

Body:	CABINET
Date:	25th October 2006
Subject:	THE CHILDREN ACT 2004 AND EAST SUSSEX CHILDREN'S TRUST
Report Of:	Director of Housing, Health & Community Services
Ward(s)	All
Purpose	To inform Members of Eastbourne Borough Council responsibilities under the Children Act 2004 and outline local arrangements and activities undertaken to meet these.
Decision Type:	Key decision
Recommendation:	<ol style="list-style-type: none">1) That Members note the content of this report and endorse the arrangements in place to meet the Council's responsibilities under the Children Act 2004.2) That Members delegate authority to the Director of Housing, Health & Community Services in conjunction with Cabinet Portfolio holder to develop such arrangements, including the signing of the County-wide Information Sharing Protocol as set out in Section 4 of this report.
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1.0 Background/Introduction

- 1.1 The Children Act 2004 was a response to the report of the inquiry into the death of Victoria Climbié which identified a need to improve communication and joint working between key agencies to prevent further failings in child protection. Based on the green paper 'Every Child Matters', the Act received Royal Assent on 15th November 2004 and was accompanied by a policy document entitled: 'Every Child Matters: change for Children'.
- 1.2 The Act sets out a range of duties on local authorities to co-operate in promoting and safeguarding the interests of children and young people in their area through a 'Children's Trust'. This report outlines the main provisions of the Act and local arrangements established in response to the Act.
- 1.3 Elected members and managers are expected to be aware of their responsibilities under the Children Act and ensure they participate effectively in the relevant bodies established under the umbrella of their local Children's Trust. This report outlines these arrangements in East Sussex and identifies the involvement of members and officers from Eastbourne Borough Council.

2.0 The Children Act 2004

- 2.1 The Act is designed to deliver five key outcomes identified by children and young people as important and enshrined in the Act:
- Be healthy (physical and mental health, and emotional well-being)
 - Stay safe (protection from harm and neglect)
 - Enjoy and achieve (education, training and recreation)
 - Make a positive contribution to society
 - Achieve social and economic well-being
- 2.2 The Act created a Children's Commissioner for England to promote the views and interests of children. It also created a duty on Children's Services Authorities (unitary and county councils) to promote co-operation between the authority, partner authorities and other services engaged in delivering services to children and young people.
- 2.3 Partner authorities include District and Borough Councils, the Police Authority, Probation Service, Youth Offending Team, Strategic Health authority and Primary Care Trusts, and Learning Skills Councils and providers. These authorities 'must co-operate with the authority' (i.e. the County Council) in establishing arrangements for joint working under the Act. They also have a duty to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children including any functions discharged on their behalf by another body.
- 2.4 Each Children's Service Authority is required to establish governance and joint working arrangements – called Children's Trusts - bringing together all services for children and young people in their area to achieve the five key outcomes. There is no standard model for Children's Trusts but flexibility for local authorities to design arrangements suited to local circumstances and needs. The over-riding aim is to integrate the delivery of services to children and young people through a number of processes. Integration needs to be achieved at all levels including:
- Integrated strategies
 - Joint needs assessment
 - Shared decisions on priorities
 - Identification of all available resources
 - Joint planning of resource use
- 2.5 The Act also created powers to establish pooled budgets and the Children's Fund, created in 2002, is now a ring-fenced resource under the control of the new Children's Trusts allowing them better to co-ordinate services provided or commissioned by Trust partners. This Children's Fund is ring-fenced until 2008.
- 2.6 A key duty under the Act is to establish information databases of children and protocols for information sharing. Certain bodies may be required to disclose information for inclusion in this database. Other bodies may be permitted to disclose personal information for inclusion.
- 2.7 The Act provides for the establishment of Local Safeguarding Children Boards to co-ordinate and oversee activities and the effectiveness of board members

in promoting and safeguarding the interests of children and young people. District and Borough authorities are amongst the prescribed board members.

2.8 The Act also sets out a requirement to appoint a lead Member within the Children's Services Authority with responsibility for children's social care and education. In East Sussex County Councillor Keith Glazier has been appointed to this position. There is also a requirement to appoint a Director of Children's Services within the Children's Services Authority. Matt Dunkley has been appointed as Director Children's Services for East Sussex County Council.

