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To: Cabinet – 26th November 2007

Subject: Kent Children’s Trust Governance Framework

Classification: Unrestricted

Summary: Following consultation with Elected Members, multi-agency partners and staff directly involved in the delivery of services, this report proposes a governance framework for Kent Children’s Trust (KCT) and the local operational structures.

Background to Children’s Trusts

1. (1) The development of children’s trusts is part of a national programme of change to improve outcomes for children and young people in line with the Every Child Matters (ECM) framework.

(2) Through the Children Act 2004 (section 10) the following services have a duty to cooperate to improve outcomes for children and young people:

- District Councils
- The Police Authority and Chief Officer
- The Probation Board
- The Youth Offending Team
- The Strategic Health Authority and PCTs
- The Learning and Skills Council and related service providers

(3) As the Children’s Services Authority Kent County Council has a lead role to ensure that services comply with this duty and that arrangements for integrated planning and working are effective. Accountability for children’s services rests with the Children’s Services Authority and is secured through the Lead Elected Member (LM) and Director of Children’s Services (DCS). Statutory guidance on the role and responsibilities of the LM and DCS states that, “the Lead Member maintains an effective overview of Children’s Services and has overall political accountability.” “The DCS has a leading role to ensure that there is clear leadership at all levels within the authority.” The statutory guidance can be read in full at <http://www.everychildmatters.gov.uk/strategy/guidance/>

Progress in Kent

2. (1) The Kent Children's Trust was established in September 2006. Its main function is to agree cross agency priorities and actions to improve outcomes for children and young people. The vision for Kent includes radical arrangements for the delivery of children's health services.

(2) There is a statutory duty for the DCS to secure agreement to a multi agency Children and Young People's Plan (CYPP) to improve outcomes. The Kent CYPP has already been agreed by KCC and the Kent Children's Trust. It was approved by County Council on 25 May 2006 and was subject to the usual scrutiny procedures. The CYPP will be implemented through a network of local operational arrangements.

(3) The local operational structures bring together professionals from a range of disciplines including police, health and the voluntary sector. They will secure local plans that implement the CYPP and LAA and align with KCC priorities and strategies. Many services are already provided under the current cluster and consortia partnership arrangements. These would have been subject to the normal scrutiny procedures during that time. Local structures will be required to create more effective preventative services and intervene and provide support in accordance with the demands of the Children Act in individual cases. Four local pathfinders are currently exploring how these local arrangements could operate. An interim evaluation of the pathfinders is available at http://www.clusterweb.org.uk/Children/lct_evaluationreport.cfm

(4) KCC now needs to agree a governance framework under which the KCT will operate. An outline paper was taken to Cabinet on 17th September that committed to comprehensive consultation with Elected Members and others to inform the governance framework. Consequently the Lead Elected Member and the Director of Children's Services have provided two Member briefings, attended by 30 Elected Members and six multi staff briefings attended by 625 people from agencies and sectors delivering services to children, young people and their families.

(5) At these meetings Members raised the following issues (a fuller version is available in Appendix 2):

- the use of data sets and what information would be used at a local level to inform priorities.
- how communication could be improved for Members on local progress
- whether they could receive local data sets and improved information on their localities
- some Members expressed strong views about direct involvement in local trusts.
- there was a debate about not wanting to over burden operational activities with bureaucracy.
- some Members expressed concern about the efficacy of current scrutiny arrangements.
- it was proposed that POC as well as the Children's Champion Board should have a scrutiny role in addition to the formal KCC scrutiny procedures.
- it was suggested that even though local arrangements are operational they were of such importance that Members should have a local scrutiny function.
- the Local Boards were suggested as a possible solution for providing a local scrutiny function.

National Pathfinder Report on Children's Trusts

3. (1) The Department for Education and Skills and the Department of Health commissioned the University of East Anglia and the National Children's Bureau to evaluate the 35 national Children's Trusts pathfinders. The report was published in March 2007 and of particular interest is the findings on the development of governance.

(2) A statement made by a local strategic authority was used to evidence how the development of change processes in local authorities, coupled with the attempt to construct innovative partnerships across education, health and social care, was testing conventional models of robust governance. This illustrates quite clearly that the discussions being held in Kent on Member involvement are neither unusual nor unique.

"Why should unelected groups of people come together and determine strategy on children's services for an area? It is actually quite an important question in terms of governance. And what is the role of the democratically elected Members in that? And when you talk to people about governance arrangements you will hear that there have to be some quite important checks and balances built in, in order to ensure that this doesn't just become a kind of self regarding oligarchy of people who are just reinforcing each other's power base. We worked really hard with our Members in order to say, 'Look, this is not about an attempt to hijack a democratic process or to take over the running of the services, which you have a statutory responsibility for running. This is about a partnership agenda. This is about working with people who have their own accountability systems, who have their own democratic processes. Nobody is expecting you to commit yourself to something that you don't want to be committed to. You have a power of veto. That's the way in which the partnership works. Now see it as an opportunity for us to go into pooling budgets, commissioning services, doing all that kind of thing, which might actually be a real benefit to you."

(3) The full report on the national evaluation of Children's Trusts pathfinders can be found at: http://www.clusterweb.org.uk/Children/kct_national_CT.cfm

(4) No other local authorities are known to have Elected Members in local trust delivery arrangements.

The Kent Children's Trust Governance Framework

4. (1) The following arrangements have already been determined either by the Children's Act 2004 or by KCC with partners agreement and contribute to an effective governance framework for KCT:

- (a) Accountability for Children's Trusts rests with Kent County Council as the Children's Services Authority and is secured through the Lead Elected Member, Chris Wells and Director of Children's Services, Graham Badman. This accountability can be shared but not delegated.
- (b) The Lead Member (LM) and Director of Children's Services (DCS) exercise this accountability within the local authority structures for financial and business management and are held to account through the Local Authority scrutiny process.
- (c) The Kent Children's Trust Board operates as a directly linked working group of the Kent Partnership.

- (d) The Kent Children and Young People's Plan, which forms part of the KCC planning framework, sets the strategic direction within which locality arrangements will operate.
- (e) The LM and DCS share accountability with partners on the Kent Children's Trust Board. Members of the Board are also accountable to the organisations they represent and bring with them a range of statutory, policy and professional responsibilities. Membership of Kent Children's Trust Board does not supersede these duties.
- (f) The Nolan Committee principles of public life have been adopted as a common framework for the partnership on which to build shared accountability for the work of the Trust.
- (2) Scrutiny arrangements will also be part of the Governance Framework.

Recommendations

5. Cabinet are asked to:

- (1) AGREE the principles for the Kent Children's Trust Governance Framework (paragraph 4.1. above).
- (2) AGREE to extend the membership of the Kent Children's Trust County Board to include one representative for each main opposition party in addition to both the Cabinet Members
- (3) AGREE scrutiny arrangements for the work of Kent Children's Trust through:
 - (a) The existing KCC Executive Scrutiny Panel
 - (b) CFE POC and the Children's Champion Board
- (4) AGREE that a local scrutiny function could be established to consider the work of local operational structures either through Local Member Boards or another mechanism to be determined by KCC.
- (5) APPROVE the attached Governance Framework (Appendix 1).

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Background papers:

Members may wish to look at the Children's Trust webpages for general background information: <http://www.clusterweb.org.uk/Children/childrenstrust.cfm>