



**Proposal
for a
Doncaster
Children's Trust**



Doncaster
Metropolitan Borough Council

www.doncaster.gov.uk

Rt Hon Michael Gove M.P.
Secretary of State for Education
Department for Education
Sanctuary Buildings
20 Great Smith St
London SW1P 3BT

Tuesday August 13 2013

Dear Secretary of State

Doncaster Children's Services- Draft Direction

Thank you for your letter of July 15 and for giving me the opportunity to respond to the report by Professor Le Grand/Alan Wood and the draft direction from yourself and the Secretary of State for Communities and Local Government.

I have been clear since day one of my term of office, which started in May that improved services to children and families is my top priority. When I became Mayor, I was determined to see through real progress in improving the quality of life for Doncaster's children, young people and families. I am grateful that you have acknowledged this commitment and my desire to work constructively with you to achieve our shared aim of improving the quality of children's services in Doncaster.

I have been very candid about the past failures of the Council in this regard but I have to say I was somewhat disappointed that Professor Le Grand and Alan Wood gave only scant regard to the significant steps I have taken since becoming Mayor to address this. I do not want to labour the point here but I have attached to this letter from page 15 onwards a report which outlines the progress that we have made this year with support from the sector. I do not wish to overstate that progress and we are clear there is much still to do to make the service safe, however, I am sure if you study these pages, you will find it hard to dispute that some significant progress has been made in a short time and belies the widely reported comment Professor Le Grand and Alan Wood made that *"there is a culture of failure and disillusion that pervades the service and that serves to obstruct every attempt at reform."*

That latter statement does not, in my view, accurately reflect the service I see today. I am clear that Doncaster is striving towards a culture of improvement, success and ambition. After years of ineffective intervention, I believe the steps we have taken will produce results, and it is frustrating that my administration is being denied the opportunity to evidence this. However, I am committed to working with you to put in place a decisive, new, workable delivery model that, together with the steps we are currently taking will produce better results for Doncaster's children and families. I say that the two things are important because new structures by themselves do not automatically deliver success. It is in this spirit that this letter and its accompaniments are written.

I understand that following and in accordance with the recommendations of the report by Professor Le Grand and Alan Wood, you and the Secretary of State for Communities and Local Government wish to use your powers to issue a Direction. I am advised that the Direction as currently drafted requires a significant modification. In part (a) it directs that the authority will comply with any instructions of the Secretary of State for Education or the Commissioner for Children's Social Care in relation to the authority's exercise of their children's social care functions. This would mean that prior to the setting up of your proposed Trust, the Council, while still being statutorily responsible for children's services, would be required to follow instructions issued by the Children's Commissioner even if that was not the advice they were receiving from the statutory Director of Children's Services. In short this provision affords the Children's Commissioner the power to intervene within children's services without any concomitant transfer of statutory responsibilities.

This would create an ambiguous line of accountability, put significant risks in the system and contrast sharply with the powers of existing commissioners who, other than in powers of appointment of chief officers, have "step-in" powers, rather than decision-making in the first instance. This provision as drafted is incorrect, and I would ask firstly that it is re-drafted and secondly that there are very clear protocols around the operation of the direction once it is confirmed.

Furthermore, having taken Counsel's advice I am advised that the model proposed by Le Grand/Wood has considerable limitations and legal complications and presents some risks for national government, your department and for local government and this council. On page 5 of this letter, I set out in some detail the issues and limitations associated with

the Le Grand/Wood proposal that give me the greatest concern. In summary, they are:

- Unclear, high risk and conflicting legal powers, responsibilities and accountabilities between the Secretary of State and the Council,
- A very confused view and unworkable proposition around commissioning and the interrelationship and interdependencies between it, resource planning, service delivery and performance management,
- In respect of the statutory roles, responsibilities and accountabilities held by the Lead Member for Children's Services and Director of Children's Services, an absence of regard for a clear and unambiguous line of political and professional accountability for outcomes for children,
- An extremely simplistic and problematic approach to the financial arrangements which fails to take into account the complexity of setting a children's services budget, alongside the trajectory of funding for local government nationally and the Doncaster context,
- The absence of any public consultation about both the decision itself and the impact upon the councils remaining services, which if it were challenged through the Courts, I am advised could hold matters up considerably,
- An inaccurate understanding of the TUPE position and insufficient regard to the complexities and potential significant costs associated with pension matters,
- The apparent absence of any regard to equality duties in determining the substance of the Direction, having regard to the requirements of the General Equality Duty, which if it were challenged through the Courts, I am advised could hold matters up considerably,
- Insufficient understanding of and clarity around various areas of responsibility and Council functions related to Children's Services, which will need to be assigned to the Secretary of State,
- A lack of recognition that Children's social care cannot deliver successful outcomes without the full engagement of other council services, partner agencies and the voluntary and independent sector,
- Scant regard for any additional costs, arising from the arrangements as they are currently proposed, which I am informed will be significant,
- More generally, insufficient clarity, detail, substance and rigour in the proposition that the Council needs and usually expects to see.

These issues of concern are not new – some have been raised many times previously. I have found it hugely frustrating that throughout the process of the Le Grand/Wood review, both the Chief Executive and I repeatedly asked for clarification of concerns that had been identified in respect of the legal and structural impediments to their preferred solution. Despite many attempts these were not forthcoming. However, my concerns remain and in an attempt to assist I have laid them out fully starting on page 5.

All that aside, I believe that a Trust model is deliverable and I now turn to that. We should both understand that structural solutions alone do not guarantee sustained service improvement. Key to success is that the organisation has a strong performance management culture, with the ambition for improved services to children and families as the overriding priority.

Having regard to the above and page 5 which follows, I strongly believe that it would be in all our interests and most importantly the children and families of Doncaster for you to give serious consideration to a reframed Children's Trust proposal, which still anticipates the issuing of a direction by yourself and Secretary of State for DCLG and one upon which we would work with you. It meets your desire to take strong, decisive action.

I attach to this letter on page 11 a proposal outlining our view of Doncaster Children's Trust. This is a Trust model, and one which we are confident will deliver the benefits you require, will not present the same level of legal and practical difficulties and will be delivered in a significantly shorter timescale and at reduced costs than the Le Grand/Wood construct. It has a complementarity to our new improvement activity and has the support of key partners in Doncaster, and the sector more widely.

