
Report To:	Policy & Resources Committee	Date: 18 September 2012
Report By:	Corporate Director Environment, Regeneration & Resources	Report No: HC/LA/891/12
Contact Officer:	Helena Couperwhite	Contact No: 01475 712111
Subject:	Proposals for the Establishment of Area Support Teams	

1.0 PURPOSE

- 1.1 The purpose of this report is to seek the Committee's (1) views on establishing an Area Support Team (ASTs) and (2) approval to support an Inverclyde Area Support Team.

2.0 SUMMARY

- 2.1 The Children's Hearing (Scotland) Act 2011 sets out provisions relating to the establishment of Area Support Teams. These teams are a replacement for the existing Children's Panel Advisory Committee arrangements in operation throughout Scottish Local Authorities.
- 2.2 A national Children's Panel will replace the existing 32 Scottish local authority children's panels and the 2011 Act transfers many of the duties and powers currently held by the local authorities and centrally by the Scottish Government, to a National Convener.
- 2.3 The National Convener originally proposed a joint AST involving Inverclyde and Argyll and Bute, however both Councils rejected this proposal and in February this year the National Convener accepted that there was no support for this arrangement.
- 2.4 In March 2012 the Council was asked to consider the proposal to form a joint AST involving East Renfrewshire, Inverclyde and Renfrewshire Councils. Following ongoing discussions with Officers it is a developing position that Renfrewshire Council would be willing to consider a joint AST arrangement. East Renfrewshire are considering their position. However, within Inverclyde Children's Panel Advisory Committee, it is clear that there is concern in forming a joint AST, based on the lack of evidence of tangible benefits that could be derived by forming a joint AST.

3.0 RECOMMENDATIONS

- 3.1 That the Committee agree to support, in principle, an agreement with Children's Hearings Scotland to provide staffing resources, up to the level provided in 2012/13 to an Inverclyde Area Support Team, for an initial period of 2 years. It is proposed that during this period, the option to develop a joint Area Support Team with Renfrewshire and East Renfrewshire would be kept under review;
- 3.2 That the Committee agree that part of the Council's settlement provided by the Scottish Government be utilised to provide a Clerk and administrative support for the new Area Support Team; and

- 3.3 That it be remitted to the Chief Executive to progress and as appropriate, to conclude negotiations with Children's Hearings Scotland to ensure the best interests of the Council, and those of the Children's Hearings System in Inverclyde, and to report on any issues which arise which could prevent the signing of an agreement.

