

EAST AYRSHIRE COUNCIL

CABINET: 26 OCTOBER 2011

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 – PROPOSALS FOR ESTABLISHMENT OF AREA SUPPORT TEAMS

Report by Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

1.1 The purpose of this report is to

- (i) present to Cabinet proposals by the National Convener of Children's Hearing Scotland on suggested local support arrangements to the Children's Hearing System both within East Ayrshire and within the wider context of Ayrshire;
- (ii) to seek approval of proposed consultation response detailed under the appendix to this report; and
- (iii) seek agreement in principle to the proposals detailed within the report and authorise the Executive Director of Finance and Corporate Support to progress discussions with relevant officers of North and South Ayrshire Councils and the National Convener as appropriate on an agreed Ayrshire based support arrangement for the Children's Panel subject to final approval by each of the respective Ayrshire local authorities.

2. BACKGROUND

2.1 A review of the Children's Hearing arrangements has been underway for a number of years. The Scottish Government published a consultation document "Strengthening for the Future" in 2008 followed by a draft Children's Hearing Bill in 2009. Following consultation with stakeholders the Children's Hearings (Scotland) Act 2011 received Royal Assent in January 2011 and will come into effect in September 2012.

2.1 The changes introduced by the Act relate to the government's aim of ensuring that Scotland's Hearing System remains fit for purpose and is strengthened and modernised to ensure that the Children's Hearing System is consistently provided across Scotland with national standards and training arrangements etc. with local support and delivery arrangements and include:-

- the establishment of a dedicated non-executive, non-departmental national public body to support both the National Convener and the Children's Hearing System to be known as Children's Hearings Scotland
- the creation of the post of National Convener of Children's Hearings Scotland to take responsibility for setting national standards, monitoring implementation, recruitment and national training support for Scotland's Panel Members. Bernadette Monaghan was appointed as the first National Convener on 1 April 2011.

3. AREA SUPPORT TEAMS (AST)

3.1 The National Convener has instigated a consultation exercise in terms of her proposals for the establishment of ASTs and the consultation exercise concluded on 21 October 2011 but provision has been made for submission of any comments from East Ayrshire Council following consideration by Cabinet at its meeting on 26 October 2011. A report on the consultation process will be published by 21 November and the ASTs structures agreed by 31 December 2011.

3.2 The National Convener envisages that ASTs will undertake functions delegated by the National Convener that are currently undertaken by the Children's Panel Advisory Committee (CPAC) and Training Units, for example in relation to recruitment of panel members, identifying training requirements and selecting members of Children's Hearings.

ASTs have a duty to comply with directions made by the National Convener regarding the carrying out of delegated functions after consultation with relevant local authorities.

3.3 The legislation requires the National Convener to establish Area Support Teams, in collaboration with local authorities, to replace the existing Children's Panel Advisory Committees (CPACs).

3.4 The National Convener must appoint as members of each AST:

- one person nominated by each constituent local authority, if the local authority chooses to make a nomination;
- such other persons nominated by constituent local authorities as the National Convener considers appropriate;
- a member of the Children's Panel who lives or works in the area of the AST; and
- Sufficient other persons so that the number of members nominated by the local authority is no more than one third of the total members

3.5 Existing members of CPAC who are appointed by Scottish Ministers will if they wish transfer to an AST.

3.6 The National Convener recognises that ASTs will require to be supported by paid staff, similar to the role currently carried out by CPAC Clerks. The National Convener hopes that many existing CPAC Clerks will provide this support although acknowledges that only Glasgow has a full time Clerk and a dedicated team.

3.7 The National Convener has acknowledged that there is no explicit provision within the new legislation for local authority staff to be appointed to ASTs. While recognising that provision exists within the new legislation to facilitate staff transfer orders from local authorities to Children's Hearings Scotland to provide for these services, it is the National Convener's preference that ASTs continue to be supported in partnership with local authorities. The National Convener's view is that the support of the Clerks and administrative staff is critical to the successful establishment and operation of the ASTs.

3.8 The National Convener intends to negotiate Service Level Agreements (SLAs) with local authorities to transfer the role and functions currently carried out by CPAC Clerks in order that appropriate support can be deployed to cover all proposed ASTs. Where an AST is made up of more than one local authority

or where more support is needed the National Convener will discuss with each constituent authority the arrangements for the provision of support arrangements which may require a contribution from each local authority for the appointment of a full time Clerk to AST. The proposals within this paper included the need for further discussions with the National Convener on a number of issues including the full extent of the role of ASTs, the full financial implications for local authorities, clarifying lines of accountability, support, supervision and performance management for individuals concerned.

