

**Meeting of the Cabinet – 27<sup>th</sup> June 2019**

**Report of the Lead for Law and Governance**

**Proposed Changes to the Structure and Governance of the Children’s Corporate Parenting Board**

**Purpose**

1. To consider changes to the structure and governance arrangements for the Children’s Corporate Parenting Board (CPB) to raise the profile of the Board within the local authority.

**Recommendations**

2. That the Council be recommended to approve:-
  - The establishment and structure of the Children’s Corporate Parenting Board as a formal Committee of the Council, on the basis set out in this report.
  - The Membership of the Board to comprise 12 Members (six from each Group).
  - The terms of reference and governance arrangements as set out in Appendix 1 to the report submitted for inclusion in the Constitution.
  - Two programmed meetings of the Children’s Corporate Parenting Board each year.
  - Dates of meetings of the Children’s Corporate Parenting Board for the 2019/2020 municipal year on Monday, 2<sup>nd</sup> September, 2019 at 4pm and Wednesday, 25<sup>th</sup> March, 2019 at 4pm.

**Background**

3. The Children’s Corporate Parenting Board considered a report on the proposed Changes to the Structure and Governance of the Board on 11<sup>th</sup> June, 2019. At that meeting it was agreed that the changes to the structure and governance arrangements should be agreed. The report submitted to the Board and minutes of that meeting are appended to this report together with the proposed Terms of Reference.
4. As it is proposed that the Children’s Corporate Parenting Board be established as a formal Committee of the Council, this will require:

- The agenda, reports and minutes of meetings to be published in accordance with the Council's Access to Information Procedure Rules and the Local Government Act 1972 (as amended).
  - Meetings to be formally conducted in line with Council Procedure Rules and any other requirements of the Council's Constitution or relevant legislation.
  - Members to be appointed in accordance with the rules on political proportionality as set out in the Local Government and Housing Act 1989.
5. It is proposed that the Chair of the Board will be the Cabinet Member for Children and Young People and the Vice-Chair will be the respective Shadow Cabinet Member. The Chair and Vice-Chair of the Board will be appointed at the first meeting of the Board following Annual Council. For the avoidance of doubt, it is not proposed that the Chair or Vice-Chair of the Children's Corporate Parenting Board will receive a Special Responsibility Allowance for undertaking these roles. No changes to the Members' Allowances Scheme are recommended.

### **Finance**

6. The financial implications arising from the proposals and revised governance arrangements in this report will continue to be met from existing resources.

### **Law**

7. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972.
8. Seats on Committees must be allocated to political groups on a proportional basis in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
9. If it so wishes, the Council may resolve not to apply the proportionality rules in respect of one or more Committees, but such a resolution must be passed with no Member of the Council voting against it (Section 17 of the 1989 Act).
10. The relevant statutory provisions regarding the Constitution are contained in Part II of the Local Government Act, 2000, as amended by the Local Government Public Involvement in Health Act 2007 and the Localism Act 2011, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
11. As a formally constituted body, the Children's Corporate Parenting Board will be able to make decisions and recommendations in line with its terms of reference. The Executive Group and Operational Group will not be formally constituted bodies and will not have any delegated decision making powers.
12. Under Article 15.02 of the Council's Constitution, changes to the Constitution must be approved by the full Council after consideration of the proposal by the Monitoring Officer, after consultation with the Cabinet.

## **Equality Impact**

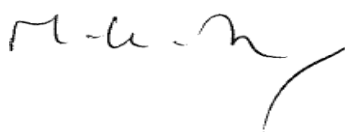
13. The Children's Corporate Parenting Board, together with all the associated governance arrangements, will operate in accordance with the Council's policies on equality and diversity. Children in care and care leavers will attend meetings of the Operational Group to help formulate recommendations as necessary.

## **Human Resources/Transformation**

14. There are no direct human resources implications as the proposals will be implemented by officers within existing resources. The key purpose of transforming the governance arrangements is to further raise the profile of the Children's Corporate Parenting Board within the local authority.

## **Commercial Implications**

15. The proposals in this report will have no impact on the potential to commercially trade or a positive / negative impact on our customer base. Where relevant, recommendations from the Board and subsequent decisions taken by the Council will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.