I am therefore proposing the following approach:

- The Direction be amended to direct the Council rather than the Children's Commissioner to commission an independent Children's Trust (the Doncaster Children's Trust). As a radical new delivery model, I would expect your Department to work alongside us in this endeavour co-designing and co-producing the new model.
- The Trust will be an autonomous organisation with control over its own infrastructure and support services and will operate within a clear and robust accountability framework. The Doncaster Children's Trust has the potential to include wider functions over time because it is to some extent (e.g. as in an ALMO) less experimental and the presence of a clear accountability framework mitigates risks. In the event that you proceed with the Le Grand/Wood model, we see this as narrowly focussed on Children's Social Care.
- The Council, with the Doncaster Commissioners in consultation with the Chair of the Trust, will appoint a Director of Children's Services who will be the Chief Executive of the Trust. The Chief Executive will be accountable to a Trust Board and a Trust Chairman appointed by you. In the first instance you may envisage the Children's Commissioner taking this role.
- If not the Chair, then the Children's Commissioner will be an ex-officio member of the Trust Board.
- The Trust will have senior leaders from partner agencies on the Trust Board and I would expect its development to significantly facilitate the delivery of integrated multi-agency support for children in Doncaster. We have consulted our partners on these arrangements and we have received support for them. Time constraints have mitigated against wider consultation, but I am keen to do this, should this approach have your support.
- The Trust Board will be supported by a stakeholder reference group made up of all local partners, the voluntary sector and staff representatives. I would welcome representation from other national sector representatives.
- Staff will be seconded to the new Trust and will have continued access to the Local Government Pension Scheme.

Having given this careful consideration, I am personally committed to establishing this new model for the delivery of Children's Services in Doncaster. There is a precedent of this type of model (an ALMO) in the housing arena, and it has been a great success here in Doncaster. So much so, that the functions undertaken by the ALMO have increased over time. I would like Doncaster Council in partnership with you, to be at the forefront of developing this as an effective model of Children's Services delivery and I would be grateful if you could consider this proposal very carefully. If you would like us to provide further information, or meet with you and your officials to explore it in more detail we would be very happy to do so. We would clearly need our officials to establish a robust and deliverable timetable to get to practical completion, and I would be keen to see shadow governance arrangements in place at an early point, so that the improvement trajectory and performance management is instilled from the start. Whatever path you do choose to take, a realistic timetable to operation is vital, and I understand that officials from both Government departments have already acknowledged that the Le Grand/Wood timetable is unworkable.

I am sure, when you have considered my proposal, you will agree that it achieves your primary aims of taking decisive and robust action, enabling the necessary changes while mitigating many of the untested risks in the Le Grand/Wood model. I would welcome a meeting with you as soon as possible to take these ideas forward. I would not want this to be delayed any more than needs be, given the risks around the transfer as currently proposed, the opportunities for synergy around improvement and the establishment of Doncaster Children's Trust together with my commitment to give certainty to staff and partners as to the future direction of the service.

Yours sincerely



Ros Jones
Mayor of Doncaster
cc: Secretary of State for Communities and Local Government

1. Our Concerns about the Viability of the Le Grand/Wood Proposition.

1.1. Throughout the duration of the review undertaken by Professor Le Grand and Alan Wood, the Council requested a much clearer understanding of the model of service delivery they were proposing, the legal powers they expected to be utilised to achieve the transfer, where the accountabilities for the budget, commissioning and statutory services would lie and how the capacity to deliver this structural change would be provided. It was immensely disappointing that they were unable to provide this degree of clarity and the proposals in their report lack the substance and rigour that your department and this Council are accustomed to and should expect.

1.2. Legal

The Le Grand/Wood report states:

An independent body providing all of a local authority's child protection, safeguarding, looked after children and well-being services would be a new departure. It would create a new understanding of accountability in law. Careful consideration has been given to this, and legal advice provided by the Department for Education suggests that appropriate arrangements can be made to ensure these legal responsibilities can be carried out by a new body on behalf of the Secretary of State

We do not accept this and it has been telling that despite several attempts to seek clarification on the legal powers, officials from the Department of Education have been unable to provide this to the Council. On the face of it this would, for example, seem to require the Trust to be the applicant body to the Courts in respect of Care Orders. However, the requirements of the Children Act that the Court must make Care and Supervision Orders to a Local Authority would not be overridden by the Direction, thus leaving the position that the Council is the holder of the Order, but has no resource available to support the Order, nor any influence or control over the way in which the Order is carried out.

The difficulty of this fundamental point when considering such vitally important matters does not appear to have been given any consideration. It is not clear who would bear the ultimate responsibility in such a situation, and whether the Secretary of State for Education would bear this in the event of, for example, the death of or injury to a looked after child, as is reported to be the view of Professor Le Grand (interview with LGC 18 July 2013).

Certainly the Council could not be the responsible

body, as it could not be said to owe duties of care in the circumstances where its powers had been transferred to another body.

Nor could the Council be expected to cover the costs of any liabilities which may incur to the Trust arising from its activities without the Council having any control over the activities of the Trust.

Given the potential impact on the finances of the Council, this is something for which the council believes separate provision will have to be made by the Secretary of State. There is a big difference between what the Powers of Direction may on the face of the legislation allow; and the very important practical details of how this will work.

Our model provides clarity and removes ambiguity about these legal and practical issues.

2. Best Value Duty

The impact on the Council would be profound, and it would have to consider how best it can deliver its other



functions and services within a significantly smaller (and at least at first), correspondingly more expensive organisation.

The requirements of the Best Value legislation put the Council under a duty, when considering service changes, to consult, as emphasised by the statutory guidance which states:

“To achieve the right balance – and before deciding how to fulfil their Best Value Duty – authorities are under a Duty to Consult representatives of a wide range of local persons; this is not optional. Authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services.”

In effect, the Secretaries of State are taking a fundamental decision which affects all the Council's services without allowing the public the opportunity to be consulted. Were the Council to take such a decision it would be bound to carry out the consultation required or else be in breach of its statutory duty as has, indeed recently, been emphasised by the Courts. We believe further consideration needs to be given to public consultation about both the decision itself and the impact upon the councils remaining services. Accordingly we have built into our key milestones for the delivery of the Doncaster Children's Trust the necessary period of consultation and consideration of the results of this, although we do not believe that this will have much overall effect upon the speed at which the eventual implementation can take place. If the Council or the Secretaries of State were to be challenged through the Courts, this could of course hold matters up considerably.

3. Commissioning Responsibilities

The Le Grand/Wood report states:

Commissioning would be initially by the Children and Young People's Services Commissioner acting on behalf of the Secretary of State. The role of the Council would fall into three domains: developing the overall vision for children and agreeing the strategy for improvement with the Commissioner; allocating sufficient resources to children's services; and, in conjunction with the Commissioner, scrutinising the performance of the new body. After five years of operation, consideration should be given to allocating the commissioning of children's services to the Council. This would give the Council an opportunity to build up its commissioning capacity in the area. The



Secretary of State could reserve the right to take back commissioning powers if s/ he deemed it appropriate. Whether commissioner or not, the Council's ambitions for high quality children services, its expectation of high standards and its celebration of achievement are all significant factors that will underpin the success of a new body. The role of the elected Mayor and Councillors would therefore be essential in ensuring the success of children's services.

