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| Subject: | Children and Young People's Trust Board and Health and Well Being Board: update | | |
| Date of Meeting: | 17th October 2011 | | |
| Report of: | Terry Parkin | | |
| Contact Officer: | Name: | Steve Barton | Tel: 29-6105 |
| | Email: | steve.barton@brighton-hove.gov.uk | |
| Key Decision: | No | | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that: the Public Health and Well Being Group (PH&WBG), set up by the Council and the NHS Clinical Commissioning Group to oversee the development of a Health and Wellbeing Board (HWB) for Brighton and Hove, did not meet to consider the outcomes of a second Development Seminar until October 10th 2011. It was anticipated the meeting would provide relevant information to the Children and Young people's Trust Board (CYPTB).

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Brighton and Hove HWB Discussion Paper, attached as Appendix 1, was prepared for the second HWB development seminar held on October 3rd 2011 and provides a summary of emerging proposals and issues. Paragraph 3.5 of this report highlight some of the issues raised at the seminar and subsequently discussed at PH&WBG on October 10th 2011
- 1.2 The CYPTB is responsible for the production and implementation of the City's Children and Young People's Plan (CYPP) and must receive an Annual Report from the Local Safeguarding Children Board (LSCB). The current CYPP is scheduled to end in April 2012. The Health and Social Care Bill, introduced into Parliament on 19th January 2011, makes the establishment of a HWB mandatory for each upper tier authority. The Bill is still to be passed as primary legislation but it is expected that HWBs will be established in shadow form by April 1st 2012, becoming statutory bodies by April 1st 2013.

2. RECOMMENDATIONS:

- 2.1 That the CYPT Board considers and responds to the recommendations and consultation questions in the HWB Discussion Paper (Appendix 1) and to the issues raised at the seminar and subsequently discussed at PH&WBG on October 10th 2011 as summarised in paragraphs 3.5.

- 2.2 That the CYPT Board agrees to the proposed agenda for the next meeting on January 30th 2012 (paragraph 3.11) in order to review its functions as part of a continuing involvement in the development of a HWB for Brighton and Hove.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

HWB Consultation and Decision Making Process:

- 3.1 The HWB Discussion Paper follows the first HWB Development Seminar held on 26th July and sets out preliminary proposals for consultation and further development. The paper was considered at a second seminar on Monday 3rd October, when particular attention was given to ensuring a clear focus is maintained on the needs and outcomes for children, young people and families. There will be further consultation with partners and stakeholders during the autumn including the Public Service Board, the Local Strategic Partnership and the Overview and Scrutiny Committee.
- 3.2 The PH&WBG aims to seek formal approval for a final HWB model and plans for the transitional or shadow year from the:
- Clinical Commissioning Board on December 20th 2011
 - Informal Cabinet on January 4th 2012
 - Council's Governance Committee on January 10th
 - Cabinet on January 19th
 - Full Council on January 26th

HWB Discussion Paper:

- 3.3 The Discussion paper asks a series of consultation questions in respect of the proposed functions, remit, governance, responsibilities and membership of the HWB. The paper makes the following overarching recommendation setting out the purpose and strategic direction for the HWB:

'It is recommended that our HWB should be established in shadow form on 1st April 2012 and that, in line with the duties stated in the Health & Social Care Bill, it should:

1. Provide city-wide strategic leadership to public health, health and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
2. Determine the scope of and approve the Joint Strategic Needs Assessment (JSNA) for the city;
3. Prepare and publish the Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population;
4. Receive the annual CCG commissioning plan for comment. In instances where these plans vary significantly from the JHWS and it is not possible to reach an amicable local agreement, the HWB has the authority to refer this up to the NHS Commissioning Board;

