



# The Trust Board

**Agenda  
Item No.**

**06**

**Date of Meeting:** Monday 13 September 2010

**Report Title:** Partnership working: discussion of future arrangements

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**Lead Partner:** London Borough of Bromley

**Confidential to Trust Board:**

**Public document:**



## 1. RECOMMENDATIONS

- 1.1. The Bromley Children and Young People Trust Board is asked to:
  - 1.1.a) Consider the future partnership working arrangements for Bromley's Children and Young People Services, as outlined in paragraph 3.9 of this report.

**The Bromley Children and Young People Trust is a partnership of the following organisations:**

Bromley College of Further and Higher Education | Bromley Mytime | Bromley Safeguarding Children Board  
Children and Families Voluntary Sector Forum | Connexions South London Sub Regional Unit | Early Years Development and Childcare Partnership  
Jobcentre Plus | London Borough of Bromley | London Probation Trust | Metropolitan Police Service (Bromley) | NHS Bromley | Orpington College  
Oxleas NHS Foundation Trust | Primary and Special Schools | Secondary Schools | South London Healthcare NHS Trust

Visit [www.childrenstrust.bromleypartnerships.org](http://www.childrenstrust.bromleypartnerships.org) or e-mail [childrens.trust@bromley.gov.uk](mailto:childrens.trust@bromley.gov.uk) for more information

## 2. SUMMARY

- 2.1. The Government has announced the intention to revoke and withdraw the regulations and statutory guidance relating to Children and Young People's Plans and Children's Trust Boards, freeing up local partners to implement their own local arrangements to co-operate in improving outcomes for all children and young people.
- 2.2. The Bromley Children and Young People Trust Board needs to consider the implications of the Government announcements; and debate and decide the arrangements for local partnership working to improve outcomes for children and young people.

## 3. COMMENTARY

- 3.1. On the 22<sup>nd</sup> July 2010, the Government announced its intentions to amend the current regulations, requirements and statutory guidance for local authorities, schools and partner organisations relating to Children's Trusts and Children and Young People Plans. The intent behind the amendments to the current requirements is to reduce unnecessary bureaucracy and a 'one size fits all' approach, ensuring strong local partnerships are developed focusing on local issues and local solutions.
- 3.2. Specifically, the Government announcement states that the Secretary of State intends to:
  - Remove the duty on schools to co-operate through Children's Trusts via the forthcoming Education Bill;
  - Remove the requirement on local authorities to set up Children's Trust Boards and the requirement on those Boards to prepare and publish a joint Children and Young People's Plan (CYPP), at the first available legislative opportunity;
  - Revoke the regulations underpinning the CYPP and withdraw the statutory guidance on Children's Trusts, in the autumn.
- 3.3. The Government statement goes on to say that:
  - Effective local partnerships remain a priority and the basic duty to co-operate remains (although the list of statutory partners will be reviewed).
  - They intend to introduce legislation to remove the duty to co-operate from schools, revoke the regulations and withdraw the guidance in autumn, with other proposed legislative changes to follow as soon as possible.
  - Once regulations are revoked, there will be no requirement to produce a new CYPP in April 2011 unless the local partnership wishes to do so. The content and structure of the CYPP will be for the local partnership to decide.
- 3.4. The basic duty to co-operate under local partnership arrangements to improve children's wellbeing (the five outcomes) was introduced in section 10 of the Children Act 2004. Subsequent guidance in 2008 established the 'relevant partners' under the duty to co-operate as: district councils; the police; the Probation Board; the Youth Offending Team; the Strategic Health Authority; the Primary Care Trust; Connexions partnerships; and the Learning & Skills Council.

- 3.5. The basic duty to co-operate was described in guidance as the assessment, planning and commissioning of services to deliver better outcomes for all children and young people; through more integrated services, strategies and processes including, where appropriate, the pooling of budgets, co-ordinated staff development and capacity building and more integrated governance arrangements.
- 3.6. The Apprenticeship, Skills, Children and Learning (ASCL) Act 2009 amended section 10 by bringing schools, colleges and Jobcentre Plus under the duty to co-operate; and to require all local areas to have a children's trust board with the duty to prepare and publish a jointly owned CYPP by April 2011.
- 3.7. The Government announcements appears to indicate that the legislation introduced through the ASCL Act will be revoked, with the requirements for local partnerships reverting back to the basic duty to co-operate introduced in section 10 of the Children Act 2004, but with a question mark over the expectation of who the 'relevant partners' may be.

