

report



NOTTINGHAMSHIRE CHILDREN’S TRUST BOARD MEETING

10th February 2010

agenda item number 6

Revised Governance Arrangements for the Children’s Trust

Purpose of report

1. To outline revised governance arrangements for the Children’s Trust, which have been developed by the Children’s Trust Executive supported by the Children’s Trust Unit, for the Board’s consideration and approval.

Information and advice

Background

2. A full review of the governance arrangements for the Children’s Trust has been undertaken in response to:
 - A joint meeting of Children’s Trust Board and Nottinghamshire Safeguarding Children Board (NSCB) in March 2009, where it was agreed that governance arrangements would be amended by March 2010,
 - The Apprenticeship, Skills, Children and Learning Act 2009 and associated statutory guidance (draft), which further clarifies the role of Children’s Trusts, with a local response required by April 2010.
3. The Nottinghamshire Partnership has also requested that all its thematic partnerships, including the Children’s Trust, review their Terms of Reference (by March 2010) and rationalise sub-groups. This review will meet that request.
4. This review process involved an initial consideration of governance arrangements by the Children’s Service Executive Group (CSEG) in summer 2009, after which a paper outlining some proposals was presented to Nottinghamshire Children and Young People’s Partnership Board in September 2009. (This paper *Review of Governance Arrangements for the Children and Young People’s Partnership* also contains further detail on the national and local context for this review.)

5. At this meeting of the Board, it was agreed that:
 - Nottinghamshire Children and Young People's Partnership would change its name with immediate effect to Nottinghamshire Children's Trust, that its Board would be known as the Children's Trust Board and chaired by the Nottinghamshire County Council's Cabinet Member for Children and Young People's Services,
 - A new Executive group would be formed, reporting to the Children's Trust Board, amalgamating the former CSEG and Pathways to Integrated Services Board, to be chaired by Nottinghamshire County Council's Corporate Director for Children and Young People's Services,
 - The new Executive would further develop governance proposals, to be considered at a later meeting of the Children's Trust Board.
6. The changes to governance arrangements are intended to ensure that the Children's Trust meets its main statutory function, which is to develop, monitor and review a Children and Young People's Plan (CYPP). This forms the agreed joint strategy of the partners in the Children's Trust on how they co-operate to improve children's well-being. All partners within the Children's Trust are individually responsible for implementing the CYPP in the course of delivering their normal functions.
7. Appendix 1 describes the roles and responsibilities of Children's Trusts, lists partner organisations, and outlines responsibilities in regard to the Children and Young People's Plan.

Suggested way forward

8. The Children's Trust Executive, supported by the Children's Trust Unit, has now developed proposals on the following:
 - Membership of the Children's Trust Board (in response to the ASCL Act 2009),
 - Key functions and membership of the Executive,
 - Rationalisation of sub-groups reporting to the Children's Trust Board and to its executive groups,
 - Definition of the relationship between the Children's Trust Board and the NSCB,
 - Clarification of relationships with Nottinghamshire Partnership and district LSP Groups

These proposals are outlined below. The Board is asked to comment on these proposals, and approve the approaches outlined. Items where the Board is asked to comment, make decisions, or approve specific approaches are highlighted in bold.

Proposed Membership of the Children’s Trust Board

9. The ASCL Act 2009 requires every Children’s Trust Board to review its membership, ensuring that by April 2010 its membership includes all new ‘statutory’ partners created by this act, in addition to those created by the Children Act 2004. Statutory partners have a formal duty to co-operate, and must be represented on the Children’s Trust Board. There are a number of ‘non-statutory’ partners, and statutory guidance on Children’s Trusts strongly recommends that these should be represented on the Board, after consultation with the statutory partners. Other partners may also be included on the Board, by local agreement.
10. The Children’s Trust Board is has a specific responsibility to develop, publish and review the CYPP and to provide a strategic framework within which partners may commission services in a co-ordinated way using either joint or aligned budgets. Therefore, its membership should comprise commissioning, rather than provider, representatives. Guidance states that members should have a strategic role in their organisation and should be able to:
- Speak for their organisation with authority,
 - Commit their organisation on policy and practice matters,
 - Hold their organisation to account.

It is therefore recommended that representation on the Board should be at Chief Executive/Director level or equivalent, with representation on its Executive at Assistant Director/Service Director or equivalent.