2.9 Guidance also recommends that District and Borough authorities identify a senior manager with responsibility for championing safeguarding and promoting the welfare of children. The Director of Housing, Health and Community Services is responsible for overseeing this area on behalf of Eastbourne Borough Council.

3.0 Arrangements and activities in East Sussex and Eastbourne

3.1 East Sussex County Council is the Children's Services Authority in this area and, as such, has lead responsibility on delivering the provisions of the Children Act. Eastbourne Borough Council is a key partner in the new Children's Trust arrangements and is therefore involved in joint planning for services for children and young people locally.

3.2 The East Sussex Children's Trust Executive Group co-ordinates the work of the Children's Trust and has representatives from all the key agencies involved in developing services to children and young people in the county including:

- The Lead Member for Children's Services
- Director of Children's Services
- Chief Executives and members from the Professional Executive Committee – Primary Care Trusts
- Chief Executive – Sussex Partnership NHS Trust
- Clinical Director for Paediatrics – representing East Sussex Hospitals Trust
- Chief Executive – Sussex Connexions
- Assistant Chief Constable – Sussex Police
- Chair – East Sussex Council for Voluntary Youth Services
- East Sussex Strategic Partnership
- Sussex Learning Skills Council
- Representatives – Districts and boroughs
- Representatives – Headteachers
- Members of the Youth Parliament

3.3 Districts and Boroughs are currently represented on this group by Chief Executives from both Wealden and Rother.

3.4 The Children's Trust arrangements in East Sussex also include a Children and Young People's Stakeholder Forum which brings together a wide range of stakeholders twice a year to debate priorities for the future development of services. A meeting of the Forum was held in Eastbourne in June to present the findings from consultation with children and young people and discuss the aims of the Children and Young People's Plan (see 3.13 below) and the

challenges involved in implementing it. Workshops included sessions on the healthy lifestyles agenda, community safety, activities for young people, information sharing and common assessment, and participation.

3.5 A number of groups make up the Children's Trust. These are:

- A Children's Trust Executive Group which oversees the activities of the other groups
- Age related groups covering 0-5 year olds; 5-11 year olds; and 11-19 year olds
- Specialist advisory / commissioning groups – these include a Disabled Children's Development Group; the Teenage Pregnancy partnership; and the Youth Offending Team, all well-established groups
- Area Children's Service planning groups – these are led by the Primary Care Trusts and are established in the Hastings and St Leonard's area and in Bexhill and Rother. Progress has been delayed in the Eastbourne Downs and the Sussex Downs and Weald areas by a lack of resources
- Local Partnerships for Children of which 22 have been established with membership primarily from schools and children's services, including health. These are built around schools admissions areas and bring together schools with local social care and health services in that area.

3.6 Eastbourne Borough Council has representation on two of these groups and currently co-ordinates the input of neighbouring Districts and Boroughs:

- The Crime and Disorder Reduction Partnership Co-ordinator and the Assistant Director – Community Services represent the Council on the 11-19 partnership
- The Leisure and Communities Manager represents the Council on the 5-11 partnership

3.7 The Local Safeguarding Children Board has replaced the Area Child Protection Committee. The Council's representative on this Board is the Director of Housing, Health & Community Services. The county-wide child protection procedures are being updated and the new procedures will be developed during the coming months.

3.8 Currently the Director of Housing, Health & Community Services shares responsibility for attending the Safeguarding Board Steering Group with the Director of Community Services at Wealden District Council.

3.9 The Children's Trust links with Eastbourne's Strategic Partnerships through the work of its sub-groups, notably the Children's Trust partnership and the Planning and Commissioning sub-group.

3.10 Children's Trust arrangements are, of necessity, complex and the difficulty of ensuring District and Borough representation in all areas of activity both at local and at county level has been acknowledged. A range of staff from different departments, including housing and planning as well as

leisure/community services, need to know about the Every Child Matters programme, to take it into account in their work and be able to contribute their perspective to strategic development as appropriate. This presents capacity issues for District and Borough Councils which need to be addressed.

