



meeting	NOTTINGHAMSHIRE CHILDREN AND YOUNG PEOPLE'S PARTNERSHIP BOARD	
date	9 March 2009	agenda item number 5

REPORT OF THE CORPORATE DIRECTOR FOR CHILDREN AND YOUNG PEOPLE'S SERVICES

STATUTORY GUIDANCE ON CHILDREN'S TRUSTS

Purpose of report

1. This report identifies issues that require the Board's consideration in the light of the new statutory guidance on Children's Trusts issued by the DCSF. It also provides an initial assessment of the Board's effectiveness by reference to the self-assessment tool developed by the Audit Commission.

Information and advice

Background

2. At the last meeting of the Board on 21 January 2009, attention was drawn to the updated statutory guidance on Children's Trusts, issued by the DCSF in November 2008.
3. It was agreed that the Board should consider the following issues in more detail at its next meeting on 9 March 2009:
 - how it might most appropriately include schools, sixth form colleges, colleges of further education and Job Centre Plus as 'relevant' partners given the government's intention to legislate to place them under a statutory duty to co-operate with the Children's Trust
 - the Children's Trust's relationship with the Local Strategic Partnership
 - how parents, GPs and the private sector can be engaged with the work of the Children's Trust.
4. In considering these issues, it is also suggested that it would be helpful for the Board to carry out an assessment of its effectiveness by using the Audit Commission self-assessment tool for Children's Trust boards, "Are we there yet?" (October 2009). Hard copies of the self-assessment tool will be made available at the Board's meeting on 9

March 2009, but meanwhile the questions derived from the self-assessment tool are reproduced as an annex to this report (Annex 1).

Membership of the Board

5. Reflecting the new statutory guidance from the DCSF, consideration needs to be given as to how to effectively engage schools, colleges of further education and Job Centre Plus with the work of the Children's Trust, ahead of the legislation that will afford them 'relevant partner' status. In considering this it is recognised that the Board is already relatively large in size and that it will not be feasible to identify one school or college that will be able, realistically, to represent the views of all schools and colleges. With that in mind, it is suggested that:
 - a) the Board's relationship with schools should be managed through the County Council's partnership with schools, known as the 'New Relationship with Schools'. We are currently negotiating with schools how best they can be involved with and influence the Partnership. I will, therefore, report back to the Board when these negotiations have been concluded and we have specific proposals to put forward
 - b) the Nottinghamshire 14-19 Partnership should be the conduit for issues in the 14-19 phase. All colleges of further education in Nottinghamshire are members of the 14-19 Partnership and it is, therefore, suggested that the Partnership be asked to nominate one of the college representatives to sit on CSEG
 - c) Job Centre Plus should be represented on CSEG.
6. Further consideration needs to be given to how parents, GPs and the private sector can be engaged with the work of the Children's Trust, via CSEG. The statutory guidance says that Directors of Children's Services are expected to consult PCTs to secure a lead GP on the Children's Trust Board – to provide their professional expertise and offer advice on how to involve the wider community of GPs in developing and delivering the Children and Young People's Plan. The guidance advises that, depending on local circumstances, the Children's Trust might invite individual GPs, members of the Professional Executive Committee of the PCT, or representation from the practice – based commissioning group.
7. Consideration also needs to be given to the Board's relationship with the Local Strategic Partnership. It is suggested that this could be achieved by linking the LSP children and young people's sub-groups formally to the Board via CSEG. This can be considered in more detail at the joint meeting with CSEG mentioned below.
8. Separate consideration is to be given to the Board's relationship with the Nottinghamshire Safeguarding Children Board (NSCB) at a joint meeting of the Board, the NSCB and CSEG which is scheduled for 20 March 2009.

