

The Children Bill and “Every Child Matters: Next Steps”: Implications for East Sussex County Council

Background

1. The Children Bill was published in March this year. Its key provisions are:
 - establishment of a Children’s Commissioner;
 - enshrining of five key target outcomes for children which should govern the work of children’s services agencies (see below);
 - requirements in relation to formal collaboration between agencies, with a lead responsibility for “children’s services authorities” (CSAs) (upper tier and unitary local authorities);
 - establishment of new budget pooling powers, ‘simpler’ than the current statutory provisions;
 - requirements about databases of children and information sharing;
 - requirement to appoint a lead Member within CSAs with responsibility for children’s social care and Education (to come into immediate effect);
 - requirement to appoint a Director of Children’s Services with the same brief as the lead Member – to be enacted on a date specified by the Secretary of State;
 - establishment of new Local Safeguarding Boards, responsible for child protection arrangements within authority areas.

2. In language appropriate for legislation, the Bill gives expression to the five target outcomes for children set out in the Green Paper “Every Child Matters”:
 - staying safe;
 - being healthy;
 - enjoying and achieving;
 - making a contribution;
 - economic well being.

3. An accompanying policy document was published at the same time as the Bill, “Every Child Matters: Next Steps” setting out the Government’s expectations in more detail. The key points to note are:
 - the Government expects most areas to establish a ‘Children’s Trust’ by 2006 and all to do so by 2008;
 - Children’s Trusts are intended to be commissioning structures through which decisions are taken about shared priorities and, over time, the use of pooled budgets (using either the new powers, or the existing ones). Statutory guidance on the requirement to collaborate will establish an expectation that agencies should consider budget pooling as part of that collaboration;
 - the Government will decide at a later date whether and when to invoke the statutory requirement for a Director of Children’s Services (DCS) depending on whether they judge authorities to have put in place appropriate arrangements without compulsion over the next few years. Authorities can choose to incorporate the DCS role within the brief of the Chief Executive if they wish, especially initially (“for example as a transitional arrangement”). Beyond that, Authorities could establish a role of Deputy Chief Executive with this particular mandate or establish it as a single Director/Chief Officer post.

4. Further guidance is expected in the autumn. This is intended to establish a new performance management framework for local authorities with clear targets and information about funding decisions following the Comprehensive Spending Review settlement earlier this year.

Strategy Issues and Gaps

5. Potentially the Bill has far reaching consequences for the management not just of children's services but for the whole Council. The key strategy issues identified are:
 - having a clear ESCC vision of the areas in which integration could have the greatest impact on outcomes for children, in the short to medium term as well as the long term;
 - maintaining the twin pillars of raising educational standards and protecting and safeguarding children effectively while delivering the improvement in life chances for all, which is the aim of the legislation;
 - describing the nature of a Children's Trust, in particular political, operational and financial governance issues, and the role and stance of NHS organisations locally;
 - the organisation required on the ground to give effect to integration policies/priorities at the front line;
 - responding to the information sharing expectations;
 - the performance management, culture and HR issues involved;
 - the financial consequences;
 - the managerial leadership of a children's services brief;
 - the impact of the above on:
 - i. management of social care for adults;
 - ii. management of the current Education and Libraries brief;
 - iii. management and configuration of departments across the Council;
 - iv. political management arrangements.

Progress

6. The progress made to date on these issues by the County Council, working with its partners in the health service and more widely through the Children and Young People's Strategic Partnership, is set out below.

Vision and Priority Areas

7. Very much anticipating the broader agenda, the East Sussex Children and Young People's Strategic Partnership (CYPSP), established Summer 2002, has identified the following key priorities for integrated working:
 - mental health, particularly the commissioning of comprehensive Child and adolescent Mental Health Services (CAMHS);
 - family support, particularly preventative parent and carer support;
 - disabled children's services, particular individual case coordination.

8. In addition the Children and Young People's Strategic Plan, and related ESCC plans, identify the following priority areas of work:
- early years, including the management of integrated children's centres. It will be very important to develop effective partnership arrangements for the governance of the new centres, which are expected to mainstream good Sure Start practice. We understand that funding will be provided to the County Council through the "General Sure Start Grant" in respect of all the centres, including those which are based on local Sure Start Programmes currently led by Primary Care Trusts.
 - the development of the extended schools cluster model. This offers a potentially powerful vehicle for driving "bottom up" integration, but will need the support at strategic level of all agencies involved ;
 - support for looked after children, where a strongly integrated approach, particularly but not exclusively within ESCC, is essential;
9. In addition to service specific work, the scope and quality of partnership working through the CYPSP needs to be developed in order to:
- ensure all stakeholders are appropriately involved, including the Police, Probation Service, Learning and Skills Council and the Voluntary Sector (Health are already involved); and
 - clarify the relationships between the main Partnership and the range of age based, service specific and geographical groups currently operating, as well as with the new Local Safeguarding Board