We would respectfully suggest that this is a confused view of commissioning. The report authors concede that the Council would not have the capacity to commission and one assumes would have lost expertise in this area following the transfer. They explicitly say it is the role of the Council to agree the overall vision for children but how can that be dislocated from the commissioning and resourcing of the service?

Who is to be responsible for the local strategic needs assessment, which should drive vision and priorities? Any atomisation of this function is likely to be to the detriment of Doncaster's children and families. How is the Council

able to set the resources for the service if it has no role in commissioning and what power does the Council have if it believes the Secretary of State is not complying with its own vision of children's services or effectively commissioning the correct services to deliver that vision? We would suggest there needs to be much more rigour and clarity around a shared understanding of how children's services would be commissioned under these arrangements and how wider partnership commissioning best serves our children and families.

The Doncaster Children's Trust model has significant benefits by ensuring that the Council's strategic, financial and commissioning roles are aligned and clearly delineated within a commissioning and performance framework.

4. Human resources

The Trust will not be able to operate at all unless it has a sufficient supply of social work and other staff. The report suggests that the staff employed within the services will transfer under TUPE "excluding any staff undergoing a disciplinary or sickness management procedure". Professor Le Grand and Alan Wood misunderstand the legal position. As the recent transfer of public health personnel demonstrates, it is not possible to exclude from the right to transfer the categories of staff the report recommends, if they are assigned. Any such staff so excluded will have the potential for employment tribunal claims.

Consideration will also have to be given to pension matters, as staff transfer will require pension protection. In broad terms, this means that the Trust:

- (a) becomes an Admitted Body within the LGPS so that the transferring staff can remain in the LGPS (i.e. pension position remains unchanged); or
- (b) provides its own pension scheme which is certified as providing benefits that are Broadly Comparable to the LGPS plus a chance to "bulk transfer" their accrued benefits under the LGPS or any existing broadly comparable pension scheme to the new Broadly Comparable Scheme on a favourable basis (i.e. they get equivalent day for day service credits in the new Broadly Comparable scheme as they had under the LGPS).

The expense of the latter option may be prohibitive (especially if a Staff Mutual is considered and we know

that the costs of the LGPS implications often prohibit staff mutuals of this size) leaving admitted body status as the only real option. However, the Trust may be required to enter into a bond to support the admission agreement, which has a cost which may be considerable to the public purse (we are aware of Bonds of up to £1m which have been required) alongside the obligatory actuarial valuation; which itself will have a cost which is likely to be in the order of tens of thousands of pounds. The relevant pension fund is the South Yorkshire Pension Fund, and the Council does not control its activities and decisions. Indeed, it is worth considering that dependent upon the results of the actuarial valuation the Pension Fund may require from the Trust a figure equivalent to the size of the crystallized deficit.

At the end of the contract with the Trust it is likely that admission body arrangements will also come to an end. Under the LGPS Regulations this will trigger a further costly actuarial valuation to identify whether there is any deficit in funding in relation to the employees covered by the admission body arrangements. If the contributions paid in by the Trust are less than the cost of providing the benefits to the employees for the period of the contract, this will mean a deficit in funding - the exit deficit - which is payable as a lump sum to the Fund by the Trust. There is no indication of which part of the public purse will be expected to bear the significant costs of the bond, lump sum or actuarial valuations; all of which could be avoided if our Doncaster Children's Trust model is chosen. The Doncaster approach, on the other hand, avoids all of these costly and time consuming staffing and pensions' difficulties. Staff will be seconded across on current terms



and conditions, and with continuing pension rights without any need for actuarial valuations or bonds.

5. Equalities considerations

In making their Direction, the Secretaries of State must consider the requirements of the General Equality Duty which requires them to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The law requires that this duty to have due regard be demonstrated in decision making processes. We are not aware of any consideration that has been given to these legal requirements or of whether any Equalities Impact Assessment has been carried out and so are not aware of what the effects of the proposed direction will be and how the Secretary of State would propose to mitigate against any adverse impacts.

The awareness of the requirements of the legislation does not appear anywhere in the Le Grand/Wood Report, or in the responses to date from the Secretary of State, who appear to be preparing to take the decision without any consideration of this point. We believe that if this is the case the decision would be open to challenge. Our view is that there will be at the very least a potentially significant financial impact on services to other vulnerable groups from the proposals and any financial settlement for the Trust will need to take this into account by mitigating any negative impact on those groups.

If the Doncaster approach is adopted, the Council will be able to use the information that it already possesses to help it consider this very important duty.

6. Governance and accountability

Professor Le Grand and Alan Wood are explicit that the Council's residual role will be limited to developing the overall vision, agreeing the strategy for improvement with the Commissioner, allocating sufficient resources and scrutinising performance with the Commissioner. This does leave significant areas of responsibility that need to be explicitly re- assigned to the Secretary of State. For example:

- i) **The role of Corporate Parent- The Secretary of State** would ultimately be responsible for all Children in Care and providing for the welfare and accommodation of all Looked after Children

- ii) Accountabilities for all Section 75 Agreements, contracts and financial agreements
- iii) The role envisaged for the Local Safeguarding Children Board, and to which body it will account (the Local Strategic Partnership?), responsibility for appointment and appraisal to the Chair, the responsibility for the funding and oversight of the associated LSCB business management functions, the Trust's membership of the Board to reflect the children's services functions to be assigned to the Commissioner and Secretary of State (for example, resolving whether or not the Secretary of State will be the Executive Board member as the ultimately accountable officer) and other considerations that arise from the Statutory Guidance set out in Working Together 2013.
- iv) Accountability for untoward incidents; responding to serious case reviews, coroner's hearings, tribunals and judicial reviews
- v) All obligations and duties arising under employment law, equalities and human rights legislation
- vi) All matters in respect of the health and safety of staff within the Trust

Finally, the statutory guidance on roles and responsibilities of the DCS and Lead Member issued by the Department of Education in 2012 states:

Integrating education and children's social care services under a single officer and a single member provides both a strategic and professional framework within which the safety and the educational, social and emotional needs of children and young people are considered together. The DCS and LMCS roles provide a clear and unambiguous line of political and professional accountability for children's well-being. The DCS and LMCS should report to the Chief Executive and to the Council Leader or Mayor respectively as the post holders with ultimate responsibility for the political and corporate leadership of the Council and accountability for ensuring that the effectiveness of steps taken and capacity to improve outcomes for all children and young people is reflected across the full range of the Council's business. The DCS and LMCS (in their respective roles) will also need to work closely with the Director of Public Health as the principal adviser on health to officials and members.

