



# **Wirral Children's Trust**

## **Memorandum of Understanding**

July 2011

# Wirral Children's Trust Memorandum of Understanding

## Contents

	Foreword	
1.0	Introduction	1
2.0	Statement of Commitment	1
3.0	Aims of Wirral Children's Trust	1
4.0	Partnership Principles	1
5.0	Governance and Accountability Arrangements	2
6.0	Decision Making	2
7.0	Challenge Process	2
8.0	Partner Roles and Responsibilities	3
9.0	The Scope of Involvement	3
10.0	The Role of the Director of Children's Services & Lead Member	4
11.0	Protocol between WCT and the Local Safeguarding Children Board	4
	11.1 Roles	4
	11.2 LSCB Responsibilities	5
	11.3 Children's Trust Responsibilities	5
	11.4 Operational Arrangements	6
	11.5 Accountability	6
12.0	Leadership	6
13.0	Commissioning	6
14.0	Performance Management	7
15.0	Information Sharing	7
16.0	Risk Assessment	7
17.0	Equalities and Inclusion	7
18.0	Dispute and Conflict Resolution	7
19.0	Review of the memorandum of understanding	8
	Figure 1 The Structure of Wirral Children's Trust	9
20.0	Wirral Children's Trust Board	10
	20.1 Role of Wirral Children's Trust Board	10
	20.2 Terms of Reference	10
	20.3 Membership	10
	20.4 Meeting Arrangements	11
21.0	Wirral Children's Trust Executive	12
	21.1 Role of Wirral Children's Executive	12
	21.2 Terms of Reference	12
	21.3 Membership	12
	21.4 Meeting Arrangements	12
22.0	Strategy Groups	13
	22.1 Role of Strategy Groups	13
	22.2 Terms of Reference	13
	22.3 Membership	13
	22.4 Meeting Arrangements	13
23.0	Wirral Children's Trust Support	14

## Foreword

Children and young people are society's future and with them rest our hopes and aspirations. Supporting their interest and welfare is paramount. Through Wirral Children's Trust we will secure an active partnership of services, parents and carers, working together to deliver the best outcomes for all our children and young people and thus enabling them to fulfil their potential.

The purpose of this memorandum of understanding is to ensure that the structure and governance arrangements of Wirral Children's Trust provide an effective and transparent framework and clarity of roles and responsibilities and that effective use is made of public resources for the benefit of children and young people.



Councillor Ann McLachlan  
Lead Member for Children's Services

A handwritten signature in black ink, appearing to read 'Ann McLachlan'.



David Armstrong  
Interim Director of Children's Services

A handwritten signature in black ink, appearing to read 'David Armstrong'.

# Wirral Children's Trust Memorandum of Understanding

## 1.0 Introduction

- 1.1 Children's Trusts are local partnership arrangements to improve children's well-being. They are not defined in legislation but are underpinned by a 'duty to co-operate' in section 10 of the Children Act 2004. This memorandum establishes Wirral Children's Trust (WCT) arrangements for governance, integrated working, joint planning and commissioning, and accountabilities in order to deliver improved outcomes for Wirral's children and young people.

## 2.0 Statement of Commitment

- 2.1 The member organisations of WCT are committed to working together at every level to improve the quality of life and wellbeing of all children and young people in Wirral.

## 3.0 Aims of Wirral Children's Trust

- 3.1 *"Our vision is to enable Wirral's children, young people and families to access services quickly in order to be secure, healthy, have fun and achieve their full potential"*
- 3.2 The aim of WCT is to work across professional and agency boundaries to make a difference to the experience and life chances of children, young people and their families. The trust will agree priorities and actions for children's services ensuring safeguarding underpins all activity and provide a framework for the effective operation of local arrangements. The framework will support a focus on preventative and early intervention services and ensure service providers understand what is expected of them. Monitoring of performance will inform future planning and commissioning, ensuring clear strategic direction and providing value for money.

