
Cabinet

19th April 2016

Name of Cabinet Member:

Cabinet Member for Children and Young People - Councillor E Ruane

Cabinet Member for Education - Councillor D Kershaw

Cabinet Member for Health and Adult Services - Councillor K Caan

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

All

Title: Assurance Protocol for the Effective Discharge of Director of Children's Services and Director of Adult Services Functions

Is this a key decision?

No – Although this affects all wards in the city, it is not anticipated that the impact will be significant

Executive Summary:

In September 2013, the City Council established the People Directorate consisting of the former Community Services and Children, Learning and Young People Directorates. This resulted in the Executive Director, People taking on statutory responsibilities for and being designated as both the Director of Children's Services and the Director of Adult's Services.

The Director of Children's Services is appointed for the purposes of discharging the education and children's social services functions of the Local Authority. The Director of Adult Social Services is accountable for the delivery of local authority social services functions in respect of adults.

In October 2015 changes were made to the management structure of the People Directorate and new appointments made to strategic roles. This included an Executive Director of People taking on the statutory responsibility and designated role of Director of Children's Services and Director of Adult's Services supported by three Directors' (Education, Children and Adults respectively). The assurance document was updated prior to the appointments and now that the new structure has embedded six months into its inception a review has been undertaken to provide assurance as to the effective discharge of the Director of Children Services and Director of Adult Services functions.

The purpose of this report is to present the revised Assurance Document, detailed in Appendix 1 to the report, and Assurance Report, detailed in Appendices 2 and 3 to the report, which outlines how management arrangements will ensure that the role of Director of Children's Services and Director of Adult Services is effectively discharged.

Recommendations:

Cabinet is recommended to approve the revised Assurance Document attached as Appendix 1 to the report having considered the report outcomes detailed in Appendices 2 and 3 to the report.

List of Appendices included:

- Appendix 1 - Assurance Document
- Appendix 2 - Structure Chart
- Appendix 3 - Assurance Test and Governance

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Title: **Assurance Protocol for the Effective Discharge of Director Children's Services and Director of Adult Services Functions**

1. Context (or background)

- 1.1 On 2nd September 2013, the People Directorate was established with an Executive Director People (EDP) assuming the role of Director of Children's Services (DCS) and Director of Adult's Services (DAS). The service function of Children's Services was split in line managerial terms, with the Chief Executive assuming managerial responsibility for Education and Special Educational Needs and Disabilities and Executive Director People retaining the responsibility for the remainder of Children's Services. A review of the Directorate created a new structure implemented in October 2015 introducing an Executive Director of People assuming the statutory role of DCS and DAS. Responsibility for all Education functions moving back under direct management of the EDP. The Public Health function moved under the People Directorate at this time with the Director of Public Health reporting to the EDP.
- 1.2 The Department for Education issue statutory guidance on the role of Director of Children's Services. The statutory guidance states that the Director of Children Services is required to have an overview across both Children's Services and Education functions. Within the new structure local arrangements are in place to ensure that this is maintained; including the continued integration of Education and Children's Social Care Services via the People Directorate; providing both a strategic and professional framework within which the safety and educational, social and emotional needs of children and young people are considered together.

It is legally permissible for the DCS role to be combined with other operational functions of the local authority eg DAS. However, given the breadth and importance of children's services functions that the DCS cover, local authorities are advised to give due consideration to protecting the discrete roles and responsibilities of the DCS before allocating any additional functions to individuals performing these roles. In particular, local authorities should undertake a local test of assurance so that the focus on outcomes for children and young people will not be weakened or diluted as a result of adding such other responsibilities. Given the demanding nature of the DCS roles, local authorities should consider all aspects of any combined posts (e.g. the impact on both children and adult services) where there is a joint DCS and DAS.

2. Options considered and recommended proposal

- 2.1 The attached Local Assurance Document at Appendix 1 details how the organisational arrangements will enable the Local Authority to fulfil its statutory duties.
- 2.2 The Assurance Document ensures that there is a clear understanding of the role of Director of Children's Services and Director of Adult Services and puts in place practical arrangements to ensure that there is effective oversight of their functions.

3. Results of consultation undertaken

- 3.1 No consultation has been undertaken

4. Timetable for implementing this decision

- 4.1 The Executive Director of People came into post in September 2015, an assurance review has now been undertaken six months on to ensure the effective discharge of the Director of Children's Services and Director of Adult Services roles and functions.

5. Comments from Executive Director of Resources

5.1 Financial implications

There are no financial implications.

5.2 Legal implications

- 5.2.1 The Children Act 2004 requires every upper tier local authority to appoint a Director of Children's Services.

5.2.2 The Director of Children's Services is appointed for the purposes of discharging the education and children's social services functions of the Local Authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the Local Authority or in custody (regardless of where they are placed).

