

ITEM 13(ii) SENIOR MANAGEMENT RESTRUCTURE – PHASE 2 - APPENDIX 2

Peterborough City Council

The combining of the statutory roles of Director of Children’s Services and the Adult Director of Adult Services

Local Test of Assurance

Purpose of the Paper

To provide an independent review of the proposals by Peterborough City Council to restructure and create a Corporate Director: People and Communities. This review will look at where necessary the risks, benefits and mitigations, in combining the roles within this corporate director the statutory director of children services and director of adult services, taking into account the statutory guidance issued by the Department of Education in 2013.

The Proposal

As part of a senior management restructure, Phase 1 was implemented in November 2013. This second phase intends to reduce the number of senior managers, clarify the organisational tiers and create unified job titles. Corporate Directors will become tier 1 posts.

The proposed directorate for people and communities will merge both the current directorates of children and adult services. The corporate director for people and communities will become on behalf of Peterborough City Council the statutory director for children and also adults.

History and practice elsewhere

Prior to the Children Act 2004, Local Authorities responsibilities to safeguard children and adults sat within the statutory single post of Director of Social Services. So the proposal from PCC is no different to what was in existence up to 2004. This post also at this time were also responsible for other services and strategic responsibilities, again no different to the current proposal.

The Children Act created a single line of accountability for children services, integrating education and children social care into the statutory role of director of children service (DCS). This separated it from the director of adult social services (DASS).

The role was designed to bring partners together, and ensure that focus on children was maintained. Statutory guidance was produced for the DCS post and local authorities are required under the respective legislation to have regard to the guidance. This guidance was updated in April 2013 by the Department for Education. Best practice guidance was issued for the DASS by the Department of Health in May 2006. This guidance was/is not statutory but local authorities were encouraged to treat as statutory.

Around the country most local authorities after this time generally appointed separate posts for DCS and DASS. However, within less than five years, research has shown that approximately 40% had reviewed this arrangement and re-combined the two roles.

The Munro review of Child protection in England had concerns in relation to this and in the review stated:

'It considers it important that, in local authorities, the role of the DCS continues as the key point of professional accountability for child protection services within the local authority and that this is not diluted or weakened. When the role of DCS was created through the Children Act 2004, the aim was to bring together all local authority education and children's social care functions under the leadership of a single statutory chief officer. This was intended to help overcome the historical communication difficulties between education and social care services and provide a single point of professional accountability for children on the local authority senior management team

The review has become aware that some authorities are restructuring their senior management teams in ways that are inconsistent with the aims and objectives of this legislation. Examples include re-creating the split between education and children's social care services (thereby confusing accountabilities) or combining children's and adult's services, with a single 'Director of People' holding both statutory roles of DCS and Director of Adult Social Services. While local authorities are, of course, generally in the best position to determine their own management structures in light of their particular local circumstances, the review questions whether such structures would allow sufficient focus and attention to be paid to the most vulnerable children. '

As a result of this the DfE updated their guidance on the role and responsibilities for the DCS as stated above in 2013, in order to allow combined posts as is proposed by PCC. This guidance states that it is legally permissible for the DCS post to be combined.

This guidance recommends that local assurance is required. PCC are demonstrating due diligence by requesting that an Independent person Russell Wate (Author) carries out this test of local assurance. Russell is not employed and never has been employed by PCC. He is however the independent chair of both the children and adult multi-agency safeguarding boards. He also has a commitment lasting over 25 years to the children and vulnerable adults in the Peterborough area.

The majority of Local Authorities in England have done or are now seriously considering the combination of the two posts. In most cases this is seen as strengthening the social care function as well as providing the opportunity to work with families and children in a more holistic way.

Background

The rationale from the PCC Senior Management restructure for combining the two roles is outlined below:

'The changes proposed in this restructuring are to bring together all services and functions relating to children, adult social care and public health into a "People and Communities" directorate so that all commissioning and service provision for children, young people, adults and communities sits in one directorate. Many Councils have adopted this approach, but in the first phase of restructuring it was decided to keep the directorates for Adults and Children separate as there were significant challenges being addressed in both directorates. However many of those challenges have now been addressed effectively so that the functions and services can now be united safely.

The benefits of this significant change is that this directorate will have a complete and single view of all commissioning and service provision for children, young people, adults and communities allowing more effective and integrated commissioning and service provision to occur. Duplication of effort will be reduced and transition between services will be significantly improved. Further savings can also be realised through economies of scale and the aggregation of all these functions into one directorate.

The changes proposed will mean that this directorate has significant responsibilities as well as control of substantial resources. Robust management arrangements will be required to support the strategic role of the new Corporate Director: People and Communities. To ensure such arrangements are in place it is proposed to create two Service Directors for Children and Adults and Communities. Each Service Director will be responsible for commissioning and service provision for their service areas.'

This test of Local assurance has involved the author holding conversations with both of the possible tier 1 post holders. Both of the tier 2 service directors that will support the tier 1 post holder in their statutory duties. An analysis also took place of the restructure proposals, a review of the current statutory guidance for both DCS and DASS roles. An enquiry also took place into what other LA's structures look like that have already moved to these changes, in particular Bedford Borough Council.