## 4.0 Partnership Principles

- 4.1 The members agree to work together actively to achieve the aims of WCT, on the basis of:
- visible commitment and 'ownership' by the various member organisations and individual representatives;
  - mutual trust and respect;
  - openness and transparency;
  - effective communication and accountability;
  - shared ownership of resources where appropriate;
  - combined expertise;
  - creative and innovative solutions to problems;
  - identification and sharing of best practice, based on mutual learning;
  - removal of barriers to equality of access and opportunity;
  - clear purpose, clarity of expectations and agreed targets for action;
  - effective decision-making;
  - shared mechanisms for risk management, monitoring, evaluation, reviewing and reporting on performance, progress and success;
  - allowing each constituent member unobstructed access to the audit records of the partnership, on request.

## **5.0 Governance and Accountability Arrangements**

- 5.1 The governance and accountability arrangements set out in this document put into operation the duty to cooperate as set out in section 10 of the Children Act 2004.
- 5.2 This applies to all services provided or commissioned by WCT that support children and young people's 0 to 19 and specific groups of young people up to age 25.
- 5.3 WCT requires each partner agency to retain full responsibility for its statutory duties and functions at all times and allows for these duties and functions to be carried out through a system of joint planning and commissioning. This supplements existing organisational arrangements and provides additional robust accountabilities outside of existing partner agency arrangements.
- 5.4 The Board will take responsibility for setting the strategic direction for services to children, young people and their families. This includes setting priorities, joint planning and commissioning decisions; the alignment of resources at strategic level and agreeing service models based on service performance and agreed service specifications.
- 5.5 Through the Children and Young People's Plan (CYPP) the Board will act as the single coordination body for all children's services planning and commissioning arrangements and will be the focus for facilitating joint working leading to the integration of multi agency services for children and young people and their families.
- 5.6 The Board will be responsible and accountable for the performance and commissioning decisions made by all other planning and commissioning groups in children's services.
- 5.7 The Board will be accountable to the Local Safeguarding Children's Board for the actions it takes in ensuring that all children and young people in Wirral are adequately safeguarded.
- 5.8 WCT assumes all partners accept collective responsibility and accountability for all decisions made by the Board. However, within this collective responsibility and decision-making process it is recognised there are different levels of accountability and risk for individual agencies and organisations.

## **6.0 Decision Making**

- 6.1 Each partner agency accepts collective responsibility for all decisions made by the Board. All decisions will be transparent and informed by open debate, advice, performance reporting and analysis, best practice, risk assessment and option appraisal.
- 6.2 Decision making will be by consensus, wherever possible, but if a consensus cannot be reached, decisions will be taken on a simple majority of those present and voting will be by a show of hands. In the event of a tied vote, the person chairing the meeting may exercise a second or casting vote.
- 6.3 The Children's Trust Executive (CTE) and the multi-agency Strategy Groups will be responsible for providing advice to the Board to support the decision-making processes.

## **7.0 Challenge process**

- 7.1 In exercising collective responsibility for all decisions made by the Board each partner agency will be open to challenge and scrutiny through the formal processes of the accountable body (the Council) and of the other agencies.

- 7.2 Progress on the delivery of the Children and Young Peoples Plan (CYPP) will be performance managed by the Board and an annual review will be published which is open to challenge by any interested party.

## **8.0 Partner Roles and Responsibilities**

- 8.1 The Local Authority (Council) is responsible for leading WCT and the Council in the improvement of outcomes for all children and young people. In this respect the Council is the accountable body for WCT. The Council is responsible for the development and implementation of the CYPP as the single agreement between the partnership on priorities and actions for children and young people.
- 8.2 The Primary Care Trust (PCT) is responsible for ensuring that health provision meets the identified needs of children, young people and their families on behalf of WCT. The PCT is responsible for ensuring health provision is aligned to the priorities agreed in the CYPP, and for the commissioning of health service on behalf of WCT.
- 8.3 Merseyside Fire and Rescue Service are responsible for ensuring that their strategic planning encompasses the WCT vision and the priorities in the CYPP.
- 8.4 The Youth Offending Service (YOS), the police and probation service work together within the criminal justice system. They have roles in prevention of offending and re-offending, identification of suitable intervention programmes and identifying children and young people at risk of harm or other poor outcomes. Through the Youth Justice Board (YJB) the Youth Offending Service (YOS) is responsible for the production of the Youth Justice Plan. This plan must be consistent with WCT vision and with the priorities agreed in the CYPP. The Police are responsible for ensuring that the Local Policing Plan is consistent with the WCT vision and the priorities in the CYPP.
- 8.5 The Third Sector have a significant expertise in the delivery of services and in engaging children and families in identifying needs, innovative service models and commissioning priorities. Third Sector representation is responsible for informing WCT on these areas of expertise and for ensuring the sector has a voice in identifying priorities and actions in the CYPP.
- 8.6 Schools, Academies, Sixth Form and Further Education Colleges, School Governor and School Forum representatives are responsible for ensuring the sector inform and influence priority setting in the CYPP and advise the WCT on engagement with schools in Wirral.
- 8.7 Job Centre Plus representatives are responsible for ensuring their organisation inform, influence and advise the Board.

