

Governance Arrangements for the North Yorkshire Children's Trust

**A co-operative approach to improving the well-being of children in North
Yorkshire**

**Agreed by the participating agencies
July 2013**

Governance Arrangements under the Children Act 2004

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1. The Purpose of these Governance Arrangements

1.1 The purpose of these governance arrangements is to promote co-operation between the Agencies involved, with a view to improving the well-being of children and young people in North Yorkshire in relation to:

- a) Their physical and mental health and emotional well-being;
- b) Protecting them from harm and neglect;
- c) Their education, training and recreation;
- d) The contribution they make to society; and
- e) Their social and economic well-being.

1.2 Co-operation to improve the well-being of children has a statutory basis in Section 10 of the Children Act 2004. In North Yorkshire the partnership arrangements for this purpose are embedded in the wider strategic partnership arrangements.

1.3 The Agencies named in paragraph 3.1 below commit themselves to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children, and that any services provided by Contractors or other persons pursuant to these arrangements are also provided having regard to that need. Safeguarding and promoting the welfare of children means protecting them from maltreatment; preventing impairment of their health and development; and ensuring that they are growing up in circumstances consistent with the provision of safe and effective care – so as to enable them to have optimum life chances, and to enter adulthood successfully. The Agencies will have regard, in seeking to improve the well-being of children, to the importance of parents and other persons caring for children.

1.4 The Agencies will also have regard to statutory guidance issued under Part 2 of the Children Act 2004, and to their other statutory duties, in particular:

- a) The positive promotion of human rights as set out in the Human Rights Act 1998
- b) The need to prevent crime and disorder
- c) The need to eliminate unlawful racial discrimination and to promote equality of opportunity and good race relations
- d) The need to eliminate other forms of discrimination, including on the grounds of gender, disability, age, sexual orientation and marital status
- e) The need to secure continuous improvement in economy, efficiency and effectiveness
- f) The need to achieve best value, and value for money in relation to the use of public funds

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2. What is a Children's Trust?

- 2.1 The Children's Trust is the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people, in accordance with provisions detailed in Section 10 Children's Act 2004.
- 2.2 The purpose of the Children's Trust Board is to bring all partners with a role in improving outcomes for children and young people together to agree a common strategy (the Children & Young People's Plan) on how they will co-operate to improve children's well-being.

As with all public bodies, Children's Trust Boards are bound by the three general duties to promote disability, ethnicity and gender equality. This applies across all policies and functions. The Children's Trust Board are also bound by specific duties showing how they demonstrate compliance with the general duties, are required to publish equality schemes and must do equality impact assessments.

- 2.3 In North Yorkshire the Children's Trust Board has agreed to retain the responsibility for the preparation, publication, monitoring and revision of the Children and Young People's Plan.

3. Who is Involved

- 3.1 In accordance with regulations detailed within Section 10 Children Act 2004, the following Agencies are parties to these governance arrangements:
- a) North Yorkshire County Council, as Children's Services Authority and as the body with responsibility for public health;
 - b) The Police and Crime Commissioner and Chief Constable of North Yorkshire Police;
 - c) Airedale, Wharfedale & Craven CCG
 - d) Hambleton, Richmondshire & Whitby Clinical Commissioning Group (CCG);
 - e) Harrogate & Rural District CCG;
 - f) Scarborough & Ryedale CCG;
 - g) South Lakes CCG;
 - h) Vale of York CCG;
 - i) Vulnerable Adults and Childrens Commissioning Unit (VACCU);
 - j) Craven District Council;
 - k) Hambleton District Council;
 - l) Harrogate Borough Council;
 - m) Richmondshire District Council;
 - n) Ryedale District Council;
 - o) Scarborough Borough Council;
 - p) Selby District Council;
 - q) Yorkshire & Humber NHS Commissioning Board;
 - r) North Yorkshire Youth Justice Service (YJS);

- s) NY Fire & Rescue Service;
- t) York & North Yorkshire Probation Trust;
- u) Jobcentre Plus;
- v) North Yorkshire Local Safeguarding Children Board (NYSCB);
- w) Representation from the education sector, including primary schools, secondary schools and post-16 providers
- x) Ministry of Defence/Armed Forces

3.2 The Agencies will engage and work closely with the voluntary and community sectors and other agencies and bodies concerned with the delivery of services to children and young people, including Crime and Disorder Reduction Partnerships, the board overseeing Multi Agency Public Protection Arrangements, and the Drug Action Team. The Agencies will also work with, and elicit the views of, children and young people, and their parents and carers, as described in more detail later in these governance arrangements.

3.3 The Children's Trust Board may invite additional agencies and providers to work with the Children's Trust as deemed necessary by the business of the Trust to deliver improved outcomes for children. This includes the presentation of reports and attendance at meetings.

4. Glossary of Terms

4.1 Throughout these governance arrangements, the following terms have the following meanings:

- a) **Accountability** is either professional or organisational, and means the requirement to report, and be responsible, to another person or organisation for actions and decisions, whilst having the ability to seek guidance from that other person or organisation
- b) **Agencies** means all of the Agencies named in paragraph 3.1 above
- c) The **Board** means the North Yorkshire Children's Trust Board
- d) **Child** means a person under the age of 18 (up to the age of 25 for young people with LDD)
- e) **Contractor** means a person or body which is providing supplies, works or services which have been commissioned or procured under these governance arrangements
- f) **CYPP** means the Children and Young People's Plan for North Yorkshire
- g) The **Director of Children's Services** means the person appointed to that position by North Yorkshire County Council
- h) The **Lead Member for Children's Services** means the County Councillor appointed to that position by North Yorkshire County Council
- i) **LSP** means a Local Strategic Partnership, covering one of the District Council areas within North Yorkshire as described in Section 7 of this Part

- j) **NYCC** means North Yorkshire County Council
- k) **NYSCB** means the North Yorkshire Safeguarding Children's Board established by NYCC under Section 13 of the Children Act 2004 to co-ordinate and ensure the effectiveness of action to safeguard and promote the welfare of children with particular reference to protecting them from harm and neglect
- l) **Policy** refers to a Policy agreed by the Board
- m) **Strategy** refers to a Strategy agreed by the Board
- n) **Young person** means a person aged 18 or 19, or 25 for young people with LDD

5. The Shared Vision

- 5.1 The Agencies will have a shared vision for the contribution they can make to the well-being of children and young people in North Yorkshire. This vision will be agreed and kept up to date by the Board, and incorporated within the CYPP.

6. Statutory background and Scope of the Arrangements

- 6.1 The Agencies have entered into these arrangements under Part 2 of the Children Act 2004
- 6.2 The Agencies have agreed to abide by these arrangements in relation to everything they (or any of them) do co-operatively to improve the well-being of children and young people in North Yorkshire.

7. Summary of the Arrangements

- 7.1 The overall framework for partnership in the local delivery of public services in North Yorkshire comprises three groups at County Level:
 - Chief Executives Group, North Yorkshire and York
 - Local Government North Yorkshire & York
 - North Yorkshire Health & Wellbeing Board
 In addition to groups acting at County Level there are Local Strategic Partnerships in each of the seven Districts.

Each of these partnerships is a forum for collaboration between the relevant public agencies which deliver services and representatives of stakeholders in the private and voluntary sector, with input from the communities served. One key element of the work of all of these partnerships is the production and maintenance of the North Yorkshire Community Plan, the Health and Wellbeing Strategy and District-based Community Strategies which set the overall framework for assessing and meeting the needs of local people and their communities.

- 7.2 The Children's Trust Board will also act as a delivery mechanism on behalf of the North Yorkshire Health & Wellbeing Board, and will be responsible for supporting delivery of the priorities relating to improving outcomes for children, as set out in the Health & Wellbeing Strategy and the Community Plan.

7.3 The Board will advise NYCC and the Agencies described in paragraph 3.1 in relation to the development and maintenance of a Children and Young People's Plan, which will be the document that addresses the needs of children and young people, and how to meet those needs, across the County. The Board will have a dialogue with the Health & Wellbeing Board in relation to the Health & Wellbeing Strategy, in order to ensure that these arrangements proceed in a planned way. The Board will give account to these bodies for delivery of the targets and objectives contained in the CYPP. A representative of the Children's Trust Board will serve on the Health & Wellbeing Board in order to help facilitate the arrangements referred to in this paragraph.

7.4 In accordance with the provisions of the Children Act 2004, leadership responsibility for co-operation to improve the well-being of children and young people and responsibility for establishing the Children's Trust Board rests with NYCC. These governance arrangements set out that responsibility, along with the commitment of all of the Agencies for co-operation, communication, taking opportunities and sharing information. General governance principles aimed at ensuring probity, organisational and professional accountability and best value for money are contained in Part 3, whilst Part 4 details the rules for managing resources, whether in the form of both shared and pooled budgets or joint spending on shared priorities. Arrangements at local level are described in Part 7, and Part 8 is an agreement between the Parties, dealing with various legal issues which arise out of the arrangements.

8. How the Arrangements can be Changed

8.1 The Board may agree to change these arrangements (other than those contained in Part 7) by a resolution, notice of intention to move which is placed on the agenda for any meeting of the Board and sent to all of the Agencies at least seven days prior to the meeting in question, and is then passed at that meeting by a majority of at least two thirds of the persons present and voting at that meeting.

9. Description of Accountabilities of Agencies

9.1 The Board is accountable to:

- a) Each of the Agencies, as organisations with legal powers and duties in relation to the delivery of services to children and young people; and
- b) NYCC in particular, in relation to its position as Children's Services Authority; and
- c) the Health & Wellbeing Board for delivery of the targets contained in the CYPP related to the Health & Wellbeing Strategy.

