



Statutory Guidance



Contents

Section 1: Introduction	3
Section 2: The Lead Member for Children’s Services	7
Section 3: The Director of Children’s Services	15
Section 4: Complementary working between the DCS and the LM	27
Appendix 1: Legislative underpinnings	29
Appendix 2: Useful links	32

Section 1:

Introduction

- 1.1** The *Every Child Matters* Green Paper (2003) launched a programme of systemic change to improve well-being for every child: all children should be healthy, stay safe, enjoy and achieve, make a positive contribution and enjoy economic well-being. While it is the responsibility of local authority Leaders and Chief Executives to ensure that arrangements are in place to provide political and professional leadership and accountability for delivering this programme, these arrangements will in the main be provided by the Director for Children’s Services (DCS) and the Lead Member for Children’s Services (LM), who between them should provide a clear and unambiguous top line of accountability for children’s well-being. This reflects Lord Laming’s recommendation that “*the single most important change in the future must be the drawing of a clear line of accountability, from top to bottom, without doubt or ambiguity about who is responsible at every level for the well-being of vulnerable children*”.¹ This guidance is intended to clarify the roles and responsibilities of the DCS and LM, within an overall framework of local authority accountability and leadership, to improve children’s well-being.
- 1.2** The *Children Act 2004*, which underpins *Every Child Matters*, requires every upper tier local authority to appoint a DCS and designate a LM². The DCS is appointed to exercise the functions of the local authority detailed in section 18 (2)³. This means that the DCS and LM must work together to provide strategic leadership for local authority education and social care services for children. In the wider local area they must lead and facilitate local partnership arrangements, including the co-operation arrangements that underpin the local Children’s Trust, the Children and Young People’s Plan, information sharing databases, the Local Safeguarding Children Board and any section 75 arrangements relating to children’s health⁴. These responsibilities are the key to uniting partners and integrating services to make each local area the best possible place for children to grow up.
- 1.3** The responsibilities of the DCS and LM extend to all children receiving services in their area,

¹ The Victoria Climbié Inquiry Report by Lord Laming (2003)

² Sections 18 and 19 respectively

³ These are: functions relating to the LA in its capacity as a local education authority; social services functions as they relate to children; functions in relation to sections 23C to 24D of the Children Act 1989 (c41); sections 10 to 12 Children Act (2004); and Section 75 of the National Health Service Act 2006

⁴ Section 75 of the National Health Service Act 2006 provides an enabling framework to allow for improved joint working between local authorities and NHS partners

irrespective of the type of school they attend, or their home local authority area. This includes responsibility (shared with the school in question) for the welfare of overseas pupils registered at any school in the local authority area. The responsibilities also extend to looked after children placed by one local authority in the area of another.

- 1.4** Whilst the LM and DCS are the focus of statutory responsibilities for children's services, the responsibilities (both statutory and non statutory) are wider, which means that the Council Leader and Chief Executive also have responsibilities in this area. Local authority Chief Executives and Council Leaders should ensure that the importance of improving outcomes for children and young people is reflected across the full range of the business of both the local authority and the Local Strategic Partnership. They are the people to whom the LM and DCS report and have ultimate responsibility for the corporate working of the Council. They also have responsibility for ensuring that overall partnership working is effective.

Why the guidance has been revised

- 1.5** This guidance on the roles and responsibilities of the LM and DCS has been updated to take account of: the good progress already made; to reinforce existing practices which have been shown to work; to highlight the importance of the LM and DCS as leaders and champions for children, young people and their families; and to ensure that these arrangements are supported within each local authority and Local Strategic Partnership. It aims to explain how the roles are both distinct and complementary, and how, working together as a team, the DCS and the LM can be most effective in driving improvements in outcomes for children, young people and families.
- 1.6** It is important that the DCS and LM retain a focus on the local area and agree the priorities that reflect local circumstances. The DCS and LM should ensure that children's issues are given the right level of priority in the Sustainable Community Strategy, the Local Area Agreement and the local authority's corporate plan. This should be done, however, within the framework of national priorities for children's services. It is important that both the DCS and LM are fully aware of and take account of key documents setting out national policy. At time of publication there are a number of such documents, including the Children's Plan *Building Brighter Futures*; the child health strategy *Healthy lives, brighter futures*; and the White Paper *Your child, your school, our future: building a 21st century school system*. This guidance also reflects the recommendations made by Lord Laming in *The Protection of Children in England: a Progress Report* and the Government's response to it.
- 1.7** The Children's Plan: *Building Brighter Futures* explains the Government's ten-year strategy to make England the best place in the world for children and young people to grow up. It provides a vision of the future, which the DCS and LM are key to delivering, in which the needs of families, children and young people are at the centre of everything we do. Every Children's Trust, working within the wider Local Strategic Partnership, should deliver measurable improvements for all children and young people across all five of the *Every Child Matters* outcomes. This will encompass tackling barriers to learning, strengthening support for families, communities and schools, improving children's health, and breaking inter-generational cycles of disadvantage. All areas are expected to have, by 2010, consistent high quality arrangements to identify children who need additional help and to intervene early to

support them.

- 1.8** The Government's strategy for children and young people's health, *Healthy lives, brighter futures*, sets out clear expectations that partnership working through the Children's Trust is central to promoting better health outcomes for children and young people. The DCS and LM – working with the Chief Executive of the local Primary Care Trust together – play a key part in developing effective joint leadership and clear local accountability arrangements. For example, the local authority and the Primary Care Trust will need to work together to ensure that GPs' voices are heard on the Children's Trust Board.
- 1.9** The White Paper *Your child, your school, our future: building a 21st century school system* emphasises the need for schools to work collaboratively with other services to meet children and young people's additional needs as early as possible, so that they do not become distracted or disengaged from learning and barriers to their learning can be overcome. In this way all children and young people can be supported to progress, stretched to deliver their talents, and develop wider personal skills, characteristics and attributes they need to succeed and make a positive contribution to society. The LM and DCS will need to support schools in this new and expanded role.
- 1.10** Both the LM and the DCS also have key roles and responsibilities in relation to Children's Trusts. The Apprenticeships, Skills, Children and Learning Bill, will, subject to Parliamentary approval, strengthen Children's Trusts. It will extend the range of statutory partners within Children's Trusts to include schools (and colleges)⁵; put the Children's Trust Board on a statutory footing; and give the Board legal responsibility for producing, publishing, reviewing and revising the local strategic Children and Young People's Plan. This will give ownership of the plan to the whole partnership, rather than as at present the local authority alone. In order to retain clear lines of accountability, however, delivery of the plan will remain the responsibility of individual Board members.
- 1.11** Statutory guidance on Children's Trusts – *Children's Trusts: statutory guidance on inter-agency co-operation to improve well-being of children, young people and their families* – was issued in November 2008, and we intend to issue further statutory guidance on the new arrangements once the Bill has received Royal Assent. Other relevant statutory guidance includes *Working Together to Safeguard Children*, which will be revised during 2009. Further key guidance documents are listed at Appendix 2.