## **9.0 The Scope of Involvement**

- 9.1 WCT Board will demonstrate clear links to other thematic partnerships through the Local Strategic Partnership (LSP) to ensure that strategies are not fragmented and that different services share priorities and thinking. WCT will inform and influence the work of the LSP in regards to children, young people and families and ensure that these groups are reflected in within the Local Area Agreement (LAA). It will ensure that the CYPP is consistent with the strategic vision of the Sustainable Community Strategy.
- 9.2 The views of children and young people are at the centre of strategic planning and service design. WCT Board will ensure ongoing high quality consultation with children, young people and their families is undertaken to empower and engage the wider community. Specific consultation will be carried out during the preparation of the CYPP.

## **10.0 Role of the Director of Children's Services and Lead Member**

- 10.1 The Director of Children's Services (DCS) is professionally accountable for the delivery across the Every Child Matters (ECM) five outcome areas for children and young people. The DCS together with the Lead Member (LM) has a key role in leadership, strategy and effectiveness of services. Both work to drive forward the development of a dynamic Children's Trust encompassing partnership working and to integrate and transform services.
- 10.2 The Lead Member exercises political accountability for the same range of services as the Director and is expected to ensure there is a clear focus on safeguarding.
- 10.3 Both the DCS and LM therefore have particular and distinct responsibilities as memberships of the Board. This entitles both the Director and Lead Member to hold other agencies to account for the joint planning and commissioning of integrated services.

## **11.0 Protocol between Wirral Children's Trust and the Local Safeguarding Children's Board**

### **11.1 Roles**

- 11.1.1 Wirral Children's Trust (WCT) and Wirral Local Safeguarding Children Board (LSCB) have important but distinctive roles in keeping children safe. It is not a hierarchical relationship. WCT is accountable for overseeing the delivery of the CYPP. In progressing this plan the Trust is accountable for ensuring services deliver improved outcomes for children and young people.
- 11.1.2 LSCB is responsible for challenging each relevant partner of WCT, through the WCT Board, on their success in ensuring that children and young people are kept safe in the Borough.
- 11.1.3 In order to ensure the complementary roles of the two bodies and the necessary challenge the two bodies are chaired by different people.
- 11.1.4 The Director of Children's Services (DCS) and the Lead Member for Children's Services have central roles. The DCS has lead responsibility for improving outcomes for children in the Borough. The Lead Member is politically accountable for ensuring that the Local Authority (LA) fulfils its legal responsibilities for safeguarding and promoting the welfare of children and young people. The Lead Member should provide the political leadership needed for the effective co-ordination of work with other relevant agencies with safeguarding responsibilities. The Lead Member will also take steps to assure themselves that effective quality assurance systems for safeguarding are in place and functioning effectively across services areas and levels of need.
- 11.1.5 The DCS is a member of both WCT and LSCB. The Lead Member is Chair of WCT and is a 'participant observer' of LSCB as described by statutory guidance "Working Together" (2010).
- 11.1.6 The LA Chief Executive and Council Leader also have critical roles to play. The Chief Executive must ensure that the DCS is fulfilling their managerial responsibilities for safeguarding and promoting the welfare of children and young people; in particular by making certain that the relationship between the CTB and the LSCB is working effectively; that clear responsibility has been assigned within the LA and among WCT partners for improving services and outcomes; and that targets for improving safeguarding and progress against them are reported to the Local Strategic Partnership (LSP).

