

## **Proposals for future unitary structures: stakeholder consultation**

The Association of Directors of Children's Services (ADCS) is the professional association representing directors of children's services appointed under the provisions of the *Children Act 2004* and other children's services professionals working in leadership roles in local authorities in England.

The Association is pleased to submit this response to the DCLG stakeholder consultation on proposals for future unitary structures.

The Association of Directors of Children's Services (ADCS) does not wish to comment on the detailed proposals submitted for unitary status. Unitary status is a matter for local democratic decision-making. The Association is however concerned to express its views on the matter of whether or not the proposed changes in general will support the delivery of children's services to improve outcomes for all children and young people in an area. Overall we anticipate that the simplifying of local government structures (by reducing the number of District Council models) and further integration of services at a local level (particular in services and strategies that are currently within the purview of District Councils such as housing, leisure, play etc) will offer more sensitive, flexible, responsive services for children, young people, their families and carers. It is to this end that we offer the following comments.

### **1. Children's trust arrangements**

It is often the case in two tier local government that each District Council has individual representation on the Trust Board. This can make the Board relatively large and unwieldy. Similarly, many District Councils have their own Local Strategic Partnerships (LSP) to which the Children's Trust must relate. The proliferation of local stakeholder representation on Trust Boards is not conducive to effective partnership working. Streamlining Trust arrangements therefore may enhance the ability of the Trust to take decisions efficiently and effectively

### **2. Coherent accountability and prioritisation mechanisms**

Responsibility for certain aspects of service provision is split between District and County Councils. For example, when one considers the ECM outcome 'Enjoy and Achieve' it is the case that leisure and play services fall within the remit of a District Council whilst the County Council remains responsible for Extended school, Sure Start provision, etc. This bifurcation of responsibility and accountability for delivery of services necessitates a significant expenditure of resource and energy to gain agreement of priorities and consistency of approach. Housing, sport and leisure services are key aspects in the quality of life for children and young people and crucially they contribute to the ECM outcomes 'Be healthy' and 'Making a positive contribution'. Single tier government that brings these services together under a streamlined accountability regime may well bring significant opportunities for County Councils to address universal factors affecting the health, well-being, and the ability of children and young people to make a positive contribution to the community in which they live. Over the past few years many County Councils have put enormous energy and resources into establishing effective

arrangements for the development of Local Area Agreements (LAA). To dismantle such arrangements in order to create smaller separate sets of arrangements with newly created small unitary LAs could cause serious impairment to whole system partnership working. It is imperative that the planning, commissioning and delivery of children's services is handled in a coherent and strategic way that also offers local communities value for money.

### **3. Consistency of service provision and integrated working**

A Children's Trust Board often bids to LSPs for elements of its funding. The more LSPs there are for a Trust Board to bid to the more potential there is for inconsistent results which in turn may impact on the consistency of service provision. District Councils are also represented on LSCBs as the housing authorities for an area and because of their leisure and benefits responsibilities. Each District Council may well have its own legitimate policy priorities on these issues which can lead to inconsistent policy implementation across the larger County Council area. This structural arrangement results in significant complexity in developing a single Children and Young People's Plan (CYPP) for an area. Single tier local government could remove this particular complexity and help to avoid duplication of effort across a range of issues including participation and consultation of young people in the design of services.

### **4. Coterminosity with PCTs**

Critically important to delivering the ECM agenda is the engagement of local health services in the joint commissioning with the LA of services for children and young people. The complexity of existing joint commissioning arrangements between LAs and PCTs that are coterminous would not be enhanced by the addition of a new multiplicity of partners (that is, newly created smaller authorities where currently single tier county council structures operate). Where unitary status brings coterminosity with local PCTs it is highly likely that health and well-being services for children and young people will be provided in a more efficient and effective way. This in part has driven some Strategic Health Authorities to recommend single PCTs for large county areas that are coterminous with the county council

### **5. Organisational restructuring**

The creation of new smaller unitary Councils will be disruptive; it also has significant financial implications which may well have the effect of re-directing funding away from service provision. A related matter is the supply of high calibre candidates for the role of statutory DCS in newly created small unitary Councils. More broadly, the recruitment challenges that all LAs face would be exacerbated by the creation of new smaller unitary Councils. Another round of local government re-organisation will do nothing to assist LAs in successfully implementing the Change for Children programme, the Building Schools for the Future (BSF)/ transformation of learning agenda and the financial sustainability issues faced by many. Conversely, a single strategic voice for the county will provide a single, more coherent and strategically effective voice for children's services within the county. The removal of District based Councils may also facilitate a more significant role for Parish and Town

Councils because a large unitary structure will have the capacity to operate in a much more devolved and local way. This in turn should allow easier access to services, particularly for rural communities.

## **6. Commissioning of services and strategic planning of provision**

For many LAs, commissioning is a key activity within its use of resources. The *Education and Inspections Act 2006* clearly identifies the key strategic role for LAs as the commissioners of services and the champion of children. The *Children Act 2004* also makes clear that key to delivering improved outcomes for children and young people is the commissioning, and particularly joint commissioning with health, of services from a range of providers. The recent White Paper *Our Health, Our Care, Our Say* and the DoH *Commissioning framework for health and wellbeing* recently out for consultation also reiterate the importance of joint commissioning arrangements. LAs have, therefore for some time engaged in the complexity of commissioning. The emerging experience is that if it is to be simultaneously efficient, effective and financially viable, commissioning needs to be undertaken on a significant population footprint in order to provide the facilities needed to support its community. Commissioning and the strategic planning of provision, which is undertaken within a small population base, will require highly complex joint arrangements that are often highly costly to maintain. Some services that may be particularly vulnerable include special schools, behaviour support strategies, placement provision for Looked After Children, fostering and adoption services and the delivery of the new 14-19 curriculum offer predicated on a learning offer that is more tailored to the needs of individual learners.

It is currently the case of course that existing Councils buy services from each other and enter into collaborative arrangements for the provision of both universal and targeted services. However, to create new small unitary Councils that can only survive in this way does not help to simplify a complex pattern of delivery partners and the associated accountability mechanisms. In some localities in England, 'the market', for example in school improvement services, is not yet well developed and the choice of provider would therefore be limited unless the proposed new small unitary Councils were to commit to complex and potentially costly joint arrangements.

The creation of new smaller unitary Councils will also require the establishment of new Children's Trust arrangements; this will require those new Trusts to enter into a range of separate arrangements, which will duplicate effort and put additional demands on all local partners, including health, voluntary and community sectors, the police and the private sector.

## **7. Safeguarding**

As noted above, the creation of new smaller unitary LAs will require the establishment of new and additional partnership arrangements, including those that must of necessity come together to form Local Safeguarding Children's Boards (LSCB). This duplicates effort and places additional strains on key local partners including the Police Service.

### **8. Efficiency gains**

The creation of single tier government in place of existing structures with numerous District Councils, may well produce some significant efficiency gains if only in terms of back office costs, strategic management savings and governance costs. Conversely, there are likely to be significant costs placed on newly created smaller unitary Councils – for example the cost of servicing school PFI projects particularly in those areas of the country with a falling pupil demographic.

This consultation response has been prepared by Sarah Caton, Assistant Director of ADCS on behalf of the Association. All enquiries about this consultation response should be directed to Sarah Caton in the first instance.