

# North Tyneside Council Report to Cabinet

9 March 2015

**ITEM 7(f)**

North Tyneside Council  
Test of Assurance

<b>Portfolio(s):</b> Children, Young People and Learning	<b>Cabinet Member(s):</b> Councillor Ian Grayson
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**Report from Service Area:**

Children, Young People and Learning

**Responsible Officer:**

Jean Griffiths,  
Head of Children, Young People and Learning

**Tel:** (0191) 643 8782

**Wards affected:**

All

## PART 1

### 1.1 Purpose:

To inform Cabinet of the findings of a test of assurance carried out on the Authority's arrangements for fulfilling the statutory Director of Children's Services functions. The report also sets out proposals for reviewing and updating the test of assurance in the future.

### 1.2 Recommendation(s):

It is recommended that Cabinet

- (1) Note the findings of the test of assurance, as set out in appendix A.
- (2) Agree the proposals for reviewing and updating the test of assurance.

### 1.3 Forward Plan:

28 days notice of this report has been given and it first appeared on the Forward Plan that was published on 26<sup>th</sup> January 2015.

### 1.4 Council Plan and Policy Framework

The Test of Assurance supports the following Our North Tyneside Council Plan priorities:

Our People – Will be supported to achieve their full potential, especially our children and young people.

The plan will contribute to the delivery of the following outcomes:

- Be cared for and kept safe if they become vulnerable.

## **1.5 Information:**

- 1.5.1 The Authority has assigned the statutory Director of Children's Services functions to the Head of Children, Young People and Learning. National statutory guidance advises local authorities to carry out a test of assurance when the Director of Children's Services functions are combined with additional operational functions or reporting arrangements differ to those set out in the guidance. A test of assurance has now been carried out, to ensure the Authority's revised arrangements have not weakened the organisational focus on children and young people's outcomes.
- 1.5.2 This report summarises the:
- national statutory guidance on the test of assurance;
  - Authority's local test of assurance and its findings and
  - arrangements for reviewing the tests of assurance.

### **National Statutory Guidance**

- 1.5.3 Section 18 of the Children Act 2004 requires every top tier local authority to appoint a Director of Children's Services. The Director of Children's Services has professional responsibility for:
- the leadership, strategy and effectiveness of local authority children's services;
  - securing services which address the needs of all children and young people;
  - the performance of the local authority functions relating to the education and social care of children and young people; and
  - ensuring systems are in place to discharge these functions.
- 1.5.4 Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services, Department for Education, 2013 states: 'It is legally permissible to combine the Director of Children's Services function with other operational functions, providing the Council is assured that any additional responsibilities do not detract from the focus on improving outcomes for all children and young people'.
- 1.5.5 The statutory guidance advises local authorities to carry out a test of assurance when the Director of Children's Services functions are combined with additional functions or reporting arrangements differ to those set out in the guidance. The test should ensure the new arrangements do not weaken the focus on children and young people's outcomes.
- 1.5.6 The statutory guidance sets out the following elements, which are considered to be essential in assuring that effective arrangements are in place:
- safety and educational, social and emotional needs of children and young people are given due priority in the senior management arrangements. Senior management arrangements also enable staff to ensure the local authority discharges its statutory duties in an integrated way;
  - clarity about accountability from political, professional, legal and corporate perspectives;
  - appreciation of how the seniority and breadth of responsibilities impacts on individual ability to undertake them, particularly where additional responsibilities are allocated to the Director of Children's Services function;

- involvement and experiences of children and young people in relation to local services;
- 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; and
- adequacy and effectiveness of partnership arrangements (e.g. with schools, local safeguarding children boards, courts, children's trust co-operation arrangements, community safety partnerships, health and wellbeing boards, youth offending team partnerships, police, probation and multi-agency public protection arrangements and multi-agency risk assessment conferences) and their respective accountabilities.

1.5.7 The statutory guidance enables local authorities to devise their own test of assurance arrangements.

## **Local Context**

1.5.8 The Authority introduced new senior leadership arrangements in October 2013. A new post of Deputy Chief Executive was established with responsibility for all services relating to people and places, including children's services. The post replaced the existing positions of Strategic Director of Community Services and Strategic Director of Children, Young People and Learning. Under the new arrangements, the statutory Director of Children's Services function was assigned to the Head of Children, Young People and Learning.

1.5.9 Temporary management arrangements were put in place during the first 6 months of the revised structure to ensure an effective transition of key safeguarding responsibilities to the new Head of Children, Young People and Learning. The Corporate Assurance Group (established as part of the agreed senior management changes and chaired by the Chief Executive. Membership of the group includes the Deputy Chief Executive, the Head of Children, Young People and Learning, the Head of Adult Social Care and the Manager of Safeguarding and Placements for CYPL and is supported by a member of the Research and Intelligence team) also provided ongoing oversight of the interim arrangements.