Self-assessment

9. In October 2008, the Audit Commission issued a self-assessment tool as part of its report “Are we there yet” which seeks to improve governance and resource management in Children’s Trusts.
10. The Audit Commission guidance recognises that Children’s Trusts are unincorporated associations¹ of the key agencies involved in delivering public services for children and young people in their area. The guidance emphasises that Children’s Trusts do not own assets, or employ staff. Nor are they legally accountable bodies for spending public money, or for achieving public objectives but they do advise and influence local action and the deployment of staff and other resources, including the use of assets.
11. The essential elements of the Audit Commission self-assessment tool are reproduced at **Annex 1**, along with an initial assessment about how our Board currently relates to the questions posed in the tool. The Board is asked to receive this self-assessment and agree the issues that require further, more detailed discussion at the joint meeting on 20 March 2009.

RECOMMENDATION

12. It is recommended that the Board:
 - (1) approves the proposals for linking schools, colleges of further education and Job Centre Plus to the Board as proposed in paragraphs 5 (a) to (c) of this report;
 - (2) gives further consideration to how parents, GPs and the private sector can be engaged with the work of the Children’s Trust, via CSEG (see paragraph 6 of the report);
 - (3) gives separate consideration to its relationship with the LSP, as well as the Nottinghamshire Safeguarding Children Board and CSEG at the joint meeting scheduled for 20 March 2009 (see paragraphs of 7-8 the report);

¹ The characteristics of an unincorporated association have emerged primarily from case law. An unincorporated association is not a legal entity:

- it is an organisation of more than one person, or bodies, with an identifiable membership that’s possibly changing;
- it has a membership who are bound together for a common purpose by an identifiable constitution or rules (which may be written or oral);
- it is an organisation where the form of association is not recognised in law as being something else (for example, an incorporated body or a partnership);
- it must have an existence distinct from those persons who would be regarded as its members; and
- the tie between the persons need not be a legally enforceable contract.

There is no reason why an unincorporated body should not have trading or business objects, commercial activities.

[From ‘Are we there yet’ – self-assessment tool (Audit Commission 2008)].

- (4) receives the Audit Commission's self-assessment questions reproduced at Annex 1 to this report and agrees the issues that require further consideration at the joint meeting on 20 March 2009 (see paragraphs 9-11 of the report).

ANTHONY MAY

Corporate Director for Children and Young People

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‘Are we there yet’? Improving governance and resource management in children’s trusts. Self-assessment tool for children’s trusts boards.

	Question	Commentary
1.	How far does the children’s trust focus on improving outcomes for local children and young people?	
a)	How clear is the board about what it has to achieve for local children and young people?	The board’s improvement priorities and underpinning are clearly set out in the Children and Young People’s Plan (CYPP).
b)	What does the board know about whether outcomes for local children and young people are improving?	<ul style="list-style-type: none"> • Joint Strategic Needs Assessment • CYPP/LAA monitoring • The emerging performance reporting schedule for the Partnership
c)	How do local targets take account of the needs and aspirations of local communities, as well as equalities, disabilities and human rights legislation?	Covered by CYPP consultation – at district level – with stakeholders. Focus on “narrowing the gap”.
d)	How will the Children and Young Peoples’ Plan enable a reduction in the gaps in outcomes between the most vulnerable – and the majority – of children?	Specific priorities in the CYPP, and covered in the action plan for each improvement priority.
e)	How does the children’s trust board ensure that desired outcomes for local children and young people are clearly defined and consistent with other local strategies?	CYPP is aligned with the overarching Nottinghamshire Community Strategy and, via the LAA, with the County Council’s strategic plan, the PCT strategic plans, the NSCB plan and service/partner plans.

Question		Commentary
f)	How do partners use shared performance management frameworks to oversee, and deliver, better outcomes for local children and young people?	Agreed performing reporting schedule to CSEG and the board.
2.	How does the board oversee the effective use of resources?	
a)	How far has the board mapped the public money (and other resources) spent on children and young people's services in the area? How has it used this mapping to support delivery of improved outcomes?	Needs further consideration at the Board's meeting on 9 March 2009.
b)	How often does the board review the total local spending on children and young people, to identify opportunities for improving value for money e.g. through aligning or pooling? What improvements in local services for children and young people have arisen from aligning or pooling?	Needs further consideration at the Board's meeting on 9 March 2009.. LAA arrangements?
c)	Do partners report on the allocation and impact of all budgets and resources spent on children and young people's services in the area?	Needs further consideration at the Board's meeting on 9 March 2009.
d)	Are these budgets reviewed to identify opportunities for improving value for money e.g. through aligning or pooling?	Needs further consideration at the Board's meeting on 9 March 2009.
e)	Does the board have a policy on the alignment or pooling of budgets? <ul style="list-style-type: none"> - How sustainable is the policy? - How does it monitor the effectiveness of aligning and pooling at executive and operational levels? - How are lessons from experience of alignment and pooling built into future plans? 	Needs further consideration at the Board's meeting on 9 March 2009. LAA arrangements?