- 11.1.7 The Chief Executive and the Lead Member fulfil their responsibilities through monthly scrutiny meeting with the Head of Branch Children's Social Care which includes detailed evaluation of safeguarding including performance and human resources data. In addition there are quarterly meetings with the Lead member, LSCB Manager, Independent chair and the Director of Children's Services on safeguarding matters within the LSCB.
- 11.1.8 The wider public has an important role to play: keeping children safe is everyone's responsibility. WCT has actively sought the views of the local community and consulted children young people and their families when drawing up the CYPP.
- 11.1.9 From April 2010 LSCB arrangements were opened up to wider public scrutiny through the appointment to the LSCB of two lay members drawn from the local community. The aim was to support stronger public engagement in, and understanding of children's safety issues and to ensure that the voice and experiences of young people would affirm the work of LSCB by lay person representation by a member of the Children in Care Council.

## **11.2 LSCB Responsibilities**

- 11.2.1 The LSCB is the decision making body for multi-agency safeguarding activity within Wirral. It is a statutory partnership and its work is directed by statutory guidance which dictates its functions. The DCS has a statutory responsibility for ensuring that an effective Safeguarding Children Board is in place for the local area.
- 11.2.2 The work of the LSCB falls into three broad areas, all of which aim to safeguard children and promote their welfare by:
- Protecting children from maltreatment;
  - Preventing impairment of children's health or development;
  - Ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
- 11.2.3 The LSCB is well positioned through its various quality assurance processes to advise, and where appropriate, challenge WCT arrangements. For example learning from Serious Case Reviews, Child Death Overview Panels, section 11 self assessments and multi-agency critical incident reviews.
- 11.2.4 From April 2011 the LSCB will publish an Annual report on the effectiveness of arrangements locally, and the contribution and activities of each local partner for keeping children safe as outlined in Working Together Guidance March 2010.
- 11.2.5 The LSCB will report on its safeguarding performance information on a quarterly basis to the WCT and LSCB. It will make recommendations from the monitoring and evaluation of safeguarding arrangements during the year.

## **11.3 Children's Trust Responsibilities**

- 11.3.1 WCT is the statutory local partnership brings together organisations responsible for children's services. It is a thematic group of the Local Strategic Partnership (LSP).
- 11.3.2 It has responsibility for developing and publishing a Children and Young People's Plan (CYPP). The plan sets out how CT partners co-operate to improve the well-being of children in the local area and will monitor how partners act in accordance with the plan.
- 11.3.3 WCT must ensure the work of all the strategy groups takes into account the safeguarding needs of children in the development of the CYPP.
- 11.3.4 WCT as part of its CYPP Annual Review will make an assessment of the effectiveness of partnership arrangements in supporting the best possible standards for safeguarding

children And in its response WCT will ensure that any refresh to the plan include priorities identified by the LSCB.

- 11.3.5 WCT will seek approval from LSCB regarding any proposed commissioning arrangements which are linked to the factors which impact on safeguarding children, including compromised parenting.

## **11.4 Operational Arrangements**

- 11.4.1 The LSCB will report to the CT each quarter on the arrangements for local safeguarding by monitoring and scrutinising activity and offer robust challenge to partners and the Trust on its activity. It will provide an annual report setting out the assessment of local safeguarding and its findings and make recommendations for improvement. The LSCB will also reflect within the annual report priorities for commissioning of safeguarding activity
- 11.4.2 The following people are members of both WCT and LSCB Boards. This will ensure clear lines of communication:
- Lead Member for Children's Services
  - Director of Children's Services
- 11.4.3 Once agreed by WCT Board and the LSCB this protocol will be embedded in Wirral Children's Trust Memorandum of Understanding and will be reviewed annually with the Memorandum.

## **11.5 Accountability**

- 11.5.1 The LSCB will request evidence from WCT as to its rigour in commissioning or developing services that Safeguard children and young people. LSCB will call member organisations of the Children's Trust to account should it have evidence that children are not being adequately safeguarded by one or more relevant partners. The resolution will require a formal response/ action from WCT within a specific timeframe which will be agreed mutually.