11. The table below summarises requirements and guidance in relation to individual Children’s Trust partners.

MUST BE ON BOARD		RECOMMENDED TO BE ON BOARD
Statutory partners (Children Act 2004)	New statutory partners (ASCL Act 2009)	New non-statutory partners
<ul style="list-style-type: none"> ➤ County Council ➤ Strategic Health Authority ➤ Primary Care Trusts ➤ District councils ➤ Local police ➤ Youth Offending Service ➤ Local probation board ➤ <i>Learning & Skills Council and Connexions (no longer expected to be on Board)</i> 	<ul style="list-style-type: none"> ➤ Maintained schools ➤ Academies ➤ City technology colleges ➤ Non-maintained special schools ➤ Pupil Referral Units (Short Stay Schools) ➤ Further education institutions (both FE and sixth form colleges) ➤ Jobcentre Plus 	<ul style="list-style-type: none"> ➤ Third sector ➤ GPs ➤ Sure Start children’s centres ➤ Private early years providers ➤ Independent schools ➤ Specialist colleges ➤ Diocesan boards

12. In response to these requirements, the Children's Trust Board is asked to consider the following changes to its membership.

New members that should now be included on the Children's Trust Board:

13. Schools should now be represented. The Education Trust Board is being set up to bring together head teachers, and will nominate three representatives to the Children's Trust Board, representing primary, secondary and special schools.
14. Jobcentre Plus must be represented on the Board. The Children's Trust Unit is currently in conversation with Nottinghamshire's lead in Jobcentre Plus to identify the most appropriate representative.
15. At its next meeting, the 14-19 partnership will be asked to nominate a representative to the Board.
16. It is recommended that Diocesan Boards of Education are invited to join the Board; the Board's views on this are sought.

Existing members of the Children's Trust Board that are not included in the new statutory guidance

17. It is proposed that Nottinghamshire NHS Healthcare Trust, as a provider organisation, be represented on other groups within the Children's Trust structure, rather than on the Board.
18. Following changes to the delivery of information, advice and guidance and post-16 provision, Connexions organisations are no longer statutory members of the Children's Trust Board. Nottinghamshire Futures will be a provider organisation and an important partner for large areas of work. It is therefore recommended that it is represented on other groups within the Children's Trust, possibly including co-option or regular attendance at the Executive.
19. The Fire and Rescue Service is not included in statutory guidance, but may be a member if this is agreed locally. Therefore the views of the Board on its membership are sought.

Key functions and membership of the Executive

20. At its September 2009 meeting, the Children's Trust Board agreed that the key functions of the Children's Trust Executive were to:
- Ensure strategic decisions are implemented,
 - Manage joint planning and commissioning, and a joint approach to financial planning,
 - Drive forward CYPP development and implementation,
 - Oversee performance management and the achievement of targets, challenging other partnership groups/organisations where needed, and reporting on progress to the children's trust board,
 - Oversee change management and risk analysis for the Children's Trust.
21. These key functions have influenced the membership of the group. For the Executive to be able to influence and drive forward activities within their organisations, it was considered necessary for members to be assistant director/service director or equivalent. It was considered appropriate for PCTs to be represented by health commissioners, rather than providers, because of the Executive's emphasis on planning and commissioning activities.
22. The Executive has agreed its recommended membership as shown:

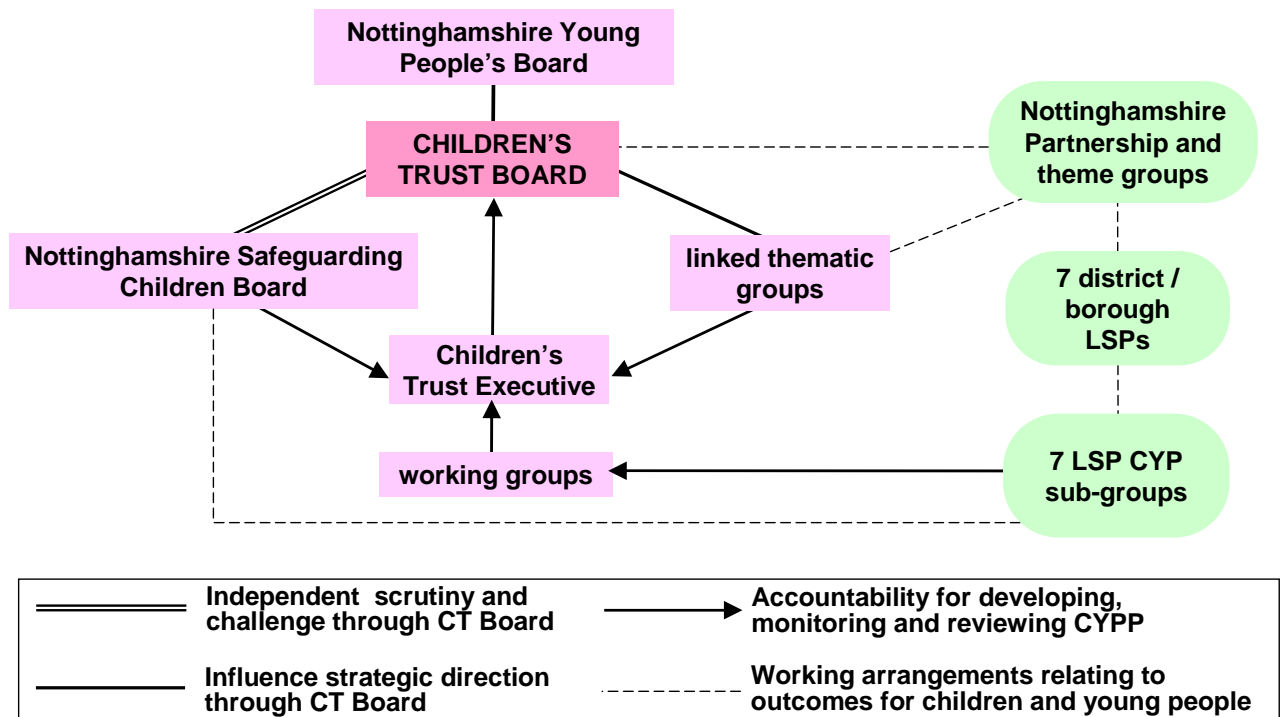
ORGANISATION	REPRESENTATIVE
Nottinghamshire County Council (CYPS)	Director of Children's Services(Chair) Service Director for Strategic Services Service Director for Social Care and Health Service Director for Engagement and Enrichment
Bassetlaw Primary Care Trust (Commissioning)	Head of Partnership Commissioning
NHS Nottinghamshire County (Commissioning)	<i>Representative to be confirmed</i>
NHS Nottinghamshire County & Bassetlaw PCT Public Health	Consultant in Public Health
Nottinghamshire Police	Chief Superintendent
District Councils	<i>Representatives to be confirmed</i>
NAVO	Strategic Manager, Families, Children and Young People's Forum
District/Borough LSPs Children and Young People Theme Groups	Represented by one LSP CYP Theme Group Chair <i>(to be agreed at Theme Group Chairs meeting)</i>
<i>Possible representation by Chairs of Linked Thematic Groups</i>	<i>To be confirmed</i>
Nottinghamshire Equalities and Human Rights Commission (to act as a 'critical friend')	Education and Youth Officer

23. District/borough representation is to be confirmed. It is recommended that two or three members join the Executive to provide a district perspective.
24. In addition to its core membership, the Executive might co-opt members in short-term or long-term arrangements, or might invite other key partners when specific issues are discussed.
25. **The Children's Trust Board is asked to approve the Executive key functions and membership outlined above.**

Rationalisation of sub-groups reporting to the Children's Trust Board and to its executive groups

26. These proposals are intended to:
 - Provide clear accountability for the development, review and monitoring of the CYPP
 - Reduce the number of groups reporting to the Children's Trust or its Executive
 - Ensure clarity of purpose and reporting arrangements for each group, to promote effective joint working and efficient use of staff time.
27. It is proposed that there are two types of sub-group within the Children's Trust:
 - Linked Thematic Groups (with reporting arrangements to both the Children's Trust Board and its Executive),
 - Working Groups, reporting to the Executive.
28. As well as these sub-groups, the Children's Trust Board and its Executive have working relationships with these existing groups:
 - Nottinghamshire Safeguarding Children Board (NSCB) and its sub-groups,
 - Nottinghamshire Partnership, and its thematic groups,
 - District/borough LSPs and their Children and Young People Theme Groups.