4. COSLA

4.1 CoSLA's Education Children's and Young Persons Executive Group at its meeting on 6 September 2011 having considered the National Convener's proposals in relation to ASTs agreed:

- to note that the National Convener must reach agreement on AST structures with Councils, so it was important that local authorities responded;
- to note that due to the wording of the legislation there is a need for local authorities to reach agreement with Children's Hearings Scotland on access to local authority Clerks for supporting ASTs; and
- that in addition to Councils making their own response that CoSLA submit a national response, which was being formulated at the time that this report was being prepared and the details of which will be reported at Cabinet.

5. PROPOSALS FOR EAST, NORTH AND SOUTH AYRSHIRE

5.1 The proposals for Scotland comprise of 17 ASTs of which 10 are groupings of more than one local authority. The National Convener's aim is to strike what she considers to be an appropriate balance between national consistency and accountability with flexible delivery in each proposed area, recognising that panel members signed up to serve largely on the panel of their local areas and this will not be changed with the introduction of ASTs or the National Children's Panel.

5.2 The criteria used by the National Convener for proposing the 17 ASTs are: geography and boundary; size of panel to be supported; existing effective cross-boundary communication between CPAC's or Children's Panels that should be preserved; the minimum number of AST members required and; how the proposed AST arrangements would deliver better support for panel members.

5.3 With regard to East, North and South Ayrshire, the National Convener proposes a single AST for Ayrshire. The proposed Ayrshire AST would support a panel of approximately 161 members (45 South, 51 East and 65 North). The three Ayrshire authorities have previously shared resources available to support children locally from various voluntary organisations. North and East Ayrshire share the same Scottish Children's Reporter Administration premises in Kilmarnock. The three Ayrshire authorities have shared training for a number of years, including the annual Mid-West weekend and Mid-West workshops, with venues for each training event rotating between the three authority areas. The National Convener proposes that this joint training be retained to allow panel members to identify with the new Ayrshire AST, consolidate relationships and to share best practice.

- 5.4** A core membership of 19 members is proposed, comprising of 4 National Convener appointees from each local authority area, 3 local authority nominees, 3 panel member nominees and 1 Clerk.
- 5.5** The National Convener has met with representatives of each authority's CPAC, Children's Panel and Clerk and there is support for an all Ayrshire operation. In addition informal discussions have taken place between officers of the three authorities with a view to progressing a way forward in presenting proposals to their respective authorities for consideration. Within these discussions it has been recognised that a number of issues still need to be clarified by the National Convener in relation to ASTs as follows:

- the exact duties and roles of ASTs and how these duties and roles will be undertaken by the membership;
- what opportunities exist to increase the core membership of the ASTs for example the appointment of an additional panel member to provide for both an Ayrshire Children's Panel Chair and if required a Depute Panel Chair for each of the three constituent authority areas;
- the allocation of funding for ASTs both centrally i.e. from Children's Hearings Scotland and locally i.e. each constituent local authority; and
- the basis on which Clerk and administrative support arrangements are to be provided.

It is intended that prior to any SLA being presented to each constituent local authority, that further discussions take place between officers of the three Ayrshire authorities and the National Convener to clarify the above issues and determine in detail the exact operation of ASTs and the implications for the constituent local authorities. Thereafter a report with appropriate recommendations would be presented to each authority for its consideration.

6. FINANCIAL IMPLICATIONS

- 6.1** Subject to the Cabinet's consideration of this matter, the full financial implications of the proposal will form part of the final report to Cabinet on any proposed SLA. The current budgetary provision held by Democratic Services to support East Ayrshire's Children's Panel and CPAC is £41,630. These costs do not include staff costs.
- 6.2** There is no new funding to be provided to local government for the provision of support to ASTs. Under the new arrangements, some roles currently undertaken by local authorities will pass to the national body Children's Hearing Scotland e.g. paying of Panel members expenses. The expectation by Scottish Government is that resources will balance out and local authorities will not experience a net reduction in overall resources. The final financial implications for the new agreed support arrangements will of course depend on the agreed arrangements to be provided under the SLA.

