

The Cabinet – 15 March 2006

Report of the Director of Children's Services

The Principles of the Children's Services Directorate

Purpose

1. The purpose of the Report is to seek the Cabinet's endorsement for the principles of operation of the Directorate of Children's Services for consultation.

Background

2. The publication of the Green Paper 'Every Child Matters' (ECM) in September 2003 was followed by national debate and the passage of the Children Act 2004 ('the Act') into law in November 2004. ECM and the Act were driven by a general recognition that public services for children were not joined-up as effectively as they might be, and that this had a particular import in the light of the Laming Report on the death of Victoria Climbié
3. The underlying principle of ECM and the Act is that the Council, through the Directorate of Children's Services, has a key leadership rôle among publicly-funded agencies to promote secure effective outcomes for every child and young person in five areas:
 - staying safe;
 - being healthy;
 - enjoying and achieving;
 - making a positive contribution;
 - contributing to economic well-being.
4. The leadership rôle for the Council is matched by the accountability framework; the Council is held to account for the work of all publicly-funded agencies and their partnership working through the Joint Area Review of Children's Services.

5. The Act defines children as those under the age of 18 except those aged 18,19 or 20 who have been looked-after by a local authority after the age of 16 or have a learning disability. The legislation refers to both children and young people as the same age group.
6. The Act sets out the responsibilities of the Directorate as being:
 - the functions of the Council as local education authority;
 - the social services functions of the Council for children;
 - functions exercisable under s.31 of the Health Act 1999 as they relate to children;
 - other such functions as the authority consider appropriate
7. The central elements of the Act relate to the duty of the Council to make arrangements to promote co-operation between the authority and 'relevant local partners' to improve outcomes for all children and young people:
 - the police authority;
 - the local probation board;
 - the youth offending team;
 - the strategic health authority;
 - primary care trusts;
 - further education colleges;
 - the Learning and Skills Council.

The Act and ECM envisages that every Council will have established a formal Children's Trust by 2008 to deliver these co-operative arrangements.

8. While the Act is silent on schools, the Education Act 2003 places a duty on governing bodies of maintained schools to make arrangements for ensuring that their functions are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.
9. The duty to co-operate is given extra force in the sections on safeguarding and promoting the welfare of children and young people whereby each of the relevant partners must make arrangements to ensure that functions are discharged having regard to the need to safeguard and promote the welfare of children. This duty is codified in

the requirement for each Council to constitute a Local Safeguarding Children's Board.

10. The statutory guidance for Directors of Children's Services sets out their functions as:

- professional responsibility and accountability for the Council's children's services;
- leadership within the Council and beyond to secure and sustain the necessary changes to culture and practice so that services improve outcomes for all and are arranged around children and young people's needs;
- building and sustaining effective partnerships with and between local and out-of-area bodies, including the private, voluntary and community sectors who provide children's services in order to focus resources on improving outcomes for children;

and, in so doing, to:

- listen to and involve children;
- champion their interests across functional boundaries in the Council and across local partnerships.

11. The Council is responsible for the publication of the Children and Young People's Plan, a multi-agency statement of the Council's and its partners' intentions with respect to children's services. The first Dudley Children and Young People's Plan will be consulted upon for publication in April 2006.

12. Over the last two years, the Children and Young People's Strategic Partnership and its constituent partners have been engaged in discussion around the operation of the Partnership in the context of the delivery of children's services across the Borough. This broad agenda includes all publicly-funded services for children, as well as services and activities provided by the voluntary, community and private sectors.

13. Over the same period, consideration has been given by the Council and its partners to the configuration of the new Directorate and the principles of its operation to meet best the new statutory requirements.
14. In July 2005 the then-Director of Education and Lifelong Learning was appointed as Director of Children's Services and in October 2005 the Children and Families Division of the then-Directorate of Social Services transferred to the Director of Children's Services.
15. With regard to Members, there are at present two Cabinet Members with a direct responsibility for children's services; the Cabinet Members for Education and Lifelong Learning, and for Social Services. Alongside this there is the Children's Champions Group and the Corporate Parenting Committee, and arrangements for Councillors to visit children's homes. The Select Committee on Lifelong Learning is presently considering how its remit might develop in the light of the new agenda. These arrangements will need to be reviewed but that is outside the scope of this report.
16. This report sets out the present position with respect to the principles of operation of the new Directorate of Children's Services and proposes a wide consultation.

