



## **Briefing Paper on ‘*Children’s Trusts: statutory guidance on co-operation arrangements, including the Children’s Trust Board and the Children and Young People’s Plan – Consultation Draft*’ (DCSF November 2009)**

### **Introduction**

This document provides draft new statutory guidance on Children’s Trusts and draft new Children and Young People’s Plan (C&YPP) regulations. The statutory guidance is largely and the regulations wholly underpinned by changes introduced by the Apprenticeships, Skills, Children and Learning Act 2009 (“ASCL Act 2009”) (received Royal Assent on 12.11.09). The consultation period is 13.11.09 – 29.01.10. All together there are 13 consultation questions. **Final versions of the guidance to be published in early Spring 2010.**

This guidance brings together statutory guidance on Children’s Trust co-operation arrangements, and the procedures and functions of the Children’s Trust Board (including the Board’s role in preparing, reviewing and monitoring the CYPP). It replaces *Children’s Trusts: statutory guidance on interagency cooperation to improve well-being of children, young people and their families* (2008) and *Children and Young People’s Plan Guidance* (2009)<sup>4</sup>. It is issued under sections 10(8), 10(10) and 12B(4) of the Children Act 2004 as amended by the ASCL Act 2009.

*The Children’s Plan: building brighter futures* (2007) envisaged a new leadership role for Children’s Trust Boards, and the ASCL Act 2009 will strengthen Children’s Trust co-operation arrangements more generally by standardising what has been shown to be effective practice. Since it was originally coined in 2003, the term ‘Children’s Trust’ has been used in various ways. The ASCL Act 2009 uses the term in legislation for the first time and provided clarity.

The **Children’s Trust** is the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people. It is not of itself a separate legal entity; each partner retains its own functions and responsibilities within the partnership framework. It operates at every organisational level from governance to front line delivery and is underpinned by section 10 of the Children Act 2004. Section 10 requires the local authority to ‘make arrangements to promote co-operation’ between itself and its partners to improve children’s well-being, defined by the five ECM outcomes.

**The Children’s Trust Board will be a statutory body that every local authority will be required to have in place by April 2010.** It is also a part of the wider cooperation arrangements under section 10 of the Children Act 2004. The Board will have responsibility for developing, publishing, reviewing, revising and monitoring the implementation of the Children and Young People’s Plan. (Although having a good Board in place is necessary for a strongly functioning Children’s Trust, partners should recognise that it alone will not be sufficient to deliver the required improvements in outcomes for children).

**The Children and Young People’s Plan (CYPP) brought in by the ASCL Act 2009 from April 2010 will be the responsibility of the Children’s Trust Board.** It will be the agreed joint strategy of the partners in the Children’s Trust on how they will co-operate to improve children’s well-being (the five outcomes).



## **This guidance reflects the changes arising from the ASCL Act 2009**

- The Children's Trust Board will be placed on a statutory footing from April 2010.
- Responsibility for developing, publishing and reviewing the CYPP passes from the local authority alone to the Children's Trust Board. The first new style CYPP must be published by April 2011.
- The CYPP becomes a joint strategy in which the Children's Trust partners set out how they will co-operate to improve the well-being of children and young people in the local area. It differs from the previous CYPP in that although the scope of the new CYPP includes all services that affect children and young people's well-being, once the Children's Trust Board has identified its main cross-cutting priorities, the Plan should focus on what the partners will do together to deliver them.
- Responsibility for implementing the CYPP remains with the individual partners, who are under a duty to have regard to the Plan. The Children's Trust Board is responsible for monitoring the extent to which the partners act in accordance with the Plan and to publish an annual report which sets this out.
- Schools (including Academies, non maintained special schools and Short Stay Schools/Pupil Referral Units), FE and sixth-form colleges and Jobcentre Plus will become new statutory 'relevant partners' in the Children's Trust co-operation arrangements from January 2010. This means that like other statutory 'relevant partners' they:
  - will be required to co-operate with the local authority and its other partners to improve children's well-being through the Children's Trust;
  - will (subject to any specific restrictions on partners' funding arrangements) be able to pool budgets and share other resources with the other partners; and
  - must be represented on the Children's Trust Board.

