EXPLANATORY MEMORANDUM TO

THE CHILDREN'S TRUST BOARD (CHILDREN AND YOUNG PEOPLE'S PLAN) (ENGLAND) REGULATIONS 2010

2010 No. 591

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The effect of the Regulations will be that, when they come into force on the 1 April 2010, all Children's Trust Boards will be required to prepare and publish a Children and Young People's Plan (CYPP) by 1 April 2011. The CYPP will set out the agreed joint strategy of the Board partners for co-operating with each other with a view to improving children and young people's well-being in the local area.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 Section 194(3) of the Apprenticeships, Skills, Children and Learning Act 2009 ("the ASCL Act") substituted a new section 17 for the originally enacted section 17 of the Children Act 2004 ("the Act"). New section 17 of the Act provides a power for the Secretary of State, through Regulations, to require the Children's Trust Board to prepare and publish a CYPP. These Regulations impose such a requirement on all Children's Trust Boards and set out the matters to be covered in the CYPP, and are the first use of the power under the substituted section 17 of the Act.

4.2 Transitional provisions made in the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010 (2010/303) provide for any CYPP prepared by a local authority in accordance with Regulations made under section 17 of the Act (as originally enacted) to continue to have effect until such time as the Children's Trust Board publishes a new CYPP under these Regulations. All Children's Trust Boards must publish their CYPPs on or before 1 April 2011.

5. Territorial Extent and Application

5.1 This instrument applies in relation to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Section 10 of the Act established the requirement for each local authority to put arrangements in place for co-operation (between the authority, specified "relevant partners" and any other persons or bodies invited in by the authority) to improve the well-being of local children. These arrangements are commonly known as Children's Trusts co-operation arrangements.

7.2 Regulations made under section 17 of the Act as originally enacted required local authorities in England to prepare and publish a CYPP setting out the authority's strategy for discharging their functions in relation to children and young people. The Regulations also required the local authority to set out the arrangements that the authority proposed to make with its relevant partners and other bodies under section 10 of the Act (the Children's Trust co-operation arrangements). The CYPP was intended to be the strategic overarching plan for all local services for children and young people, and the focus of joint planning for local authorities and their partners.

7.3 Since 2006, Children's Trusts have been developing, in each local area, as a set of partnership arrangements to bring together and integrate different services to improve children's lives across the piece. Whilst Children's Trust co-operation arrangements have improved the integration of services, progress has been uneven. The consultation *Delivering the Children's Plan - Strengthening Children's Trusts: legislative options* (July - Sept 2008) strongly supported putting the Children's Trust Board on a statutory footing and extending ownership of the CYPP to all relevant partners.

http://www.dcsf.gov.uk/consultations/index.cfm?action=conResults&consultationId=1568&external=no&menu=3

7.4 The ACSL Act strengthens Children's Trust co-operation arrangements by requiring local authorities to establish Children's Trust Boards. The ASCL Act:

- extends the number of 'relevant partners' to include maintained schools, Academies, non-maintained special schools, FE and sixth form colleges and Jobcentre Plus;
- transfers responsibility for preparing and publishing the CYPP to the Children's Trust Board from the local authority; and
- gives the Children's Trust Board responsibility for monitoring the implementation of the CYPP.

7.5 The intention of these Regulations is to set out the essential requirements in relation to preparing the CYPP and to provide further detail about what must be included in a CYPP. These Regulations include the matters to be dealt with in a CYPP, review, publication and consultation. The Regulations represent a step change to Children's Trust co-operation arrangements by providing greater specificity then previously on what must be included in the plan. They build on current models of existing good practice and are designed to help continue improving children's services and aid better local integration of services around the child so that all areas are brought up to the level of the best. In particular when preparing and publishing a CYPP, Children's Trust Boards must:

- have regard to the importance of acting, so far as possible, in a way which is compatible with the United Nations Convention on the Rights of the Child;
- include key actions planned to improve outcomes for children and young people who have SEN, are disabled or looked after;
- set out arrangements for co-operation across a range of key issues: workforce development; early intervention; co-ordinating children and adult services to improve well-being; reducing child poverty; improving behaviour; safeguarding; contributing towards early years and education targets and children's targets in the local area agreement; and
- consult on the CYPP more widely than previously.