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**Mohammed Farooq**  
**Lead for Law and Governance**

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## **List of Background Papers**

### **[The Council's Constitution](#)**

Appendix 1 – Corporate Parenting Board Terms of Reference

Appendix 2 – Report to Corporate Parenting Board

Appendix 3 – Extract of Minutes of Corporate Parenting Board – 11<sup>th</sup> June 2019

## **Dudley Children's Corporate Parenting Board** **Terms of Reference**

### **1. Purpose of the Dudley Children's Corporate Parenting Board**

Dudley Children's Corporate Parenting Board facilitates Member involvement and commitment to Dudley's children in care, to deliver better outcomes.

When a child comes into care, the parental responsibility becomes the corporate responsibility of the Council. This is known as 'corporate parenting' and it is the collective responsibility of the Council to prioritise the needs of children in care and seek the same outcomes for children in care that any responsible parent would want for their own children.

The Dudley Children's Corporate Parenting Board is designed to provide the necessary leadership that drives an ambitious and multi-agency approach to improving outcomes for children in care and care leavers. It will oversee satisfactory completion of actions identified within the Board's strategy and will promote the Dudley Pledge and Care Leavers Charter in a way that becomes meaningful to corporate parents and officers who work with children in care and care leavers. In order to undertake the functions well it must work in a way that ensures the voice of children and young people is influential in decision-making.

### **2. Roles and Remit**

Dudley Children's Corporate Parenting Board will:-

Secure Councillor and cross-departmental involvement and commitment throughout the Council to deliver better outcomes for children in our care;

Agree and ensure the delivery of the pledge to children in care;

Ensure that Dudley Metropolitan Borough Council enables children in their care to:-

- have safe and stable care;
- be well looked after;
- be prepared for adult life;
- grow into emotionally balanced and resilient young people.

Raise the profile of looked after children and their carers, and act as champions for the needs and rights of looked after children in the Council's various service areas, political groups and settings;

Invite people other than Councillors and officers to attend meetings of the Board, on a regular or occasional basis, to act in an advisory role and to inform the Board of the views of children and young people in care;

Committee prioritising the needs of looked after children and their carers;

Raise the standards of core services to looked after children, promote achievement and help build aspirations;

Listen to the views of looked after children and young people and their carers and involve them in the development and assessment of services;

Encourage looked after children to become active citizens;

Monitor the Council's provision for looked after children;

Oversee the provision of work placements and apprenticeships for looked after children by the Council;

Identify best practice in other Councils, and implement those practices where deemed appropriate.

### **3. Membership of the Dudley Children's Corporate Parenting Board**

The Board has 12 members.

The Cabinet Member for Children and Young People will be the Chair and the Vice-Chair will be the Shadow Cabinet Member.

Every Elected Member should have an understanding of corporate parenting, and as such, members will undertake Induction and Total Respect Training.

All Board members are required to observe the provisions of the Members' Code of Conduct.

### **4. How will we meet our corporate parenting responsibilities in Dudley?**

The most effective means of achieving sustained service improvements will be via the detailed implementation of the Children's Corporate Parenting Strategy and Delivery Plan. It is proposed that this will be the most effective route to engage the necessary partners in issues within the current climate...

The engagement of Members and Council Directorates in their corporate parenting responsibilities can best be achieved through a range of measures, which will be outlined and detailed within the Children's Corporate Parenting Strategy and subsequent Delivery Plan

The key areas that will be addressed are:

- Performance Measurement and management
- Training
- Partnership and Locality Working
- Member Engagement with Children Looked After
- Equality
- Strengthening the Corporate Parenting Role
- Inspection

## **5. Frequency of Meetings and Items of Business**

The Chair will be the Cabinet Member for Children and Young People and the Vice-Chair will be the Shadow Cabinet Member and they will be formally appointed at the first meeting of the Board following Annual Council.

- The Dudley Children's Corporate Parenting Board will meet twice each year
- Democratic Services will send out Agendas and reports for the Board five clear working days prior to each meeting (based on a forward planning process of agenda items).
- As a formally established Council Committee, meetings are subject to the provisions of the Council's Constitution, the Local Government Act 1972 and other associated legislation.
- The Chair will determine consideration of any business not on the agenda which by reason of special circumstances he/she is of the opinion should be considered at the meeting as a matter of urgency. In the absence of the Chair, the Vice-Chair be authorised to give such consent. Reasons as to why the matter is urgent and cannot reasonably be delayed should be provided.
- If considered necessary the Chair has the discretion to call urgent meetings of the Board.
- The quorum is three elected members of the Board.
- Children Looked After have a direct input into the Dudley Children's Corporate Parenting Board through their Children in Care Council and Care Leavers Forum and representation at Board meetings as applicable.