Status of this guidance

- 1.12** This document is statutory guidance for local authorities issued under sections 18(7) (Director of Children's Services) and 19(2) (Lead Member for Children's Services) of the Children Act 2004. This means that local authorities must take the guidance into account and if they decide to depart from it have clear reasons for doing so.
- 1.13** Whilst this guidance focuses on the roles of the LM and the DCS, the local authority Leader

⁵ The complete list of additional relevant partners is maintained schools, non-maintained special schools, Academies, further education institutions, City Technology Colleges, City Colleges for the Technology of the Arts and Pupil Referral Units/Short Stay Schools (added through regulation-making powers)

and Chief Executive must also take responsibility for ensuring that these arrangements are robust and are integrated into the overall strategic planning of both the authority and the Local Strategic Partnership.

- 1.14** This guidance has been published following consultation, and replaces the 2005 *Statutory guidance on the roles and responsibilities of the Director of Children's Services and Lead Member for Children's Services*.

Section 2:

The Lead Member for Children's Services

Introduction

- 2.1** The Lead Member for Children's Services (LM) is a local Councillor with delegated responsibility from the Council, through the Leader (or Mayor), for local children, young people and families. Each LM, as a member of the political executive, has a pivotal role in championing children and defining the political priorities for them within the broader political context of the Council. As politicians LMs should not get drawn into the detailed day-to-day management of service delivery. But as elected representatives they should be proactive in developing the local vision and driving improvements for local people, including integrated children's services, with children, young people and their families placed at the centre of their policies and activities. They should communicate this vision for children to the Cabinet, Executive and other councillors, and to the boards and partnerships on which they are either present or represented.
- 2.2** LMs should routinely listen to children and young people in the course of their work and promote the active involvement of children and young people to help inform the work of the local authority and its partners. LMs should champion their interests both across functional boundaries within the local authority and across local partnerships. They should ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed, with a particular focus on promoting early identification and prevention.
- 2.3** LMs should negotiate a productive relationship with the DCS and, based on their own experience, challenge constructively as appropriate. That relationship is likely to be subject to creative tension. LMs may receive a large number of performance and indicator reports, but may also wish to visit places where work is going on and talk to those providing front line services to gain a better understanding of how people are working together and their level of commitment. LMs may wish to observe specific meetings, attending cluster steering groups or head teacher forums to get a feel for the general quality of the debate and the nature of relationships within the group.

Designation of the Lead Member

- 2.4** The Lead Member for Children's Services has political responsibility for the leadership, strategy and effectiveness of local children's services. Once designated, the LM should have

a working relationship with other members of the local authority and the wider community, based on mutual challenge and support. The relationship should be built on good knowledge and understanding of the main issues affecting children and young people in the area. The designation provides an opportunity for the Executive to involve children and young people, who may be consulted as part of the process.

- 2.5** The LM is an “office holder” under the Safeguarding Vulnerable Groups Act 2006⁶. Consequently, the LM will be engaging in regulated activity by virtue of undertaking the role, and so will fall within the scope of the Vetting and Barring Scheme. Once the Scheme comes into force, it will be a criminal offence for a barred individual to exercise either education or social care functions meaning that all LMs working in these areas must register with the Scheme. Detailed guidance on this will be available from Summer 2009. It will be necessary, as a part of their statutory role, for the LM and any members in a support role or belonging to any scrutiny bodies to undertake training on safeguarding and promoting the welfare of children and young people.

Key roles

- 2.6** The Lead Member for Children’s Services has a strategic political role as a member of the Council in respect of decisions on local authority children’s services. For example, an overview and scrutiny committee may review or scrutinise decisions made or actions taken in connection with the discharge of functions which are the responsibility of the Executive, including the delivery of children’s services and all aspects of the work of the children’s partnerships. In doing so, the committee can require the LM to attend or answer questions on matters relating to children and young people in the area, covering the full range of services for children, not just those commissioned or provided by the local authority itself. This provides a means of ensuring strong local scrutiny for the delivery of local public services, including local authority children’s services and health. LMs may wish to encourage the overview and scrutiny committee to look closely at the priorities and associated workstreams in the Children and Young People’s Plan. This could provide extra leverage over partners in the Children’s Trust to drive better delivery.
- 2.7** The LM has the following key roles:
- a) being politically accountable, through leadership of discussions with Cabinet and other members, for the effectiveness, availability and value for money of all local authority children’s services;
 - b) providing political leadership within, and in partnership beyond, the local authority in order to improve outcomes for all children and young people and narrow the outcomes gap for vulnerable groups of children and young people, by:
 - engaging and encouraging local communities and representative organisations to contribute suggestions, comments and ideas on the quality of children’s services and how these might be improved;

⁶ See schedule 4, paragraphs 4(1)(b), 4(2) and 4(3) of the Safeguarding Vulnerable Groups Act 2006

- setting the overall vision of the Children & Young People’s Plan (CYPP);
 - being satisfied that services delivered within the local area are planned, designed, delivered and quality-assured with the involvement of children, young people and their families; and
 - challenging the DCS and others, where appropriate;
- c) championing the interests of children, young people and their families within the local authority’s area (including all those receiving services who do not live in the area) by:
- ensuring that the local authority celebrates and showcases examples of children and young people’s achievements;
 - purposeful engagement with local schools, including through visits and dialogue with pupils and staff; and
 - political engagement with any elected members on the Local Strategic Partnership/s⁷ or the Children’s Trust, with members of the Local Safeguarding Children Board, and with local community organisations;
- d) ensuring that the authority’s paid officers maintain a clear focus on effective safeguarding arrangements and promoting the safety and welfare of children across all agencies;
- e) ensuring that officers are effectively monitoring education arrangements, including standards of achievement, in the local area;
- f) championing early intervention and prevention in delivering services for children, young people and families;
- g) exercising political leadership that emphasises the importance of reducing child poverty in the local area;
- h) contributing to and being satisfied that the local authority demonstrates high standards of corporate parenting, in particular by encouraging Members to promote the educational achievement and health and well-being of looked after children and children leaving care; and
- i) being politically accountability for the audit arrangements adopted by the Council for ensuring data on children’s services (which may come from a range of sources) is reliable.

Political leadership

2.8 The LM provides political leadership to secure high quality provision and drive improvement in outcomes across the full range of children’s services within the area, including those commissioned or provided by Children’s Trust partners.

2.9 It is part of Lead Members’ leadership role to satisfy themselves that the discharge of the authority’s statutory children’s services’ functions is effective. The LM will have access to inspection reports and the findings of the Overview and Scrutiny Committee to raise particular

⁷ Many local authorities with children’s services responsibilities have relationships with more than one LSP, but for ease the singular of Local Strategic Partnership is used after this reference.

issues. The LM should use that intelligence to help ensure that the DCS and other senior officers in the local authority are held to account for their contribution to improving children's well-being⁸. For example, the LM may receive and read substantial amounts of management data, have regular meetings with the DCS, including specifically on safeguarding and promoting the welfare of children and follow up on any complaints received. The LM will need to work closely with the DCS, and if necessary work through the Council's normal processes and procedures to raise any issues relating to the DCS or other officers with the Chief Executive.

- 2.10** It is important that the LM is satisfied that arrangements are in place for children, young people and families to be actively involved in and make a real difference to the development of services. They might be involved through dialogue with service deliverers, providing feedback on service effectiveness, or saying whether their needs are fully reflected in the Children and Young People's Plan (CYPP).

Partnerships

- 2.11** The LM has a parallel and complementary political leadership role to the DCS's professional leadership and strategic management role in promoting effective partnership working. Lead Members should seek to ensure that all services effectively address the needs of children and young people in the local area.

