

Subject:	Children's and Young Persons Trust Board – Future Arrangements		
Date of Meeting:	30th January 2012		
Report of:	Strategic Director, People as Director of Children's Services		
Contact Officer:	Name:	Terry Parkin	Tel: 29-0446
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Key Decision:	Yes	Forward Plan No: GOV 25717	
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 proposals in relation to the new decision making arrangements are still at a formative stage and the first meeting of the cross party Members Group took place on 19th January 2012. The Governance Committee took place on 10th January 2012 and the outcome of these meetings needed to be taken into account in drafting this report.

1. SUMMARY AND POLICY CONTEXT

- 1.1 On 15th December 2011 the Council agreed to change its decision making arrangements from a cabinet system to a committee system. The change will take effect immediately following the Council's AGM in May 2012.
- 1.2 In addition to the move to a committee system, further changes in the Council's governance arrangements will be required by the Health and Social Care Bill. The Bill, as currently drafted, requires local authorities to establish a Health and Wellbeing Board (HWB) by April 2013. The HWB will be a formal committee of the Council.
- 1.3 This paper considers the implications for the Children's and Young Persons Trust Board (CYPTB) arising from the changes in governance arrangements outlined above. The changes significantly alter the landscape for decisions in relation to children and young people.

2. RECOMMENDATIONS:

- 2.1 That the CYPTB recommends to Governance Committee and full Council that the role of the CYPTB be incorporated into the remit of the new council committee responsible for children and young people from May 2012;
- 2.2 That the CYPTB recommends to Governance Committee and full Council to co-opt a range of non voting members to the committee responsible for children and young people, and that the co-optees should represent the bodies outlined at Appendix One.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

The change from a Cabinet system of decision making

- 3.1 From May 2012 the Council will no longer operate a cabinet system of decision making. This means that council functions requiring Member decisions will be covered by formal committees that will be cross party and politically balanced to reflect the political representation of elected Members on the Council.
- 3.2 One of the committees that will be established is likely to be a committee with responsibility for children and young people. This committee would exercise the council's functions relating to the education, social care and health of children and young people in the city.
- 3.3 A further committee that has been proposed is a Corporate Parenting Committee, working at the highest level to ensure that the Council meets its collective responsibility to children and young people in care and those who have left the care of the Local Authority.
- 3.4 The Council is also proposing to retain a scrutiny function which is likely to have a remit which will extend to cover all council functions, including children and young people and will further include arrangements for Health Overview and Scrutiny.
- 3.5 One issue that the Council is seeking to address in designing the new system is to ensure that there is absolute clarity and transparency in relation to where decisions are taken and who is responsible for them. This is of course particularly important in relation to children's services, where the Lead Member and Director of Children's Services have a statutory duty to ensure a clear and unambiguous line of local accountability.
- 3.6 A further design principle in relation to the new system is that it should be streamlined and that there should not be a proliferation of committees and meetings. This is in order to ensure that the system is efficient, sustainable and affordable.
- 3.7 Taking the above principles into account, it has been necessary to review the work and focus of all of the Council's existing decision making bodies. The requirement for the CYPTB to prepare and publish a detailed Children and Young People's Plan has been revoked, leaving the CYPTB without the key statutory function it was established to carry out. The Government has indicated that as soon as a suitable legislative vehicle is available, it will also revoke the requirement to establish a Children's Trust Board.
- 3.8 In view of the need to establish a politically proportionate committee with the role of exercising all of the Council's functions in relation to children and young people, it is proposed that this committee could also be the Children's Trust Board whilst this requirement (set out in the Children Act 2004) is still in place. To have a separate body - without a clear or distinct role - would be likely to lead to confusion as to the roles of the respective committee and CYPTB and would not

meet the principles the Council has set itself in terms of a transparent, sustainable and efficient decision making system.

- 3.9 One issue that it will be important to address, if the new committee is to take over the role of the CYPTB, will be the representation of relevant interests on the committee, in addition to the elected Members. This can be achieved by ensuring that there are co-optees on the new committee. A proposal in relation to co-optees is attached at Appendix One.

