

RUTLAND CHILDREN'S TRUST
MEMORANDUM OF UNDERSTANDING

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1 Purpose of the Trust

The purpose of the Rutland Children's Trust is to support the continued integration of services for children so that those services meet the needs and best interests of Rutland's children, young people and their families.

The members of the Trust have committed to work together and share resources so that the best use is made of those resources for the benefit of children, young people and their families. The work commissioned by the Trust will be scrutinized to ensure that services provide value for money and are accountable through effective performance management. This will mean that information is available to support the planning of future services for children, young people and their families.

2 What is the Memorandum of Understanding?

A Memorandum of Understanding is a document which describes an agreement between partners indicating how they will work together to achieve a common goal – that is the purpose of this document.

The word 'governance' is from the Latin 'to steer'. It is part of the management or leadership processes of an organisation and includes accountability. Governance is about steering organisations and systems so that they are efficient, effective and sustainable. As Children's Trusts are formed of many agencies with different processes and cultures, effective governance arrangements are essential in creating a coherent system and securing outcomes.

Partnership working means that the leadership approach needs to be one of facilitation and persuasion with a clear vision for the partnership - that is the approach that the Trust has adopted.

3 The Vision

We want every child and young person in Rutland to fulfil their potential, to be proud of themselves and the County in which they live. We want them to have access, at every stage of their lives, to high quality services which meet, and anticipate, their individual needs.

We want to work together to support families and communities so that whenever possible we can prevent problems occurring but when they do occur we can offer effective support as soon as possible.

We want our children and young people to know how much we value them, to know that they have a say about how Rutland develops and how services support them. Above all we want the children and young people in Rutland to know that the Children's Trust in Rutland is working to improve services for them.

The Trust will provide leadership and direction, driving through budget setting, policy development, effective commissioning arrangements and service development to improve outcomes for children and young people.

4 Objectives of the Trust

We want all children and young people to:

- a. Have a healthy lifestyle
- b. Grow up in a loving and safe home
- c. Be safe from harm
- d. Enjoy and have fun in their childhood and teenage years
- e. Be able to take part in a variety of activities (like sport, music, drama) near to their home
- f. Have a chance to do their best and succeed
- g. Play a part in their County and have their ideas and views heard and taken seriously
- h. Help decide and plan what they need
- i. Enjoy living in a County that welcomes and treats all people fairly and equally and does not tolerate any form of discrimination

- j. Be able to get excellent help and support when they need it from people working together and know that we all working together to make sure that no child is left behind

5 Trust Principles

The Trust has agreed the following principles which direct the way in which it operates:

- The needs of children, young people and their families, including the need for safeguarding, are paramount.
- All partners will work towards agreed joint targets and joint priorities for children and young people and will be collectively accountable for their delivery.
- Decisions should be made at the lowest level consistent with the efficient use of resources and the effective achievement of desired outcomes.
- A joint commissioning framework will inform decision across all partners and be supported through the alignment and pooling of all budgets.
- Services will be commissioned at the most appropriate level to support local decision making, cost effectiveness and quality within the framework established by the Trust.
- Decisions of the Trust cannot override those of the parent bodies of organisations represented on the Trust. In particular the Trust cannot require any partner to act in a way contrary to their statutory responsibility.

6 The Statutory Duty to Co-operate and Partners

The Children's Trust is not a separate organisation; each partner within the Trust retains its own functions and responsibilities within the partnership framework. The Trust includes a number of partners, some of which are placed under a 'statutory duty to co-operate' and others which are key to the work of Trust but which are not placed under the 'statutory duty'.

New legislation in the Apprenticeships, Skills, Children and Learning Act (November 2009) changes the Trust status to that of statutory body with effect from April 2010, and there are changes to the statutory relevant partners that are required to be members of the Trust Board. All statutory partners are placed under the 'duty to co-operate' explained above.

