

Report to the Cabinet

Report reference: C-095-2009/10

Date of meeting: 8 March 2010



Portfolio: Leisure and Wellbeing

Subject: The Essex Children's Trust – Memorandum of Agreement

Responsible Officer: Derek Macnab (01992 564050).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That Cabinet considers the Essex Children's Trust Memorandum of Agreement; and**
- (2) That the Council's Chief Executive be authorised to sign the Agreement on behalf of the Council.**

Executive Summary:

This report outlines the role that the Council plays with respect to the 2003 Government Green Paper "Every Child Matters", which was published following the death of Victoria Climbié and the national framework for the delivery of Local Children's Trust Arrangements to meet Every Child Matters outcomes. It additionally seeks authority to enter into the Essex Children's Trust Memorandum of Agreement.

Reasons for Proposed Decision:

The 2004 Children's Act provides the legal underpinning for Every Child Matters and District Councils have a number of duties 'to cooperate in the making of arrangements to improve well being' for children and young people aged 0 – 19 years. The most specific is the duty to safeguard and promote the welfare of children alongside the more general "duty to co-operate" within Children's Trust Arrangements. At the inaugural meeting of the Essex Children's Trust Partnership Board on the 27 November 2009, it was agreed that a Memorandum of Agreement should be entered into by all the constituent partners. It is necessary for the Cabinet to consider the Agreement before formal commitment and signature.

Other Options for Action:

Not to enter into the agreement, although this would expose the authority to risk and challenge.

Seek to achieve further amendments to address any concerns that the District Council may have, prior to entering into the agreement.

Report:

1. "Every Child Matters: Change for Children" which was published in 2004, sets out the national framework for Local Children's Trust arrangements, which aims to build services around the needs of children and young people and shift the focus from dealing with consequences of difficulties in children's lives, to preventing things from going wrong in the first place. The key outcomes being pursued are for children and young people to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic wellbeing.
2. Epping Forest District Council already contributes significantly to the achievement of these aims and particularly through the provision of Cultural and Leisure Services, the Council encourages and enables children and young people to access positive activities, which promote health improvement, safe inclusion, achievement that may not be realised at school and opportunities for volunteering and contributing positively within the community. In addition it facilitates consultation and advocacy for young people through the Youth Council. As a housing authority, we deliver services that work to prevent homelessness and support accommodation for young parents and care leavers. Through the planning process we ensure that appropriate facilities for children and families are included in new developments. Our support to local economic development helps create employment as well as the delivery of housing, disability facilities, grants and other benefits to support families in achieving economic wellbeing and to help care for children with special needs.
3. In addition to these frontline services, the Council also fulfils its obligations under the Children's Act 2004 with respect to Section 10, which enshrines a "duty to co-operate" with the Children's Services authority i.e. Essex County Council.
4. The Council fully participated in the former Children's and Young People's Strategic Partnership (CYPSP) before it was dissolved and incorporated into the new West Essex Local Children's Trust Board. The Council has a Member representative on this Board, Councillor Lesley Wagland and senior officer representation, Julie Chandler, Assistant Director of Community Services and Customer Relations.
5. The Assistant Director also chairs the Epping Forest Children's Partnership which has replaced the local CYPSP Board and is a thematic sub-group of the Epping Forest Local Strategic Partnership. Through these means the Council is consulted on and participates with other partners on the preparation, publishing and monitoring of the Strategic Children and Young People's Plan for Essex. It is also responsible for ensuring that the needs of Epping Forest children and young people are addressed through bids for commissioned funding.
6. The Council is now in receipt of correspondence from Councillor Peter Martin, Chair of Essex Children's Trust Partnership Board, seeking the Council's formal consideration and signature to the Essex Children's Trust Memorandum of Agreement (attached at Appendix 1). This document is the underlying agreement outlining each partner's commitment as a member of the Children's Trust. Contained with Councillor Martin's covering letter are a number of points of clarification designed to assist in the process of Agreement.
7. When the draft Agreement was recently considered by the Essex Association of Chief Executives, the Council's Chief Executive raised a number of concerns, in particular that as drafted, the Agreement was open-ended with no review arrangements. In addition to this point, how realistic in this time of diminishing resources was it, to expect District Councils to "pool" funding for Children's Services.