- 3.11 As a consequence, it is now proposed that five area based groups be established, to be attended by a senior representative of that District or Borough to consider corporate issues. It is not expected that Districts and Boroughs will field representatives for all the age related groups unless they wish to or are specifically requested to cover particular issues. The age-related groups, led by the Children's Services Authority, will take responsibility for seeking the views of all stakeholders.
- 3.12 District and Borough Councils are also expected to be fully engaged in the development of the Children and Young People's Plan, identifying their own priority areas for action as part of this and consulting with their own staff to ensure the plan meets the full range of Council needs. They also need to ensure that they are involved in the Plan's implementation and making the resources available in their budgets to ensure this.
- 3.13 The Children's Trust Executive Group has produced and published the Children's and Young People's Plan for East Sussex. This outlines ways of working together which include:
- Following a common approach to identifying – as early as possible – the needs of individual children, young people and families through 'common assessment' and the 'lead professional role'. This way of working is being piloted in 4 areas of the county and will be rolled out county wide in 2007.
 - Developing integrated services, for example through children's centres and extended schools, integrated youth support teams and better coordinated support for disabled children.
 - Developing partnership working at local level, particularly through the Local partnerships for Children which involve all services working at local level to support children and young people in joint work particularly around preventing difficulties.
- 3.14 A range of EBC and partnership related staff have been involved in the development of the Plan and discussions are currently taking place in relation to performance management arrangements.
- 3.15 A Participation Strategy is also currently in development in consultation with children and young people. This is designed to promote the effective participation of children and young people in the Children's Trust in East Sussex, and ensure they are consulted in the design, monitoring and evaluation of services.
- 3.16 The East Sussex Local Area Agreement (LAA) includes a section on Children and Young People. The targets within this are organised around the five outcomes set out in the Children Act 2004. Eastbourne Borough Council is a partner in delivering a number of these targets, either directly or through its involvement in other partnerships such as the Crime and Disorder Reduction

Partnership. It also takes the `lead` role in co-ordinating activity in relation to Sport & Leisure.

- 3.17 There is a particular focus on the government's Respect agenda reflecting concerns in East Sussex at the high numbers of young victims of wounding or common assault. Bullying is also a major issue for many young people. The LAA also considers the effects on health and life chances of children and young people of low incomes. Teenage pregnancy is a particular concern in Eastbourne and is reflected in a target to close the gap between rates in the county as a whole and those in Eastbourne and Hastings.
- 3.18 Other sections of the LAA also impact on children and young people and contribute to the outcomes of the Children Act 2004. Children affected by domestic violence, for example, are key beneficiaries of targets within the Safer and Stronger Communities block. Targets, amongst others in this section, are to 'Reduce the harm done by drug and alcohol abuse' and 'Reduce Domestic Violence'.
- 3.19 The Children's Fund was established in 2002 by the government. East Sussex County Council received £4m between 2002 and 2005 to contribute to tackling disadvantage among children and young people, identifying those at risk of social exclusion and supporting them to achieve their potential. The Fund is clearly linked to the agenda and priorities set out in the Children Act 2004. The Fund will continue to support work on several of the LAA targets:
- Reduce the incidence of bullying experienced by children and young people, including cases of racial harassment
 - Promote healthy lifestyles (measuring such outcomes as the number of Looked after Children involved in substance misuse)
 - Reduce teenage pregnancy, narrowing the gap between the county rate and that in Hastings and Eastbourne
 - Increase engagement in culture, sport and leisure opportunities for young people, new users and particularly for priority groups
 - Reduce days lost through exclusion from school
 - Increase young people's involvement in decision making
- 3.20 Eastbourne Borough Council is leading on the target to increase engagement in culture, sport and leisure opportunities for young people, new users and particularly priority groups, through Leisure and Cultural Services. The Council's Towner on the Town project, for which the Council was awarded Beacon Council status in April 2006, is one area where cultural activity has had an effect on the life chances of young offenders.

