

Subject: Children and Young People's Trust Partnership - future arrangements

Date of Meeting: 18th July 2011

Report of: Terry Parkin

Contact Officer: Name: Steve Barton Tel: 29-6105
E-mail: Steve.barton@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report asks the Board to revisit the role and function of the Children and Young People's Partnership (CYPT Partnership), including the role of the Board itself in light of the anticipated introduction of a local Health and Wellbeing Board (HWB).
- 1.2 The Children and Young People's Trust Board (CYPTB) is responsible for the production and implementation of the City's Children and Young People's Plan 2009-12 (CYPP). This is no longer a statutory duty. A separate CYPP Performance report will be presented to the Board on July 18th 2011.

2. RECOMMENDATIONS:

- 2.1 That the CYPT Board agrees to suspend further meeting pending the outcome of the Health and Wellbeing Board Development Seminar on 26th July 2011 and the subsequent development of proposals for a Health and Wellbeing Board in Brighton & Hove.
- 2.2 That the CYPT Board notes that any proposals to implement a Health and Wellbeing Board in Brighton & Hove will be brought for consultation to the CYPT Board.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The CYPTB has received a number of reports about the role and function of the CYPT Partnership in response to national and local developments:

March 22nd 2010:

The CYPTB approved the principles of the new Section 75 Agreements between the council, NHS Brighton and Hove (PCT) and South Downs NHS Trust (now Sussex Community Trust – SCT). The Board also considered the duties set out in the draft Statutory Guidance in relation to Children's

Trust Boards following the Apprenticeship, Skills, Children and Learning Act 2009 and asked the Director of Children's Services (DCS) to bring forward detailed proposals to meet those requirements

May 17th 2010:

The CYPTB agreed proposals from the DCS to meet new Statutory Guidance i.e.

- To re-constitute the CYPT Trust Board to meet the requirements of the Statutory Guidance on co-operation arrangements (2010) by establishing a new Board with membership proposed by the local authority.
- That the Chair of the Board will be the Lead member for Children's Services; and
- To adopt a revised Terms of Reference for the new Board

November 1st 2010:

The CYPTB had expressed some concern at the rather high level reports presented to the July meeting. This was followed by changes to the council's senior management arrangements, including the appointment of a new DCS. The September Board meeting was postponed until the council's new management arrangements were in place.

In response to those issues, and in order to focus its own activity, the CYPTB heard presentations at the November meeting from the Local Authority, NHS Brighton and Hove and from Sussex Police setting out the challenges and opportunities facing services for children and young people and their families.

The CYPTB strongly affirmed its role and function in driving a partnership response to these issues and to the priorities in the CYPP. The Board also agreed to take a different approach to managing its work programme by receiving and responding to presentations on key issues from member agencies and ensuring that all agencies contributed items for future agendas

January 31st 2011:

The CYPTB received presentations on: Domestic Violence and Sexual Violence; Youth Crime; and Schools, Skills and Learning.

March 31st 2011:

The CYPTB received papers and presentations in respect of: the LSCB Annual Report and Statement of Agreement; Standards in Early Years, Foundation Stage and Key Stages 1-5 2009/10; the Social Work Areas for Development Plan and Self Assessment; the Child Poverty Needs Assessment; and an update on the presentations to the January meeting.

July 18th 2011:

No agenda items have been received from member agencies.

- 3.2 Legal advice to the council is that the CYPTB is now in a transitional period. The requirement to produce a CYPP has been revoked and Statutory Children's Trust guidance has been withdrawn. The Government's intention is to remove the requirement for local areas to have a Children's Trust Board and it is expected this will happen in 2012.

Health and Social Care Bill: Health and Wellbeing Boards

- 3.3 This report recommends that the CYPTB considers its future role and function in light of the government's proposal to establish Health and Wellbeing Boards through the Health and Social Care Bill currently before parliament.

The Bill sets out proposals for:

- a new NHS commissioning system
- a new duty for Local Authorities to improve the health of the people in its area including the transfer of certain Public Health functions and budgets to the local authority
- establishment of Health and Wellbeing Boards; and
- transfer to Local Authorities responsibility for commissioning NHS complaints advocacy and support to local Health Watch bodies.

The Government has responded to the recent NHS Future Forum Report on the Bill listing the key changes it proposes to make to the original Bill. The Future Forum report states that the role of Health and Wellbeing Boards as proposed in the original Bill needs to be strengthened and the Government has accepted their argument.