8. These points would now appear to have been taken on board. It is now proposed that the Agreement runs for a two year period (with annual reviews) and the agreement does not contain an obligation to “pool funds”, but rather to align funding where possible. However, it should be noted that there is reference to a potential further separate agreement under Section 10 of the Children’s Act to facilitate the pooling of resources, being developed at some time in the future. It will be necessary to keep this issue under review.

9. On this basis, Members are asked to consider the Memorandum of Agreement and authorise the Chief Executive to duly sign and enter into the Agreement on the Council’s behalf.

Resource Implications:

The Council already incurs expenditure on the delivery of services to children and young people and there is no current commitment to greater expenditure by entering into the Agreement. Rather there is an expectation that where possible, funds are aligned to deliver joint working on the Every Child Matters and Safeguarding Agenda.

Legal and Governance Implications:

Duties and powers under the 2004 Children Act:

District councils have a number of duties under the 2004 Children Act. The most specific is the duty to safeguard and promote the welfare of children alongside the more general ‘duty to co-operate’ within Children’s Trust Arrangements to meet Every Child Matters outcomes:

Section 10 places a duty on district councils ‘to cooperate in the making of arrangements to improve well being’ for children and young people aged 0 – 19 years.

Section 13 of the 2004 Children Act gives district councils key representation on, and participation in, local safeguarding children’s boards (LSCBs).

Section 11 places a statutory duty on all key bodies, including district councils, to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.

Under the Licensing Act 2003 ‘the protection of children from harm’ is one of four licensing objectives. As a Licensing Authority, the District Council should indicate in its statement of licensing policy the body (responsible authority) it judges to be competent to advise it on matters relating to the protection of children from harm.

Housing authorities may hold important information that could assist local authority children’s social care to carry out assessments under section 17 or section 47 of the Children Act 1989.

Safer, Cleaner and Greener Implications:

The Council provides a range of services to children and young people to address anti-social behaviour and improve the health and wellbeing of young people in the District.

Consultation Undertaken:

Essex Association of Chief Executive; Local Children’s Trust representatives.

Background Papers:

Children's Trusts : A guide to the role of District Councils, Essex Children's Trust Board
October 2009.

Letter of 12 February from Councillor Peter Martin and proposed Memorandum of Agreement.

Impact Assessments:

Risk Management

Strategic commissioning and prioritisation of Children's Services and co-ordinated safeguarding procedures should positively impact on the safety and wellbeing of children and young people in Epping Forest.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Essex County Council
Schools, Children and Families
PO Box 11, County Hall
Chelmsford
Essex CM1 1LX

For the attention of:
Children's Trust Board Members

Date: 12 February 2010
Our Ref:
Your Ref:

Dear Partners and Colleagues

RE: Consideration and signing of the Essex Children's Trust Memorandum of Agreement

I am writing to you with a reminder that as agreed by partners at the inaugural meeting of the Essex Children's Trust's Partnership Board on 27th November 2009 the Memorandum of Agreement now needs to be considered and signed by each relevant partner.

The Memorandum of Agreement is an underpinning agreement outlining each partner's commitment as a member of the Children's Trust.

I would like to clarify in this letter for all partners the powers that legislation gives Children's Trusts, as outlined in the Memorandum of Agreement, and to what extent the partnership will utilise these in Essex.

The following points of clarification may assist you in the process of agreement and signing:

- The Memorandum of Agreement is the means by which we will establish the partnership of all those agencies under the 'Duty to Co-operate' under Sect. 10 of the Children Act 2004, The Apprenticeships, Children, Skills and Learning Act 2009 and all those co-opted by agreement of the Children's Trust Partnership Board. (page 6, section 1 of Memorandum)
- Each partner agrees to co-operation in the making of 'arrangements for improving the well being and safeguarding of all children and young people' in Essex. (see page 6 section 2, 3, 4, 5 of Memorandum)
- Although Sect.10 of the Children Act and Sect.75 of the National Health Service Act 2006 empowers the Trust to 'pool' funds and resources, the Memorandum would require that a separate agreement is drafted under Sect.10 or Sect.75 for this to take place. (see page 7, subsection 8.1, 8.2 of Memorandum)
- Despite the power to 'pool' the preferred approach in Essex is to align rather than pool funds and resources. The memorandum has been amended to reflect this preference. (see page 7, section 8 of Memorandum)
- The Children's Trust in Essex is not empowered by the Memorandum to hold property or employ staff members other than that which is already held by partner organisations and that will remain in their ownership. (see page 7 subsection 8.3 of the Memorandum)
- The Essex Children's Trust is not empowered by the Memorandum to enter into or bind partners into contracts for the benefit of the Trust. Any necessary contracts will be entered into by each relevant partner in compliance with their

own constitutional rules. The Trust Board may recommend contracts but each partner will be required to gain agreement to these in line with their own constitution and will remain formally accountable to their own organisation for their delivery. (see page 8 section 10)

To enable the Essex Children's Trust to go forward as a constituted body it is important that the Memorandum of Agreement is considered by each relevant partner as listed on the agreement and that an agreement to sign is endorsed by each organisation's Executive Board or equivalent.

District Councils and PCTs that are represented by agreement by other attending members will still need to sign the Memorandum of Agreement and have this agreed at their own Executive. It is intended that the Memorandum of Agreement will be signed by the relevant partners at the next meeting of the Children's Trust's Partnership Board on the 5th March 2010.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Martin', with a long horizontal flourish extending to the right.

Cllr Peter Martin
Chair of Essex Children's Trust Partnership Board

Please reply to: Roger Bullen, Head of Partnerships & Business Support
Telephone: 01245 438848
Email: Roger.Bullen@essex.gov.uk
Essex County Council

Agreement dated

Between the Partners "the Partners" listed below:-

Essex County Council whose principal office is at County Hall, Market Road Chelmsford acting as (i) a Children's Services Authority under Section 10 of the Children Act 2004 (ii) as a Local Authority under the Local Government Act 1972; and (iii) the responsible authority for various functions including education, family services, youth offending services, housing and Agencies providing services under S114 of Learning and Skills Act 2000 (Connexions).

Note: The Apprenticeships, Children, Skills and Learning Bill that received Royal Assent on November 12th 2009 extended the existing duty to cooperate to promote children's well-being to also include: all maintained schools, academies, Sixth Form Colleges, Further Education Colleges, Pupil Referral Units and Jobcentre Plus.

The Bill places a shared duty on all the members of the Children's Trust Board to prepare, publish and monitor a strategic Children and Young People's Plan for Essex and to have regard to it in their own plans and services. Guidance to Children's Trusts will be consulted on during December 2009 to March 2010 when it will then be published and at this time the Memorandum of agreement will be redrafted to include all provisions of the Bill.

'The Partners':

Children's Lead Member

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And

Executive Director Children Schools and Families, Essex County Council

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And

Chief Executive, Essex County Council

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And

Director of Commissioning, Essex County Council (Joint Commissioning Board Chair)

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And

MEMORANDUM OF AGREEMENT

ESSEX CHILDREN'S TRUST

Director of Children's Commissioning and Business Delivery PCT (Joint Commissioning Board Co-Chair)

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And

Chief Executive, Braintree District Council

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And

Chief Executive, Harlow District Council

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Chief Executive, Basildon District Council

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Chief Executive, Brentwood Borough Council

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And

Chief Executive, Castle Point Borough Council

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And

Chief Executive, Chelmsford Borough Council

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Chief Executive, Colchester Borough Council

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Chief Executive, Epping Forest District Council

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And

Chief Executive, Maldon District Council

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And

Chief Executive, Rochford District Council

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And

Chief Executive, Tendring District Council

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And

Chief Executive, Uttlesford District Council

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Director of Public Health

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And

Chief Executive, North East Essex PCT

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And

Chief Executive, South East Essex PCT

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And

Chief Executive, Mid Essex PCT

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And

Chief Executive, South West PCT

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And

Chief Executive, West Essex PCT

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And

Non-Executive Directors of PCT's

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And

Chief Executive, North Essex Partnership NHS Foundation Trust

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And

Chief Executive, South Essex Partnership University Foundation Trust

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And

Chief Probation Officer

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And

Independent Chair ESCB

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And

Assistant Chief Constable Essex Police

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And

Assistant Chief Fire Officer Essex Fire Service

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And

Chief Executive of Learning and Skills Council (LSC)

