

Mr Peter Lauener
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Department for Children, Schools and Families
Great Smith Street
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Dear Peter

Strengthening Children's Trusts: Legislative Options

I am writing on behalf of ADCS to offer our initial views about the above consultation. We understand that while there is some time to go before the formal consultation deadline, it would help your approach to the legislative timetable if you received an earlier indication of our response. Inevitably therefore, this will not be a very detailed letter in its argument and, more to the point, we have not had an opportunity to widely consult among directors. We have, however, had significant opportunities to discuss these issues with you as they have developed in recent weeks and for that we are grateful. I am reasonably confident therefore that these comments are reflective of what our final more detailed response will contain.

I will offer some summary comments on the four key elements of the consultation, but first I am happy to stress that our general position is to support the move to strengthen the children's trust arrangements with additional legislation. You know we have expressed some concerns that such a move might impede rather than assist further progress. We have concluded through the course of recent discussions that the case for additional leverage in the system is well made especially if the options as set out are measured. ADCS therefore supports the general thrust of the consultation.

1. **Extending the Duty to Cooperate**

We welcome the proposed extensions in the duty to cooperate, especially to schools and to schools forums. Our local experience and soundings indicate that whereas the majority of schools will be untouched by this duty because of the journey they have travelled over the past four years, those that have been more resistant or less able to change will be assisted by this duty. It is helpful that the consultation refers to this as

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an opportunity to strengthen the voice within the trust arrangements of such partners. We strongly support this duty extending to future academies and believe therefore that it would be iniquitous if it were not also applied to existing academies. We are confident that the collective intelligence of the department can find a way of applying this change to the existing contractual arrangements.

We welcome the duty being placed upon schools forums as we think this could have a marked impact on the decision making that affects the majority of local schools resources. Obviously however, how this duty will function in practice on what is a representative body rather than a specific entity will require careful consideration and guidance.

Likewise, we strongly support the extension of the duty to co-operate to sixth form colleges and general further education colleges in respect of children and young people attending such colleges. As with schools, very many colleges are already working well with local authorities on all five outcomes, and in some cases are represented on Children's Trusts and LSCBs. This proposal, therefore, will simply crystallise existing good practice. There are in practice few if any complications ascribable to the breadth of coverage of large colleges, and we would propose simply that the duty to cooperate be extended to college corporations. We do not believe it either helpful or necessary to refer to the proposed sub-regional grouping of local authorities in the legislation, but in practice sub-regional strategic commissioning of general further education colleges will provide a basis for local co-operation and of course these arrangements will be lead by local authorities.

We would urge you to find solutions that will allow the duty to be extended to GP's also. Our experience so far is that the PCT duty at best gets lost in translation between PCT's and their practitioners – and that is even in those areas where the PCT has a clear local interpretation of its own duty. That does not apply to all PCT's yet. We do not believe the complexities that exist between joint commissioning and practice based commissioning can be tackled without such a duty.

2. Children and Young Person's Plan – Ownership

We support the intention to strengthen the collective ownership of the respective partners for the CYPP. It makes sense that the plan should be the responsibility of the full trust. We have two slight caveats. It needs to be clear for the sake of leadership and efficiency that the local authority is the lead agency within the trust and for the plan. And we may need to find a slightly stronger construct for the ownership than the phrase "have regard to". We are not sure at this stage what that construct might be but are happy to discuss this further.

3. CYPP – Statutory Framework

We support the proposals for a strengthening of the statutory framework for the CYPP through secondary legislation. We especially support the possible requirement for greater clarity of funding streams that support the plan. However, we would be resistant to proposals that sought to over-prescribe the content or structure of the plan.

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If CYPP's are to become, as we believe they should, coherent and over-arching strategic commissioning strategies for local services then they will require freedom for local determination and priority, and they must be "sign-posting" documents which point to more detailed information elsewhere (rather than comprehensive but unwieldy tomes).

4. **Statutory Basis For Trust Boards**

We support these proposals in principle providing they go no further than the stated aim of assisting all trusts to achieve an equivalent status and effectiveness to those which are currently achieving well. We think it is especially important that the trust board has a matching status to those arrangements for youth offending and safeguarding which already enjoy such a status but are in many ways functioning sub-sets of the full partnership. We think this work should devote some energy to more clearly defining the trust as the full scope of partnership arrangements for children and young people. We would caution against prescribing the membership of trust boards per se. We think it should be made clear that all agencies (as a minimum) with a duty to cooperate are by definition members of the trust. We do not think there is a need to define membership of specific boards because our experience is that all local areas configure their arrangements slightly differently according to local circumstance. We do think that it is essential that this step clearly distinguishes between the political role of the lead member and the officer role of the director and that in order to achieve effectiveness the role of the director is central to driving the trust, subject of course to political policy setting.

I hope these initial comments are helpful. ADCS will be happy to respond to any requests for further comment and to help the department take forward this work.

Yours sincerely



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