Act 2004. Relevant partners continue to be:
 - district councils
 - strategic health authorities
 - primary care trusts
 - youth offending teams
 - police
 - probation services
 - persons providing Connexions services
 - Jobcentre Plus (although planned legislation in the next parliamentary session is likely to remove this requirement).
5. Membership of the Children's Trust may also include other organisations by local agreement.
 6. Under the Health and Social Care Bill 2011, Health and Wellbeing Boards will have a key role in strategic planning and coordination of NHS, public health, social care and related children's services as a Committee of the local authority.
 7. These new arrangements offer the opportunity to streamline high level governance and therefore have a fundamental impact on the operation of the Children's Trust, given that the Health and Wellbeing Board will have a statutory basis. This paper sets out recommendations for the relationship between the Health and Wellbeing Board and the Children's Trust, proposing rationalised governance arrangements to support co-ordinated strategic planning in relation to the needs of children, young people and families.
 8. At its February 2011 meeting, Nottinghamshire Children's Trust Board reviewed and agreed immediate changes to its governance arrangements, and made recommendations on how the Children's Trust might operate in future in relation to the Health and Wellbeing Board. These proposals are outlined here.

Nottinghamshire Children's Trust governance arrangements in place from April 2001

9. The Children's Trust has reviewed and redefined its governance, streamlining its meeting arrangements and establishing reporting structures with a view to including the Children's Trust in the Health and Wellbeing Board arrangements. It agreed that there was no longer a need for a formal Children's Trust Board. However, it considered that there was still a need for some partnership groups to co-ordinate services for children, young people and families, focusing on detailed discussion

and planning that would not be undertaken by the Health and Wellbeing Board.

10. The Children's Trust therefore agreed that it would continue to operate as a partnership of all relevant partner organisations as defined within the Children Act 2004 plus other organisations choosing to be involved. Its purpose would be to enable partners to co-operate to safeguard children, to promote their wellbeing and to oversee the joint planning, commissioning or delivery of services for children and families.
11. The Children's Trust agreed that its new governance arrangements would comprise:
 - *The Children's Trust Executive*: a senior officer group responsible for the partnership management of those areas of activity where joint planning, joint commissioning, or integrated working were required. It would meet approximately six-weekly, would include senior managers from key partner organisations, and be chaired by the Corporate Director for Children, Families and Cultural Services, who would sit on the Health and Wellbeing Board. Partner organisations represented would include health representatives, the police, a voluntary sector representative and a representative of district councils.
 - *The Children's Trust Network* (replacing the Children's Trust Board): a consultative forum, meeting twice-yearly, to share information and discuss priorities. It would include all relevant partners as defined in the Children Act 2004, would be open to all organisations with an interest in work with children and families, and to the public, and would be chaired by the Cabinet Member for Children and Young People's Services.
 - Each District/Borough in Nottinghamshire would have a *Children's Trust District Management Group*. These would have responsibility for the operational planning and delivery of integrated working in each district, and would be accountable to the Children's Trust Executive for some aspects of their work.
12. Although legislation no longer requires Children's Trusts to produce a Children and Young People's Plan, the Children's Trust agreed to continue to produce a joint strategic plan, to be known as the *Nottinghamshire Children, Young People and Families Plan*, recognising the importance of working with whole families. The plan would focus on four key themes of: child protection, achievement and attainment, participation in society, health and wellbeing.

Proposed relationship between Nottinghamshire Health and Wellbeing Board and Nottinghamshire Children's Trust

13. It is now proposed that the Children's Trust Executive reports to the Health and Wellbeing Board on issues relating to the health and wellbeing of children, young people and families.

14. It is further proposed that the Children's Trust Network meets twice yearly, as already agreed by the Children's Trust, acting as an advisory group.
15. These arrangements would support the Health and Wellbeing Board in considering the needs of children, young people and families when agreeing priorities for local improvements in health and wellbeing across all public services. The Children's Trust Executive would ensure that the Board is provided with the information that is needed to make strategic decisions, and would be able to undertake co-ordinated partnership action on behalf of the Board.

Responsibilities for Safeguarding Children

16. The Children's Trust and the Nottinghamshire Safeguarding Children Board (NSCB) have statutory responsibilities for safeguarding activities, as defined in the Children Act 2004 and the statutory guidance *Working Together 2010*.
17. Formal accountability for safeguarding is through each partner organisation's management structure. However, the Children's Trust has the responsibility for ensuring partners' co-operation to safeguard children and to promote their wellbeing. The NSCB has the responsibility (defined in the Children Act 2004) to co-ordinate what is done by partners for the purposes of safeguarding and promoting the welfare of children in the area, and to ensure the effectiveness of what is done by partners for that purpose.
18. A joint protocol describes the relationship between the Children's Trust and the NSCB, including how the NSCB will scrutinise and challenge the Children's Trust activities. Under the operating arrangements adopted from April 2011:
 - The Children's Trust Executive co-ordinates activities on behalf of all partners
 - The NSCB provides scrutiny and challenge to the Children's Trust by producing an annual report to the Children's Trust Network (and formerly the Children's Trust Board). It will also provide interim exception reports to the Children's Trust Executive if any urgent issues are identified. In addition, the Independent Chair of the Nottinghamshire Safeguarding Children Board is a participant observer of the Children's Trust Network.
19. Consideration will need to be given to how the responsibilities of the Nottinghamshire Safeguarding Children Board are fulfilled under the proposed new arrangements. It is suggested that the Children's Trust Executive produces a response to the NSCB Annual Report, for consideration by the Health and Wellbeing Board at the appropriate time.

Statutory and policy implications

20. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service. Where such implications are material, they have been described in the text of the report.

Implications for service users

21. Described within the text of the report.

RECOMMENDATION

22. That:-
- (1) the Children's Trust Executive reports to the Health and Wellbeing Board on issues relating to the health and wellbeing of children, young people and families
 - (2) the Health and Wellbeing Board agrees to receive an annual safeguarding children report from the Children's Trust Executive, responding to the NSCB Annual Report

ANTHONY MAY

Corporate Director, Children, Families and Cultural Services

Reasons for recommendation

23. Reasons for this recommendation are described within the text of the report, which outlines Nottinghamshire's response to changed national policy and legislation in relation to partnerships, principally:
- The role of new Health and Wellbeing Boards, under the Health and Social Care Bill 2011
 - The removal of recent legislation and statutory guidance relating to Children's Trusts, providing local partnerships with greater flexibility in how to interpret their duties under the Children Act 2004.

Other options considered

24. Between September 2010 and February 2011, Nottinghamshire Children's Trust and Executive considered, risk-assessed and evaluated three options for partnership working:
- to remove all meeting structure and governance arrangements in relation to the Children's Trust, discontinuing the Board and its Executive
 - to retain the existing meeting structure and governance (as of 2009/10) unchanged

- to revise governance arrangements for the Children's Trust, in response to the changed partnership landscape, streamlining meeting arrangements with a view to including the Children's Trust in the Health and Wellbeing Board arrangements.
25. At its February 2011 meeting, the Nottinghamshire Children's Trust agreed to the third option, which is described in the text of this report.

Legal Services' comments (LM/18.4.11)

26. A report on the formation of the Health and Wellbeing Board was approved by the County Council on 31 March 2011. An expression of interest by the County Council was made and accepted to be an Early Implementer for the Health and Wellbeing Board. The recommendations in the report fall within the remit of the Health and Wellbeing Board.

Financial comments of the Service Director – Finance (NDR)

27. Nil.

Background papers available for inspection

Nil.

Electoral division(s) affected

Nottinghamshire

M19C2790