The Board will receive advice and reports from the following:

- Independent Reviewing Officer Service
- Children in Care Council
- Youth Offending Service
- Adoption, Fostering and Looked After Children Service
- The Virtual School
- Looked After Health
- Children's Homes
- Children Missing from Care Service

## **6. Reporting**

- (a) The Dudley Children's Corporate Parenting Board will produce an Annual Report in September each year on their work and findings over that year. This will be presented to the Children's Services Scrutiny Committee, Peoples Leadership Team and Dudley Safeguarding Children's Board.
- (b) To submit any recommendations from the Board to the relevant decision taker(s).

**Children's Corporate Parenting Board – Tuesday 11<sup>th</sup> June 2019**

**Report of the Strategic Director People**

**Proposed Changes to the Structure and Governance of the Corporate Parenting Board**

**Purpose**

1. To recommend changes to the structure and governance arrangements for the Corporate Parenting Board to raise the profile of the Board within the local authority.

**Recommendations**

2. The Cabinet and the Council be recommended:
  - That the revised governance arrangements, as set out in this report, be approved and the Corporate Parenting Board be established as a formal Committee of the Council, with terms of reference to be included in the Constitution.
  - That two formal meetings of the Corporate Parenting Board be programmed each year, one at the beginning of the municipal year and one at the end of the municipal year.
  - That four meetings of the Operational Group be programmed each year, in order that children in care and care leavers can attend, and that proposals formulated at these meetings be submitted to the Corporate Parenting Board, for recommendations to the Cabinet or relevant Cabinet Member as necessary.
  - That the Cabinet Member for Children and Young People be appointed as the Chair of the Corporate Parenting Board with the Main Opposition Group Spokesperson appointed as Vice-Chair.

**Background**

3. Governance arrangements for the Corporate Parenting Board (CPB) were discussed at the CPB meeting on 2<sup>nd</sup> April, 2019.
4. The CPB Coordinator prepared a briefing note containing comparison details on Corporate Parenting Board Governance Arrangements across local authorities and presented it to the Children's Corporate Parenting Board Agenda Planning Meeting on 26<sup>th</sup> April, 2019.
5. In attendance were the Chair and Vice-Chair, the Cabinet Member for Children and Young People, Strategic Director People, Head of Service for Children in Care and Placement Resources, Democratic Services Officer and Corporate Parenting Board Coordinator.

6. The briefing note detailed the comparisons and differences of six Corporate Parenting Boards and their governance arrangements across local authorities, namely Birmingham, Walsall, Wolverhampton, Nottinghamshire, Worcestershire and Dudley.
7. Five of the six CPBs have the Portfolio Holder/Lead Member for Children as their Chair as part of their duties. Their terms of reference indicates that this ensures that recommendations are communicated in the wider arena of the Council and at a corporate level. Dudley is the exception, however Dudley MBC originally followed the same process.
8. In all authorities, except for Dudley, the Board has a fixed membership with no substitutions. Membership numbers vary with Walsall being the smallest with 7 members and inviting senior officers to the Board when necessary.
9. All Boards except for Dudley and Walsall have sub groups to undertake Board Business. The sub groups vary in that Wolverhampton's sub groups are permanent. Nottingham's, Worcestershire's and Birmingham's Corporate Parenting Task and Finish Groups (subgroups) operate in similar ways. They are created and directed by the CPB to undertake Board business.
10. Members of the group are made up of internal and external professionals and partner agencies and are selected dependent on the agenda.
11. The Corporate Parenting Task and Finish Groups report to the Corporate Parenting Board. Young people and care leavers are actively encouraged to get involved and share their views and experiences in a range of participatory ways.
12. Arising from the above, recommendations have been formulated regarding Dudley's Children's Corporate Parenting Board. A proposed governance structure is set out in Appendix 1. This provides for the establishment of an Executive Group (formerly the agenda setting group).
13. There will be a newly formed Operational Group which will consist of selected Officers from the Council and Partners. For its membership see Appendix 2. This group will undertake Tasks as directed by the Corporate Parenting Board in line with the Corporate Parenting Board Strategy 2018-2020. This will not be a constituted Committee and therefore any recommendations will need to be referred to the Corporate Parenting Board.
14. As the Corporate Parenting Board will be established as a formal Committee of the Council, this will require:
  - The agenda, reports and minutes of meetings to be published in accordance with the Council's Access to Information Procedure Rules and the Local Government Act 1972 (as amended).
  - Meetings to be formally conducted in line with Council Procedure Rules and any other requirements of the Council's Constitution or relevant legislation.
  - Members to be appointed in accordance with the rules on political proportionality as set out in the Local Government and Housing Act 1989.