## **12.0 Leadership**

- 12.1 Each Board member will act on behalf of their organisation as an ambassador for children services locally, regionally and nationally. Board members will take responsibility for ensuring the agreed actions are carried out and their agency/sector is fully informed about the work of WCT and engaged in the delivery of the CYPP.

## **13.0 Commissioning**

- 13.1 The Board, supported by the Joint Commissioning Group, will be responsible for the identification of need and the setting of priorities to support the development of integrated multi-agency services for all children, young people and their families. Commissioners will ensure there is a comprehensive up to date analysis of children and young people's needs upon which informed decisions on the design and commissioning of services can be based. They will coordinate the implementation of the partnerships preventative framework by identifying shifts in activity and resource allocation that will enable the development of planned targeted interventions.
- 13.2 All planning and commissioning decision making will be informed by:
- Needs analysis

- Prevention priorities
- Performance
- Risk analysis

13.3 The Board will carry out an annual review of commissioning and evaluate how outcomes and services have been improved through the alignment and pooling of resources and jointly agreed priorities.

#### **14.0 Performance Management**

14.1 Each member of the Board will take full responsibility and accountability for the delivery of the five ECM outcomes. The specific responsibility for the performance management of the ECM outcomes will be held by the Children's Trust Executive (CTE).

14.2 The Board will review progress in achieving improved outcomes for all children on a regular basis. Management information reports will inform the Board of the progress being made in achieving the key targets set out in the CYPP and relevant areas of Wirral Council's Corporate Plan.

#### **15.0 Information Sharing**

16.1 The Board will ensure that information sharing protocols are designed to enable intelligence gathering for effective needs analysis to be carried out on a continuous basis. Information sharing arrangements will also be developed to ensure the effective implementation of the common assessment framework (CAF).

#### **16.0 Risk Assessment**

16.1 Risks associated with the delivery of the CYPP will be managed by the CTE and escalated to the Board for formal assessment when necessary

#### **17.0 Equalities and Inclusion**

17.1 The Children's Trust will operate on the basis of principles that actively value the benefits of diversity and ensure fair treatment and equality of opportunity.

17.2 On an annual basis an equalities impact assessment will be carried out through the CTE alongside the review of the CYPP.