Aubrey Fawcett

Corporate Director Environment, Regeneration & Resources

4.0 BACKGROUND

- 4.1 The 2011 Act provides for the National Convener to establish Area Support Teams (ASTs) with the consent of the local authorities involved, giving Councils a key role in this process. This Act introduces significant changes to the way in which the Children's Hearings System will operate. These changes are part of a broader national reform and modernisation programme for the system, aimed at improving the experiences and outcomes of children, young people and families and ensuring consistency of approach and standards within children's hearings and the wider system.
- 4.2 April 2012 was the original target date for implementation of the legislation, however due to delays, the implementation date has been pushed back until June 2013.
- 4.3 The National Convener has proposed the establishment of 17 ASTs across Scotland to replace the existing 30 Children's Panel Advisory Committees. The new National Children's Panel will be supported by Children's Hearings Scotland (CHS), the body established by the 2011 Act and at local level by ASTs.
- 4.4 Local authorities have been key partners in making Children's Hearings work since the inception of the system in 1971. Inverclyde Council has had responsibility for the management of the Inverclyde Children's Panel since 1996.
- 4.5 The arrangements to support the Children's Hearings System are well established and well respected. The Inverclyde Children's Panel Advisory Committee (CPAC) and panel members communicate well and there has always been a harmonious working relationship between all key stakeholders involved in the Hearings System.
- 4.6 Support is currently provided by all local authorities. In Inverclyde, the Clerk to Inverclyde CPAC is the Members' Services Manager. The Clerk:-
- Provides administrative and secretarial support and makes arrangements for meetings;
 - Acts as a formal link between the CPAC, the local authority and Scottish Ministers;
 - Arranges for the recruitment and reappointment of CPAC and panel members;
 - Monitors budgets and arranges for payment of expenses;
 - Provides advice, guidance and support to CPAC members;
 - Deals with and provides guidance on complaints;
- 4.7 Inverclyde Children's Panel currently has 65 panel members and is supported by a Children's Panel Advisory Committee, comprising 5 members, 2 of whom are appointed by the Council.
- 4.8 The National Convener originally proposed a joint AST involving Inverclyde and Argyll and Bute; however both Councils rejected this proposal. The National Convener accepted that there was no support for this arrangement and in February, the Council was approached to consider exploring the formation of a joint AST involving East Renfrewshire and Renfrewshire Councils, who were already being consulted on forming a joint AST with each other.
- 4.9 A meeting took place in March this year with Scottish Government representatives, along with Officers, Panel Chairs and CPAC Chairs from Inverclyde, Renfrewshire and East Renfrewshire Councils, to explore the possibility of the three Councils forming an AST. However there was no positive outcome from the meeting, as representatives attending were given no conclusive assurances on the benefits to be gained by forming a joint AST and the representatives from the Scottish Government indicated that they would consider the position and revert in early course.

4.10 In late June 2012, the Scottish Government contacted the Chief Executives of the three respective Councils to progress matters. Following ongoing discussions with Officers it is a developing position that the other 2 councils are now considering a joint AST arrangement. However, within Inverclyde Children's Panel Advisory Committee, it is clear that there is concern in forming a joint AST, based on the lack of evidence of tangible benefits that could be derived by forming a joint AST.

5.0 RESOURCES

5.1 A reasonable estimate of the resources provided by the Council to support the Children's Hearings System in Inverclyde are currently:-

- CPAC /CP Training/Travel etc £26,000
- CPAC/CP Staffing Support £8,000

5.2 The Council, as required under previous legislation, has also made available and provided accommodation for CPAC/CP meetings and training. The above operating costs do not include this cost, which equates to approximately £600 per annum.

5.3 The Scottish Government has advised that as from implementation of the 2011 Act, the cost of panel member T&S and transport, training and safeguarders will be met centrally. No adjustment to the Council's block grant will be made as a result of these changes, which is in the region of £19,500 per annum.

5.4 From documentation issued by Children's Hearings Scotland, it would appear that Councils will be expected to play a greater role in future supporting the new model. However, at this stage, this assertion cannot be quantified. On balance, this is likely to mean an increase in the work of Clerks and their teams, but there is an expectation by the Scottish Government that any additional staffing cost associated with this work would be met from within the identified savings identified at 5.3.

6.0 OPTIONS TO BE CONSIDERED

6.1 Stand Alone

There are many positive aspects of local working arrangements which are considered to be directly attributable to the small size of the Panel and CPAC operation in Inverclyde, these include:-

- Key local stakeholders including Inverclyde Council and its Officers enjoy positive relationships, which have allowed excellent working relationships to be formed and focus to be placed by all on addressing the needs of vulnerable children and families locally. All concerned are keen to preserve and build upon the local system adjusting to meet the requirements of the future;
- Inverclyde promotes joint working, reflecting an outward facing approach;
- Inverclyde panel members currently have the opportunity to attend pre-service and some in-service training on an inter-authority basis, allowing experiences to be shared;
- Valid arguments have not been made to suggest that the interests of volunteers serving in Inverclyde or local children and families would be better served simply by volunteers falling under an area covered by a larger AST;
- The knowledge of the local area is delivered through comprehensive local training, which equips the panel members to effectively undertake their role for the children of Inverclyde.