The Health and Wellbeing Board

- 3.10 In addition to the changes set out above, the Council has made arrangements to establish a Shadow Health and Wellbeing Board from April 2012. The Terms of Reference for the Shadow Board were agreed at Governance Committee on 10th January 2012 and are attached at Appendix Two for information. These arrangements are due to be considered by full council for approval on in January 2012.
- 3.11 The Membership of the Health and Wellbeing Board will include seven elected Members and a range of other members as required by the Health and Social Care Bill.

Next Steps

- 3.12 There is a wide recognition of the much good work undertaken by the CYPTB, and that due to the partnership nature of that work, partners from across the city have made a significant contribution to the development of services to children and young people. However, with such a crowded landscape, there seems little room for the continuation of the CYPTB, and more so now that the requirement for a children's plan has been removed by central government.
- 3.13 Although the need for a formal plan has been removed by central government there is still considerable partnership work which needs formal oversight and therefore the presence of partners on the new committee to advise elected members will be important. This includes health partners, including the newly formed Clinical Commissioning Group which will replace Brighton and Hove PCT, joint working with the police and other aspects of the youth justice system and of course work with schools.
- 3.14 The Governance Committee will be considering the proposed new decision making arrangements for approval and recommendation on to full Council on 20th March 2012. The final decision will be made at full Council on 26th April 2012. Governance Committee will wish to take into account the views of the members of the CYPTB when considering the proposals for the new arrangements and the minutes and decision record of this CYPTB meeting will be made available for this purpose.

4. CONSULTATION

The views of the members of the CYPTB are being sought through this paper in relation to the recommendations in this report.

The following people were provided with the opportunity to comment and input into the establishment of the Shadow HWB:

- Members of the staff forums of the city council and clinical commissioning group
- Members of the Overview & Scrutiny Commission
- Political groups
- Individual Cabinet Members
- Corporate Management Team
- Strategic Leadership Board
- The LINK
- NHS Brighton and Hove
- Brighton and Hove Clinical Commissioning Group

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any costs relating to the move to a committee system and meeting the new governance requirements will be met from within existing resources.

Finance officer consulted: *Louise Hoten*

Date: 24/01/12

Legal Implications:

- 5.2 Legal implications are addressed in the body of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 24/01/12

Equalities Implications:

- 5.3 The council's Equality and Inclusion Policy guides the council's approach to equality, diversity and inclusion. It explains the council's responsibilities and duties, and sets out how the council will meet them. This is a key informant policy of the joint strategic needs assessment of the city which will in turn inform the health and wellbeing strategy adopted by the health and wellbeing board. This policy will also inform the decisions of the new committee responsible for exercising the council's functions in relation to children and young people.

Sustainability Implications:

- 5.4 The need to have a sustainable and affordable system of decision making has been addressed in the body of this report. Sustainability implications for both council operations and city outcomes are also incorporated directly into the joint strategic needs assessment of the city and inform the State of the City report.

Crime & Disorder Implications:

- 5.5 There are no crime and disorder implications arising from the proposals contained in this report. The relevant partners will continue to be represented at the new committee in order to ensure that crime and disorder issues are considered appropriately. Crime and Disorder implications are also incorporated directly into joint strategic needs assessment and formed a key component of the State of the City report.

Risk and Opportunity Management Implications:

- 5.6 Risks and opportunities for the Council and the city have been considered during the development of this paper and a formal risk assessment was undertaken as part of the work programme of the cross Party Members Working Group.

Corporate / Citywide Implications:

- 5.7 The committee responsible for children and young people will have responsibility for exercising all of the council's functions in relation education, social and health for children and young people. The health and wellbeing board will steer the overarching health and wellbeing priorities for the city and stimulate service level outcomes and business plans, to improve the population's health and wellbeing.

SUPPORTING DOCUMENTATION

Documents In Members' Rooms

None

Background Documents

None