## **Part One: Strengthening Co-operation**

### **1. The Children's Trust co-operation arrangements**

The Children's Trust is not a separate organisation. Each partner within the Children's Trust retains its own functions and responsibilities within the wider partnership framework. These co-operation arrangements can take any number of shapes, from formal agreements, with pooled funds and delegated functions (where permitted), to softer or more ad hoc arrangements. They should also operate at every organisational level, from developing the overall strategy to delivering front line services. The Children's Trust Board is part of the co-operation arrangements (the part which provides the interagency governance of the arrangements), each Sure Start Children's Centre is another and processes, such as use of the Common Assessment Framework and joint staff training programmes, are also part of these same Children's Trust co-operation arrangements.

Although it will be a statutory body in its own right, the Children's Trust Board fits within the wider Local Strategic Partnership (LSP) as a thematic partnership. The LSP informs and influences the strategic vision for the whole population in the local area (the Sustainable Community Strategy) and, in partnership with the local authority, agrees the priorities for improvement in the local area agreement (LAA). The Joint Strategic Needs Assessment



(JSNA) process helps LSPs identify common needs, inequalities and priorities for health and other well-being. It is vital that the Children's Trust Board is firmly positioned within the LSP so it can champion the interests of children and young people within this forum and ensure that the CYPP is fully consistent with the strategic vision in the Sustainable Community Strategy.

### Children's Trust partnerships

The statutory guidance summarises how the Children's Trust Board works with other partnerships, including crime and disorder, behaviour and attendance, other school partnerships, Child and Adolescent Mental Health partnerships. The following is how the Children's Trust Board works with LSCBs as a partnership:

### Children's Trust partnership with the Local Safeguarding Children Board (LSCB)

1. Keeping children safe is a top priority for the Children's Trust Board and each of the Children's Trust partners, statutory and non-statutory alike. Children's Trust Boards should, therefore, work closely with, and be clear how they relate to, the LSCB, which is responsible for co-ordinating work to safeguard and promote the welfare of children.
2. Lord Laming's progress report, *The protection of children in England* (2009), stressed the importance of a '**clear distinction between the roles and responsibilities between LSCBs and Children's Trusts to ensure appropriate challenge, scrutiny and impartiality**'. The Children's Trust Board and the LSCB have important but distinctive roles in keeping children safe. This relationship is currently subject to consultation as part of the revision of *Working Together to Safeguard Children*.
3. The statutory guidance proposes that the Children's Trust Board is responsible for ensuring that services work in co-operation to improve outcomes for children through the CYPP. Drawing on support and challenge from the LSCB, the Children's Trust Board will ensure that the process for developing the CYPP identifies strengths and weaknesses in the area and that the Plan itself sets out what more needs to be done by each partner to improve outcomes in safeguarding.
4. It is crucial that the Children's Trust Board and the LSCB form a strong relationship which reflects their important but distinctive roles in keeping children safe. The Children's Trust Board is specifically accountable for overseeing the delivery of the CYPP. The LSCB is responsible in turn for challenging the Children's Trust Board on their success in ensuring that children and young people are kept safe.
5. **The LSCB should not be subordinate to or subsumed within the Children's Trust in a way that might compromise its separate identity and independent voice.** It should be consulted on issues which affect how children are safeguarded and their welfare promoted. The LSCB must be consulted during the development of the CYPP.
6. The LSCB and Children's Trust Board will need to establish and maintain an ongoing and direct relationship, communicating regularly. They need to ensure that action taken by one body does not duplicate that taken by the other and work together to