The Le Grand/Wood proposition would remove this simplicity and clarity. The DCS will be accountable to the Chief Executive and the Council for the delivery of educational outcomes and separately to the Secretary of State for Social Care outcomes. The report authors have dispensed with a clear and unambiguous line of political and professional accountability for outcomes for children and their recommendations fail to recognise that all Council services impact on the welfare of Children not just social care services. The Doncaster Trust model offers significant advantages and maintains a clear and unambiguous

accountability.

7. Financial

The Le Grand/Wood report states:
(The Trust) will be funded initially with a five-year budget, agreed between Doncaster Council and the Secretary of State after an appropriate independent due diligence exercise.

This approach does not take into account the complexity of setting a children's services budget, alongside the trajectory of funding for local government nationally and the Doncaster context.

A key premise of Le Grand/Wood is that the Trust would be independent of the Council, however the Council will retain all its statutory and fiduciary duties to the Council Taxpayer. It will not be sufficient to hand over a block of funding based on an assessment at a moment in time, unless the Secretary of State is in a position to both fulfil these obligations and also to underwrite any future financial pressures within the Trust.

The setting of the budget will also need to take into account that the service is currently over resourced relative to similar Councils due to its historic mismanagement. The Council's current financial strategy is predicated on bringing expenditure within the service down to the average of similar services across the country and we are confident we can achieve this while delivering the required improvements, indeed the two go hand in hand.

Any budget would need to also take into account national reductions in funding to Local Government in the next five years with Children's services bearing their proportionate share.

Anything else would adversely impact on and discriminate against other vulnerable groups the Council has a responsibility for. We estimate the set up costs of the Trust as currently proposed will be in the order of £2 million pounds with an annual additional running cost of £0.75 million.

There is no provision within the Council to meet these additional costs. The Doncaster Trust model will provide a clear mechanism for setting the budget and fulfilling the Council's continuing financial and fiduciary duties but it will not be able to mitigate these additional set up and running costs, albeit we should anticipate lower set-up running costs than with the current proposition.

Pensions

Deficit contribution - this requires calculation and will depend on numbers and makeup of the staff who transfer. Decisions will need to be made about who bears the deficit, as taking a big chunk of staff out of the council leaves fewer pension fund members from who/on which base to recover the deficit.

The current deficit is about £70,000 per FTE. The normal arrangements for deficits is that the deficit is left with the Council, but introducing these issues unnecessarily at this point in time will make the current pension situation precarious in the extreme.

Defining numbers and names. The Trust will need admitted body status to the Pension Fund. The Pension Fund will need all transferring staff identified and then do a separate actuarial valuation of those staff. This could lead to the Trust paying more.

Disaggregation of Financial and Corporate Services

We will need to disaggregate all the elements, systems, processes for finance, payroll, HR, ICT, asset management and procurement.

This could only be done once the division between the Trust responsibilities and the Council is agreed and then which staff transfer and which don't. Reaching agreement will be far more complex in the Le Grand/Wood construct.

Undoubtedly diseconomies of scale will result from disaggregation. Many of the existing services are provided by units that are so small that the staff could not be transferred to the Trust. The trust would have the choice of either buying that support from Council or elsewhere, inevitably at increased cost.

Financial Systems & Treasury Management

The Trust would either need to use the Council systems or buy its own for

- a. Finance/accounts/budgets
- b. Trust would need own bank accounts
- c. Payments
- d. Controc / Liquid Logic
- e) Payroll HR system

If the Trust is to move away from any of these systems then each decision raises significant issues and costs both for the Council and the Trust.

Capital

There will need to be a detailed understanding of the capital implications and the transfer of assets, capital funding and debt. The Council already has far too many buildings and there are current savings plan to rationalise this. The Trust will be required to contribute to this if other services are not to be unfairly penalised.

Summary

Because of the mismanagement of Children's Social Care, overall Children's social care services are over funded providing poor value for Money. The Council has a financial plan to bring this down to the level of similar authorities in time. Improvement and reduced cost go hand in hand. In order to achieve the Council's £110m savings targets by 2016/17, the Trust will need to contribute substantially to these targets or take a share of the £110m that needs to be saved.

Costs of Implementation

The costs of implementation will be considerable:

Financial research/analysis

- a. Separating out the financial responsibilities of the Council and the Trust. This would cover assets, balance sheet items, revenue costs, initial budgets for the Trust, responsibilities for under and overspends in what is a fairly demand led environment
- b. Producing a five year budget/financial plan for the Trust. This would extend the work in a) above and build in how the Trust would manage within the reduced financial resources the Council would have (projections needed for cuts, growth, variations in demands for services)

Set up costs.

This is a much more complicated than models such as Leisure Trusts (which basically have to address issues around income, state of the facilities, pricing).

As highlighted in our concerns about the viability of the Le Grand/Wood proposition (page 5) there are a number of complexities and considerable work will be required to clarify the legal and statutory base, agree the governance and accountability framework as well as contract novation and disaggregation of assets and liabilities.

We have researched an indicative figure for these costs and have been provided with the following estimates.

Estimated cost of Financial research and analysis

£170-£300K

Estimated costs of setting up the Trust

£1,500k-£2,000K

Additional annual costs of running Trust

£750K

The Council would be seeking financial support from the Department to cover implementation costs, in the same way that the Department is funding its own implementation team.

8. Fragmentation of public services

The Le Grand/Wood proposal does not acknowledge that Children's social care cannot deliver the best outcomes without the full engagement of other council services, partner agencies and the voluntary and independent sector. By creating an organisation with such tenuous links with the Council, they fail to appreciate the dynamic contribution other services make to improving outcomes for children. The Trust arrangements proposed create institutional barriers between social care and the following key services for vulnerable children:

- (a) Education and Schools
- (b) **Public health**
- (c) Leisure
- (d) Strengthening Families (Troubled Families)
- (e) Youth Offending
- (f) Youth Services
- (g) Early Years
- (h) Transitions

There is no clarity on how the commissioning role of the Trust will interface with other commissioners for services and programmes for children, which risks further fragmentation of children's commissioning.

The report does not specify how the new commissioner would collaborate with health and other partners around the wide range of children's services, nor does it describe how the commissioner would discharge its duties to contribute and respond to the Joint Strategic Needs Assessment, Joint Health and Wellbeing Strategy and other functions of the Health and Wellbeing Board.

Our approach anticipates the delivery of integrated multi-agency support to children and families in Doncaster. It anticipates the Trust being an autonomous organisation within the Doncaster Partnership, enabling shared ambitions and commissioning, as opposed to a separate construct outside that system with little or no local accountability.

