

<b>Subject:</b>	<b>Children and Young People's Trust Board Membership</b>		
<b>Date of Meeting:</b>	<b>9 June 2008</b>		
<b>Report of:</b>	<b>Director of Children's Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Elizabeth Culbert</b>	<b>Tel:</b> 29-1515
	<b>E-mail:</b>	<b>elizabeth.culbert@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Forward Plan No. N/A</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 This report confirms the new Council decision making arrangements as they affect the Children and Young People's Trust Board (CYPTB) following the implementation of the City Council's new constitution. It proposes consultation with partners and stakeholders regarding the wider membership of the CYPTB to respond to recent Government Guidance on Children's Trusts and ensure effective decision making.

#### 2. RECOMMENDATIONS:

##### That the CYPTB:-

- (1) Notes the Council Membership on the CYPTB following the implementation of the City Council's new constitution on 15<sup>th</sup> May 2008;
- (2) Authorises the Director of Children's Services to consult with relevant partners and report back to the November meeting with proposals on the wider membership of the Board.
- (3) Notes that a report will be brought to a future Board meeting with details of the learning to date and any proposals for improvement in relation to the Brighton & Hove Children and Young People's Trust governance arrangements.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The change to Brighton & Hove City Council's decision making arrangements and its impact on the CYPTB

As members of the Board will be aware, the decision making arrangements for the CYPTB were established under a Section 75 agreement between the City Council, SouthDowns NHS Trust and the PCT in September 2006.

- 3.2 When making decisions, the Board has operated as a concurrent meeting of the City Council's Children, Families and Schools Committee and committees of the PCT and SouthDowns Health both consisting of 3 non-executive directors. In practice this means that each of the three partners to the agreement has one vote on the issues before the Board. Decisions of the Board must be unanimously supported by the three committees. (Where the matter relates to commissioning arrangements the SouthDowns Committee does not take part in that decision).
- 3.3 The above arrangements have been affected by the requirement in the Local Government Public Involvement in Health Act 2007 for the Council to introduce a Leader and Cabinet system of decision making. The new arrangements were adopted by the Council on 24<sup>th</sup> April 2008 and will be in effect from 15<sup>th</sup> May 2008.
- 3.4 Under the Council's new constitution, the work of the former Children, Families and Schools Committee has become the responsibility of the Cabinet Member for Children and Young People, Cllr Vanessa Brown. This means that Cllr Brown is responsible for taking decisions on behalf of the Council in relation to matters that come to the CYPTB. The Cabinet Member will invite four other Councillors to attend the meetings with her as non-voting co-optees (one Member from each of the Conservative, Labour, Green and Independent groups). The Council representation on the Board has therefore reduced from 10 members to 5.
- 3.5 In order to reflect the new legal requirements that run alongside the move to a Leader and Cabinet system, the report format for the CYPTB has changed. Regulations require the Cabinet Member to state what alternative options have been considered and the reasons for the decision. Therefore these elements are incorporated into the report template to ensure that lawful decisions are made. There are also certain types of decisions known as "key decisions" which must appear on a Forward Plan of future decisions. Any matter to come before the CYPTB which falls within the definition of a key decision must be put on the Forward Plan as early as possible and not later than one month in advance, unless there are special reasons for urgency. A key decision is one which involves savings or expenditure of more than £500k or has a significant impact in respect of two or more wards in the area.
- 3.6 The Council has retained the same "call-in" mechanism that it currently operates, whereby Councillors can ask for a decision to be suspended whilst it is called in for scrutiny. The powers of the Scrutiny Committees remain the same, meaning that the Overview and Scrutiny Committee can ask the Cabinet Member to reconsider a decision but cannot overturn a decision itself.

The Overview and Scrutiny of Children's Services will be undertaken by a Children and Young People's Overview and Scrutiny Committee.

3.7 The Board is requested to note the change in the Council's representation and decision making structure.

### **3.8 Wider membership of the CYPTB**

In addition to the non-executive directors from the PCT and SouthDowns Health, there are 10 non-voting members co-opted to the Board from a wide range of partner organisations. It is proposed that this membership is reviewed in order to consider:-

- The size of the meetings and whether this impacts upon the ability of all those in attendance to participate fully and effectively;
- New Statutory Guidance on inter-agency co-operation within Children's Trusts which addresses governance issues and, in particular, highlights best practice in the involvement of partners and stakeholders.

3.9 It is recommended that in order to carry out a review of the wider membership of the Board, consultation is carried out by the Director of Children Services with all of the Children's Trust's partners and stakeholders to identify proposals for future membership. The principles of the consultation would be:-

- To achieve an effective and streamlined decision making process;
- To explore mechanisms for the involvement of stakeholders which enables them to contribute to decision making in the most effective way;
- To reflect the requirements and best practice identified in the new statutory Guidance.

3.10 The proposed process for the consultation will be agreed with each partner organisation.

3.11 If the CYPTB agrees the consultation to review the wider Membership of the Board, a report would be brought back with those consultation responses and proposals to the November meeting.

### **3.12 Other learning in relation to the Children's Trust**

3.13 The Brighton & Hove Children and Young People's Trust has been in existence for nearly two years and this report has already highlighted new Statutory Guidance that makes recommendations regarding the governance of Children's Trusts. There has also been an internal Council audit of the Section 75 arrangements. It is therefore proposed that a report should be brought to a future Board meeting to capture the learning that has been

collated regarding the Brighton & Hove Children and Young People's Trust to date, with any proposals for improvement that have been identified.

#### **4. CONSULTATION**

- 4.1 The report proposes a period of consultation to review the wider membership of the CYPTB. The outcome of the consultation will be reported to the Board meeting in November 2008.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

There are no financial implications of proposed review of representation on the Board

##### **5.1 Legal Implications:**

The impact of the Local Government and Public Involvement in Health Act 2007 and its supporting Regulations on the Membership and decision making process of the CYPTB are addressed in the body of the report. Variations to the Section 75 Agreement can be made on the basis of the agreement of all the parties.

*Lawyer consulted: Elizabeth Culbert 15<sup>th</sup> May 2008*

##### **5.2 Equalities Implications:**

The proposed review of representation on the Board will be subject to an Equalities Impact Assessment.

##### **5.3 Sustainability Implications:**

The proposed review of representation on the Board will consider sustainability implications.

##### **5.4 Crime & Disorder Implications:**

The proposed review of representation on the Board will consider crime and disorder implications.

##### **5.5 Risk and Opportunity Management Implications:**

The proposed review of representation on the Board will consider risk and opportunity management Implications

##### **5.6 Corporate / Citywide Implications:**

Paragraph 3 of this report sets out the corporate and citywide implications of the proposed review of representation on the Board.

#### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 The alternative option would be not to review the wider membership of the Board. This is not recommended as it would fail to meet the requirements of Government Guidance to look at ways of improving Children's Trust governance and, in particular, the involvement of stakeholders.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 The Children's Trust and the CYPTB have a responsibility to continuously look at ways to improve well-being for children, young people and their families. To this end, it is appropriate to review the representation on the Board with a view to ensure the most effective arrangements are in place after two years in operation.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. None

#### **Documents In Members' Rooms**

1. None

#### **Background Documents**

1. None