29. The diagram below summarises proposals for reporting and accountability arrangements between all of these groups. Paragraphs 27-39 describe the two types of proposed sub-groups, and paragraphs 40-50 define proposed relationships with existing groups.



Linked Thematic Groups

30. These groups would lead on specific work themes, bringing together expertise from across the Children's Trust, and would influence the strategic direction and priorities of the Children's Trust Board, identified in its CYPP. They would be linked to the Board, to influence strategic direction, and might have sub-groups reporting to them, or be linked to other groups within the wider Nottinghamshire Partnership.
31. To ensure the effective implementation of the CYPP, there needs to be clear accountability for its development, performance monitoring and review. It is proposed that thematic groups are accountable for this through the Executive, as one of its key functions is to drive forward the CYPP. Each thematic group would take responsibility for one or more priorities agreed in the CYPP, being accountable to the Executive for its development and performance management.
32. It is proposed that the following existing groups become thematic groups:
- Inclusion Board (developed from the Programme for Change Board),
 - Early Years and Childcare Partnership,
 - Integrated Youth Support Development Board,
 - 14-19 Partnership.

33. The following thematic groups are in development:
 - Education Trust Board (representing schools),
 - Children and Young People's Health Improvement Partnership.
34. The Executive proposes that a further thematic group be developed, for *Think Family*, to take responsibility for developments in relation to parenting strategy, transitions and child poverty, and to provide a link with adult services so that a whole family approach can be promoted.
35. Appendix 2 shows all proposed thematic groups, their main sub-groups and links to other Nottinghamshire Partnership groups.
36. Membership is likely to be at a senior level, with chairs being at least Assistant Director/Service Director level, and it chairs may be already members of the Executive or might be co-opted onto it.
37. **The Children's Trust Board is asked to approve this approach and agree existing Chairs/nominate Chairs for each thematic group.**

Working Groups

38. These would take forward detailed aspects of cross-cutting work on behalf of the Executive, and be accountable to it for all work undertaken. Some existing partnership groups would become working groups to the Executive, and the Executive has suggested some new groups.
39. Existing groups that would become working groups are:
 - Workforce Development,
 - Participation,
 - Communication,
 - LSP Children and Young People Theme Group Chairs.
40. New Groups proposed by the Children's Trust Executive are:
 - Integrated Working Group (*responsible for pathways to provision, integrated work processes, Common Assessment Framework*),
 - Planning and Commissioning,
 - Performance Management,
 - Equality and Diversity,
 - Integrated Capital Group (*to include aspects of co-location*)
41. The Executive would nominate chairs for all of these working groups. Membership is likely to be at a senior level, with chairs being at Assistant Director/Service Director level, and it chairs may be already members of the Executive or might be co-opted onto it
42. It is proposed that all groups reporting to the Children's Trust Board and its Executive have standardised Terms of Reference and reporting arrangements, and that these Terms of Reference include a regular review of the group's purpose, including whether there continues to be a need for the group.. (See Appendix 3 for outline of standardised Terms of Reference)
43. **The Children's Trust Board is asked to approve this approach.**

Definition of the relationship between the Children's Trust Board and the Nottinghamshire Safeguarding Children Board (NSCB)

44. The relationship between the Children's Trust Board and the Local Safeguarding Board is currently subject to consultation as part of the revision of *Working Together to Safeguard Children*. The Children's Trust Board is specifically accountable for overseeing the delivery of the CYPP, and the LSCB is responsible for challenging the Children's Trust Board on its success in ensuring that children and young people are kept safe.
45. In Nottinghamshire, the Children's Trust Board has delegated the planning and development of the CYPP priority *Protecting the Most Vulnerable Children* to the NSCB, and therefore it is proposed that the NSCB has a dual role:
 - Maintaining independence to scrutinise and challenge the work of the Children's Trust through the Children's Trust Board, and to influence strategic direction in relation to safeguarding children,
 - Accountable to the Children's Trust Executive for performance in delivery of aspects of CYPP.
46. *A Protocol between the Children's Trust Board and the Nottinghamshire Safeguarding Children Board* has been developed, which further defines their relationship, and this is supported by a joint action plan.
47. A further action will be to analyse sub-groups to the NSCB and the Children's Trust and its Executive, to determine if closer working relationships, or possible amalgamation of functions, might promote more effective working.
48. **The Children's Trust Board is asked to approve this approach, including the effectiveness of the dual role of the NSCB.**

Clarification of relationships with Nottinghamshire Partnership and District /Borough LSPs

The Children's Trust Board is a statutory body in its own right and is also a theme group of the Nottinghamshire Partnership. Nottinghamshire Partnership's six themes are shown in the table.

