

From: Jenny Whittle, Cabinet Member for Specialist Children's Services
Geoff Wild, Director of Governance and Law

To: County Council, 19 July 2012

Subject: Revision to the Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services

Classification: Unrestricted

Summary: Following the issue of revised statutory guidance regarding the role of the Director of Children's Services and the Lead Member for Children's Services, the County Council is invited to approve a revised Accountability Protocol to ensure that the requirements of the new statutory guidance are met.

Recommendations:

That the County Council:

- (1) Approves the revised Accountability Protocol for the Director of Children's Services and Lead Member for Children's Services appended to this report; and
- (2) Notes that the Accountability Protocol will be reviewed on a regular basis and that any amendments resulting from this will come back to the County Council for approval.

1. In April 2011, the County Council approved an Accountability Protocol to ensure the fulfilling of the Director of Children's Services (DCS) responsibilities under the current operating framework.

2. The Protocol now needs to be revised in the light of the 15 December 2011 report to County Council: Change to keep Succeeding – the Next Steps, which approved changes at senior management level, including the deletion of the post of Managing Director, followed in April 2012 by Department for Education's (DfE) revised guidance on the role and the responsibilities of both the DCS and the Lead Member for Children's Services (LMCS).

3. The current Protocol, which forms part of the Constitution of the County Council, ensured accountability against the operating framework and compliance with the previous statutory guidance. The current Protocol does not, however, take account of the additional information provided around the accountabilities of the DCS, nor does it cover the accountabilities of the role of the LMCS as set out in the revised guidance.

4. The Protocol (attached as **Appendix 1**) has been revised to:

- incorporate the new guidance; and

- include the accountabilities of the LMCS and the delegated responsibilities of the Cabinet Members for Customer and Communities and Education, Learning and Skills.

5. The Leader will subsequently consider amendments to Appendix 2 Part 4 of the Constitution of Kent County Council, which records the arrangements made by the Leader for the allocation of responsibilities and discharge of executive functions by himself, Cabinet Members and Officers.

6. The Council is required to provide assurance to the Secretary of State that it is meeting its statutory duties with regard to the role of the DCS and LMCS. In light of this, the Protocol will be reviewed on a regular basis to account for any future changes to relevant statutory guidance and in the light of our own internal or external assurance reviews. It is intended to bring in an external agency in the autumn to review the arrangements which will include a review of the revised Protocol.

7. Members are requested to agree the recommendations as printed at the beginning of this report.

Background Documents:

- Accountability Protocol for the Director of Children's Services, Report to County Council, 6 April 2011
- Change to keep Succeeding – the Next Steps, Report to County Council, 15 December 2011
- Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services, Department for Education, April 2012

Contact details:

Marisa White

Business Strategy Adviser, BSS Policy and Strategic Relationships

Tel: 01622 696583

Email: marisa.white@kent.gov.uk

Amanda Hornsby

Policy Manager, BSS Policy and Strategic Relationships

Tel: 01622 694540

Email: amanda.hornsby@kent.gov.uk

KENT COUNTY COUNCIL

Accountability Protocol for the Director of Children Services and Lead Member for Children's Services

(as adopted by the County Council on 19 July 2012)

1. This protocol is designed to ensure that the Council fulfils the legal requirement to designate both a single officer and a single elected member, each responsible for both education and children's social care, and meets the accountability requirements as set out in the Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services (April 2012.) – ensuring that between them, the Director of Children's Services and Lead Member for Children's Services provide a clear and unambiguous line of local accountability for improving outcomes for children and young people.
2. The Corporate Director for Families and Social care (CDFSC) is designated as the Council's statutory Director of Children's Services (DCS).
3. The Cabinet Member for Specialist Children's Services is designated as the Council's statutory Lead Member for Children's Services (LMCS).
4. A range of services that falls under the statutory accountabilities of the DCS and LMCS is managed within other directorates of the Council by the Corporate Director of Education, Learning and Skills (CDELS) and the Corporate Director of Customer and Communities (CDCC). These services are overseen by the Cabinet Member for Education, Learning and Skills and the Cabinet Member for Customer and Communities.
5. This Protocol ensures that the DCS and the LMCS are able to meet their statutory responsibilities and have an integrated children's services brief, ensuring the safety and the educational, social and emotional needs of children and young people.
6. The CDFSC, the CDELS and the CDCC are all members of the Corporate Management Team and are directly accountable to the Head of Paid Service and the Leader of the County Council for the performance of their duties. In addition, the CDELS and the CDCC are accountable to the CDFSC for the functions specified below.
7. The CDFSC, as the statutory DCS, is accountable for ensuring that:
 - (a) there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools)
 - (b) Local need is understood and the provision of services is secured, taking account of the benefits of prevention and early intervention and the importance of cooperating with other agencies to offer early help to children, young people and families.

