

**Decision Maker:** Joint Meeting of the Care Services and Education PDS Committees

**Date:** 25<sup>th</sup> February 2015

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** **ASSURANCE OF THE ARRANGEMENTS FOR DIRECTOR OF CHILDREN'S SERVICES AND LEAD MEMBER FOR CHILDREN'S SERVICES IN BROMLEY**

**Contact Officer:** Terry Parkin, Executive Director of Education, Care and Health Services  
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**Chief Officer:** Doug Patterson, Chief Executive

**Ward:** Boroughwide

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1. Reason for report

- 1.1 To allow for the proper Scrutiny of the arrangements for the discharge of the statutory duties relating to the safeguarding of children, specifically in relation to the arrangements in place to fulfil the statutory roles for the Director of Children's Services (DCS) and those of the Lead Member for Children Services (LMCS). These arrangements are required to be subject to local testing when either the DCS or the LMCS undertake more than one role as is the case in Bromley. We ask that Members of the Joint PDS recommend that the appropriate Portfolio Holders validate the present arrangements through looking at the processes and procedures in place to ensure children in the London Borough of Bromley are safeguarded adequately.
- 1.2 Further, the independent Bromley Safeguarding Children Board on behalf of its partner agencies has oversight of our safeguarding procedures. The independent chair also has a duty to observe the work of the local system and, should it have failings, report those to the DCS and Chief Executive. Members will have an opportunity to ask questions of the independent chair and to test the strength of local partnership arrangements.
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2. **RECOMMENDATION(S)**

- 2.1 That the Chairman of the Education and Care PDS Committees in their Scrutiny role should agree that the arrangements to discharge the statutory role of Director of Children's Services are safe and that the assurance test be repeated and reported bi-annually.
- 2.2 That through the minutes of this meeting, this should be communicated to the Chief Executive in his role as head of the service.

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Children and Young People.
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### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
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### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Overview

- 3.1 All top tier authorities in England have the responsibility of overseeing the local arrangements for the safeguarding of children. They are required to appoint a Director of Children's Services (DCS) and a Lead Member for Children's Services (LMCS) whose responsibilities are defined from time to time by Parliamentary Order. These roles are therefore covered by Statutory Guidance to which Local Authorities must have regard: <http://www.education.gov.uk/aboutdfe/statutory/g00206029/statutory-guidance-on-the-roles-and-responsibilities-of-the-director-of-childrens-services-and-the-lead-member-for-childrens-services/roles-and-responsibilities-of-the-dcs-and-lmcs>
- 3.2 The most recent guidance (April, 2013) states:
- The DCS and LMCS are appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority or in custody (regardless of where they are placed).
  - Within this legal framework, it is for individual local authorities to determine their own organisational structures in the light of their local circumstances. However, 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. The DCS and LMCS should each have integrated children's services brief, ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision. Between them, the DCS and LMCS provide a clear and unambiguous line of local accountability.
  - The DCS has professional responsibility for children's services, including operational matters; the LMCS has political responsibility for children's services. Together with the Chief Executive and Leader, the DCS and LMCS have a key leadership role both within the local authority and working with other local agencies to improve outcomes for children and young people.
- 3.3 **Assurance Process where the DCS is responsible for additional functions.**  
The guidance also outlines that local authorities need to ensure that an assurance process is undertaken where the DCS is responsible for additional functions not related to local authority children's services and that local authorities review their arrangements regularly to satisfy themselves that they continue to be effective. This local test of assurance ensures that the focus on outcomes for children and young people will not be weakened or diluted as a result of adding such other responsibilities.
- 3.4 The local test of assurance needs to ensure their structures and organisational arrangements enable them to:
- fulfil their statutory duties effectively (including ensuring that children, young people and families receive effective help and benefit from high educational standards locally);
  - be transparent about responsibilities and accountabilities; and
  - support effective interagency and partnership working.
- 3.5 **National Context**  
Around 40 local authorities including across the country including Bromley, have integrated Adults' and Children's services under one Director. This is seen as strengthening the

social care offer as it results in an enhanced ability to work with families in a more holistic way. This is not precluded by Statutory Guidance. However, the British Association of Social Workers (BASW) has stated that “When you have one Director responsible for both Children’s and Adult services, you need a structure in place with specialist and senior management posts so that nothing critical is lost in the shuffle”. A key part of the test will therefore be; is there strong and distinct leadership of children’s and adult safeguarding?

### 3.6 Assurance of arrangements in Bromley

The Executive Director continues to ensure that a range of assurance systems remain in place these include:

#### Strategic

- Children’s Board, including regular 1-1s between the DCS and LMCS;
- Bromley Safeguarding Children’s Board, including the Annual Report of the Chair, and the reporting within that of the section 11 contributions made by the various teams of Bromley Borough Council to the safeguarding of children;
- Scrutiny of decision making through the respective PDS committee’s;
- An annual business plan approved by the respective Portfolio Holders;
- Executive Working Party: Safeguarding and Corporate parenting;
- That the Chief Executive in consultation with the Leader and Portfolio holder continue to monitor the effectiveness of the current arrangements against the Council’s requirements and the need for assurance set out in government guidance new in 2013;
- In the event of a change of Director, the portfolio of responsibilities should be reviewed new in 2013;

