

**Children
England**

**Charities working for
children and families**

**Consultation Response:
Children's Trusts: statutory guidance on co-operation arrangements, including
the Children's Trust Board and the Children and Young People's Plan**

**Submitted to the Local Area Policy Unit
January 2010**

About Children England

Children England is the leading membership organisation for the children, young people and families' voluntary sector. With member organisations working in all parts of the country ranging from small local groups to the largest household names in children's charities, Children England is in a unique position to use the collective voice of the voluntary sector to achieve positive change for children. Children England provides capacity building, support and information to its members and the wide range of voluntary sector organisations working with children, young people and families. It does this by building active networks, promoting good practice, stimulating policy debate and ensuring that the issues that matter most to its members are taken up with decision makers.

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Introduction

Children England is founded upon the premise that the lives of children, young people and families are enhanced by the existence of a vibrant and diverse Children, Young People and Families Voluntary and Community Sector (CYPF VCS).

Children England has nine regional groups which bring together the children, young people and families' voluntary and community sector (VCS) in each region. These groups are coordinated by volunteer chairs from member organisations and are supported by regional development officers. Our regional groups give us vital information on how policy and practice is being played out at locality level. In addition Children England hosts the VCS Engage programme which builds active networks and provides capacity building across the wider children young people and families voluntary sector. Nine regional development managers, support this activity, liaising closely with colleagues in their Regional Government Office.

Children England seeks to develop close working relationships with statutory partners in the regions to enable them to commission intelligently, understand and mitigate changes in funding and to collaborate with and improve the level of representation of the VCS on their representational structures. At the heart of our regional work is the belief that a strong, vibrant and dynamic VCS in every locality is essential to the wellbeing of children, young people and families and to the delivery of the aspirations within the Government's Children's Plan.

Children England welcomes the opportunity to respond to this consultation on Children's Trust co-operation arrangements. In this document we have responded to those sections of the consultation which most directly relate to the concerns and interests of the voluntary and community sector.

1. Overall, do you agree that the guidance will help to strengthen the engagement of Children's Trust partners (statutory or otherwise)? If not, what else is needed?

- i. Children England welcomes the purpose of both the changes made through the ASCL Act 2009 and this guidance in attempting to strengthen Children's Trust co-operation arrangements, standardise good practice and set minimum standards.
- ii. It is also welcomed that the guidance recognises that local variation in co-operation arrangements is necessary in enabling Children's Trusts to be responsive to their local situation. However, overall we have significant concerns, based upon the experience of members to date, that this local flexibility will in practice be used to perpetuate the very variable practice that currently exists within Children's Trusts, particularly in relation to engagement with the third sector. Rather than a standardising of good practice, this could easily result in the maintenance of the current situation where some excellent practice can be found, alongside very poor practice in the engagement of partners in a meaningful way.
- iii. Overall, in relation to the situation of the third sector within this guidance, Children England considers this to be a missed opportunity to build the knowledge of statutory partners, set out the importance of the third sector and to lay the foundation for effective engagement of, and by, the sector in Children's Trust co-operation arrangements.
- iv. It is particularly surprising that this guidance fails to offer stronger and clearer advice around engaging with the third sector given the findings of the Audit Commission report on Children's Trusts *Are we there yet?* which found that the private and the voluntary and community sectors are less engaged, despite their large contribution to children's services.
- v. In addition Children England's own research into the involvement of the third sector in children's trust arrangements; *Under the radar 2008* and *Small change 2009* (available from www.childrenengland.org.uk) is consistent with the ongoing reports we receive from members of our regional groups and networks that representation and involvement, especially by the smaller sector is very underdeveloped and poorly resourced. We remain concerned that at a time when public sector resources will be under great pressure, without explicit

recommendations and inclusion in the relevant inspection and quality assurance systems, the current patchy and inadequate situation may deteriorate further.

Children England would recommend that the section regarding, and the position of, the voluntary and community sector within this guidance be significantly strengthened and improved in order to support consistent, high quality, effective engagement of Children's Trust partners. In particular the tone and language used could be more emphatic and the value of the third sector as both strategic planning and front line delivery partners could usefully be explained in more depth.

