

ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET

1.	Meeting:	Cabinet
2.	Date:	25th April, 2012
3.	Title:	Statutory guidance for 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:**

Revised statutory guidance on the 'Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services' was issued on 3rd April by the Department for Education. This report sets out the key changes from the previous statutory guidance of 2005 and 2009.

6. **Recommendations:**

- **That Cabinet note the key changes in the revised statutory guidance.**

7. Proposals and Details:

Local authorities in England must have regard to the statutory guidance in relation to the appointment of the Director of Children's Services (DCS) and the designation of the Lead Member for Children's Services (LMCS). The guidance covers the legislative basis for the two appointments, roles and responsibilities of the post holders and how this relates to the Government expectations about local authorities' role in education and children and young people's services.

The Children Act 2004 requires every upper tier local authority to appoint a DCS and designate an LMCS.

The key changes for the DCS role from 2009 is that the role '**is not limited to**' having responsibility for children and young people. The government state it is for local authorities to determine their own organisational structures but in doing so they must have clearly designated persons with DCS and LMCS responsibilities. Between them, the DCS and LMCS should provide a clear and unambiguous line of local accountability.

Local authorities should **assure** themselves through their usual decision making and scrutiny that their arrangements enable them to discharge their education and children's social care functions effectively. Local authorities should give serious 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.

The DCS is a statutory member of the health and wellbeing board.

The LMCS should be a 'participating observer' of the LSCB.

The DCS and LMCS should actively promote a diverse supply of strong schools and where there is **need for a new school** seeking proposals for an Academy or Free School.

The DCS and LMCS should take rapid and decisive action in relation to poorly performing schools, including using their intervention powers and considering alternative structural and operational solutions; promote effective school to school collaboration.

8. Finance:

There are no additional financial pressures as a result of the revised guidance. There is an expectation that the DCS and LMCS will be able to secure sufficient provision for services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers.

9. Risks and Uncertainties:

A key new issue in the revised guidance is the notion of 'local assurance' that is agreed within the Council. Assurance will be subject to self assessment within the local authority, and to peer challenge and review, as part of securing continuous sector led improvement in the quality of services.

10. Policy and Performance Agenda Implications:

Ofsted will assess the quality and effectiveness of local authority leadership and management, if they have concerns, they may decide to look at the quality and effectiveness of the authority's assurance process.

11. Background Papers and Consultation:

Statutory guidance in 2005, 2009 and 2012 (Appendix A)
The LA contributed to the governments consultation proposals on the revised guidance for 2012.

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