Doncaster Children's Trust – New Service Delivery Model

We believe our alternative model alleviates most of the concerns highlighted previously and are proposing that the Direction is amended to reflect our Doncaster Children's Trust Model.

This is a new and innovative service delivery model, which has the support of key partners in Doncaster and the sector more widely. It is autonomous with strong governance, and offers clear accountability for fast and sustainable improvement.

We would ask DSE to assist in co-producing and co-designing this model to maximise future learning. It could be brought into existence alongside current improvement activity. Shadow governance and operation could be put in place quickly and this would encourage ownership of fast and sustainable improvement.

As a model, it would be well placed to capture improvements e.g. through whole system/invest to save type initiatives because it is an autonomous organisation within a partnership system, rather than entirely separate to it.

Features

1. Doncaster Children's Trust, which rather than being focused on Children's Social Care, has the potential to include in time the widest range of Children's Services and could eventually undertake on behalf of the Council all of its statutory duties in relation to children and young people. The Troubled Families programme could in future be located within the Trust.
2. The Trust will be an arm's length organisation commissioned and sponsored by the Council to which, by virtue of the Secretaries of States' direction, the functions and duties of the Council identified in relation to Children's Services will have been transferred. The trust will be one of the key organisations that form the wider Doncaster Partnership.
3. The Trust will be an autonomous organisation with control over its own finance, HR and property requirements and with responsibility for the day to day delivery of children's services
4. Governance will be through a Trust Board comprising a chairman appointed by the Secretary of State, five Non-Executive Directors appointed by the Council (comprising the Mayor and one other nominated by her, one local NHS representative, one local Police

representative and one representative with a senior financial management background) and five Executive Members (one being the Chief Executive/DCS)

5. The Chairman will provide a quarterly report on performance and outcomes to the Secretary of State
6. The Trust will be accountable for the delivery of outcomes to the Council through quarterly monitoring meetings
7. The Council's roles will be limited to
 - Appointing the Non-Executive Directors – except the Chairman who will be appointed by the Secretary of State
 - Appointing the Director of Children's Services (who will be the Chief Executive) alongside the Commissioners (as is current practice in Doncaster), and in consultation with the Trust Chairman
 - Quarterly monitoring of the Trusts performance on the delivery of outcomes
 - Scrutiny function under the Local Government Act 2000
 - Setting the annual budget for the organisation within an indicative Three Year Financial Strategy
 - Agreeing the Trust's Annual Business Plan and commissioning intentions



The ultimate responsibility for all liabilities, **financial or otherwise**, arising from Children's Services will remain with the Council.

This accountability framework is clearly arm's length, and this type of model has a track record of improving outcomes for local people in other functions, e.g. St Leger Homes (ALMO) and Doncaster Culture and Leisure Trust.

As there will be a clear and robust accountability framework, it would be safe to plan for the wider range of services to be delivered in this way over time. Without



an accountability framework, only the narrowest range of children's social care functions would be contemplated for transfer.

8. The Trust will deliver Children's Social Care through a mix of directly provided services and services commissioned from the private, voluntary and community sector. The Trust will commission these contracts directly and will be responsible for monitoring the performance of those contracts.

9. Staff working in Children's Services and the support to Children's Social Care will be seconded under a secondment arrangement to the Trust. All employees of the Trust will continue to have access to the LGPS

We have ambitions for Doncaster Children's Trust to facilitate the delivery of integrated multi-agency support for children and families in Doncaster, with staff from the wider Children's Services functions, Police, and NHS working closely together accordingly.

We believe this proposal will deliver the outcomes we both want for children, more quickly and without the untested risks the Le Grand/Wood proposal will generate.

Key Milestones Indicative Timetable

We would welcome a detailed conversation with your officials about the timetable for implementation.

We believe that the implementation date proposed by Le Grand/Wood is highly unrealistic given the complexity of the task, the procurement arrangements and the consultation requirements.

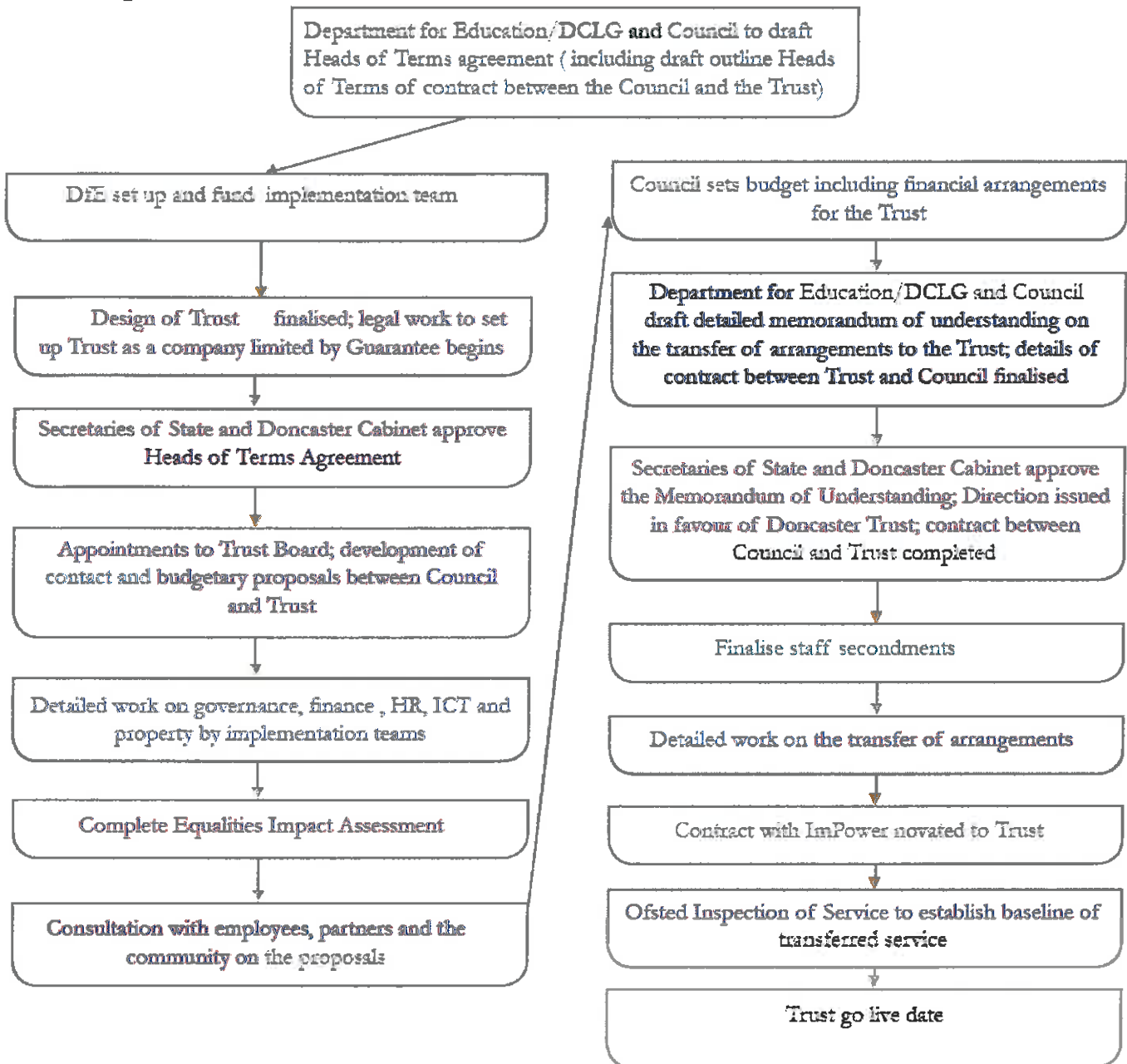
We are confident that we will be able to implement our proposal in a shorter time frame than the Le Grand/Wood model, but nonetheless, we do not underestimate the complexities and risks around this major transfer. Whilst we have not set out a timeline below, we do set out the steps that need to be taken by us jointly to reach a successful operational trust.