8. Consultation outcome

8.1 Consultation on new *Children's Trusts: statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan* ran from 13 November 2009 to 29 January 2010. The published response to the consultation is planned for April 2010.

8.2 As part of the consultation DCSF also undertook stakeholder events in Manchester, Birmingham and London. These events attracted senior representatives from local authority, school, third and health sectors to discuss in workshops the new Children's Trust guidance and new Regulations. Overall, attendees were overwhelmingly in favour of the new legislation requiring the Children's Trust Board to have responsibility for preparing the CYPP and content with the proposed CYPP Regulations.

8.3 The consultation showed strong agreement with regulation 4 of these Regulations which sets out the matters to be dealt with in the Plan (84% approval). The consultation also invited views on whether these Regulations should include additional requirements (56% responded 'No' while 31% responded 'Yes'). The requests for additional requirements were around a number of specific issues which were not fundamental to the development of every CYPP. The consultation responses, together with the stakeholder events, provide clear evidence of support for these Regulations.

9. Guidance

9.1 DCSF intends to publish new statutory Children's Trust guidance which will explain the roles and responsibilities of the Children's Trust Board and the essential steps every area should take in preparing, publishing, reviewing and revising the CYPP. Publication is planned for mid March 2010.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil. There is no requirement for any specific business, charity or voluntary organisation to agree to become members of the Children's Trust Board. However, the statutory guidance recommends that the third sector is represented on the Board and that the local authority provides the necessary support to ensure their engagement is effective.

10.2 The impact on the public sector is that in areas where good practice has been embedded there should be no additional cost. In areas which are less well advanced, the Regulations formalise proven good practice and should help drive better partnership working and potentially reduce bureaucracy and provide better value for money.

10.3 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 PricewaterhouseCoopers has been commissioned to carry out a two year evaluation on the impact of Children Trust legislation, accompanying Regulations and statutory guidance, on local authority operation and on their capacity to drive improvements in outcomes.

13. Contact

Sandra Cullen at the Department for Children Schools and Families Tel: 0207 340 7386 or email: Sandra.cullen@dcsf.gsi.gov.uk can answer any queries regarding the instrument.

Summary: Intervention & Options

Department /Agency:	Title:	
DCSF	**Impact Assessment of the statutory guidance for Children's Trusts and Children and Young People's Plan Regulations**	
Stage: Final	**Version:**	**Date: 1 February 2010**
Related Publications:		

Available to view or download at:

http://www.

Contact for enquiries: Sandra Cullen **Telephone:** 0207 340 7386

What is the problem under consideration? Why is government intervention necessary?

The main argument is to build on what is known to work well and bring all CTs up to the same standards, by ensuring joined up working between key agencies to help improve outcomes for children, and ensuring services are well integrated around their needs. The statutory guidance for Children's Trusts and Children and Young People's Plan (CYPP) regulations will help CT partners to strengthen local cooperation arrangements in areas where these may not be fully in place and ensure consistently high quality engagement between partners and address inconsistencies in joint working.

What are the policy objectives and the intended effects?

The guidance and regulations will standardise and embed good practice within all CTs, helping CTs to make a step change in improving outcomes for children and young people. They will assist LAs, which lead CTs, to ensuring CTs can consistently and qualitatively engage key partners, through a statutory CT Board, rather than a voluntary one. The CYPP regulations mean the CTB will produce a jointly-owned CYPP rather than one owned by the LA. Further partners have also formally brought into the CT partnership, rather than through/at the LA's discretion.

What policy options have been considered? Please justify any preferred option.

