

## **FAMILY & CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE**

Date: 11 February 2019

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The role of Director of Children's Services – Test of Assurance

Report of the Chief Executive

Cabinet Member: Councillor Wayne Daley

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### **Purpose of report**

Statutory guidance on the role of Director of Children's Services (DCS) requires the Council to carry out a "test of assurance" when the responsibilities of the DCS change.

### **Recommendations**

**The Committee is recommended:**

- 1. To scrutinise the updated information in this report about the roles and responsibilities of the Director of Children's Services and the manner in which the postholder discharges the responsibility of statutory Director of Children's Services**
- 2. To confirm that the arrangements for discharging the role of Director of Children's Services pass the "test of assurance" required by statutory guidance**

### **Link to Corporate Plan**

This report is relevant to the priorities in the draft corporate plan with regards to being safe, well and cared for, and achieving.

### **Key issues**

1. Statutory guidance requires local authorities which combine the role of Director of Children's Services with other responsibilities to give formal consideration to the impact of this, and assure themselves that the focus on outcomes for children and young people will not be weakened or diluted as a result of extending the role. As a result of Cath McEvoy-Carr's appointment to the post of Executive Director of Adults Social Care & Children's Services, her duties have been extended beyond that of the DCS. From a governance perspective, it is important that elected members are assured about the future arrangements.
2. In January 2018 the Council received the test of assurance pertaining to the role of the then Executive Director of Children's Services (DCS), and it was satisfied with the arrangements.
3. These arrangements changed in January 2019; the DCS and Director of Adults Services

(DAS) role were formally combined with the role of Executive Director of Adult, Social Care and Children's Services with line management for the Director of Public Health.

4. To support the Executive Director in fulfilling these wider duties, the role is now supported by:
  - Service Directors for Children's Social Care and Education & Skills (Graham Reiter and Dean Jackson).
  - Service Directors for Adults Social Care and Commissioning and Finance (Stephen Holmes and Neil Bradley)
  - a Director of Public Health (Liz Morgan).

This means there are still a range of Executive Team members who either directly focus on outcomes for children and young people or release the capacity to do so. These new arrangements allow the Executive Director's role to focus on integration opportunities across the 4 areas of Children's and Adults Social Care, Education and Skills and Public Health, whilst the Service Directors concentrate on overseeing developments in their own areas and deploy resources accordingly.

5. All the integration and governance arrangements referenced in last January's report remain in place (and can be seen in the background section in Appendix A). The DCS is accountable to the Chief Executive and that arrangement, along with the monthly briefings for the lead member for Children's Services, gives assurance to elected members that sufficient scrutiny of these new arrangements is in place. In addition, as the DCS is line managed directly by the Chief Executive, elected members can be confident that the focus on integration with health services resulting from the Council's partnership with Northumbria Healthcare Foundation Trust, will not diminish.

## **BACKGROUND**

The systems and governance structures described to elected members in the last report remain in place to support the new DCS. Therefore, they are not repeated here, but can be found in Appendix A. The key difference now is that the breadth of responsibilities covered by the DCS are greater than previously but there is a wider resource at Executive Team level supporting her in improving outcomes for children and young people.

## **BACKGROUND PAPERS**

There are no background documents for this report within the meaning of the Local Government (Access to Information) Act 1985.

## **IMPLICATIONS ARISING OUT OF THE REPORT**

### **Policy**

Ensuring effective leadership for children's services remains a national and local priority.

<b>Finance and value for money</b>	The management arrangements described in this report include financial management support for the DCS to ensure the effective management of limited resources.	
<b>Human Resources</b>	The roles of the Service Directors have been recruited to.	
<b>Property</b>	No immediate implications.	
<b>Equalities</b>	This report does not propose a change requiring impact assessment.	
(Impact Assessment attached)		
Yes	No	N/A
<b>Risk Assessment</b>	No further risk assessment is required.	
<b>Crime &amp; Disorder</b>	The role of the DCS is central to the protection of children from criminal abuse or exploitation, and preventing young people who have had difficult childhoods from becoming involved in criminal activity. The post of Domestic Violence Coordinator now rests in Children's Social Care, giving the Interim DCS easy access to staff who can tackle these issues.	
<b>Customer Considerations</b>	Arrangements for listening to the views of children and young people are described in the body of the report.	
<b>Carbon reduction</b>	No immediate implications.	
<b>Wards</b>	All	

