



Every Child Matters in County Durham

Governance Arrangements

Children's Trust Arrangements

in
County Durham

**PAPER A:
Second Revision for January 2009 to take account of LGR and Statutory Guidance**



1. General principles

1.1 The governance arrangements for the Children's Trust for County Durham do not supersede or replace the statutory duties, constitutional or political governance arrangements of any partner organisation. They are designed to provide a framework for partners in the County to work together to make arrangements to co-operate to improve outcomes for children, young people and their families, as required by the Children Act, 2004.

1.2 The principles underpinning the governance model are:

- a) The needs of children, young people and their families, including the need for safeguarding, are paramount
- b) **All** partners will work towards agreed joint targets and joint priorities for children and young people and will be collectively accountable for their delivery
- c) Decisions should be made at the lowest level consistent with the efficient use of resources and the effective achievement of our desired outcomes
- d) A joint commissioning framework will inform decisions across all partners and be supported through the alignment, and in some cases, the pooling of budgets
- e) Services will be commissioned at the most appropriate level to support local decision making, cost effectiveness and quality within any framework set by the Children's Trust
- f) The Children's Trust will adhere to the principles of the Compact.
- g) Decisions of the Children's Trust can not override those of the parent bodies of organisations represented on the Trust. In particular the Children's Trust can not require any partner to act in a way contrary to their statutory responsibility.

1.3 Success criteria for the Children's Trust are based on:

- Improved outcomes for children, young people and families
- The delivery of priorities and targets set out in the Children and Young People's Plan
- Measurable and continuing service improvements
- Effective safeguarding for children and young people
- Radical cultural change in how services co-operate
- Universal, targeted and specialised services re-configured to improve access

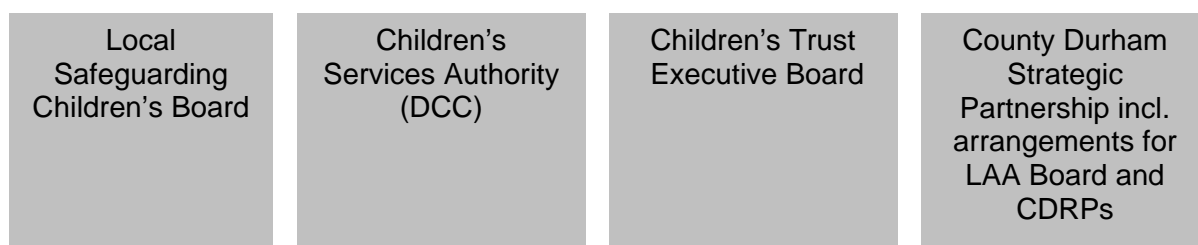


- Efficient and effective systems and processes
- Joint commissioning arrangements
- Robust financial and budgetary information
- Appropriate governance arrangements and protocols
- Strong engagement with and from all partners
- Flexibility in responding to the changing needs of service users
- Needs and services identified through active involvement of children, young people and their families
- Performance management systems and active intervention to improve performance.

2. Overview

2.1 The Children's Trust comprises an Executive Board and 5 Local Children's Boards. All partners named in the Children Act 2004 will be included within the Executive Board and/or the Local Children's Boards of the Children's Trust. The governance structure is dependent upon the commitment of all partners and agencies, at all levels to achieve joint targets and priorities. All need to work together to develop new ways of working to improve outcomes.

2.2 Work in the children's services arena isn't the exclusive responsibility of the Children's Trust. Accordingly, there are a number of key partnerships and agencies in place that interface with the arrangements for the Children's Trust:



5 Local Children's Boards

2.3 The Children's Trust will be held to account for its performance in relation to specific areas by other Boards and agencies, with whom there is a link for example:

- The Local Safeguarding Children Board is required by statute to hold the Children's Trust to account if concerns arise in relation to safeguarding practices for children or young people in County Durham.



- Local Strategic Partnerships may want to challenge a particular commissioning strategy that gives rise to service inequalities
- The Local Area Agreement (LAA) Project Board has specific governance arrangements and responsibilities in relation to LAA targets included within the Children and Young People's Block.