- 9.2 NYCC has established NYSCB as a Local Safeguarding Children Board in accordance with Section 13 of the Children Act 2004 to coordinate and ensure the effectiveness of action to safeguard and promote the welfare of children with particular reference to protecting them from harm and neglect. The Agencies recognise that the NYSCB needs to have an independent voice, challenging them (collectively or individually) where necessary in relation to the quality and effectiveness of child protection measures in North Yorkshire. The Children's Trust Board should be consulted by the NYSCB on issues which affect how children are safeguarded and their welfare promoted, and the NYSCB must be consulted by the Children's Trust Board during the development of the CYPP. In addition to the annual report on the effectiveness of local safeguarding arrangements (as required by ASCL Act 2009), the NYSCB has the right, under these governance arrangements, to place any issue, paper, or report on the agenda for the next meeting of the Board, or to request a special meeting of the Board if the urgency of the matter so demands, and to nominate one or two members of the NYSCB to attend and speak at the relevant meeting of the Board. The Board has the same rights in relation to meetings of the NYSCB.
- 9.3 Within North Yorkshire County Council, the Director of Children's Services is accountable to the Chief Executive, and through the Chief Executive to the Authority's Executive, and to Overview and Scrutiny Committees, for the performance of children's services, and the effectiveness of arrangements for co-operation, as described in paragraph 4.3 of Part 3. The Lead Member for Children's Services is directly accountable at the political level to the Executive, to the Overview and Scrutiny Committees, and directly to full Council in respect of these matters. The full Council, as Children's Services Authority, can be held to account through statutory inspection and oversight mechanisms; and the individual members of the Council are democratically accountable to the people of North Yorkshire.
- 9.4 District Councils are ultimately accountable to the electorate through elected Councillors who form the Council. Councillors, meeting as the full Council, make most of the key decisions. Beyond that, Council or statute determines delegation to a Cabinet or Executive (for those Councils that operate these Executive arrangements) or to Committee(s) (for those Councils that operate a modified committee system). There will usually be a lead Member with responsibility for children's or young people's issues who may have delegated authority to act on behalf of the Cabinet or Executive (in this form of governance). There will also usually be a lead officer(s) whose decision making powers are described in a scheme of delegation. In terms of the duty to collaborate on Children's Services, District Councils use their respective political structures for decisions that may affect District services in their area and collectively have a delegate on the North Yorkshire Children's Trust Board who relates to the District Council Network of Leaders and Chief Executives. District Councils

also provide leadership to the Local Strategic Partnerships in their relationship with the Children's Services Board.

- 9.5 The participation of schools, colleges and other educational institutions is critically important to help ensure that there is delivery of the improvements envisaged by the Children Act 2004. Their contribution to governance arrangements will assist to shape the development of services to promote the well-being of children and young people in North Yorkshire.
- 9.6 The voluntary and community sector has a key role in shaping and delivering services for children, young people and their parents and carers. Through involvement at the Board and within local Children's Trust arrangements, voluntary and community organisations will be enabled to contribute to the analysis of needs and the development of strategies, raise concerns, seek assistance and participate in the development of services for children and young people in North Yorkshire.
- 9.7 The North Yorkshire Youth Justice Service is managed by an employee of NYCC, who is directly accountable to the Head of Children's Social Care, and ultimately to the Director of Children's Services, and to elected members of NYCC. As a team comprised of partner agencies, the Youth Justice Service has accountability both to its own Management Board (chaired by the Director of Children's Services), and to the Youth Justice Board of England and Wales.
- 9.8 The Probation Service in North Yorkshire is part of the National Probation Service (NPS). The Chief Executive is accountable to the National Director and locally to the York & North Yorkshire Probation Trust Board, of which they are a member. The NPS is part of the National Offender Management Service (NOMS), which also comprises the Prison Service. NOMS is currently establishing a purchaser/provider split through which the Regional Offender Manager will commission services.
- 9.9 Organisations and partnerships involved with the welfare of children and young people in North Yorkshire, including Crime and Disorder Reduction Partnerships, the board overseeing Multi Agency Public Protection Arrangements, and the Drug Action Team are encouraged to contribute to analyses of need and the development of strategy by the Board, and have the right to raise concerns and issues for the attention of the Board. Although not part of these partnership arrangements, they will be respected by the Board as important consultees in relation to its work.

PART 2

PRINCIPLES OF CO-OPERATION

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1. A Summary of our Approach

- 1.1 Although these governance arrangements do not involve a partnership in the legal sense, the Agencies acknowledge that the primary objective is for them effectively to work together in the spirit of partnership to enable the communities of North Yorkshire to benefit from a joined up approach to the provision of services. The Agencies mutually acknowledge that without commitment, flexibility and understanding, these arrangements cannot achieve the intended benefits to the local community. The commitments made by the Agencies in this Part are to be achieved jointly by the Agencies working together through the mechanisms established by these governance arrangements.
- 1.2 These arrangements necessitate working together closely in order to facilitate a co-ordinated approach to establishing and meeting the needs of children and families, the development of appropriate local facilities, and operational and financial efficiencies through economies of scale and by sharing expertise and experience. This approach is based on acknowledging and supporting appropriate autonomy of organisations and scope for local decision making, whilst putting shape and real substance to organisational and professional accountability for the well-being of children and young people.
- 1.3 The Agencies mutually acknowledge that from time to time problems may arise in connection with the provision of services for a variety of reasons which may include faults or omissions on the part of any of the Agencies or for other reasons unconnected with their actions or conduct. The Agencies further acknowledge that the joint working enabled by these arrangements, although a welcome innovation, may from time to time create friction or cause disputes between the Agencies' operational staff. The Agencies agree to take whatever steps as are appropriate to prevent or remedy any such problems. If any matter does need formal resolution then the Agencies agree to use the procedure set out in Section 9 of Part 8.
- 1.4 The Agencies agree: -
 - a) To work together to minimise the frequency of problems.
 - b) To focus upon learning rather than blame.
 - c) To consider all relevant circumstances where problems have arisen.
 - d) To take a holistic view of problems and not to focus on minor issues in isolation.
 - e) To empower and support innovation, decision making at the level which is as close as possible to service delivery, and risk management rather than risk aversion.
 - f) To take such further steps – through joint training and staff education – as are necessary to train their staff to focus upon problem solving and effective outcomes rather than culpability

and to deal professionally, effectively and equitably with any problem.

- g) Wherever appropriate to resolve problems locally on the spot.
- h) Within legal constraints, to afford to each other access to information which is likely to facilitate the effective operation of these arrangements.

2. Leadership Responsibility

- 2.1 Under Section 10 of the Children Act 2004, it is the responsibility of NYCC to take the lead in setting up and maintaining co-operation and partnership arrangements to secure the well-being of children. This leadership will be made manifest in the roles of the Director of Children's Services and the Lead Member for Children's Services; the establishment of a Children's Trust Board; and in organisational accountability to the Health & Wellbeing Board in relation to the objectives set out in paragraph 1.1 of Part 1 and the Shared Vision referred to in paragraph 5.1 of Part 1.

3. Our Commitment to Co-operation

- 3.1 The Agencies all recognise that improvements to the well-being of children and young people in North Yorkshire can best be achieved by co-operation under these governance arrangements; but that effective co-operation depends on significant inputs of commitment, time and resources. In particular, the agencies agree:

- ◆ To nominate, as their representative on the Board, a person who has the authority to speak on behalf of the Agency or sector and to act as a driver of commitment within the Agency, and who will devote the necessary time to ensure the effective co-operation of the Agency;
- ◆ To ensure that attendance at all Children's Trust Board meetings is maintained by the nominated representative and, where this is not possible, to nominate an appropriate substitute for those meetings.
- ◆ To provide the necessary financial, staffing and other resources to ensure the success of co-operation in accordance with these governance arrangements and agreed Policies and Strategies, regard being had to the differing size, resources and responsibilities of each Agency.

- 3.2 The Agencies recognise that, to achieve their full potential, the arrangements for co-operation must involve a wider group of persons and bodies, in particular in the private and voluntary sectors, who are involved in working and caring for children and young people. The Agencies will therefore seek collectively to engage with and involve these other persons and bodies in delivering services which are in accordance with the principles set out in these governance arrangements, and in Policies and Strategies agreed by the Board.

This will include, where necessary, developing and encouraging the market in relation to the provision of such services.

- 3.3 The Agencies also recognise the need to work with other bodies which provide services beyond the boundaries of North Yorkshire, both in relation to specialist services which are not available locally to the point of need, and in order fully to meet the needs of children whose needs are best met, for geographical reasons, by provision from outside the County. Policies and Strategies will extend to cover the provision of such services; and commissioning and expenditure in relation to them will be dealt with, so far as possible, in the same way as services provided within North Yorkshire. Whilst the Agencies will strive to develop appropriate local provision of services, they will also seek to ensure that children are never disadvantaged by the location of provision of services that they need, other than as may be inevitable for geographical reasons.

4. Our Commitment to Communication

- 4.1 The Agencies are committed to ensuring that all people in North Yorkshire can clearly understand how the arrangements for the provision of children's services work, and how they can access information and services, and make comments, and raise concerns or complaints.
- 4.2 The Agencies will ensure that appropriate mechanisms are used to enable the voices of children and young people, of parents and carers, to be heard, and to influence the decisions made on their behalf at a strategic level. This will provide a conduit through which children, young people, parents and carers and their advocates can participate, including by identifying any shortfall in the provision of services, and any areas where strategy and actions do not appear to be translating into tangible outcomes and practice.
- 4.3 The Agencies will also ensure that effective mechanisms are maintained for feeding back information and answers to children and young people, parents and carers, and for promoting outcomes from their involvement.
- 4.4 The Agencies recognise the important roles of the NYSCB in co-ordinating and ensuring the effectiveness of what they do, individually and together; and in contributing its views in relation to the planning, commissioning and delivery of services. The Agencies commit themselves to consulting the NYSCB on issues which affect how children are safeguarded and their welfare promoted; and the Board will establish and maintain an ongoing relationship and process of communication with the NYSCB.
- 4.5 The Agencies recognise the importance of communication with the voluntary and community sectors to the improvement of the well-being

of children and young people, and they will seek to facilitate this both through the representation of those sectors on the Board, and by seeking to ensure that the principles of these governance arrangements are widely understood, including how any organisation may contribute its views or experience in relation to relevant issues. Consultation with the voluntary and community sectors will take place in accordance with the principles set out in the North Yorkshire Compact with the Voluntary Sector.

- 4.6 The Agencies also recognise that their own staff are a vital source of information, ideas and expertise in relation to the needs of children and young people, and will communicate with staff in order to gain the benefit of their experience, and to ensure that staff are aware of all developments in relation to service delivery and the reasons for them.

