

Delivering the Children's Plan Strengthening Children's Trusts: legislative options

Department for Children, Schools and Families

A response from the National Council for Voluntary Youth Services (NCVYS)

September 2008

Introduction

1. The National Council for Voluntary Youth Services (NCVYS) is the independent voice of the voluntary youth sector in England. A diverse network of over 170 national voluntary youth organisations and regional and local youth networks, NCVYS has been working since 1936 to raise the profile of youth work, share good practice and influence policy that has an impact on young people and the organisations that support them.
2. The NCVYS network reflects the diverse range of voluntary organisations working with young people at community, local, regional and national level. Most of our members offer opportunities to engage in challenging activities or develop creative talents. They also support young people to become active in their communities and offer opportunities for their voice to be heard. Some offer interventions to prevent or tackle specific issues such as homelessness or offending behaviour. Others offer counselling, advice, guidance and information. All contribute to young people's personal and social development; some also engage with spiritual development.
3. For more information on any element of this paper, please contact NCVYS's Head of Policy and Communications, Faiza Chaudary on 020 7278 1041.

Key comments

1. NCVYS welcomes the opportunity to comment on the Department for Children, Schools and Families (DCSF) consultation *Delivering the Children's Plan – Strengthening Children's Trusts: legislative options*¹ and the opportunity it provides to improve consistency in the delivery of services to children and young people through local children's trust arrangements.
2. The move to clarify and strengthen local arrangements is useful, however NCVYS would like to see much clearer practical guidance to facilitate engagement with the voluntary and community youth sector (VCYS) within local Children's Trust arrangements. This would improve arrangements for integrated working with local partnerships and would go some way to resolving the issues raised by the DCSF consultation *Children's Trusts: Statutory guidance on inter-agency cooperation to improve well-being for children, young people and their families* (DCSF, 2008²) which found that some local partners of the Children's Trust can find it difficult to get their voices heard and can experience difficulty in securing the support they need.

Do you agree that DCSF should extend the 'duty to cooperate to improve well-being' (which applies to the 'relevant partners' listed in section 10 of the Children Act 2004) to include schools, Pupil Referral Units, schools forums, sixth form colleges, further education colleges and other providers of publicly funded 16-19 provision and any other front line providers?

3. NCVYS welcomes attempts to ensure greater consistency at a local level through extending the duty to cooperate to schools and other educational providers, including existing as well as future academies. Currently, a considerable amount of funding is controlled by schools and is used to commission services to local communities, for example through the extended services agenda. Extending the duty to schools would help strengthen the role of schools and potentially their responsibility for delivery of joint services with local VCYS.
4. However, extension of the duty alone will not lead to a step change in local partnership arrangements between schools and their local community partners. This needs to be supported by clear systems which will enable joint planning and commissioning of services with voluntary and community youth service providers in order to empower both parties to work together in the delivery of youth services.

How can DCSF best ensure that GP practices are fully engaged with their local Children's Trust?

5. The move to ensure greater consistency in the engagement of GPs with local Children's Trust arrangements as key players within the health sector is considered a practical step forwards. However, there is concern amongst the VCYS that much is left to good-will locally rather than clear structures and accountability. Through practice-based commissioning, GPs have a similar role to schools and in the same way some can commission services which do not always support or link in with local strategic priorities and sometimes in isolation from work being done by other partners. Extending the duty to co-operate to GP practices will strengthen the responsibility felt by GPs through practices, to work in partnership with local children's trusts and other partners working towards improved outcomes for children and young people. Indeed, extending the ownership of the Children and Young People's Plans (CYPPs) to all partners covered by the duty to

¹ DCSF (2008) *Delivering the Children's Plan – Strengthening Children's Trusts: legislative options*: is available at the time of writing via: www.dcsf.gov.uk/consultations

² The DCSF consultation *Children's Trust: Statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families* (DCSF, 2008) closed 26 June 2008.

cooperate means that if the duty was extended to GPs this may create a greater onus on them to work in partnership with other partners on local Children's Trust Boards.