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And

Senior Representative Job Centre Plus

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And

Essex Police Authority

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And

Representatives from the Voluntary Sector

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And

Schools Reps (Primary Secondary Special Schools

Chair of ASESME

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Chair of EPHA

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Chair of APC

.....

And

Senior Representative – Strategic Health Authority

.....

And

Schools Forum

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And

Further Education College Representative

.....

Whereas

1. Section 10 Children Act 2004 (“section 10”) requires Essex County Council as the Children’s Services Authority to make arrangements for improving the well-being of children in its area which relate to their:

- a) Physical and mental health and emotional well-being;
- b) Protection from harm and neglect;
- c) Education, training and recreation;
- d) The contribution made by them to society; and
- e) Social and economic well-being

2. Section 10 authorises the entering into agreements by the Children’s Services Authority, other bodies named as partners therein and other bodies considered appropriate by it.

3. Section 10 also authorises it and its partners to provide staff, goods services or other resources and to establish and maintain pooled funds.

4. In pursuance of Section 10, it is recorded that Essex County Council had established partnership working with various bodies prior to this Memorandum of Agreement having been entered into. This Memorandum of Agreement is intended to set out the partnership and collaborative working arrangements for going forward under Section 10.

5. Essex County Council has published a plan pursuant to Section 7 Children Act 2004 (Children and Young People Plan 2009-2011) (which will be reviewed and amended on an annual basis)

6. The Government has issued Statutory Guidance on Interagency Co-operation to 'Improve the Well-being of Children': Children's Trusts (Every Child Matters Change for Children) which expected that children's trusts would be in place in all areas by 2008. The essential features of a children's trust are described in the Statutory Guidance.

7. By this Memorandum of Agreement the parties hereto have agreed to create this partnership arrangement to be known as the Essex Children's Trust and in doing so have had regard to all matters referred to in Section 10 and to statutory guidance issued by the Government on Interagency Co-operation to Improve the Well-being of Children: Children's Trust (Every Child Matters Change for Children).

Now Therefore

1. The Essex Children's Trust is hereby created as a partnership arrangement between the parties to this Memorandum of Agreement (the members of Essex Children's Trust Partnership Board) pursuant to Section 10, Section 111 Local Government Act 1972, Section 242 of the NHS Act 2006 and Section 2 Local Government Act 2000 and will come into effect on the for a period of two years, incorporating an annual review.

Note: The Apprenticeships, Children, Skills and Learning Bill received Royal Assent on the 12th November 2009 and will extend the existing duty to cooperate to promote children's well-being to also include: all maintained schools, academies, Sixth Form Colleges, Further Education Colleges, Pupil Referral Units and Jobcentre Plus.

The Bill also places a shared duty on all the members of the Children's Trust Board to prepare, publish and monitor a strategic Children and Young People's Plan for Essex and to have regard to it in their own plans and services.

2. The purpose of the Partnership is to improve the well-being of children and young people in the administrative area of Essex County Council and in particular as provided for in Section 10 Children Act 2004 and in the relevant Statutory Guidance in connection therewith.

3. The Essex Children's Trust will encourage, assist and monitor the activities of bodies established by Essex County Council and other bodies with whom Essex County Council chooses to work either through this Memorandum of Agreement or otherwise through other arrangements made by or to be made by Essex County Council under Section 10.

4. The Essex Children's Trust will support and promote the implementation of plans published pursuant to S.17 Children Act 2004 as may be amended from time to time.

5. The Essex Children's Trust will also co-operate with and assist where appropriate the voluntary sector and community services which provide or which are to provide services in Essex County Council's administrative area.

6. Any or all of the Partners may provide staff, goods, services and accommodation and other resources or assets to be used in connection with or for the purposes of the Essex Children's Trust.