- 2.12** The LM should actively promote the interests of children, young people and families within both the Children's Trust and, where appropriate, the Local Strategic Partnership. For example, it may be appropriate for the LM to chair the Children's Trust Board or corporate parenting panels or groups. In relation to Children's Trust partners, LMs should satisfy themselves that the partners' governing or executive bodies or boards are aware of their responsibilities under the Children Act 2004 and are actively promoting improved outcomes for all children and narrowing the outcomes gap for children from disadvantaged groups; that information about the extent to which those responsibilities are being met is available; and that they are encouraged, where necessary, to review and improve their own contribution.

The LM should be satisfied that the Director of Children's Services also exercises this function at chief officer level and that the LSP and Council are proactively addressing, for instance, child poverty without regular prompting from the LM or DCS.

- 2.13** In two-tier authorities the Lead Member has an important role in establishing effective working relationships with the elected members of the district councils, encouraging their full engagement with the Children's Trust. All Children's Trust partners are under a legal duty to co-operate with the local authority to make arrangements to improve children's well-being⁹.
- 2.14** The Lead Member needs to be satisfied that appropriate robust governance and monitoring frameworks are in place both within the local authority, under the auspices of the Director of Children's Services, and in local partnerships with responsibility for local services for children. The frameworks need to cover arrangements for staff management (including performance

⁸ Section 10(2) of the Children Act 2004.

⁹ Children Act 2004 section 10 (5)

management), financial management (including audit), risk management (in particular in relation to safeguarding and promoting the welfare of children) and information governance to support effective decision-making.

- 2.15** The Lead Member will also need to be satisfied that there are effective processes in place to engage the private and third sectors as partners in the work of the Children's Trust.

Safeguarding and promoting welfare

- 2.16** Lead Members are politically accountable for ensuring that the local authority fulfils its legal responsibilities for safeguarding and promoting the welfare of children and young people. They should focus in particular on satisfying themselves that there are systems in place for effective co-ordination of work with other agencies with relevant responsibilities (such as the police and the NHS). LMs should also take steps to assure themselves that effective quality assurance systems are in place and functioning effectively in the local authority, and for challenging partner agencies on how they fulfil their responsibilities. The LM should ensure that the local authority fulfils its responsibilities to the children for which it is the corporate parent, including children and young people placed outside the local authority's area, and to all children who are in the local authority area, including those in foster care, a children's home or a secure establishment, as well as disabled children in residential care.
- 2.17** LMs need to be well-informed about safeguarding practice in their area, to receive regular updates from the DCS, and to receive ongoing training to help them scrutinise and challenge safeguarding service delivery to children and young people. The LM should be a "participant observer" of the Local Safeguarding Children Board (LSCB). In practice this means routinely attending meetings as an observer and receiving all its written reports. LMs should engage in discussions, ask questions and seek clarity, but not be part of the decision making process. This will provide the LM with the independence to challenge when necessary from a well informed position. There should be a presumption that the LSCB is chaired by someone independent of the local statutory agencies, so that the LSCB can exercise its local challenge function more effectively.
- 2.18** The Lead Member should work closely with the other elected members involved with adult social care services to assure that effective transition arrangements are in place for those who will need social care support throughout their lives. LMs should also satisfy themselves that services take a whole family approach, especially in circumstances where there is domestic violence, or where parents have significant mental health problems, learning disabilities, or drug or alcohol abuse.
- 2.19** Lead Members should also be satisfied that effective arrangements for transition into adulthood are in place for care leavers. This will involve being confident that the local authority children's services department has effective links with adult services, housing agencies and appropriate third sector bodies, including young people's and families' advocacy and guidance organisations.

Corporate parenting

- 2.20** All members of the local authority have a shared responsibility for corporate parenting, but

the LM has the lead political role in ensuring that children looked after by the local authority have their interests protected, their opportunities maximised, their educational achievement enhanced, their voices heard and care services shaped to meet their needs. Lead Members should have confidence that processes are in place which enable them, together with the DCS, to do their best for these children, for example through parenting panels or groups dealing with issues such as housing or access to apprenticeships or other employment opportunities. They should also be satisfied that these children (and those in other vulnerable groups) are engaging with youth participation arrangements and strategies. LMs should ensure that they are provided with the information they need about the well-being of children in local authority care, including those who have been placed outside their home local authority area, those in youth custody and those leaving care. This information might include:

- their educational attainment;
- any special needs;
- number and location of placements;
- information about housing options for the authority's care leavers;
- the number of children missing from their placements;
- their health;
- the numbers of and outcomes for looked after children known to youth offending services;
- the arrangements that have been put in place to enable all looked after children to be effectively safeguarded and provided with the opportunities they need.

2.21 Local authorities should work corporately to improve the well-being of looked after children and young people and young people leaving care. Decisions taken on children's services functions will lead the agenda, but there will need to be a wider corporate commitment to deliver the Government's objectives. For instance, the LM should regularly discuss with their counterparts how they will ensure that housing and leisure services prioritise support for looked after children. Local authority leaders should support the LM in developing this corporate approach.

2.22 To help involve other elected members in corporate parenting and get them to take active responsibility for it LMs might wish to encourage them to:

- attend corporate parenting panels;
- undertake training and seminars on the corporate parenting role;
- attend Children in Care councils;
- regularly meet organisations which act for children and young people;
- meet a representative group of looked after children regularly to listen to any concerns, acting upon these as appropriate, and providing feedback;
- attend annual awards ceremonies to celebrate achievement;
- mentor individual children and champion their educational achievement; and

- share responsibility for visiting children and children's homes, including undertaking spot checks.

2.23 The Lead Member should also be satisfied that there is a system in place by which all children looked after by the local authority can contact the authority at an appropriate level. This should require the LM to pursue either an individual child's concerns or more general policy issues in response. The LM will wish to be kept aware of the needs and circumstances of particular groups of looked after children who may be especially vulnerable. These might include children living in placements at a distance from the local authority; children with disabilities; and looked after children in custody. The LM should also be satisfied that systems are in place to enable the voices of these young people to be heard, and to help inform the Council's strategy for corporate parenting.

Youth justice

2.24 The Children Act 1989 places a duty on all local authorities to prevent and reduce youth offending and re-offending. LMs should assure themselves that the DCS (as the professional lead) secures coherent planning between all agencies providing services for children, before, during and after involvement in the youth justice system. Further details can be found in the Youth Justice section of the DCS chapter, at paragraph 3.43.

Support for Lead Member

2.25 Only one person can be the statutory Lead Member for Children's Services, but the role and responsibilities are broad and the LM may need to be supported by one or more other elected members. The remit of the support roles can be as wide as the local authority wishes, as long as the LM maintains an effective overview of all services for children and retains overall political accountability. What this means in practice is that the LM should be aware of the things that are concerning children, young people and their families in the area by, for example, visiting schools and children's homes and talking to staff and to the young people directly. It also means receiving and, where appropriate, questioning the reliability and robustness of data and other evidence, and having regular meetings with the DCS and other officers to establish a clear overview of what the local and national situation is. It also means ensuring officers led by the DCS report progress to other Councillors, deal with their queries and provide appropriate, timely and clear help and advice to local people when they ask.