Theme	Theme Group
Children and young people achieving their full potential	Nottinghamshire Children's Trust
A safe place to live	Safer Nottinghamshire Board
A strong sense of place	Stronger Communities Partnership
Health and well-being for all	Health and Well-being Partnership Board
A thriving economy	<i>in development</i>
Sustainability	<i>in development</i>

49. The Nottinghamshire Partnership influences the strategic vision for the whole population of Nottinghamshire (through the Sustainable Community Strategy) and, in partnership with the local authority, agrees the priorities and targets for improvement in the local area agreement (LAA).
50. Statutory guidance on Children's Trusts states that the Children's Trust Board should:
- Champion the interests of children and young people within the Nottinghamshire Partnership, influencing LAA targets that impact on children, young people and their families,
 - Ensure that the CYPP is consistent with the strategic vision in the Sustainable Community Strategy,
 - Contribute to the delivery of LAA targets, through the CYPP.
51. Effective working relationships, joint strategic planning and the sharing of information at all levels within the Nottinghamshire Partnership should contribute to this. It is proposed that the Children's Trust linked thematic groups will co-ordinate work through with other relevant Nottinghamshire Partnership theme groups and their sub-groups. However, accountability for CYPP priorities would be to the Children's Trust through its Executive. For example, the Children and Young People's Health Improvement Partnership would work with the Nottinghamshire Strategic Tackling Obesity Group, and the Integrated Youth Support Development Board would work with the Safer Nottinghamshire DAAT Team.

52. In addition to working relationships at county level, district/borough Local Strategic Partnership (LSP) Children and Young People Theme Groups:
- Maintain an overview of needs of children and young people in district
 - Develop CYPP local plans (plus LAA and children and young people elements of district strategies and plans)
 - Improve outcomes (ECM) for children and young people by responding to local needs
53. It is proposed that these groups will:
- Be accountable to the Children's Trust Executive for local development of the CYPP
 - Be accountable to Children's Trust Linked Thematic Groups for delivery of priorities related to themes
 - Report to Local LSP Boards on local strategies and plans.
54. In addition, there is an existing working relationship with the NSCB, where a NSCB representative is part of each LSP Children and Young People's Theme Group. It is proposed that this arrangement continues.
55. It is proposed that, as part of the development of standardised reporting arrangements for Children's Trust sub-groups, more work is done to define arrangements for delegating responsibility and accountability for local decision-making to LSP Children and Young People's Theme Groups.
56. **The Children's Trust Board is asked to approve this approach,**

RECOMMENDATIONS

57. **The Board is asked to comment on and agree all proposals outlined above, providing decisions on the following specific proposals.**
- i. **Revised membership of the Children's Trust Board (in response to the ASCL Act 2009).**
 - **Agree which new members should now be included on the Children's Trust Board**
 - **Confirm arrangements for existing members of the Children's Trust Board that are not included in the new statutory guidance**
 - ii. **Key functions and membership of the Executive**
 - **Agree proposals, enabling the Executive to take forward action suggested**
 - **District Councils to agree representation at the Executive**

- iii. **Rationalisation of sub-groups reporting to the Children's Trust Board and to its executive groups**
 - **Comment on proposed linked thematic groups and nominate chairs for these groups**
 - **Agree proposals, enabling the Executive to take forward action suggested**
 - iv. **Definition of the relationship between the Children's Trust Board and the NSCB**
 - **Agree proposals, including the dual role of the NSCB outlined**
 - v. **Clarification of relationships with Nottinghamshire Partnership and district LSP Groups**
 - **Agree proposals, enabling the Executive to take forward action suggested**
58. Following the agreement of the Children's Trust Board, the Children's Trust Executive, supported by the Children's Trust Unit, will then take forward action agreed.
59. In order to meet the requirements of the ASCL Act 2009, it is recommended that, by March 2010, new Terms of Reference are produced for the Children's Trust, reflecting the changes proposed above, including revised partners, agreed sub-groups (linked thematic groups and working groups), and their outline reporting arrangements.
60. It is recommended that, between April and September 2010, work is undertaken to further develop effective working arrangements between groups within the Children's Trust, reviewing and revising terms of reference and membership of all sub-groups. It is recommended that this work includes a re-launch of the Children's Trust, to communicate with key stakeholders about its new focus and purpose.