3. Shared accountability

3.1 The Children's Trust is responsible for delivering improved outcomes for children, young people and their families. The Children Act 2004 specifically identified a number of partners who are legally bound to co-operate and work together with the Children's Services Authority (CSA) in making this happen¹. Within Durham, there is a wider recognition that other partners including schools, colleges, communities, GPs and the voluntary sector have a significant contribution to make. Recent statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families has recognized this need for wider involvement and now specifies the need to include schools, colleges and Job Centre Plus as partners within the Children Trust arrangements. Further, the views held by children, young people and their families are vital in developing future services for children and improving outcomes.

3.2 The arrangements for the Children's Trust enable partners with a duty to co-operate to make significant improvements to the outcomes for children and young people in County Durham. It requires:

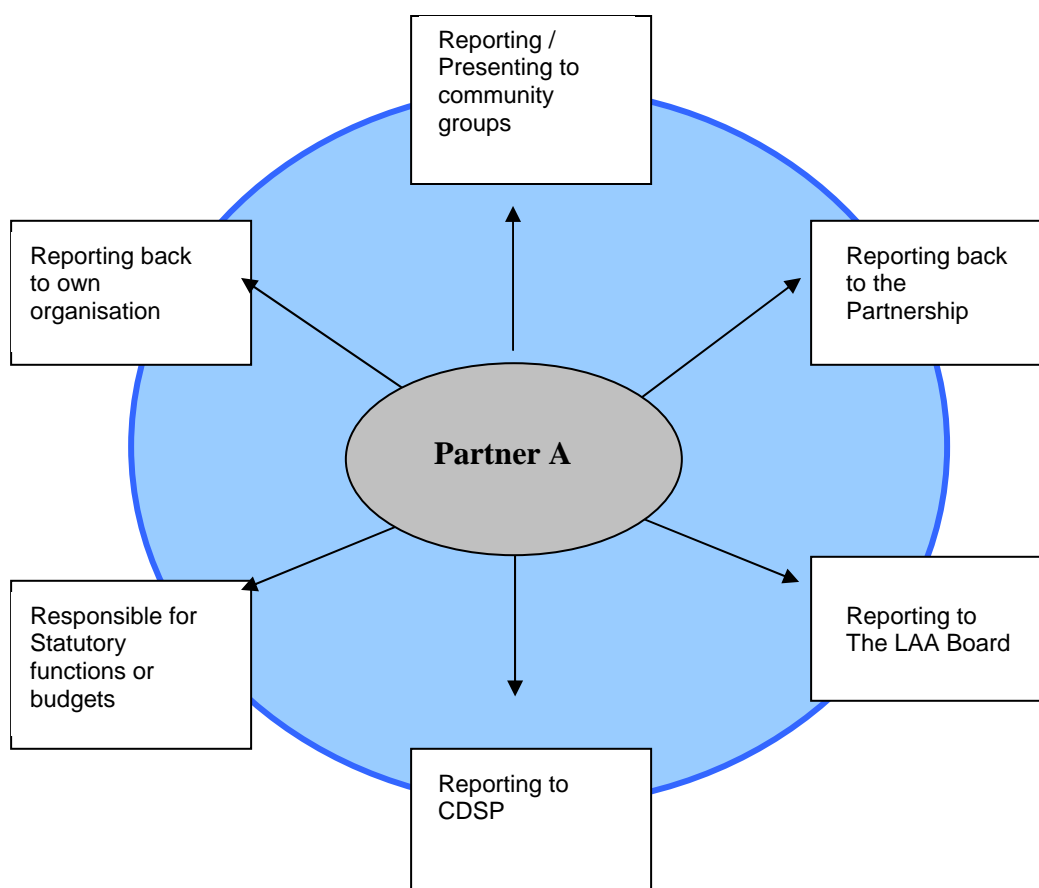
- A coherent and strategic approach to issues facing children, young people and their families
- Locally driven decisions about resource allocation and service development within a county wide strategic framework
- Shared accountability within and between partners who are responsible to the Children's Trust for outcomes and targets in their area.

¹ The following were originally defined as relevant partners for the purpose of the Act :

- District Councils
- The Police Authority and Police Constabulary
- Probation Board
- Youth Offending Team
- Strategic Health Authority and local Primary Care Trusts
- Connexions
- Learning Skills Council.