2.26 The LM should be kept aware of complaints about the provision of relevant services in the area, not least because complaints can provide a useful source of information about the impact of services.

2.27 LMs should also take advantage of training and development opportunities, both formal and informal. The Improvement and Development Agency for Local Government (IDeA) offers a range of relevant training and development opportunities for LMs.

Section 3:

The Director of Children's Services

Introduction

- 3.1** The Director of Children's Services (DCS) is tasked with improving the well-being of all children and young people in the local area across all five *Every Child Matters* outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced. This can only be achieved through strategic leadership of high quality services in which the local authority and its partners in the Children's Trust work together and focus clearly on the needs of the child, young person and family.
- 3.2** The DCS is a senior officer within the local authority with the corporate responsibilities inherent in that position, and reports to the Chief Executive. Each DCS should be a system leader, change maker and professional champion for all children, young people and their families in the locality. The DCS is ultimately accountable, through the Chief Executive, to the local Council.
- 3.3** This role involves orchestrating and leading a wide range of activities, people and agencies, many of which the DCS does not manage directly, in a joint local effort to improve outcomes and narrow gaps for children and young people. The broad purpose of the DCS role is to provide a clear line of accountability for children's services, promote leadership in improving outcomes for all children, and secure the provision of services which address children's and young people's needs.
- 3.4** The scope of the DCS's interest in the lives of all children, young people and families in the local area spans from the national perspective (driving the ambition of the *Children's Plan* and *Every Child Matters*) to each individual child. The DCS role is about championing all children, including the most disadvantaged and vulnerable, and making improving children's well-being a key priority of the local authority. Real improvements, however, can be achieved only through the partnership working of the Children's Trust, facilitated by the DCS. This requires leadership, a child-centred approach, innovation, creative thinking and meticulous use of data and other information.

Appointment of the DCS

- 3.5** The Director of Children's Services is a politically restricted statutory chief officer post¹⁰. This means the post-holder is prevented from being politically active, for example standing for or

¹⁰ Under section 2 of the Local Government and Housing Act 1989 (as amended).

holding office in any local authority, or canvassing on behalf of a political party or candidate. The DCS must be a member of the local authority senior management team and must report directly to the Chief Executive (head of paid service), who in turn reports to the Council on the performance of its officers¹¹.

- 3.6** Like the Lead Member, the DCS role is an “office holder” under the Safeguarding Vulnerable Groups Act 2006¹². Consequently the DCS will be engaging in regulated activity by virtue of undertaking the role, and will come within the scope of the Vetting and Barring Scheme. Once the Scheme comes into force, it will be a criminal offence for a barred individual to become a DCS meaning that all DCSs must register with the Scheme. Detailed guidance on this will be available from Summer 2009.
- 3.7** The DCS and Lead Member should work together as a team, exchanging information and views and being open to challenge, so that they can fulfil their responsibilities effectively. The DCS should have direct access to all members of the authority (within the agreed corporate framework), including the Leader (or Mayor), and work closely with them, as appropriate, so that children’s services are delivered effectively and co-ordinated with related policy areas.
- 3.8** Children and young people could be involved in the appointment process for the DCS.

Local authority functions

- 3.9** The DCS has direct responsibility for local authority functions relating to the education and social care of children and young people.
- 3.10** As a member of the local authority senior management team, the DCS should promote the interests of children, young people and families across the full range of local public services, including planning, housing, transport and leisure. In a two-tier area, the Children’s Trust should play a co-ordinating role, with the district councils involved as relevant partners. DCSs should ensure that all services are high quality and address the needs of children and young people. They should understand how all these services contribute to improving outcomes for all children and to narrowing gaps for children from disadvantaged backgrounds, looked after children, young people leaving care and those who have special educational needs and/or disabilities.
- 3.11** The DCS should ensure that effective systems and protocols are in place for the discharge of local authority children’s services functions. Line management responsibility for some of the authority’s officers who contribute to the discharge of those functions may, however, lie elsewhere in the authority.

Additional functions

- 3.12** Each local authority has the discretion to include in the DCS’s remit any additional responsibilities relating to the LA’s functions it considers appropriate¹³. The local authority

¹¹ See Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 SI 3384.

¹² See Schedule 4, paragraph 4(1)(c) of the Safeguarding Vulnerable Groups Act 2006.

¹³ Section 18(5) of the Children Act 2004

also has the discretion to give the Director of Adult Social Services (DASS) functions in addition to those relating to adult social care services. The DCS should work closely with the DASS to support young people with service needs of any kind during the transition to the adult social care services system. They should identify any adults in contact with social services who are parents or carers, especially those with mental health or substance misuse problems, exposed to domestic violence, or who have a learning disability, and ensure the needs of their children are taken into account; identify and support young carers; and ensure a co-ordinated approach to meeting the care needs of communities.

- 3.13** There are clear distinctions between the roles and statutory responsibilities of the DCS and the DASS. While it is legally permissible for a local authority to combine the role of DCS with the role of the DASS, it is not recommended without a strong justification. The DCS needs to be able to provide sufficient personal focus on the well-being of all children in the local area. Any local authority taking the decision to combine the DCS and DASS roles should ensure that its structures fully integrate children's education and social care. In particular there should not be a second tier structure which divides education and social services.
- 3.14** In considering whether to extend the remit of the DCS to encompass other functional responsibilities, the local authority will need to consider carefully whether such an extension of the role would still permit the DCS to provide sufficient personal focus to the well-being of children in the local area, as set out in the 2004 Act and in this guidance.

Joint DCS appointments

- 3.15** Section 18(8) of the Children Act 2004 provides that two or more local authorities may appoint a joint DCS to cover their local authority areas. This option may be appropriate for smaller, neighbouring authorities which collaborate to deliver certain services, or for a short-term vacancy cover. However, local authorities should consider the pressures that can result on a single officer holding more than one post, and the potential impact on performance.

Structure to support the Director of Children's Services

- 3.16** Local authorities are best placed to decide what arrangements are most appropriate to support their DCS, taking into account their specific local circumstances and priorities. Local authorities have discretion over the structure and the organisation of service delivery below the DCS. The adopted model must secure clear accountability and ensure that the structure facilitates and supports the provision of effective services, which should improve outcomes for all and narrow gaps for the most disadvantaged. All Directors of Children's Services need to ensure that senior managers in their team have the necessary and relevant skills and experience in social care (including safeguarding in particular) and in education.

Key roles

- 3.17** The Director of Children's Services has the following key roles:
- a) leadership:
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- to promote the importance of improving outcomes for all children and young people, and narrowing the gaps for those in disadvantaged groups, throughout the local authority's services and activities;
 - to encourage all services to contribute to improving outcomes for all children and narrowing gaps within the Children's Trust and other partnerships, such as the Local Strategic Partnership;
 - to work with local head teachers collectively to drive up standards in schools and ensure that they work together and with others to improve children's well-being;
- b) championing children, young people and their families within the local area, in particular through:
- driving joint working with and between bodies which commission, provide, or have an interest in services affecting local children, young people and families;
 - interacting with and supporting local schools and encouraging them to play their full part as relevant partners of the Children's Trust¹⁴ and to work productively with other services;
 - maintaining strategic oversight of the production and publication of the Children and Young People's Plan;
 - holding the Children's Trust Board members to account for the implementation of the Children and Young People's Plan (CYPP), including in particular delivery of the relevant targets within the Local Area Agreement and the statutory DCSF targets;
 - ensuring that the annual report on the CYPP is published and that appropriate action is taken to revise the plan;
 - ensuring services are available for all children within the local authority area, including those attending all types of early years settings or schools (including independent schools), unaccompanied asylum-seeking children and other vulnerable children and young people;
 - ensuring, in partnership with the Lead Member, that everyone within the local authority and each of their Children's Trust partners is aware of their shared responsibility for improving outcomes for the children looked after by the authority, regardless of where they are placed.
- c) management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money. In particular:
- securing a high quality and appropriately skilled and supported multi- professional children and young people's workforce with adequate resources committed;
 - providing all members of the workforce, including social workers, with strong support, focusing on:

¹⁴ This is subject to Parliamentary approval; the Apprenticeships, Skills, Children and Learning Bill is expected to receive Royal Assent in autumn 2009.