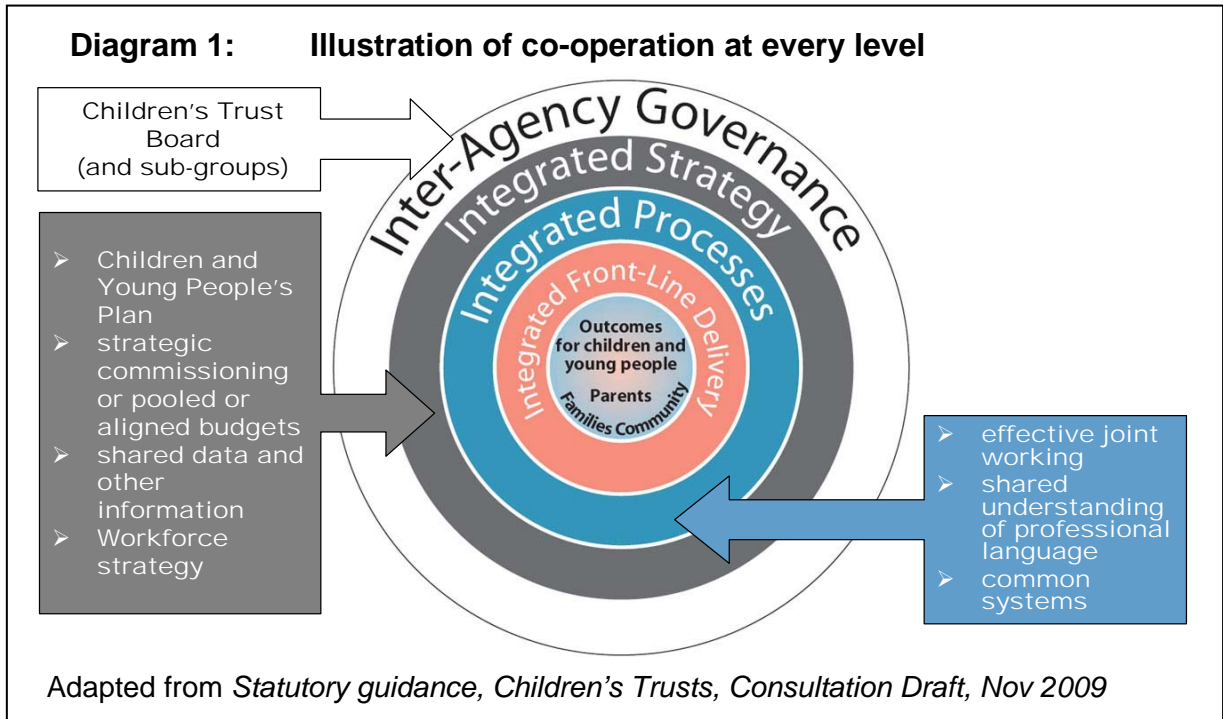
Maggie Pape
Children's Trust Unit Manager,
Nottinghamshire County Council

Jo Mathieson
Business Development Manager, Children's Trust,
Nottinghamshire County Council

APPENDIX 1: Children's Trust Roles and Responsibilities

The Children's Trust is the sum total of co-operation and partnership arrangements between organisations with a role in improving outcomes for children and young people

- It is not a separate legal entity; each partner retains its own functions and responsibilities within the partnership framework
- It co-operates at every level from governance to front-line delivery
- It is underpinned by Section 10 of the Children Act 2004 (amended by ASCL Act 2009)



- A Children's Trust local area must have a Children's Trust Board. This is a statutory body which provides interagency governance of the Children's Trust co-operation arrangements as a whole, through the Children and Young People's Plan (CYPP) process.
- The Board is required to prepare and publish a CYPP 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
- The persons and bodies whose strategy for co-operation is set out in the CYPP must have regard to the plan in exercising their functions
- The Board must:
 - Monitor the extent to which the persons and bodies whose strategy for co-operation are set out in the CYPP are acting in accordance with the plan
 - Prepare and publish an annual report about the extent to which, during the year in which the report relates, those persons and bodies have acted in accordance with the CYPP

The Children's Trust Partners

The partners in the Children's Trust 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', which are required to co-operate through the partnership
- 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.