7. The Partners understand and support the requirements of and expectations for the implementation of Integrated Processes in Essex and will operate within and adhere to the agreed Essex Information Sharing Protocol.

8. Any or all of the Partners may provide funds for the purposes of the Essex Children's Trust that may be pooled. Any or all of the Partners may contribute money to a pooled fund either for general purposes or for specifically named purposes

8.1 In any case where a pooled fund is created a Supplementary Memorandum of agreement will be made by contributing partners clearly recording and setting out:

- a) The contributions to be made by individual partners with timescales for those contributions to be paid over;
- b) The arrangements for managing the fund by a named partner;
- c) The auditing arrangements for the fund;
- d) The functions or matters on which the fund may be expended or the purpose for which the fund may be used along with any timescales that apply;
- e) Any other matters which the parties feel need to be set out in the Supplementary Memorandum of Agreement to ensure that governance and probity are maintained throughout.

8.2 In any case where Section 75 National Health Service Act 2006 applies then a Supplementary Memorandum Agreement will be made so as to comply with the requirements of that Section and the NHS Bodies and Local Authorities Partnership Arrangement Regulations 2000.

8.3 The Essex Children's Trust will not directly employ staff or directly hold any land, property or other assets other than through or by the individual Partners to this Memorandum of Agreement (which in the case of staff, land, property or other assets or resources will continue to be in the ownership or control of the Partner in question).

9. An inaugural meeting of the Essex Children's Trust Partnership Board will be held on the date it comes into force and thereafter Partnership Board meetings will be held in line with a schedule of meetings to be agreed at that inaugural meeting and thereafter Partnership Board meetings will be held three times per year in line with the terms of reference in schedule 2 to this agreement.

9.1 Any two partners may at any time where necessary call a meeting between scheduled meetings giving all partners at least 14 days written notice of the meeting and giving the time and place of that meeting.

9.2 Discussions taking place at any such meetings will be recorded and copies of them circulated to all Partners and submitted to the next meeting for approval as a true and accurate record.

9.3 The partners will each arrange for their representation at each meeting by a senior representative from within their organisations with sufficient authority to

commit resources and actions on behalf of their organisations (except in the case of Essex County Council, this will be two senior representatives– the Executive Director for Schools, Children and Families and Lead Member for Children’s Services). The nominated senior representatives are listed in Schedule 1 to this Memorandum of Agreement. If on any occasion the nominated senior representative cannot attend, they shall be permitted to nominate a substitute representative to attend on their behalf

9.4 No representative person may represent more than one Partner at any meeting.

9.5 The quorum required at any Children’s Trust Partnership Board meeting will be 50% of the membership plus one.

9.6 Children’s Trust Partnership Board meetings will be chaired by the Lead Member or his / her nominated representative.

9.7 Children’s Trust Partnership Board decisions shall be by a majority vote of those present and eligible to vote at the meeting on the basis of one partner one vote. In the case of an equal vote the chairperson shall have a casting vote to determine the matter.

10. Execution of Contracts: The Essex Children’s Trust Partnership does not have the legal capacity to bind the individual Partners nor to enter into contracts for its own benefit and any such contracts will have to be entered into by the relevant Partner and in compliance with the relevant Partner’s constitutional rules. The Essex Children’s Trust Partnership can make recommendations to the individual Partners but the actual decision to enter into any such contract has to be in line with that Partner’s constitutional rules. Therefore, members of the Children’s Trust Partnership Board will remain formally accountable to their organisations’ governance bodies / structures and the Children’s Trust Partnership Board will not have executive powers, other than those delegated to individual members by their organisation.

11. Any change to the parties to Essex Children’s Trust or the Children’s Trust Partnership Board shall be by voting in accordance with clause 9.8 above

12. This agreement may only be varied by an agreement in writing signed by all partners.

SCHEDULE 2

1. Purpose

To provide the county-wide strategic lead of the Children’s Trust in Essex by bringing together within a statutory partnership those authorities with the duty to co-operate and other organisations co-opted in order to secure improvement in the well-being of children and young people in Essex, as defined by Section 10 of the Children Act 2004 (as amended by the Apprenticeships, Skills, Children and Learning Bill 2009).