#### **4. Implications for the Bromley Children and Young People Trust Board**

- 4.1. The Bromley Children and Young People Trust Board needs to consider its response to the Government announcement and the clear directive in the announcement of developing effective local arrangements with reduced bureaucracy.
- 4.2. There are a number of areas for consideration. These are outlined below, with suggested options where appropriate:
  - It is recommended that the progress made in developing the Bromley Children and Young People Trust Board to date should not be lost; and that a formal local partnership arrangement, building on the current arrangements, will be the best way to continue to meet our duty to co-operate. Does the Trust Board agree?
  - The language of the previous administration in relation to terms such as 'Children's Trusts' is likely to become out of date (and possibly discouraged) under the new Government arrangements. It is recommended that the Trust Board give consideration to alternative names to our local formal partnership working arrangement. Prior to the introduction of guidance relating to Children's Trusts, strategic partnership working across children and young people's services in Bromley was led by the '*Bromley Children and Young People Strategic Partnership*' – is this a suitable alternative title for our formal partnership?
  - The Trust Board currently meets five times a year. To reduce the costs relating both to the administration of the Board and the commitment of members time in attending the Board, it is recommended that the Board should consider the appropriate frequency of meetings for the local partnership. For example, should the frequency of meeting be altered to four times a year?
  - The Terms of Reference: the current terms of reference for the Bromley Trust Board are attached at Appendix A. It is recommended that the terms of reference are amended in line with the proposed changes to the legislative framework to reflect the changed statutory basis of the Board. Notwithstanding this, are the

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key responsibilities of the Trust Board as outlined in Sections 2 and 3 of the terms of reference still valid for a new local partnership? If not, which of the areas needs to be removed or amended?

- The Children and Young People's Plan: the Government announcement states that the CYPP will no longer be a statutory requirement and there will be no need to publish the CYPP by April 2011. However, the Trust Board membership has invested significant time in developing the CYPP to its current state. It is recommended that the CYPP (or Strategic Plan) is still the best outcome and format to articulate and present the locally agreed partnership objectives and aims. Does the Board agree, and does it agree that we should continue to develop the CYPP as per our current agreed arrangements and timescales?
- Membership of the local strategic partnership – the proposed amendments indicate that the relevant partners for the duty to co-operate will be reviewed with new guidance issued at some point. It is recommended that we maintain the current membership of the Board until further guidance is issued, with some initial discussion concerning current and potential membership.
- The current scrutiny arrangements of the Board in relation to the Children and Young People Policy Development Scrutiny Committee may need to be reconsidered, especially given the opportunity to reduce bureaucracy following the removal of the statutory basis of the Trust Board and the CYPP.

4.3. *Appendix A* includes the current Terms of Reference and *Appendix B* includes the current membership for the Trust Board.



## The Trust Board

# TERMS OF REFERENCE

(Last updated 23 July 2010)

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The Bromley Children and Young People Trust is a partnership of the following organisations:

Bromley College of Further and Higher Education | Bromley Mytime | Children and Families Voluntary Sector Forum | Connexions South London Sub Regional Unit Early Years Development and Childcare Partnership | Jobcentre Plus | London Borough of Bromley | London Probation Trust | Metropolitan Police Service NHS Bromley | Orpington College | Oxleas NHS Foundation Trust | Primary and Special Schools | Secondary Schools | South London Healthcare NHS Trust

Visit [www.childrenstrust.bromleypartnerships.org](http://www.childrenstrust.bromleypartnerships.org) or e-mail [childrens.trust@bromley.gov.uk](mailto:childrens.trust@bromley.gov.uk) for more information