15. For the avoidance of doubt, it is not proposed that the Chair or Vice-Chair of the Corporate Parenting Board will receive a Special Responsibility Allowance for undertaking these roles. No changes to the Members' Allowances Scheme are recommended.
16. Proposals to formalise the Board within the Council's governance structures will be the subject of consultation with the Cabinet Member and Opposition Spokesperson and will be considered by the Cabinet and Council in the Autumn.

## **Finance**

17. The revised governance arrangements and the servicing of meetings will continue to operate within existing resources.

## **Law**

18. The Children Act 1989 provides the legislative framework for child protection in England. Key principles established by the Act include:
  - the paramount nature of the child's welfare
  - the expectations and requirements around duties of care to children.
19. This is strengthened by the Children Act 2004, which encourages partnerships between agencies and creates more accountability, by:
  - placing a duty on local authorities to appoint children's services members who are ultimately accountable for the delivery of services
  - placing a duty on local authorities and their partners to co-operate in safeguarding and promoting the wellbeing of children and young people.
20. Both of these Acts are amended by the Children and Social Work Act 2017.
21. The relevant statutory provisions regarding the Constitution are contained in Part II of the Local Government Act, 2000, as amended by the Local Government Public Involvement in Health Act 2007 and the Localism Act 2011, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
22. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972.
23. As a formally constituted body, the Corporate Parenting Board will be able to make decisions and recommendations in line with its terms of reference. The Executive Group and Operational Group will not be formally constituted bodies and will not have any delegated decision making powers.
24. Under Article 15.02 of the Council's Constitution, changes to the Constitution must be approved by the full Council after consideration of the proposal by the Monitoring Officer, after consultation with the Cabinet.
25. Seats on Committees must be allocated to political groups on a proportional basis in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

## **Equality Impact**

26. The Corporate Parenting Board, together with all the associated governance arrangements, will operate in accordance with the Council's policies on equality and diversity. Children in care and care leavers will attend meetings of the Operational Group to help formulate recommendations as necessary.

## **Human Resources/Transformation**

27. There are no direct human resources implications as the proposals will be implemented by officers within existing resources. The key purpose of transforming the governance arrangements is to further raise the profile of the Corporate Parenting Board within the local authority.

## **Commercial Implications**

28. The proposals in this report will have no impact on the potential to commercially trade or a positive / negative impact on our customer base.