6.2 Benefits/Concerns of Creating a Joint Area Support Team

Kit Wyeth, Project Manager, Children's Hearings Scotland has produced a briefing paper outlining the purpose of the reform and the proposed benefits which is attached at Appendix 1. Furthermore, given the National Convener's proposals, there is obviously a strategic benefit in complying with the national position and reflecting the position of the neighbouring Councils in Renfrewshire and East Renfrewshire which appears to favour a joint arrangement. This position is developing and any update will be given at Committee.

In addition there are a number of concerns regarding the possible implications resulting from the formation of a joint AST.

- Real and additional benefits that would be realised locally from a joint AST arrangement have not been sufficiently specified or demonstrated. The Scottish Government have been unable to provide information on the anticipated costs of delivering the change process and the costs for the ongoing provision of the Area Support Model. It would be useful to be provided with details of actual efficiencies, improvements and costings which are anticipated as a result of the transition to the AST model. This would help in providing clarity and confidence that the new model would improve economy and efficiency, as well as the suggested improvements in effectiveness;
- There is insufficient detail in relation to the input expected by the Scottish Government in terms of the human resources required from each Council during the transition and beyond;
- The Scottish Government have not been able to provide any evidence that the positive experience enjoyed locally by Inverclyde CPAC and Children's Panel volunteers at present will be improved upon or even matched under a joint area AST, under which new challenges would require to be faced;
- The perceived challenges for Inverclyde panel members possibly having to deal with three local authorities in the future which could affect the delivery of local training and may require panel members to attend some sessions outwith Inverclyde;
- An assurance would be needed that local training, specific to the local authority area, would continue to be provided for panel members, as the approach of Inverclyde, East Renfrewshire and Renfrewshire social work services is unlikely to be the same;
- Until Partnership Agreements are negotiated with local authorities and relevant issues are considered, discussed and resolved, it is impossible to comment on these proposals because proposals associated with the creation of the AST and related support arrangements are inextricably linked;
- There is likely to be an increase in the role and duties of the Clerk in respect of the AST functions and there is likely to be an additional workload and resource requirement, which the Council would be required to support; and
- Clarity is needed in formalising operating arrangements, as no single officer in Inverclyde, East Renfrewshire or Renfrewshire provides support as a primary function of their remit.

7.0 CURRENT POSITION

7.1 At the August meeting of the CPAC, which comprises the CPAC Chair and Members, Panel Chair, and Reporter, consideration was given to this matter. Members remain unconvinced of any benefits that would result from a joint AST. They are of the view that the service currently provided by Inverclyde Council is of a very high standard and this could be diluted by the formation of a joint AST. It is their view that the introduction of the AST model proposed by the National Convener may also add an additional layer of bureaucracy, by way of the need to maintain a regional structure of AST which would have sub-AST arrangements mirroring the existing local arrangements.

7.2 Officers from the three Councils have met on 2 occasions to discuss the proposals. Renfrewshire is submitting a report to their Council on 27 September 2012 and will recommend that:-

“it is willing to work with neighbouring Councils to establish a JAST. The Council's view is that working together in this way is part of the wider public sector reform agenda building on the Christie principles. The reforms in the Children (Scotland) Act 2011 provide an opportunity for the councils to combine resources to implement the National Standards published by Children's Hearings Scotland. Renfrewshire Council is willing to discuss further the representation of the councils on the AST and which Council acts as lead authority.

It is accepted that although setting up a JAST creates an opportunity for the councils to work together to provide an improved service, the potential benefits are difficult to quantify in that they are likely to involve subjective assessments of quality of contact, training etc”.

Clearly, Renfrewshire is willing to work on a joint proposal to achieve the perceived benefits and there might be some merit in getting involved in such an arrangements at the outset rather than joining subsequently.

There are no significant financial reasons, at least for the councils, to move to a JAST given the comparatively low level of financial resources committed to this function but the perception that some savings might accrue should be noted.