Statutory Relevant Partners	In Rutland's Children's Trust
Local Authority	Rutland County Council (to include CYPS, Adult Social Care, Housing, transport and leisure) Lead Member CYPS
Police	Leicestershire Police Authority
Probation Service	Leicestershire and Rutland Probation Trust
Youth Offending Team	Leicestershire Youth Offending Service
National Health Service	Leicestershire County and Rutland PCT
Maintained Schools	Representation from Primary and Secondary groups
FE Institutions/6 th form colleges	The Rutland College
Job Centre Plus	

Other Important non-statutory Partners	
Third Sector Representation	Voluntary Action Rutland
Local Safeguarding Children Board	Leicestershire and Rutland LSCB
Surestart Children's Centre	Seen as essential from April 2010
General Practitioners	
Young People's Learning Agency	Replaces LSC from April 2010
Parents	Representation secured
Children/young people	Representation "To be considered"

7 Behaviours and Expectations of Partners

The members of the Trust agree to actively work together and accept responsibility to co-operate to improve the outcomes of children and young people by using the following:

7.1 Values

- **Integrity:** doing what we say we will do.
- **Equality:** recognising uniqueness and treating everyone fairly.

- **Empowering:** enabling everyone to do their best.
- **Inspiring:** striving for excellence (no wrong door).
- **Valuing:** treating everyone with respect and dignity.
- **Inclusion:** valuing equality and diversity and a person centred flexible approach.

7.2 Behaviours

- Commitment to partners and children, young people and their families.
- Prioritise child safeguarding needs and champion child safety.
- Support the local authority in their role as corporate parent for Looked After Children.
- Effectively communicate, make decisions and be accountable.
- Share ownership of resources.
- Combine expertise.
- Create and support a learning environment for children, young people, families and staff.
- Actively work to remove barriers to equality of access and opportunity.
- Maintain clarity of expectations and achieve agreed outcomes
- Monitor, evaluate, review and report on performance, progress and success.

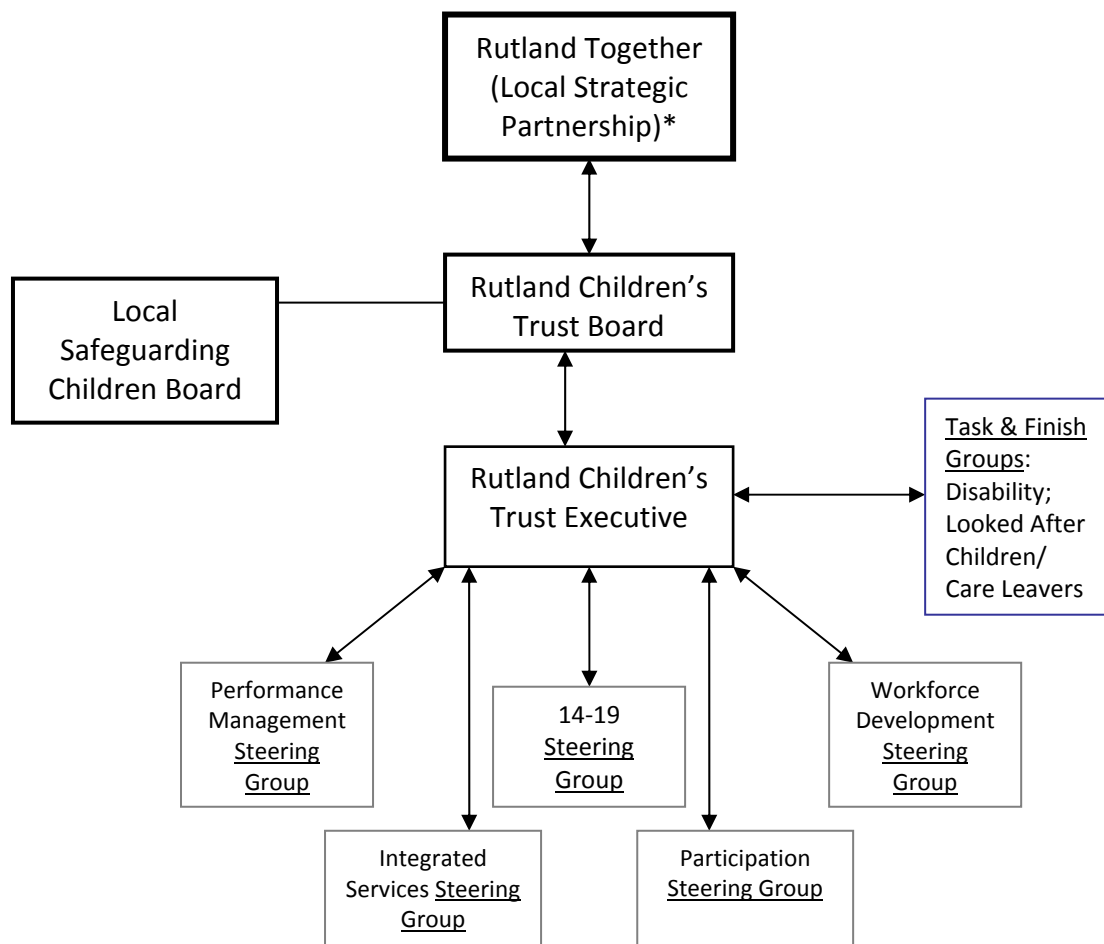
7.3 Decision Making and Resolving Differences