2. Does the guidance provide a clear explanation of what the Children's Trust and the Children's Trust Board are and do, and how they are different? If not, how else should this be covered?

- i. The guidance does set out clearly the purpose of Children's Trusts arrangements and the role and position of the Children's Trust Board within these arrangements. It is also helpful that the guidance makes clear the role of the Board in relation to other structures which are not children and young people specific such as the Local Strategic Partnership and, related planning and decision making processes such as the Sustainable Communities Strategy.
- ii. We welcome the essential actions for the Trust laid out in section 1.10, which are clear and comprehensive, however it may also be helpful to add weight to this section by reinforcing the role of the Trust to **lead on behalf of all children young people and families** across the local area, rather than the current emphasis in section 1.9 which is focussed primarily on improving service provision.
- iii. We very much welcome the inclusion of partners such as housing, adult and community services in the list of partners. At a recent round table discussion (Jan 2010) on housing and its impact on the lives of children and young people, hosted by Children England, the lack of involvement of housing, planning and leisure services in Children's Trust arrangements was highlighted as a difficulty which should be addressed with urgency, given the high impact these services have on children's lives. (Report of the roundtable event available from sophie@childrenengland.org.uk)
- iv. In terms of the partners involved in the Children's Trust Board, it is essential that the relationship between the LSCB and the Children's Trust Board is strengthened. The LSCB must have real influence on the Children's Trust Board as the Board holds the resource and commissioning power to ensure children in the area are safeguarded. In addition the Children's Trust needs to have clear mechanisms for ensuring that the LSCB are fulfilling the functions set out in *Working Together to Safeguard Children*, that there is the correct balance of

prevention and intervention work being undertaken on safeguarding. Training and development on safeguarding issues, currently managed and promoted through LSCB's should be available across the whole workforce, including volunteers, and delivered in accordance with the local Workforce Strategy.

- v. The Trust has an important function in supporting the LSCB to "make safeguarding everybody's business", through careful inclusion of safeguarding as a golden thread running through implementation and commissioning strategies, and helping other partners, such as housing agencies, to understand and participate fully in safeguarding.

We would recommend that the guidance could go further in encouraging and clarifying this vital two way relationship. The inclusion of formal representation from the LSCB on the Children's Trust Board would provide a helpful conduit and clear recognition of the importance of this partnership in underpinning all others.

3. Does the guidance provide sufficient clarity on how partners should be represented on the Children's Trust Board?

- i. As stated above Children England believes that the guidance as a whole, and the section on the third sector in chapter 2 in particular, is a missed opportunity to strengthen the position of the third sector in Children's Trust arrangements. We recommend that this section be significantly redrafted to support local authorities establishing Children's Trust Boards, and existing Boards, to better understand the sector and the value, experience and expertise it has to offer to the work of the Board, the wider Trust, and in improving outcomes for children and young people.
- ii. Paragraph 2.42 presents a very confused picture of the voluntary and community sector as a whole. The section focuses almost entirely on the role of the sector as advocates for those who "do not engage positively with statutory organisations". This suggests the whole purpose of the entire sector is simply to pick up the pieces round the edges of statutory services and completely fails to set out the value of the sector to Children's Trust co-operation arrangements.
- iii. **It would be useful to redraft paragraph 2.42 to include:**
 - a. **The definition of third sector organisations as agreed in the Compact;**
 - b. **Briefly, the nature and breadth of the sector which comprises both universal and specialist organisations working across whole communities or with specific services users or issues;**
 - c. **The nature of infrastructure providers which can also be generic or specialist;**