6. NCVYS encourages stronger partnerships with providers of services to young people within the health sector and would like to see Children's Trusts (particularly through members representing the Primary Care Trusts [PCTs] and Strategic Health Authorities [SHAs]) supporting the VCYS's involvement in projects commissioned by GP practices.

Recommendation 1: Consider extending the role of PCTs and SHAs as key brokers in developing local relationships between GP practices and representatives of the VCYS in local Children's Trusts.

Do you agree with the proposals to help drive forward better strategic partnership working within Children's Trusts?

7. The proposal requiring all areas to have a CYPP (including those rated as 4* authorities) and extending ownership of that plan to all partners covered by the 'duty to cooperate' is considered a move which supports better joined-up working across local areas. This would mean that the Plan becomes the shared responsibility of the Children's Trust and would provide a greater impetus for all partners to align the plans of their own individual organisations with the local strategic CYPP. This will be important in ensuring planning for joint outcomes exists across organisations and that these are together providing a more coherent local framework through which VCYS providers can gain clarity about joint agendas and help to effect change through targeting local implementation, to complement these agendas where possible.

Do you agree with the proposals to extend responsibility for the CYPP to all partners covered by the 'duty to cooperate', and to require all partners to 'have regard' to them? This would mean that the CYPP becomes the shared responsibility of the Children's Trust Board.

8. While NCVYS approves of the move to introduce more consistency in the delivery of local CYPPs, new regulations should not compromise local flexibility. Strengthening the statutory framework for CYPPs through secondary legislation could be far reaching and include moves to ensure that Plans must be agreed by all partners, set out the arrangements for early intervention and joint commissioning, and specify the spend of each partner on areas such as child health and youth offending, in particular those covered by local joint commissioning arrangements. These new arrangements would need to recognise VCYS organisations as key partners in the Children's Trust arrangements and would need to be flexible and practical in their implementation, taking account of capacity issues for the sector in any such proposals.
9. NCVYS would guard against regulations being too prescriptive and new regulations will need to account of flexibility needed for local implementation by all partners of the CYPP
10. The proposal regarding consultation with the third sector on developing CYPPs is vital as practice in this area has been variable. This would need to be strengthened to ensure consultation processes meet the standards set out in the Compact³. Any proposals related to the role of the sector in the development of Plans must be linked to the review of the Compact to ensure consistency and shared understanding about the role of the sector.

Recommendation 2: Strengthening role of VCYS should be linked to the current review of the Compact

³ Further information about the Compact is available via: <http://www.thecomcompact.org.uk/>

Do you agree that a statutory Children’s Trust Board (with membership and functions set out in legislation to all Children’s Trusts in England) would strengthen the effectiveness of Children’s Trusts in improving outcomes for children?

11. The legislative options put forward in this consultation are in response to recognition that governance arrangements are not working as effectively as they could at the moment. For example, VCYS organisations can encounter difficulties in engaging with multiple local structures. As such, there needs to be a stronger emphasis on using local VCYS infrastructure organisations to engage local VCYS organisations in Children’s Trusts. NCVYS would also like to see them being used more by statutory partners as agencies which can practically advise the statutory sector e.g. local authorities (LAs) about ‘what works’ in engaging the sector.

Recommendation 3: Ensure consistency in representation of VCYS on Children’s Trust Boards by using local infrastructure organisations as bodies which represent the local third sector and prescribing clearly the responsibility of these representatives to engage fully with their members and statutory partners to raise the profile of the full range of local VCYS organisations.