7.3 East Renfrewshire Council are considering their position.

7.4 On Thursday 6 September, members of Inverclyde Children's Panel and Children's Panel Advisory Committee met with Craig Spence, Chair of Children's Hearings Scotland and Kit Wyeth, Project Manager to discuss the formation of the National Panel, during which panel members were afforded the opportunity to discuss the proposed Joint Area Support Team arrangement. Following which, both panel members and CPAC members agreed that they remain of the view that Inverclyde would at this stage, be best served by a stand alone AST.

7.5 To date, 3 Councils have formally signed the partnership agreement to form a stand alone AST, being Orkney, Western Isles and Aberdeen. 20 Councils have given their agreement in principle to forming either a single or joint AST, although have yet to sign the partnership agreement. 8 Councils are still considering the position including the Inverclyde, Renfrewshire and East Renfrewshire Councils. West and East Dunbartonshire Councils are looking to stand alone, as are Perth, Angus and Dundee. North Lanarkshire Council has not formed a view as to whether it would wish to work with the Children's Hearings System in supporting an Area Support Team.

7.6 The recommendation at 3.1 supports, in principle, an agreement with Children's Hearings Scotland to provide staffing resources, up to the level provided in 2012/13 to an Inverclyde Area Support Team, for an initial period of 2 years. It is proposed that during this period, the option to develop a joint Area Support Team with Renfrewshire and East Renfrewshire would be kept under review.

8.0 IMPLICATIONS

8.1 Finance: Financial Implications – One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

Financial Implications – Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
0005800061050	Children's Panel	June 2014 (provisional)	(£18,000)	-	Subject to confirmation by Scottish Government

8.2 Personnel: HR have been consulted on this report, however from the information available, it cannot be quantified whether an employee resource is required. Should this be the case, then the post would require to be evaluated in order to calculate employee costs.

8.3 Legal: There are no legal implications.

KIT WYETH, PROJECT MANAGER, CHILDREN'S HEARINGS SCOTLAND

BRIEFING NOTE FOR INVERCLYDE COUNCIL

CHILDREN'S HEARINGS REFORM: AREA SUPPORT TEAMS

Purpose of Reform and Benefits of Joint ASTs

Key principles

There is a lot that is already good about the Children's Hearings System – the reform is about improving and strengthening the System while protecting its fundamental principles.

The ethos of the system and the role of 3 specially trained, lay panel members taking decisions in the best interests of children and young people will not change

The Children's Hearings (Scotland) Act 2011 and wider reforms will give us a system that:

- Has children and young people at its heart
- Is focused on improving outcomes for children and young people
- Is nationally consistent but is locally delivered
- Properly equips panel members to take effective, evidence based decisions in the best interests of children
- Is fully accountable for its actions and decisions, underpinned by a more independent tribunal.

The only consideration and objective driving the introduction of the new arrangements is the intention to secure the best possible outcomes for children in need

Local authorities have been key partners, playing an absolutely central and essential role in making Children's Hearing work since the inception of the system in 1971

It is of paramount importance to the ongoing success of the system that local authority involvement and support continues

Area Support Teams

The 2011 Act provides for the National Convener to establish ASTs with the consent of the local authorities involved – giving Councils a key role in the establishment of ASTs. Decisions on where ASTs are established lie with the National Convener and Councils.

By retaining the best elements of local practice and delivery and building an AST structure and national accountability around it the Scottish Government believes that we can build on and improve the way the System works at present.

The National Convener has proposed the establishment of 17 ASTs across Scotland to replace the existing 30 Children's Panel Advisory Committees

Some of these ASTs will involve a single local authority because of size (eg Glasgow) or geographical considerations (eg the 3 island authorities)

The National Convener is looking to put in place Partnership Agreements with each local authority which set out what the authority and CHS will do to support the AST. A draft Partnership Agreement has been shared with your Council and the National Convener will look to finalise this once it is clear where the AST will be. The first Partnership Agreements are now in place between CHS and Councils and the majority of others are expected to be finalised shortly.