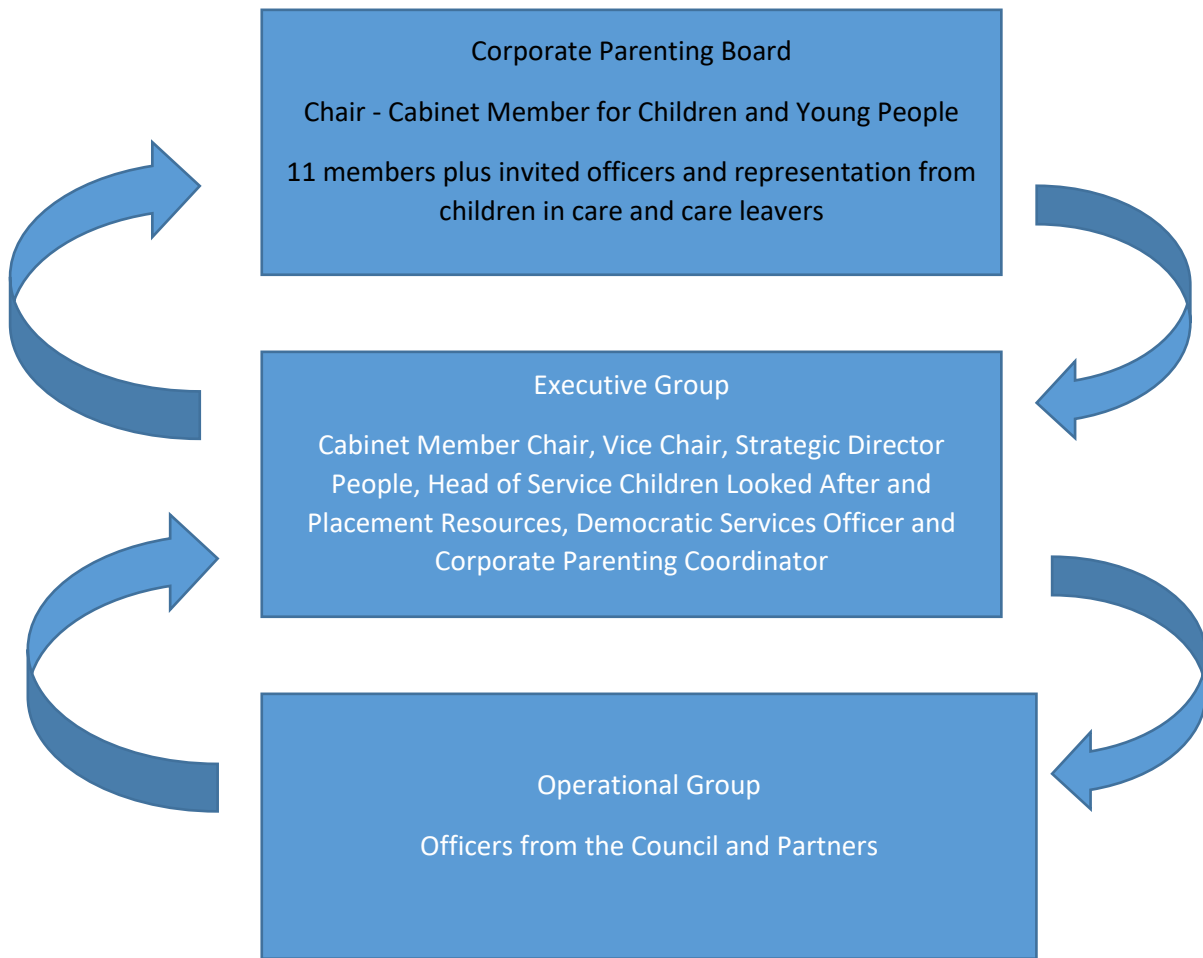
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**Strategic Director People**

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## **List of Background Papers**

## Corporate Parenting Board Structure



## **Membership of Operational Group**

Police

West Midlands Fire Service

Head of Service for Children in Care and Placement Resource

Strategy Manager (Housing and Supporting People)

Dudley Voluntary Service

CLA Nurse – Dudley Clinical Commissioning Group

Consultant- Public Health

Virtual School Head

Representative of Sport and Leisure

Foster Care Representatives

Lead For Youth & Community Service

Participation Officer

Service Manager - Independent-Reviewing Service

Service Manager – Children in Care Service and Care Leavers

Service Manager – Residential, Placements and Resources

Service Manager – Fostering Service

Senior Accounts Manager Communication and Public Affairs

Corporate Parenting Board Co-ordinator

**Extract from the Minutes of the Children's Corporate Parenting Board – 11<sup>th</sup> June 2019**

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9. **Proposed Changes to the Structure and Governance of the Corporate Parenting Board**

A report of the Strategic Director People was submitted on proposed changes to the structure and governance of the Corporate Parenting Board. Appended to the report submitted were the proposed Corporate Parenting Board Structure, Membership of the proposed Operational Group and the draft Terms of Reference.

It was noted that should Members be minded to agree to the recommendations, there would be two meetings each municipal year that would be open to the press and public. For the 2019-20 municipal year public meetings would take place on 2<sup>nd</sup> September and 25<sup>th</sup> March, 2019.

The Democratic Services Officer advised of an amendment required to the draft Terms of Reference in relation to Membership in order to reflect proportionality.

There followed a discussion in relation to raising the profile of the Board and Members' generally welcomed the proposals to the changes to the structure and governance of the Board.

**Resolved**

That the Cabinet and Council be recommended:

- (1) That the revised governance arrangements, as set out in the report submitted, be approved and the Corporate Parenting Board be established as a formal Committee of the Council, with terms of reference included in the Constitution.
- (2) That two formal meetings of the Corporate Parenting Board be programmed each year, one at the beginning and one at the end of the municipal year.
- (3) That four meetings of the Operational Group be programmed each year, in order that children in care and care leavers can attend, and that proposals formulated at those meetings be submitted to the Corporate Parenting Board, for recommendations to the Cabinet or relevant Cabinet Member as necessary.
- (4) That the Cabinet Member for Children and Young People and the Main Opposition Group Spokesperson be appointed as Chair and Vice Chair of the Corporate Parenting Board.