5. Our Commitment to Opportunity

- 5.1 The Agencies are ambitious for all the children and young people in North Yorkshire, and have a shared responsibility for them. They are committed to developing services which will increase the life opportunities for children and young people and their families.
- 5.2 The Agencies aim to ensure that an increasing number of children and young people have good outcomes in relation to being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being. They will seek to improve the opportunities on offer to children and young people, as well as how they themselves work together to achieve these goals.
- 5.3 The Agencies recognise the importance of a buoyant and well qualified workforce in order to be able to deliver services for children and young people, and their parents and carers. The Agencies are committed to staff development at all levels in their organisations to help secure this.

6. Our Commitment to Sharing Information

- 6.1 The Agencies recognise the key importance of information sharing to the effective delivery of services to meet the needs of children and young people. They have therefore developed jointly a North Yorkshire General Framework for Information Sharing, and commit themselves to operating in accordance with it, and with relevant legal provisions and statutory guidance including the provisions of section 12D Children Act 2004.
- 6.2 The Agencies also recognise the responsibility under Section 12D Children Act 2004 to provide any information requested by the Board which is necessary for it to properly carry out its duties and functions.

7. Our Commitment to Quality

- 7.1 The Board will make arrangements to ensure continuous improvement in the well-being of children and young people in North Yorkshire and in the quality, availability and value for money of the services provided for children. It will do this by auditing actual outcomes in relation to the priorities and objectives set out in the CYPP, reviewing the effectiveness of the co-operation arrangements, and putting in place performance management arrangements, which will be published in the CYPP.
- 7.2 The Board will put in place, and subsequently maintain, appropriate arrangements for business risk management in relation to the provision of services for children and young people in North Yorkshire, and these will include the identification of an individual to take responsibility for maintaining a risk register and an action plan, and for reporting to the Director of Children's Services in relation to all issues relating to business risk management.
- 7.3 The Agencies mutually commit themselves to co-operating fully with each other in relation to such reviews, including by providing to each other all information which they have and are legally entitled to disclose, and which any of them may require in preparation for any such review.
- 7.4 The Board looks to the NYSCB to provide independent feedback on the quality and effectiveness of the measures in place within North Yorkshire to safeguard and promote the welfare of children and young people and to protect them from harm and neglect. It expects the NYSCB to work through a process of peer review based on self evaluation, performance indicators and joint audit, to produce reports for the Board's consideration in relation to these matters.
- 7.5 With the assistance of the Director of Children's Services, the Board will ensure that there are in place clearly publicised arrangements which enable children and young people, their parents and carers, and any other recipient or provider of services covered by these governance arrangements, to make a complaint, express a suggestion or a concern, or give a commendation in relation to such services. Such arrangements will:
- define the responsibilities and organisational accountability of each Agency in relation to such matters;
 - include provision for ensuring that all complaints, suggestions, concerns and commendations are dealt with, either by one of the Agencies or under joint arrangements agreed between them;
 - provide for a report to be made to the Board, on at least an annual basis, of an analysis of all complaints, concerns, suggestions and commendations, the reasons underlying them, how they have been

dealt with, and any changes to existing practices or to service provision which have been implemented or are proposed as a result;

- ensure that potential complainants are aware of the existence and role of any relevant Ombudsman or similar official who may be able to assist them in relation to any complaint they may wish to make; and
- provide for the agencies to co-operate in dealing with investigations by an Ombudsman.

8. Outputs of Co-operation

- 8.1 The key output of co-operation between the Agencies under these governance arrangements will be the preparation, delivery and implementation of the CYPP as a comprehensive, integrated plan for children and young people in North Yorkshire, that covers all services needed by them, and a shared strategy for improving those services.
- 8.2 The Agencies will agree, through the Board, a range of performance measures, and mechanisms for measuring performance, aimed at providing clear evidence of the extent to which services for children and young people in North Yorkshire are or are not improving in relation to their availability, quality, and value for money. The Board will receive reports on actual performance in relation to those measures at such intervals as it may determine, but not less frequently than every six months.
- 8.3 The Agencies expect that co-operation under these arrangements will help to deliver the relevant objectives set by the Health & Wellbeing Board and LSPs in community strategies and the North Yorkshire Community Plan, and targets in this regard will be set, and outcomes judged, as set out in Section 7 of Part 1.
- 8.4 The development and implementation of the Policies and Strategies mentioned in Section 9 below, and their updating to meet new circumstances and to ensure continuous improvement, will be an important output of co-operation under these governance arrangements.

9. Policies and Strategies

- 9.1 Policies and Strategies to improve the well-being of children in accordance with these governance arrangements will be agreed by the Board and all Agencies will operate in accordance with such Policies and Strategies.
- 9.2 The fundamental and overarching policy and strategy in relation to children's services will be the CYPP. The Children's Trust Board will retain responsibility for the development, monitoring and review of this

joint strategic document. The extent to which partners act in accordance with the CYPP will continue to be reported against on an annual basis.

- 9.3 The Board will contribute to the Joint Strategic Needs Assessment (JSNA) which provides for joint assessment of local needs. The Board has provision to develop a joint commissioning strategy involving the identification of all available resources and joint commissioning of services from a range of providers, supported by shared resources and/or joint or pooled budgets. This Strategy will ensure that all services for children provided by or on behalf of the Agencies or any of them are provided within the context of the CYPP, albeit that not all such services will need to be jointly commissioned. Under the Strategy, voluntary, community and private sector providers will be enabled to contribute fully to the planning and commissioning of services, subject to compliance with the General Governance Principles set out in Part 3.
- 9.4 The Board will develop a Strategy for the creation and deployment of Joint Spending and / or shared Budgets, to provide a lever for the integration of commissioning strategies and decision making processes and the integration of front line service provision, so securing better outcomes for children and young people.
- 9.5 The Board will develop Policies covering the management and operational requirements which will be required to ensure effective delivery of and professional accountability for children's services in accordance with these governance arrangements, the CYPP, and other Policies and Strategies. Such management and operational policies should incorporate the principles of local diversity and management responsibilities resting within individual Agencies, but with a line of accountability in all cases to the DCS. These may include human resources management; financial management and audit; risk management; and information sharing.

PART 3

GENERAL GOVERNANCE PRINCIPLES

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1. When do these Principles Apply?

- 1.1 These principles apply to everything that the Agencies (or any of them) do co-operatively to improve the well-being of children and young people in North Yorkshire.
- 1.2 In particular, these principles apply to meetings of the North Yorkshire Children's Trust Board and the Area Liaison Groups. They also apply to all business done through such meetings, and to all actions which are taken to implement decisions taken at such meetings.

2. Observance of Guidance

- 2.1 Subject to paragraph 2.2, all decisions and actions taken under these governance arrangements will be in accordance with any guidance given by the Secretary of State under the Children Act 2004 (or any other statutory powers enabling such guidance to be given).
- 2.2 The Board may at any time take a decision or authorise action which is not wholly consistent with such guidance, but in any such case the fact that guidance has been departed from, the nature of the departure, and the reasons for it will be recorded in the minutes of the Board meeting concerned.
- 2.3 All decisions and actions taken under these governance arrangements will be taken bearing in mind any relevant non-statutory guidance which may have been issued in relation to the matter in question.

3. Operating within agreed Policies and Strategies

- 3.1 Subject to paragraph 3.2, in all situations in which these principles apply, all decisions made and actions taken shall be in accordance with all policies and strategies which have been agreed from time to time by the Board.
- 3.2 The Board may at any time agree an exception to a policy or strategy, but in any such case the fact that an exception has been made, the nature of it, and the reasons for it will be recorded in the minutes of the Board meeting concerned.

4. Defined Roles for Individuals

- 4.1 The role of the Chair of the Board is:
 - To determine the content of agendas for Board meetings;
 - To manage the transaction of business at Board meetings;
 - To ensure that all Board members have an opportunity to participate in debates at Board meetings;

- To ensure that clear decisions are made at Board meetings, and that these decisions are minuted and communicated as necessary;
- To show leadership and to promote co-operation between the Agencies, in order to further the purpose of these governance arrangements; and
- To act as a role model of the behaviour expected of all Board Members.

4.2 The role of Members of the Board is:

- To represent the views of their Agency, Sector or stakeholder group (as appropriate);
- To provide factual information about the role of their Agency or Sector and its work, or about the needs of the stakeholder group;
- To work with other Board members to implement the objectives of these governance arrangements and the shared vision set out in Part 1;
- To promote joint working within these governance arrangements with any Agency or Sector they represent;
- To show commitment to such joint working, and to act as a champion of it within their Agency or Sector; and
- To work collaboratively, to respect diversity, and to behave in accordance with the requirements of these governance arrangements in relation to the conduct of Board members.

4.3 The role of the Director of Children's Services is to direct the operation of NYCC's children's service provision (including any contracted out provision), ensuring that children and young people are at the centre of service provision; and to make and sustain arrangements to promote co-operation in relation to the matters covered by these governance arrangements. The Director of Children's Services is accountable for giving assurance that:

- The needs of children and young people in North Yorkshire have been assessed, resources have been identified, and services are being appropriately targeted on delivering improved outcomes;
- The children's services provided or commissioned are effective at meeting identified need, are integrated, child and family oriented, and directed towards achieving outcomes shared across the Agencies;
- There are sufficient financial, human and other resources available to discharge statutory children's services functions and maintain service standards in the future, and staff are supported and developed so that they have the required competencies;

- Information is shared effectively between the Agencies, and is provided to national agencies as required, and arrangements for liaison with them are operating effectively;
- Services comply with statutory requirements, including in relation to equalities and anti-discrimination; and
- Arrangements are in place through which complaints and concerns may be raised, and commendations recorded.

4.4 The role of the Lead Member for Children’s Services is to maintain effective overview and overall political accountability for NYCC’s children’s service provision (including any contracted out provision), developing the strategic direction of these services, and bringing the leaders of all Agencies together in a shared vision. In particular, the Lead Member for Children’s Services will:

- ◆ Champion the cause of effective integration of children’s services, including the effective sharing of information, and the development of constructive relationships between staff of the Agencies;
- ◆ Ensure that monitoring, performance management and financial audit systems support the effective and efficient targeting of resources to meet the needs of children and young people, and that outcomes improve as a result;
- ◆ Monitor the effectiveness of these governance arrangements, and propose changes to the Board to deal with any problems or deficiencies; and
- ◆ Be accountable to the Executive and relevant Overview and Scrutiny Committees of NYCC in relation to the performance of services and the effectiveness of co-operation.

