
Cabinet

24th January 2017

Name of Cabinet Member:

Cabinet Member for Policy and Leadership - Councillor Duggins

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

All

Title: *Local assurance on the effective discharge of the functions of the Director of Children Services (DCS), Director of Adult Services (DAS) and the Lead Members for these service areas.*

Is this a key decision?

No

Executive Summary:

Local authorities should assure themselves that their arrangements enable them to discharge their education and children social care functions effectively. The City Council has previously undertaken a local assurance review when new arrangements have been put in place to deliver these functions.

Recent changes to the structure and new appointments to strategic roles within Children Social Care have provided the opportunity to carry out a further assurance check to satisfy the City Council that the new local arrangements continue to be effective.

The purpose of this report is to present the revised Assurance Document (Appendix 1) which outlines how management arrangements will ensure that the role of Director of Children's Services (DCS) and Director of Adult Services (DAS) is effectively discharged alongside those key responsibilities of the Lead Members for these areas.

Recommendations:

Cabinet are recommended to approve the revised Assurance Document (Appendix 1).

List of Appendices included:

Appendix 1 - Assurance Document
Appendix 2 - DCS assurance test (March 2016)

Background papers:

None

Other useful documents:

Statutory guidance on the roles and responsibilities of the Director of Children Services and the Lead Member for Children's Services can be found at:-

<https://www.gov.uk/government/publications/directors-of-childrens-services-roles-and-responsibilities>

Guidance on the statutory chief officer post of the Director of Adult Social Services (May 2006):

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4135578.pdf

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

Report title: *Local assurance on the effective discharge of the functions of the Director of Children Services (DCS), Director of Adult Services (DAS) and the Lead Members for these service areas.*

1. Context (or background)

1.1 Framework

- 1.1.1 The statutory roles and functions of the DCS and Lead Member for Children Services (LMCS) are contained within the Children Act 2004, Statutory Guidance and the City Council constitution. The DCS and LMCS are 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 for include (but is not limited to) responsibility for children and young people receiving education or children social care services in their area and all children looked after by the local authority or in custody.
- 1.1.2 The statutory guidance provides the government expectations about local authorities' role in education and children and young people services. The DCS and LMCS should 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 DCS and LMCS provide a clear and unambiguous line of local accountability.
- 1.1.3 The DCS has professional responsibility for children's services, including operational matters; the LMCS has political responsibility for children services. Together with the Chief Executive and Leader the DCS and LMCS have a key leadership role within the local authority and working with other local agencies to improve outcomes for children and young people.
- 1.1.4 The Director of Adult Services (DAS) is a statutory post under the Local Authority Social Services Act with the purpose to deliver all local authority social services functions other than those for which the DCS is responsible.
- 1.1.5 The City Council constitution provides for the Executive Director, People as the DCS and DAS and the Cabinet Member (Children and Young People) is designated as the LMCS.
- 1.1.6 It is legally permissible for the DCS role to be combined with other operational functions of the local authority e.g. 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.

1.2 Previous assurance

- 1.2.1 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.

- 1.2.2 The local assurance review has been undertaken on three previous occasions as a result of new arrangements being put in place or as a review as reassurance that the arrangements remain effective.
- 1.2.3 The initial assurance review took place as a result of service redesign when 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.
- 1.2.4 In October 2015 changes were again 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 four Directors' (Education, Children, Public Health and Adults respectively). The assurance document was updated prior to the appointments and then six months into its inception an audit was undertaken to provide assurance as to the effective discharge of the Director of Children Services and Director of Adult Services functions. This audit from March 2016 is at appendix 2
- 1.3 Review of new arrangements
- 1.3.1 In October 2016 a service review of the senior manager posts in children's social care took place resulting in the appointment of three new officers. These new officers are to commence in their roles in January 2017. The City Council has therefore considered it appropriate for there to be a further local assurance review to satisfy itself and the local community that the arrangements for the effective discharge of the functions, roles and responsibilities of the DCS and DAS remain in place. Further in line with the duty to provide local assurance that the LMCS statutory role is being met.
- 1.3.2 As outlined above the Department for Education issue statutory guidance on the role of DCS and LMCS. The statutory guidance states that the DCS and LMCS should have an overview across both Children's Social Care and Education functions.
- 1.3.3 Within the new directorate structure, and via the Executive, local arrangements are in place to ensure the continued integration of Education and Children's Social Care Services; 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. The delivery of an effective Adult Social Service is also maintained via the local arrangements overseen by the DAS and Cabinet Member for Adult Services.

2. Options considered and recommended proposal

- 2.1 The attached reviews 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.
- 2.3 The Assurance Document ensures that there is a clear understanding of the role of LMCS and puts in place practical arrangements to ensure that there is effective oversight of their functions

3. Results of consultation undertaken

- 3.1 Consultation was undertaken with the Senior Management team for the People Directorate and the Cabinet Members for Adults, Children and Education and Skills.

4. Timetable for implementing this decision

- 4.1 The local assurance has been undertaken as a result of new strategic leads in Children Social Care taking up their posts in January 2017.