'Statutory' partners:

- Must be represented on the Children's Trust Board
- Must have regard to any statutory guidance
- Are under formal "duty to co-operate"
- Can pool staff, money and other resources with local authority and/or any other statutory partner

Non-statutory partners:

- May be become members of the Children's Trust Board following consultation with other Board members (guidance recommends these should be represented, particularly third sector, GPs and Children's Centres)
- Should engage with Children's Trust at all levels, from developing overall strategy to delivering front line services
- Should contribute to development of CYPP

The table below summarises Children's Trust Partners:

MUST BE ON BOARD		RECOMMENDED TO BE ON BOARD
Statutory partners (Children Act 2004)	New statutory partners (ASCL Act 2009)	New non-statutory partners
<ul style="list-style-type: none"> ➤ County Council ➤ Strategic Health Authority ➤ Primary Care Trusts ➤ District councils ➤ Local police ➤ Youth Offending Team ➤ Local probation board ➤ <i>Learning & Skills Council and Connexions (no longer expected to be on Board)</i> 	<ul style="list-style-type: none"> ➤ Maintained schools ➤ Academies ➤ City technology colleges ➤ Non-maintained special schools ➤ Pupil Referral Units (Short Stay Schools) ➤ Further education institutions (both FE and sixth form colleges) ➤ Jobcentre Plus 	<ul style="list-style-type: none"> ➤ Third sector * ➤ GPs * ➤ Sure Start children's centres * ➤ Private early years providers ➤ Independent schools ➤ Specialist colleges ➤ Diocesan boards

Children and Young People's Plan (CYPP)

- The CYPP is the agreed joint strategy of the partners in the Children's Trust on how they co-operate to improve children's well-being
- New statutory guidance includes detailed specification of what a CYPP must contain
- The CYPP must identify the Children's Trust's joint cross-cutting priorities, based on joint assessment of children's needs against the five ECM outcomes, and set out what the partners intend to do **together** to deliver them
- The over-riding purpose of the plan is to drive forward better integrated services to improve outcomes for children and young people (not simply to map everything each partner does for children and young people in isolation)