In our model, we anticipate shadow governance and operation in place at an early stage. This is a tried and tested approach in other functional areas and produces results in Doncaster, as with the nationally recognised successful transfer of Public Health functions and shadow Health and Wellbeing Board.

If the Doncaster Children's Trust proposal is accepted, we commit to work together to establish the organisation and commence operation at the earliest possible date. We believe that this date will be significantly earlier than the establishment of the Le Grand/Wood model.

We believe that the Doncaster model is quicker, more economic and effective, less problematic and most importantly will be fundamentally better for Doncaster's children and families than the **Le Grand/Wood proposal**

Next Steps



Analysis of Key Features of Le Grand Independent Trust Proposal compared with Doncaster Council Solution

Summary Table

Key Features	Le Grand/Wood Trust Proposal	Doncaster Trust Model
Statutory Responsibilities	Envisages the Trust carrying out all functions. Uncertainty about issues such as who is the Corporate Parent and where ultimate responsibility lies.	Council retains statutory responsibilities but functions transferred by direction to the Trust.
Relationship to Council	Full independence from the Council. Direct commissioning of services without procurement under a 5 year contract.	Council is legal body and retains ultimate responsibility but Children's Social Care, and in time wider Children's Services delivered through Trust.
Scope	Children's social care only	Initially to include children's social care but over time undertaking on behalf of the Council all of its statutory duties in relation to children and young people.
Director of Children's Services	Chief Executive of the Trust would be DCS but seconded to Council to carry out Education related services. The Director would therefore have a dual line of accountability and two bosses	DCS is appointed by the Council with Commissioners and Secretary of State appointed Trust Chairman, but seconded into delivery company as Chief Executive (no substantive difference in practical operation but a more robust legal basis).
Organisational Model	Company limited by guarantee (possibly a staff mutual).	Company limited by guarantee with clear public sector ownership and accountability. Possibility of spin out staff mutuals also involving partners at a later date
Staff position	Staff are transferred to the Trust so constraints on changes to terms and conditions and significant pension issues and costs on entry and termination.	Staff retained employed by the Council and seconded to the company. Flexibility to change terms and conditions and no pensions issues to be addressed or costs incurred

Report on Progress this Year

Introduction

This report lays out the progress made within Children's Social Care since the turn of the year. The Ofsted inspection in 2012 exposed key weaknesses within the service.

The Council's first intent was to procure an Improvement Partner and replacement DCS but this could not commence until April due to DfE delays in issuing the Improvement Notice. The Chief Executive therefore engaged sector-led support through the Children's Improvement Board.

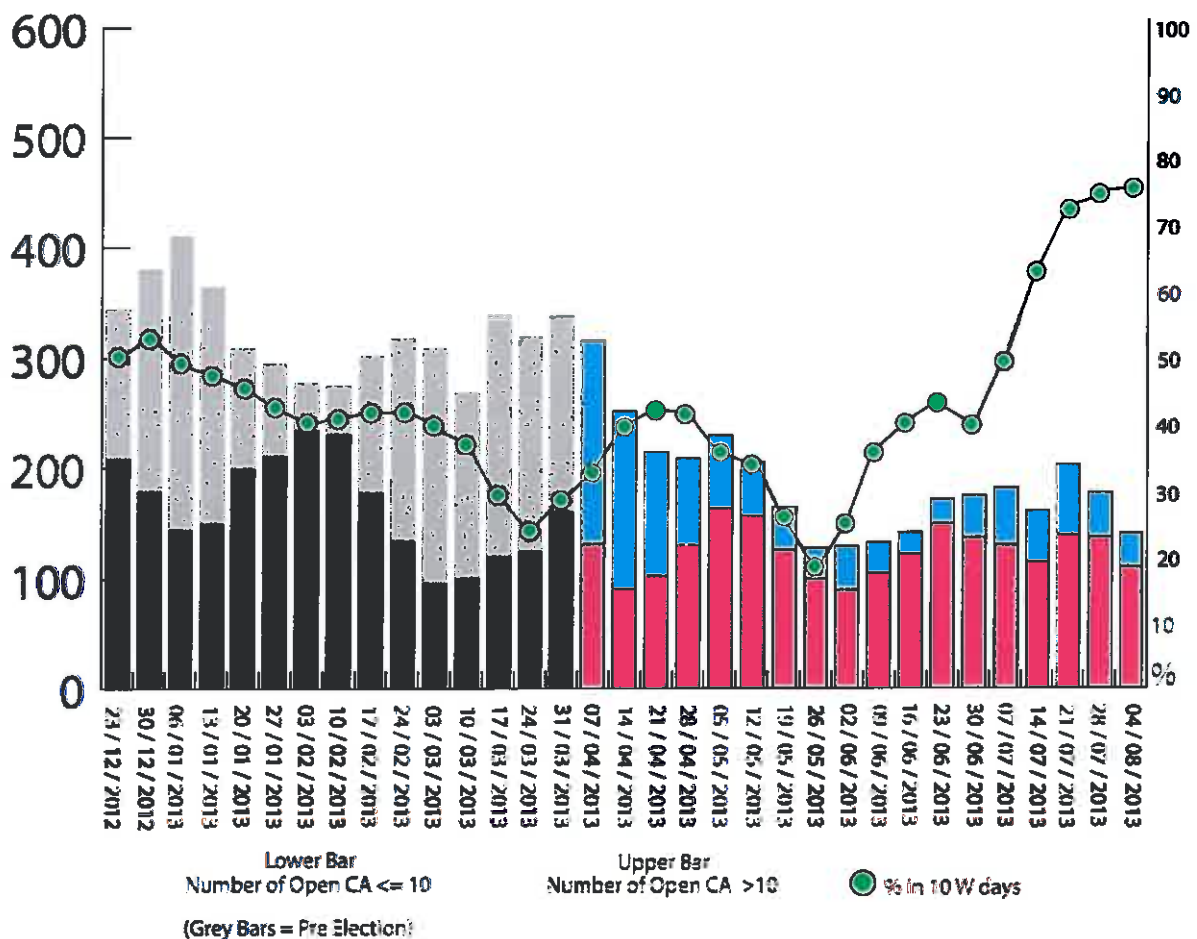
She commissioned a diagnostic review and support in strengthening the Improvement Plan, performance management and quality assurance. The charts below demonstrate the significant impact achieved by this approach.