‘A strong integrated governing board is the cornerstone of a Children’s Trust. It should include representatives of all key partners at senior level, determined to drive whole-system change through clear leadership and effective action, and have

appropriate arrangements in place to ensure the voices of children, young people, parents and front line workers are heard'.

Children's Trusts: Statutory guidance on inter-agency cooperation to improve well-being of children, young people and their families¹

2. Responsibilities:

The key responsibilities of the Essex Children's Trust Board are to:

- Act as the strategic executive and decision making body of the Trust.
- Agree and promote a vision for children and young people in Essex expressed within the Essex Children and Young People's Plan.
- Secure the agreement and sign up of all members to the Essex Children and Young People's Plan and ensure they meet the statutory duty to have regard for and align their own plans to it.
- Ensure the delivery of the overarching vision, priorities and actions relating to children and young people in the Sustainable Community Strategies and Local Area Agreement and alignment between them and the Essex Children and Young People's Plan.
- Ensure that the Trust, as a key thematic partner, is firmly positioned within the Essex Strategic Partnership, integrating children and young people's issues with those of the wider community.
- Oversee and agree the development of the Trust; its structure, governance and strategy.
- Oversee and ensure through the Joint Commissioning Board and the Infrastructure Implementation Group that effective working relationships exist between:
 - a) the Local Children's Trust Boards and the Implementation Groups;
 - b) both the Local Children's Trust Boards and the Implementation Groups with the Joint Commissioning Board;
 - c) the Joint Commissioning Board and the Children's Trust Partnership Board itself.
- Establish and engage in a robust and effective working relationship with the Essex Safeguarding Children's Board.
- Agree actions to address the findings of self assessment and evaluation processes such as the annual reviews of the Essex Children and Young People's Plan, Performance and Progress Reports and any other forms of self evaluation.
- Agree the action plans to address the findings of inspection and regulation relevant to the Trust, including the Comprehensive Area Assessment.
- Oversee and agree proposals where it is appropriate to align pool or share financial, capital and staffing resources.
- Oversee and agree proposals from the Joint Commissioning Board for delegated authority and commissioning activity to the Local Children's Trust Boards.
- Ensure the development and delivery of an integrated approach to children's services delivery across the County that is focussed on safeguarding, early intervention and prevention and organised around the child rather than professional or organisational boundaries.
- Support and challenge Local Children's Trust Boards with their role of performance management and leadership of local activity to deliver improved outcomes across the County and establish a framework for them to work within to ensure consistency with local flexibility as appropriate.
- Develop the broad coalition required to tackle issues such as child poverty and influence infrastructure planning at a local, county and regional level, embedding facilities for children, young people and their families in local housing, regeneration and transport plans.

- Contribute to the development of Children's Trusts nationally and ensure that all partners at County and local level are informed of national and regional developments.

3. Aim:

The Essex Children's Trust Board's primary aim is to improve outcomes for children and young people across the County, ensuring the successful implementation of the Essex Children and Young People's Plan. It will improve outcomes in the following areas by:

- Be healthy:

- o Tackling health inequalities and helping children and young people make informed healthy choices, with access to the services they need;
- o Improving child and adolescent mental health services;
- o Providing effective support for parents and carers

- Stay safe:

- o Strengthening the services and processes that keep children and young people safe from neglect and abuse;
- o Ensuring all children, young people and their families feel safe and secure where they are cared for, play, live and go to work;
- o Strengthening Corporate Parenting

- Enjoy and achieve:

- o Enabling all children and young people to aspire, learn, achieve highly and realise their potential

- Make a positive contribution:

- o Providing all children and young people with opportunities for a fulfilling and enjoyable childhood. We will aim for a sustainable legacy by maximising the potential of the 2012 Olympic and Para Olympic Games

- Achieve economic well being:

- o Reducing the impact of poverty and the recession on the lives of all children, young people and their families

- 'Narrowing the Gap':

- o Improving the life chances of 'looked after children', young carers and all other children and families at risk of poor outcomes

4. Activities

The Children's Trust Partnership Board will oversee and ensure the achievement of the shared priorities and strategic direction of the Trust.

