


REPORT TO CABINET

13 January 2021

Subject:	Changes to the appointed Chief Executive Officer of Sandwell Children's Trust and extension of contract for a non-executive director of Sandwell Children's Trust board
Presenting Cabinet Member:	Cabinet Member for Best Start in Life: Councillor Joyce Underhill
Director:	Lesley Hagger Executive Director of Children's Services
Contribution towards Vision 2030:	
Key Decision:	Yes
Cabinet Member Approval and Date:	Cabinet Member for Best Start in Life - Councillor Joyce Underhill: Yes
Director Approval:	Lesley Hagger, Executive Director of Children's Services: 22/12/20
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply to the content of this report
Ward Councillor (s) Consulted (if applicable):	Ward councillors have not been consulted
Scrutiny Consultation Considered?	The Scrutiny Board has not been consulted
Contact Officer(s):	Lesley Hagger Executive Director of Children's Services Lesley_hagger@sandwell.gov.uk 0121 569 8338

DECISION RECOMMENDATIONS

That the Cabinet, as sole owner of Sandwell Children's Trust:

- (a) notes the completed sequence of events that are contractually required to initiate changes to the appointment of Chief Executive Officer of Sandwell Children's Trust;
- (b) notes the completed sequence of events that are contractually required to extend the contract of a non-executive director of Sandwell Children's Trust board;
- (c) notes and takes into account in its decision-making, the responses from the Secretary of State for Education;
- (d) notes the resignation of Frances Craven as Chief Executive Officer of Sandwell Children's Trust and Executive Director of Sandwell Children's Trust board;
- (e) notes the intention of Sandwell Children's Trust to appoint Emma Taylor as the new Chief Executive Officer;
- (f) agrees the appointment of Emma Taylor as a member of the Company (Sandwell Children's Trust) and thereby an Executive Director of Sandwell Children's Trust board;
- (g) agrees the extension of contract to Vineeta Manchanda as a non-executive director of Sandwell Children's Trust for the period of up to two years from 1 February 2021.

1. PURPOSE OF THE REPORT

1.1 The report sets out:

- (a) the intention to appoint Emma Taylor as the new Chief Executive Officer of Sandwell Children's Trust;
- (b) the intention to extend the current contract of Vineeta Manchanda as a non-executive director of Sandwell Children's Trust board;
- (c) the reasons for the proposed change;
- (d) the process required to initiate and conclude change.

2. IMPLICATION FOR THE VISION 2030

- 2.1 Sandwell Children's Trust (SCT) is contracted to deliver services that contribute to a number of the Vision 2030 ambitions, and particularly:

Ambition 1 - Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience. SCT supports families to improve children's life chances.

Ambition 2 - Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for. SCT ensures coordination between social care and the NHS to better protect vulnerable children.

Ambition 4 - Our children benefit from the best start in life and a high-quality education throughout their school careers with outstanding support from their teachers and families. SCT works with foster carers and schools to support the achievements of vulnerable children and those in the care of the council.

Ambition 5 - Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods. SCT works closely with the police to ensure that children are protected from the impact of crime, domestic violence, and all forms of exploitation.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities. SCT is contracted to improve the performance of children's social care services with an Ofsted judgement of at least 'requires improvement' by 2020 and 'good' by 2022.

3. BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 At its meeting on 19 October 2016, Cabinet was advised of the Government's Statutory Direction (under Section 479A of the Education Act 1996) to set up a new arrangement in the form of a children's trust to deliver children's social care services. As a result, Sandwell Children's Trust started operating on 1 April 2018.
- 3.2 On 22 March 2017, the Cabinet considered the types of decisions that would be of such strategic importance that they could not be decided at the board of the Trust but would be "reserved to" the owner of the Trust (the Council) for decision:

- As the decision maker for the Council in its capacity as the body that is responsible and accountable for the discharge of the relevant children's social care services functions; and
- As the decision maker for the Council in its capacity as owner of the Trust in relation primarily to the Reserved Matters, as set out in the Memorandum of Understanding, and other legally required decisions.

3.3 The Cabinet agreed that: "In order to fulfil the role as sole owner of the Trust, it is recommended that the full Cabinet itself operates as the decision-making body for matters in relation to the Trust." It also agreed that, in order to clearly differentiate between decisions which Cabinet is considering in its two roles (i.e. as owner of the Trust and as children's services authority), separate reports be prepared to set out clearly which role the Cabinet is undertaking at any time. In relation to decisions taken in its role as owner of the Trust, the Cabinet agreed that any recommendations should include authority for officers then to formalise the decision in relation to any company law paperwork.

3.4 The Memorandum of Understanding which the Council has entered into with the Department for Education sets out the composition of the board of directors of the Trust as follows:

- A Chair (non-executive director) as appointed by the Secretary of State in consultation with the Council;
- Three executive directors comprising the Trust's Chief Executive and two other members of the executive management team;
- Three non-executive directors with collective knowledge and expertise across children's services, public services;
- Two additional non-executive directors appointed by the Council (e.g. members and /or officers).

Apart from the appointment of the Chair, all other appointments are required to be made in consultation with the Secretary of State for Education. The appointment of the two non-executive directors appointed by the Council is a 'Reserved Matter' and therefore a decision to be taken by the Cabinet. The Council's two non-executive directors are Cllr Peter Allen and Director of Prevention and Protection Services, Neil Cox.

