

## PAPER 12

### EDUCATION AND SKILLS AUTHORITY: DIRECTOR OF CHILDREN'S SERVICES

#### Purpose

1. The purpose of this paper is to consider the implications of the Ministerial announcement on 22 November 2005 that contained a reference to the appointment of a Director of Children's Services within the ESA.

#### Background

2. In November 2005 Angela Smith said she wanted to see *"the appointment of a Director of Children's Services to co-ordinate the Education Authority's responsibilities for children."* Later in the same statement the Minister noted the *"inter-dependence of public service provision"*, and that *"the appointment of a Director of Children's Services is a clear recognition of this."* This suggests that the Director of Children's Services should have a role in working with other organisations outside the ESA that deliver services to children.
3. The concept of a Director of Children's Services comes from the GB Children Act 2004 and it is a key part of the Every Child Matters agenda . The rationale for the introduction of the arrangements in GB comes from the shared policy agenda (Every Child Matters) to maximise opportunities and minimise risks for all children and young people by focusing services more effectively around their needs.
4. Before considering how to give effect to the Ministerial commitment to establish a similar post in Northern Ireland, it may be useful to set out some of the key points of the GB legislation.

#### Position in England

5. The basic premise of the arrangements in GB is that services need to be organised around the child, young person and family rather than

professional disciplines. The Children Act 2004 establishes a duty on local authorities as the “children’s services authority”, to establish a Local Safeguarding Children Board for their area, and make arrangements to promote co-operation between agencies in order to improve children’s well-being, defined by reference to five outcomes (see below). The latter is designed to maximise opportunities for children, while the former is to address the issue of improving child protection and minimising risks to children. A duty is also placed on key partners to take part in those arrangements, and a new power to allow pooling of resources in support of these arrangements is established.

6. The five outcomes that define children’s well being in this legislation are:
  - Physical and mental health and emotional well-being;
  - Protection from harm and neglect;
  - Education, training and recreation;
  - The contribution made by them to society; and
  - Social and economic well-being.
  
7. These are similar to the outcomes that have now been adopted by Ministers in the recently published Ten Year Strategy of children and young people in Northern Ireland.
  
8. Section 18 of the Children Act places a duty on each local authority (or “children’s services authority”) in England to appoint a Director of Children’s Services to be responsible for, as a minimum, education and children’s social services. This reflects the situation in England where both education and social services fall within the remit of the local authority.
  
9. The Director of Children's Services provides the professional focus for children’s services and has three key roles:

- **Professional responsibility and accountability** for the authority's children's services – i.e. the effectiveness, availability and value for money of all the authority's children's services;
  - **Leadership to drive change** – both within the authority to secure and sustain the necessary changes to culture and practice, and beyond it so that services improve outcomes for all and are organised around children and young people; and
  - **Building effective partnerships** - The Director of Children's Services is required to build and lead robust partnership arrangements to ensure public, private, voluntary and community organisations work together to improve outcomes for children and young people and align appropriate resources of all partner agencies against agreed priorities.
10. Schools are seen as critical to ensuring every child has the opportunity to fulfil their potential. Raising standards and inclusion go hand in hand and are key contributors to improving children's well being. Therefore the Director of Children's Services is required to play an active role in facilitating the engagement of schools with the wider children's agenda.
11. High quality childcare is equally important in ensuring that children can fulfil their potential and parents realise their aspirations, balancing work and family life. The Director of Children's Services therefore also has a key role in the strategic planning of sustainable childcare, and in co-ordinating the work of key partners.
12. In discharging his/her role the Director of Children's Services is also required to listen to and involve children in determining their needs, and champion their interests both across functional boundaries within the authority, and across local partnerships, and each child services authority is required to publish a 3-year strategic Children and Young People's Plan (CYPP).

13. The legislation also makes provision for the designation of one of the Members of the council as “lead member for children’s services”. In the section applying to Wales, while most provisions mirror the English situation, in addition to officer and member posts in the local authority both the local Health Boards and the NHS Trusts in Wales are also required to appoint lead officers/executive directors and lead Board Members/ non-executive directors for children’s services. This should provide a network of key decision makers within the main partner organisations and ensure that children’s services are given equal weight in each of these organisations, thus facilitating the development of strong networks and partnerships.