Question		Commentary
f)	<p>How does the board influence the allocation of resources to:</p> <ul style="list-style-type: none"> - Reduce the gaps in outcomes between the most vulnerable, and the majority of children and young people? - Achieve local priority objectives? - Have most impact on achieving local priority objectives? 	<p>Through CYPP/LAA priorities? Needs further consideration at the Board's meeting on 9 March 2009</p>
g)	<p>Does the board make the most effective use of its influence over partners?</p> <ul style="list-style-type: none"> - How does it ensure that all partners commit appropriate resources to achieving its objectives? - How does it influence 'reluctant' partners? - How does it monitor the impact of staff time contributions? 	<p>Needs further consideration at the Board's meeting on 9 March 2009.</p>
h)	<p>Does the board have a joint commissioning strategy?</p> <ul style="list-style-type: none"> - How effectively does it reflect the board's, and partners, objectives for children's services and their outcomes? - How will it add value to local services for children, young people, and their families? - How clearly does it differentiate between commissioning and procurement of services at the strategic, executive, and operational levels? - How will the board and its partners ensure the commissioning strategy is supported by staff with the right knowledge and qualifications? 	<p>To be covered by the CYPP? Needs further consideration at the Board's meeting on 9 March 2009.</p>
i)	<p>How has the board supported the development of a joint commissioning strategy for children and young people's services? What does it do to ensure that current services are reviewed and recommissioned to achieve better use of resources and improve outcomes?</p>	<p>To be covered by the CYPP? Needs further consideration at the Board's meeting on 9 March 2009.</p>

Question		Commentary
j)	<p>How far does the board stimulate joint working between partners to allow value for money, better access, and improved service quality:</p> <ul style="list-style-type: none"> - Are there effective procurement processes at the executive level to enable value for money across the partners? For example, are opportunities for joint procurement explored? - Is there effective sharing of support functions – such as ICT, communications, transport, training and HR – to achieve better value for money? - Do partners seek to share and maximise joint use of premises where this will support better access to and quality of services? 	Needs further consideration at the Board's meeting on 9 March 2009.
k)	<p>Does the board set targets for, and monitor improvements in, value for money?</p> <ul style="list-style-type: none"> - How does the board set achievable, stretching targets for executive and operational action? - How do performance reports support the board's strategic remit? - To what extent are costs appropriate to service delivery, performance, and outcomes achieved? 	Needs further consideration at the Board's meeting on 9 March 2009.
3.	What are the roles of the children's trust partners in delivering improvement?	
a)	What mechanisms does the board use to allocate and assess responsibilities for achieving the desired outcomes?	Responsibilities allocated through the CYPP/LAA.

Question		Commentary
b)	How do the board and the partners ensure that roles, functions, and responsibilities for achieving outcomes are clearly defined and agreed, and understood by the board, partners' staff, and wider stakeholders?	Responsibilities allocated through the CYPP/LAA.
4.	How does the board effectively consult, engage with, and involve key stakeholders?	
a)	How does the board make sure it identifies the key stakeholders in delivering improved outcomes for local children and young people?	Through the JSNA/CYPP review/consultation processes.
b)	How does the board ensure that the view of local communities and voluntary organisations are represented effectively at the board? How does it ensure that diverse groups and interests have a voice?	Board includes representatives from the voluntary sector, district councils, young people and the REC.
c)	What are the board's strategies for consulting, engaging with, and involving local children and young people and their parents/carers in direction setting, decision-making and challenge of the children's trust? How does the board evaluate the effectiveness of these strategies?	Young people are members of the board. Also covered by the CYPP (specific sections) – participation work group (ongoing), websites (including Youth Zone and Parent Zone) and through consulting the Young People's Shadow Board.
d)	How does the board demonstrate its accountability to the partners, local children and young people in the children's trust?	As above.
5.	How does the board support local capacity building and capability development?	
a)	How does the board ensure that partners develop the appropriate skills and knowledge for: <ul style="list-style-type: none"> - people with governance and leadership responsibilities for local children and young people's services; and - staff delivering local children and young people's services? 	Workforce development strategy/action plan (to be included in the CYPP).