### **Report sign off**

Finance Officer	N/A
Monitoring Officer/Legal	Liam Henry
Human Resources	Sarah Farrell
Procurement	N/A
I.T.	N/A
Chief Executive	Daljit Lally
Portfolio Holder(s)	Wayne Daley

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## **APPENDIX A**

### **FAMILY & CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE**

Date: 21 February 2017

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#### **The role of Director of Children's Services – test of assurance**

Report of the Chief Executive

Cabinet Member: Councillor Robert Arckless, Children's Services.

#### **Purpose of report**

Statutory guidance on the role of Director of Children's Services (DCS) requires the Council to carry out a "test of assurance" if this role is combined with other functions, to ensure that the focus on outcomes for children and young people will not be weakened or diluted. The guidance requires this to be reviewed regularly, and in particular when the responsibilities of the DCS change.

#### **Recommendations**

**The Committee is recommended:**

- 1. to scrutinise the updated information in this report about the roles and responsibilities of the Deputy Chief Executive, and the manner in which the postholder discharges the responsibility of statutory Director of Children's Services**
- 2. to confirm that the arrangements for discharging the role of Director of Children's Services pass the "test of assurance" required by statutory guidance**

#### **Link to Corporate Plan**

This report is relevant to the Stronger Communities and Families and Health and Wellbeing priorities in the Corporate Plan.

#### **Key issues**

1. It has been a year since changes in the senior management structure of the Council changed the span of responsibility of the post holder, who is designated Deputy Chief Executive, but no longer holds the statutory role of Director of Adult Social Services.
2. Under the Council's partnership arrangement with Northumbria Healthcare NHS Foundation Trust, the postholder continues to act as an Executive Director of Northumbria Healthcare, with responsibility for community health services in Northumberland and North Tyneside, joint responsibility for the Trust and Council's international commercial workstream and overseeing the work of the Director of Adult and Community Care Services and the Director of Public Health. The postholder supports the Clinical Commissioning Group with the systemwide transformation reviews.

3. This is a very demanding joint role, but it also offers important opportunities to make more effective use of the combined resources of services which share many common objectives.
  
4. Statutory guidance requires local authorities which combine the role of Director of Children's Services with other responsibilities to give formal consideration to the impact of this, and assure themselves that the focus on outcomes for children and young people will not be weakened or diluted as a result of extending the role. This report provides evidence intended to support the Committee in deciding whether it is satisfied that this test has been met.

# The role of Director of Children's Services – test of assurance

## BACKGROUND

### 1. The responsibilities of the postholder

- 1.1 The Committee last considered the responsibilities of the DCS in January 2016, at which point the post was designated as Deputy Chief Executive / Director of Children's Services. The post holds the statutory role of Director of Children's Services, as well as being responsible for public health, monitoring the role of the Director of Adult and Community Care Services (DAS), the management of community health services within Northumbria Healthcare, and overseeing the Council's approach on domestic violence and drugs and alcohol. This combination of roles had in part resulted from the need to reduce senior management costs, as part of the Council's response to the national programme of austerity savings, but it was assessed as also having positive benefits, in supporting a more cohesive response across services which have substantial overlap in their objectives and need to be provided in a coordinated way.
- 1.2 While the Committee will wish to consider generally how well senior management arrangements for children's services are working, the authority has a specific statutory duty to carry out a "test of assurance" when other responsibilities are combined with the statutory role of Director of Children's Services. The statutory guidance 1 requires the Council to consider when it reviews whether this "test of assurance" is met whether their structures and organisational arrangements enable them to:
- a) fulfil their statutory duties effectively (including ensuring that children, young people and families receive effective help and benefit from high educational standards locally);
  - b) be transparent about responsibilities and accountabilities,
  - c) support effective inter-agency and partnership working.