- 3.3 The success of arrangements for the Children's Trust in County Durham depends upon all partners seeking to act collectively to improve outcomes. Membership brings together a combination of partners at Executive Board and Local Children's Boards. Importantly, all partners must be recognised as equal, and active contributions from all are sought, respected and valued. However, recognition must be given to the continuing statutory responsibilities that attach to some organisations and individuals involved in the Children's Trust. For instance, the emergence of the Trust does not affect the statutory responsibilities of any of the criminal justice agencies or reduce the personal accountability of the Director for Children and Young People's Services.
- 3.4 Whilst the focus of the Children's Trust remains on joint working with partners to deliver improved outcomes, individual partners will also have other responsibilities, many of which are statutory, that need to be considered. Some are identified below:





4 The Children's Trust

Purpose

- To bring partners within a single framework responsible for the major delivery of services to children, young people and their families within County Durham
- To provide strategic leadership to ensure the development and delivery of improved outcomes for children, young people and their families
- To agree and implement the Children and Young People's Plan, reviewed annually.
- To act cohesively to implement the strategic decisions of the Children's Trust.

Terms of reference

- **Strategic planning for services and service delivery**
 - Agreeing joint priorities and targets
 - Development of commissioning framework
 - Strategic joint commissioning
 - Determining funding arrangements
 - Resourcing priorities.
- **Performance management**
 - Establishing a framework for delivery that recognises both quality and quantity.
 - Active intervention where services commissioned by The Trust fail to meet requirements
 - Establishing new ways of working to deliver services more effectively
 - Exercising a power of veto in relation to the commissioning of a service where a service consistently falls short of requirements, or is ineffective.
- **Working in Partnership**
 - To ensure that the standard of partnership working is monitored and reviewed, and that action is taken to address concerns and remove obstacles to effective partnership working
 - Seeking and responding to the needs of stakeholders
 - To facilitate the resolution of any conflict within Local Children's Boards.



Composition of the Executive Board

4.1 The Executive Board of the Children's Trust will consist of named senior representatives of the following key partners:

- The CSA (Director of Children and Young People's Services and the Lead Member for Children and Young People)
- NHS County Durham / North East Strategic Health Authority
- County Durham and Darlington Community Health Service
- Community of Interest of Voluntary Sector Organisation
- Durham Police Authority
- Durham Constabulary
- National Probation Service County Durham
- Schools (representation to be agreed but likely to be representation at Head Teacher level of Primary, Secondary and Special Schools)
- Youth Offending Team
- Connexions
- Learning Skills Council
- 14-19 Partnership
- College representation
- Job Centre Plus
- Joint Commissioning Unit
- Chairs of Local Children's Boards
- Chair of the Local Safeguarding Children's Board
- Adult and Community Services
- Young Person's Reference Group
- Parents Reference Group
- Senior officer from Regeneration and Economic Development
- Senior officer from Neighbourhoods

The composition of the Executive Board will be subject to review.

4.2 Organisations will nominate individuals as members of the Executive Board. Each member will need to have sufficient seniority e.g. Chief Executive or someone directly accountable for children's issues, within the authority to exercise the decision making powers of their organisation with regards to the Children's Trust arrangements. Within their own agency/organisation they will need to be able to influence the implementation of decisions taken and to report progress made. Each member will have a named deputy at a sufficiently senior level to ensure representation at each of the meetings.



- 4.3 In selecting representatives, partners must ensure that the individuals selected are able fully to represent them and, where possible, take collective decisions without referral back. Whilst some decisions will need to be ratified within partner organisations, having reached a collective decision within the Children's Trust each must play their part fully in taking positive action to support their successful implementation.
- 4.4. The Chair of each Local Children's Board will be a member of the Children's Executive Board. Each Chair will be selected following an appointment process to be agreed by the Children's Trust. Each Local Children's Board is responsible for the planning, implementation and local delivery of the strategy of the Children's Trust.
- 4.5 At meetings of the Executive Board, the role of the Chairs of the LCB includes:
- Reporting progress on the local planning and delivery of children's services, including performance, financial management and raising specific issues of concern that impact on service delivery
 - Providing in depth awareness and advice to Board members in relation to the future local planning and delivery of the strategy for Children and Young People
 - Providing links to local developments that support improvements to outcomes for children and young people.
- 4.6 The Executive Board annually selects its own Chair or independent Chair together with a nominated deputy. Currently the Director for Children and Young People's Services holds the Chair of the Children's Trust Executive Board, with the Director of Public Health from the PCT as the nominated Deputy. These arrangements together with the composition of the Executive Board are to be subject to formal review in April 2011.