This test of local assurance needed to be satisfied that the following elements which are essential in assuring that effective arrangements are in place, for the PCC to safely move forward with these proposals:

- clarity about how senior management arrangements ensure that the safety and the educational, social and emotional needs of children and young people are given due priority and how they enable staff to help the local authority discharge its statutory duties in an integrated and coherent way;
- clarity about how the local authority intends to discharge its children's services functions and be held accountable for them from political, professional, legal and corporate perspectives;
- the seniority of and breadth of responsibilities allocated to individual post holders and how this impacts on their ability to undertake those responsibilities;
- clarity about child protection systems, ensuring that professional leadership and practice is robust and can be challenged on a regular basis, including an appropriate focus on offering early help and working with other agencies in doing so; and
- the adequacy and effectiveness of local partnership arrangements (e.g. the local authority's relationship with schools, the courts, children's trust co-operation arrangements, Community Safety Partnerships, health and wellbeing boards, Youth Offending Team partnerships, police, probation, Multi-Agency Public Protection Arrangements and Multi-Agency Risk Assessment Conferences) and their respective accountabilities.

Conclusion

The test of local assurance for the corporate director for people to include as part of their role to be the post holder for DCS and DASS is passed. The PCC can be reassured that the structure proposed has the necessary strengths and supports in place to deliver these statutory roles. The only debate is whether the tier 2 service directors could in fact take on each of them the statutory roles, at the same time reporting to the corporate director for people. The DCS 2013 guidance does however

comment that this post should report directly to the Chief Executive, so would make in the authors view either a too large CMT of direct reports or a too complicated matrix line of accountability. This is not something that is appropriate in the current proposals.

In fact in terms of diluting silo working between the two existing directorates of adult and children's services these proposals are very strong. This is also the case for providing a real strength to partnership working. The proposals are in fact stronger than other areas seen with the addition of the two service directors.

A list of benefits, risks and mitigation is highlighted at Appendix A. The author does not intend to repeat them here. However, the only real concern is in relation to adult social services and ensuring that the service is delivered effectively. It must be stated that this concern would as equally be there if the structure remained in its current format, bearing in mind the implementation of the Care Act 2014 due in April 2015. It is suggested by the author that as soon as the re-structure is agreed that the posts within this directorate to cater for the Care Act 2014 are established. The Care Act 2014 does support the restructure as it states.

*A local authority must make arrangements for **ensuring co-operation between-** .*

(a)the officers of the authority who exercise the authority's functions relating to adults with needs for care and support or its functions relating to carers, .

(b)the officers of the authority who exercise the authority's functions relating to housing (in so far as the exercise of those functions is relevant to functions referred to in paragraph (a)), .

(c)the Director of Children's Services at the authority (in so far as the exercise of functions by that officer is relevant to the functions referred to in paragraph (a)), and .

(d)the authority's director of public health (see section 73A of the National Health Service Act 2006).

This cooperation will be in place as they are part of one directorate.

The only area of mitigation to highlight is that the council retain separate lead members for children and adults, to apply the necessary level of support and scrutiny. It is also recommended that a light touch review takes place after 6 months, with another formal test of local assurance taking place in 12 months.

Russell Wate QPM

January 2015

Appendix A

Benefits

- Having a stronger and clearer role of 'people's champion' in the corporate leadership team. A single, clear, role as Champion for People in Peterborough;
- Having someone able to take a shared view of the needs of the citizens and the services they use;
- Vastly improved transitions between children's and adult services, mental health and drugs and alcohol;
- Convergent approaches across all of adults and children's services in respect of areas such as safeguarding, and market development;
- A 'leaner' and more cost effective senior management structure;
- Greater coordination and efficiency in commissioning and procurement of services and support across the services;
- Greater consistency of approach to safeguarding for all vulnerable people in Peterborough City Council;
- Greater coordination and efficiency in working with partners and other agencies, many of whom are the same for each current directorate.
- Greater coordination and efficiency in common and challenging service areas such as drugs, alcohol and mental health;
- Reduced duplication in joint working such as with health services, the HWB and safeguarding arrangements;
- The ability to provide a single approach to health and inequality.

Risks

- The need to ensure sufficient capacity to manage the range and scale of service issues;
- The wider scope and responsibilities of the merged roles;
- Succession planning to ensure there are sufficient experienced managers and leaders within the service and ensuring continuity over time;
- Disruption during the transition period in particular in adult social care;
- Sustaining good communications, effective relationships, and sound partnership working from both services into the new combined arrangement;
- Maintaining clarity in the role for Education and sound working relationships with schools and colleges.

Mitigation

- Although it is for the leader of the council to decide, it is recommended that the council retain separate lead members for children and adults;
- Sufficient capacity is being maintained below the new corporate director role, with no reduction in senior management resource. In particular through the service director posts;
- Specifically for assistant director roles are being maintained, these assistant directors have extensive experience in their areas of responsibility;
- The combined director role receives support from the chief executive and all other corporate functions so as to assist them in their roles;
- A review should take place as a 'light touch' after six months and a repeat test of local assurance should take place after 12 months.