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To: Kent Children's Trust Executive Group

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Subject: Children's Trusts working together in two tier authorities

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Commissioning support programme

Learning together report

Children's trusts working in two tier authorities

Introduction

This is a learning together report and is by definition work in progress. We invite you to read it, learn from it, add to it and amend it - online or by e mail.

This report considers the issues of working in a children's trust in two tier areas. It starts by exploring some of challenges of working in two tier areas, and then describes what we are learning about the different ways in which areas are tackling these issues. The report ends with some suggestions about ways in which effective working arrangements in two tier areas might be developed and how the Commissioning support programme might help local commissioners to progress this agenda in ways that will lead to better outcomes for children as well as more efficient use of resources.

In writing this learning together report we are assuming that everyone is familiar with 'Achieving better outcomes; Commissioning in children's services' published in July 2009 and revised in October 2009¹.

¹ Available from CSP website



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Background

There are 24 two tier children's trust areas. Two tier refers to the fact that local government in those areas is made up of county councils (the 'top tier') and district councils (lower tier). (There are also parish councils - third tier- but these are not as relevant to this report and add to an already complex picture.) Both the county and the districts have their own political governance, with members elected to represent the community on the district and the county council. The county and each district has its own chair and executive (though in reality many county councillors are also district councillors, or 'twin hatters'). Responsibility for commissioning the spectrum of local government services in county areas is split between the county council and the district councils. The county has responsibility for commissioning children's and adults services, and the district councils commission and provide services including housing, leisure, planning and community safety. This split in responsibility is one of the issues that makes working in a two tier children's trust challenging. In the past district councils have tended to view children's services as county services, but this is changing (slowly in some areas) as districts realise the contribution their services make to outcomes for children.

The lead commissioner for the whole system of children's services is the Director of Children's services (DCS); in two tier places they are employed by the county council. The Children's Trust board at county level provides the governance for all commissioning decisions taken at strategic, operational and individual levels for county and district level services. Given that the DCS is potentially remote from district level services, the key question for counties is how the DCS can effectively commission district councils to influence (or perhaps even require) them to work in ways which improve children's lives?

In a two tier area, effective commissioning cannot be just a top down process 'telling' the district council services what to do. Engaging and influencing district councils relies on effective stakeholder engagement and engaging district council members and officers in helping to shape the priorities for children and young people in the area. For example, the DCS is responsible for keeping children safe from harm and therefore needs to be able to work with district council services to ensure that their systems are as safe as possible. What are the levers and processes that counties can use to ensure that districts recognise and deliver their contribution to the outcomes of children and young people?

The contribution of district services to children's outcomes

District councils provide services that have a direct impact on the outcomes for children and as such should see themselves as crucial partners on the children's trust board.

The key services and their contribution to children's outcomes are set out below:

- As the *housing authority*, district councils ensure that children and young people have decent homes to live in, prevent homelessness and can ensure that in advance of any decision to evict a family such action does not impact adversely on the children. Districts also adapt housing for children with disabilities and provide supported accommodation for young parents and care leavers and meet the housing needs of unaccompanied asylum seeker young people. There is plenty of evidence that children in social housing are much more likely to have poor outcomes such as low attainment at school than owner occupiers. Living in temporary accommodation and repeated moves are very highly correlated with poor outcomes.
- Districts provide *cultural, leisure and learning opportunities* including leisure centres, positive activities, art, crèche and playgroup facilities, museums, theatres, holiday and

out-of-school schemes, parks and open spaces. A DCS is certainly commissioning for these to be safe and for these service providers to adhere to best practice in safeguarding – how far they are also able to commission these services to take into account the priorities for children and young people in the area as set out in the children and young people's plan (CYPP) is more problematic but in some places this seems to be happening and is described in that way.

- Districts also have a key role to play as the *planning authority* in ensuring that new developments take into account the needs of children and families, and that there is appropriate access to health and social care services. This is particularly important in rural areas where there may be limited access to public transport and therefore limited access to services.
- Districts' work on *community safety* helps to safeguard children and their families. This is particularly important in terms of preventing vulnerable young people becoming victims of anti social behaviour and preventing young people becoming involved in risky behaviour.
- Districts also provide the *environmental health service and the licensing function* which contributes to health improvement and benefits, and impacts on child poverty.
- District council front line staff have a key role to play in safeguarding. In many ways, districts could be said to be 'closer' to local communities than county councils. Many officers, such as housing officers, have direct access into people's homes and they need to understand the role they can play in safeguarding and child protection.