#### **18.0 Dispute and Conflict Resolution**

18.1 Members of the partnership:

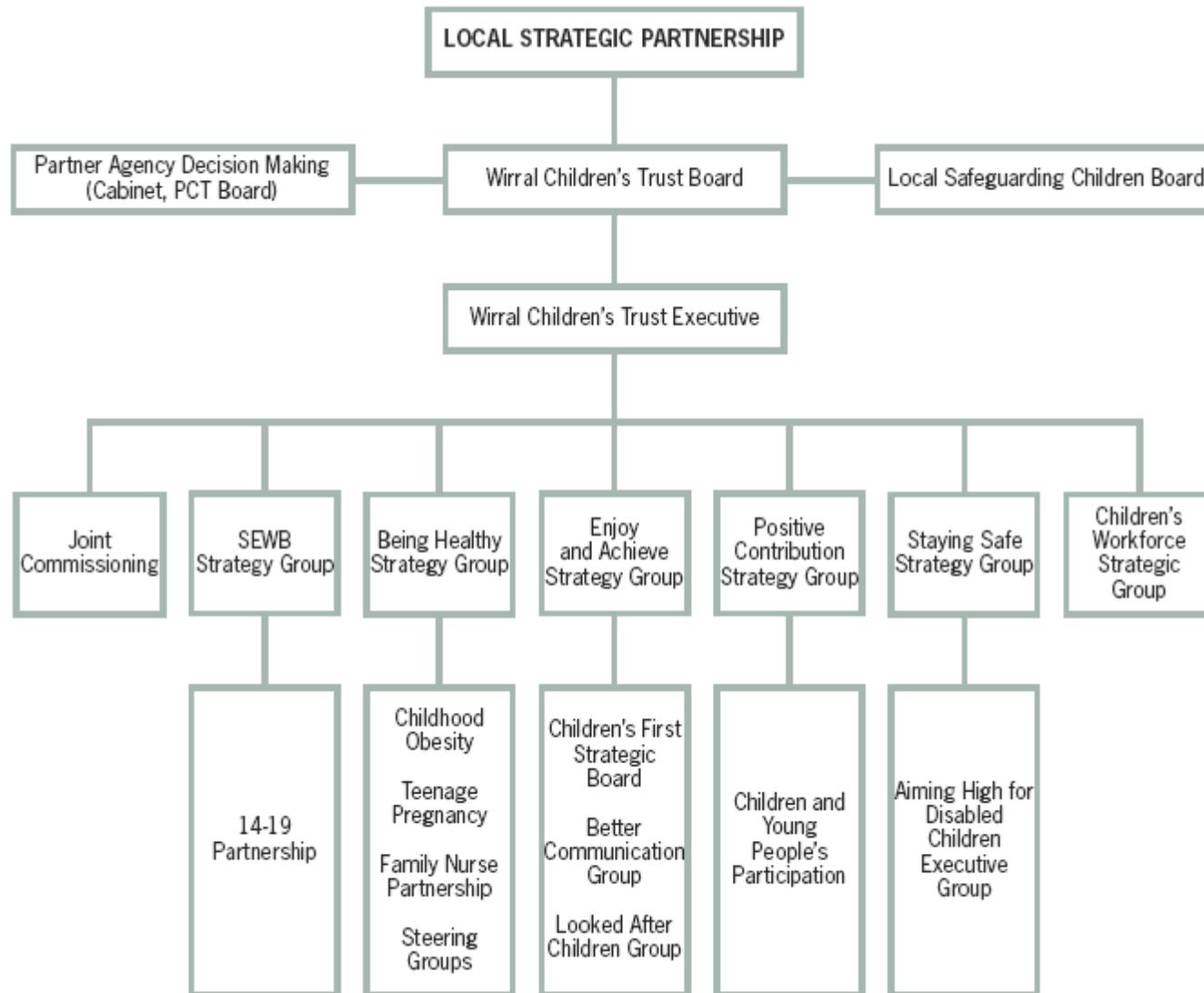
- Must not use their position improperly, confer on, or secure for themselves or any other person, an advantage or disadvantage.
- Must ensure that activities are not undertaken for political purposes
- Must not unduly influence any person in the paid employment of any of the partner agencies.

18.2 Issues of conflict within the partnership will be resolved initially by informal discussion. If this is not successful the issue will be referred to the Chief Executive of each agency who will meet to attempt to resolve the issue. If the issue is still not resolved appropriate alternative dispute resolution (ADR) will be considered.

## **19.0 Review of the Memorandum of Understanding**

19.1 This memorandum of understanding will be reviewed on an annual basis.

**Figure 1: The Structure of Wirral Children's Trust**



## **20.0 Wirral Children's Trust Board**

### **20.1 Role of Wirral Children's Trust Board**

21.1.1 The Boards role is to provide leadership for the Children's Trust within a framework of effective controls. Each Board member will act as an ambassador for children services locally, regionally and nationally.

### **20.2 Terms of Reference**

20.2.1 Board members will:

- Co-ordinate services for children and young people.
- Oversee the preparation, agreement, monitoring and review of the Children and Young People's Plan to meet both statutory requirements and local need.
- Ensure that children, young people and their families and carers are able to contribute effectively to the design and delivery of services for them.
- Determine the integrated strategies required to improve the outcomes for children's well-being with robust performance monitoring with regard to outcomes and impact.
- Agree joint commissioning strategies and be responsible for pooled budget arrangements.
- Create a shared culture and vision amongst partners.
- Identify and celebrate best practice.
- Ensure that there is appropriate challenge where partnership working becomes ineffective.
- Ensure that their agency/sector is fully informed about the work of the Board and engaged in the delivery of the CYPP.
- Oversee the arrangements for the sharing of information about children and young people.
- Maintain a strategic link to the Local Safeguarding Children's Board.
- Demonstrate involvement in the Sustainable Community Strategy and clear links to other thematic partnerships through the Local Strategic Partnership (LSP).
- Monitor progress on the Children and Young People's block in the Local Area Agreement.
- Oversee inspection arrangements and support agencies to meet the requirements of the Ofsted Children's Services Inspection regime.
- Oversee the development of future governance arrangements and approve such arrangements.

