

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet
2.	Date:	23rd November, 2011
3.	Title:	Revised Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services
4.	Programme Area:	Children and Young People's Services

5. **Summary:**

The Children Act 2004 requires local authorities to appoint a Director of Children's Services (DCS) and Lead Member for Children's Services (LMCS) for the purposes of discharging the education and children's social services functions of the local authority. Statutory guidance on the roles and responsibilities of the DCS and LMCS was first issued in 2005 and revised in 2009. The Department for Education plan to replace the current version with revised guidance within this consultation, which is much shorter and less prescriptive and would welcome views.

6. **Recommendations:**

That the Cabinet's views are welcomed on this consultation response.

7. Proposals and Details:

The Department for Education are revising the guidance in order to make it shorter and less prescriptive in line with the Government's approach to central-local Government relationships. It also takes forward one of the recommendations in Professor Munro's review of child protection that the Government should amend the statutory guidance to establish the principle that it should not be considered appropriate to give additional functions (that do not relate to children's services) to DCSs and LMCSs unless exceptional circumstances arise.

The key points in the guidance are:

- The *Children Act 2004* requires every upper tier local authority to appoint a Director of Children's Services and designate a Lead Member for Children's Services.
- The DCS and LMCS are appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority (regardless of where they are placed).
- Within this legal framework, it is for individual local authorities to determine their own organisational structures in the light of their local circumstances. However, local authorities must ensure that there is both a single officer and a single elected member each responsible for both education and children's social care. The DCS and LMCS should each have an integrated children's services brief, ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision. Between them, the DCS and LMCS provide a clear and unambiguous line of local accountability.
- The DCS has professional responsibility for children's services, including operational matters; the LMCS has political responsibility for children's services. Together with the Chief Executive and Leader or Mayor, the DCS and LMCS have a key leadership role both within the local authority and working with other local agencies to improve outcomes for children and young people.
- The DCS is a politically restricted statutory chief officer post; they should be a first tier officer and report directly to the Chief Executive.
- Local authorities should, as a matter of course, assure themselves that their arrangements enable them to discharge their education and children's social care functions effectively.
- Given the breadth and importance of children's services functions that the DCS and LMCS cover, local authorities should give due consideration to protecting the discrete roles and responsibilities of the DCS and LMCS before allocating to them any additional functions other than children's services.

8. Finance:

There are no additional financial implications to the consultation proposals.

9. Risks and Uncertainties:

If RMBC chose to ignore the statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services, Ofsted will take this into account when they assess the local authority leadership and management and may decide to look at the quality and effectiveness of the authority's assurance process.

10. Policy and Performance Agenda Implications:

The Children Act 2004 requires every upper tier local authority to appoint a Director of Children's Services and designate a Lead Member for Children's Services with responsibility for discharging the local authority's education and children's social care functions. This was in response to Lord Laming's enquiry into the death of Victoria Climbié which recommended that there should be a clear and unambiguous line of accountability at local level for the well-being of vulnerable children. Statutory guidance on the roles and responsibilities of the DCS and LMCS was first issued in 2005 and revised in 2009.

11. Background Papers and Consultation:

Statutory Guidance 2005 and 2009.

Consultation Response Form - Appendix Two.

Revised Statutory Guidance on the roles and responsibilities of the Director of Children's Services and the Lead member for Children's Services - consultation - 30th September, 2011 - Appendix One.

Report to Children and Young People's Cabinet Member 11th February, 2009 - Statutory Guidance: Revision to the Roles and Responsibilities of Lead Member for Children's Services and the Director of Children's Services.

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