- d. **The extensive experience and expertise held by the sector in the areas of service delivery, advocacy, engagement, and specialist work; and,**
 - e. **The value and contribution of the sector in improving outcomes for children, young people and families.**
- iv. Paragraph 2.43 on representation and engagement of third sector organisations is generally vague and very passive. There seems to be inconsistency between this paragraph and other sections of the document: paragraph 2.42 clearly states that the Children’s Trust Board should include third sector representation; while paragraph 2.43 seems to take a weaker position, focussing on ‘local flexibility’ but recognising the diversity of the sector; and paragraph 7.18 talks of shared representation. **This paragraph could be usefully redrafted to give clearer guidance on the issue of representation. There is very useful wording in paragraph 7.19 on the representation of schools which could be adapted to the non-statutory position of the third sector.**
- v. It is welcomed that the guidance encourages Children’s Trust Boards to seek the views of smaller organisations who may struggle to find the capacity to engage. However, the Children’s Trust must recognise and make a contribution towards, the costs incurred by local third sector infrastructure organisations on co-ordinating this work on their behalf. In many areas there are specific infrastructure organisations for the children and young people’s voluntary sector which are well placed to undertake this work. **Clearer advice to this effect could be included in the guidance alongside signposting to good practice in this area of work.** Children England would be happy to contribute examples of strong representation models if this were felt appropriate.
- vi. The fleeting reference to the Compact implies/ assumes it is well known and consistently implemented across Children’s Trust areas. Feedback from our members, colleagues and partners shows this is simply not the case. It would be useful for the guidance to make stronger reference by listing examples of the key principles.

Suggested alternative wording:

2.43 As the third sector has an essential contribution to make, every Children’s Trust Board should include third sector representation. The number of representatives should reflect the diversity of the sector and local circumstances. This could mean more than one representative. Smaller third sector organisations are often embedded in local communities and make significant contributions to the lives of children, young people and families, but may not have the capacity to engage on an individual basis with the Children’s Trust Board. The local authority should make an appropriate level of resource available to local third sector

infrastructure organisations to enable them to engage with these organisations on behalf of the Board. All engagement with the third sector should follow the advice in the revised Compact on involvement in policy development and the Compact Principles, including, for example:

- **Honesty**
- **Respect**
- **Citizen Involvement**

- vii. It is welcomed that chapter 7 addresses the issue of representation, setting out the requirements for this role for both partner organisations. It is also welcomed that the guidance extends to shared representation and the need for representatives of multiple organisations to have a clear mandate. Whilst significant progress has been made in this area there is still a long way to go both in terms of Children's Trusts recognising and encouraging genuine shared representation and individual organisations being clear on what basis they are acting as a representative of others. Children England supports a number of regional networks for third sector Children's trusts representatives, providing training, mutual support and problem solving opportunities. Colleagues from these networks report a lack of understanding amongst statutory partners of the time and resource needed to feedback to the wider sector to ensure plans are understood and constructive comments collated for feedback. Where this works well, plans are more robust and ownership extended into the community.
- viii. It must also be recognised that shared representation poses a number of challenges particularly for the third sector. The breadth of organisations, values, perspectives and approaches which comprise the third sector make it almost impossible to achieve a single voice of 'the sector'. It is important that this is understood by the Children's Trust Board and resources provided and to provide effective two way communication between shared representatives and the wider sector alongside training and support for representatives to increase their effectiveness.
- ix. Third sector organisations can also, as mentioned in the guidance, form a valuable and trusted bridge between the Trust and those it serves, particularly disadvantaged and marginalised children, young people and families. This role should be clearly defined and where possible separate forums and structures established to enable the voices of service users and the wider community to be heard at appropriate points in the planning process. It should not be assumed that third sector organisations can substitute for the direct contribution of children young people and families, although they can support and facilitate effective engagement.

Whilst individual sectors should be responsible for selecting their own representatives, the guidance would be strengthened by outlining the responsibilities of Children's Trusts in ensuring that those sitting as representatives on its board have been selected through a transparent and robust process.

4. Does this guidance make clear the integrated tools and processes to be used in Children's Trust co-operation arrangements? If not, how else should this be covered?

- i. The guidance does give a fairly comprehensive list of the tools and systems available to support more integrated working, particularly across statutory services. However, it is not clear how these tools are integrated themselves (i.e. how CAF links to ICS, Asset and CCIS). The guidance also suggests in paragraph 3.3 that all partners should be "implementing and embedding them [all?] into their regular and routine practice". Whilst the sector is committed to effective joint working which most effectively safeguards and meets the needs of children, young people and families, such as suggestion has huge implications. Whilst some of the larger third sector organisations have been able to find the capacity to get to grips with and embed these tools and processes (often as successful providers of commissioned services), smaller organisations face a number of barriers including:
 - Knowledge of and access to available training;
 - Access to suitable IT facilities
 - Staff time and cost of implementation

It would be useful if the guidance rather than merely listing and defining the tools available gave advice to the Children's Trust Board on how these tools could be best used to involve all partners, not just those who are statutory relevant partners in integrated working. In addition the guidance should encourage the Board to consider the steps needed to ensure the smaller part of the third sector are given guidance and support to engage appropriately in this work.