### **20.3 Membership**

20.3.1 Chair: Lead Member for Children's Services

20.3.2 Deputy: To be appointed by the board

20.3.3 All partners under a statutory duty to cooperate will be represented and other persons or bodies the CT board consider appropriate. Attendees to be nominated by their constituent body.

20.3.4 The membership will include representatives from the following:

- Elected members
- Wirral Council
- Wirral National Health Service organisations
- Merseyside Police
- Merseyside Fire and Rescue Service

- Job Centre Plus
- The Voluntary, Community and Faith Sector
- Primary and Secondary (including Special) Schools, Sixth Form and FE Colleges and School and Governor Forum representatives

20.3.5 The membership will be reviewed on an annual basis.

## **20.4 Meeting Arrangements**

20.4.1 The Children's Trust Board will meet bi-monthly.

## **21.0 Wirral Children's Trust Executive**

### **21.1 Role of the Children's Trust Executive**

21.1.1 The CTE will operate as an executive of the WCT Board. Whilst the strategic leadership, accountability and agreement reside with the Board, the CTE works to support the Board through a process of delegated and devolved decision making powers. All proposals concerning key strategic developments will be presented to WCT Board for final approval.

### **21.2 Terms of Reference**

21.2.1 Board members will take responsibility for:

- Delivering the identified needs of Wirral children and young people in terms of the five outcomes in the Children Act 2004.
- Developing the strategies required to improve the outcomes for children's well-being.
- The preparation and annual review of the Children and Young People's Plan
- Identifying best practice and proposing joint commissioning of services and identifying shared resources.
- Annual review of joint commissioning arrangements.
- Implementing service improvement priorities.
- Establishing the evidence base behind development proposals.
- Ensuring that agreed actions are carried out.
- Ensuring that the cross agency strategy groups are fully informed about the work of WCT and are engaged in the delivery of the CYPP.
- Disseminating a shared culture and vision amongst partners in the working groups.
- Performance management.
- Preparing for and evaluating practice to inform inspection arrangements including the Ofsted led annual Children's Services Assessment.

### **21.3 Membership**

21.3.1 Chair: Director of Children's Services

21.3.2 Deputy: To be nominated by the Executive

21.3.3 The membership includes the Strategy Lead for each multi-agency strategy group and invited representatives.

### **21.4 Meeting Arrangements**

21.4.1 The CTE will meet bi-monthly.

## **22.0 Strategy Groups**

### **22.1 Role of the Strategy Groups**

22.1.1 The multi-agency strategy groups (SG) are linked to the five ECM outcome areas for children and young people. They own the CYPP and are responsible for its delivery. They are accountable to WCT Board and the CTE.

### **22.2 Terms of Reference**

22.2.1 The Strategy Groups are responsible for:

- The monitoring and reporting on progress. Issues regarding their respective performance indicators, CYPP priorities, allocated tasks groups and any other locally based targets agreed by the partnership.
- Receive information from and respond to requests from other groups and stakeholders.
- Make quarterly performance progress reports highlighting areas of poor performance, issues and risk.
- Develop opportunities for multi-agency involvement and networking to share best practice
- Provide support and information to other groups within the Trust.
- Maintain effective arrangements to consult with children, young people, families and carers, act on the results of the consultation and provide feedback.

### **22.3 Membership**

22.3.1 Chair: Outcome area Strategy Lead

22.3.2 Multi-agency representation related to each outcome area, including family representation.

### **22.4 Meeting Arrangements**

22.4.1 To be agreed by each group.

## 23.0 Wirral Children's Trust Support

23.1 The Children's Services Department Planning and Resources Branch will provide the following key functions to WCT Board and the CTE:

- Agenda.
- Minutes.
- Performance management reporting arrangements.
- Seek appropriate contributions from partners to support the CT governance framework.
- If required send representation to advise groups in terms of processes relating to governance reporting and standard agenda items.