- improving retention and recruitment;
 - enhancing and maintaining morale;
 - helping staff cope with the emotional stress of their jobs; and
 - delivering good systems for line management, appraisal, supervision, career development and continuous professional development;
- d) safeguarding and promoting the welfare of children, in particular by:
- safeguarding and promoting the safety and welfare of all children, especially looked after children, across all agencies¹⁵; and
 - engaging effectively as a member of the Local Safeguarding Children Board;
- e) supporting looked after children, in particular by:
- promoting strong corporate parenting;
 - focusing on improving their outcomes, including health and educational attainment;
- f) ensuring there are effective arrangements for school improvement in the area, for instance by:
- performance managing school improvement partners and arranging good quality training for them;
 - setting challenging but achievable targets for schools;
 - ensuring a clear and costed menu of support for school improvement;
 - using powers to address underperformance quickly, including warning notices, structural improvement models, the creation of Interim Executive Boards and other alternative governance arrangements, and, where necessary, school closures.
- g) ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision¹⁶;
- h) promoting early intervention and prevention in delivering services for children, young people and families; and
- i) emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the local area.

Leadership

3.18 The DCS has the major leadership role for children's services in the local area, both within the local authority and with the wider partnership arrangements. DCSs should drive culture change and promote good practice in order to improve service delivery, for instance by:

¹⁵ Guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 was published in 2007.

¹⁶ Subject to legislation, local authorities will, from 2010, take over responsibility for commissioning provision for 16-19 year olds and learners up to the age of 25 with learning difficulties and/or disabilities. Guidance on commissioning and funding will be issued by the YPLA when it comes into being in April 2010.

- setting out a shared professional vision for children, young people and families in the local area, identifying within it specific projects for joint working;
- brokering commissioning agreements between partners;
- promoting joint training for the different groups of professionals and enabling greater dialogue between them;
- establishing an information-sharing governance framework that facilitates more effective sharing of information; and
- setting up multi-agency working environments including, where appropriate, co-located bases.

3.19 The Director of Children’s Services should ensure that there is clear leadership at all levels of children’s services, including for schools. The Government’s vision for leadership in children’s services is to have “resilient, well-informed, creative and innovative leaders with the requisite skills, knowledge and experience to ensure the effective delivery of integrated provision for children, young people and families at the local level”¹⁷. This is especially important where practitioners are working in integrated services and multi-agency teams. The DCS should regularly engage with front-line staff, headteachers and others in the children’s workforce to monitor supervision and leadership at all levels.

3.20 DCSs should also take responsibility for their own continuing professional development, supported by the Chief Executive, and seek ways to enhance their knowledge and understanding of children’s services issues. The Government has asked the National College for Leadership of Schools and Children’s Services¹⁸ to lead on developing a new leadership programme for DCSs and aspirant DCSs. The College also plans to extend its remit to provide an Executive Leadership programme for more experienced DCSs, as well as a Succession Planning Strategy to ensure a strong flow of talent into DCS posts and an Accelerated Leadership Programme to identify those with the greatest potential to move forward rapidly to DCS posts. These programmes are due to be introduced from 2010/11.

Leading the partnership

3.21 The DCS has a key role in creating and sustaining effective local partnerships. This includes leading work with partner agencies to strengthen the Children’s Trust, as well as working with the Local Strategic Partnership. This work will help strengthen co-operation across all services, including the public, private and third sectors, and embed their strategic objectives in the Children and Young People’s Plan¹⁹.

3.22 The Children’s Trust Board will establish strategic priorities for children, young people and their families within the local area and capture them in the Children and Young People’s

¹⁷ The National Development Framework for Leaders and Managers of Children’s Services 2008.

¹⁸ Called the National College for School Leadership at the time of publication, but the College has agreed to change its name to the National College for Leadership of Schools and Children’s Services in September 2009.

¹⁹ Subject to parliamentary approval of the Apprenticeships, Skills, Children and Learning Bill 2009 all areas will be required to establish a Children’s Trust Board, which will become responsible for preparing, publishing and monitoring the Children and Young People’s Plan.

Plan²⁰ The Plan will set out the local joint strategy to improve outcomes in the local area, and will require the Board members to specify their contribution to the joint strategy, including, as appropriate, local representatives of the private and third sectors. The DCS will contribute to monitoring the extent to which other Board members act in accordance with the CYPP, and hold them to account through the Children's Trust Board and the wider Local Strategic Partnership²¹. Other Board members will also monitor and challenge the local authority and the DCS will have a key role in explaining and negotiating with the CTB partners on the extent to which the local authority's children's services have been delivered in line with the plan.

- 3.23** The DCS should ensure that children, young people, parents and carers are at the heart of consultation in the strategic planning of services and are able to feed back on their experience of the quality of service. This includes making specific arrangements to target and engage hard-to-reach groups, for example by encouraging their participation in Youth Parliaments, School Councils or Children in Care Councils, and making use of information acquired from visits, correspondence and complaints. DCSs should also feed back to the groups they consulted on how the issues they raised have been considered.
- 3.24** The DCS should lead the work with partner agencies to ensure that the Government's *Information Sharing: Guidance for practitioners and managers*²¹ is applied consistently across all partners. To do this effectively and sustainably DCSs should help all partners to develop appropriate and consistent governance frameworks to promote and support good practice in information sharing, as described in the guidance, as well as helping them ensure that the guidance is embedded in training and education for front-line staff, their managers and other advisors.
- 3.25** Statutory "relevant partners" in the Children's Trust include district councils (where there is a two-tier system of local government), primary care trusts and the Strategic Health Authority, youth offending teams, probation and the police, and the Learning and Skills Council.²² Subject to the will of Parliament²³ maintained schools, Academies, further education and sixth form colleges, Pupil Referral Units (Short Stay Schools), Job Centre Plus and others will be added to the list of "relevant partners" of the Children's Trust and be represented on the Children's Trust Board. In areas with district councils, the DCS should ensure that they are fully engaged through the Children's Trust in co-ordinating the policies which impact on children in the area²⁴.

²⁰ New Children and Young People's Plan guidance was published In January 2009.

²¹ Information Sharing: Guidance for practitioners and managers and supporting materials were published in October 2008

²² Subject to parliamentary approval of the Apprenticeships, Skills, Children and Learning Bill 2009 the requirement of the Learning Skills Council to be a relevant partner will be repealed. From 2010, local authorities will take the lead in planning 16-19 provision in their area.