#### NORTHERN IRELAND CONTEXT

14. The policy objective here, as in England and Wales, is to better co-ordinate and integrate the full range of children’s services. However, as Education and Social Services are (and will be) the responsibility of two separate organisations here we cannot simply replicate the arrangements in GB. We therefore need to examine other ways to achieve a similar outcome without losing the benefits of some of the existing arrangements in Northern Ireland that are working very effectively.
15. The Department of Health, Social Services and Public Safety (DHSSPS) has responsibility for social services to children, and takes the lead on child protection issues in Northern Ireland. The effectiveness of the services provided by the Health and Personal Social Services (HPSS) structures in Northern Ireland is viewed by GB counterparts as particularly effective due to the integration of health and social services, and the close working relationship between the two sets of professionals. The Secretary of State, in his statement in March 2006, acknowledged this important linkage and announced that social services would remain integrated with the health structures. Therefore, integrating children’s social services into the education

structures is not an option.

16. Child protection is a core responsibility of the HPSS with very effective arrangements already in place. To further improve these arrangements DHSSPS is currently developing proposals for the establishment of a Safeguarding Board for Northern Ireland, similar to those established by local authorities in GB under the Children Act. A consultation paper is due to issue soon. ESA will have an important role to play as a key member of this Board, and it may be appropriate for the Director of Children's Services within ESA to be the ESA representative on that Board, and ensure that ESA works with all its partners to meet all its child protection responsibilities.
17. Child protection is everyone's responsibility, although it is important that there is one organisation that is clearly seen to be in the lead. However, having a director within ESA nominated as responsible for children's services, including child protection will help raise the profile of child protection within the organisation and send the message that it is a matter that is given a high priority within ESA.

#### Proposed Role of ESA's Director of Children's Services

18. In addition to child protection responsibilities what role will ESA's Director of Children's services have? Given that ESA's remit is more limited than a local authority in GB – i.e. it has no responsibility for children's social services – there remains the question of how the appointment of a Director of Children's Services within ESA might achieve similar outcomes to the GB arrangements in terms of improving the integration of services to children across the board?
19. The proposed approach is to look at how the integration of services might be achieved through partnership arrangements and consider how best to build on existing arrangements of co-operation to deliver an even more integrated approach to service delivery for children and young people. Both the ESA and the HSSA will appoint their own

Directors of Children's Services<sup>1</sup>, and the two would be required to work closely to develop arrangements for the integration of services to children, working with other partners such as the criminal justice system, probation service, PSNI, and local councils.

20. The risk, however, is that this might be seen as just another partnership in a very crowded field. With the introduction of community planning the opportunity exists to rationalise the number of partnerships and we should seize this opportunity by linking this partnership arrangement into the community planning structures. It would not be necessary to wait until community planning structures have been fully developed by councils – this may take some time – but the structures put in place by the ESA and the HSSA should be compatible with community planning proposals. At present it is proposed that each council should have a community planning partnership populated by core partners (education being one) and others. It is further proposed that there should be thematic sub-partnerships, and that these might be led by the relevant partner. Councils could be specifically required to have a thematic sub-partnership in each area relating to services to children and young people. That sub-partnership should be chaired by either the Director of Children's Services of ESA or the HSSA or jointly by both. This would allow ESA to play a prominent role in community planning, and allow councils to engage positively with the education and youth sector to ensure better outcomes for children and young people in their area.
21. The Director would therefore be responsible for:
  - ensuring that services provided by ESA are well co-ordinated and there are no internal conflicts between different divisions, or where there are seek a resolution that represents the best outcome for the child;

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<sup>1</sup> It has been agreed that, given the current statutory responsibilities set out in the Children (NI) Order 1995 that the holder of this post in the HSSA will discharge the responsibilities of the Executive Director of Social Work.

- ensuring that ESA works with key partners to maximise opportunities for children and young people (through participation in the community planning process) and minimise risks (through membership of the Safeguarding Board as well as raising the profile of child protection within ESA and with school and youth organisations); and
- actively engaging children and young people, their parents, carers and teachers in the debate about how services to meet their needs are developed and delivered.

This arrangement would be wholly compatible with the Children's strategy which proposes the development of the Northern Ireland Network for Youth and the district Youth Network. These could be useful mechanisms through which to engage children and young people in this whole process.

22. Going down this route, however, will require a considerable amount of work to define the services covered, the roles of individuals and organisations, clarify lines of accountability, and consider other issues such as pooling resources, developing common databases etc in line with arrangements in GB.

#### Proposed Legislation

23. In terms of implementing this, ESA and HSSA could be required by their respective parent departments, through management agreements, to appoint Directors of Children's Services, and for these appointees to work together through the community planning structures to integrate services to children. In this way the roles could evolve and issues/problems be addressed in the same timeframe as the wider community planning structures and processes are being developed. DOE may wish to consider placing a requirement on councils, through statutory regulations/guidelines on community planning, to have a sub-partnership focussing on children and young people in each area.

**RPA Division**  
**28<sup>th</sup> November 2006**