The Trust brings together partners with a common responsibility to work together to improve outcomes. However, it should be acknowledged that sometimes organisations' individual responsibilities compete with rather than support other organisations' responsibilities on the Trust.

Each partner is responsible for ensuring that they play their part in reaching decisions within the Trust and putting those decisions into action. The overriding principle remains that partners cannot act contrary to their statutory duty and these should therefore be considered and respected when decisions are made. Decisions should be made and differences resolved based on a discussion to achieve consensus, where this is not possible the Conflict Resolution Protocol (Appendix A) should be used as a last resort.

8 Trust Structure and Membership Arrangements

8.1 Structure of the Trust (December 2009)



*Please see Appendix B for the structure chart of Rutland Together.

There are also a range of groups from which relevant information should be presented to the Trust, and which the Board will need to take account of in its preparation, monitoring and review of the CYPP.

8.2 **Accountability**

The Children's Trust is responsible for delivering improved outcomes for children, young people and their families. The Children Act 2004 specifically identified a number of partners who are legally bound to co-operate and work together to make this happen.

The Trust will inform the work of Rutland Together (Local Strategic Partnership) as it relates to children, young people and their families and ensure that there is consistency with other relevant plans, for example the Sustainable Community Strategy.

The Trust recognises that all partners have a significant contribution to make. Recent statutory guidance on inter agency co-operation to improve well being of children, young people and their families has recognised this need for involvement. Furthermore the views of children, young people and their families are vital in developing future services and improving outcomes.

Each Board member will act on behalf of their organisation as an ambassador for Children's Services locally, regionally and nationally. Board members will take responsibility for ensuring the agreed actions are carried out and that their agency/sector is fully informed about the work of the Trust and engaged in the delivery of the Children and Young People's Plan.

Each partner agency will retain responsibility for its statutory functions, discharging that duty as appropriate through the Board which is intended to supplement the single organisation's arrangements.

8.3 Rutland Children's Trust Board: Terms of Reference

The Board will be the wider partnership group, comprising senior representatives of all the partner organisations delivering services for Rutland children and young people. The Board has overall responsibility for setting the strategic direction for the development and improvement of services for children and young people aged between 0 and 19, including those young people who are vulnerable up to the age of 25. This direction will be in line with the agreed vision and priorities in the Children and Young People's Plan. The Board will meet twice a year and is chaired by the Portfolio Holder for Children and Young People's Services (Rutland County Council). Its membership reflects the statutory and other important partners described in the table in Section 6.

Membership of the Board will be:

- Director of Children's Services, Rutland County Council
- Portfolio Holder for Children's Services, Rutland County Council

- NHS East Midlands
- Rutland Safer Communities Partnership
- Diocesan Board of Education
- Director of Provider Services, Leicestershire County and Rutland NHS
- Director of Commissioning Services, Leicestershire County and Rutland NHS
- Director, Rutland Citizens Advice Bureau
- Primary and Secondary Schools Representatives
- Assistant Chief Officer, Leicestershire and Rutland Probation Trust
- Area Director, Learning and Skills Council
- Deputy Chief Constable, Leicestershire Constabulary
- CVS Community Partnership
- Director, Voluntary Action Rutland
- Chair, Leicestershire and Rutland Local Safeguarding Board
- Head of Leicestershire Youth Offending Service
- Children's Services Advisor, Government Office for the East Midlands
- Parent representative

8.4 Rutland Children' Trust Executive: Terms of Reference

The Executive will meet six times a year and will consist of a small group of senior officers, accountable to the Board, with responsibility for:

- Formulating and implementing decisions for the Board.
- Performance managing and implementing the Children and Young People's Plan, including the Children and Young People Local Area Agreement targets, and supporting high level strategic plans.
- Planning the development of services, commissioning new services, reconfiguring existing services and de-commissioning services to implement the Children and Young People's Plan, in line with agreed protocols to govern integrated commissioning of services.
- Performance monitoring and management of improved outcomes for children and young people.
- Resource management, particularly of any pooled or aligned resources.
- Overseeing the work of task and finish groups – agreeing the expected outcomes and performance managing the activity.
- Ensuring safeguarding of children and young people underpins all activities.
- Actively promoting equality of opportunity for Rutland children and young people.

The membership of the Executive will be:

- Director of Children and Young People's Services
- Director of Provider Services, Leicestershire County and Rutland NHS
- Director of Commissioning Services, Leicestershire County and Rutland NHS
- Area Director Learning and Skills Council
- Deputy Chief Constable Leicestershire Constabulary
- Representative of Local Safeguarding Children Board
- Representative of Schools
- Voluntary sector representative
- Chairs of 5 Steering Groups
- Steering Group Champions (Rutland County Council)
- Representative of Job Centre +
- Leicestershire County Council: Youth Offending Service
- Leicestershire and Rutland Probation Trust

Each member of the Executive will be responsible for:

- Taking collective responsibility for the development of Children's Services across Rutland, developing mutual trust, respect and openness.
- Making binding decisions on behalf of their organisation, within agreed delegated powers, or seeking prompt ratification of any recommendations through their own organisation's governance.
- Ensuring decisions are made on the basis of clear evidence that proposed changes will result in improved outcomes for Rutland children and young people.
- Ensuring decisions are implemented across the partnership and within their own organisation.

8.5 Rutland Children's Trust: Steering Group Terms of Reference, Structure and Organisation

8.5.1 Co-ordination of Steering Groups

Each Steering Group will be chaired by a representative from a partner organisation. A meeting of Steering Group chairs between Children's Trust Executive meetings will help facilitate continuity and management of the process. The arrangements for this meeting are as follows:

- Frequency: a one hour pre-meeting to each Executive meeting.
- Attendees:

- Executive Chair
- Steering Group Chairs
- Children's Trust Co-ordinator
- Rutland County Council supporting officer from each Group
- Communication across Steering Groups to be facilitated by this meeting, for example:
 - Steering Group Agendas to be agreed
 - Issues raised in Steering Groups for further consideration and possible
 - Referral to Executive to be discussed (minutes of last Steering Group and any action points)
 - Issues from Executive for Steering Groups to be discussed.

8.5.2 Responsibilities of the Chair

- To attend their Steering Group meetings
- To provide effective leadership to the Steering Group and take responsibility for improving the outcomes, indicators and targets allocated to the Steering Groups.
- To ensure chairing arrangements for Steering Groups meetings are in place. Where meetings are hosted by Rutland County Council, the supporting officer will ensure administration of the meeting is arranged.
- To direct the Steering Group in relation to meeting the Children and Young People's Plan priorities and outcomes, and those of other significant strategies and plans.
- To collate items for discussion/decision from the Steering Group to be taken to the Chairs Meeting.
- To communicate minutes and information from the Chairs Meetings to the Steering Group.
- To forward Steering Group minutes and action points to the Head of Service Children's Trust for inclusion in the Executive meeting (channelled through the Chairs Meeting).
- To share good practice and communicate amongst fellow chairs
- To increase partnership working including encouraging a more practice approach by members.
- To increase ownership of the Children and Young People's Plan by partners.