Question		Commentary
b)	How has the board contributed to the development of local children's workforce strategies? How has it worked with partners to equip staff with the relevant skills to deliver good services to children and young people, as well as their families and carers?	Workforce development strategy/action plan (to be included in the CYPP).
c)	How effectively does the board improve its members' individual and collective performance, knowledge, and skills? How effectively does it review its own performance and that of its members?	Workforce development strategy/action plan (to be included in the CYPP). But needs further consideration at the Board's meeting on 9 March 2009.
d)	How does the board respond to unsatisfactory or inappropriate performance by members' organisations? For example, are there fair and transparent processes?	Needs further consideration at the Board's meeting on 9 March 2009.
6.	How are good governance and the principles of public life demonstrated by the board?	
a)	<p>What are the principles for the conduct of board business?</p> <ul style="list-style-type: none"> - How far do they reflect the principles of public life, including selflessness, integrity, objectivity, accountability, openness, honesty and leadership? - How are they applied to executive and operational sub-groups of the children's trust board? 	<p>Agreed governance model for the board.</p> <p>Needs further consideration at the Board's meeting on 9 March 2009.</p>
b)	How does the trust board ensure that sub-groups take a balanced approach to good governance (particularly where they are responsible for pooled budgets)?	Needs further consideration at the Board's meeting on 9 March 2009.
c)	How does the board ensure that best practice in partners' policies for dealing with board members' conflicts of interest are followed in relation to children's trust arrangements?	Needs further consideration at the Board's meeting on 9 March 2009.

Question		Commentary
d)	How does the board ensure that partners' systems (for example, complaints and whistle-blowing) to protect the rights of local children and young people, the public, users, other stakeholders and staff, including access to redress, are working effectively?	Needs further consideration at the Board's meeting on 9 March 2009.
7.	How does the board manage risks and exercise proper controls?	
a)	How are board members and relevant partner staff informed about the legal status of the children's trust arrangements and the decisions it can take on its own behalf and on that of its members?	Specific reports to the board. Agreed governance model for the board.
b)	How does the board use partners' legal, financial and other professional advisers to inform and scrutinise its decisions?	Advice sought through the County Council's legal /financial services as necessary.
c)	How is the board formally held to account by its partner organisations for the decisions it makes, and the improvement in outcomes for children and young people?	Through partner representation on the board and CSEG; and by the NSCB in relation to child safety issues.
d)	How does the board use appropriate advice, data, performance monitoring information, and programme evaluations to support its deliberations and decisions?	Performance reporting schedule to CSEG and the board. CYPP/LAA monitoring arrangements.
e)	What risk management procedures are there to: <ul style="list-style-type: none"> - support strategic thinking and forward planning; - assess and manage the opportunities – as well as the hazards – of partnership working; and - clarify which partners are responsible for managing specific risks at strategic, executive, and operational levels? 	Needs further consideration at the Board's meeting on 9 March 2009.
f)	How does the board ensure there are appropriate controls to ensure probity and value for money in the use of resources it influences?	Needs further consideration at the Board's meeting on 9 March 2009.

Question		Commentary
g)	What are the protocols for managing and resolving conflicts and disagreements between partners about the achievement of the children's trust board's objectives?	Needs further consideration at the Board's meeting on 9 March 2009.
h)	How are the agendas, minutes, papers and decisions taken by the board communicated to stakeholders and the wider public?	Copied to partners on board to disseminate within their organisations; minutes/papers now published on the Partnership website (accessible to the public).

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