- (c) partnership working takes place to improve the outcomes and wellbeing of children and young people
 - (d) Children and young people are involved in the development and delivery of local services.
 - (e) The LMCS and other elected Members are supplied with full and accurate information about children's services in the local authority area and for children outside the area for whom the authority is responsible.
 - (f) there are sufficient financial, human and other resources available across the Council to discharge the authority's statutory children's services functions and maintain service standards in the future within the allocated budget; and
 - (g) staff are supported and developed so that they are effective, competent and confident.
8. The LMCS is democratically accountable to local communities and has overall political responsibility for the leadership, strategy and effectiveness of children's services; providing strong, strategic leadership and support and challenge to the DCS and relevant members of their senior team.
9. The LMCS is a Cabinet Member and accountable to the Leader of the County Council for children's services as set out within the guidance. The Cabinet Member for Education, Learning and Skills and Cabinet Member for Customer and Communities are directly accountable to the Leader for their responsibilities as set out in Appendix 2 Part 4 of the Constitution of Kent County Council. The LMCS has overall accountability for the functions specified below:
- (a) Defining the local vision and setting political priorities for children's services within the broader political context of the council.
 - (b) Ensuring that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed
 - (c) Working closely with other local partners to improve the outcomes and wellbeing of children and young people.
 - (d) Ensuring that children and young people are involved in the development and delivery of local services.
 - (e) Ensuring there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools)
 - (f) Having a shared responsibility with all officers and members of the local authority to act as effective and caring corporate parents for looked after children, with key roles in improving their educational attainment, providing stable and high quality placements and proper planning for when they leave care.
10. This protocol is enacted through regular meetings of a Board, specifically established to ensure strong governance and facilitate the execution of the duties and accountabilities of the LMCS and the DCS. The timing of meetings is determined by the DCS and LMCS, but should be not less than quarterly. Membership will include, but not be limited to:
- (a) the Leader
 - (b) DCS

- (c) LMCS
- (d) CDELS
- (e) Cabinet Member for Education, Learning and Skills
- (f) CDCC
- (g) Cabinet Member Customer and Communities.

11. These meetings:

- (a) provide a regular and formal opportunity for the DCS and LMCS to be assured that their statutory duties are being met;
- (b) enable the DCS and LMCS to check, challenge and also direct activity to ensure that their statutory duties are being met;
- (c) are minuted and maintained as a formal record of assurance.

12. At all other times the three corporate directors referred to in this Protocol will be considered as equal colleagues and equal and full members of the Corporate Management Team.

13. If there is any dispute recorded in these formal assurance meetings or any concerns registered by the DCS or LMCS that their statutory duties are not being met, or that remedial action appears not to be being taken or that new direction to ensure those duties will be met is not being accepted, accountability for resolution rests with the Head of Paid Service or the Leader.

