

CITY COUNCIL- 6 FEBRUARY 2006

REPORT OF THE LEADER

IMPLEMENTATION OF THE CHILDREN ACT 2004 – LEAD MEMBER ACCOUNTABILITY ARRANGEMENTS

1 SUMMARY

- 1.1 This report asks that decisions taken by the Leader in respect of confirming executive Portfolio Holder accountability arrangements as a result of implementing Part 2 of the Children Act are endorsed by Council; that Council approves the delegation of responsibility for Youth and Play Services to the Portfolio Holder for Culture, Community Services and Tourism: and that all changes to come into effect from 1 April 2006.
- 1.2 This will require an amendment to Appendix 6(F) of the City Council Constitution. Political leadership and accountability are an essential part of the governance arrangements relating to integrated children's services and to adult social services, housing and health. Clear leadership and accountability was the subject of a number of recommendations in the Lord Laming report on Victoria Climbié's death.

2 RECOMMENDATIONS

IT IS RECOMMENDED that:-

- (1) Council notes the decisions of the Leader of the Council in respect of:-
- (i) the re-designation of the Portfolio Holder for Education and Training, currently Councillor Graham Chapman, as the Portfolio Holder and Lead Member for Education and Children's Services from 1 April 2006;
 - (ii) the re-designation of the Portfolio Holder for Housing and Social Services, currently Councillor David Trimble, as the Portfolio Holder and Lead Member for Adult Services, Housing and Health

from 1 April 2006;

- (2) Council approves the formal delegation of responsibility for Youth and Play Services from the Portfolio Holder for Education and Children's Services to the Portfolio Holder for Culture, Community Services and Tourism from 1 April 2006;
- (3) Council approves the amendments to Appendix 6(F) (pages 150, 152 and 153) of the City Council Constitution as from 1 April 2006 to capture the revised accountability arrangements, as shown in appendix 1 to this report.

3 BACKGROUND

- 3.1 Local authorities already have the discretion to assign a Member a portfolio comprising the full range of children's responsibilities. From the date that the relevant provision of the Children Act is brought into force, all authorities must designate a Lead Member for Children's Services.
- 3.2 The duty to designate a Lead Member for Children's Services will be brought into force at the same time as the duty to appoint a Director of Children's Services.
- 3.3 There is no statutory requirement to designate a Lead Member for Adult Services, although guidance on the subject indicates that authorities should consider whether it would be appropriate to mirror the responsibilities of the statutory Director of Adult Social Services at the local political level by designating such a Lead Member.
- 3.4 As a minimum, the guidance provides that authorities should ensure that the responsibilities of the Director of Adult Social Services responsibilities are included in the portfolio of an executive member of the authority.
- 3.5 Statutory guidance indicates that the expectation is that most authorities should have a Director of Children's Services and a Lead Member by 2006, and all by 2008.

3.6 The key generic responsibilities of a Lead Member for Children's Services are identified as follows:-

- political accountability for the effectiveness, availability and value for money of all local authority children's services;
- leadership within and beyond the local authority to engage and encourage local communities in order to improve children's services and to ensure that services, both within the local authority and across partner organisations, improve outcomes for all and are organised around children and young people's needs;
- a particular focus, with the Director of Children's Services, on safeguarding and promoting the welfare of children across all agencies.

3.7 The key generic responsibilities of a Lead Member for Adult Social Services are identified as follows:-

- political accountability for the effectiveness, availability and value for money of all adult social services in the local authority area;
- the necessary leadership to engage with local communities and ensure that adult social services are effective in meeting the needs of adults with social care needs, their families and carers;
- a focus on safeguarding vulnerable adults and promoting a high standard of services for adults with social care needs across all agencies;
- other specific responsibilities as determined at a local level.

3.8 The role and responsibilities of the Lead Member for Children's Services are broad. The statutory guidance on the Children Act 2004 confirms that the Authority may make arrangements for the Lead Member to share aspects of these responsibilities with other Members provided that the Lead Member for Children's Services maintains an effective overview and overall political accountability for the full range of Local Authority Children's Services.