Decision Making and Resolving Differences

- 4.7 The Children's Trust brings together partners with a common responsibility to work together to improve outcomes. However, there must be an acknowledgment that occasionally competing agendas can present difficulties.
- 4.8 Each partner is responsible for ensuring that they play their part in reaching decisions within the Children's Trust and putting them into action. The over-riding principle remains that partners cannot act contrary to their statutory duty. Tensions and differences may arise between partners in working together to determine how best to achieve this. Where differences arise within the Executive Board, the first step to resolution should be focused discussion to achieve consensus. Where this does not provide a solution, the Conflict Resolution Protocol outlined in section 9 will be used as a last resort.



4.9 The Executive Board also has a specific role under its terms of reference to facilitate the resolution of conflict within Local Children's Boards should the need arise.

5. Local Children's Boards: terms of reference

5.1 The Local Children's Boards are the focus for ensuring the local action and delivery of services to meet the needs of children, young people and their families who live in the geographical area serviced by the LCB. Accordingly, arrangements will need to recognise and reflect the differing requirements in specific parts of the County. Each will be accountable for performance and planning within their geographical area and will be responsible for ensuring improved performance and measurable improvements in outcomes for all children and young people year on year. The Boards will report on performance through the Children's Trust arrangements and to the emerging Area Action Partnerships (arrangements that focus on every service delivered and planning for within a neighbourhood eg. housing, policy and leisure).

Purpose

- To bring together partners within a local area to plan, implement and deliver children's services, with due regard for safeguarding, in order to secure improved outcomes for children, young people and their families
- To drive the development and delivery of integrated services in order to identify and provide early intervention for all children who need additional help
- To influence and inform the commissioning of services at local level in line with the commissioning strategy and framework for the Children's Trust
- To monitor the performance of commissioned services locally and work with service providers to ensure service delivery leads to demonstrable improved outcomes for children, young people and their families
- To coordinate delivery plans to achieve the outcomes in the Children and Young People's Plan with a particular focus on the Key Improvement Priorities.
- To contribute to the strategic development of the Children's Trust within Durham

Roles and responsibilities

- **To develop a programme to implement the Children and Young People's Plan in the area and deliver agreed outcomes and key policy drivers for children young people and their families, taking account of local variation.**



- To operate within any framework and direction set by the Children's Executive Board
 - To influence and inform the commissioning of services that lead to improved outcomes for children, young people and their families at local level
 - To ensure that local service improvements are delivered
 - .To ensure wider links are made for those children, young people and their families who need additional support so that services are delivered in a seamless and integrated way
- **To coordinate, monitor and manage performance locally**
 - To establish a local Planning and Performance Group that will coordinate all activity of the Local Children's Board and ensure a focus on performance and improved outcomes for children, young people and their families
 - To ensure service improvements are delivered and targets met; and action taken where this is not happening
 - To ensure the delivery of improved access to services through new ways of working together and configuring services
 - To report on local budgetary responsibilities
 - To seek new approaches in service delivery with partners that achieve better outcomes.
- **To actively seek and respond to the needs of local children, young people and their families**
 - Ensure the establishment of a Local Reference Group to coordinate the participation and engagement of children, young people and parents in the work of the Children's Trust and all its constituent partners within the locality
- **To represent local issues at Children's Trust Executive Board and advise on wider issues within the developing Children's Agenda**
 - To share good practice within all Local Children's Boards
 - To report progress to the Executive Board as required