The county level children's trust board has the responsibility for ensuring that these vital district services are included in the children and young people's plan, and any integrated locality arrangements. For example, given the adverse affect of eviction on children's lives the trust board could develop a protocol that sets out that prior to any eviction of a family from housing a family CAF (or at least a CAF for any affected children) should be completed. In this way landlords could call a team round the child to work together to help the family to prevent eviction. Or district councils should be encouraged to set up service level agreements with children's centres which ensure that each new mother has provided safe sleeping accommodation and /or stair gates for her child.

District councils need to understand how their services contribute to the children and young people's plan and that services such as positive activities need to be commissioned within the parameters of the plan, rather than taking an autonomous decision about the type and level of activities to provide, in isolation from the strategic direction set out in the CYPP.

The challenges and opportunities to better involve districts in children's trust arrangements are discussed below. Please feel able to add, amend and comment on this report.

The challenges of working in two tier children's trusts

Engaging district councils in the Every Child Matters agenda

The 2008 Audit Commission report *Are we there yet?* identified some of the challenges of working in two tier children's trusts, and these are supported by our learning so far from working with children's trusts. District councils are named as partners on the children's trust and as statutory relevant partners in the duty to co-operate. As the provider of key services for children and young people they are a vital partner. However, the lead for

children is provided by the lead member for children's services, who is at the county level, and the director of children's services, employed by the county. Children's services are also provided by the county. Districts focus has tended to be on their service delivery and as such have not in the past regarded their services as directly related to children. In some places this, and perhaps a legacy of poor partnership working or existing tensions between counties and districts has led to a lack of engagement from districts in the Every Child Matters agenda and the children's trust arrangements. District councils can be remote from the county, with very different priorities and do not necessarily recognise 'county' priorities as those of their communities. This means that implementation of county wide priorities can be fragmented, or non-existent.

The Audit Commission found that the level of district engagement varied markedly within and between local authority areas and that overall county and district councils needed to improve the way they work together in children's trusts. Successful two tier children's trusts have ensured that arrangements make it easy for the districts to see where their involvement would contribute to improved outcomes. Approaches to this are explored below.

Engaging districts in the children's trust board

A key lever by which counties can engage districts in the ECM agenda is through the governance arrangements for the children's trust board. The representation of districts on the board is key to ensuring buy-in from the districts. As a relevant statutory partner there must be some district council representation on the children's trust board, but the challenge is how to ensure that with a large number of districts to include, all districts have an input into the CTB, understand what they are expected to deliver and are accountable for delivering the agreed priorities, whilst maintaining a manageable sized CTB. There are a range of different approaches being taken to this, and in some areas they have already tested out several different approaches.

In *'Are we there yet?'* the audit commission said that the majority of district councillors on children's trust boards only represent their own authorities (61 per cent), whereas 23 per cent of councillors represent all districts in a county. A further 16 per cent have some other arrangement in place – for example they represent a department within a district council, such as housing or leisure services.

New draft statutory guidance sets out that the board should be kept at a workable size, with partners sharing representation, with a clear mandate which allows them to speak and act for the organisations they are representing and to feed back information. However, it is a big challenge to ask one district to somehow 'represent' the others as they are autonomous organisations with their own sovereignty and political leadership. Likewise there is no simple way in which a single person representing all the districts can feed back information to the key people in other district councils. Counties have been addressing this problem in various ways:

- Norfolk allocate two seats (one member and one officer) for all seven districts on the children's trust board (14 district seats in total). This has meant a CTB of around 40 people but in their view the benefits of this approach outweigh the potentially unwieldy size of the board. The approach has ensured that all districts are engaged at the same time with the county-wide priorities and they have been able to achieve a county wide housing strategy for young people – something which without the involvement of all districts would have been very difficult.