7. PERSONNEL IMPLICATIONS

- 7.1** The Head of Democratic Services is Clerk to East Ayrshire Children's Panel Advisory Committee and is supported in that role by an Administrative Officer. The main duties are:
- processing of expenses to Panel Members, CPAC Members and Safeguarders;
 - management of Panel Member Monitoring arrangements;
 - complaint investigation and resolution;

- organising and attendance at CPAC meetings;
- liaising with Chair of CPAC, Chair and Vice Chair of Children's Panel, CPAC members and SCRA officers; and
- maintenance of Children Panel member records.

7.2 Whilst the service does not operate a time recording system it is estimated that in regard to staff time the following is applicable Clerk – 5%, Admin Officer – 33% and Clerical – 10%. Personnel implications will be dependent on the outcome of the SLA agreement discussions.

8. LEGAL IMPLICATIONS

8.1 The Children's Hearings (Scotland) Act 2011 sets out the provisions for the new arrangements to support the Children's Hearing provisions within East Ayrshire and the terms and provisions of the SLA will be presented to Cabinet for its consideration at a future date.

9. POLICY AND COMMUNITY PLANNING IMPLICATIONS

9.1 Support to the Children's Hearings System complements the Community Planning Improving Health and Wellbeing Action Plan.

10. EQUALITY IMPACT ASSESSMENT

10.1 Any required Equality Impact Assessment will be given consideration as part of the discussions around the SLA and reported thereon.

11. RISK

11.1 The risk implications arising out of the recommendations relate to ensuring that appropriate support arrangements are put in place in accordance with the requirements of the new legislation and the needs of the Children's Panel and the proposed Area Support Team. In addition there needs to be an awareness, in the present financial climate, that local authorities are not placed under financial pressure by the requirements of the new legislation.

12. RECOMMENDATIONS

12.1 Cabinet is requested to:

- (i) agree in principle to the proposals for an Ayrshire Area Support Team;
- (ii) remit to the Executive Director of Finance and Corporate Support to progress discussions with relevant officers of North and South Ayrshire Councils and the National Convener on the terms of a Service Level Agreement to provide an Ayrshire based support arrangement for the Children's Panel;
- (iii) that the SLA be submitted to a future meeting of Cabinet for approval;
- (iv) to approve the consultation response as detailed in the appendix to the report and that the response be submitted in advance of any consideration by the Governance and Scrutiny Committee under the call-in arrangements; and
- (v) otherwise note the content of the report.

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Executive Director of Finance and Corporate Support
14 October 2011
BW/AP

Background Papers – COSLA's Children's and Young Persons Executive Group report dated 25 August 2011

Any person wanting further information on this report should contact Bill Walkinshaw on 01563 576135 or bill.walkinshaw@east-ayrshire.gov.uk

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APPENDIX A

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EAST AYRSHIRE COUNCIL'S RESPONSE TO PROPOSALS FOR THE ESTABLISHMENT OF AREA SUPPORT TEAMS

1. East Ayrshire Council welcomes the opportunity to comment on the proposals.
2. The Council is pleased to note the National Convener's intimation that the reforms of the Children's Hearing System are focused on improving outcomes for children and young people and that the system continues to promote the fundamental principles of Kilbrandon by putting the interests of the child first.
3. The Council welcomes the National Convener's approach to the establishment of Area Support Teams. The Council considers that it is very much in the spirit of the system that local areas and local working partnerships should influence the way in which Area Support Teams boundaries are determined.
4. Within Ayrshire there is a history of close working partnerships and integration of the provision of services. The Council welcomes the proposals by the National Convener that will provide for more streamlined arrangements throughout Ayrshire to ensure that Panel Members are fully supported to a consistently high standard.
5. The Council's decision is to agree in principle to the establishment of an Ayrshire Area Support Team.

This decision is subject to the outcome of further discussions between the 3 Local Authorities and the National Convener, with regard to the terms of the Service Level Agreement including, staffing, financial and operational issues associated with the establishment of an Ayrshire Area Support Team.

Prior to a final decision the Council would wish clarification on a number of issues:-

- i The exact nature of the duties and role of Area Support Teams.
- ii The allocation split of funding to support the Children's Hearing System within Ayrshire i.e. between local authorities and the National body Children's Hearings Scotland.
- iii The basis on which Clerk and administrative support arrangements are provided.
- iv The scope and level of support expected or anticipated from local authorities.
- v The proposed duties of Children's Hearing Scotland staff and implications for local authorities.
- vi The consultation arrangements to be put in place for obtaining the consent of local authorities in terms of the duties of Area Support Teams.
- vii The scope in increasing membership of the Ayrshire Support Team to provide for effective panel member support arrangements.

14 October 2011