One set of options to strengthen CTs has been considered due to broad support for these at consultation stage. Views from key partners during a consultation from April-June 2008 on previous guidance for CTs stated these reforms would help them mature and develop further. The options were then explored through consultation from July-September 2008. That consultation document described the set of policy options and invited views from key partners. Of the 143 responses received, 142 welcomed the proposed changes. The do nothing option was/is therefore not considered a sound or viable option.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? GOs will monitor CTBs with all partners are in place by 1 April 2010 and areas have jointly-owned CYPPs in place by 1 April 2011; a 2-year PWC review; and via DCSF liaison with ADCS, LGA and others.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Dawn Primarolo .....Date: 3rd March 2010

Summary: Analysis & Evidence

Policy Option:	Description:

COSTS

ANNUAL COSTS	Description and scale of **key monetised costs** by 'main affected groups'
One-off (Transition) **Yrs**	The necessary evidence to accurately monetise the costs of this policy is not available.
£ N/A	
Average Annual Cost (excluding one-off)	
£ N/A	**Total Cost** (PV) **£ N/A**

Other **key non-monetised costs** by 'main affected groups'

This legislation builds on existing best practices, and existing statutory guidance, which means related costs are not new.

BENEFITS

ANNUAL BENEFITS	Description and scale of **key monetised benefits** by 'main affected groups'
One-off **Yrs**	The necessary evidence to accurately monetise the benefits of this policy is not available.
£ N/A	
Average Annual Benefit (excluding one-off)	
£ N/A	**Total Benefit** (PV) **£**

Other **key non-monetised benefits** by 'main affected groups'

More effective partnership working across children's services across the country has the potential to deliver substantial benefits for service users and for individual partners.

Key Assumptions/Sensitivities/Risks

Price Base Year	Time Period Years	**Net Benefit Range** (NPV) **£**	**NET BENEFIT** (NPV Best estimate) **£**

What is the geographic coverage of the policy/option?			England	
On what date will the policy be implemented?			Over 2010-11	
Which organisation(s) will enforce the policy?			N/A	
What is the total annual cost of enforcement for these organisations?			£	
Does enforcement comply with Hampton principles?			Yes/No	
Will implementation go beyond minimum EU requirements?			No	
What is the value of the proposed offsetting measure per year?			£	
What is the value of changes in greenhouse gas emissions?			£	
Will the proposal have a significant impact on competition?			No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices) (Increase - Decrease)

Increase of £ Decrease of £ **Net Impact** **£**

Key: **Annual costs and benefits: Constant Prices** **(Net) Present Value**

Evidence Base (for summary sh

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

RATIONALE

The new statutory guidance for Children's Trusts, and the Children and the Young People's Plan (CYPP) regulations, are required to help implement the reforms delivered by the Apprenticeships, Skills, Children and Learning Act 2009 which strengthened Children's Trust cooperation arrangements in England.

This guidance and regulations provide advice for Children's Trusts on local cooperation arrangements, including on Children's Trust Boards, and the production of new Children and Young People's Plan. They will help to address the inconsistent development of CTs, improve the quality of relationships, and extent of involvement between key agencies and partners, which were all addressed through the ASCL Act 2009.

The Audit Commission 2008 report "*Are we there yet?*"[1] included that all areas were expected to have Children's Trusts in place by 2008; but also that "there is substantial variation in the form that children's trusts boards take. Different approaches have been taken in different areas, responding to local circumstances, but also reflecting local confusion". This guidance and the CYPP regulations will more clearly provide the basis for more effective inter-agency working to help improve outcomes for children.

AIMS AND OBJECTIVES

Statutory guidance

The ASCL Act 2009 made the setting up of Children's Trust Boards a statutory requirement. It also gave Boards the function of drawing up, publishing and monitoring the local area's Children's and Young People's Plan, effectively extending the ownership of the CYPP to the whole partnership, whereas previously it was the responsibility of the local authority alone. The ASCL Act also added new Children's Trust statutory partners (including maintained schools, academies and colleges, short stay schools/pupil referral units, and Jobcentre Plus). The new statutory guidance will help LAs and CTs to implement these changes.

The CYPP regulations

The ASCL Act also transferred responsibility for preparing and monitoring the implementation of the CYPP from the local authority to the Children's Trust Board. The new Children and Young People's Plan regulations provide greater clarity and detail for LAs, Children's Trusts and Children's Trust Boards on what plans need to contain, with local areas required to have their new CYPP in place on or before 1 April 2011.