Proposed joint AST

The National Convener proposed a joint AST involving Inverclyde and Argyll and Bute. It was clear that there was no support for this, hence the proposal of a joint AST involving East Renfrewshire, Inverclyde and Renfrewshire Councils. The Scottish Government is supportive of this proposal.

I know that there has been some resistance to this among local volunteers.

A joint AST would be better equipped to ensure consistency, national standards etc while still allowing each Council its own role and identity in supporting panel members – and through them children, young people and families – in their own local areas.

We are clear that Inverclyde Council can contribute to supporting a joint AST while also making some cost savings compared to what it currently spends supporting the hearings system – a number of functions will now fall to CHS.

In recognising the reluctance and uncertainty among CPAC and panel volunteers about a joint AST – SG and CHS officials will continue to work with them to provide reassurance and clarity around the benefits.

Benefits of a joint AST

Moving to a joint East Renfrewshire, Inverclyde and Renfrewshire AST can further improve the quality of the support that is provided to panel members.

Establishing a joint AST will realise the following benefits:

- increased effectiveness through shared knowledge and shared training
- more effective, consistent and standardised support provided to AST members and panel members
- the possibility of having a dedicated staff resource whose only job will be to support the AST and panel members
- having a smaller number of Area Conveners enabling them and their colleagues in ASTs to provide more effective and consistent support for the National Convener and the system across Scotland
- lower costs and reduced admin activity for Councils
- the demonstration of effective joined-up working.

Alongside these benefits, it is also important to recognise that the existing strong local links to and with the panel will not be lost under the new arrangements:

- Panel members will continue to sit on hearings in their own local authority area
- Panel members will continue to receive training on issues and resources that are particular to their local authority - this training will be in addition to the core national training that all panel members will receive and training relevant for all panel members within the joint AST area.
- There will be panel representatives from each Council area on the joint AST who will play a key role representing the interests of local panel members and engaging with local and national partners.

Reassurances

The best possible outcomes for children at risk or in trouble will be achieved by people from local areas meeting in settings in these areas, dealing with children from these same areas, and this principle remains paramount and will not change

The new arrangements will support volunteers more effectively, and reduce administrative demands placed upon them so that they are more free to do what they do best - sitting on Panels determining the best outcomes for children in need

The new arrangements will not change, disrupt or replace the broadly excellent relationships which volunteers have with their local authority support officers

The new arrangements will not add to the bureaucracy or administration of Children's Hearings

The new arrangements will not result in further costs for the council: the new arrangements will mean that councils will spend significantly less in their support of Children's Hearings, and will benefit financially.

Financial information

The following financial information was provided by Inverclyde Council to inform the likely cost of implementing the 2011 Act. It is 2007-08 data (and a return was not provided under all headings) and we recognise that the level of funding is likely to have changed since then but hopefully this provides a useful indicator of the overall position and a reference point for detailed consideration within the Council.

Area of expenditure	Estimated cost 2007-08
Panel recruitment	-
Panel member T&S, transport etc	£8480
Training	£6350
Supplies and services	£987
CPAC	-
Panel staff/admin costs	-
Safeguarders	£3731
TOTAL	£19,548

From implementation of the 2011 Act, the cost of panel member T&S and transport (£8480), training (£6350) and safeguarders (£3731) will be met centrally. No adjustment to your block grant will be made as a result of these changes which will (according to the data provided by the Council) free up more than £18k per annum.

As set out in the draft Partnership Agreement, CHS is asking Council staff to play a greater role in future supporting the management of the panel member rota. Council staff will however lose their existing responsibility for administering the legal reps and safeguarder schemes. On balance, this is likely to mean a small increase in the work of clerks and their teams but our expectation is that any additional staffing cost associated with this work could easily be met from within the identified savings (more than £18k for Inverclyde).