

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

12 NOVEMBER 2015

**REPORT OF CHIEF
EXECUTIVE**

CABINET DECISION

LEADER OF THE COUNCIL – Councillor Bob Cook

ASSURANCE STATEMENT – DIRECTOR OF CHILDREN'S SERVICES AND LEAD MEMBER – CHILDREN AND YOUNG PEOPLE

1. **Summary**

The report provides members with an updated local test of assurance that has been carried out in relation to the roles of Director of Children's Services and Lead Member – Children & Young People in compliance with Statutory Guidance. Reference is also made to the roles of Director of Adult Services and Lead Member – Adults and health. The outcome from the assurance test has indicated that the current arrangements, control and scrutiny measures are sufficient to mitigate the risks identified in the statutory guidance. The assurance test has been carried out independently of the Children, Education and Social Care Service.

2. **Recommendations**

1. Members note the outcomes from the updated assurance test
2. Members agree that should the Planning for the Future arrangements be implemented as per the proposal previously presented to Cabinet there will be no further need to annually review the assurance statement.
3. Members agree that any further assurance test would be triggered either by changes to the Statutory Guidance and/or any changes to the DCS and/or Lead Member role and function.

3. **Reasons for the Recommendations/Decision(s)**

Authorities are required to carry out a regular test of assurance of their arrangements in relation to the Director of Children's Services and Lead Member – Children & Young People, especially where the role(s) is/are combined with other functions.

4. **Members' Interests**

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

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RECOMMENDATIONS

1. Members note the outcomes from the assurance test
2. Members agree that should the Planning for the Future arrangements be implemented as per the proposal previously presented to Cabinet there will be no further need to annually review the assurance statement.
3. Members agree that any further assurance test would be triggered either by changes to the Statutory Guidance and/or any changes to the DCS and/or Lead Member role and function.

DETAIL

1. Statutory guidance in relation to the roles of the Director of Children’s Services and the Lead Member for Children’s Services was released by the Department for Education in 2005, 2009, 2012 and updated in 2013. There haven’t been any further updates since 2013.
2. Local authorities in England must have regard to it in relation to the appointment of the Director of Children’s Services and the designation of the Lead Member for Children’s Services.
3. Whilst there isn’t any up to date statutory guidance in relation to the role of Director of Adult’s Services or the Lead Member role for Adults, both of these roles are referenced in the Statutory Guidance relating to the Children’s roles where, as in Stockton’s case, there is a joint appointment.
4. The updated test of assurance document at Appendix 1 sets out more detail, provides the position within Stockton alongside a diagrammatical representation of the wider assurance arrangements. The updated document has taken account of the significant changes in national policy and legislation, organisational change programmes and service reviews since the last assurance statement was carried out. This includes; Shaping a Brighter Future Programme, Children’s Services Review (as part of the Big Ticket Programme) and the Planning for the Future proposals (as part of the Big Picture Programme).

5. The risk assessment undertaken has reached a conclusion that the current arrangements, control and scrutiny measures are sufficient to mitigate the risks identified in the statutory guidance.
6. The statutory guidance only requires a local test of assurance to be carried out where the Director of Children's Services role is combined with other functions. Should the proposals within the Planning for the Future report be fully implemented the DCS will not have any other responsibilities other than Children's Services and therefore the need for a local test of assurance will no longer be required. This would only need to be revisited should the statutory guidance be amended or the DCS role be subject to change in terms of role and function in the future.
7. The risk assessment has been subject to scrutiny by the Corporate Management Team and the Corporate Governance Group.

FINANCIAL IMPLICATIONS

8. There are no financial implications associated with this report.

LEGAL IMPLICATIONS

9. This report sets out our compliance against a duty as part of statutory guidance.

RISK ASSESSMENT

10. The test of assurance has categorised the risk as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

EQUALITIES IMPACT ASSESSMENT

11. This report is not subject to an Equality Impact Assessment because it is not making any recommendations for changes to policy or service delivery.

CORPORATE PARENTING

12. This report ensures that the arrangements in place relating to the Director of Children's Services and the Lead Member for Children & Young People comply with statutory guidance. Both of these roles have a responsibility in respect of corporate parenting.

CONSULTATION INCLUDING WARD/COUNCILLORS

13. N/A

Name of Contact Officer: Neil Schneider
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Education related? Yes

Background Papers

Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services for Local Authorities. Department for Education.