8.5.3 Roles, Membership and Responsibilities of the Children's Trust Steering Groups

- Partnership working – to promote partnership activity as a means of adding value through communication, synergy and mutual learning.
- Learning and development – to develop systems to share information for joint planning and co-ordinated delivery. Partners should explore ways to share knowledge and best practice across the Trust.
- Equalities – to ensure inclusion and equality in the implementation of the Children’s Plan.
- The role of each member of the Steering Group is to:
 - Represent the views of their organisation, or group of organisations or individuals.
 - Facilitate the implementation of actions by their organisation
 - Update the Steering Group on performance and policy development
 - Identify gaps and barriers in service provision and solutions to solving them with partners.
 - Consider the implications of actions on other policy and priority areas across Children’s Services and other services in the County.
 - Bring fresh ideas and innovation.
- The collective rights, roles and responsibilities of members of Steering Groups include:
 - To be treated as equal, respected and valued, to be heard and to express views.
 - To air differences at meetings
 - To reach consensus through debate
 - To take collective responsibility for decisions made
 - To express the views, priorities and interests of their organisations/partnerships
 - To seek to understand other partners’ positions, motivations, constraints and culture.
 - To take an active role in the Steering Group and abide by agreements made
 - To ensure that information produced and agreed by the Steering Group is available to all members
 - To operate in a positive, ‘no blame’ culture that focuses on results and aims to motivate by achievements.
 - To focus on the common purpose of the Steering Group, the wellbeing of children, young people and their families.

- To contribute to the achievement of targets of other organisations, through co-operation and identifying and removing barriers to achieving them.
- To make an active contribution – deliver what is promised
- To provide information as promised to the group within the deadlines set.
- To take a positive approach focused on the desired outcomes of the Children and Young People Plan rather than the problems that have to be tackled to achieve them.

8.5.4 *Steering Groups: Generic Terms of Reference*

The purpose of the Steering Groups is to:

'Progress the Action Plan/Priorities as agreed in the Children and Young People's Plan'

Their objectives are:

- To uphold and work to the vision and objectives of the Children 's Trust
- To develop Terms of Reference to be agreed by the Trust
- To develop an Action Plan for agreement by the Trust
- To review periodically the progress on the Action Plan and report to the Trust
- To identify key issues which require collective leadership from the Trust.
- To seek advice on key issues and developments from the Trust
- To consult with the Trust on all key developments and proposals arising from the Steering Group
- To ensure that the views of children, young people and their families and carers are reflected in all key developments and proposals arising from the Steering Groups.
- To ensure equal and fair access to services for all and ensure that particular attention is focused on the needs of vulnerable groups of children.

9 Commissioning

No single agency can deliver fully any one of the five Every Child Matters outcomes for children and young people. Effective joint planning and commissioning is at the heart of improving outcomes. Commissioning services for children will take place within the agreed Joint Commissioning Framework.

Strategic commissioning (as defined within the Framework) involves:

- Determining the overarching objectives of the Trust by a high level analysis of needs, patterns and trends.

- Agreeing priorities for the Trust by partners working collectively at a strategic level.
- Identifying key performance indicators for delivery of the best quality outcomes.
- Allocating resources in order to deliver the priorities and improvements, whether by pooling or aligning budgets/resources
- Taking into account differences of geography, need and performance.

Commissioning is inextricably linked to wider structural changes, and will require robust arrangements to remove structural barriers to inter agency working, considerable cultural change and the development of scrutiny, audit and validation procedures.

9.1 Commissioning Governance

The Joint Commissioning Framework outlines the need for detailed Outcome Based Commissioning Plans which will provide the detail for the operational level commissioning (again as defined by the Framework). The Trust Executive will be responsible for the development of these detailed Commissioning arrangements and will function as the Trust's Joint Commissioning Group.

9.2 Commissioning Arrangements

The Commissioning Cycle fits neatly within the planning cycle of the Children's Trust and it is therefore intended that commissioning will form a key part of each stage of that planning cycle.

10 Financial Arrangements

The Apprenticeships, Skills, Children and Learning Act (2009) made Children's Trust Boards statutory and gave them responsibility for developing the Children and Young People's Plan.

The Children and Young People's Plan will be clear about how priorities have been costed, the resources identified and where accountabilities lie for those resources (pooled or otherwise). In addition, the Board will receive regular reports on partner expenditure against allocated budgets for children and young people priorities and activities.

In time the Board will develop a procedure which describes in detail how budgets will be monitored and reported on, in line with the Audit Commission's Briefing Paper on Improving Financial Management (October 2009). In the interim, it has been agreed that Rutland County Council will act as the legally accountable body among partners.

10.1 Pooling and Aligning Resources

Decisions about how to organise financial and other resources are at the heart of effective cross agency working. The main decisions are about aligning or pooling budgets. Pooled budgets are created under statutory powers – it is a single financial mechanism designed to bring resources together under a single accountability and management structure. Organisations align resources when they agree on targets or outcomes to be achieved and work in parallel towards achieving them.