4.0 Child protection

- 4.1 A critical area for Eastbourne Borough Council to consider is its arrangements for safeguarding and promoting the welfare of children. This extends to all Council functions, including those discharged on their behalf by another body. The Director of Housing, Health and Community Services is

the sponsoring Director for Eastbourne Borough Council's Children and Vulnerable Adult Policy which provides a framework for safeguarding the welfare of both Children and Vulnerable adults. This incorporates advice / guidance in relation to:

- Reporting of incidents / allegations
- Recruitment and training
- CRB check process

- 4.2 In conjunction with Senior Managers across the Council and in line with revised safeguarding children arrangements the Director of Housing, Health & Community Services is currently looking at a number of key aspects of this policy. It is recognised that there are implications for a wide range of Council services, encompassing responsibilities for staff and elected members as well as volunteers and partner organisations (including Contractors).
- 4.3 A key tool in safeguarding and promoting the welfare of children is the Children's Index. East Sussex was funded to pilot a shared information base, originally known as Information Referral and Tracking. The aim was to improve communication between services to safeguard children and young people. Now known as the Index, this is a web-based Directory which includes an entry for every child aged 0-18 in the County, giving their name, age, and date of birth with key contact details relating to their school, GP, Health Visitor (if any), Connexions Advisor (if any) and other practitioners with an involvement. The Index is essentially a phone directory for contacts which authorised practitioners may access to share information or concerns with other involved professionals. There is no information about the child other than basic identifying data or about the nature of any other practitioner involvement other than the date at which they became involved. The only data provided is that which would normally be shared with those practitioners authorised to access the Index. The Index provides a starting point for authorised staff and professionals to raise any concerns they may have about the safety or welfare of a child. The Government now proposes to make a universal Index covering every child aged 0 – 18 years mandatory in all local authority areas.
- 4.4 The main District and Borough service area affected by and able to contribute to these arrangements is Housing. Housing and homelessness staff play a role in recognising child welfare issues, sharing information, making referrals and subsequently managing or reducing risks. East Sussex County Council intend that some Housing officers are authorised to access the index. At present, Housing officers with concerns for the safety of a particular child contact the Child Protection team directly. Access to the Index would, however, provide additional contacts which would be invaluable to Homelessness Prevention and Housing Support officers in carrying out their work and promoting the welfare of the children within families they work with, as well as ensuring information gleaned by this Council's officers is shared with key Child Protection staff.
- 4.5 Eastbourne Borough Council is not itself a signatory to the over-arching Information Sharing protocol governing use of the Index. The Development Manager within the Children's Index Team at the County Council has suggested it would be appropriate for the Housing Services team to sign up

to the protocol. A meeting will then be arranged with the Index Development Manager responsible for liaison with housing teams to discuss how the Index might be used by Eastbourne's Housing team.

- 4.6 Housing managers and environmental health officers may also play a valuable role in promoting the welfare of children, notably through their day-to-day contact with families and by addressing needs for repairs and adaptations. Whilst Registered Social Landlords are not public bodies and therefore have no direct duties under the Children Act, they are regulated by the Housing Corporation which requires them to work with local authorities to enable them to fulfil their duties to vulnerable people in housing need. The allocation of housing and provision of housing-related support are also significant factors in promoting the well-being of children.
- 4.7 The provision of sport and cultural services designed for children and families is also a significant contribution made by District and Borough Councils, covering play schemes and facilities, parks and gardens, sport and leisure centres, events and attractions, museums and arts centres – whether directly or through grant aid to the community and voluntary sector or support to the commercial sector. As well as the positive impact of these services, the Council needs to be aware of the need to safeguard the children who use them, ensuring that all agencies and organisations involved have robust policies and practices on child protection. Procedures for the selection, recruitment and training of sports coaches, for example, or play leaders – whether paid or unpaid – must ensure protection for children using these services.