At the beginning of July IMPOWER the Improvement Partner commenced on-site with Eleanor Brazil undertaking the role of the Director of Children's Services. These arrangements have brought considerable additional capacity into the organisation and we are confident progress will accelerate further.

1. Reduction in assessments out of timescale

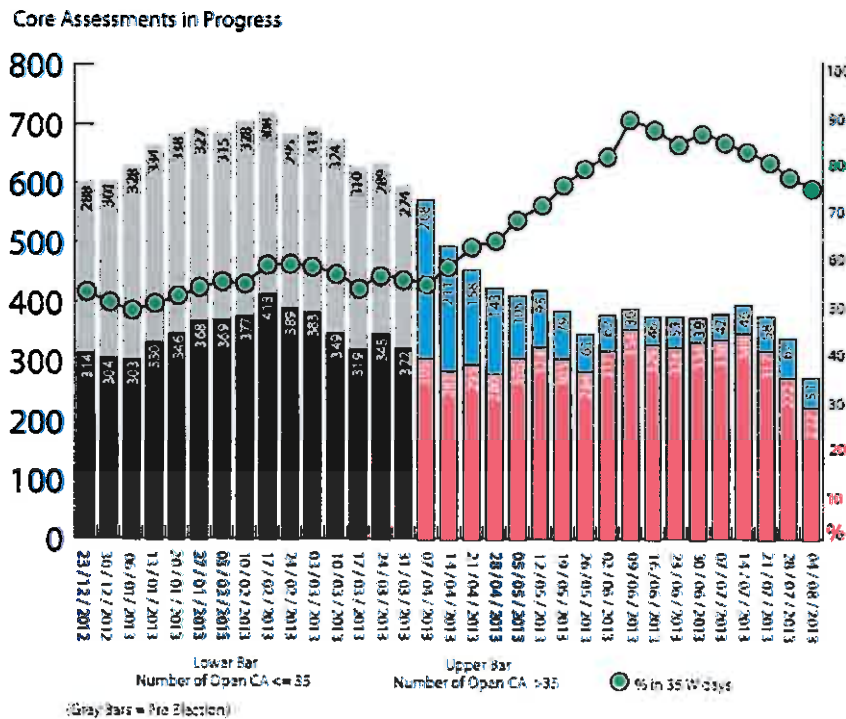
At the start of the year there were over 552 initial assessments in progress and 344 were out of timescale. On 4th August 2013, there were only 165 in progress with only 40 out of timescale and almost all those 40 assessments were completed within 15 days rather than 10.

Initial Assessments in Progress



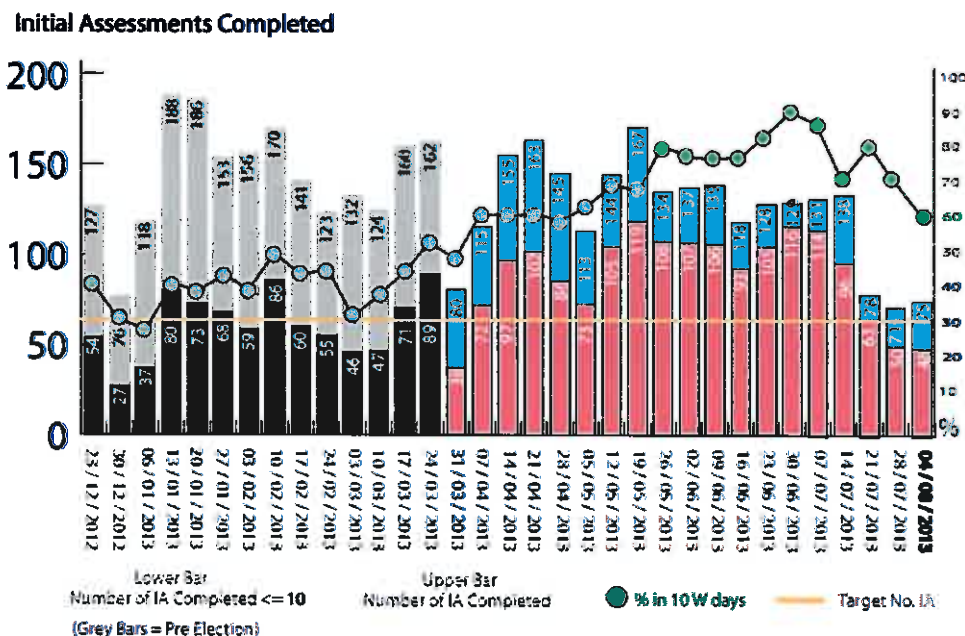
A similar encouraging reduction in outstanding core assessments has been delivered over the same period with the number out of timescale decreasing from 328 to 51.

The total number of open core assessments has reduced by almost half from 602 to 273. This has had a significant impact on the active cases carried with the CMARAS teams.