Raising Educational Standards

10. Pupil performance and other indicators suggest that the Education and Libraries Department is succeeding in its priority aim of establishing much more effective support for school improvement through the contract with CfBT. Effective liaison between CfBT staff and other children's services staff (particularly within Education and Libraries but also beyond) is necessary for Education to make a full contribution to improving life chances for all children. But CfBT also needs to remain very focused on implementing the work programme it has now established (which also needs the support of others to succeed). Ensuring the two requirements are implemented in a mutually supportive way requires skill at all levels, but the leadership of CfBT understand and are committed to this task.

Child protection

11. The Children and Families Division has three star status, performing well in the recent external assessment of arrangements against the recommendations in the Laming report (committee of enquiry into the death of Victoria Climbié). The current Area Child Protection Committee provides a sound basis for the creation of the required Local Safeguarding Board, although the interface between that group and the CYPSP will need clarification given the greater scope involved in responsibility for "safeguarding" as generally interpreted opposed to "protection". For example, issues around bullying and community safety are regarded as "safeguarding" issues. Much of the detail has yet to be clarified and further guidance is awaited but our current arrangements seem to leave us well placed.

Describing a Children’s Trust; and the Role of the NHS

12. 34 local authorities and their health partners are currently “pathfinder” children’s trusts. Their approaches vary enormously: some are restricted to specific localities within the authority or particular services. The table attached at Appendix 1 summarises their focus and priorities.
13. From the information available to us (and there is a lack of official, comprehensive evidence of the position across the country), the extent of formal budget pooling as yet appears to be very limited and governance arrangements are rather loose and informal. A number of pathfinders have an identified strand of work focussing on financial and governance issues, for example Devon. A copy of a paper describing arrangements at the pathfinder Devon children’s trust is attached at Appendix 2 by way of a case study.
14. The role of NHS partners in this agenda is very important and it is essential that any Children’s Trust arrangement in East Sussex should have the full involvement and commitment of the NHS locally. A practical issue in taking this agenda forward with health partners is that there is currently no appropriate forum within which to address in detail the complex issues around developing a secure model of collective decision taking. The CYPSP is too large and diverse – it has a more advisory role. One option could be to establish an initial Children’s Trust executive to develop a trust model which might then be brought back to the wider forum and to ESCC Cabinet and NHS Trust boards for consideration.
15. In developing a possible model for a Trust in East Sussex it will be important to agree key principles from the outset. Against the background of the work on children’s services undertaken to date within the CYPSP possible principles might include, subject to further consultation with health partners:
 - we should aim for the establishment of a single county wide strategic Children’s Trust, with a significant level of local planning using the Primary Care Trust boundaries (consistent with the structure of area planning groups recently established through the CYPSP) ;
 - the Trust should, in principle, cover all children’s services, but should be focused initially on the limited number of priority issues described in paragraphs 7 and 8 above;
 - operational, financial and political governance issues must be resolved, as a first task for the Trust, before any budgets are pooled using either section 31 of the Health Act or the new powers proposed in the Children Bill.

Organisation of Services on the Ground

16. Attached at Appendix 3 is a summary description of ESCC children’s services and their organisation which identifies the few examples currently of integration, either across SSD and Education and Libraries or with health. This limited experience to date of integration at team level suggests that:
 - joint teams such as the YOT can be both successful and effective.

- co-location has a significant impact on efficiency, for example in Hastings where the secondment of a health visitor into the child protection duty and assessment team has improved the speed of joint working on assessments significantly;
 - clarity about team accountabilities is important: the way in which the team supporting the educational attainment of looked after children reports to two departments can unnecessarily complicate matters if priorities conflict;
 - it is important to avoid a multi agency team becoming another “silo” and to preserve the distinctive specialisms which individual team members bring;
17. The last point, in particular, illustrates the importance of developing team integration (where appropriate) within a context of clarity about how children’s services overall are expected to operate, and based upon a shared agreement about the outcomes which are being sought. (See IRT below).
18. Familiarity with services and effective collaboration at the most local level is also very important in responding promptly to children’s needs. The Children’s Services Commissioning Unit has been developing, in consultation with CYPSP partners and schools, a basic model of school cluster working, linked to locality teams within social services and health, in consultation with schools and services. We hope to begin implementing and refining this model in earnest from September, with the appointment of two new fixed term posts in the Unit to develop arrangements across the county.