Alignment is particularly appropriate:

- For multi member arrangements.
- When partners include the private as well as voluntary and community sectors.
- When partners bring specific approaches or solutions to support action on a commonly identified issue
- For flexible or innovative approaches.

Pooling is particularly appropriate:

- For bilateral or trilateral arrangements
- When partners are statutory agencies with powers to pool budgets
- When organisation boundaries or specialisms hinder the achievement of outcomes
- For establishing long term commitment to clearly specified approaches.

The financial procedure to be developed will contain further detail about how the Rutland Children's Trust will use these procedures.

11 Performance Management

Effective performance management arrangements are essential in ensuring the effective delivery of the five Every Child Matters outcomes and the key priorities identified for Rutland. All partners have an important role to play in performance managing the delivery of the Children and Young People's Plan

11.1 Governance of Performance Management

The Trust Executive has overall responsibility for managing the delivery of the Children and Young People's Plan and taking action when required. However, the Performance Management Steering Group has particular responsibility for reviewing performance reporting across the Trust and developing a single performance management reporting framework. All partners have responsibility for providing performance management information when requested and contributing fully to the development of the Trust Needs Assessment.

11.2 Risk Management

The development and annual review of the Children and Young People's Plan will include a formal risk assessment process, which will scrutinize risks to the delivery of the Plan as well as other risks associated with the work of the Trust (such as public communications, involvement of partners etc) and develop actions to mitigate those risks.

Appendix A: Conflict Resolution Protocol

This protocol is designed to achieve a resolution within the Executive and Board of the Trust. It does not supersede the conflict resolution protocols of partner organisations or groups, but is to be used when conflict or disagreement is specifically in relation to the governance, funding, performance management, commissioning, or delivery arrangements relating to the Children's Trust. It is not intended to cover any issues outside the scope of the workings of the Trust.

Within the Trust, partners are individually and jointly responsible for the delivery of services to children, young people and their families and for achieving the outcomes and targets contained within the Children and Young People's Plan. Many partners also have a series of duties in relation to their specific roles and responsibilities within the children's agenda which cannot be compromised by decisions made by the Trust. They are also individually financially accountable for any funding provided to enable the Trust to commission services.

No single partner within the Trust has precedence over another; however there are considerable differences in the statutory responsibilities that need to be discharged by partners. These must be respected when determining any course of action to be taken by the Trust. On those occasions where conflict in determining a course of action does arise, the primary objective will be to resolve the matter through consensus. Every effort must be made to improve outcomes. Failure to reach consensus cannot allow a stalemate to prevail, or any partner or group of partners to block action through active or passive resistance. Accordingly a dispute protocol has been developed to deal with these situations; this protocol will only be used as a last resort.

Conflict should be resolved as close as possible to the point of that conflict. The Board is the final arbiter in conflict. The procedure for resolving conflict is as follows:

- a. In the first instance, a full discussion should be conducted around the area of conflict, allowing all partners to set out their views.
- b. In recording the discussion, the relative positions taken should be clearly recorded. If a consensus view is reached, this should also be clearly recorded.
- c. If consensus is not reached after a reasonable period of debate, a formal objection to the matter for decision should be made to the Chair of the relevant group.

- d. The matter will then be deferred to a second meeting, which must be at least 7 days later. A special meeting of the relevant group can be convened in the event of an extended period between scheduled meetings or if further delay is problematic. During this intervening period, attempts should be made (facilitated by the Chair) to reach a compromise acceptable to all parties.
- e. Should compromise not be possible, the matter will be discussed again at the second meeting. If conflict still prevails then having had a further full and open debate by all partners, the matter will be put to a vote. A partner votes if the decision to be made directly affects the partner's statutory duty, powers or finances or if the partner is to be responsible for implementation.
- f. The Chair has a second and casting vote in the event of a tie.

This protocol does not detract from the principles that:

- Decisions of the Trust cannot override those of the parent organisation; in particular the Trust cannot require any partner to act in a way contrary to their statutory responsibility.
- The needs of children, young people and their families, including the need for safeguarding, are paramount.

Appendix B: Rutland Together (Local Strategic Partnership) Structure Chart

