

EAST RENFREWSHIRE COUNCIL

CABINET

20 August 2015

Report by Deputy Chief Executive

EAST RENFREWSHIRE AREA SUPPORT TEAM
PARTNERSHIP AGREEMENT BETWEEN COUNCIL AND CHILDREN'S HEARINGS
SCOTLAND AND RELATED ISSUES

PURPOSE OF REPORT

1. To seek approval of the renewal of partnership agreements between the Council and Children's Hearings Scotland for the provision of support to East Renfrewshire Area Support Team.

RECOMMENDATIONS

2. It is recommended that the Cabinet authorises the Deputy Chief Executive to renew:-
- (a) the partnership agreement between the Council and CHS for the provision of support to East Renfrewshire AST for the period until 30 June 2017; and
 - (b) any future such partnership agreements, subject to the support arrangements continuing to work well.

BACKGROUND

3. In October 2011 the Cabinet approved the Council's response to a consultation document issued by the National Convener of a new national body *Children's Hearings Scotland (CHS)* on the creation of Area Support Teams (ASTs) across Scotland, and associated proposals for related administrative support. More specifically the Children's Hearings (Scotland) Act 2011 had empowered the new Convener to establish a national Children's Panel replacing 32 local authority Children's Panels and established ASTs (replacing Children's Panel Advisory Committees) which were responsible to the National Convener for supporting the national Panel at a local level. Then and until recently, under the 2011 Act, ASTs could not be established without the consent of the associated local authority or local authorities in the case of a joint AST.

4. At a subsequent meeting in October 2012, the Cabinet was updated on ongoing discussions on the establishment of ASTs across Scotland and approved the establishment of a stand-alone AST for East Renfrewshire. At the same time the Deputy Chief Executive was authorised to finalise a related partnership agreement between the Council and CHS for the provision of AST support initially for two years. Accordingly the local AST was formed; the Senior Committee Services Officer was designated its Clerk; and appropriate support to the AST has been provided since then by her and other officers within the democratic services team in liaison with CHS under the partnership agreement.

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

5. Since 2012 further legislation impacting on ASTs and related support has been implemented. More specifically, under the Children and Young People (Scotland) Act 2014, the National Convener is required to keep the designation of AST areas under review and has powers to revoke or make new designated AST areas at any time. Furthermore the requirement for the National Convener to seek local authority approval regarding AST areas has been revoked in favour of a requirement only to consult with a local authority affected by a change proposed by the National Convener.

6. There have been and continue to be some challenges to be addressed linked to the new arrangements, not just locally but elsewhere too. Allied to that, some members of the local AST have opted not to continue to serve on the new AST and some new appointments have been and are to be made. However, overall, many issues have progressed well locally. This has included some members of the local AST liaising with and sharing best practice and views with their peers elsewhere at national meetings periodically since 2013; becoming involved earlier this year in a regional grouping that has been established known as the North Strathclyde Hub at which issues of mutual interest and ideas are being discussed and considered; and further consideration being given to joint training possibilities with other local areas.

OFFICER SUPPORT AND RELATED ISSUES

7. When the Cabinet considered the report in 2012, it was explained that CHS receives separate funding to discharge its legal responsibilities and is ultimately responsible for providing the support ASTs require. The 2011 Act removed a statutory duty that had fallen to local authorities to provide and meet the costs of the type of support Clerks to former CPACs and their teams provided both to those bodies and panel members. However it was highlighted in the Cabinet report that paid AST support staff were required. The National Convener had suggested that the AST Clerk's role would be similar to that of a CPAC Clerk and looked to local authorities to provide AST officer support, highlighting that good quality and more standardised administrative and procedural support was critical to the success of ASTs.