12. As stated in NCVYS’s response to DCSF’s consultation *Statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families*⁴, Children’s Trust arrangements should be clear and transparent. Any changes to the membership and functions prescribed by legislation should be clear and accessible to local VCYS organisations in order to aid understanding about local roles and responsibilities within Children’s Trust Boards.
13. There should be a stronger onus on statutory partners sharing agendas from other local structures of which they are members, with non-statutory partners involved in Children’s Trusts. For example, in reducing youth crime, the police are important partners in Children’s Trusts and increasingly involved with other local structures such as Safer Schools Partnerships which the VCYS may not be privy to, NCVYS would like to see statutory partners use their role on Children’s Trusts to engage VCYS partners in agendas which impact on shared priorities for the Children’s Trust.

Recommendation 4: Children’s Trusts should be clear and transparent to facilitate the engagement of the VCYS. For example there should be an obligation to publish Children’s Trusts Board members.

Recommendation 5: DCSF to promote partnership working between statutory and non-statutory agencies delivering services to young people in local communities by promoting the sharing of agendas between partners involved in multiple local structures.

Barriers to effective partnership working in the current legislative framework

14. Section 10 of the 2004 Children Act⁵ allows LAs and ‘relevant partners’ to pool funding and share staff, goods, services, accommodation, or other resources with the aim of improving well-being. However, this has not allowed LAs and partners to overcome two main issues: the lack of a power to delegate functions in Section 10, and the fact that the power to pool funding, goods, staff, etc does not extend beyond ‘relevant partners’.

⁴ NCVYS’s response to DCSF’s consultation *Children’s Trusts: Statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families* is available via: <http://www.ncvys.org.uk>

⁵ Further information on the 2004 Children Act is available via: <http://www.everychildmatters.gov.uk/strategy/guidance/>

15. This means that currently the VCYS is excluded from being able to contribute to pooling of funding, goods, staff, and services. NCVYS supports the principle of allowing funding to be pooled and functions delegated to the third sector. This would allow for more intelligent commissioning and would help support the third sector to access external funding, for example from trusts.

Recommendation 6: Legislation to be amended to allow pooling of funding, goods, staff and services and delegation of functions to the third sector.

16. Again, as stated in NCVYS's previous response to DCSF on Children's Trusts and inter-agency cooperation, barriers to meaningful partnership working can be some-what overcome if statutory agencies effectively engage the VCYS in Children's Trusts, through the use of VCYS infrastructure organisations that can help facilitate relationships and disseminate information to the sector. In addition, the use of VCYS resources to help engage the sector should be more proactively used by statutory agencies, for example the *talking trusts* resource developed by the Community Sector Partnership for Children and Young People⁶, of which NCVYS is a member.
17. Current funding arrangements can be complicated, costly to bid for and too limited in their scope. NCVYS reiterates its recommendation made in the above document supporting a more grant-based approach to funding by Children's Trusts which is essential in supporting small voluntary organisations who often work with the most disadvantaged young people.

Recommendation 7: Children's Trusts to champion a grant-based approach to funding to support small voluntary organisations.

Are there any other changes DCSF should make to strengthen the existing framework which Children's Trusts operate to deliver the raised ambition of the Children's Plan?

18. Children's Trusts involve many agencies, including relevant partners and 'other agencies', e.g. the VCYS. Children's Trusts need to look beyond direct LA or other statutory service providers to the wide range of service providers within the VCYS who are often well-placed to deal with the most vulnerable children and young people.
19. As well as using the Local Government Association, the NHS Confederation, the Association of Directors of Children's Services and Chief Executives, DCSF should engage with NCVYS to learn about good practice and challenges within the VCYS in order to share learning and develop solutions through the newly established Centre for Excellence and Outcomes (CFEO).

Recommendation 8: DCSF to engage with NCVYS to learn about good practice and challenges faced by the VCYS, and to develop solutions through the CFEO

⁶ Further information about *talking trusts* and the Community Sector Partnership for Children and Young People is available via: <http://www.ncvys.org.uk/index.php?page=342>

Summary of recommendations

Recommendation 1: Consider extending the role of PCTs and SHAs as key brokers in developing local relationships between GP practices and representatives of the VCYS in local Children's Trusts.

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