Composition of the Local Children's Boards

- 5.2 Each Local Children's Board will comprise a range of partners responsible for securing effective and efficient delivery of services for children and young people. This will include representation from those partners who need to be actively engaged in delivery, especially at community level or who have locality responsibilities. To be successful, each Local Children's Board will need to ensure that its composition and work reflects local needs whilst operating within the overarching framework set by the Children's Trust and the Executive Board. Accordingly, each Local Children's Board will determine its membership relevant to its circumstances.
- 5.3 Nominations for the post of Chair of the Local Children's Board will be provided by the Children's Executive Board and elected locally by the Local Children's Board Membership. Chairs will undertake the function on the basis of a secondment for no less than 2 days per week for a minimum of one and a maximum of two years.
- 5.4 All Local Children's Boards will receive support through the appointment of a dedicated full-time Children's Trust Locality Development Manager who will, as well as leading on Children's Trust developments locally, have lead responsibility for the delivery of integrated teams. In addition, the Boards will be supported by a full-time dedicated administrative officer.
- 5.5 The Children's Trust Locality Development Manager will assist the Chair and the Children's Trust in bringing the membership of the Local Children's Boards together via the named senior representatives of the following key partners:
- Elected Member of the Unitary Authority
 - Practice Based Commissioning Manager
 - Durham and Darlington PCT
 - Children's Services Authority to include a senior representative and/or safeguarding, attainment and Integrated Youth Support Service
 - Voluntary & Community Sector Local Community of Interest (2)
 - Police (1)
 - Schools' representation (1 per COL)
 - Job Centre Plus (1)
 - 14-19 Partnership (1)
 - Local Reference Group for Children, Young People & Parents (1)
 - Local Reference Group for Parents (1)
- 5.3 Locality Delivery Groups established to deliver the requirements of the Children's Trust will draw a wide range of additional partners and stakeholders into the work of the Local Children's Boards. The Chairs of the Delivery Groups will be identified locally and will report their delivery and plans directly to the Local



Children's Board as required by them. The Chairs of the Local Delivery Groups will be included in the membership of the local Planning and Performance group that supports the work of the Local Children's Board.

- 5.4 The role of the LCB is crucial to the success of the Children's Trust in County Durham. It must add value and strengthen existing local arrangements. Links at local level to the Area Action Partnership are particularly important and provide part of the framework for service planning. Each LCB will have a local Children and Young People's Plan that they are responsible for working together to deliver.

6. Relationships to other significant Partnerships or Partnership Arrangements

- 6.1 A number of effective partnership arrangements are already in place and deal with elements of work that fall within the arena of services for children, young people and their families. These responsibilities need to be set alongside the arrangements for the Children's Trust.
- 6.2 The purpose of the Children's Trust, to lead strategically to ensure the development and delivery of improved outcomes for children, young people and their families, will best be achieved by working with existing partnerships.
- 6.3 The Children's Trust will work positively with other partnerships to meet the needs of children and young people within County Durham. There may be occasions where elements of partners' agendas will sit uncomfortably within the overall direction of the Children's Trust and these can be sensitively dealt with on a day-to-day basis. Where the strategic direction of any partnership brings it in conflict with the principles of the Children's Trust, members of the Children's Trust will work positively reduce or resolve the issue wherever possible. Outlined below are some of the key interfaces with a number of partnerships.

Local Safeguarding Children's Board

- 6.4 The Local Safeguarding Children's Board is a county-wide partnership focused on safeguarding children required by the Children's Act 2004. The Children's Trust will be held to account by the Local Safeguarding Children's Board in relation to its safeguarding practices, specifically in relation to any matter of concern that is referred to the LCSB.

Children's Services Authority

- 6.5 The Children's Services Authority holds the statutory responsibility for services for children and young people. It is responsible for removing some of the barriers to effective service delivery by setting up arrangements for Children's Trust. The Children's act requires that the CSA appoints a Director for Children and Young



People's Services and a Lead Member for Children's Services to create a clear line of accountability. Both are personally accountable for how services work and for promoting the co-operation of partners in order to improve outcomes for children, young people and their families in County Durham. As a member of the Children's Trust, the CSA is under a responsibility to implement decisions made by the Trust unless contrary to the exercise of its statutory duties.