Other Council Members of NYCC may be appointed to perform particular roles or share aspects of responsibility with the Lead Member for Children’s Services, but overall political accountability will remain with the Lead Member for Children’s Services.

4.5 NYCC may appoint one of its members as “Children’s Champion”, to advocate the interests of children and young people outside of the formal framework of accountability. The Children’s Champion will have the right to attend and speak at meetings of the Board, but will not be a member of any of those bodies.

5. Delegation of Responsibilities

5.1 Except as may be otherwise agreed between the Agencies, the delegated powers and duties of employees of each Agency shall be determined by the Agency which employs them.

5.2 Where the Board agree to any particular initiative or project which may involve actions being taken by the employees of more than one Agency, the Board shall consider how the initiative or project is to be managed, and whether delegated powers need to be given to any

person in order to facilitate the effective operation of the initiative or project. Where such delegated powers do need to be given, the Board shall have power to delegate responsibilities to any one or more employee(s) of any of the Agencies accordingly. Any such delegation shall be recorded in the minutes of the Board and shall be issued in writing to the person(s) given such powers, together with directions as to their accountability in relation to such responsibilities.

- 5.3 It shall be the duty of any person on whom responsibilities are conferred under paragraph 5.2 to carry out those responsibilities in accordance with their terms and the directions in relation to accountability, and not to exceed the authority given to them. The Agencies agree that, where they employ any person who is given such responsibilities, they will place that duty upon that person.

6. Commissioning and Procurement

- 6.1 In every case where it is decided to commission or procure supplies, works or services under these governance arrangements, the person or body who decides to do so shall nominate one of the Agencies (with its agreement) to undertake the commissioning or procurement on behalf of all of the Agencies involved.

- 6.2 Every such commissioning or procurement exercise shall be undertaken by the Agency referred to in paragraph 6.1 in compliance with:

- a) All applicable legal and regulatory requirements of the laws of the European Union and of England and Wales;
- b) All applicable Policies and Strategies;
- c) All of the requirements of these governance arrangements.

- 6.3 All arrangements for joint commissioning will ensure fairness and equality of treatment for all potential providers of services, including those which form part of one of the Agencies and those in the voluntary, community and private sectors; and best value principles will be followed in all joint commissioning.

- 6.4 All commissioning and procurement arrangements shall be undertaken on the basis of a contract between the Agency nominated under 6.1 above and a Contractor.

- 6.5 Every contract shall require the Contractor, in providing the supplies, works or services:

- a) to have regard to the need to safeguard and promote the welfare of children, and
- b) to have regard to guidance issued from time to time by the Secretary of State in relation to making arrangements to safeguard and promote the welfare of children, and

- c) not to depart from such guidance unless there are clear reasons for doing so, and
- d) to report in writing any such departures, and the reasons for them, to the Agency with which it is contracting.

6.6 Every contract will contain clear review mechanisms and provisions for ensuring organisational and professional accountability, enabling the effectiveness and efficiency of the services which are to be provided to be monitored, and improvements to be required where the service falls short of the quality or efficiency specified. The Contractor will be required to provide such monitoring and improvement information as may be specified as necessary for the purposes of the Agency entering into the contract, and for the Director of Children's Services to discharge her/his accountabilities under these governance arrangements.

6.7 Every contract will require the Contractor to carry all appropriate insurances, according to the nature of the contract, and to indemnify the Agency nominated under 6.1 above against all costs, claims, liabilities and demands which may arise in the provision of the supplies, works or services which are the subject of the contract.

7. Avoiding Conflicts of Interest

7.1 The principles set out in this paragraph 8 apply to:

- (a) all individuals who act on behalf of any one or more of the Agencies in connection with matters covered by these governance arrangements; and
- (b) all individuals who otherwise participate through membership of the Board.

7.2 If at any time such an individual as is mentioned in paragraph 8.1 (a) has a personal interest in any matter covered by these governance arrangements, he/she shall declare the existence and nature of that interest to his/her Agency.

7.3 All of the Agencies will ensure that they have in place at all times arrangements for personal interests to be declared in accordance with paragraph 8.2, and such arrangements will include provisions whereby each declaration of interest is recorded, and steps are taken to ensure that the individual concerned does not have any involvement in decision making or consequent action in relation to the matter in question. The only exception to this rule against non-involvement is where the individual is a member, or member of the Board (and not an employee) of the Agency, and the circumstances are such that their participation is permitted under any code of conduct which applies to the individual.

- 7.4 If at any time such an individual as is mentioned in paragraph 8.1 (b) has a personal interest in any matter covered by these governance arrangements, he/she shall declare the existence and nature of that interest at the meeting of the Board at which the matter arises, and the individual concerned shall leave the meeting before the matter in question is considered, and shall not have any involvement in decision making or consequent action in relation to that matter.
- 7.5 In this paragraph 8, a personal interest means any situation where the personal well-being or financial position of the individual, or of any relative or friend of theirs, may be affected by a decision in relation to the matter in question.
- 7.6 All of the Agencies agree that they will not, and will ensure that their staff do not, participate in any decision covered by these arrangements in relation to the commissioning or procurement of any works, supplies or services in respect of which the Agency wishes to be considered as a potential provider of those works, supplies or services.

8. Public Access to Information

- 8.1 The public will have access to all agendas, reports to and minutes of meetings of the Board, together with the right to attend those meetings, except to the extent that the Board may decide otherwise, in accordance with legislation in relation to freedom of information.
- 8.2 NYCC will arrange for publication of the CYPP, and for copies of it to be made widely available through the internet, libraries, and local service delivery points.

PART 4

FINANCIAL ARRANGEMENTS

CONTENTS OF PART 4

- 1. Introduction**
- 2. Accounting Principles**
- 3. Financial Responsibilities**
- 4. Pooled Funds**
- 5. Joint Spending**
- 6. Observance of Financial Regulations**

1. Introduction

- 1.1 The financial arrangements set out in this Part shall operate to cover three distinct situations:
- (a) the operation of any Fund (“Joint Fund”) established under Section 10 of the Children Act 2004, or any other powers available to the Agencies or any of them; and
 - (b) all other spending (“Joint Spending”) agreed by the Board or under delegated authority given by the Board.
 - (c) The operation of a Pooled Fund (“Pooled Fund”) being a shared fund set up between the Board and one or more other Children’s Trust Boards for the purpose of all or any of their functions and in accordance with Section 12C (4) Children Act 2004

2. Accounting Principles

- 2.1 In respect of each financial year in which these governance arrangements operate, the Board shall establish a budget of the spending (if any) to be incurred any Joint Funds and Pooled Fund, and from Joint Spending, and this budget shall be prepared in the light of, and with the purpose of giving effect to, the Children and Young People’s Plan (CYPP). This budget will identify the contributions (if any) which each of the Agencies or other Children’s Trust Board agrees to make, either in cash or in kind, and any other resources which may be available (for example, from charges, grants, resources unspent in previous years, or other contributions). Contribution to Joint funds is binding on all agencies and must be approved by their respective boards, with provisions made in their budgets and any strategic and business plans.
- 2.2 The budget referred to in paragraph 2.1 shall be agreed by the Board prior to the start of the financial year to which it relates, but may be amended during the year.
- 2.3 The expenditure of resources from within the budget referred to in paragraph 2.1 may be committed and incurred with the authority of the Board itself, or by an officer of one of the Agencies acting under delegated authority from the Board.
- 2.4 Except with the express approval of the Board in special circumstances, no expenditure will be incurred, whether from a Joint Fund, Pooled Fund or by way of Joint Spending, except in accordance with the budget.
- 2.5 The administration of any Joint Funds shall be governed by NYCC financial policies and procedures, except as agreed otherwise by the Board. The administration of any Pooled Fund shall be agreed between

the Board and whichever other Children's Trust Board is contributing to the Pooled Fund.

- 2.6 Any Joint Funds or Pooled Funds shall be operated in accordance with Financial Reporting Standards and industry Statements of Recommended Practice.
- 2.7 If and when the Board decides that any particular Joint Fund or project funded by Joint Spending should be terminated, the Board may also decide to allocate any unspent balance to any other Joint Fund or project funded by Joint Spending. If the Board does not so decide, any unspent balance will be returned to the Agencies in the same proportions as their total contributions to the Joint Fund or project. The termination of any Pooled Fund or project funded by contributions from a Pooled Fund shall be governed in accordance with any agreement made between the Board and other Boards who have contributed to the Pooled Fund.

3. Financial Responsibilities

- 3.1 Except as otherwise agreed in writing by the Board, NYCC shall be responsible for accounting for all expenditure from Joint Funds. NYCC will maintain systems for the stewardship of Joint Funds, and for the financial monitoring of projects carried out from Joint Funds, and will report and be accountable to the Board for these matters. If the Board intends to create a Pooled Fund then it shall agree with the other Children's Trust Boards contributing to the Pooled Fund who shall be the responsible body for the accounting and monitoring of any such Pooled Fund.
- 3.2 Each Agency shall be responsible for accounting for all expenditure by it, which forms part of Joint Spending.
- 3.3 Each Agency will provide to NYCC all information in relation to Joint Spending which may be necessary to enable NYCC to perform its obligations under these governance arrangements and the basis of accounting treatment, where there are differences in industry standards or Statements of Recommended Practice.
- 3.4 NYCC shall present to the Board on a quarterly basis a financial monitoring report in relation to the use of Joint Funds, Pooled Funds and in relation to Joint Spending, identifying the amount of spending incurred, and forecast outturn compared to the budget, with reference to the relevant budget heads or projects.
- 3.5 The quarterly financial report shall report on the effective and efficient use of resources in relation to stated objectives and key performance targets as agreed in the CYPP for the reporting period.