3.5 Appointed individuals will, as executive and as non-executive directors of the Trust, have a fiduciary duty to the Trust board, meaning that they will act in good faith, and in the best interests of the company.

- 3.7 The Council, as sole owner of the Company (Sandwell Children’s Trust) is required to consult with the Secretary of State on certain ‘Consultation Reserved Matters’ prior to notifying the Company of its decisions in respect of that Consultation Reserved. The Secretary of State is invited to: *“make written representations to the Council within 10 working days of being notified of the matter.... In making its decision the Council must take into account the representations made by the Secretary of State.”*
- 3.8 The Consultation Reserved Matters relevant to the recommendations in this report are:
- Approval of the registering of any new member of the Company;
 - Approval of any Additional Executive Director removals or appointments (including the approval of appointment terms for Additional Executive Directors and any amendments to such terms);
 - Approval of any Independent Non-Executive Director removals or appointments (including the approval of the appointment terms for Independent Non-Executive Directors and any amendments to such terms).
- 3.9 Additionally, the matters requiring prior written consent of the Secretary of State regarding Corporate Governance are set out in paragraph 6.2 (b) of the contractual Governance Side Agreement:
- Approval or removal or appointment of the Chief Executive or any changes to the Chief Executive’s director’s terms of appointment with the Company.

4. THE CURRENT POSITION

- 4.1 The Chief Executive of Sandwell Children’s Trust took up post in February 2018 and, following resignation, will cease that employment on 31 March 2021. A robust recruitment and selection process has taken place and an indicative offer has been made by the Sandwell Children’s Trust board to Emma Taylor. Ms Taylor has a long history of local government children’s services roles and is currently Director of Children’s Services for Cheshire West and Chester, which has a good Ofsted rating.
- 4.2 The Council consequently wrote to the Secretary of State requesting consent to make this appointment. At the time of writing this Cabinet report, DfE officials have confirmed by email that the Parliamentary Under Secretary of State for Children and Families has approved the recommendation.

- 4.3 The appointment of the non-Executive Director Vineeta Manchanda took effect from 30 January 2018 and was for an initial term of 3 years. The board wishes to secure the continuity of the current non-executive directors at a time when there are personnel changes in the Chief Executive Officer post, and in light of the full Ofsted inspection expected in 2021.
- 4.5 The Council has written to the Secretary of State requesting consent to extend this appointment for a period of up to two years from 1 February 2021. At the time of writing this Cabinet report, DfE officials have confirmed by email that the Parliamentary Under Secretary of State for Children and Families has approved the recommendation.
- 4.6 Following the completion of the required process to consult the Secretary of State, and to take into account the response, the Cabinet is now recommended to agree the recommendations set out in this report.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Consultation with the Secretary of State for Education has been completed for both the appointment of the Chief Executive Officer and the extension of contract for the non-executive director.
- 5.4 The responses from the Secretary of State for Education, have been taken into consideration when making the recommendations in this paper to the Cabinet.

6 ALTERNATIVE OPTIONS

- 6.1 The alternative option would be for Sandwell Children's Trust to recruit to a temporary arrangement for the Chief Executive Officer post and to begin a recruitment process for a new non-executive director.

7. STRATEGIC RESOURCE IMPLICATIONS

- 7.1 Sandwell Children's Trust receives a significant financial resource to deliver the Council's statutory responsibilities for children's social care and also to provide targeted early help services.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Contract for services (Service Delivery Contract) between the Council and Sandwell Children's Trust is performance managed via a monthly Operational Partnership Board, a quarterly Strategic Partnership Board, and a requirement to attend up to 2 Children's Scrutiny Board meetings and 1 Budget Scrutiny meeting each year. Additionally, the Trust is required to submit its Annual Review and Improvement Plan to the Council annually. The Annual Review and Improvement Plan 2019/20 was discussed with the Children's Services Scrutiny Board on 20 July 2020, with attendance from the Chair and Chief Executive of Sandwell Children's Trust and was presented to the Cabinet on 18 November 2020.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 There are no equality impact implications for this report.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 There are no data protection implications for this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no crime and disorder issues relevant to this report, excepting that the contract with Sandwell Children's Trust requires them to deliver the Youth Justice Board arrangements and the operation of a Youth Offending Service.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 The proposals in this report ensure that the Council continues to meet its obligations as sole owner of Sandwell Children's Trust.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 Sandwell Children's Trust is required to work with a range of partner agencies to ensure the health and wellbeing of children and young people that are known to the service.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 This report has no impact on any council managed property or land.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The recommendations will ensure the council meets its contractual obligation to Sandwell Children's Trust board.

16 BACKGROUND PAPERS

16.1 Cabinet papers dated:

19 October 2016

[04 - Formation of a Children's Trust](#)

[04 - Formation of a Children's Trust - Appendix](#)

7 December 2016,

[04 - Formation of Children' Trust - MoU](#)

[04a - Appendix 1 Strategic Project Risk Register](#)

[04b - Appendix 2 Formal Commissioner Response](#)

22 March 2017

[22 - Role of Sandwell MBC in relation to Sandwell Children's Social Care Trust](#)

17 APPENDICES:

17.1 None.

Lesley Hagger
Executive Director of Children's Services