²³ The Apprenticeships, Skills, Children and Learning Bill is expected to gain Royal Assent in autumn 2009.

²⁴ See *Children's Trusts: statutory guidance on inter-agency co-operation to improve well-being of children, young people and their families* (DCSF, November 2008)

- 3.26** The DCS is responsible for engaging Children's Trust partners, including, where appropriate, private and third sector organisations, NHS trusts and, through the PCT, front-line input and advice from GPs and other health professionals. This engagement should be built around improving outcomes for children and young people, rather than around organisational boundaries and professional disciplines. The DCS should ensure that private and third sector partners are able to play a real and effective role at the strategic level through membership of or engagement with the Children's Trust Board.
- 3.27** Commissioning is the whole process of working with partners to analyse needs and then plan, deliver and monitor services so that the totality of the Children's Trust partners' resources improve child outcomes most efficiently, effectively and sustainably. Further detail on what is involved throughout the commissioning cycle, and therefore what the DCS needs to be aware of in leading this process for the whole Children's Trust, are set out in *Children's Trusts: statutory guidance on inter-agency co-operation to improve well-being of children, young people and their families*.
- 3.28** Priorities for the local area are set out in the Sustainable Community Strategy (SCS). Implementation of those priorities is formalised within the Local Area Agreement (LAA), which sits at the core of the new local performance framework²⁵. DCSs have a key role to play in ensuring that the priorities for children, young people and their families identified in the Children and Young People's Plan are reflected in the SCS and LAA. The Comprehensive Area Assessment will be carried out by the independent local service inspectorates and measure performance against all LAA targets, the DCSF statutory targets, other local priorities and all the indicators in the National Indicator Set. Local authorities and their local service-delivery partners will be held to account on these through a rigorous reporting system.

Safeguarding

- 3.29** DCSs should ensure that all appropriate local authority services engage effectively with the Local Safeguarding Children Board (LSCB), and the DCS should always be a member of the LSCB. DCS will be held to account for the effective working of the LSCB by their Chief Executive and challenged where appropriate by their Lead Member.
- 3.30** Chief Executives, as heads of paid service, are responsible for ensuring that DCSs are performing their duties effectively. In particular, Chief Executives should satisfy themselves that DCSs are fulfilling their managerial responsibilities for safeguarding and promoting the welfare of children and young people. This includes ensuring that the relationship between the Children's Trust Board and the LSCB is working effectively; that clear responsibility has been assigned within the local authority and among Children's Trust partners for improving services and outcomes; that targets for improving safeguarding and progress against them are reported to the Local Strategic Partnership; and to form a view on whether things are working effectively in practice. This may entail reaching a judgement on culture, attitude and confidence as well as on structures and processes around assignment of responsibility,

²⁵ As outlined in the 2006 Local Government White Paper *Strong and Prosperous Communities*.

governance and other matters.

- 3.31** Every year, as part of the Children's Trust annual report, the Chief Executive and the Leader of the Council should make an assessment of the effectiveness of local governance and partnership arrangements for improving outcomes for children and supporting the best possible standards for safeguarding and promoting the welfare of children.
- 3.32** The LSCB will be responsible for challenging every member of the Children's Trust Board on their success in ensuring that children and young people are kept safe. The DCS should always be a member of both the Children's Trust Board and the LSCB. This will help the DCS play a key role in taking action to keep children and young people safe.
- 3.33** The DCS will need to consider data on child protection and information emerging from the LSCB. DCSs must regularly review all points of referral where concerns about a child's safety or welfare are received, to ensure that they are sound in terms of the quality of assessments of any risks of harm to the child, decision-making, onward referral and multi- agency working.
- 3.34** The intention is that LSCBs will be required to publish an annual report and to submit it to their local Children's Trust Board²⁶. These reports should provide an honest assessment of the local safeguarding arrangements and identify clearly the challenges to be addressed and overcome. The Children's Trust Board should respond to these reports through the local Children and Young People's Plan. The DCS will have a clear leadership role, as a member of the Children's Trust Board, in responding to the LSCB Annual Report and in brokering negotiations with other CTB members to reflect in the Children and Young People's Plan the priorities identified by the report.
- 3.35** The Government also intends²⁷ to introduce new statutory targets for children's services for safeguarding and child protection, alongside those that already exist for early years and for educational attainment. As with the other statutory targets, local authorities will be expected to consult with all local agencies and make challenging suggestions for target levels. In line with Lord Laming's linked recommendation, the Government is also reviewing the full range of safeguarding targets²⁸. Again, the DCS will have a pivotal role in brokering negotiations with partner agencies over the targets proposed, drawing on the LSCB annual report priorities and challenges and facilitating their inclusion in the Children and Young People's Plan, where they will be owned jointly by member agencies of the Children's Trust Board.

Corporate parenting

- 3.36** The DCS must act as the corporate parent for looked after children to help them lead a happy, healthy life and receive a good education. In this the DCS will need to work particularly closely with the LM who shares this corporate parenting role on behalf of the local authority. In particular the DCS should ensure that services:

²⁶ Subject to the Apprenticeships, Skills, Children and Learning Bill gaining royal assent in the autumn of 2009

²⁷ Also subject to the ASCL Bill gaining royal assent.

²⁸ A framework should be available by autumn 2009.

- support good parenting from every person involved in the child's life;
- are planned and provided to take account of children and young people's views so that they have a real say in the decisions that affect their future;
- provide children and young people with stability in their lives; and
- raise the aspirations of looked after children, by expecting the same from them as any parent would expect from their own children.

3.37 Other local agencies share this corporate parenting responsibility, including schools, health and youth justice organisations. The DCS is responsible for engaging these agencies through the Children's Trust to ensure that looked after children are given the support they need from mainstream and targeted services. The Children and Young People's Plan will be important in securing the necessary corporate commitment from Children's Trust partners. The Chief Executive should support the DCS in ensuring that the authority as a whole acts as a good corporate parent, and that services across the Council take this role seriously.

3.38 The DCS should regularly review progress on what went well and where areas of weakness have been identified, for instance by attending Children in Care Councils.

Early years

3.39 Successful and high quality early childhood services will depend on local authorities leading multi-agency partnerships. Integrated services should be delivered through Sure Start Children's Centres and schools. The DCS should ensure that the duties on the local authority set out in the Childcare Act 2006 are delivered effectively, especially by working with NHS and Jobcentre Plus partners to improve the outcomes of all children under five through high quality integrated and inclusive early childhood services.

Schools

3.40 The DCS has a key role in ensuring that school improvement systems are effective. The DCS should ensure that those appointed as School Improvement Partners (SIPs) have the credibility to challenge schools where necessary, have high aspirations and are well trained. Challenging but achievable targets should be set for all schools through their SIPs or equivalent. A clear and costed menu of support for school improvement should be available. The DCS should support the principle of a single conversation with schools through SIPs, so that other advisers go in only as arranged by the SIP. They should also use powers to address underperformance promptly, making use of warning notices to challenge schools which do not cooperate with their SIP or equivalent; promote structural improvement models such as federations; and tackle extreme cases of failure confidently and swiftly.