#### Operational

- Robust supervision from the Chief Executive to the DCS, and from the DCS to his direct reports;
- The Assistant Director for Children’s Social Care, the head of the Quality Assurance, and the independent chair of the LSCB should attend the Children’s Board and ECHS DMT quarterly and report on critical issues; thresholds, caseloads (numbers and type), workforce (including stability, use of agency, sickness/stress absence, incidents of violence and complaints) new in 2013;
- Weekly meetings between the DCS or his nominee and the respective Portfolio Holders;
- From April 2013, a departmental balanced scorecard reviewed bi-monthly supported by monthly performance data to service managers, AD and DCS;
- An actively managed risk register feeding into the Corporate risk register;
- A designated principal social worker, and a clear professional development programme for qualified social workers;

Bromley children’s services are also committed to sector-led improvement with the DCS a former Ofsted inspector and a trained sector-led (peer) reviewer. We also have a number of staff from second and third tier roles trained as peer reviewers, and, indeed, as present and former Ofsted inspectors. This gives considerable strength when we audit our own performance. Findings of sector-led reviews are incorporated into post-inspection action plans and also provide a critical analysis of whether improvement plans are on track.

### 3.7 External Assurance

As part of the validation process, Members will be aware that children’s social care is subject to regular Ofsted inspections. Ofsted provides four grades in its inspections from

inadequate through to outstanding. The majority of externally regulated services have been judged as adequate or good and these judgements include consideration of accountability and leadership evident politically and at executive officer level. None have been found to be inadequate.

Action plans arising from Ofsted inspections are taken to the relevant PDS and monitored by the respective Portfolio Holder. To date, the relevant Portfolio Holders and PDS committees have received action plans, and found progress on them to be acceptable.

### 3.8 **Future Assurance Process**

In the context of the very considerable savings to be found, the Chief Executive will want to be assured through this process that there remains sufficient capacity to safeguard children. Members should therefore feel free to provide feedback both through this formal process but also outside of it.

It is further proposed that the Care Services & Education Portfolio Holders and PDS Chairmen should consider the outcome of the bi-annual review of the current arrangements at a joint meeting of the relevant PDS committees. This will be undertaken through a self assessment carried out at arms length by the Strategic and Business Support service.

### 3.9 **Conclusion**

The council takes very seriously its responsibilities for all children in the borough and specifically for vulnerable children. The arrangements proposed in this report assure the council that sufficient additional safeguards are in place to ensure the continued delivery of the council's overarching responsibilities for all children and its specific responsibilities for vulnerable children are not compromised by the breadth of the role of Executive Director for Education, Care and Health Services.

3.10 The compliance statement is based upon the assessment checklist at Appendix One – the assessment for 2013/14 has been completed demonstrating that the current arrangements are compliant across 15 of the 17 measures which met in full the remaining two were met partially further work will be undertaken to ensure that these are being met fully. Measures that were partially met are:

- Robust supervision from the Chief Executive to the DCS, and from the DCS to his direct reports, and;
- AD for Children's Social Care, the head of Quality Assurance, and the independent chair of the LSCB should attend the Children's Board and ECHS DMT quarterly and report on critical issues; thresholds, caseloads

## 4. **POLICY IMPLICATIONS**

4.1 All top tier authorities in England have the responsibility of overseeing the local arrangements for the safeguarding of children. They are required to appoint a Director of Children's Services (DCS) and a Lead Member for Children's Services (LMCS) whose responsibilities are defined from time to time by Parliamentary Order. These roles are therefore covered by Statutory Guidance to which Local Authorities must have regard: <http://www.education.gov.uk/aboutdfe/statutory/g00206029/statutory-guidance-on-the-roles-and-responsibilities-of-the-director-of-childrens-services-and-the-lead-member-for-childrens-services/roles-and-responsibilities-of-the-dcs-and-lmcs>

4.2 The guidance is consistent with the corporate operating principles and the priorities within the Children's Strategy and Portfolio Plans.

<b>Non-Applicable Sections:</b>	<b>PERSONNEL IMPLICATIONS FINANCIAL IMPLICATIONS LEGAL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	

<b>Assurance Measures for 2013/ 14 Assessment</b>
<b>Strategic</b>
DCS in post;
First Tier Officer reporting to Chief Executive;
Professional responsibility for leadership of LBB Children's Services;
Professional responsibility for strategy of LBB Children's Services;
Professional responsibility for effectiveness of LBB Children's Services;
Children's Board, including regular 1-1s between the DCS and LMCS
Bromley Safeguarding Children's Board, including the Annual Report of the Chair, and the reporting within that of the section 11 contributions made by the various teams of Bromley Borough Council to the safeguarding of children
Scrutiny of decision making through the respective PDS committee's
An annual business plan approved by the respective Portfolio Holders
Executive Working Party: Safeguarding and Corporate parenting
<b>Operational</b>
Robust supervision from the Chief Executive to the DCS, and from the DCS to his direct reports
Weekly meetings between the DCS or his nominee and the respective Portfolio Holders
Weekly monthly and quarterly performance data considered by the DCS and his senior managers, including, from April 2013, a departmental balanced scorecard
An actively managed risk register feeding into the Corporate risk register
A designated principal social worker, and a clear professional development programme for qualified social workers
<b>New Measures introduced 2014</b>
Chief Executive in consultation with the Leader and Portfolio holder continue to monitor the effectiveness of the current arrangements;
In the event of a change of Director, the portfolio of responsibilities should be reviewed;
AD for Children's Social Care, the head of Quality Assurance, and the independent chair of the LSCB should attend the Children's Board and ECHS DMT quarterly and report on critical issues; thresholds, caseloads (numbers and type), workforce (including stability, use of agency, sickness/stress absence, incidents of violence and complaints);