## **1. PURPOSE OF THE BROMLEY CHILDREN AND YOUNG PEOPLE TRUST PARTNERSHIP**

- 1.1 The Bromley Children and Young People Trust is a partnership established under Section 10 of the *Children Act 2004* (as amended by the *Apprenticeships, Skills, Children and Learning Act 2009*) to provide the arrangements to support cooperation for improving children's wellbeing.
- 1.2 The Trust partnership is defined within the *Statutory Guidance on Cooperation Arrangements (2010)* as "the sum total of cooperation arrangements and partnership between organisations with a role in improving outcomes for children and young people".
- 1.3 The Trust partnership will seek to ensure that all organisations and agencies providing services for children and young people co-operate to deliver improved outcomes in relation to:
- being healthy
  - staying safe
  - enjoying and achieving
  - making a positive contribution and
  - achieving economic well-being.
- 1.4 The vision of our Trust partnership is to:

*"secure the best possible future for all children and young people in Bromley"*

## **2. PURPOSE OF THE TRUST BOARD**

- 2.1 The Trust Board, which is established under Section 12A of the *Children Act 2004* (as amended by the *Apprenticeships, Skills, Children and Learning Act 2009*), is the Statutory Body of the Trust partnership with the purpose of coordinating the development and business of the Trust, and providing strategic leadership.
- 2.2 The principal purpose of the Trust Board is to prepare, publish, monitor and review the Children and Young People's Plan as established under Section 17 of the *Children Act 2004* (as amended by the *Apprenticeships, Skills, Children and Learning Act 2009*).
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- 2.3 The overall purpose of the Trust Board is to provide a coherent framework for driving change and to improve the lives of all children, young people and their families in the Borough.

### **3. KEY RESPONSIBILITIES OF THE TRUST BOARD**

- 3.1 To prepare, publish, monitor and review the Children and Young People's Plan in line with Section 17 of *Children Act 2004* (as amended by the *Apprenticeships, Skills, Children and Learning Act 2009*).
- 3.2 To oversee the business of the Trust partnership and manage links with other strategic partnership groups (particularly Bromley's Local Strategic Partnership Executive, thematic partnership boards, and the Bromley Safeguarding Children Board), and with statutory, private and third sector providers.
- 3.3 To set and lead the strategic direction and priorities for the Trust partnership ensuring that they reflect the local needs of children, young people and their families, and the local and national priorities for children's services.
- 3.4 To oversee the performance of the individual partners of the Trust partnership in line with the Performance Monitoring Framework (including performance against national indicators).
- 3.5 To develop formal arrangements to support joint commissioning between 'relevant partners' of the Trust partnership (as defined by Section 10 of the *Children Act 2004* - as amended by the *Apprenticeships, Skills, Children and Learning Act 2009*).
- 3.6 To oversee the Partnership Risk Register which is specifically focused on the strategic risks faced by the Trust partnership in its delivery of the Children and Young People's Plan.
- 3.7 To work co-operatively with the executive bodies of relevant groups, schools and agencies, to ensure a co-ordinated approach to Children's Services across the borough, and to safeguard and promote the welfare of children.
- 3.8 To champion the involvement of children, young people and parents/carers in service planning and delivery, and ensure that their views are properly reflected in service plans and commissioning arrangements.
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- 3.9 To annually review the effectiveness of the Trust partnership arrangements, including the Terms of Reference and membership of the Trust Board.

#### 4. MEMBERSHIP OF THE TRUST BOARD

- 4.1 Membership of the Trust Board should be at the highest level within the London Borough of Bromley, NHS Bromley and other 'relevant partners' as set out within the Section 10 of the *Children Act 2004* (as amended by the *Apprenticeships, Skills, Children and Learning Act 2009*).
- 4.2 The Trust Board will also include senior representatives from a number of other 'non-statutory' partners that will enhance the decision-making of the Trust Board.
- 4.3 The Trust Board will be chaired by the Executive Portfolio Holder for Children and Young People, from the London Borough of Bromley. The Vice Chairmen will be the Director of Children and Young People Services, London Borough of Bromley, and the Borough Partnership Manager, Metropolitan Police Service (Bromley).
- 4.4 Membership of the Trust Board will include:

ORGANISATION	MEMBER
Bromley Mytime	<ul style="list-style-type: none"> <li>Trustee</li> </ul>
Bromley Safeguarding Children Board	<ul style="list-style-type: none"> <li>Independent Chairman</li> </ul>
Children and Families Voluntary Sector Forum	<ul style="list-style-type: none"> <li>Chairman</li> </ul>
Connexions South London Sub Regional Unit	<ul style="list-style-type: none"> <li>Director</li> </ul>
Early Years Development and Childcare Partnership	<ul style="list-style-type: none"> <li>Chairman</li> </ul>
Further Education Colleges	<ul style="list-style-type: none"> <li>Principal Representative</li> </ul>
Jobcentre Plus	<ul style="list-style-type: none"> <li>Partnership Manager</li> </ul>

ORGANISATION	MEMBER
London Borough of Bromley	<ul style="list-style-type: none"> <li>• Executive Portfolio Holder for Children and Young People (Chairman)</li> <li>• Executive Assistant for the Children and Young People Portfolio</li> <li>• Director of Children and Young People Services (Vice Chairman)</li> <li>• Director of Adult and Community Services</li> </ul>
London Probation Trust	<ul style="list-style-type: none"> <li>• Assistant Chief Officer</li> </ul>
Metropolitan Police Service (Bromley)	<ul style="list-style-type: none"> <li>• Borough Partnership Manager (Vice Chairman)</li> </ul>
NHS Bromley	<ul style="list-style-type: none"> <li>• Senior Executive</li> <li>• Non-Executive Director</li> </ul>
NHS Bromley (Community Provider Unit)	<ul style="list-style-type: none"> <li>• Assistant Director</li> </ul>
Oxleas NHS Foundation Trust	<ul style="list-style-type: none"> <li>• Director</li> </ul>
Schools	<ul style="list-style-type: none"> <li>• Head Teacher Representative from the Primary and Special Schools Group</li> <li>• Head Teacher Representative from the Secondary Schools Group</li> </ul>
South London Healthcare NHS Trust	<ul style="list-style-type: none"> <li>• Senior Executive</li> </ul>

4.5 Members of the Trust Board will have nominated deputies who may attend in their absence.

4.6 The Assistant Directors from the London Borough of Bromley's Children and Young People Services department and the Chair of the Bromley Ethnic Communities Programme will act as advisers to the Trust Board.

4.7 Chairmen of the Trust Strategy Groups will be required to attend meetings of the Trust Board to report on progress and/or issues arising in relation to their area of focus.

## 5. ACCOUNTABILITY

5.1 Members of the Trust Board will each remain formally accountable to their agency's governing body.

- 5.2 Each partner of the Trust Board is accountable for delivering its part of the Children and Young People's Plan through its existing lines of accountability.
- 5.3 The London Borough of Bromley is additionally responsible for establishing and maintaining the cooperation arrangements, including the Trust Board.

## **6. FREQUENCY OF MEETINGS**

- 6.1 The Trust Board will meet approximately five times a financial year.
- 6.2 Meetings of the Trust Board will be open for the public to come and observe, and with permission of the Chairman, will be entitled to ask questions in line with our *Public Questions* policy.
- 6.3 Details of the meetings, including the agenda, minutes and relevant papers, will be posted on our website at least 5 working days before the date of the meeting ([www.childrenstrust.bromleypartnerships.org](http://www.childrenstrust.bromleypartnerships.org)).
- 6.4 Draft minutes of the previous Trust Board will be published on the Trust website within 5 working days of the meeting. Formal approval for the minutes will be sought at the following meeting of the Trust Board.
- 6.5 The Trust Board may also hold additional meetings which are focused on a specific topic. These meetings will be held in private.

## **7. SCRUTINY ARRANGEMENTS**

- 7.1 The Children and Young People Policy Development and Scrutiny (PDS) Committee of the London Borough of Bromley has an important role in promoting collective accountability, scrutiny and constructive challenge.
  - 7.2 The Children and Young People PDS Committee, alongside the Executive and Resources PDS Committee, is committed to providing a robust scrutiny function to oversee the Trust partnership activity, and to hold the Chairman of the Trust Board and the Executive Portfolio Holder for Children and Young People to account for performance against key priorities.
  - 7.3 The Children and Young People PDS Committee will consider the agenda, reports and draft minutes for the meetings of the Trust Board prior to the meeting of the Trust Board. Any comments made by the Children
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and Young People PDS Committee will be noted by the Executive Portfolio Holder for Children and Young People, who will then feed these into the Trust Board discussions.