County Durham Strategic Partnership (CDSP)

- 6.6 The County Durham Strategic Partnership leads the development and delivery of the Sustainable Community Strategy (SCS), underpinned through a series of Local Area Agreements (LAA). These are taken forward through themes arrangements for four "blocks" in the LAA. The CDSP Board recognises the Children's Trust Executive Board as responsible for the delivery of the Children and Young People's Block of the LAA and holds it to account accordingly. The CDSP sets targets within the SCS and the LAA for the CYO Block having had full discussion and reached agreement with the Children's Trust ..

Area Action Partnerships

- 6.7 Arrangements for Area Action Partnerships are emerging to ensure that services are planned and delivered in a joined following changes in the move to County Durham as a Unitary Authority. The evolution of the local AAPs impacts positively on the Local Children's Boards. They will present an opportunity to involve local communities in having a say in how local services in the neighbourhood are planned, delivered and reviewed. It will provide a forum at the most local of levels to support transition arrangements and to make key links in integrating developments within and between neighbourhoods, and making sure that we deliver a sustainable community.

Crime and Disorder Reduction Partnerships

- 6.8 The CDRPs existing within County Durham work across a wide arena of which the Children and Young People's Service is a small but highly political and sensitive part. The current governance arrangements for the CDRPs are not diluted as a result of the emerging Children's Trust.

Local Area Agreement Board

- 6.9 The LAA Board is responsible for the performance management of each of the four blocks of the LAA. The LAA arrangements recognise the Children's Trust as the co-ordinating group for the Children and Young People's (CYP) Block. Accordingly, the Children's Trust is accountable to the LAA Board for performance in relation to those targets included within the CYP block. The LAA Board may seek to influence progress where performance impacts on LAA results.



7 Commissioning

- 7.1 No single agency can deliver fully any one of the five outcomes for children and young people: effective joint planning and commissioning is at the heart of improving outcomes. Commissioning services for children will take place within a joint commissioning framework.
- 7.2 Strategic Commissioning is the term used to describe the processes that will be needed to plan, deliver and monitor services to all children, young people and their families in County Durham. This involves:
- Determining the overarching objectives of the service by high level analysis of needs, patterns and trends
 - Identifying key performance indicators for delivery of the best quality and outcomes
 - Agreeing priorities for service delivery and improvement by partners working collectively at a strategic level
 - Allocating resources in order to deliver the priorities and improvements, whether by pooling or aligning budgets
 - Taking into account differences of geography, social deprivation, under performance.
- 7.3 There will also be a need for service commissioning. This is the process for specifying, securing and monitoring individual services for children, young people and their families. These services may be universal, targeted or specialist and need to be delivered at the appropriate level or locality. The Executive Board, CSA and the Local Children's Boards would have responsibility for service commissioning, but only the Executive Board would have responsibility for agreeing strategic commissioning.
- 7.4 Whilst commissioning requires the commitment of all partners if the best outcomes are to be achieved the Children Act 2004 focuses on the strategic bodies involved in assessing need, developing overarching plans and commissioning services. We will provide a strong commissioning base to support the Trust. Those not under a duty to co-operate may choose to commission services through the arrangements rather than in isolation. Traditionally, schools commissioning and GP commissioning is difficult to co-ordinate and we will be working hard to make sure the benefits achieved through joint commissioning are material. The work of schools and GPs makes a vital contribution to the delivery of the five outcomes and children and young people will benefit most where the commissioning link is made explicit, and included within the overarching strategic planning requirements and decisions at both a countywide and local level.
- 7.5 Commissioning is inextricably linked to wider structural changes, and will require robust arrangements to remove structural barriers to inter agency working,



considerable cultural change, and the development of scrutiny, audit and validation procedures. Work remains to be done in relation to the provider/purchaser dual role of some services. Similarly there are issues and commercial sensitivities to establishing a wider market economy, and encouraging participation by the voluntary, community and private sectors.

- 7.6 Arrangements will be put in place to align the overall spend on children and young people's services by partners. This will evolve into an integrated commissioning budget with pooled budgets being formed where appropriate. Further work will also develop independent scrutiny arrangements for the commissioning function.

