

REPORT TO: Council
DATE: 8 March 2017
REPORTING OFFICER: Chief Executive
PORTFOLIO: Leader
SUBJECT: People's Directorate
WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 That, following the appointment of the Strategic Director People, Council consider and agree to revised arrangements within the People Directorate to provide clear lines of accountability and responsibility as required by the current legislative framework for Children's, Adults and Public Health Services.

2.0 RECOMMENDATION: That Council

1) note the content of the report; and

2) formally designate the Strategic Director, People, as the Council's Statutory Director of Children Services.

3.0 SUPPORTING INFORMATION

3.1 The Council established the post of Strategic Director People at the Appointments Committee meeting 6 June, 2016 following the departure of the then Strategic Director, People and Economy. The purpose of this role was to bring together those Council services that were predominately focused on the safeguarding, education, health and wellbeing of Halton's residents. Many local authorities have moved towards a similar approach.

3.2 Supporting the "Strategic Director: People" are four substantive Operational Directors who report to the Strategic Director and, were established on an equal footing. Specifically, with regard to children and young people, the Operational Director for Education, Access and Inclusion and the Operational Director for Children and Family Services.

3.3 The latter was nominally designated the statutory role of Director of Children Services (DCS). The Operational Director for Adults remained the nominated Director of Adult Social Services (DASS) as

did the Director of Public Health.

3.4 **Director of Children Services**

3.4.1 Whilst these designations fulfilled the Local Authorities statutory duty at the time, to have in place a DCS, DASS and DPH, in the case of the DCS role the current designation has created some confusion in terms of accountability and leadership across children services. Further, statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services (LMCS) April 2013 clearly sets out what is required for the DCS role to be discharged.

3.4.2 The substantive points are that:

"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)."

3.4.3 Although "it is for individual local authorities to determine their own organisational structures in the light of their local circumstance, 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 an 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."

3.4.4 The current designation in relation to children services does not meet the criteria set out in the statutory guidance, as the DCS is not a Tier 1 officer and neither does the post provide the unambiguous line of local accountability for social care and education.

3.4.5 The current arrangement has unintentionally displaced the Operational Director for Education, Access and Inclusion, and transferred responsibility for those functions and staff to the DCS. Although in reality the delivery of the functions has remained divided between the two individuals. Furthermore, leadership for children services is a key criteria in the OfSTED regulatory frameworks, and unlike the DASS and DPH, is a post that forms part of the judgement of the local authority's arrangement for safeguarding children pursuant to the Children's ACT 2004 and subsequent guidance.

3.4.6 It is recommended to move the Statutory Designation of DCS to the

Strategic Director People ensuring this post has accountability for all of children services and that the Strategic Director of People delegates managerial and day to day responsibility for Social Care and Education and Early Family Support as necessary.

3.5 The Director of Public Health

3.5.1 The Health and Social Care Act 2012 set out the necessary legislation that transferred the responsibility for public health to local authorities in April 2013. This included the role of the Director of Public Health. Whilst the DPH is a local authority employee the appointment is a joint responsibility between the Secretary of State and Chief Executive. The DPH is part of the local authority's most senior management team, and is accountable to the Chief Executive in respect of the local authority's public health duties. In Halton the DPH is part of the People Directorate and the accountability duty is discharged by regular meetings between the DPH and Chief Executive. The appointment of the "Strategic Director: People" does not need to impact on this arrangement and no staff are affected.

3.5.2 There is no external regulatory framework that tests the arrangements that a local authority has in place to discharge its public health duty.

3.5.3 It is recommended the Council maintain the current arrangements for the post of DPH.

The Director of Adult Social Services

3.6

3.6.1 Following the establishment of the Director of Children Services (Children's Act 2004) the statutory post of Director of Social Services was effectively abolished. This was replaced by the requirement to have the statutory role of the DASS, and that it should be allocated at all times to a suitable post-holder within the senior management structure and the responsibility to allocate that role rests with Full Council. The allocation of the statutory role is separate from the post-holders appointment as Director of Adult Social Services. The background legislation setting out the requirements for the allocation of the statutory role is contained within Schedule 1 of the Local Authority Social Services Act 1970 (as amended). Statutory and best practice guidance on the role was subsequently issued by the Department of Health in 2006.

3.6.2 Following the retirement of one operational director the line of accountability and management of all adult services and functions rested with the Operational Director Adult Services, and is, for external purposes the designated Director of Adult Services. In

respect of discharging the duties of the DASS, the current arrangement provides the post-holder with authority over all the necessary functions to deliver the DASS role. This is not the case for the DCS role as it currently stands.

3.6.3 There is no external regulatory framework that tests the arrangements that a local authority has in place to discharge its Adult Services duty.

3.6.4 It is recommended that the Statutory Designation of DASS continues with the Operational Director for Adult Services.

4.0 POLICY IMPLICATIONS

4.1 Changes to the Council's Scheme of Delegation will be required to affect these changes.

The new arrangement will also ensure the two Operational Directors who will undertake the managerial and the day to day responsibility for Social Care and Education and Early Family Support are treated equally and their terms and conditions will be amended accordingly.

5.0 FINANCIAL IMPLICATIONS

5.1 Any financial implications for this change will be constrained within existing budgets.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

Will provide clear line of accountability for the delivery of all Children Services as set out in the Statutory Guidance

6.2 Employment, Learning & Skills in Halton

None identified.

6.3 A Healthy Halton

None identified.

6.4 A Safer Halton

None identified.

7.0 RISK ANALYSIS

7.1 A key Risk for the Council to consider is the potential impact the

current arrangements may have on an Ofsted inspection of Children Services. The current Ofsted framework would assume the DCS role functioning and having authority as set out in the guidance, and may jeopardise the judgement on leadership and management.

8.0 EQUALITY AND DIVERSITY ISSUES

This is an organisational issue with respect to structures and reporting arrangements and does not have any equality and diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None.