5. Approve and coordinate the local authority's commissioning strategies for public health and adults and children's social care;
 6. Promote integration and joint working in health and social care across the locality;
 7. Involve users and the public, including to communicate and explain the JHWS to local organisations and city residents;
 8. Monitor the outcomes goals set out in the JHWS and use its authority to ensure that the public health, health and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the city;
 9. Ensure robust arrangements are in place for a smooth transition into the Statutory Board by April 2013'.
- 3.4 Section 3 of the Discussion Paper considers the proposed remit of the HWB and highlights potential opportunities through the formation of HWBs to streamline partnership working arrangements i.e.
- 'The remit of HWBs to eliminate overlap in activity and bring together partners, and particularly commissioners, working at a high level is clear in the White Paper'
 - 'Rather than establishing a whole range of reporting mechanisms, our HWB should (as far as possible) take on responsibilities from other Boards'
- 3.5 Sections 5 and 6 of the Discussion Paper consider governance arrangements and the potential responsibilities of the HWB and suggest: 'The HWB could subsume the functions of the: Healthy City Partnership; CYPT Board; Learning Partnership; and Joint Commissioning Boards (adults)'

Second Development Seminar October 3rd 2012:

- 3.6 Detailed notes were taken for each of the 4 facilitated groups at the seminar. Key points included:

Functions

- Functions and remit need to be more clearly mapped/defined.
- Potentially too many functions/responsibilities. Core functions could, therefore, be lost.
- Systems leadership is crucial – the HWB should have high-level oversight and not get 'bogged down' with commissioning-level detail (while retaining connection between activity and high level strategy).
- Without direct budget control, the HWB may have little power and influence.
- Should the focus of the HWB should be transformational or transactional? Emphasis on the former. It is not the HWB's role to hold providers to account – it should hold commissioners to account.
- What is the link to housing and other wider determinants of health?
- What is the link between the Annual Public Health Report and the Joint Health and Wellbeing Strategy?
- The HWB's scrutiny role needs to be clarified – how will it monitor delivery of outcomes? What performance management framework will be developed to support HWB functions? Could a similar model to that used by the Local Area Agreement be used?
- Emergency planning, the HWB should not oversee but rather scrutinise.

Governance

- Most groups found this section challenging and the terminology complex.
- Important for the Council to clarify implications for the constitution - what is the HWB's link to Cabinet and Full Council?
- The decision-making powers of the HWB must be clearly mapped. Not all functions can be simply 'transferred' from other boards/groups listed - care must be taken to ensure that the destination is correct. Particular concerns were expressed in terms of children's services, especially safeguarding.
- Detailed mapping work is required e.g. multi-agency aspects (police, probation etc) that the HWB does not encompass
- The HWB must be clearly accountable – who scrutinises the HWB?
- Further thought is required regarding the HWB's relationship to the Public Services Board and the Local Strategic Partnership to avoid possible duplication.
- How often will the HWB meet? How will this be administered and supported?

Membership

- The HWB should be smaller rather than larger – the opportunity for 'open' meetings should be used to facilitate this.
- There is a need to consider:
 - Cross-party representation
 - There will be far more NHS money spent than council – where would be the equivalent of the lead councillors from the NHS?
 - The equalities dimension – specifically is it appropriate to just a Youth Representative with voting rights?
 - The gender balance and numbers of lay people
 - The precedent set by having a voluntary sector representative on the HWB as it too is a 'provider'
 - Wider patient engagement – there is concern that 1) HealthWatch is the only vehicle for this and 2) that representative must be skilled and engaged.
 - Safeguarding – is it right that this be reported into the HWB? If so, is the membership correct (e.g. police)? Why is the Children's Chief Executive Safeguarding Board not mentioned in the paper?
 - The wider determinants of health –Chair of the Learning Partnership be included on the HWB and not of other related partnerships?
- Membership must be right if there are proposals to delete existing groups/boards.
- What role will the public play? Will they simply be observers?
- The group should explore the use of social media in engaging providers.

PH&WBG on October 10th 2011

3.7 The PH&WBG:

- Agreed to update the Discussion Paper to reflect thinking at the second Development Seminar and to take forward the next phase of consultation and development (October to December 2011)
- To remove specific reference to CYPTB functions, for the time being, in order to enable considered discussion and planning to take place in the lead up to April 2012 and/or during the proposed HWB transitional year (2012/13); and

- Recognised the particular importance of ensuring robust Safeguarding arrangements and representation of issues that may fall outside of the HWB remit including education, skills and community safety.