1.5.10 The Corporate Assurance Group agreed to carry out a test of assurance on the new arrangements in the autumn of 2014.

## **The Authority's Test of Assurance**

1.5.11 The test sought to provide assurance that the Authority's structure and organisational arrangements enable it to:

- fulfil the statutory duties around children and young people effectively;
- provide transparency about accountabilities and responsibilities; and
- support inter-agency and partnership working.

1.5.12 The test of assurance considered the six critical elements for delivering the statutory Director of Children's Services functions, as outlined in the Government's statutory guidance (see 1.5.6). For each element, the test considered the appropriateness of the actions put in place, the risks arising and whether appropriate mitigation was in place. The test also identified any additional action that might be required.

- 1.5.13 The Authority's test had a particular focus on whether assigning the statutory Director of Children's Services function to the Head of Children, Young People and Learning had weakened or diluted the focus on children and young people's outcomes. It also considered whether the new arrangements provided a clear line of accountability for safeguarding children and young people.
- 1.5.14 The test of assurance found that the Authority's arrangements fulfil the statutory duties around children and young people. The revised structure provides clear accountabilities and responsibilities and systems are in place to provide political, professional, legal and corporate accountability. The new arrangements were also found to support the Authority's track record of effective partnership working. The test of assurance concluded that the assignment of the statutory Director of Children's Services functions to the Head of Children, Young People and Learning had not detracted from the strong focus on children and young people's outcomes.

### **Arrangements for Reviewing the Test of Assurance**

- 1.5.15 The Corporate Assurance Group will review the test of assurance annually as part of the wider assurance framework. The test of assurance will be updated following changes to the senior management arrangements or to the corporate assurance arrangements.

### **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

#### Option 1

Agree the arrangements for reviewing and updating the test of assurance referred to above at 1.5.15.

#### Option 2

Cabinet could refer the test of assurance back to officers for further consideration of any relevant issue(s) identified by Cabinet.

Option 1 is the recommended option.

### **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The test is a critical part of the Authority's arrangements for ensuring a robust focus on the outcomes for children and young people. It assures the Authority that appropriate structures and organisational arrangements are in place to fulfil its statutory duties.

Reviewing the test of assurance when new senior leadership and / or corporate assurance arrangements are put in place will ensure that a strong focus on children and young people's outcomes is maintained.

### **1.8 Appendices:**

Appendix A: North Tyneside Council test of assurance

## **1.9 Contact officers:**

Jean Griffiths, Head of Children, Young People and Learning, tel. (0191) 643 8782  
Alison Campbell, Finance Business Manager, tel. (0191) 643 7038

## **1.10 Background information:**

The following background paper has been used in the compilation of this report and is available at the office of the author:

- (1) Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services, Department for Education, 2013  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/271429/directors\\_of\\_child\\_services\\_-\\_stat\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271429/directors_of_child_services_-_stat_guidance.pdf)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no financial or other resource issues arising directly from the test of assurance.

### **2.2 Legal**

Local authorities must have regard to the Statutory Guidance referred to above, issued pursuant to Section 18 (7) Children Act 2004, in relation to the appointment of the Director of Children's Services and the designation of the Lead Member for Children's Services. The Guidance covers the legal basis for these appointments, their roles and responsibilities, and how this relates to Government expectations about the Authority's role in education and children's services. The Guidance also requires local authorities to have suitable arrangements in place to ensure effective discharge of the statutory Director of Children's Services responsibilities. Within the legal framework, whilst local authorities must ensure that there is both a single officer and a single elected member each responsible for both education and children's social care, it is for individual local authorities to determine their own organisational structures in the light of their local circumstances.

It is legally permissible for the Director of Children's Services role to be combined with other operational functions of the local authority (CA 2004, s18(5)).

The test of assurance concluded that the Authority has appropriate arrangements for fulfilling the statutory Director of Children's Services functions.

### **2.3 Consultation / community engagement**

#### **2.3.1 Internal Consultation**

The test of assurance has been considered by the Corporate Assurance Group.

### **2.4 Human rights**

There are no human rights issues arising directly from this report.

## 2.5 Equalities and diversity

There are no equality and diversity issues arising directly from this report.

## 2.6 Risk management

The test found that appropriate measures were in place to mitigate identified risks. Any future changes to the Council's senior management arrangements will result in the test of assurance being revisited, to ensure any emerging risks are managed appropriately.

## 2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

## 2.8 Environment and sustainability

There are no direct environmental and sustainability issues arising from this report.

### PART 3 - SIGN OFF

- Deputy Chief Executive  x
- Head of Service  x
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  x
- Monitoring Officer  x
- Strategic Manager–  
Strategic Services  x