BENEFITS

Statutory guidance

The guidance explains the reforms within the ASCL Act 2009, and will help Children's Trusts to implement these strengthened cooperation arrangements. The guidance will allow Children's Trusts in different localities to continue to develop and mature according to the local requirements, but it will also help all Children's Trusts to develop to the minimum standards that the guidance sets out.

[1] "Are we there yet?: improving governance and resource management in Children's Trusts", Audit Commission, October 2008.

The CYPP regulations

The new CYPPs will have the potential to create significant net benefits for individual partners over the life of the Plan, through increased efficiency and effectiveness in service delivery and better use of combined assets. The regulations will result in new CYPPs that provide a clear joint strategy on how the key partners will co-operate to improve children's well-being. The regulations set the framework for these, and within which the partners will deliver their own functions in a more coherent way. This will help reduce duplication and optimise resources; rationalise delivery, so providing better value for money; and deliver improved outcomes within existing resources.

COSTS

The only sources of statistics about Children's Trust governance arrangements are the Audit Commission 2008 report "*Are we there yet?*"; and data gathered for an internal exercise by Government Office Children's Services Advisers (GO CSAs). However, neither provides data about the monetary cost of putting arrangements in place.

Irrespective, the new legislative requirements are not expected to result in a net additional cost. Whilst the ASCL Act 2009 requires local authorities to establish a Children's Trust Board as part of their arrangements to promote cooperation, no additional costs are expected. The Audit Commission reported that every area already has a Children's Trust Board which meet regularly 'most at least once every two months with another third meeting four times a year'.

Previously schools were already recognised as non-statutory partners. So this change means improved local engagement rather than the introduction of schools as a new partner and new costs as such. The Audit Commission report in 2008 indicated 80% of CTBs already had school representation so non-statutory school engagement is already happening in many areas. The new legislation makes this engagement representative. Additionally schools will already have been engaging on a regular basis in local schools forums and head teacher reference groups. The school representation on the CTB should be based on these existing systems, so added engagement with the CTB will be subsumed within this. A schools leaflet has already been issued to help reduce any burdens of reading the regulations and statutory guidance in full. Similarly, as long ago as in 2008, 52% of CTBs already had non-statutory FE sector representation and this will have developed further since then.

The legislation removes from the local authority responsibility for preparing, publishing, reviewing, revising and monitoring the implementation of the CYPP and this responsibility is transferred collectively to the CT Board. The scope of previous CYPPs has been as wide, but the CYPP regulations are based on evidence of best practice, such as the case studies from the National Foundation for Educational Research (NFER) on 'Supporting the Development of CYPPs'. Every single local area already has a CYPP, and the CYPP regulations seek to provide a consistent structure for the CYPP covering areas many CTs will already be considering.

The reforms are intended to embed proven good practices and so the benefits of this will be felt by all CTs. On value for money for children's services in local areas the Audit Commission report stated that "Local authorities are positive on progress on this part of the agenda: nearly two thirds of directors of children's services and a half of lead members say there have been improvements in value for money to date". These regulations and guidance seek to make that good practice and progress consistent.

EVALUATION

These local cooperation arrangements will be evaluated and kept under review through the DCSF's ongoing discussions with key stakeholders and partners, including the Association of

Directors of Children's Services, the Local Government Association, and other agencies and organisations linked to children's services.

Government Office Children's Services Advisers (CSAs) have annual strategic discussions with local authorities and their partners, and will be offering them support to set up the strengthened cooperation arrangements and to monitor them.

PricewaterhouseCoopers has been commissioned to carry out a two year evaluation on the impact of Children's Trust legislation, accompanying regulations and statutory guidance, on local authority operation and on their capacity to drive improvements in outcomes.

The Commissioning Support Programme launched in late 2008 works closely with Children's Trusts to help them in their commissioning role. The Programme has carried out some research into the arrangements and effectiveness of Children's Trusts across England.

The effectiveness of partnership working is assessed as part of the Comprehensive Area Assessment process, which the operation of Children's Trusts and Children's Trust Boards are within the scope of. If outcomes for children suggest that partnership working may need strengthening then it will be possible to trigger an inspection.