- Northamptonshire experimented with two district representatives on the board but have gone back to having one representative from each district on the board because they have been negotiating a section 10 arrangement and wanted to ensure there were no gaps in communication. There are 32 people on their CTB – for each DC there's an officer representative plus one member from each of the political groups in the county.
- East Sussex has they have rotating district council membership on the CTB and those on it are formally asked to represent other district councils.
- In Suffolk the local LGA nominates two district representatives to sit on the CT partnership board.
- In Staffordshire one person from the district children's trust boards sits on the county level CTB to represent all the DC children's trusts but there is an additional district council representative who speaks for the districts as a whole rather than from the children's trust. This ensures that the wider district functions have a voice on the children's trust
- In Lincolnshire there is an officer and a lead member for children's services from each of the seven district councils on the children's trust.

Addressing the knowledge gap

One of the key issues in engaging district councils is effective communication about the ECM agenda and the importance of the contribution of their services. In two tier areas, the sheer number of different people involved and the physical distance of the district areas from county hall can prove a barrier to effective communication and understanding their role in improving outcomes for children. This understanding is particularly important for elected members in their representative role. Most areas have come up with their own ways of addressing this knowledge gap – for example Suffolk holds a children's lead members seminar three times a year to highlight the district contribution to issues such as youth homelessness and teenage pregnancy to enable them to see their 'district' services in the broader sense.

Other areas have carried out extensive briefing for district chief executives so they understand the roles district councils have in delivering services for children and what their contribution could be. In some areas senior county officers have attended full council meetings of district members to explain to elected members what the role of the district council should be. In other areas the lead member for children's services meets with the champion members from the districts DCs. One of these members then sits on the CTB and feeds back to the other champions and district chief executives – this was found to be an effective way of dispelling myths.

This process of improving knowledge and understanding has to be ongoing as elected members change frequently and new members need to be brought up to speed quickly. In most areas there are at least monthly briefing papers that set out decisions made by the children's trust board and implications for district councils but there needs to be ongoing proactive engagement from the children's trust board.

Engaging other partners in the children's trust

In two tier areas there are often several primary care trusts and police command units, which makes partnership working more complex. Learning from evaluations of LSPs has revealed how time consuming health and police partners find it in liaising with the two tiers

of local government and having to deal with different arrangements across the districts e.g. the police may have to support several crime and disorder reduction partnerships at the district level. Where a county area has more than one PCT to deal with, this can double the amount of work that has to be done in terms of building relationships, engaging staff in common processes such as CAF, and communication. Developing and supporting ongoing relationships is a time consuming but necessary role for the county to play to ensure all partners are fully engaged with the every child matters agenda.

Geography

Two tier county areas tend to be large geographically; the largest, North Yorkshire covers 3,341 sq miles, and will have several district councils in the area – potentially as many as twelve (as in Essex). District councils within a county are can be very different; there can be very affluent districts alongside very poor districts, which can make planning services more challenging. Within one county area the council can face issues of both urban deprivation and also rural isolation.

Most two tiers are large shire counties with dispersed populations and large rural areas which makes transport arrangements and access to services more complex. As such, the challenges county children's trusts face can be huge, and potentially more complex than those faced by unitary areas, which are likely to have more homogenous issues. Decisions on commissioning provision is made more complex by the distances involved – for example if a city decides to commission a comprehensive youth offer large numbers of young people will be able to access it. However, the same offer in a rural area might only be able to reach a few young people. Access to services in some rural areas can be a real challenge where there is little public transport available and few people have access to private transport. The availability of transport is a key issue for young people accessing services and in some areas there are excellent mobile services such as West Sussex's children's centres mobile units which visit rural areas rather than expecting families to make their way to the nearest centre.

The large distances between towns and council buildings mean that partnership working in two tier areas can be very time consuming, particularly for district council officers and members who will often have to travel a very long distance to attend one meeting at county hall. Counties need to think of ways to make it easier for district (and voluntary sector) partners to attend key meetings - perhaps through using technology, moving some meetings out of county hall or adopting a rotating venue approach.

Two tiers of elected members

The responsibility for having a lead member for children's services rests on the county council. However, in most areas the district council will have nominated a member to be responsible for the Every Child Matters agenda. This member is usually tasked with making the link to the lead member for children's services. The lead member has responsibility for ensuring good communication with the relevant elected member at district level – however this relationship is not always straightforward, particularly where the lead member and the district members are of different political parties. The lead member also needs to recognise the importance of the representative role of the elected members at district level who will need to be kept informed about the priorities from the children's plan and also should be able to feed up from their wards into the plan via the lead member for children's services. In Norfolk the lead member initially held briefing sessions with the relevant district council members to communicate what was happening

from the county perspective and to enable members to feed into the Children's Trust Board their concerns from their wards.