The CYPTB:

- 3.8 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 a proposal will go to Full Council on October 20th 2011 to remove the CYPP from the list of plans required to obtain approval at council. Statutory Children’s Trust Guidance has been withdrawn and the Government’s intention is to remove the requirement for local areas to have a Children’s Trust Board. It is expected this will happen during the next Parliamentary Session in 2012. However the government has yet to publish a firm date for this to happen.
- 3.9 At its last meeting the CYPTB emphasised the importance of maintaining a clear focus on improving outcomes for children, young people and families in the new and emerging arrangements for a HWB. This was echoed at the second HWB Development Seminar on Monday 3rd October. That focus is described in the CYPTB Terms of Reference which are attached for reference as Appendix 2.
- 3.10 As part of continued discussion and consultation about the HWB the CYPTB will want to consider the well established partnership, planning and scrutiny arrangements which would remain in place if some or all of the CYPTB functions were taken on by a HWB in the future i.e.
- 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 Learning Partnership and the Schools Forum
 - 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
- 3.11 In order for the Board to take forward that discussion and consultation process it is asked to agree the following agenda for the next meeting on January 30th 2012:
- Presentation of a summary report on the CYPP which is scheduled to complete in April 2012. The report would set out progress on the four strategic improvement priorities in the plan, and the city’s position in respect of the agreed performance indicators;
 - Identification by partners at the CYPTB of the strategic issues and priorities for children, young people and families going forward – and which might shape or be included in the HWB’s first Joint Health and Well Being Strategy
 - Discussion of the key issues identified during the development of the HWB in respect of safeguarding education, skills and community safety and how these might be addressed in the future.

- Discussion of a new participative seminar format for CYPTB meetings to address key strategic issues in respect of outcomes for children and young people and starting with education and inequalities.

4. CONSULTATION

- 4.1 Consultation will be through the CYPTB and HWB Development Seminars and consultation processes.

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:* 05./10/11

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:* 05/10/11

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 and 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.

Public Health Implications:

- 5.7 Public Health has a central role in the development of HWBs and the discussion summarised in this paper has significant implications for the local public health agenda. Public health issues in respect of children, young people and families are central to each of the 4 Strategic Improvement Priorities in the current CYPP

Corporate / Citywide Implications:

- 5.8 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.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The purpose of this paper is to enable the CYPT Board to begin to evaluate options in light of the development of a local HWB for the future partnership and strategic planning and accountability arrangements to improve outcomes for children, young people and families. Details are set out in paragraphs 3.7. to 3.10.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To enable the CYPTB to participate in consultation on the development and formation of a HWB for Brighton and Hove and to consider the implications for the CYPTB.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1: Brighton and Hove Health and Well Being Board: A Discussion paper September 2011
2. Appendix 2: Terms of Reference for the Children's Trust Board: agreed 17th May 2010

The Terms of Reference are pursuant to The Apprenticeships, Skills, Children and Learning (ASCL) Act 2009 , and the accompanying statutory guidance and regulations. Regarding co-operation arrangements.

2. The role and responsibilities of the Board

- 2.1 The Children's Trust Board provides the interagency governance of the Children's Trust cooperation arrangements to promote children's well being arising from Section 10 of the Children Act 2004, whereby arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to –
 - (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by them to society;
 - (e) social and economic well-being.
- 2.2 The Children's Trust Board will bring partners together in a common strategy through the Children and Young People's Plan (CYPP). The Act transfers responsibility for preparing, publishing and revising the CYPP from the local authority alone to the Children's Trust Board.
- 2.3 The Children's Trust Board will prepare and monitor the implementation of the CYPP – but does not deliver it. Delivering the strategy remains the responsibility of the partners, both individually and together. Each partner within the Children's Trust retains its own functions and responsibilities within the wider partnership framework.
- 2.4 When preparing, reviewing and revising the CYPP the Board must have regard to the compatibility with the UN convention on the rights of the child, which includes children's rights to:
 - protection from harm and violence and discrimination,
 - a supportive family environment or alternative care,
 - help to keep healthy;
 - education, play and leisure;
 - additional support for those with the most need.

3. Membership

- 3.1 The membership of the Board will be as set out in the attached schedule, at Appendix 1.