Description of the policy

The Children Act 2004 placed local authorities under a duty to make arrangements to promote cooperation to improve children's well-being. The named statutory 'relevant partners' were placed under a duty to cooperate with those arrangements (including district councils, the primary care trust, the strategic health authority, the police, and youth justice agencies). Other bodies considered appropriate partners by the local authority could also be part of these arrangements, but there was no specific duty on them to engage or contribute. These arrangements were the legislative underpinning for Children's Trusts; a partnership of bodies and organisations working together to improve outcomes for children and young people. Subsequent statutory guidance suggested the arrangements should include the setting up of a Children's Trust Board.

Strengthened Children's Trusts

The Apprenticeships, Skills, Children and Learners (ASCL) Act 2009 made the setting up of Children's Trust Boards a statutory requirement. It gave Boards the function of drawing up, publishing and monitoring the local area's Children's and Young People's Plan, effectively extending the ownership of the CYPP to the whole partnership, whereas previously it was the responsibility of the local authority alone. The ASCL Act has also added new Children's Trust statutory partners (including maintained schools, academies and colleges, short stay schools/pupil referral units, and Jobcentre Plus).

The new CYPP regulations

CYPPs exist in every local area and the new Children and Young People's Plan regulations will provide greater clarity and detail for Children's Trust Boards on what plans must contain. The ASCL Act also transferred responsibility for preparing and monitoring the implementation of the CYPP from the local authority to the Children's Trust Board. The Act requires the Children's Trust Board, not the local authority, to publish, review and revise the Plan, and local areas are required to have their new CYPP in place on or before 1 April 2011.

Key aspects of the CYPP for example include that it must include key actions to provide services to improve outcomes for children and young people who have SEN, are disabled or looked after. Also that it must set out arrangements for co-operation across a range of key issues such as workforce development; early intervention; co-ordinating children and adult

services to improve well-being; reducing child poverty; improving behaviour; safeguarding; contributing towards early years and education targets and children's targets in the local area agreement.

The evidence base

Sources of evidence include the Audit Commission report "*Are we there yet?*: improving governance and resource management in Children's Trusts". The options to strengthen Children's Trusts were examined through a formal three month public consultation which ran from July-September 2008. Responses to a separate earlier consultation which ran from April-June 2008 on the previous Children's Trust statutory guidance also called for strengthening local cooperation arrangements in this way. Also the National Foundation for Educational Research (NFER) case-study data on *Supporting the development of children and young people's plans (CYPPs)*.

What the evidence shows

The Audit Commission report indicated every local area had a Children's Trust Board in place. It also indicated that, of the Children's Trusts its research covered, over 50% found improved value for money in the areas of collaborative working, coordination of services, targeting of services, and streamlining processes. The two consultations also have shown clear support for these proposals from stakeholder organisations and partners. The report also indicated that whilst the foundations were in place and relationships settling down, further action to strengthen CTs was need so that outcomes for children would improve.

Challenges and opportunities

The key challenge is to ensure that all areas implement these new strengthened arrangements accordingly. This will bring the benefits felt in local areas where these arrangements are strong and already well established to all localities.

Equality impact assessment

The nature of the changes and the various consultation work done suggests an adverse impact is unlikely through these reforms. It has been generally accepted that these measures have the potential to reduce the barriers and inequalities that currently exist. The indications suggest that the strengthened arrangements can deliver benefits relating to value for money, and deliver benefits to those served by Children's Trust partners i.e. children, young people and families.

Next steps

The next steps will be for Ministers to issue the statutory guidance by mid-March 2010 to help local areas effectively implement the reforms passed by Parliament in the ASCL Act 2009. The CYPP regulations will be laid in Parliament to come into force on 1 April 2010 with new CYPPs in place in every local area by 1 April 2011.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	*Results in Evidence Base?*	*Results annexed?*
Competition Assessment	Yes/No	Yes/No
Small Firms Impact Test	Yes/No	Yes/No
Legal Aid	Yes/No	Yes/No
Sustainable Development	Yes/No	Yes/No
Carbon Assessment	Yes/No	Yes/No
Other Environment	Yes/No	Yes/No
Health Impact Assessment	Yes/No	Yes/No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	Yes/No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	Yes/No	Yes/No

Annexes