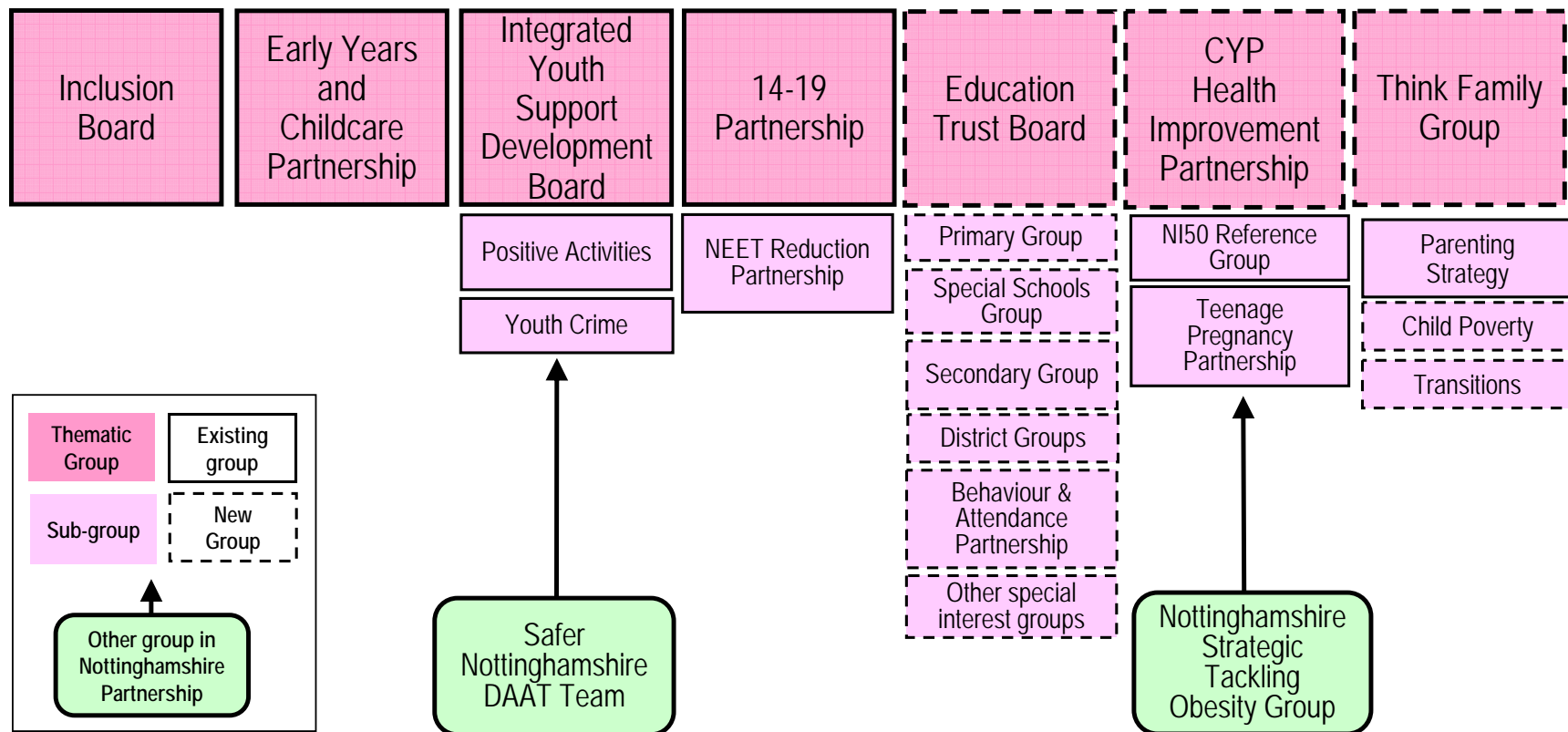
The CYPP must contain:

- Needs assessment for children and young people against the five ECM outcomes
- Joint cross-cutting strategic priorities
- Identification of how priorities will be delivered and resourced, by e.g. :
 - Formal pooled budgets
 - Budget alignment
 - Joint planning and commissioning
- Strategic priorities for:
 - Children and young people with SEN
 - Children and young people with disabilities
 - Looked after children
- Arrangements to co-operate to safeguard and promote the welfare of children
- Arrangements for co-operating on early intervention and preventative action
- Arrangements to co-ordinate work with services for adults at a strategic level (e.g. 'Think Family' approach)
- Arrangements to reduce child poverty
- Arrangements to co-operate to improve behaviour and attendance at school
- Local workforce strategy

The legislative basis for these requirements is *Part 2 of the Children Act 2004 (amended by ASCL Act 2009)*, and further information is provided in *Children's Trusts: statutory guidance on co-operation arrangements including the Children's Trust Board and the Children and Young People's Plan (November 2009)*.

APPENDIX 2: Children's Trust Linked Thematic Groups and Main Sub-Groups

- Lead on specific work themes
- Influence strategic direction through Children's Trust Board
- **ACCOUNTABLE** to Children's Trust Executive for CYPP



APPENDIX 3:

Recommended Standardised Terms of Reference for Children's Trust Sub-groups

(agreed by Children's Trust Executive January 2010)

Terms of Reference for all thematic and working groups should include:

1. Children's Trust vision
2. Role, responsibilities and relationships within Children's Trust including commissioning role (where appropriate) and performance management responsibilities
3. Accountability and reporting arrangements within Children's Trust
4. Role, responsibilities and relationships with partnerships outside of Nottinghamshire Children's Trust
5. Statements outlining the group's responsibilities regarding:
 - The active involvement of children, young people, parents/carers
 - Equality and diversity
 - Communication and stakeholder involvement
6. Statements outlining the group's responsibilities in relation to key elements of the CYPP:
 - Child Poverty
 - Early intervention and prevention
 - Safeguarding
 - Raising attainment, and improving behaviour and attendance at school
 - Links with adult services
 - Integrated workforce