7. ensure there are no unhelpful strategic or operational gaps in policies, protocols, services or practice.
8. **The ASCL Act 2009 requires the LSCB to publish an annual report on the effectiveness of safeguarding arrangements locally.** These reports should recognise the achievements made in the local area, highlight challenges to be overcome and, where needed, challenge the Children's Trust Board to take the strategic action needed across all services to help keep children safe in their area. The LSCB will present its annual report to the Children's Trust Board, and the Children's Trust Board in turn will respond through the CYPP.
9. Local Authority Chief Executives and Council Leaders also have crucial roles to play. Chief Executives are responsible for satisfying themselves that the Directors of Children's Services are fulfilling their responsibilities for safeguarding and promoting the welfare of children and young people. In particular they should ensure that:
  - the relationship between the Children's Trust Board and the LSCB is working effectively;
  - clear responsibility has been assigned within the local authority and among Children's Trust partners for improving services and outcomes; and
  - targets for improving safeguarding and progress against them are reported to the Local Strategic Partnership.

## 2. The Children's Trust partners

The partners in the Children's Trust co-operation arrangements, including the Children's Trust Board are:

- the top-tier local authority, required to set up and maintain the partnership;
- the statutory 'relevant partners', (such as the PCT, police, schools, FE and sixth form colleges and Jobcentre Plus), which are required to co-operate through the partnership; and
- other partners, including those from the third sector, which have a key role to play in improving children's lives but are not under a duty to co-operate. These organisations are included in the partnership's 'co-operation arrangements' at the discretion of the local authority and may also become members of the Children's Trust Board following consultation with the other Board members.

The non-statutory partners are just as important as the statutory ones and, in the case of third sector organisations, for example, should be represented on the Children's Trust Board. The inclusion of non-statutory partners allows local partners the flexibility to shape their co-operation arrangements, including their Children's Trust Board, in a way that best suits local circumstances.

The Children's Trust Board is collectively responsible for developing, publishing, monitoring and reviewing the CYPP but responsibility for delivering it rests with each of the Board partners whose strategy for co-operation is set out in the Plan. The CYPP sets out the joint strategy for improving well-being for children and young people in the local area and the partners set out in the plan their strategy for co-operating with the other Children's Trust



partners to improve outcomes. This may include joint ventures with one or more of the other partners, but should also include actions taken by that partner alone where it contributes to the overarching strategy.

The statutory guidance then discusses all the partners and how they should –co-operate’, as well as the non-statutory partners and how they can engage. It includes engaging with children, young people, their parents and families, eg during the preparation of the CYPP.

### 3. Integrated processes and delivery

The Children’s Trust Board should understand what processes and tools are available to support integrated working and how they can support improved outcomes for children, young people and their families through the CYPP. The Board should promote consistent adoption and use of these integrated processes and tools across the partnership. The Children’s Trust partners should take individual responsibility for implementing and embedding them into their regular and routine working practice.

Good practice in information sharing and processes such as the Common Assessment Framework (CAF) and the lead professional role should be fully embedded. Access to a range of integrated working tools is necessary to support children’s diverse needs. These include:

- ContactPoint;
- National eCAF, the electronic enablement of the Common Assessment Framework;
- the Integrated Children’s System (ICS); and
- the Client Caseload Information System (CCIS).

## Part two: Meeting the Challenge

There are two major principles that underpin the Children’s Trust approach. The first is that by focusing services on improving outcomes for children, young people and their families, partners will be enabled to work together more effectively, in the process overcoming their institutional and professional barriers. The second principle is that resources should be focussed on addressing problems as soon as they are detected rather than waiting for minimum thresholds to be reached. It is based on the premise that early intervention prevents manageable problems from becoming intractable ones later. This section looks at various ways in which these priorities can be delivered at the different levels within the Children’s Trust co-operation arrangements from strategic governance to front line delivery.

### 4. Commissioning

Effective commissioning is about ensuring that the right services and the right people are in the right place at the right time for all children, young people and their families. The term ‘commissioning’ has many definitions. **In this guidance commissioning means the overall process by which all relevant services should be planned, investment decisions agreed, delivery ensured and effectiveness reviewed.**



There are various different models of commissioning that bring together process and the behaviours. These include the model set out in the DCSF/DH Joint Commissioning Framework for children and young people's health outcomes published as an annex to *Healthy Lives, Brighter Future*. Ultimately each Children's Trust Board should agree a common process that all partners can recognise and in which they can participate.

