

DRAFT

East Sussex County Council response to consultation on draft statutory guidance under Section 10 of the Children Act 2004

1. Overall the County Council believes that the proposed statutory guidance provides a helpful framework within which children's services authorities can work with their partners to improve outcomes for children across all five outcome targets set out in the Act. The description of the different levels of "children's trust arrangements", and the guidance that the duty of co-operation relates to each of these levels, is clear and appropriate. We welcome in particular:
 - ◆ The clear expectation that arrangements for co-operation should encompass a wide range of partners beyond those listed on the face of the Children Act, in particular schools and NHS General Practitioners
 - ◆ The leadership role given to local authorities and the recognition that this is linked to their wider community leadership role. We welcome the opportunity to address this challenge
 - ◆ The recognition of the continuing statutory responsibilities of "relevant partners" and the need, therefore, for carefully constructed governance arrangements reflecting these accountabilities
2. Our detailed comments on the draft guidance are set out below. Where we have not commented on proposals it is because we support them without qualification.
 - (i) Paragraph 1.2 (pooled budgets). The five essential building blocks provide a coherent framework for partnership working. In relation to integrated strategy we agree that it is important for different partner agencies to identify key priorities for developing services and to be prepared to make clear investment decisions accordingly, drawing from the total resource available. The lever for sharing and allocating resources in this way needs to be a clear shared view about what needs to be done, however; we are not convinced that pooling funds of itself can or will create an effective commissioning strategy, or that new governance arrangements will automatically create the trust to share resources. It will also be important for external inspection and accountability arrangements to place appropriate value on local collective prioritisation rather than focusing narrowly on specific resource streams or areas of responsibility. It is also important to recognise the fact that significant amounts of funding, for example school budgets and resources used by GPs to commission local services, will not be directly controlled by Children's Trust governance arrangements; nor, of course, will voluntary sector funding.
 - (ii) Paragraphs 29-31 (safeguarding). We note the proposed flexibility on the relationship between Local Safeguarding Children Boards and Children's Trust arrangements in paragraph 31. In East Sussex we are considering the

- option of establishing an explicit scrutiny role for the LCSB in respect of the way the Children's Trust arrangements secure effective safeguarding.
- (iii) Paragraph 42 (co-location). We very much support the principle of co-locating services in multi disciplinary teams based in schools and children's centres and will do what we can to achieve this. Our resources and those of our partners are thinly stretched, however; at present it would not be possible, for example, to establish co-located teams in every secondary school. Questions of equity need to be considered when planning the use and location of services, and these issues are significant in a rural county. We are committed, however, to providing the most accessible and integrated services possible, with an increasing focus on prevention.
 - (iv) Paragraph 47 (common assessment). We propose to develop very carefully a model for the use of common assessment in East Sussex which adds value to current arrangements and does not create new bureaucratic burdens.
 - (v) Paragraph 53 (information sharing). East Sussex is a trail blazer area for information sharing and assessment (ISA). We look forward to contributing, from the basis of our practical experience to date, to the development of guidance under section 12 of the Act on information sharing databases.
 - (vi) Paragraph 56 (integrated planning). We agree with the order of activities listed under this paragraph. It is vital that arrangements for pooling budgets **follow** rather than precede analysis of need and agreement on joint action to address it.
 - (vii) Paragraph 63 (nature of joint commissioning). Joint commissioning needs to be understood broadly, in our view, as a joint endeavour progressively to shape the pattern of services to better reflect needs, rather than in mainly contractual terms. Neither children's services authorities nor our partners can afford to resource a commissioning industry in which the construction of specifications and service level agreements for all services diverts resources away from effective overall strategic planning or, worse still, service delivery.
 - (viii) Paragraph 68 (market development). While we recognise the value of creating new capacity to deliver services, and of a diverse pattern of service provision, we are concerned that an overemphasis on the rights of providers ("level playing field") could lead to an expectation that many more services should be put out to tender. It is important to balance the need to be open to new ideas and approaches against the need for economy in planning and managing resources, and reasonable stability in service provision. The needs of children and the principle of getting best value from resources must be paramount.
 - (ix) Paragraph 69 (releasing resources). We are committed to the principle of focusing resources increasingly on prevention. We share the view that in time the implementation of Children's Trust arrangements as described in the guidance should enable resources to be redirected. There should be no expectation that this will happen very quickly, however. It will take time for new processes, such as common assessment (for example), and better understanding of early intervention, to become embedded in a way which reduces pressure on specialist targeted services.

- (x) Paragraph 71 (forecasting resource needs). The principle of taking all possible steps to forecast as accurately as possible the need for expensive individual service packages is clearly right. This is not an exact science, however; often the main factor in the need for an unplanned package is a change in the circumstances of a key carer. Good preventative support services may be as important as forecasting skills.
- (xi) Paragraphs 72-74 (pooled budgets). See comments above. On its own pooling budgets is not necessarily a lever for effective commissioning: clarity about the outcome to be achieved is the key factor. On financial accountability, it is vital that those to whom an agency is accountable understand the requirement for collective prioritisation and shared resource use, with the focus on user needs as the draft emphasises. Without clarity about purpose, and understanding by external accountability agencies, pooling budgets could weaken rather than strengthen partnerships. The difficulties are, of course, made much worse where budgets are in deficit. We do believe, however, that transparency about levels of expenditure and resource allocation decisions across all partners is essential for effective collective strategy.

Further information

3. For clarification/further information on these comments please contact Alison Jeffery at alison.jeffery@eastsussex.gov.uk or 01273 482163