14. The CDELS has accountability to the CDFSC in the following areas:

- (a) ensuring fair access to all schools for every child in accordance with the statutory School Admissions and School Admissions Appeal Codes and ensuring appropriate information is provided to parents;
- (b) ensuring provision for suitable home to school transport arrangements;
- (c) actively promoting a diverse supply of strong schools, including by encouraging good schools to expand and, where there is a need for a new school, seeking proposals for an academy or Free School;
- (d) narrowing the gap in outcomes between the most disadvantaged and other children and young people;
- (e) promoting high quality early years provision, including helping to develop the market, securing free early education for all three- and four-year-olds and for all disadvantaged two-year-olds;
- (f) providing information, advice and assistance to parents and prospective parents, and ensuring there are sufficient Sure Start children's centre services to meet local need and sufficient childcare for working parents;
- (g) ensuring that disabled children and those with special educational needs (SEN) can access high quality provision that meets their needs and fund provision for children with statements of SEN;
- (h) ensuring that arrangements are in place for alternative provision for children outside mainstream education or missing education (e.g. due to permanent exclusion or illness) to receive suitable full-time education;
- (i) promoting participation in education or training of young people, including by securing provision for young people aged 16-19 (or 25 for those with learning difficulties or disabilities);

- (j) Working with headteachers, school governors and academy sponsors and principals, local authorities promote educational excellence for all children and young people by:
 - (i) taking rapid and decisive action in relation to poorly performing schools, including using their intervention powers with regard to maintained schools and considering alternative structural and operational solutions;
 - (ii) developing robust school improvement strategies, including choosing whether to offer such services in a competitive and open school improvement market, working beyond local authority boundaries;
 - (iii) promoting high standards in education by supporting effective school-to-school collaboration and providing local leadership for tackling issues needing attention which cut across more than one school, such as poor performance in a particular subject area across a cluster of schools;
 - (iv) supporting maintained schools in delivering an appropriate National Curriculum and early years providers in meeting the requirements of the Early Years Foundation Stage (as outlined in the EYFS Statutory Framework);
 - (v) establishing a schools forum for their area, maintain a scheme for financing maintained schools and provide financial information; and
 - (vi) undertaking specified responsibilities in relation to staffing and governance of maintained schools.

15. The CDCC has accountability to the CDFSC in the following areas:

- (a) ensuring that young offenders have access to the services and support that they need to reduce re-offending. This includes ensuring that there is a joined up approach to resettlement plans and that services are delivered appropriately;
- (b) putting in place procedures which enable youth offending teams to escalate and resolve issues where resettlement services are not being delivered to young people leaving custody;
- (c) facilitating closer links between youth justice and the wider crime and disorder agenda, taking into account the needs of the victim as well as those of the offender;
- (d) ensuring that there are effective safeguarding arrangements in place in all youth justice settings and within the workforce directly accountable to them and be a member of the Kent Safeguarding Children Board;
- (e) ensuring that there is coherent planning between all agencies providing services for children involved in the youth justice system (including those leaving custody), secure the provision of education for young people in custody and ensure that safeguarding responsibilities are effectively carried out;
- (f) securing access for young people to sufficient educational and recreational leisure-time activities and facilities for the improvement of their wellbeing and personal and social development;
- (g) promoting children's and young people's participation in public decision-making so they can influence local commissioners.
- (h) provision of housing related support for vulnerable young people through the Supporting People programme.

16. Section 10 of the Children Act 2004 places a duty on local authorities and certain named partners (including health) to co-operate to improve children's well-being. In so doing, the DCS and LMCS must:
 - (a) Lead, promote and create opportunities for co-operation with local partners to improve the well-being of children and young people;
 - (b) Involve and listen to parents, carers, children and young people
 - (c) Have a key role in ensuring that the local voluntary and community sector, charities, social enterprises, the private sector and children and young people themselves are included in the scope of local authority planning, commissioning and delivery of children's services, where appropriate.
17. These accountabilities are delivered through the business of the Kent Children and Young People's Joint Commissioning Board, the Youth Justice Board, the Kent Drug and Alcohol Action Team and (with effect from April 2013) the Kent Health and Wellbeing Board.
18. Section 11 of the Children Act 2004 requires local authorities and other named statutory partners to make arrangements to ensure that their functions are discharged with a view to safeguarding and promoting the welfare of children. The DCS is a member of the Kent Safeguarding Children Board (KSCB) and is accountable to the Head of Paid Service for the effective working of the KSCB.