Commissioning can operate at different levels within the system, so partners commission at a number of different levels simultaneously, but it will involve the same basic series of actions as those outlined above. Though the nature and extent of commissioning at different levels will vary from service to service, strategic commissioning, driven by the CYPP, will cut across different operational services and organisational boundaries to secure key outcomes. The different levels of commissioning in which the Children's Trust partners will be involved are as follows:

- operational – whole service commissioning by the Children's Trust partners informed by the CYPP for a local area;
- regional or sub regional collaboration for specialist services and 16-19 education and training; and
- locality – a single unit operating as a commissioner, such as multi-agency teams operating in a locality, or commissioning by a school.

Some health services, such as the in-patient Child and Adolescent Mental Health Services, are commissioned at regional or sub regional level, but should still be reflected in the CYPP.

The Commissioning Support Programme has been set up to work with Children's Trust partners to improve their commissioning capacity and capability. The programme will run until April 2011; it complements and reinforces the aims of World Class Commissioning in health services.

### 5. Early intervention

*The Children's Plan: building brighter futures* (2007): said "We will expect Children's Trusts to have in place by 2010 consistent high quality arrangements to identify and provide early intervention for all children and young people who need additional help in relation to their health, education, care and behaviour, including help for their parents as appropriate". In the White Paper, *Your Child, your schools, our future: building a 21st century schools system* (2009), we committed to consult on a framework which looks at the systems, roles and responsibilities for delivering effective early interventions and how Children's Trust Boards can lead this.

A consultation with proposals for ensuring that high quality early intervention is provided consistently and systematically in every local area for those children and families who need it will run from December 2009. Three main elements are considered:

- the evidence on the benefits of early intervention and why it is important;
- the structures and processes that need to be put in place – typically providing specialist advice and support to universal services when they first identify a child who needs extra help; and
- being clear about practice at the level of the individual child and family, so families know what to expect.



The Children's Trust Board must ensure clear arrangements are in place for early intervention through the Children and Young Peoples' Plan. These should include:

- *Governance and strategic organisation* – who should take responsibility and be accountable for early intervention.
  - How the workforce will be developed and equipped with the knowledge, skills and understanding to deliver early intervention.
  - How staff will know what is expected of them.
  - How services will be monitored and held to account.
- *Operational organisation* – the structures for delivering early intervention.
  - How vulnerable children, young people and families will be identified.
  - A clear framework of roles and responsibilities of universal services, multiagency teams, and specialist services.
  - How services will work together, through which forums and when.
- *The public face of early intervention* – how all this will look to the child, young person or family navigating the system.
  - How children, young people and families will gain an understanding of what they can expect.
  - What the Children's Trust will provide (their 'offer') to children, young people and families.

### 6. Children and Young People's workforce development

The 2020 Children and Young People's Workforce Strategy sets a long-term vision that everyone in this workforce should meet the highest professional standards, be respected and supported and have the confidence, pride and capacity to make a positive difference for all children and young people, but especially the most disadvantaged and vulnerable.

The strategy aims to:

- ensure there are enough suitably trained people to staff front line services to meet the needs of children, young people and their families;
- ensure that people receive high quality training and development, based on rigorous standards and qualifications, both before they are qualified and as their careers develop. Everyone should be trained in the Common Core of Skills and Knowledge, which will be embedded in the Integrated Qualifications Framework from 2010;
- establish and, where necessary, regulate professional standards to ensure that children, young people and families receive high quality services;
- support the development of effective and innovative professional practice; and
- support the development of effective management and leadership.

In line with these objectives the strategy puts forward a number of proposals across the whole workforce and for individual sectors, including developing the families workforce (which is made up of a number of different sectors). The Children's Trust Board should take a leading role in driving this forward and include in the CYPP its local strategy for co-operating to lead the development of the children and young people's workforce in their area.