5. Comments from Executive Director, 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 and one of its members as Lead Member for Children 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 Lead Member for Children Services must be a local councillor with delegated responsibility from the Council, the Leader, for children's services. The Lead Member for Children Services, as a member of the Council Executive, has political responsibility for leadership, strategy and effectiveness of local authority children's services (education and children social care).

- 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 and Lead Member responsible for Education and Children's Social Care. The Director of Children's Services and LMCS 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.

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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This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

Appendices

Appendix 1

Assurance Document for fulfilment of the Director of Children Services (DCS), Director of Adult Services (DAS) and Lead Member Children Services (LMCS) role – **Updated January 2017.**

1. Introduction

1.1.1 Coventry City Council's Directorate for People provides holistic working and effective integration of services for Adults, Children Young People and Families and Public Health. 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).

1.1.2 The purpose of this document is to outline how arrangements will facilitate the role of the DCS, DAS and LMCS.

2. Role of the Lead Member for Children Services (LMCS)

2.1 The LMCS is responsible for ensuring that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed. In doing so, the LMCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The LMCS should have regard to the United Nations Convention on Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services. As politicians, LMCSs should not get drawn into the detailed day-to-day operational management of education and children's services. They should, however, provide strong, strategic leadership and support and challenge to the DCS and relevant members of their senior team as appropriate.

2.2 Local Assurance and Governance Arrangements

2.2.1 Coventry City Council has adopted a Leader and Cabinet form of Executive. The Executive is a group of Councillors responsible collectively for the executive functions of the Council. The Executive is known as the Cabinet. Individual Members of the Cabinet have responsibility for specific functions allocated to them by the Leader. The Cabinet is the part of the Council which is responsible for developing the policies and strategies of the Council and most of the decisions on service provision. The Cabinet is made up of the leader, a Deputy Leader and up to eight other Cabinet Members appointed by the Leader. The Leader has appointed Cabinet Members to have responsibility for the portfolio of Adult Services; Education and Skills; and Children and Young People it is this latter appointment that is designated as the Lead Member for Children Services. The Cabinet Members work closely with each other sharing information via a collaborative approach.

2.2.2 This collaborative approach ensures that there a unified approach to ensuring strategic oversight. Joint briefings can take place as required. Changes to policy and service delivery alongside performance reports are presented collectively to party group

meetings, Cabinet and Council as appropriate with collective responsibility. Elected member scrutiny, including that of LMCS, is achieved via a robust overview and scrutiny work programme.

- 2.2.3 The Council has a clear plan and identified priorities that operate across portfolios and include improving the quality of life for Coventry people by improving educational outcomes, improving health and wellbeing and protecting the most vulnerable people. These overarching priorities create a collective responsibility across the Executive.
- 2.2.4 The LMCS attends the Coventry Safeguarding Children Board (as a participant observer) and the LMCS and Cabinet Member for Education both attend the Children Services Improvement Board that acts as the catalyst for the improvement journey across Children's Social Care. The Education Standards Board is chaired by the Cabinet Member for Education and Skills with minutes available to the LMCS. Cabinet members attend the Health and Wellbeing board alongside a number of other key partnership consortiums including the Learning Disability Board, Primary and Secondary Heads meetings and SEN Board. This holistic oversight across the services of Children, Adults and Public Health feeds into the Children and Young People's plan that forms part of the Council's policy framework and is overseen via the Council and Children and Young Peoples Strategic Partnership Board.

3. Role of the Executive Director People (EDP)

- 3.1.1 The EDP will be 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.
- 3.1.2 The EDP will be responsible for ensuring elected members are briefed on issues relating to Children and Young people, Education and Adults.

3.2 The Statutory role

- 3.2.1 The EDP as the City 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.
- 3.2.2 The EDP as the City 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

3.3 Local Assurance and Governance Arrangements

- 3.3.1 Within the legal framework it is for individual local authorities to determine their own organisational structures in light of their local circumstances.
- 3.3.2 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 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.

- 3.3.3 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 of EDP with line management responsibility for four directors (Public Health, Adult, Children and Education) with individual areas of responsibility; allows for an oversight of an integrated service whilst not diluting the focus on outcomes for children and young people or adult services.
- 3.3.4 The four Directors of Public Health, Adults, Children and Education 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 continues to be promoted and developed by the EDP including via attendance at forums such as Health and Wellbeing Board, Local Safeguarding Boards for Children and Adults, Headteacher Forums, and Children and Adult Commissioning Boards
- 3.3.5 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.
- 3.4 The ability of the EDP to discharge the children social service functions of the City Council has been further strengthened in 2017 by the appointment of three strategic leads reporting to the Director of Children's Services. The new strategic leads hold responsibly for the strategic oversight and delivery of individual service areas within Children's Services

4. Summary

This is now the fourth review of this local assurance and it has been rewritten to take into consideration the new structure and appointments within the People Directorate. The efficacy of outcomes will be subject to peer challenge and review, as part of the process of securing continuous sector-led improvement in the quality of services. This will include listening to Young People to establish their experiences and confidence in the new arrangements.