Governance arrangements for the children's partnership

In some areas, particularly larger counties the children's trust has introduced structures to manage and co-ordinate the work of the partnership at a local level. In these areas the children and young people's partnership is organised around individual or a group of district level children's trust boards that are co-ordinated at county level. This means that each district or groups of districts has a CYP partnership and the work of these groups are co-ordinated by the CTB at county level. This helps to ensure that local differences are picked up and fed into the strategic planning of the CTB and helps secure engagement of district councils in the wider children's agenda. In some areas the county level children's trust board directs the work of these district level partnerships but in most areas the district partnerships focus on priorities for that specific area and remain autonomous partnerships rather than working under the steer of the county level children's trust board. This is an area where most two tier counties could improve their practice.

Governing integrated service delivery

Integrated service arrangements can be complex in a two tier area. The large areas involved and the added complexity of the district level services mean it is worth investing time in getting the structures right. The CSP *Learning together report on integrated locality teams* provides advice on structures for integrated service delivery in two tier areas. From our work with counties we have found that in some larger counties all frontline practitioners including those supporting looked after children and children with disabilities are in integrated locality teams (ILTs). Integrated locality teams have a particular advantage in counties as it results in the location of multi disciplinary teams close to homes and to schools and children's centres, rather than distantly in 'county hall'. This makes particular sense in two tier authorities where close working with district councils over housing for families and vulnerable young people, community safety initiatives and leisure services need to be involved in the ILT.

There is a strong argument for integrated working arrangements to be based along district council borders as these are natural communities with agreed political boundaries, and would enable easy district buy in. However, some areas have based their integrated locality working at a more strategic level, for example on PCT boundaries, or at a more local level, such as school clusters. This has implications for district services, which may find themselves having to work with more than one integrated locality team, or find themselves one amongst several districts in an area. Counties need to make the decisions about where the right level is for commissioning and delivering services – e.g. locality working based on district council boundaries may work well for delivering universal services but targeted services are likely to be shared across more than one area so may need to be based at a more strategic level. Two tier areas have introduced a range of arrangements:

Lancashire have introduced area partnership arrangements which sit between the county children's trust board and the district level partnerships. Lancashire has district level children's trust boards plus three area partnerships, aligned along the three PCT areas. The three area partnerships are responsible for most of the commissioning for that area and are headed up by a director, jointly funded by the local authority and PCT. There is a

representative from the relevant district councils on the area commissioning group and the director of each area commissioning group sits on the county level children's trust board.

- In Norfolk they have established five area partnerships which they regard as mini children's trusts; these are arranged around school clusters rather than district boundaries. Each one covers up to three district areas and is chaired by an area director. The district councils are represented by the chief executives who sit on the partnerships. The area partnerships have an operational focus on commissioning services and delivering the priorities for the local area and provide the forum through which the district council operational work is co-ordinated and fed back to the county level children's trust board. The partnerships include health, children's services, adult social care, housing and the voluntary sector.
- East Sussex has five area children's trust planning groups, coterminous with district council boundaries. The groups have a focus on planning service and are chaired by a senior district council officer and include housing, leisure, commissioning and service managers. The arrangements in each area are very different and the county allows a degree of inconsistency between the groups, within a set of agreed parameters.
- Kent has twenty three 23 children's trusts based on school clusters; each with a partnership manager.
- West Sussex originally had eight integrated service areas but are in the process of reviewing this and are likely to move to three area commissioning partnerships.

Several areas, (including Kent, Essex and Norfolk) are in the process of reviewing their current arrangements in order to achieve efficiencies.

Integrated locality teams offer opportunities for district council members and officers to get involved in governing and leading services at a local level, such as taking a leadership role in governing local partnerships and being involved in school governance. The Learning together report on integrated locality teams includes suggestions of how district members and officers can be involved at a local level. The paper also explores how the governance of ILTs contributes to their credibility and suggests how this might work in a two tier area. Local governance of an ILT (for example through an Area Partnership board) is a good way of informing, involving and building consensus among stakeholders including parents, young people, schools and children's centres. Generally the larger the population and the geographical area and the greater the responsibilities delegated to the ILT the more justification there would be to have an Area Partnership Board. This approach would work effectively in a two tier authority because it makes it easier to involve housing, leisure and community safety partners locally. The learning together report sets out a helpful checklist of what might be delegated to an area partnership and the good governance principles that should underpin it including clear terms of reference.