4. Governance

- 4.1 The Chair of the Board will be the Lead Member for Children's Services.
- 4.2 The Children's Board has no quorum.
- 4.3 If a member of the Board cannot attend deputies or alternative representatives with decision making powers should attend with the agreement of the Chair.
- 4.4 Should the need arise the Board has the power to set up sub -groups. There are no plans to do so at present

5. Objectives: The Board has responsibility for:

(i) Conducting a needs analysis to inform the CYPP

- 5.1.1 The Board must carry out a thorough and wide ranging analysis of children and young peoples needs mapped against existing services, to identify gaps in service provision and inform strategic commissioning.
- 5.1.2 The Board should review the needs analysis as an ongoing activity.
- 5.1.3 The Board must ensure that the needs assessment is informed by safeguarding priorities
- 5.1.4 The needs assessment should inform and be informed by the statutory Joint Strategic Needs Assessment (JSNA)

(ii) Developing and publishing the CYPP:

- 5.2.1 The Board must collectively prepare, publish, monitor and revise the CYPP in accordance with current statutory regulation and guidance.
- 5.2.2 The CYPP is a joint strategy which sets out how the Children's Trust partners will cooperate to improve children's well-being in the local area and sets the strategic framework for the commissioning of services for children and young people.
- 5.2.3 The CYPP should be consistent with the strategic vision in the Sustainable Community Strategy.
- 5.2.4 In preparing the CYPP the Board will set the strategic priorities for children and young people with special educational needs, disabilities and looked after children in the local area
- 5.2.5 Every local area must publish a joint CYPP on or before 1 April 2011
- 5.2.6 The Board must agree the period of the plan to be published on or before April 2011, and the period covered by each plan thereafter.

- 5.2.7 The Plan must be published by the partners to the Board in accordance with statutory guidance
- 5.2.8 The Children's Trust Board will consult widely during the preparation of the Plan per the CYPP regulations.

(iii) Monitoring the CYPP

- 5.3.1 Whereas individual partners to the Board are responsible for delivering the CYPP, the Board is responsible for monitoring the extent to which each Children's Trust partner acts in accordance with their commitments in the CYPP.
- 5.3.2 The Children's Trust Board will monitor the extent to which the priorities and targets identified in the CYPP are being achieved and specifically how each partner is implementing the Plan, providing challenge if necessary.
- 5.3.3 The partners to the Board must provide information and relevant data to enable the Board to assess progress of the CYPP.
- 5.3.4 The Board will review the CYPP each year in which a new Plan is not published. The emphasis of the review is to assess the effectiveness of the Plan itself. Following any review of the plan if it considers it is necessary the Board will revise the plan and publish it in accordance with regulations.
- 5.3.5 The Board will produce an annual report on the extent to which the Children's Trust partners act in accordance with the CYPP.
- 5.3.6 The annual report shall include the assessment of the Chief Executive and Leader of the Council as to the effectiveness of local governance and partnership arrangements for improving outcomes for children.

(iv) Safeguarding and promoting welfare

- 5.4.1 Per the statutory guidance 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.
- 5.4.2 The Board must receive an annual report from the Local Safeguarding Children Board (LSCB).
- 5.4.3 In developing the CYPP the Board must have regard to the strengths and weaknesses identified by the LSCB. The LSCB is responsible for challenging the Children's Trust Board and the Children's Trust partners individually on their success in ensuring that children and young people are kept safe.
- 5.4.4 The CYPP must set out the arrangements to promote the welfare and safety of children and young people, and the arrangements made by Board partners for co-operating to improve safeguarding and provide early intervention and preventative action.
- 5.4.5 The CYPP regulations require the CYPP to set out the arrangements they will make to reduce and mitigate the effects of child poverty.

5.4.6 The CYPP must include a local workforce strategy to help create a workforce which delivers improved outcomes for children.

5.4.7 The Children's Trust Board should promote consistent adoption and use of integrated processes and tools available to support integrated working through the CYPP. This includes effective information sharing and per Lord Laming's recommendation the Children's Trust Board should assure itself that partners consistently apply the Information Sharing Guidance to protect children.

Documents in Members' Rooms

None

Background Documents

None