4 PROPOSALS

4.1 The revised City Council Constitution provides that the Leader of the Council has delegated authority for any in year adjustments to the responsibilities of existing Portfolio Holders.

- 4.2 The logic in taking these decisions now is that they are in sequence with decisions taken by the Appointments and Conditions of Service in respect of Corporate Director accountability arrangements coming into force from 1 April 2006. This means that the authority will have a clear and identifiable officer and Member accountability framework.
- 4.3 The Leader has determined that Councillor Graham Chapman is designated as the Lead Member for Children's Services from 1 April 2006 and this portfolio mirrors that of Edwina Grant, the Director of Children's Services from 1 April 2006.
- 4.4 It is further proposed that the Lead Member for Children's Services be supported by the Portfolio Holder for Culture, Community Services and Tourism by the delegation of responsibility for Youth and Play Services to the latter as from 1 April 2006. The Lead Member for Children's Services continues to retain political accountability for these services.
- 4.5 The Corporate Director of Adult Services, Housing and Health post from 1 April 2006 includes responsibility for the residual housing functions of the authority on a permanent basis as well as adult social services and lead responsibility for Health / NHS partnership working and the aim is to mirror these responsibilities from 1 April 2006 with a Lead Member who the Leader has designated as Councillor David Trimble.
- 4.6 In accordance with the roles and responsibilities set out for the Leader of the Council in Appendix 6 (f) of the City Council's Constitution, a review of the Portfolio Holder arrangements and Executive Board composition is normally conducted annually and any further proposed changes will be submitted to the May 2006 meeting of Council in the usual manner.

5 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None.

6 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

City Council Constitution (2005)

Children Act 2004, HMSO

Statutory guidance on the Role and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services

Best Practice Guidance on the role of the Director of Adult Social Services (DoH March 2005)

**COUNCILLOR JON COLLINS
LEADER OF CITY COUNCIL**

ATTACHMENT

Revised Roles and Responsibilities for Portfolio Holder for Education and Children's Services, Portfolio Holder for Adult Social Services, Housing and Health and Portfolio Holder for Culture, Community Services and Tourism to insert into Appendix 6(F) of the City Council Constitution to replace current Portfolio Holder descriptions for Education and Training and Housing and Social Services and Culture, Community Services and Tourism and respectively, to come into effect from 1 April 2006

PORTFOLIO HOLDER – EDUCATION AND CHILDREN’S SERVICES

The key responsibilities of a Lead Member for Education and Children’s Services are identified as follows:

- (i) political accountability for the effectiveness, availability and value for money of all local authority children’s services
- (ii) leadership within and beyond the local authority to engage and encourage local communities in order to improve children’s services and to ensure that services, both within the local authority and across partner organisations, improve outcomes for all and are organised around children and young people’s needs
- (iii) a particular focus, with the Director of Children’s Services, on safeguarding and promoting the welfare of children across all agencies
- (iv) To share responsibility with the Leader, Deputy Leader and other members of the Executive for the business of the Council
- (v) To be responsible for, and spokesperson in respect of, the City Council’s education and training services, specifically:
 - early years, primary, secondary and special school provision
 - development and implementation of a Children and Young Peoples Plan
 - social care matters relating to children and families, including child protection, fostering and adoption, residential care, children in need, children with disabilities, children leaving care
 - adult education and training
 - educational provision and resources
 - interface with other educational authorities and interest groups
 - consultation with stakeholders including local communities, schools, colleges, training providers, businesses and employers organisations, trade unions and government bodies at regional, national and European level
 - youth and play services (formally delegated to the Portfolio Holder for Culture, Community Services and Tourism)
- (vi) To promote these services within the Council and the City as a whole, representing the Council’s views on matters of corporate or strategic policy within the portfolio

PORTFOLIO HOLDER – CULTURE, COMMUNITY SERVICES AND TOURISM

- (i) To share responsibility with the Leader, Deputy Leader and other members of the Executive for the business of the Council.