8. Scrutiny of the Children's Trust

- 8.1 Proposals for scrutiny arrangements within the Children's Trust offer an opportunity to develop an inclusive process that ensures wide participation with those most affected by the performance of the Children's Trust. Partners and individual organisations will wish to retain their own scrutiny and review arrangements (both internal and external). An agreed process for the overall scrutiny of the Children's Trust both at Executive Board level and that of the Local Children's Boards has been put in place based on expanding the existing arrangements for jointy scrutiny themed panels.
- 8.2 Mirroring this approach, it is recommended that Local Children's Boards are scrutinised by relevant scrutiny mechanisms, both on a thematic and geographical basis.
- 8.3 The development of an inclusive stakeholder forum would allow in the future for an enhanced role for the voluntary and community sector in the scrutiny process within county-wide partnerships. This would bring a coherent approach to the scrutiny of the overall Children's Trust agenda and those elements which are in the Local Area Agreement.
- 8.4 All relevant forums and panels will be actively encouraged to engage children and young people as part of their scrutiny arrangements. Furthermore, it is vital that the Children's Trust provides children and young people with the opportunity to hold partners to account as part of regular evaluation and review of the Children and Young People's Plan.

9. Conflict resolution protocol

- 9.1 This protocol is designed to achieve a resolution within the Executive Board of the Children's Trust and the Local Children's Boards. It does not supersede the conflict resolution protocols of partner organisations or groups, but is to be used when conflict or disagreement is specifically in relation to the governance,



funding, performance management or delivery arrangements relating to the Children's Trust. It is not intended to cover any issues outside the scope or workings of the Children's Trust.

- 9.2 Within the Children's Trust, partners are individually and jointly responsible for the delivery of services for children, young people and their families and for achieving the outcomes and targets contained within the Children and Young People's Plan. Many partners also have a series of duties in relation to their specific roles and responsibilities within the children's agenda which cannot be compromised by decisions made by Children's Trust. They are also individually financially accountable for any funding provided to enable the Children's Trust to commission services.
- 9.3 No single partner within the Children's Trust has precedence over another; however there are considerable differences in the statutory responsibilities that need to be discharged by partners. These must be respected when determining any course of action to be taken by the Children's Trust. On those occasions where conflict in determining a course of action does arise, the primary objective will be to resolve the matter through consensus. Every effort must be made to reach consensus as conflict within the partnership will be detrimental to the ability to improve outcomes. Failure to reach consensus cannot allow a stalemate to prevail, or any partner or group of partners to block action through active or passive resistance. Accordingly a dispute protocol has been developed to deal with those situations. The dispute resolution procedure will only be used as a last resort.
- 9.4 Conflict should be resolved as close to the point of conflict as possible. The Executive Board is to be the final arbiter in conflict. Where Local Children's Boards are unable to resolve conflict, they may refer the issue to the Executive Board of the Children's Trust, in which case their decision should be regarded as final.
- 9.5 The procedure for resolving conflict is as follows:
- a) In the first instance, a full discussion should be conducted around the area of conflict, allowing all partners to set out their views.
 - b) In recording the discussion, the relative positions taken should be clearly recorded. If a consensus view is reached, this should also be clearly recorded.
 - c) If consensus is not reached after a reasonable period of debate, a formal objection to the matter for decision should be made to the Chair of the relevant group (the Executive Board or the Local Children's Board).



- d) The matter will then be deferred to a second meeting, which must be at least seven days later. A special meeting of the relevant board can be convened in the event of an extended period between scheduled meetings or if further delay is problematic. During this intervening period, attempts should be made (facilitated by the Chair) to reach a compromise acceptable to all parties.
- e) Should compromise not be possible, the matter will be discussed again at the second meeting. If conflict still prevails then having had a further full and open debate by all partners, the matter will be put to a vote. A partner votes if the decision to be made directly affects the partner's statutory duty, powers or finances or if the partner is to be responsible for implementation.
- f) The Chair has a second and casting vote in the event of a tie.

The dispute resolution process will be included within the detailed constitution of the Children's Trust and is included here to aid clarification in how disputes would be resolved. Whilst the process arrives at a method for reaching and recording a consensus decision, it does not detract from the principles that:

- Decisions of the Children's Trust can not override those of the parent organisation, in particular the Children's Trust can not require any partner to act in a way contrary to their statutory responsibility.
- The needs of children, young people and their families, including the need for safeguarding, are paramount.