3.41 The DCS has a lead role in the Children's Trust to facilitate the engagement of schools with the wider children's service agenda. The DCS and their leadership team will need to work closely with all types of school to ensure that they understand and contribute to achieving the objectives and priorities for children and young people in the local area. The DCS should ensure all schools are represented in the work of the Children's Trust and on the Children's Trust Board, informing strategic planning and being kept up-to-date with key developments.

Schools have a duty to promote pupils' well-being and community cohesion²⁹. Schools also have responsibilities for safeguarding and promoting children's welfare³⁰.

3.42 The DCS should ensure that there is an effective 14–19 Partnership for the area, which can deliver local targets on participation and attainment. The DCS should take steps to prepare for the delivery of the Diploma entitlement, the participation age being raised and responsibility for planning and funding 16–19 education and training passing to the local authority³¹.

Youth justice

3.43 The Children Act 1989 places a duty on all local authorities to prevent and reduce youth offending and re-offending. The *Youth Crime Action Plan*, published in July 2008, contains a range of proposals designed to tackle and reduce youth offending. In order to deliver this aim, the DCS should work through the Children's Trust, of which the police probation service and youth offending teams are statutory "relevant partners", to enable coherent planning to address the needs of young people who become involved in the youth justice system. This should happen before, during and after that involvement, so that effective transitions can occur, especially when resettling young people from custody. The DCS should provide the strategic leadership required to help ensure that these young people have access to the services and support they need to reduce re-offending. This includes ensuring that there is a joined up approach to resettlement plans and that services are delivered appropriately. The DCS should also put in place procedures which enable youth offending teams and the secure estate to escalate and resolve issues where resettlement services are not being delivered to young people leaving custody. The DCS should also facilitate closer links between youth justice and the wider crime and disorder agenda more generally. It is important that the needs of the victim are taken into account as well as those of the offender.

Accountability

3.44 The DCS reports directly to the Chief Executive. The Chief Executive is accountable to the whole Council for the performance of chief officers. The Lead Member for Children's Services, the Leader of the Council or elected Mayor, as appropriate, and other members of the Council's executive and overview and scrutiny committees all have an interest in the performance of the DCS. However, the DCS will work closely with, and report on progress to, the Lead Member for Children's Services. The DCS is accountable for ensuring that:

- a) all children's services comply with statutory requirements (including statutory guidance), and particularly improving the well-being of children and young people relating to the five *Every Child Matters* outcomes³²;

²⁹ Section 21 of the Education Act 2002, as amended by the Education and Inspections Act 2006.

³⁰ Sections 157 and 175 of the Education Act 2002

³¹ Guidance on *14-19 Partnerships and planning* is now available (see Appendix 2).

³² Section 10 of the Children Act 2004.

- b) work by the local authority and its partners to safeguard and promote children's welfare is operating effectively;
- c) the needs of children and young people in the authority's area are assessed;
- d) resources from the local authority, other public agencies, the private and the third sector are identified;
- e) services are of high quality and appropriately targeted on delivering improved outcomes for all children and young people and on narrowing the gap in outcomes between groups;
- f) the children's services provided or commissioned by the local authority and its Children's Trust strategic partners are effective at meeting identified need, are well integrated, child and family orientated, and directed towards achieving outcomes shared across agencies;
- g) there are sufficient financial, human and other resources available to discharge the authority's statutory children's services functions and maintain service standards in the future within the allocated budget;
- h) staff are supported and developed so that they are effective, competent and confident; and
- i) the LM and other elected members are supplied with full and accurate information about children's services in the local authority area and for children outside the area for whom the authority is responsible.

Section 4:

Complementary working between the DCS and LM

- 4.1** The DCS and the LM roles are different but complementary. Both have responsibilities as champions for children to improve outcomes and reduce gaps; and both are local leaders working at the strategic level to drive forward the changes needed to deliver better integration and child focus across the full range of services for children in the local area. But there are important differences; the LM provides political leadership and direction, while the DCS operates in a professional and managerial sphere. The LM must be satisfied that the right systems and processes are in place, and the DCS must ensure that they are delivered. The LM and DCS should work together as a team, without blurring the distinctions between their roles. To be fully effective the team should retain scope for constructive challenge. The Council as a whole needs to be clear which decisions are regarded as officer-led and which require consideration from the executive branch of the Council, particularly in relation to complex and high profile matters which are likely to have a significant impact on children and young people.
- 4.2** Following the strategic direction of the Council, together the DCS and the LM should drive forward the development of a strong and dynamic Children's Trust to achieve the measurable improvements in outcomes for children envisaged in the *Children's Plan: Building Brighter Futures*. Both should narrow the gaps and improve outcomes for all children by encouraging better partnership working and integrating planning, commissioning and delivery across the full range of services for children provided by the local authority and its partners in the Children's Trust.
- 4.3** The DCS and the LM have responsibility in their different spheres for leading corporate parenting arrangements, both across the authority and with its partners in the Children's Trust. The DCS and LM should both take a lead in seeing that looked after children are listened to, individually and collectively, and that their needs are addressed. Both should provide leadership across the local authority in safeguarding and promoting their welfare. The LM and DCS should assure and ensure (respectively) that governance arrangements are in place to implement any decisions regarding looked after children across the authority and partner agencies. Both need to be confident that the strategic plans of the local authority and joint plans with partner agencies meet the needs of looked after children and care leavers, including unaccompanied asylum-seeking children and young people. The LM and the DCS have joint responsibility for delivering on the council's pledges to these children.

4.4 The DCS and the LM should work with partners to establish a framework of accountabilities for the effective discharge of their respective responsibilities, for articulating a clear local vision and for the delivery of services within this framework. They should work as partners to ensure that robust management, reporting, governance, partnership and audit procedures exist to enable services to be delivered effectively, thus providing improved outcomes for all children and young people and narrowing gaps for disadvantaged groups. Lead Members also have a political championing and leadership role in influencing service providers for children beyond their direct responsibility.

Local authority leaders and chief executives

4.5 As set out above, the LM and DCS have specific statutory responsibilities for providing political and professional leadership for promoting children and young people's well-being. These arrangements sit within the overall responsibilities of Leaders and Chief Executives to ensure that local authorities are well led, managed, accountable and effective. In this respect Leaders and Chief Executives should:

- monitor the performance respectively of the LM and DCS in securing better outcomes for children and young people;
- at least once a year report formally on their assessment of arrangements for safeguarding children;
- provide support to the LM and DCS in the discharge of their responsibilities; and
- support the LM and DCS in ensuring that children and young people's well-being is reflected in corporate and partnership working.