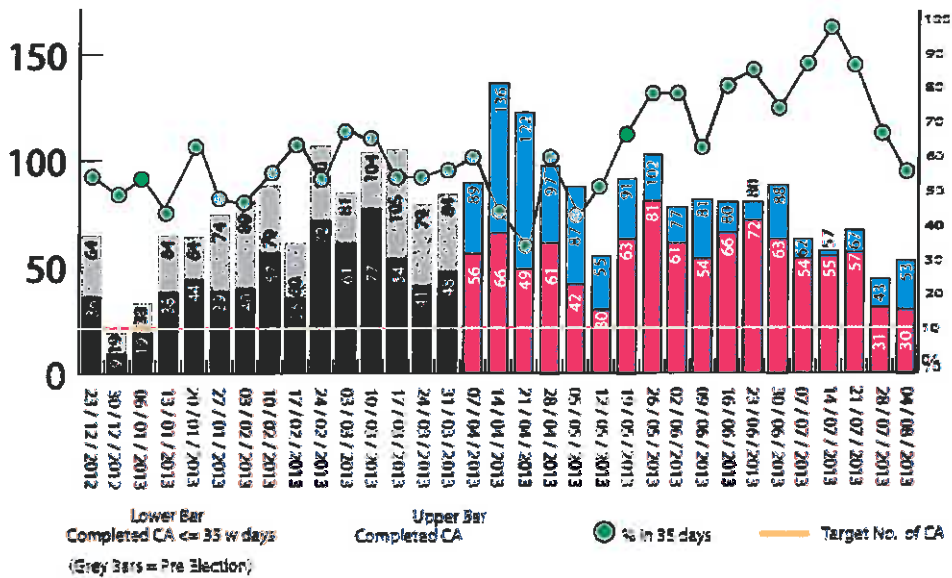
2. Improvement in Timeliness of Assessments

Timeliness has also shown a sustained recovery. At the beginning of this period timeliness of initial assessments was consistently below 50% and this has now improved to around 80%.



Similar progress has been shown for the timeliness of core assessments

Core Assessments Completed

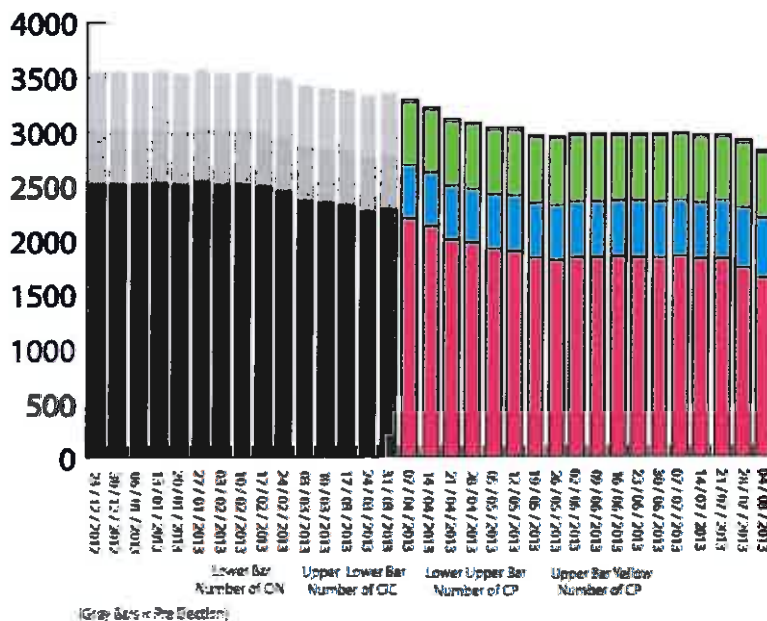


3. Caseload Sizes

The reduction of the number of assessments in the system and the reduction achieved across the service in the number of children in need cases have led to a marked reduction in caseload sizes for staff. The overall number of children in need cases has reduced from 2,510 to 1,645. This would equate to the workloads of approximately 34 additional social workers

This has resulted in a significant reduction in the sizes of caseloads held by social workers which are manageable across all service areas. (CMARAS 16-25, Targeted Family Support 16-24 and Children in Care 10-13)

Caseloads



4. Restoring the Quality and Effectiveness of Practice.

We have considerably strengthened the quality assurance framework. Initial assessment and core assessment audit exemplars have been introduced on the case management system and are now mandatory. A new supervision policy has been rolled out and a supervision template uploaded on the case management system which captures reflective practice.

In May we commenced monthly quality assurance audits to monitor compliance against statutory requirements and to drive up effective practice. The scope of the audit included all Team Managers, Service Managers, Heads of Service and Senior Managers auditing a random sample of 40 cases using an audit tool.

Auditors were required to audit recent practice that has occurred within the 2 months preceding the audit. The audits were undertaken using electronic records held on Liquid Logic and paper files where appropriate.

The audits include a review of current practice in relation to the following areas:-

- Referral and response
- Initial Assessment
- Core Assessment
- Child in Need of Protection
- Child in Need
- Looked after Child



Supervision
The audit has successfully identified the significant journey we need to travel to restore effective practice and has set a benchmark which will be built upon in successive months. In addition we appointed a specific auditor to review the quality of Children in Need Plans and have completed an audit of all Child Care Plans. This analysis is now fundamental in driving changes to practice.

5. Strengthening Performance Management

We have developed a comprehensive suite of management reports that senior managers can monitor on a daily, weekly and monthly rate and take appropriate action to maintain progress.

Weekly reports are now produced which analyse performance down to team level on all key aspects, this is used actively by team managers and heads of service to monitor performance.

In addition, a daily report is produced on the timeliness of initial and core assessments. This is all brought together in a **new monthly report.**

6. Redesign of Front Door and Other Improvement Activity

In the seven weeks that our new Director of Children's Services and IMPOWER improvement partner have been in role, we have redesigned and gone live with a new front

door multi-agency assessment and referral service which is delivering a more timely and efficient response.

We are mapping current commissioning activity across the child's journey and understanding the costs of this.

We have undertaken work around recruitment and retention, engaging frontline staff which will deliver a new employment proposition by the end of the month. We are redesigning early help. We had a successful visit by DCLG's Troubled Families Team who witnessed first-hand partnership working with our families. We need to step this up a gear.

Finally, despite the uncertainties of the Le Grand/Wood report, we have appointed over 30 social work staff and managers including seven advanced practitioners to our field social work teams, who are enthused by our new leadership and improvement partnership.

Summary

7. It is certainly clear that the Council has made significant progress in many key areas over the past six months and the service is now getting to grips with some long-standing performance issues. The reductions in outstanding assessments, the improvement in timeliness and the reductions in active cases have all contributed to making the service safer. We are now benefiting from good performance information and the Heads of Service are demonstrating the impact of focused accountability in CMARAS, Targeted Family Support and Children in Care Teams. The quality assurance framework can now pinpoint poor practice and Heads of Service are taking the appropriate action to resolve. These are important foundations stones in any recovery
8. Nonetheless, we are clear there remains a considerable way to go. There is still too much poor practice, we continue to be over-reliant on temporary managers and social workers and the multi-agency Early Help offer requires considerable development. The arrival of the new Director of Children's Services has brought new leadership and focus to these issues and we are confident with the support of the Improvement Partner she will begin to accelerate progress in these areas, supported by the whole Council and Doncaster partners.





Doncaster
Metropolitan Borough Council