Information Sharing Requirements

19. Highly relevant to the previous section is the fact that, helping to establish the clarity and culture (about how Children’s Services overall are expected to operate) has been an objective of the IRT trailblazer project which has rightly won plaudits. It is, of course, more than just the electronic index – on which recent publicity has been understandably focused – but extends to the development of professional tools to help and encourage staff across agencies to use the same language to describe vulnerability, to understand rules and expectations around what information should be shared and to see themselves as part of a bigger picture rather than viewing their service in isolation.
20. The whole issue of data sharing is one of the aspects occupying considerable time in the current legislative passage of the Bill. The House of Lords, in particular, is very exercised about striking an acceptable balance between society’s view of intrusion/civil liberties and child protection. Inevitably this will impact on the eventual outcome of the evaluation of the 12 national pilots. We feel we are well placed, at East Sussex, with our solution. While we cannot not rule out a substantially different solution – from another pilot – being chosen as the basic information sharing model, the current thinking at DfES, with which we are closely involved as a trail blazer project, is very close to our own. In the meantime, the model has been well received by staff locally and consultation with families has been positive. The DfES has provided additional funding to support the roll out of the model across the county and detailed plans for this have been discussed through the CYPSP.

The Performance Management, Culture and HR Issues Involved

21. It is widely recognised that the agenda of “Every Child Matters” is far reaching and that issues around organisational cultures, performance management and work force development are all significant. Among front line staff, recent seminars on the Children Bill indicate widespread enthusiasm for change and a conviction that it is necessary to deliver improvements for children – even if cultural barriers are acknowledged.

Financial Consequences

22. There are a whole raft of issues around budget planning, control and investment issues associated (to some degree) with all the issues above. It has already been recognised that service planning within ESCC, under Reconciling Policy and Resources (RP&R), will need to be reviewed for Children’s Services within ESCC for 2004/05. In early years, the level of funding available for integrated children’s centres, to mainstream the Sure Start projects (currently funded at £6m a year across the county as a whole) is as yet unknown and is a clear risk factor to be managed. The implications of the County Council becoming responsible (as we understand) for centres based on Sure Start programmes currently managed by Primary Care Trusts also still need further consideration, in consultation with health partners.

Managerial Leadership for Children’s Services

23. It will be important to understand experiences elsewhere in this area. We are pursuing a number of ways to do this. A national dataset has been expected from the DfES for a while and if/when it arrives may be helpful here.
24. Most experiences elsewhere have pointed up difficulties more quickly than successes. But the early initiatives were not set against/driven by the legislative framework and expectations now being put in place, and it is also widely agreed that it will take a long time to address some of the deep rooted issues of individual service culture which act as barriers to an integrated approach to meeting children’s needs.

Impact of Children’s Services Options on the Rest of the Council

25. Decisions taken about the managerial leadership of children’s services will undoubtedly have an impact on the leadership of other Council services. There may also be an impact on some District Council services.

Consultation and Communication with Staff and other Partners

26. Both areas are important. Avoiding misunderstandings about proposals and their implications will be essential and require careful communication, coordinated with partners.

New ‘Joined Up’ Inspection Arrangements

27. New 'joined up' inspection arrangements on Government plans for new inspection arrangements, to replace the separate LEA/Ofsted and Children's Services/SSI (now CSCI) are being developed nationally. This is known as Joint Area Review (JAR) and is at an initial stage of development.
28. Key aspects of the early JAR development work to date are that:
- the JAR methodology seems reasonably consistent with current Children (in Social Services) inspection, but quite different from that for Ofsted inspection of LEAs;
 - there is a major emphasis on outcomes, with tracking of the experience of children in specific localities in relation to all services;
 - there is a heavy emphasis on self-assessment with targeted inspection thereafter.
 - the JAR is being developed around the presumption of a single Director function (i.e. could also be Chief Executive etc.);
 - It is clear that the JAR will figure prominently in CPA judgements and processes.)

Conclusions

29. This is a complicated agenda. Making a start on agreeing the principles and arrangements for a Children's Trust with health partners would be very helpful, however.
30. The pace of development of the issues (and potential change as a result) will be open to debate. Speed can not be allowed to undermine proper consideration but it is clear that, in advance of the new Council in May 2005, the current Council will need to have signalled its intentions on the senior management and senior political changes – across the Council – that is looking to implement.

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