8. The National Convener secured this support through partnership agreements, essentially contracts between CHS and local authorities. Such agreements (including the initial one agreed for East Renfrewshire) set out the support to be provided not only by local authorities but also CHS and are a separate matter to the establishment of ASTs themselves, but very much linked to that. As commented on in 2012, local authorities providing the agreed support have been permitted to retain the Scottish Government grant funding element that was to provide support under the previous CPAC arrangements, including some funds allocated for some costs CHS is now meeting such as for training. It is noteworthy that a further recent development under the 2014 Act is that local authorities are now required to provide ASTs with such administrative support (such as staff, accommodation and other services) as the National Convener considers appropriate and required to facilitate the discharge of functions by ASTs.

9. The initial partnership agreement for the support to East Renfrewshire AST for an initial period of two years now falls to be renewed. At the end of June, CHS approached the local authority seeking its agreement to the terms of a new agreement to cover the period to the end of June 2017. This date has been picked to align the dates and related work with such reviews in a number of areas. As before, the proposed agreement records the commitment of both CHS and the authority to support various aspects of the Hearings System at a local level. It is also intended to underpin a shared commitment to the system by establishing a clear, uniform understanding across Scotland of the services to be provided for the support and administration of ASTs.

10. The new agreement proposed has been reviewed in detail at officer level on the basis of which officers have concluded there is nothing within it which gives local cause for concern. The content is virtually identical to that of the initial agreement, other than it having been updated to reflect the position on a couple of minor administrative developments which are considered helpful to the local authority.

11. In proposing the way forward, the National Convener has confirmed that he is not proposing any change to the structure of the AST for East Renfrewshire at present. He has also provided a testimonial on the Council's support thus far for inclusion in this report as follows:-

“CHS is very grateful to the Council for the excellent support it has continued to provide to the National Panel and the AST in East Renfrewshire under the terms of the Partnership Agreement. The Clerk and her team have provided exemplary administrative support and continuity of service during a period of significant change for our volunteers, and we look forward to continuing to work together with the Council to further strengthen our partnership and realise the benefits of the Partnership Agreement.”

12. Related feedback from East Renfrewshire AST members, some of whom are also acting panel members, also reflects that they regard highly the support provided.

FINANCE AND EFFICIENCY

13. Signing the new partnership agreement will effectively guarantee the continuation of the support arrangements that are currently in place which are working well. There are no additional financial consequences associated with the proposals.

CONSULTATION

14. As referred to above, representatives of the local AST, CHS and the National Convener have been consulted as has the Convener for Social Work and Health who is also the local authority member on the AST.

PARTNERSHIP WORKING

15. Partnership working in terms of a joint AST was considered, but not approved, prior to the establishment of the local stand-alone AST, including in view of the wishes of the local volunteers associated with the Hearings system who still support a stand-alone arrangement. As explained in paragraph 5 above, under the 2014 Act, the local authority no longer consents or otherwise to the establishment of the AST for its area, but would be consulted on any proposed change. The National Convener is not proposing any change to the local arrangement at present. Subject to local authority support for the partnership agreement, partnership working with CHS, the National Convener and related stakeholders at a local level and elsewhere as appropriate will continue as now.

IMPLICATIONS OF THE PROPOSALS

16. There are not considered to be any additional implications linked to the approval of the proposals, including staffing implications.

RECOMMENDATIONS

17. It is recommended that the Cabinet authorises the Deputy Chief Executive to renew:-
- (a) the partnership agreement between the Council and CHS for the provision of support to East Renfrewshire AST for the period until 30 June 2017; and
 - (b) any future such partnership agreements, subject to the support arrangements continuing to work well.

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Background Papers:-

Report on Review of Children's Hearings System and Consultation on Establishment of Area Support Teams submitted to Cabinet on 27 October 2011;

Report on Children's Hearings Scotland and Establishment of Area Support Teams Covering East Renfrewshire and related Partnership Agreement submitted to Cabinet on 11 October 2012; and

Correspondence and related documentation from Children's Hearings Scotland

KEY WORDS

Children's Hearings (Scotland) Act 2011; National Convener; Area Support Team (AST); partnership agreement; officer support.