### 2. The specific tests

- 2.1 The statutory guidance requires local authorities to review their arrangements taking account of a range of specific issues, set out below with commentary on each issue.
- Clarity about how senior management arrangements ensure that the safety and the educational, social and emotional needs of children and young people are given due priority and how they enable staff to help the local authority discharge its statutory duties in an integrated and coherent way***
- 2.2 Senior management arrangements link together the three local authority functions which most need to work together to achieve good outcomes for the children and young people who might otherwise fail to achieve their potential, or come to harm. Children's social care services have been brought together with:
- a) the public health function, which has as a central goal the promotion of early interventions in the lives of children and young people to maximise their resilience and reduce the likelihood that they will experience poor physical or mental health, now or later in life;

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1 Set out in statutory guidance available at [www.tinyurl.com/dcs2013guidance](http://www.tinyurl.com/dcs2013guidance)

- b) Adult Social Care Services, which for some young people with a disability or long-term health condition will have a crucial role in their future, and which can contribute specialist expertise in areas such as the management of risk and the use of direct payments (now available to support children with special educational needs as well as children with disabilities). Bringing Adult and Children's Services into the same management structure, along with those tackling domestic violence and drugs and alcohol, also supports the development of a "whole family" approach.
- 2.3 The integrated structure also includes community health services within Northumbria Healthcare, enabling further links to be made with key health services supporting families. Direct management responsibility for both adult care services and community health services has rested with the Director of Adult and Community Care Services for a year now. The Deputy Chief Executive provides leadership support for the joint Council/Trust international commercial workstream and the Clinical Commissioning Group whole system transformation workstreams.
- 2.4 Within these integrated organisational arrangements there are clear and separate accountability arrangements for education, children's social care, adult social care and public health. There are separate senior management teams focusing on each area of activity, while a Deputy Chief Executive Team coordinates the overall operation of the Group, identifying opportunities for shared initiatives and transfer of knowledge.
- 2.5 While the Deputy Chief Executive is responsible for a wide range of functions, there is a clear link between all of these, and she is closely involved in the management of Children's Services, through line management and supervision of the senior managers responsible and through direct contact with front-line services. The Deputy Chief Executive also receives peer support through the regional group of Directors of Adult and Children's Services, which operates as a joint group since most local authorities in the North East now operate with combined directors of adult and children's services.
- Clarity about how the local authority intends to discharge its children's services functions and be held accountable for them from political, professional, legal and corporate perspectives (including where, for example, services are commissioned from external providers or mutualised in an arm's length body)***
- 2.6 There is a separate Lead Member for Children's Services, to ensure a continuing political focus on the welfare and education of children. There is also a separate Family and Children's Services Overview and Scrutiny Committee, to ensure robust political accountability for children's services, and a Corporate Parenting Cabinet Advisory Group (CPAG) of elected Members meets regularly to consider reports about all aspects of the Council's responsibilities towards looked-after children, and where necessary bring significant issues to the attention of the Cabinet. To strengthen its role, the CPAG now receives reports on key performance indicators relating to Looked after Children and young people and care leavers at each of its bi-monthly meetings.
- 2.7 No statutory children's social work functions are currently commissioned from external providers. Education functions are carried out, as in most areas, by

schools and other providers with a mix of governance models, and differing degrees of local authority accountability. Where services are commissioned from external partners, as with children's centres in some parts of the County, there are rigorous contract monitoring procedures in place.

***The seniority of and breadth of responsibilities allocated to individual post holders and how this impacts on their ability to undertake those responsibilities***

2.8 A Director of Education and Skills and Service Director of Children's Social Care report to the Deputy Chief Executive/DCS. These two posts between them carry management responsibility for the Council's key statutory responsibilities towards children. This reflects a reduction in the breadth of the DCS' direct management responsibilities, enabling maximum benefit of synergies between the role of DCS and Executive Director in Northumbria Healthcare. Other senior management posts reporting to the Deputy Chief Executive/DCS are the:

- Director of Adult and Community Care Services (with management responsibility for adult social care, the Independent Reviewing Officers (who need to be line managed separately from children's operational staff in keeping with their challenge and quality assurance functions), and for community health services within Northumbria Healthcare)
- Director of Public Health
- Head of Finance, IT and Estates, who operates across the Group and is able to advise on opportunities for cross-cutting initiatives to improve the effectiveness or reduce the costs of back-office services.