- 3.6 NYCC shall present an annual report to the Board, as soon as possible after the end of each financial year, detailing the spending from Joint Funds, Pooled Funds and Joint Spending undertaken, and the extent to which this has accorded with the budget and has achieved the objectives in the CYPP.
- 3.7 NYCC shall appoint a suitably qualified person to provide financial advice and services to the Board in order to ensure the financial procedures, as required in these governance arrangements are achieved and to assist the officer responsible for NYCC's financial affairs in meeting his / her statutory obligations in relation to the general administration of the strategic partnership. The Board will not take any decisions which have significant financial implications without first considering such advice.
- 3.8 Unless otherwise agreed by the Board, any Joint Funds and Pooled Funds will be audited by the external and internal auditors of NYCC, and shall be subject to such other inspections or scrutiny as may be required by law.
- 3.9 In relation to all Joint Funds, Pooled Funds and Joint Spending, the internal and external auditors of each Agency shall have access to the financial records of each of the other Agencies to such extent as is necessary to allow them to fulfil their responsibilities.
- 3.10 Reports of all inspections and audits shall be made available to the Board.
- 3.11 Where any inspection or audit identifies any shortcomings, the financial adviser appointed under paragraph 3.7 will present an action plan to the Board to address such matters.

4. Joint Funds

- 4.1 The Board may agree to the establishment or nomination of one or more Joint Funds which shall be made up of contributions by some or all of the Agencies, and out of which payments may be made towards expenditure incurred in connection with the duties and powers of any of the Agencies which are related to the well-being of children.
- 4.2 As part of the process of establishing or nominating any Joint Fund, the Board will clarify:
- a) the aims, outcomes and targets which expenditure from the Joint Fund is intended to meet;
 - b) an officer ("the Fund Manager") who is to be responsible for managing the Joint Fund, and for reporting back to the Board on the extent to which those aims, outcomes and targets have been met.

- 4.3 The Fund Manager may incur expenditure from the Joint Fund for which he is responsible, and may authorise any other person to do so, subject to such conditions (if any) as the Fund Manager may specify.
- 4.4 The basis of use/contribution to any Joint funds by individual agencies shall be agreed by the Board and set out in an agreement established for the Joint fund as approved by each contributing agency.
- 4.5 The Joint fund(s) shall be linked to the CYPP, analysed into appropriate component with their stated objectives, forecasted outcomes and milestones which are to be used as key performance indicators for reporting and control purposes.
- 4.6 Paragraphs 4.4 and 4.5 above shall form part of the agreement of the Joint fund(s) and its use by partners/agencies.
- 4.7 Unless otherwise agreed in writing by the Board, any Joint funds which are established shall be administered by NYCC, (including responsibility for obtaining any money or other resources which are to be obtained from persons or bodies other than the Agencies, and ensuring compliance with any conditions attaching to such money or resources), and any balance in such funds may be invested from time to time by NYCC, with any interest or other return being credited to the fund or funds. Alternatively the agencies may agree to phased contributions to the Budget so as to not adversely impact on the cashflow of NYCC and of each Agency contributing to the Budget.
- 4.8 The arrangements in relation to Value Added Tax in respect of Joint Funds shall be based on those applicable to joint local authority / health service initiatives under Section 31 of the Health Act 1999. Joint Funds may be established in one of two different ways:
- a) Where all Agencies contribute funds, specifically for the purposes of the CYPP, such funds can only be used for CYPP purposes. Any transactions and VAT incurred shall be determined by the VAT regime of the commissioning body in that transaction.
 - b) Where the lead Agency (“the Agent”) acts as an agent of any of the other Agencies (“the Principal”) in a situation where the Agent incurs expenditure on behalf of the Principal, the bill may be sent directly to the Principal, who will deal with the VAT in accordance with its own VAT regime. However, if the Agent pays the bill, it may then recharge the Principal their share of the bill, plus the relevant VAT element.
- 4.9 Joint funds shall be monitored closely with any projected under/overspend brought to the attention of the Board.
- 4.10 Where an Agency has been commissioned to provide a set of services the terms of engagement shall be specified in a “contract”. The

“contract” would cover the basis of payment, reporting arrangements and the treatment of over- and under-spending.

- 4.11 At the end of each financial year, the Board’s financial adviser will report on the balances on all Joint Funds. Each Fund shall be accounted for by taking into consideration the reporting requirements of each Agency. However, where funds have been shared for reporting purposes, Agencies shall be required to return such funds back to the pool in the following financial year.
- 4.12 Any overspending of expenditure and / or shortfall of income shall be recovered as a first charge on the following year’s funds. If no such funds are available, or if the Board so decides, the shortfall will be met by each agency pro rata to its contribution to funding.
- 4.13 If these governance arrangements are terminated, the balance in any Joint Fund shall be transferred to the succeeding undertaking if required by law; otherwise:
- a) If the balance can be identified to a particular project, and as having been contributed by a particular Agency, it shall be returned to that Agency; but in any other case
 - b) it shall be returned to those Agencies which have contributed to the Joint Fund, pro rata to the amount of their contributions to that fund since it was first established, unless the Board determines otherwise.
- 4.14 Any shortfall on termination, including any redundancy costs, shall be charged to identified agencies on the basis established at 4.13(b) above.
- 4.15 Where an item in a Joint Fund is no longer required and the Board has not identified an alternative use for the fund after consultation with agencies, such fund shall be distributed in accordance with paragraphs 4.12 and 4.13 above.

5. Joint Spending

- 5.1 Where spending has been agreed by the Board, or under delegated authority given by the Board, the decision to incur the spending must identify:
- a) The total spending authorised and the period it covers;
 - b) From which agencies the resources are to come;
 - c) Whether contributions are to be in cash or in kind;
 - d) The purposes to be achieved; and
 - e) The lead Agency responsible for the spending.
- 5.2 In relation to all Joint Spending (which is not under Joint Funds), each Agency will maintain a statement of the amount of spending which it

has incurred, including the value of contributions in kind, and each Agency will account for VAT in accordance with its own VAT regime.

- 5.3 Where an Agency has been identified under paragraph 5.1(e) above as the lead Agency in relation to particular Joint Spending, that Agency shall have responsibility for undertaking all financial transactions in relation to the matter in question, (including obtaining any money or other resources which is to be obtained from persons or bodies other than the Agencies, and ensuring compliance with any conditions attaching to such money or resources). The lead Agency will maintain systems for the stewardship of resources, and for the financial monitoring of projects carried out under Joint Spending, and will report and be accountable to the Board for these matters, as well as providing all information necessary to NYCC to enable NYCC to perform its obligations under these governance arrangements. The lead Agency may invest the balance in any funds from time to time, with any interest or other return being credited to the account in relation to the project in question.
- 5.4 Each Agency will account separately for VAT in relation to all Joint Spending incurred from its funds. All taxable supplies made by one Agency to any other shall be accompanied by a VAT invoice using the rate of VAT applicable at the time to the supplies in question.

6. Pooled Funds

- 6.1 The governance and administration of any Pooled Fund shall be agreed between the Board and any other contributing Children's Trust Board at its conception. The Board will seek to ensure that any Pooled Fund is subject to the same robust audit procedures that is applied to Joint Funds and that the operation of any Pooled Fund is in compliance with the Financial Procedure Rules of NYCC.

7. Observance of Financial Regulations

- 7.1 The officer who is, from time to time, statutorily responsible for the financial affairs of NYCC shall ensure that all financial transactions in relation to Joint Funds which take place under these governance arrangements comply with the Financial Procedure Rules of NYCC.
- 7.2 The officer who is, from time to time, responsible for the financial affairs of each Agency shall ensure that all financial transactions by that Agency which relate to Joint Spending under these governance arrangements comply with the Financial Regulations of that Agency.
- 7.3 An accounting officer shall be appointed by the lead agency for the purpose of carrying out the financial functions as specified by the Board.

- 7.4 Where conflicting industry Statements of Recommended Practice have been applied, each Agency will define the basis of accounting, so as to assist NYCC to maintain consistency in its financial reporting.

PART 5

ARRANGEMENTS FOR THE NORTH YORKSHIRE CHILDREN'S TRUST BOARD

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- 2. Role of the Board**
- 3. Responsibilities of the Board**
- 4. Decision Making at Board Level**
- 5. Membership of the Board and substitution arrangements**
- 6. Meetings of the Board**
- 7. Chairing the Board**
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- 10. Quorum**
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1. Composition of the Board

- 1.1 Each of the Agencies which is a party to these governance arrangements may nominate persons to the Board as set out in the following table, which also allocates seats on the Board to certain other persons. If necessary, any Agency can ask a representative from another Agency to take delegated responsibility for them:

Name of Agency(ies)	No. of nominations to the Board
North Yorkshire County Council (incl. Public Health)	5
Chief Constable	1
Police & Crime Commissioner	1
Probation Trust Board	1
Each Clinical Commissioning Group	1
Vulnerable Adult & Children Commissioning Unit	1
North Yorkshire Schools:	
Primary Schools	1
Secondary Schools	1
Academies	1
The 7 District Councils	1
Jobcentre Plus	1
FE Colleges	1
The voluntary and community sector	2
NY Fire & Rescue Service	1
Youth Justice Service	1
North Yorkshire Safeguarding Children Board (NYSCB)	1
A person representing the views of children and young people	1
A person representing the views of parents and carers of children	2
Ministry of Defence/Armed Forces	1

- 1.2 In the event of any reorganisation affecting more than one of the Agencies, the Board will agree how the table set out in paragraph 1.1 needs to be amended in order to retain appropriate representation for the sector concerned on the membership of the Board.
- 1.3 The persons representing North Yorkshire Schools shall be such persons as may be chosen by the maintained schools and academies in North Yorkshire, acting collaboratively, with the system of representation to be developed, in agreement with schools, by NYCC and, wherever possible, being based on existing arrangements. Schools representation shall be developed in accordance with statutory guidance and shall be representative of all school “relevant partners”, with the intention that one person shall represent primary schools, one

person shall represent secondary schools and one person shall represent academies.

- 1.4 The persons representing the voluntary and community sector shall be such persons as may be chosen by those sectors, acting collaboratively, but with the intention that one person shall represent larger national charities and organisations, and the other shall represent local, community based organisations.
- 1.5 The persons representing the views of children and young people and of parents and carers shall be nominated by whichever bodies or organisations the Board recognises as responsible to it for ascertaining their views.
- 1.6 If any of the persons nominated under paragraph 1.1 above is unable to attend a meeting of the Board, he / she must appoint another person to attend as a substitute, and any person so appointed shall have the same authority at the meeting as the nominated person would have had. If necessary, it is possible for the nominated person to ask a person from one of the other Agencies to act as their substitute if they are unable to produce a substitute from within their own organisation.
- 1.7 Board partners may establish arrangements for shared representation, with one person representing more than one partner. Where this happens, the representative must have a clear mandate allowing them to speak and act for all organisations they are representing and in accordance with these governance arrangements.