5. Does the guidance make clear what the responsibilities of the Children's Trust Board are around commissioning? If not, how else should this be covered?

- i. Children England welcomes the inclusion in the guidance of the need for Children's Trust Boards to develop and agree a common process, recognisable to all partners in relation to commissioning. It would be useful if this was expanded to include more explicitly joint processes and partnerships for strategic

commissioning. There is currently huge variation across local areas in commissioning processes and practices with some areas changing their approach even from one commissioning cycle/ opportunity/ organisation to another. Such poor practice puts the sector at significant disadvantage in tendering for contracts as learning and work from previous experiences cannot always be transferred to new opportunities. In addition there are many examples of situations where despite the positive aspirations of the Children's Trust Board, in reality the course taken depends heavily on the local interpretation of legislation by procurement and contract departments in the each authority.

- ii. It is also welcomed that the guidance encourages Children's Trusts to be clear on which parts of the commissioning process potential provider organisations should be excluded from. **However it would be helpful if the guidance gave much stronger advice and guidance in this area as there continues to be a lack of understanding both on the management of the purchaser provider split within authorities and the different contributions external partners may make to setting strategic direction.**
- iii. In relation to paragraph 4.7 it is good to see the guidance placing a strong emphasis on service users as co-designers at all stages of the commissioning cycle and providers are also a key source of information. **However, Children England would like to see stronger wording to the effect that all partners should be included at each stage of the commissioning cycle to ensure that their knowledge, expertise and experience, alongside the view of children, young people and their families, are available to inform service configuration (regardless of their status as service providers or not).**
- iv. The Kindle partnership, in which Children England plays a leading role, has recently published guidance on good practice in commissioning from the third sector. This publication *Commissioning and the Community Sector* is available from the Commissioning support programme as well as Kindle partner web sites. (www.commissioningsupport.org.uk/cs/groups/commissioning_and_the_community_sector)
- v. **It would also be beneficial for the guidance to make clearer that commissioning decisions should be based on the best value available to secure the agreed outcomes.** This should be a far wider assessment than the service available for the cheapest cost, which often excludes smaller providers with specialist knowledge of their communities and service users, and whose social and economic benefits reach far wider than their immediate service users, as they are unable to make all the efficiencies of scale available to large providers.

- vi. Commissioning processes are the primary tool for supporting the engagement of the third sector in other areas of Trust activity. In particular the ability of the sector to participate in **workforce reform** will be proscribed by the resources for workforce development included within commissioning processes, as well as the appropriate targets being set in the Workforce Strategy.

We would also recommend that the guidance makes further reference to the Compact in the section on commissioning since this will provide positive reinforcement of good practice and be a helpful resource for Trusts.

12. Do you agree that the matters to be dealt with in the plan as set out in section 4 of the Regulations are appropriate?

- i. As the guidance sets out, the work of Children's Trusts will be assessed through the Comprehensive Area Assessment process. Whilst bringing clarity, the listing of what should be included in the Children and Young People's Plan implies to Children's Services Directorates that these are the areas on which they will be assessed.
- ii. There is a significant risk that this will undermine the emphasis on locally driven priorities driven by effective engagement, consultation and needs assessment. While it is clear that children and young people require a base line set of services wherever they live, delivered to an acceptable standard, there remains a danger that, especially in a time of reducing resources, these needs are met to the exclusion of those of highly vulnerable groups of young people. This includes, for example, children and young people who; are sexually exploited, or at risk of sexual exploitation; have parents in prison; are children of economic migrants. The needs of such groups currently figure in far too few Children and Young People's Plans. We hope the guidance can be amended to reflect the complex prioritisation which needs to happen if the needs of all children are to be addressed, rather than the demands of inspections and regulation met.