2.9 Taken together, these arrangements ensure a clear and strong focus on the core statutory functions of the Director of Children's Services, with strong coordination arrangements enabling children's services, adult social care services and public health services to make the most of potential synergies.

***The involvement and experiences of children and young people in relation to local services***

2.10 There is a well established group of looked after children and care leavers called *Voices Making Choices*, who proactively provide a range of information about how they are involved in their care and how they find their experiences. There are also surveys undertaken with foster carers, social workers and children in foster and residential care. Senior managers and elected Members meet with young people at the Corporate Parenting Cabinet Advisory Group and Members hear the views of children and young people about Takeover Day, and in the course of their rota visits, the outcomes of which are shared quarterly with the Families and Children Scrutiny Committee, along with reports of other statutory visits.

2.11 To ensure better coordination of all participation activities, the Youth Service and the participation work done with looked after children are now line managed by the same senior manager.

2.12 In its response to the SIF inspection, the Service Director for Social Care is ensuring that the voice of the child is present more consistently in social work assessments and plans, as well as a more prominent role in monitoring the Pledge.



**Clarity about child protection systems, ensuring that professional leadership and practice is robust and can be challenged on a regular basis, including an appropriate focus on offering early help and working with other agencies in doing so?**

- 2.13 Overall managerial responsibility for child protection arrangements rests with the Service Director for Children's Social Care, with the Service Lead for Care Management leading the work of the IRO service. A new Business Manager now co-ordinates the management of the business of the Northumberland Safeguarding Children Board (NSCB). The Service Director for Children's Social Care is supported by operational managers responsible for safeguarding work with individual children and families.
- 2.14 A monthly case file audit process has been in place for some years and involves social workers, team managers and senior managers auditing cases against a range of standards. It has been reviewed following the SIF to ensure a stronger focus on quality, as well as compliance. Senior managers also speak to social workers about the cases they have audited in order to secure qualitative knowledge around the work on a case, and the role the social worker undertook in achieving the outcomes across the child's journey. The results of these exercises are included in the monthly assurance report which goes to the Deputy Chief Executive/DCS, and highlights the level of compliance and any remedial actions required.
- 2.15 Performance management arrangements include a range of well established KPIs that enable the Deputy Chief Executive/DCS to be alerted to any significant variations and capacity issues. It includes focus on early help and a multi agency strategy has recently been updated overseen by the Deputy Chief Executive/DCS through her role on the NSCB. Additionally, the Deputy Chief Executive/DCS receives an assurance report which provides monthly confidential information on the handling of significant cases and complaints. The Lead Member and LSCB Chair both receive monthly written briefings. All areas of Children's Social Care now receive weekly performance dashboards, there are monthly updates of the SIF Improvement Plan provided to senior managers, as well as monthly updates of the Education and Skills dashboard.

***The adequacy and effectiveness of local partnership arrangements (e.g. the local authority's relationship with schools, the courts, children's trust cooperation arrangements, Community Safety Partnerships, health and wellbeing boards, Youth Offending Team partnerships, police, probation, Multi-Agency Public Protection Arrangements and Multi-Agency Risk Assessment Conferences) and their respective accountabilities.***

- 2.16 Key partnership arrangements include:
- 2.16.1 A Children and Young People Strategic Partnership (CYPSP) chaired by the Executive Director of Adults Social Care and Children's Services, brings together a wide range of stakeholders, including NHS organisations, education representatives, the police, and other local authority functions. Local partnership arrangements are supported through the post holder's membership of the Health and Wellbeing Board and the Northumberland Safeguarding Children Board.
- 2.16.2 There are termly meetings with head teachers held by the Director of Education and Skills who is a member of the post holder's Management Team, and represents the

Deputy Executive/DCS at the Schools Forum, where issues of quality and finance are discussed and decisions on future actions reached. The post holder also holds school-specific meetings with head teachers where the Council may wish to engage more directly due to particular concerns about the pupil's outcomes, or working with them on capital projects. The Deputy Chief Executive/DCS is kept abreast of developments through briefing notes from her senior managers and is party to any key decisions that require elected member involvement, providing the Lead Member with monthly briefings.