2. Role of the Board

- 2.1 The Board will develop and maintain an integrated strategy for the development, planning and commissioning of children's services in North Yorkshire, based on the shared vision set out in paragraph 3 of Part 1. This will be articulated as the CYPP.
- 2.2 In developing and maintaining such a strategy, the Board will:
 - Consider the current pattern and recent trends of outcomes for children and young people in North Yorkshire, in relation to relevant national and local comparators;
 - Look within the overall picture at outcomes for particular groups of children and young people, who may require a different approach to service provision, or additional support;
 - Put into place effective data collection arrangements to embed a comprehensive needs assessment. This will use all available data, including the views of children, young people and their families, local communities and staff of the Agencies, as well as feedback on complaints, comments and commendations.
 - Agree on the nature and scale of the local challenge, identify the resources available, and set priorities for action;

- Plan the pattern of services most likely to secure priority outcomes, considering the ways in which resources can be focussed on prevention and early intervention;
 - Decide how best to procure those services, including drawing in alternative providers to widen options and increase efficiency;
 - Develop and extend joint commissioning from Pooled Funds and Joint Spending;
 - Develop strategies to support the above, including a market development strategy and a local workforce strategy; and
 - Monitor and review to ensure that services, and the joint planning and commissioning process, are working to deliver the goals set for them.
 - Prepare and publish an annual report to detail the extent to which during the year to which the report relates, those persons and bodies appointed to implement the plan have acted in fulfilling this responsibility.
- 2.3 The Board will oversee the development of Children’s Services in North Yorkshire, including opportunities for integrated working.
- 2.4 The Board will ensure that appropriate links are maintained between its work and that of the Health & Wellbeing Board, Chief Executives Group (North Yorkshire & York), Local Strategic Partnerships, the North Yorkshire Safeguarding Children Board and others as appropriate.
- 2.5 The Board itself may commission services which are of strategic or Countywide importance; but the Board may also:
- a) Authorise individual Agencies to commission services which are within their particular area of specialist expertise; and
 - b) Authorise persons who are employed by any of the Agencies to undertake commissioning of services on behalf of the Board.
- 2.6 The Board will perform the role in relation to setting and monitoring performance, as set out in paragraph 8.2 of Part 2.
- 2.7 The Board will support the work of the NYSCB to ensure that all agencies work in accordance with Section 11 of the Children Act 2004 and Section 175 of the Education Act 2002 and make arrangements to safeguard and promote the welfare of children and young people.
- 2.8 The Board will also function as a symbol of the partnership between the Agencies; as a vehicle for sustaining commitment to co-operation and to the delivery of services in accordance with the CYPP; and as a champion of the need to ensure full public accountability for the planning, commissioning and provision of children’s services.

3. Responsibilities of the Board

- 3.1 The Board shall be responsible for of the development, publication, monitoring and review of the CYPP.
- 3.2 The Board shall be responsible for preparing and maintaining the following procedures, policies and strategies where necessary:
 - a) Pooled Budget Strategy;
 - b) Joint Commissioning Strategy;
 - c) Procurement Strategy;
 - d) Local Workforce Strategy, including a framework for human resources management;
 - e) A framework for financial management and audit;
 - f) A framework for risk management;
 - g) A framework for information sharing; and
 - h) Such other policies and strategies as the Board may consider to be necessary to achieve the objectives of these governance arrangements.

4. Decision Making at Board Level

- 4.1 All matters which are to be decided by the Board shall be decided by consensus if possible, and the Chair of the Board shall seek to ensure that this is achieved wherever possible.
- 4.2 In any case where consensus cannot be achieved, decisions shall be made by a simple majority vote, with each Board member having one vote. In the event of an equality of votes being cast for and against any motion, the Chair shall have a second or casting vote.
- 4.3 If any decision or resolution of the Board commits an Agency to take action which it does not believe to be possible or appropriate for it to take, that Agency may, by notice in writing to the Board Secretary within ten working days of the date of the decision in question, require that the matter be reconsidered at a further Board meeting, and in such a case the decision in question shall (unless the notice is subsequently withdrawn) be suspended pending such reconsideration. The matter shall then be reconsidered at the next scheduled meeting of the Board, or at an earlier special meeting if the Chair so decides, and the Agency giving the notice shall be entitled to present a written report to the Board, setting out the reasons for its position on the matter.
- 4.4 Subject to paragraph 4.3, all of the Agencies shall be bound by decisions or resolutions of the Board and shall take whatever action is necessary within their legal powers to give effect to them.
- 4.5 In any case where the role of the Board is to express a view or to make recommendations, this should be done unanimously where possible,

but if not possible the Board shall express a view or make recommendations in a way which expresses the diversity of views.

5. Membership of the Board

- 5.1 A person shall become a member of the Board upon being appointed to fill a vacancy by the Agency (or group of Agencies) who have the right, under paragraph 1 above, to make such an appointment.
- 5.2 Each member of the Board shall complete an Induction with the Board secretariat, outlining the key functions of the Children's Trust and their responsibilities as members of the Board.
- 5.3 A person who is a member of the Board shall continue to be a member until any of the following events occurs:
- (a) his/her term of office expires, and he/she is not reappointed;
 - (b) he/she resigns;
 - (c) he/she is removed from the Board by the Agency (or group of Agencies) who appointed him/her;
 - (d) if he/she was, when appointed, a member or employee of the Agency (or one of the Agencies) who appointed him/her, he/she ceases to be such a member or employee.

6. Meetings of the Board

- 6.1 Administration of the Board shall be managed by NYCC, who shall ensure that meetings of the Board are held:
- a) Regularly, at such frequency as may be determined by the Board (but if not otherwise determined, then on at least four occasions reasonably regularly spaced through each financial year); and
 - b) On such other special occasions (if any) as the Chair of the Board may determine or the NYSCB may, in case of urgency, request; and
 - c) Within ten working days of receipt of a written request for a meeting from at least four members of the Board.
- 6.2 NYCC shall from time to time nominate an individual to act as Secretary to the Board; and the Secretary shall ensure, in relation to all meetings of the Board, that:
- a) A programme of meetings is drawn up for each calendar year and made publicly available;
 - b) Notice of meetings is given to the other Agencies, at least fifteen working days prior to the meeting;

- c) An agenda is prepared, including all items referred to in paragraph 8.1 below;
 - d) The agenda is sent to all Board members and to all Agencies at least five working days prior to the meeting, with copies being provided to the Secretary to the NYSCB and the Children's Champion;
 - e) Minutes are kept of the proceedings at meetings, in accordance with paragraph 11 below.
- 6.3 No meeting of the Board shall proceed unless the requirements of paragraphs (b) to (d) inclusive of paragraph 6.2 above have been complied with; but no meeting held shall be invalidated by reason that notice of the meeting, and/or the agenda for the meeting, has not been received by any of the Agencies.
- 6.4 The Board may:
- a) Invite or permit any person to attend its meetings;
 - b) Invite or permit any person to address or make a presentation to a meeting, or to submit written material for consideration at a meeting;
 - c) Seek advice from any person;
 - d) Refer any specific matter, or any type of matter, to the Director of Children's Services, or to any other specified person to decide the matter and take any necessary action consequent upon the decision.
- 6.5 All Board meetings shall be open to the public, and the public shall have access to all papers considered at Board meetings, and to the minutes of such meetings, except to the extent that the Board decides (or, in the case of papers which exist prior to Board meetings, the Board Secretary anticipates that the Board may decide) to exclude the public because of the confidential nature of the business to be transacted. The Board shall only so decide if and to the extent that the information in relation to such business or contained in such papers or minutes would be exempt from disclosure under the Freedom of Information Act 2000.
- 6.6 Any member of the public (including any child or young person) may ask questions or make statements at meetings of the Board. Notice must be given in writing (including email) to the Secretary of the Board at least two working days prior to the meeting. No person may submit more than one question or statement for any meeting, and if more than one person submits substantially similar questions or statements, only the person who first gives notice to the Secretary to the Board will be

heard. Questions or statements shall be dealt with at the meeting in the order in which they were received by the Secretary to the Board. Any person asking a question or making a statement shall give their name, and except with the consent of the Chair of the Board may not speak for more than five minutes. Unless the Board otherwise decides, the total time spent dealing with questions or statements shall not exceed thirty minutes per meeting.

7. Chairing the Board

- 7.1 As part of the duty to establish a Children's Trust Board, it is the responsibility of NYCC to appoint the Chair in consultation with the Board members.
- 7.2 If, during all or part of any meeting of the Board, the Chair is absent, the Board shall proceed to elect another member of the Board to chair the meeting.

8. Agendas

- 8.1 The Secretary of the Board shall ensure that all of the following items are included on the agenda for each Board meeting (unless there is some positive reason not to include them):
 - a) Consideration of the minutes of the previous Board meeting, including matters arising which are not dealt with elsewhere on the agenda;
 - b) Declarations by Board Members of the existence and nature of any personal interests in matters on the agenda;
 - c) An opportunity for any person to ask a question or to make a statement, in accordance with paragraph 6.6 above;
 - d) Items requested to be on the agenda by any of the Agencies;
 - e) Items requested to be on the agenda by the NYSCB;
 - f) Items requested to be on the agenda by the Director of Children's Services or the Lead Member for Children's Services;
 - g) Such other items of business as the Secretary of the Board considers appropriate.
- 8.2 The order of business at meetings of the Board shall be under the control of the Chair of the Board, who may also allow items of business to be considered at Board meetings which are not on the agenda if satisfied that the matter could not reasonably have been included on the agenda, and that there are exceptional reasons for considering it without delay.

9. Reports

- 9.1 Except where the Board decides otherwise due to exceptional circumstances, all items considered by the Board under subparagraphs (c), (d), (e) and (f) of paragraph 8.1 shall be considered in the light of a written report, setting out the relevant information and other factors necessary for the matter to be properly considered. Unless the author of a report considers it inappropriate in the circumstances, such reports shall also set out the options available to the Board, and a recommended course of action.
- 9.2 All reports presented to the Board will adhere to the standardised reporting template and guidelines, which will be made publicly available for all Board agencies.