5.0 Consultation

- 5.1 Consultation was carried out on the development of the East Sussex Children's Trust from May to September 2005 (stakeholders) and August 2005 to January 2006 (children and young people). The Children and Young People's Plan was based on extensive consultation with over 4,000 children and their parents focusing on the five areas covered by the Children Act.
- 5.2 Most respondents said they felt safe overall, but there was some demand for more visible policing and better street lighting. Health concerns focused on smoking, exam stress and home life and the need for healthier eating, more help to stop smoking and better sporting equipment. In terms of enjoyment and achievement issues raised included distractions at school affecting educational achievement, and a need for more sporting activities, such as football and swimming, youth clubs, cinemas and bowling for older age groups, performing arts, better shops and a skate park. A third of respondents regularly contribute to their community, and a fifth of all those aged 11 or over said they helped someone with special needs. Over two-thirds of respondents rated where they lived as 'good' or 'really good' and this proportion was higher amongst younger respondents and those in Eastbourne. Suggested improvements included more places to go and things to do; cleaner streets; controlling anti-social behaviour; more / better shops; better environment / atmosphere.
- 5.3 Between 2003 and 2005 the Children and Young People's Strategic Partnership Board (CYSPSB) commissioned Xpress Advocacy Service to facilitate a group of young people who use their services; they call

themselves REFLECT. REFLECT has consulted with other young service users and reported their findings to the CYPSPB. They have also presented papers on a number of issues, including the East Sussex County Council's Family Strategy; The Participation Charter; and a young people's version of the Strategic Plan. They have also attended several CYPSP Board meetings and presented items on education; bullying; counselling; and issues regarding ECM's five outcomes.

- 5.4 An important feature of ongoing consultation and participation will be local democratic arrangements. Eastbourne Borough Council launched its own Youth Forum in June 2006. This forum will be directed by the priorities of the young people themselves. The first meeting focused on applying for funding from the Youth Opportunities Fund administered by East Sussex County Council to support activities. Many of the applications were successful securing funding to pay for a trip to Thorpe Park, overnight fishing and go-karting outings for young people from Willingdon Trees and Kingsmere, a camping trip including rock-climbing and other adventure activities for a group of young people from Hampden Park.

6.1 Resource Implications

6.1 Financial

There are no direct financial implications arising from this report.

6.2 Staffing

Effective engagement with the range of partnerships required to implement the Children Act represents a demand on staff time, but no specific additional staffing requirement is identified at present.

7.0 Other Implications

7.1 Human Rights

Implementation of the Children Act should help reduce inequalities

7.2 Community Safety

Effective implementation of the Children Act is essential to the promotion of the safety of children and young people and of the wider community. Safeguarding and protecting the welfare of children is vital to the promotion of their safety and well-being. Recognition of the needs and aspirations of children and young people, and engagement with them through new forms of participation, will support positive relationships between people of all ages. Promoting the interests and activities of children and young people helps reduce the incidence of anti-social behaviour and promote positive citizenship.

7.3 Youth

The report covers legislation, local arrangements and engagement with all children including older children and teenagers up to 18 years.

8.0 Summary of Options

8.1 Members are recommended to note the contents of this report and, in particular, the requirements on all authorities to co-operate with East Sussex County Council as the Children's Services Authority and the new duty to safeguard and promote the welfare of children when delivering services and considering future policies. Members are asked to note in particular those areas where work is still needed:

- The establishment of a Children's Service planning group covering Eastbourne Downs area
- The review of Council policy and procedures designed to safeguard children in line with County-wide developments
- Arrangements to ensure housing officers are able to make appropriate use of the children's Index.

8.2 Members are also recommended to delegate authority to the Director of Housing, Health & Community Services to sign the county-wide Information Sharing protocol to allow Housing officers to access contact information through the East Sussex Children's Index.

9.0 Conclusion

9.1 This report covers the key provisions of the Children Act 2004 and their implications for Eastbourne Borough Council, and describes the full range of arrangements and activities currently in place to fulfil Council duties in relation to the Act. It also seeks delegated authority to sign the East Sussex Information Sharing protocol allowing the Council's Housing Officers access to the children's Index.

Pat Taylor
Housing Strategy and Performance Officer

Background Papers:

The Background Papers used in compiling this report were as follows:

Local Area Agreement (LAA)
Eastbourne Borough Council Child and Vulnerable Adult Protection Policy
Children and Young People's Plan

To inspect or obtain copies of background papers please refer to the contact officer listed above.

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