The principles behind the operation of the Directorate of Children's Services

17. The basis for the operation of children's services within Dudley Metropolitan Borough Council has to be the statutory framework set out above. However, there are significant areas where arrangements should be configured to meet local needs. An important part of this process will be the agreement of the principles against which the Directorate should work.
18. The principles set out below are in addition to existing corporate principles of operation; for example, of professionalism, quality public service, and value for money.
19. The existing Children and Young People's Strategic Partnership will form the basis of the Children's Trust, and the Children and Young People's Plan will set out the high-level strategic intentions for the Partnership.

20. The Directorate now needs to adopt principles for its operation, internally, with other Council Directorates, and the wider Partnership. Following lengthy discussion within the new Directorate of Children's Services and beyond, a number of key principles for future work are being proposed for wide consultation. These principles relate to the work of the Directorate as it relates to children and young people, and will inform the Council as it determines how best to structure the new Directorate, and as it moves towards the constitution of an integrated Children's Trust. While the principles relate to the work of the Directorate and the Council, they will also inform the work both of our statutory and non-statutory partners.
21. Some significant work has already been carried out. The mission statement for the new Directorate of Children's Services has been agreed as '**Putting children and young people first in Dudley**'. The Council Constitution has already been amended so that every decision of the Council, the Cabinet, every Committee, and every individual Cabinet Member, should take into account the impact of the decision on children and young people, and the decision maker has to consider how best to take into account the views of children and young people when making the decision. The operation of these principles will be kept under review and reported to the Council annually.
22. The following principles are now proposed for wide consultation. The principles are all of high importance and not in any special order, with the exception of the first two, which are over-riding priorities.

The Directorate of Children's Services will:

- prioritise the safeguarding of children and young people;
- prioritise improved outcomes for children and young people looked-after by the Council;
- consider the impact on children and young people, and their families, of all activities, with a view to improving outcomes for all children and young people;
- listen to children and young people, and engage them in decision making, and provide advocacy for their interests;

- provide active leadership to other parts of the Council and to other public agency partners, as well as private, voluntary and community sector partners on issues relating to children and young people;
 - where children and young people are potentially or actually at risk, focus on preventative activity, but, where intervention is needed, carry this through decisively and effectively, and as early as possible.
23. Work is ongoing within the Directorate on the best configuration of services to meet the immediate and longer-term needs. The principle will be to secure the most efficient outcomes with clarity of rôle and reduced overlap.
24. For example, safeguarding functions have already been integrated between the 'education' and the 'children's social services' functions, and consideration is being given with partners to the development of a single multi-agency Children's Safeguarding Unit.
25. All the work of the Council has an impact on outcomes for children and young people, for example:
- housing policy and provision;
 - adult social services and transition into adulthood
 - the quality of the urban environment;
 - leisure and culture policy and provision;
 - trading standards;
 - legal services and youth justice;
 - improved customer access to services.

The Directorate will work with all parts of the Council to secure effective joined-up working in all areas.

Finance

26. The costs of the consultation will be met from within existing resources.
27. There are no other immediate financial implications.

Law

28. The statutory framework for children's services is set out in the Children Act 2004 (and other legislation, including the Children Act 1989 and the various Education Acts).

Equality Impact

29. The proposed principles are in accord with the Council's equalities policies.

Children and Young People

30. Children and young people have already been widely consulted on the Council Plan, and in various groups and forums on both the Children and Young People's Plan and the proposed principles. There will be a full consultation with children and young people alongside the broader consultation. The report back to the Cabinet will include a presentation by children and young people.

Recommendation

31. It is recommended that the Cabinet endorses the principles of operation set out in paragraphs 23 to 26 for wide consultation alongside the Children and Young People's Plan.



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Background documents

Every Child Matters, DfES 2003, and subsequent publications

The Children Act 2004

The Education Act 2002

Statutory Guidance on the Rôle and Responsibilities of the Director of
Children's Services and the Lead Member for Children's Services, DfES 2005

Reports to the Cabinet on Children's Services, 2004 and 2005