## Part three: Making the changes

### 7. Children's Trust Board

Since 2005 the Government has recommended, through guidance, that the cooperation arrangements for each Children's Trust include an interagency governance board as its cornerstone. There are numerous examples of successful Children's Trust Boards, but progress overall has been uneven. **The ASCL Act 2009 places the Children's Trust Board on a statutory basis** in order to ensure that good practice becomes common practice in every local area. (The Audit Commission Report *Are we there yet? Improving governance and resource management in children's trusts* (October 2008) contains a self diagnostic tool for Boards to gauge their own effectiveness).

The Children's Trust Board **does not create any new lines of accountability**. Each partner remains accountable for delivering its part of the CYPP through their existing lines of accountability, and the local authority is additionally responsible for establishing the Children's Trust Board.

In order to keep the Board a workable size and its meetings suitably focused, the **local authority should set up sub-groups**. These might be thematic (for example focusing on consultation), focused on a particular group of children (such as those with special educational needs and disabilities), or set up to enable effective representation on the Children's Trust Board (sub-groups of schools or third sector bodies, for example).

In practice, most of the day-to-day work will be done by these subgroups, so it is important to have clear mechanisms in place to ensure the Board can access the information it needs. The likelihood is that the structure of the Board will be determined by the functions of the subgroups. See also the Audit Commission report *Are we there yet? Improving governance and resources management in children's trusts* (October 2008) which provides some examples.

The statutory guidance details the **membership** of the Children's Trust Board and that it must include a representative of the LA and each of its statutory 'relevant partners'. It should also include non-statutory partners.

The Children's Trust Board needs to be supported by its member organisations with adequate and reliable **resources**. New section 12C of the Children Act 2004 sets out that the local authority and its Board partners may make payments towards expenditure incurred by, or for purposes connected with, the Board by:

- making payments directly; or
- contributing to a fund out of which the payments may be made.

The work of the Children's Trust partners will normally be assessed as part of the **Comprehensive Area Assessment (CAA)** which will draw on regulation and inspection findings of many of the partners. Inspectorates will inspect partnership arrangements if outcomes are poor or not improving and not enough is being done to remedy it. Where CAA identifies significant concerns, an inspection of the work of the Children's Trust Board may be triggered.



From April 2010, a new cadre of specialist advisers – **Children and Learner Strategic Advisers (CLSAs)** – will support Directors for Children and Learners in the regions in leading and coordinating high level strategic support and challenge to local authorities and their Children's Trust partners across all 5 ECM outcomes on behalf of the Department for Children, Schools and Families.

### 8. Children and Young People's Plan

**The CYPP is the joint strategy of the Children's Trust partners** which sets out in detail how they will co-operate to improve well-being for local children and young people. It is important that the preparation and development of the Plan are consistent with the General Principles of the United Nations Convention on the Rights of the Child (UNCRC). The CYPP is also the main means through which the Children's Trust Board can demonstrate its compliance with the three general duties to promote disability, ethnicity and gender equality.

The CYPP represents the local vision and aspirations for children and young people in the area. The Plan shows how partners on the Children's Trust Board will work together to commission services to address locally identified needs, integrate provision better and focus on early intervention, safeguarding and reducing and mitigating the effects of child poverty, to improve outcomes. **The CYPP should set out what actions will be delivered** by which partner or partnership and, as appropriate, what resources they will commit.

The CYPP is embedded as a core element within the overall vision for the area contained in the **Sustainable Community Strategy (SCS)** and should be integral to the wider strategic planning overseen by the **Local Strategic Partnership (LSP)**. The priorities and objectives of the CYPP should inform and be informed by the SCS and the Joint Strategic Needs Assessment (JSNA), which itself feeds into the SCS. Both the CYPP and the SCS should share evidence-gathering activities, baseline information and data. A key task of the Children's Trust Board is to ensure that the interests of children, young people and families are understood throughout the LSP. This includes articulating the impact of wider cross-cutting issues which do not have a specific child focus, such as local housing, regeneration, transport plans and climate change, and embedding actions on these issues in the preparation of the Local Development Framework, the development of the local authority's Sustainable Modes of Travel Strategy and any local climate change plan or greenhouse gas reduction strategy held by the Children's Trust partners.