5. Partnership Structure and decision making

The Children's Trust Partnership Board is part of the partnership landscape within Essex; this includes the Essex Partnership, the Essex Children's Safeguarding Board, Local Strategic Partnerships (LSPs), the Safer Essex Partnership.

The Trust as a whole consists of a number of Implementation Groups and Local Children's Trust Boards set up to take forward the responsibilities of the Trust at both a countywide and local level.

Progress reports to the Children's Trust Partnership Board are brought via the Joint Commissioning Board.

The diagram attached as appendix 1 shows the structure of the Trust and the relationship of the Trust to other key partnership bodies.

The decision making of the Trust Board will be based on the consensus achieved through both consultations with partners and amongst those members attending the meeting. The quorum required at any Children's Trust Partnership Board meeting will be 50% of the membership plus one. Children's Trust Partnership Board decisions shall be by a majority vote of those present and eligible to vote at the meeting on the basis of one partner one vote. In the case of an equal vote the chairperson shall have a casting vote to determine the matter. Decisions made by the Trust Board may also require agreement by partner organisations own political or executive leadership.

5. Membership and frequency

Membership of the Trust Board will consist of the strategic leaders of all partner organisations, executive and non-executive members of PCTs and Health Trusts, District Councils, Lead Elected Members of the County Council, nominated representatives from the Voluntary and Community Sector and others as determined by the Trust Board.

Joint Commissioning Board Members will be invited to report to the Trust Board but will not automatically be full members of it.

The Trust Board will meet at least twice annually with a third date set aside for a wider partnership conference to review progress, share future challenges and address other issues as decided by the Trust.

The board will also have the option to call additional meetings to address specific issues that require Children's Trust Board agreement, decision or action.

Agendas and supporting documents will be issued at least two working weeks before the meetings.

Minutes will be produced and circulated within ten working days of the meeting. Essex County Council, as the responsible Local Authority, will provide administrative support for the working of the Children's Trust Board.

1 <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00346/>

6. Accountability

The Children's Trust is constituted as defined by Section 10 of the Children Act 2004 and The Apprenticeships, Children, Skills and Learning Bill and as such is a statutory

partnership that brings together partners who have a duty to co-operate to secure improvement in the well being of children and young people.

The Children's Trust Board reports to the Essex Partnership and has a relationship of challenge and support with the Essex Children's Safeguarding Board that scrutinises the Trust's shared duty to safeguard. The Trust also has close links to the Safer Essex Partnership. Members of the Board are responsible for ensuring that they communicate and take forward the decisions of the Board through their own organisations.

7. Review

The Local Children's Trust Board terms of reference will be subject to an annual review to ensure that it continues to be fit for purpose.

8. Commitments and expectations of the Trust Board members:

- Represent their agency at a strategic level.
- Contribute to the development of the Trust and its strategy.
- Act as the strategic executive of the Trust and agree key decisions.
- Oversee and agree proposals where it is agreed appropriate to align pool or share financial, capital and staffing resources.
- Contribute to and agree the Essex Children and Young People's Plan and its subsequent annual reviews.
- Advocate on behalf of the Trust within members own host agency and other local and national bodies.

9. In addition, the ECT and LCTBs may adopt the Nolan Committee's principles of public life. If adopted, all LCTB members will have regard to these principles in relation to LCTB business.

Appendix 1

Challenge and Support

Scrutiny

Challenge and Support

Children's Trust
Joint Commissioning Board

Implementation Groups:

Be Healthy

Stay Safe

Enjoy & Achieve

Make a Positive Contribution

14-19 Partnership/
Achieve Economic Wellbeing

Infrastructure CT Forum

Workforce Development/
Equality and Diversity

01/11/2009 ECVYS & the Children & Families Network

Children's Trust Partnership
Board

Local Children's Trust Boards:

North East

Mid

South East

South West

West

Essex
Safeguarding
Children Board

Essex Partnership

Safer Essex
Partnership

Appendix 2: Essex Children's Trust Board Membership