- (ii) To be responsible for, and spokesperson in respect of, the City Council's cultural, community and tourism services including matters relating to:
 - leisure and sport
 - arts and events
 - tourist facilities
 - museums and heritage
 - libraries and information services
 - parks and open spaces
 - youth and play services (formally delegated from the Portfolio Holder – Education and Children's Services)
 - community services and facilities
 - entertainment
 - interface with other authorities and interest groups
 - consultation with stakeholders including local communities, other leisure, arts and heritage providers, businesses and employers organisations, the Arts Council, Sport England, EMLAC, East Midlands Museum Service, trade unions and government bodies at regional, national and European level.

- (iii) To promote these services within the Council and the City as a whole, representing the Council's views on matters of corporate or strategic policy within the portfolio.

PORTFOLIO HOLDER – ADULT SOCIAL SERVICES, HOUSING AND HEALTH

The key responsibilities of a Lead Member for Adult Social Services, Housing and Health are identified as follows:

- (i) To maintain effective overview and overall political accountability for the full range of adult social services.
 - To champion the needs of adults with social care needs.
 - With health partners ensuring that the delivery of health and social care is tailored to the needs of the community and responsive to local circumstances.
- (ii) With the Corporate Director Adult Social Services Housing and Health, be responsible for the delivery of Local Authority Social Services functions in accordance with appropriate legislation, in respect of adults.
- (iii) To work closely with the Lead member for Children’s Services to ensure effective partnership working between children’s social services and adults’ social services and an effective policy continuum between the two phases and during transition for individuals from one to the other.
- (iv) Adult users of social services are defined as people over the age of 18 years and may include:
 - People with physical frailty due to ageing
 - People with a physical disability
 - People with a sensory impairment
 - People with a Learning disability
 - People with mental health needs including older people
 - People with a long term medical condition requiring social care in addition to health care
 - People who misuse substances
 - Asylum seekers
- (v) Key functions of the Lead member are to ensure that:
 - The needs of all adults with social care needs in the authority’s area have been assessed.
 - Resources from the Local Authority and partner agencies have been identified.
 - Services are being appropriately targeted in delivering improved outcomes.
 - The potential contribution from the private sector and the community and voluntary sectors has been harnessed.
 - Contribute to reducing health inequalities and promoting public health.

- (vi) To maintain effective overview and overall political accountability for the full range of Housing services, including shareholder responsibilities for and management of the Agreement with Nottingham City Homes.
- To represent and address the needs of the city's tenants and residents, with a strong focus on the delivery of Decent Homes in Decent Neighbourhoods.
 - In partnership with Health, Probation and the voluntary sector, to champion the needs of vulnerable people.
 - To promote and facilitate the delivery of central government requirements for housing, homelessness, welfare and support.
- (vii) Provide direction and support to the Corporate Director of Adult Services, Housing and Health and the Services Director for Housing in the creation and maintenance of the city's housing policies and strategies including, but not exclusively, the:
- Housing Strategy
 - Supporting People Strategy
 - Homelessness and Temporary Accommodation Strategies
 - Older Persons Strategy
 - Allocations and Choice-Based Lettings Policy
 - Decent Homes Programme
 - Housing Capital Programme
 - Neighbourhood Investment Planning Strategy
- (viii) Key functions of the Lead member are to ensure that:
- The needs of tenants and residents are understood and are reflected in the policies, practices and allocation of resources within the housing service.
 - All housing policies and strategies remain consistent with, and supportive of, the objectives defined by the corporate and community strategies and the local strategic partnership.
 - There is support for the organisational structure including the capacity and capability necessary to ensure continuous improvement in all housing related services.
 - All relevant measures are taken to move the City Council's Housing stock towards the Decent Homes standard.