**The plans of partners will form a complex array of inter-related strategic, commissioning, and operational plans at different levels and covering different target groups, but all should be aligned through the CYPP.** The CYPP will inform operational planning to deliver front line services. It should in all cases tie in with the development and use of the Common Assessment Framework (CAF) and Targeted Youth Support. Local authorities, working with their partners and stakeholders, will need to link the CYPP with planning documents across the full spectrum of activity affecting children and young people, including local authority asset management plans and the business cases for large-scale procurements such as Building Schools for the Future.

It is essential that the **CYPP, the Local Area Agreement and PCT operational plans** are fully aligned. The NHS Operating Framework for 2009/10 renews the existing commitment on PCTs to set operational plans for areas of concern in agreement with partners, as well as



through consultation with patients, public and staff and through the JSNA. PCT operational planning and the CYPP should be consistent, with a strong read across on the shared priorities for children, young people and families. For example, the CYPP should be developed in line with the local Child and Adolescent Mental Health Services (CAMHS) strategy.

The Children's Trust Board should ensure that the CYPP is aligned with the **Youth Crime Action Plan** and reflects the need for the increasing integration of the youth justice system and other children's services. The CYPP can play a key role in achieving this by ensuring that the needs of young people who have offended or who are at risk of offending are properly incorporated within the local planning framework for all children. This should help ensure that children in contact with the youth justice system receive the support necessary to address their wider needs.

The CYPP should be aligned with the Youth Offending Team (YOT) partnership's statutory **annual Youth Justice Plan**, local policing plans, the priorities of the local crime and disorder reduction plans and the local 'Prevent' action plan.

The CYPP should include the **14-19 Plan** which sets the overall strategy for learning and support for young people and is an integral part of the work of the Children's Trust.

A key element of the CYPP is the requirement for the Children's Trust Board to carry out a thorough, wide ranging and up to date **analysis of children and young people's needs**, mapped against existing services, to identify gaps in service provision and inform strategic commissioning priorities over the period of the Plan. The analysis should include service users' views of the adequacy of existing services. For example, this might include an analysis of why parents or carers choose elective home education, what services they would like to be able to access and the extent to which they are available to home educating families. The Board should review the needs assessment on an ongoing basis as information becomes available.

The CYPP should be fully consistent with, inform and be informed by the statutory **JSNA** which identifies the current and future health and well-being needs of the local population, across all age groups, in the light of existing services. The Director of Children's Services is one of three directors with statutory responsibility for the JSNA process and is well placed to make sure the Children's Trust Board both feeds into and uses the JSNA and that children and young people's health and well-being needs are identified and services commissioned to address them. For example, this might include support for schools managing children with medical conditions.

The forthcoming **Child Poverty [Bill] 2009** proposes that local authorities and named partners carry out a child poverty needs assessment and prepare a joint child poverty local strategy. This should be fully integrated into the CYPP and its needs assessment, but it will, of necessity, have to go beyond the scope of the CTB and involve the LSP, the SCS and the JSNA.

The plan must set out the arrangements made by Board partners to co-operate to **safeguard and promote the welfare of children** and relevant young people which must, in particular, take into account the report submitted to the Board by the Local Safeguarding Children Board under section 14A(2) of the Children Act 2004 as amended by the ASCL Act 2009.



## Calderdale Safeguarding Children Board

Safeguarding and promoting welfare of children and young people includes considering accidental and non-accidental injury, safe use of technology, gaps in service and sharing intelligence from information systems across the partnership. The **annual report to be provided by the LSCB to the Children's Trust Board** will provide essential advice to help the Board understand the strengths and weaknesses of service provision and inform decisions about what more needs to be done to improve safeguarding in the area.

The statutory guidance also details sections on early intervention, families, reducing child poverty, behaviour of children and attendance at school, local workforce strategy, performance management and target setting, publication of the CYPP, monitoring and implementation, and annual review.

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