Making best use of resources

Identifying the resources available for children and young people in a two tier area can be a challenge as district councils are not easily able to disaggregate their funding in order to identify how much of their service spend is on children and young people. This can make the process of pooling budgets a challenge.

Northamptonshire has achieved a section 10 arrangement (pooled budgets) with all the districts. This focuses on work that will benefit all the partners such as workforce development, integrated support (eg CAF) anti bullying strategy, and an engagement

strategy for children and young people and parents and carers. The county reports that this has had a huge benefit in terms of engaging the districts as they want to be part of the discussion about how the funding is spent. The arrangement has also increased the rigour and challenge of the partnership.

In some areas (eg. Devon) they have introduced a strategic commissioning approach to ensure they make best use of the county, district and other partners' resources

Counties should encourage district councils to be looking at how to make best use of resources between themselves. They have signed up to improving outcomes and so need to be moving towards a point where they share resources between the districts to achieve those outcomes. For example, if an area has agreed to focus on improving housing for young people, then this might be a bigger issue for one district council than the others, and they should therefore support that area to improve the housing availability. Counties need to work with district colleagues to engender a sense of shared ownership of the bigger picture and the solutions.

Two tier government has always faced criticism about how inefficient the system is and how the two tier structure duplicates effort. There is potential for arrangements for children's services to add to this duplication and two tier areas should be mindful of the need to achieve efficiencies and not to increase the number of structures of partnership arrangements unnecessarily. Those counties that initially implemented large partnership structures are reviewing them and establishing more streamlined efficient arrangements (e.g. Essex are moving to five local Children's Trust Boards, coterminous with NHS and police arrangements).

Levers and opportunities

We have discussed above how important it is for district councils to be clear about how they can contribute to outcomes for children and young people. This should be helped by the new statutory guidance for children's trusts which sets out that the plan will be the agreed joint strategy of the partners on how they will co-operate to improve children's well being. It will set out what partners will do, what resources they will allocate and how they will work with each other to achieve the agreed priorities. In this way, district councils can be held to account by the CTB like any other partner against their progress in delivering the priorities that they have signed up to as their own.

In some areas, they are moving to a point where the children's trust board directly commissions the district councils to deliver a service, such as housing for young people and they are held accountable for delivery. Some areas where the relationships between county and district councils have traditionally been tense would probably view this as a step too far in challenging the autonomy of the districts but it will be interesting to see how this approach develops. An alternative approach might be to empower the district councils to take a lead on, for example, housing in the area.

More radically there is no reason in principle why district councils should not think about developing services - for example linked to leisure or housing which the children's trust can then contract them to provide, paying them accordingly. Likewise if leisure or housing services are contracted out by the district council then they are potentially able to offer a different range of services to the children's trust under contract. We do not know of anywhere that this is happening but it may be more usual in the future.

Certainly the CTB should be ensuring that front line district council staff are engaged and trained with integrated working processes such as CAF and support the aims of the CYPP

in their day job. For instance, all housing officers and anyone providing leisure and culture services can contribute to raising the aspirations of young people through their connections with them in the course of their day jobs.

The economic climate, the need to achieve efficiencies and the adoption of the Total Place approach to identifying and allocating resources could all contribute to closer and more effective working between counties and districts in two tier areas, as the need to work together to make best use of available resources becomes more pressing.

Support from CSP

During the course of writing this report it has become clear that there are common issues that two tier areas are struggling with and that no area has yet quite 'cracked' these. Those who contributed to the report were keen to hear what other areas were doing and to make connections with others who are tackling similar issues. There may be a role for CSP to facilitate some networking or action learning around this issue, if those areas would find that of benefit. There is already a two tier community of practice on the CSP website and we would encourage you to join that. www.commissioningsupport.org.uk

Conclusion

We hope this report is of use. Please do comment and add to it, and please contact us or use the CSP website if you'd like further information.

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