## **8. CONFLICT RESOLUTION AND DISPUTES**

- 8.1 It is acknowledged that, at times, conflicting views and opinions might be expressed. In principle, the Trust Board should aim to achieve consensus by focusing on clear, objective data, through full and open discussion and with respect for the views of all the members.
- 8.2 Differences of opinion leading to conflict should be resolved in their early stages to avoid a detrimental impact on the working of the Trust Board. The Trust Board will adopt the procedures developed by the Local Strategic Partnership to resolve conflicts when they are produced

## **9. DECISION-MAKING AND VOTING**

- 9.1 The Trust partnership is not a legal entity and does not have executive decision making powers. Representatives serving within the Trust Board remain responsible and accountable to their home organisations and any decisions on their services and resources must be made in accordance with the requirements of their own executive structures.
- 9.2 The statutory functions of the Trust Board relate almost exclusively to the preparation, publication, monitoring and reviewing of the Children and Young People's Plan
- 9.3 All partners must ensure that:
- they recognise that any actions allocated to their organisation are completed
  - decisions made by the Trust Board are compatible with the aims and objectives of their organisations and wherever possible the necessary work to align the aims and objectives of their organisation is undertaken
- 9.4 The ethos of partnership working should be maintained at all times. Decisions of the Trust Board will normally be reached by consensus. Every effort will be taken to resolve disagreement and, if an immediate decision is not required, at least one further Board meeting will take place to explore a compromise position before voting is permitted.
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- 9.5 Should consensus not be possible or clear, or an immediate decision is required, a vote may be called by any member of the Trust Board. Members of the Trust Board should normally attend to vote in person, but may send a named substitute to speak and vote on their behalf.
- 9.6 Members of the Trust Board, or their agreed substitute, will have one vote each. In the event of an equal vote the Chairman shall have the casting vote, or in their absence the Vice-Chairman who is acting as the Chairman for the meeting. The vote will be taken by a show of hands. A representative can require that it be recorded in the Minutes how s/he voted on a particular item or if s/he abstained.

## **10. DECLARATIONS OF INTEREST**

- 10.1 The key guiding principle is that any member of the Trust Board who thinks they may have an interest in a matter over which that person may exert an influence should declare that interest. Therefore, during discussions and decisions at meetings there will be an item on each agenda requesting declarations of interest but if, for any reason, that opportunity is not taken, a member may declare their interest before discussion of the particular item in which they have an interest.
- 10.2 By way of general guidance a personal or financial interest may arise where, by virtue of influencing a decision, the member may gain an advantage for himself or herself, a relative or friend. Therefore, where a member has a personal or financial interest he/she should not seek to influence a decision about the matter and in the context of an item at a meeting, should withdraw from that meeting prior to the matter being considered.

## **11. QUORUM**

- 11.1 In line with the Local Strategic Partnership and other thematic partnerships, the quorum for meetings of the Trust Board is a third of the membership. However, the Chairman may decide that a specific meeting may be held with a lower attendance.

## **12. CODE OF CONDUCT**

- 12.1 All members of the Trust Board will ensure that they adhere to the Local Strategic Partnership's *Code of Conduct* which is designed to promote public confidence in the actions of all the partnerships.

### 13. CONTACT OFFICER

13.1 The contact officer for the Trust Board is:

Contact	E-mail	Telephone Number
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# The Trust Board

## Membership and Contact Details

### Trust Board Members

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Bromley College of Further and Higher Education | Bromley Mytime | Bromley Safeguarding Children Board  
Children and Families Voluntary Sector Forum | Connexions South London Sub Regional Unit | Early Years Development and Childcare Partnership  
Jobcentre Plus | London Borough of Bromley | London Probation Trust | Metropolitan Police Service (Bromley) | NHS Bromley | Orpington College  
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### Trust Board Members

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