Appendix 1: Legislative underpinnings

Children Act 2004

Section 18: Director of Children's Services

- (1) A children's services authority in England may, and with effect from the appointed day must, appoint an officer for the purposes of—
 - (a) the functions conferred on or exercisable by the authority which are specified in subsection (2); and
 - (b) such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.
- (2) The functions referred to in subsection (1)(a) are—
 - (a) functions conferred on or exercisable by the authority in their capacity as a local education authority;
 - (b) functions conferred on or exercisable by the authority which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c 42)), so far as those functions relate to children;
 - (c) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (c 41) (so far as not falling within paragraph (b));
 - (d) the functions conferred on the authority under sections 10 to 12 and 17 of this Act [under the Apprenticeships, Skills, Children and Learning Bill this will be changed to 10 to 12, 12C, 12D and 17A];
 - (e) any functions exercisable by the authority under [section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006] on behalf of an NHS body (within the meaning of [those sections]), so far as those functions relate to children[; and
 - (f) the functions conferred on the authority under Part 1 of the Childcare Act 2006].
- (3) Subsection (2)(a) does not include—
 - (a) functions under section 120(3) of the Education Reform Act 1988 (c 40) (functions of LEAs with respect to higher and further education);
 - (b) functions under section 85(2) and (3) of the Further and Higher Education Act 1992 (c 13) (finance and government of locally funded further and higher education);

- (c) functions under section 15B of the Education Act 1996 (c 56) . . .(education for persons who have attained the age of 19);
 - (d) functions under section 22 of the Teaching and Higher Education Act 1998 (c 30) (financial support to students);
 - (e) such other functions conferred on or exercisable by a children’s services authority in England in their capacity as a local education authority as the Secretary of State may by regulations prescribe.
- (4) An officer appointed by a children’s services authority in England under this section is to be known as their “director of children’s services”.
 - (5) The director of children’s services appointed by a children’s services authority in England may also have responsibilities relating to such functions conferred on or exercisable by the authority, in addition to those specified in subsection (1), as the authority consider appropriate.
 - (6) The functions in relation to which a director of children’s services may have responsibilities by virtue of subsection (5) include those referred to in subsection (3)(a) to (e).
 - (7) A children’s services authority in England must have regard to any guidance given to them by the Secretary of State for the purposes of this section.
 - (8) Two or more children’s services authorities in England may for the purposes of this section, if they consider that the same person can efficiently discharge, for both or all of them, the responsibilities of director of children’s services, concur in the appointment of a person as director of children’s services for both or all of them.
 - (9) The amendments in Schedule 2—
 - (a) have effect, in relation to any authority which appoint a director of children’s services before the appointed day, from the day of his appointment; and
 - (b) on and after the appointed day have effect for all purposes.
 - (10) In this section, “the appointed day” means such day as the Secretary of State may by order appoint.³³

Section 19: Lead Member for Children’s Services³⁴

- (1) A children’s services authority in England must, in making arrangements for the discharge of —
 - (a) the functions conferred on or exercisable by the authority specified in section 18(1)(a) and (b), and
 - (b) such other functions conferred on or exercisable by the authority as the authority

³³ 1st January 2008 (see SI 2007 No. 1792 The Children Act 2004 (Director of Children’s Services) Appointed Day Order 2007)

³⁴ This section came into force on 21st March 2008 (see SI 2008 No. 752 The Children Act 2004 (Commencement No. 9) Order 2008)

consider appropriate, designate one of their members as their “lead member for children’s services”.

- (2) A children’s services authority in England must have regard to any guidance given to them by the Secretary of State for the purposes of subsection (1).

Appendix 2:

Useful links

All DCSF and many HMG publications available at www.dcsf.gov.uk

Children's Services

The Children's Plan: building brighter futures. (DCSF, 2007)

Children's Plan One year on (DCSF, 2008)

Policy by Children (Ofsted – Children's Rights Directorate, 2007) www.ofsted.gov.uk

The Centre for Excellence and Outcomes in Children and Young People's Services (C4EO) identifies and coordinates local, regional and national evidence of 'what works', to create a single and comprehensive picture of effective practice in delivering children's services. Using this information, C4EO offers support to local authorities and their Children's Trust partners, working with them to improve outcomes for children, young people and their families.

Narrowing the gap guidance (LGA, IDeA, DCSF) www.c4eo.org.uk

Making Sense of Every Child Matters: Multi-professional Practice Guidance (Policy Press, 2008)

Outcomes Based Accountability – Mark Friedman "Trying Hard is Not Good Enough"
www.raguide.org

Education

Your child, your schools, our future: building a 21st century schools system White Paper (DCSF, June 2009)

Delivering 14–19 Reform: Next Steps (DCSF, September 2008)

14–19 Partnerships and Planning guidance (DCSF, January 2009)

Health and adult services

Healthy Lives, Brighter Futures – the strategy for children and young people's health (HMG, 2009)
www.dh.gov.uk

Guidance on the Statutory Chief Officer Role of Director of Adult Social Services (DH, 2006)

Best Practice Guidance on the Role of the Director of Adult Social Services (DH, 2006)

Early Years

Next Steps for Early Learning and Childcare – Building on the 10 Year Strategy (DCSF, 2009)

Children's Trusts

Children's Trusts: Statutory guidance on inter-agency co-operation to improve well-being of children, young people and their families (DCSF, 2008)

Children and Young People's Plan Guidance (DCSF, 2009)

Are we there yet? Improving governance & resource management in the Children's Trust (Audit Commission, 2008) www.audit-commission.gov.uk

Community Involvement in Children's Trusts – Unlock Your Potential & Talking Trusts: Recommendations for Children's Trusts Working with Voluntary and Community Organisations (The National Council for Voluntary Youth Services) www.ncvys.org.uk

Safeguarding and promoting welfare

The Protection of Children in England: A Progress Report by Lord Laming (2009)

Government's response to *The Protection of Children in England: a Progress Report* by Lord Laming (HM Government 2009)

Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children (HM Government, 2006) (to be revised)

Statutory Guidance on making arrangements to Safeguard and Promote the Welfare of Children under section 11 of the Children Act 2004 (HM Government, updated in 2007)

Safeguarding Children and Safer Recruitment in Education (DCSF, 2007)

Serious case review evaluations: April 2007 onwards (Ofsted) www.ofsted.gov.uk

BASW Code of Ethics and GSCC Code of Practice (British Association of Social Workers) www.basw.co.uk

Vulnerable children

Shattered Lives: Children Who Live with Courage and Dignity by Camila Batmanghelidjh (2006)

Children's workforce

2020 Children and Young People's Workforce Strategy (DCSF)

Children's Workforce Development Council (CWDC) resources (*Induction standards, Induction Standards Handbooks, One Children's Workforce Tool, The Training and Development of Middle Managers in the Children's Workforce*) www.cwdcouncil.org.uk

Information sharing: Guidance for practitioners and managers (HMG 2008) (also applicable to those working with adults and families)

Leading and Managing Children's Services in England: A National Professional Development Framework (DCSF, 2008)

Looked After Children

A Councillor's guide to being a good corporate parent (DCSF, 2003)

Statutory Guidance on the Duty on Local Authorities to Promote the Educational Achievement of Looked After Children under section 52 of the Children Act 2004 (DCSF, 2005)

Promoting the Health of Looked After Children (DoH, 2002)

The Who Cares? Trust www.thewhocarestrust.org.uk

Parents on Council Care (Ofsted, 2008)

Future Care, Future Rules Office of the Children's Rights Director (2008) www.rights4me.org

Directors of Children's Services

National College for School Leadership (NCSL) www.ncsl.org.uk will change its name to National College for Leadership of Schools and Children's Services from September 2009. The College is taking the lead in developing leadership provision for DCSs and aspirant DCSs.

Lead Members for Children's Services

Making Children Matter Programme addresses leadership, planning and performance management of children's services www.idea.gov.uk

Social Care Transformation: Elected Member Briefing (DH, LGA, IDeA, SCIE and The Personalisation Network) www.scie.org.uk

The Role of the Lead Member for Children's Services: a Summary (LGA Research Summary) (2008) Slough: NFER www.nfer.ac.uk

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