5.2.3 The Director of Adult Services is appointed for the purpose of delivering all local authority social services functions listed in Schedule 1 Local Authority Social Services Act (as amended), other than those for which the Director of Children's Services is responsible.

5.2.4 Within this legal framework, it is for individual Local Authorities to determine their own organisational structures in the light of their local circumstances. Local Authorities must ensure that there is a single Officer responsible for Education and Children's Social Care. The Director of Children's Services should each have an integrated Children's Services brief, ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision. Between them, the Director of Children's Services and the Lead Member for Children's Services must provide a clear and unambiguous line of local accountability.

5.2.5 The Director of Children's Services and Director of Adult Services is a politically restricted Statutory Chief Officer post; they should be a first tier Officer and report directly to the Chief Executive.

5.2.6 Local Authorities should, as a matter of course, assure themselves that their arrangements enable them to discharge their Education and Children's Social Care functions effectively.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The effective management of the People Directorate seeks to ensure that vulnerable people are protected and educational achievement improved.

6.2 How is risk being managed?

The Assurance Document is part of an overall strategy to manage risk appropriately.

6.3 What is the impact on the organisation?

The Strategic Management Board work together to support and facilitate working across the Directorates.

Opportunities are being taken to consolidate existing functions and streamline processes where it is appropriate.

Trades unions have been and continue to be briefed on changes.

6.4 Equalities / EIA

Public bodies must consider all individuals when carrying out their day to day work, in shaping policy and delivering services. The Local Assurance Document supports the Public Sector Equality Duty in having due regard to eliminate discrimination, advance equality of opportunity and foster good relations between people with relevant protected characteristics.

6.5 Implications for (or impact on) the environment

There are no environmental implications

6.6 Implications for partner organisations?

Partner organisations have been informed of the management changes within the People Directorate. The Local Assurance Document ensures that the organisational arrangements continue to support effective interagency and partnership working.

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Councillor E Ruane	Cabinet Member for Children and Young People	-	24/03/16	29/03/16

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Appendix 1

Assurance Document for Fulfilment of the DCS and DAS Role – Updated March 2016

1. Introduction

1.1.1 Coventry City Council's Directorate for People provides holistic working and effective integration of services for Adult Services, Children Young People and Families. The Directorate is led by an Executive Director People (EDP). In line with the City Council Constitution the Executive Director, People holds the statutory chief officer posts of Director of Children Services (s18 Children Act 2004) and Director of Adult Services (s6 (1) Local Authority Social Services Act 1970). The purpose of this document is to outline how management arrangements continue to facilitate the role of the DCS and DAS.

2. Role of the Executive Director People (EDP)

2.1.1 The EDP is responsible for ensuring that staff are supported and developed so that they are effective and competent in discharging the statutory functions across the People Directorate.

2.1.2 The EDP will be responsible for briefing elected members on key issues relating to Children and Young people, Education and Adults.

3. The Statutory role

3.1.1 The EDP as the Council's Director of Children Services (DCS) is appointed for the purposes of discharging the education and children's social services functions of the local authority.

3.1.2 The EDP as the Council's Director of Adult Social Services (DAS) is responsible for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, in respect of adults

4. Local Assurance and Governance Arrangements

4.1.1 Within the legal framework it is for individual local authorities to determine their own organisational structures in light of their local circumstances.

4.1.2 However, local authorities must ensure that there is a single officer responsible for both education and children's social care. This is achieved by the EDP having integrated children's services brief, ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision.

- 4.1.3 Given the breadth and importance of children's services functions that the DCS covers, local authorities should give due consideration to protecting the discrete roles and responsibilities of the DCS before allocating to any additional functions other than children's services. The EDP holds both statutory roles of DCS and DAS. The local structure (appendix 3) outlines the line management responsibility of the EDP for the four directors of Adult Services, Children's Services, Education and Public Health respectively with their individual areas of responsibility. This structure allows for an oversight of an integrated service whilst not diluting the focus on outcomes for children and young people or adult services.
- 4.1.4 The four Directors of Adults, Children, Education and Public Health report directly to the EDP who in turn reports directly to the Chief Executive providing a clear and unambiguous line of local accountability. Effective partnership working and interagency cooperation will continue to be developed by the EDP including via attendance at forums such as Health and Wellbeing Board, Local Safeguarding Boards for Children and Adults, Headteacher Forum, Children and Young People's partnership Board and both Children and Adult Commissioning Boards
- 4.1.5 The EDP will be the first point of contact with the Department of Education, OFSTED and all other relevant Government Departments in relation to any matter concerning Children and Young People or Adults. The EDP will be ultimately responsible, through inspections or otherwise, for ensuring that the needs and young people in the city are being adequately provided for.

5. Summary

This is now the third review of this protocol and it has been rewritten to take into consideration the test of assurance on the roles and responsibilities of the Director of Children Services and Adult Services six months into its conception.