Functions of the Health and Wellbeing Board (HWB) will include:-

- A duty to involve users and the public;
- A responsibility to join-up commissioning across the NHS, social care, public health and other services, in order to secure better health and wellbeing outcomes for their population;–
- A formal role in authorising clinical commissioning groups;
- A right to refer plans back to the Clinical Commissioning Group or to the NHS Commissioning Board for further consideration;
- To develop a Joint Strategic Needs Assessment;
- To develop a high level Joint Health and Wellbeing Strategy;
- To provide advice and assistance, or other appropriate support, for the purpose of encouraging arrangements under s75 NHS Act (arrangements for lead or joint commissioning, integrated provision and pooled budgets);
- To encourage providers of “health-related services” (for example, housing) to work closely with the commissioners of health and social care services.

A Public Health and Well-Being Group has been established in Brighton and Hove to prepare for and to take forward the new arrangements. A Development Seminar will take place on July 26th and will involve all relevant partners.

The purpose of the Seminar is to identify and explore the key issues and opportunities for Brighton & Hove arising from the publication of the Health & Social Care Bill, but with a specific focus on the Health & Wellbeing Board element.

Issues

- 3.4 The CYPTB may wish to consider if the development of a local HWB is an opportunity to streamline and make more efficient and cost effective arrangements for partnership working across services for children, young people and their families. Arrangements that would continue if the CYPTB were to be subsumed into a HWB include:
- The Cabinet Member Meeting for Children and Young People
 - The Children and Young People's Overview and Scrutiny Committee
 - The Local Safeguarding Children's Board
 - The Schools Forum, 14-19 Partnership etc
 - The Joint Commissioning and Management Groups for the Section 75 Agreements between the council and NHS Brighton and Hove and the Council and Sussex Community Trust
- 3.5. The decision to establish a HWB and/or to wind up the CYPTB would require discussion and agreement by the CYPTB and would then, from a council perspective be progressed through the council's Governance Committee, Cabinet and Full Council as this would represent a change in the council's constitution.
- 3.6. It will be important that the members of the CYPTB have an opportunity to ensure that critical issues in respect of children and young people are properly included in any proposals for a HWB for example:
- Sustaining strategic leadership to improve outcomes for children, young people and their families, for example through a clear statement of partnership, commissioning and delivery priorities to succeed the CYPP which ends on the 31st March 2012
 - Ensuring involvement of children and young people and parents in future arrangements
 - Ensuring the transfer of the commitments between the CYPT Board the LSCB set out in the Statement of Agreement (March 31st 2011)

4. CONSULTATION

- 4.1 Consultation will be through the CYPTB and HWB Development Seminar.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications as a result of the recommendations of this report.

Finance Officer Consulted: David Ellis *Date:* 28 June 2011

Legal Implications:

- 5.2 The requirement to produce a Children and Young People's Plan was removed by the Children's Trust Board (Children and Young People's Plan) (Revocation) Regulations 2010 and the Statutory Guidance in relation to Children's Trusts has been withdrawn. As set out in the body of the report, this leaves the role of the CYPTB in a transitional period. There is still a requirement to have a Children's Trust Board and the Government has indicated that this requirement (set out in Section 12A-12D of the Children Act 2004) will be removed as soon as a suitable legislative vehicle becomes available. There also remains in force a duty to co-operate with relevant partners as set out in Section 10 Children Act 2004. The deregularisation of arrangements is intended not to replace the duty to co-operate but to give local areas more autonomy in how they organise and co-ordinate their services to satisfy this duty.

The proposals in the report are consistent with the current requirements.

Lawyer Consulted: Elizabeth Culbert Date: 28th June 2011

Equalities Implications:

- 5.3 The proposals in this paper do not have immediate implications. Any changes which may result from the paper will be subject to further discussion which will ensure these issues are fully addressed.

Sustainability Implications:

- 5.4 The proposals in this paper do not have immediate implications. Any changes which may result from the paper will be subject to further discussion which will ensure these issues are fully addressed.

Crime & Disorder Implications:

- 5.5 The proposals in this paper do not have immediate implications. Any changes which may result from the paper will be subject to further discussion which will ensure these issues are fully addressed.

Risk & Opportunity Management Implications:

- 5.6 The proposals in this paper do not have immediate implications. Any changes which may result from the paper will be subject to further discussion which will ensure these issues are fully addressed.

Corporate / Citywide Implications:

- 5.7 The proposals in this paper do not have immediate implications. Any changes which may result from the paper will be subject to further discussion which will ensure these issues are fully addressed.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents in Members' Rooms

None

Background Documents

None