10. Quorum

- 10.1 All agencies as detailed in Paragraph 2.1 of Part 1 are required to contribute to Children's Trust Board meetings preferably by the attendance of the nominated member, if not, by the attendance of a substitute from either the Agency concerned or by them delegating such duty to another relevant partner, in line with their statutory responsibilities as "relevant partners" and the provisions described in Paragraph 1.6 above. However, to ensure the satisfactory functioning of the Board, it shall be possible to make consensual or majority decisions should quorum of at least 5 agencies (as set out in paragraph 1.1 above) be achieved. In such circumstances the Chair of the Board will seek as soon as reasonably practicable thereafter to communicate such decisions to the absent Agencies and for the decision to be reviewed at the next Board meeting if any absent Agency objects to the decision taken.

11. Minutes

- 11.1 The minutes of meetings of the Board shall be recorded. Copies will be provided to all of the Agencies within fifteen working days after the meeting, and also circulated with the agenda for the next meeting.
- 11.2 At meetings of the Board, any minutes of previous meetings shall be taken as read, and the Chair shall ask whether Board members are satisfied with their accuracy. Once any questions on accuracy have been resolved, the Chair shall sign the minutes as a correct record.

12. Rules of Debate

- 12.1 At any time during discussion of an item of business, a member of the Board may propose a motion, the wording of which shall be in the form of a proposed decision or resolution of the Board. Upon a motion being proposed, the Chair shall ascertain whether any other member of the Board is prepared to second it. If they are not, the motion shall not be further discussed.

- 12.2 If a motion is seconded, debate shall then be directed to that motion until:
- (a) the motion is put to the vote and carried, at which point it becomes a decision or resolution of the Board, and the Board then continues to discuss the item of business, or moves to the next item of business;
 - (b) the motion is put to the vote and lost, in which case the Board continues to discuss the item of business, and further motions may be proposed; or
 - (c) an amendment to the motion is proposed, in which case debate shall be directed to the amendment until it is put to the vote. If the amendment is lost, debate shall continue on the unamended motion. If the amendment is carried, it shall become the substantive motion.
- 12.3 A member of the Board may at any time raise and speak to a point of order, or a point of personal explanation.
- 12.4 The ruling of the Chair on points of order or procedure, and his / her interpretation of these governance arrangements shall be conclusive, and no debate on such a ruling will be allowed.
- 12.5 If, in the opinion of the Chair, a member of the Board behaves improperly or offensively, or persistently disregards the rulings of the Chair, or otherwise behaves in such a way as to impede the proper conduct of business, the Chair shall warn the member concerned. If the member disregards the warning, the Chair may order the member concerned to leave the room. If the member does not do so, the Chair may adjourn the meeting for such period as he/she may decide.
- 12.6 If a person other than a member of the Board interrupts the proceedings at any meeting, or behaves disruptively or in such a way as to impede the proper conduct of business, the Chair shall warn the person concerned. If the person disregards the warning, the Chair may order them to leave the room. If they do not do so, the Chair may either order them to be removed, or adjourn the meeting for such period as he/she may decide.

PART 6

ARRANGEMENTS FOR WORKING GROUPS (INCLUDING AREA LIAISON GROUPS)

CONTENTS OF PART 6

- 1. Composition of Working Groups**
- 2. Meetings of the Working Groups**
- 3. Reporting Arrangements**
- 4. Performance and Commissioning Sub Group**
- 5. Local Delivery of Children's Trust Priorities**

1. Composition of Working Groups

- 1.1 In order to enable the Board to function effectively and efficiently, working groups to the Board shall be established to implement and monitor the day-to-day management of Board work. The number and nature of working groups is to be determined by the agencies, as detailed in Part 1 Paragraph 3.1, and formally endorsed in accordance with provisions detailed in Part 5 Paragraphs 4.1-5.
- 1.2 Core membership of each working group is to be determined by the Board, with additional representation to be determined by the Chair of each sub group. Responsibility for the subsequent management of and amendments to individual working group representation is the responsibility of working group Chairs.
- 1.3 In accordance with their status as affiliated groups to the Board, all working groups will have regard to these governance arrangements. In addition, each working group will be required to develop individual Terms of Reference appropriate to their area of work, to be co-ordinated by the working group Chair.

2. Meetings of the Sub Groups

- 2.1 Working group meetings are to be held regularly, at such frequency as may be determined by the Chair of the working group, but if not otherwise determined, then on at least four occasions reasonably regularly spaced through each financial year.
- 2.2 Working groups are to have regard to the meeting cycle of the Board and shall align meetings where possible, to enable clear and effective communication between the Board and its sub groups.
- 2.3 As affiliated groups to the Board, all working groups are to be consistently minuted using a standardised template provided by the Secretary to the Board. Copies of these minutes shall be made available within fifteen working days after the meeting to:
 - a) the Secretary of the Board and;
 - b) the Chair of the Performance and Commissioning sub group
- 2.4 The Chair of each working group shall ensure that each agenda makes provision for the consideration of the key messages from the previous Board meeting, including matters arising which are not dealt with elsewhere on the agenda (unless there is some positive reason not to include them).

3. Reporting Arrangements

- 3.1 To ensure clear and consistent reporting across the Children's Trust, working groups are required to adhere to Board reporting arrangements, as detailed in Part 5 Paragraph 9.
- 3.2 Key messages shall be produced by each working group within fifteen days after the meeting to enable a summary of the main issues covered to be communicated to the Board. Copies of these key messages shall be made available to the Secretary of the Board and made publicly available alongside Board key messages.
- 3.3 The Board will receive reports from each working group on actual performance in relation to their specific area of work at such intervals as it may determine, but not less frequently than every six months.
- 3.4 Routine performance monitoring of and reporting against the work of the working groups shall be reported to the Performance and Commissioning working group, in its role as the predominant working group of the Children's Trust (with the exception of provisions detailed within Paragraph 3.3).

4. Performance and Commissioning Sub Group

- 4.1 As the predominant working group to the Board, the Performance and Commissioning working group shall provide active performance management for the work of the Board and shall present exceptions reporting at each Board meeting on the priorities within the CYPP and working group activity.
- 4.2 The Performance and Commissioning working group shall provide routine performance management arrangements for the Board and will monitor the activity of the other working groups, in accordance with Paragraphs 3.3 and 3.4.
- 4.3 The Performance and Commissioning working group must have regard to the meeting cycle of the Board and must be aligned to allow appropriate reporting between them.
- 4.4 Core membership of the Performance and Commissioning working group is to be determined by the Board, with additional representation to be requested by the Chair as required.
- 4.5 As a working group to the Board, the Performance and Commissioning sub group will have regard to the provisions within Paragraphs 1-3 (with the exception of Paragraphs 2.3b and 3.4).

5. Local Delivery of Children's Trust Priorities

- 5.1 The Board shall make arrangements to ensure that mechanisms are in place to facilitate the co-ordination and review of progress against priorities within the CYPP at a local level.
- 5.2 Groups working locally to deliver CYPP priorities will be affiliated to the Children's Trust Board and must have regard to the Trust's governance arrangements and shall operate in accordance with provisions detailed in Paragraphs 2.1-5 and 3.2.
- 5.3 The provisions set out in paragraphs 5.1 and 5.2 do not preclude any local delivery group from working in partnership with another overarching strategic partnership (for example, the Local Safeguarding Children's Board) to co-ordinate local delivery of priorities.
- 5.4 Local delivery groups will be required to develop terms of reference, which set out aims, responsibilities, accountability, membership and decision making.
- 5.5 Should local delivery of Children's Trust priorities be integrated with the delivery of local priorities on behalf of another strategic partnership (as set out in 5.3 above), the terms of reference of any such group must explicitly reference affiliation to all strategic partnerships from whom responsibility for local delivery of priorities has been devolved, and set out arrangements to resolve disputes should conflicts arise between the priorities of different strategic partnerships.
- 5.6 Local delivery groups will have responsibility for the local delivery of a limited number of priorities set out in the CYPP. The number of priorities adopted by local delivery groups will be agreed with the Children's Trust Board.
- 5.7 The Board will ensure that local delivery groups report progress against priorities to the Board at intervals of at least every six months.
- 5.8 Local delivery groups do not have any delegated commissioning powers on behalf of the Children's Trust Board. However, in accordance with provisions set out in Part 4 (Financial Arrangements), Paragraphs 4.1 to 6.1, and subject to ratification by the Children's Trust Board, groups may establish a pooled or joint budget, out of which payments made be made towards expenditure incurred in direct connection with the pursuit of agreed priorities which are related to the well-being of children and incorporated in the CYPP.

PART 7

LEGAL AGREEMENT

CONTENTS OF PART 8

- 1. Agreement to observe certain Governance Arrangements**
- 2. Termination and Ownership of Assets**
- 3. Procurement and Contracting**
- 4. Liabilities between Agencies**
- 5. Liability to Third Parties**
- 6. No Legal Partnership**
- 7. Third Party Rights**
- 8. Service of Notices**
- 9. Resolution of Disputes**

The Agencies commit themselves to agreeing to the provisions of this Part 8 as a legally binding agreement between them.

THIS AGREEMENT is made on the [] day of [] 2013 between:

1. North Yorkshire County Council;
2. The Police & Crime Commissioner for North Yorkshire & York;
3. The Chief Constable of North Yorkshire Police;
4. Airedale, Wharfedale & Craven Clinical Commissioning Group;
5. Hambleton, Richmondshire and Whitby Clinical Commissioning Group;
6. Harrogate and Rural District Clinical Commissioning Group;
7. Scarborough & Ryedale Clinical Commissioning Group;
8. South Lakes Clinical Commissioning Group;
9. Vale of York Clinical Commissioning Group;
10. Vulnerable Adults & Children's Commissioning Unit (VACCU);
11. Craven District Council;
12. Hambleton District Council;
13. Harrogate Borough Council;
14. Richmondshire District Council;
15. Ryedale District Council;
16. Scarborough Borough Council;
17. Selby District Council;
18. FE Colleges;
19. York & North Yorkshire Probation Trust Board;
20. North Yorkshire Youth Justice Service;
21. NY Fire & Rescue Service
22. North Yorkshire Local Safeguarding Children Board (NYSCB)
23. North Yorkshire Schools & Academies
24. Jobcentre Plus
25. Ministry of Defence/Armed Forces

BACKGROUND

The Agencies who are a party to this Agreement have entered into agreed governance arrangements for co-operation to improve the well-being of children, under the provisions of Part 2 of the Children Act 2004 (as amended by the ASCL Act 2009).