- 2.16.3 Courts – there is a regular court liaison group, where the post holder's interests are represented by senior managers working to the Service Director for Children's Social Care, who the Deputy Chief Executive/DCS line manages. Reports on care proceedings are provided to the Family and Children's Services Scrutiny meetings which the post holder attends and act as a means of keeping her abreast of developments and compliance with national standards, as do indicators on the monthly Children's Social Care dashboard.
- 2.16.4 Community Safety Partnerships – the post holder is represented on the Safer Northumberland Partnership by one of the Senior Managers for Specialist Services who works directly to the Service Director for Children's Social Care. Key cross over issues such as domestic violence pull through into the work of the NSCB which the Deputy Chief Executive/DCS attends on a bi-monthly basis, and the Public Protection functions are represented in the membership of both partnerships, ensuring that developments taking place in one are considered in the other. Regular meetings between the DAS; Service Director for Children's Social Care; Chief Fire Officer and Director for Local Services ensure that there is sufficient oversight and join up around the various strands of community safety work.
- 2.16.5 Health and Wellbeing Board – the post holder is a member of the HWB, and the Health and Wellbeing Strategy reflects key shared priorities for children, with a particular focus on early intervention.
- 2.16.6 Youth Offending Team partnerships – a senior manager who works to the Service Director for Children's Social Care represents the post holder in this area.
- 2.16.7 Police – through the bi monthly meetings of the NSCB, the Deputy Chief Executive/DCS is kept abreast of key developments and engagement issues involving the police at a strategic level, and the monthly assurance reports for the Chief Executive include a section of specific cases where there may be major risks to clients and / or staff.
- 2.16.8 Probation - through the bi monthly meetings of the NSCB, the Deputy Chief Executive/DCS is kept abreast of key developments and engagement issues involving the probation service at a strategic level.
- 2.16.9 Multi-Agency Public Protection Arrangements – a senior manager working to the Service Director for Children's Social Care represents the Group in this area at the regular MAPPAs meetings and any cases of interest are fed through to the post holder.
- 2.16.10 Multi-Agency Risk Assessment Conferences (MARAC) - a senior manager working to the Service Director for Children's Social Care represents the Group in this area at the regular MARAC meetings and information about any cases with significant implications for children's services is passed to the Deputy Chief Executive/DCS.

## **Reviewing these arrangements**

The statutory guidance requires local authorities to keep their arrangements for the management of children's services under review. This will take place in a number of ways:

- 2.17.1 The Council's Chief Executive will explore whether there are any issues of concern as a standard item during regular one-to-one sessions with the Deputy Chief Executive/DCS – this is supported by a monthly assurance report.
- 2.17.2 The Council's arrangements for the discharge of its statutory responsibilities towards children are independently reviewed, either through Ofsted inspection once every 4 years, or through the sector-led improvement programme. During 2016, Ofsted undertook an inspection of services to support help, protection and LAC, and whilst it concluded that the Council required improvement to be good, it confirmed that the arrangements the DCX had in place to manage services were appropriate and of benefit to the Council. Lack of management oversight was a concern in general to Ofsted inspectors and in response, there are now 2 additional senior managers in operational services and the head of service role has been enhanced to service director, the new post holder being a former Ofsted inspector, mirroring the experience of the Director of Education and Skills. The test of assurance will be reconsidered if the Chief Executive or the Deputy Chief Executive/DCS identifies significant issues about current arrangements, or if any further significant change in the range of responsibilities of the post is proposed, or if issues are raised as a result of peer audit.