Those governance arrangements consist of eight parts, the first seven of which are not legally binding, except where specifically incorporated into this eighth part, which is legally binding.

Terms and expressions which are defined in the other parts of the governance arrangements have the same meanings in this part, except where the context otherwise requires.

1. Agreement to observe certain Governance Arrangements

- 1.1 The Agencies agree that they are legally bound to observe the following provisions of the governance arrangements:

Part number	Paragraph number
2	6.1 to 6.2
3	5.1 to 5.3
3	6.1 to 6.7 inclusive
3	7.1 to 7.6
4	All paragraphs in Part 4
5	4.1 to 4.5

2. Termination and Ownership of Assets

- 2.1 Subject to paragraph 2.2 the Agencies may unanimously agree to terminate this Agreement at any time.
- 2.2 The Agencies may not terminate, and none of the Agencies may withdraw from this Agreement, except where the Agencies have jointly prepared a detailed exit strategy which, so far as is possible, will protect the interests of all of them, recognise the financial and other contributions of the respective Agencies in the past and any costs of termination, contain a timetable for action, and which will take account, so far as is reasonable and appropriate, of all relevant factors relating to the circumstances of and reasons for the termination. The exit strategy will also include provisions whereby all assets which have been purchased from Joint or Pooled Funds or through Joint Spending pass to a successor organisation if there is one, or otherwise are shared according to the proportions in which financial contributions were made when they were acquired, and have subsequently been incurred in relation to their maintenance and repair. The Agencies recognise that they are required under the Children Act 2004 to be a party within a Children's Trust Board and therefore expressly agree that this Agreement will only be terminated on the strict understanding that a new governance agreement has been prepared which all parties required by law to participate in a Children's Trust Board are willing to sign with immediate effect.
- 2.3 If one of the Agencies ceases or is to cease to have legal powers enabling it to be involved in the governance arrangements to improve the well-being of children and young people in North Yorkshire, then in such circumstances all of the Agencies will co-operate in preparing an exit strategy for that Agency as mentioned in paragraph 2.2.
- 2.4 Upon an exit strategy being agreed between the Agencies, then all of the Agencies shall use their best endeavours to give effect to the exit strategy in accordance with the timetable contained in it.
- 2.5 Once the exit strategy has been effected:
- a) Without prejudice to b) below, this Agreement shall either cease to have effect, or will be executed afresh incorporating the changes in

its terms identified in the exit strategy, but without prejudice to the rights and responsibilities of the Agencies in relation to any events occurring prior to the exit strategy having been effected; and

- b) The Agencies will review their respective financial positions in relation to the provisions of the exit strategy, and if any of the Agencies has incurred significantly greater or less costs than anticipated in the exit strategy, then the Agencies will agree how those costs or savings can be fairly and equitably shared between them, and in the event that they cannot so agree, the matter shall be resolved in accordance with paragraph 9 below.

3. Procurement and Contracting

- 3.1 All procurement and contracting activity which takes place under these governance arrangements shall be undertaken in compliance with the Financial Procedure Rules and Financial Regulations referred to in paragraph 7 of Part 4.
- 3.2 The Financial Procedure Rules and Financial Regulations shall require all procurements above a value therein specified to be undertaken using a specified competitive process (including where appropriate a framework arrangement which complies with such a process); and that process shall include compliance with all relevant provisions of the law of the European Union and of England and Wales, including in particular legislation in relation to public procurement.
- 3.3 No Agency which has been a party to decisions about any particular procurement may subsequently give any quotation or tender, or enter into any contract, to provide the works, supplies or services which are the subject of that procurement.

4. Liabilities between Agencies

- 4.1 Other than as set out in this Part 8 (including the provisions of the governance arrangements listed in paragraph 1.1), no Agency shall be liable to any other Agency as a result of anything done, or omitted to be done, under the governance arrangements.
- 4.2 Where the Board, or a person acting with delegated authority under paragraph 5 of Part 3 of the governance arrangements agrees to any particular activity, initiative or project taking place in premises owned or occupied by one of the Agencies, that Agency shall have the duties, liabilities and responsibilities of an occupier of premises in relation to the carrying out of the activity, initiative or project.
- 4.3 Where the Board, or a person acting with delegated authority under paragraph 5 of Part 3 of the governance arrangements agrees to any particular activity, initiative or project taking place in premises which are to be acquired for the purpose, the Board or person shall identify (with

its agreement) one of the Agencies as being the Agency responsible for the premises, and that Agency shall have the duties, liabilities and responsibilities of an occupier of premises in relation to the carrying out of the activity, initiative or project.

4.4 Where one of the Agencies has duties, liabilities and responsibilities under paragraph 4.2 or 4.3, that Agency may insure against any liabilities, and the cost of any such insurance shall be regarded as a contribution by that Agency to the overall costs of the activity, initiative or project.

4.5 Where one of the Agencies:

- a) has duties, liabilities and responsibilities under paragraph 4.2 or 4.3; or
- b) fails to comply with its obligations under this Part 8

that Agency shall indemnify each of the other Agencies in respect of any loss or damage suffered by any of the other Agencies as a result of any negligence, breach of duty or failure of compliance.

5. Liability to Third Parties

5.1 Each Agency shall maintain adequate public liability insurance to cover all claims made by any third party (including any employee of any of the Agencies) in respect of injury (including death) or damage to or loss of property in respect of anything that the Agency does or omits to do (either alone or together with another Agency or Agencies) under the governance arrangements and each Agency hereby agrees to indemnify the others in respect of all claims, costs, demands, proceedings, damages, charges and expenses whatsoever which arise from any negligent act or default of that Agency or its servants, agents or invitees.

5.2 Each Agency shall promptly notify the others if it becomes aware of any claim or demand made, or action brought against it, to which paragraphs 4.2 or 4.3 or the indemnity in paragraph 5.1 may relate. No Agency shall make any admission in relation to any such claim, demand or action, without the prior written consent of all other Agencies which may have an interest in the matter.

6. No Legal Partnership

6.1 Neither this Agreement nor the Governance Arrangements as a whole constitute a legal partnership between the Agencies or any of them.

7. Third Party Rights

- 7.1 A person who is not a party to this Agreement has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce or enjoy the benefit of any term of this Agreement.

8. Service of Notices

- 8.1 Any notice given under this Agreement shall be in writing, and shall be sufficiently given if sent by prepaid, registered or recorded delivery post or by electronic mail or fax to the Agency concerned at the address stated in this Agreement, or such other address as may be specified by that Agency to the other Agencies, and any such notice shall operate and be deemed to have been served at the expiration of five days after it is posted or transmitted.

9. Resolution of Disputes

- 9.1 Any dispute or difference ('the dispute') which arises between the Agencies or any of them as to the construction of this Agreement, as to their respective rights, duties and obligations or as to any other matter arising out of or connected with this Agreement shall be determined in accordance with the provisions of this paragraph.
- 9.2 In the first instance, the dispute shall be referred to the respective Chief Executives (meaning such person who is the senior employee of each Agency) of the Agencies who are affected by the dispute, for resolution by unanimous agreement. If such agreement cannot be reached, the matter shall be referred to the Board.
- 9.3 If the dispute cannot be resolved by the Chief Executives or the Board, then (unless they agree it is inappropriate in the circumstances) it shall be referred to the North Yorkshire Health & Wellbeing Board (as referred to in paragraph 6.2 of Part 1) for consideration. If the dispute still remains unresolved, the Agencies (or such of them who are in dispute) shall submit the dispute to a neutral adviser appointed by agreement between them to assist them in resolving the dispute. Any party may give written notice to the other describing the nature of the dispute, requiring it to be submitted to such a neutral adviser and proposing the name of a suitable person to be appointed. If no such person is appointed by agreement within 14 days after such notice is given, or, if no such notice is given within 28 days after the dispute has arisen, either party may request the Centre for Dispute Resolution to appoint a neutral adviser acceptable to both parties.
- 9.4 The parties to the dispute shall, with the assistance of the neutral adviser appointed in accordance with paragraph 9.2 above, seek to resolve the dispute by using an alternative dispute resolution ('ADR') procedure agreed between the parties or, in default of such agreement established by the neutral adviser.

- 9.5 As and when the parties to the dispute accept any recommendations made by the neutral adviser or otherwise reach agreement as to the resolution of the dispute, such agreement shall be recorded in writing and signed by the parties to the dispute and, if applicable, the neutral adviser and it shall be binding upon both parties.
- 9.6 Any costs and fees incurred by the parties to the dispute which are not met in accordance with an agreement reached through the ADR procedure shall be borne by the parties by whom they were incurred.

SIGNATURES

On behalf of the Agencies, we agree to these Governance Arrangements.

North Yorkshire County Council	
The Police & Crime Commissioner for North Yorkshire & York	
Chief Constable, North Yorkshire Police	
Airedale, Wharfedale & Craven Clinical Commissioning Group	
Hambleton, Richmondshire and Whitby Clinical Commissioning Group	
Harrogate and Rural District Clinical Commissioning Group	
Scarborough & Ryedale Clinical Commissioning Group	
South Lakes Clinical Commissioning Group	
Vale of York Clinical Commissioning Group	
Vulnerable Adults & Childrens Commissioning Unit	
Craven District Council	
Hambleton District Council	
Harrogate Borough Council	
Richmondshire District Council	
Ryedale District Council	
Scarborough Borough Council	
Selby District Council	
FE Colleges	
York & North Yorkshire Probation Trust Board	
North Yorkshire Youth Justice Service	
NY Fire & Rescue Service	
North Yorkshire Local Safeguarding Children Board (NYSCB)	

North Yorkshire Schools & Academies	
Jobcentre Plus	
Ministry of Defence/Armed Forces	

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