

Report to Cabinet

13 November 2024

Subject:	The appointment of Chair to Sandwell Children’s Trust Board
Cabinet Member:	Cabinet Member for Children, Young People and Education, Councillor Jalal Uddin
Director:	Director of Children and Education, Sally Giles
Key Decision:	Yes
Contact Officer:	Sally Giles, Director of Children and Education Sally_Giles@sandwell.gov.uk Mandip S. Chahal, Interim Assistant Director for Commissioning, Partnerships and Improvements, Mandip1_chahal@sandwell.gov.uk

1. Recommendations

For the reasons set out in the report, it is recommended that-

- 1.1 Cabinet, on behalf of the Council as the sole owner of Sandwell Children’s Trust agrees the appointment of Graham Archer as a Trust Board Chair of Sandwell Children’s Trust.

2. Reasons for Recommendations

- 2.1. The Chair of the Trust Board, Rt Hon Jacqui Smith, resigned from her position on 6 July 2024 following her appointment as a Minister in the Department of Education (DfE). Linda Sanders has served as interim Chair for a temporary period.

- 2.2. The Council as sole owner of Sandwell Children’s Trust is required to appoint a Trust Board chairperson. As agreed previously, Cabinet will act on behalf of the Council in respect of matters that are ‘reserved to the owner’.
- 2.3. Following the completion of the recruitment process, the Secretary of State, in line with their powers as outlined in the Governance Side Agreement between the Council and the DfE has agreed the appointment of Graham Archer as the Chair of the Trust Board.
- 2.4 To ensure that the Council fulfils its obligations as detailed in the Sandwell Children’s Trust Articles of Association the Council is required to formally appoint the new chair.
- 2.5 In line with the Inspecting Local Authority Children's Services Framework a full inspection of children’s service should take place before May 2025. Appointing the new chairperson as a matter of urgency will allow them the sufficient time to familiarise themselves with the Trust and prepare for the inspection. A delay in making the appointment may have a detrimental impact.

3. How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	<p>SCT works with families, foster carers, schools, statutory and voluntary providers to support the achievements of vulnerable children and those in the care of the council.</p> <p>SCT works to ensure that children in the care of the Council receive the support and opportunities that any parent would give their child.</p>
Living in Sandwell	<p>SCT ensures co-ordination between social care and the NHS to better protect vulnerable children.</p> <p>SCT supports families to improve children’s life chances.</p> <p>SCT works closely with the police to ensure that children are protected from the impact of crime, domestic violence, and all forms of exploitation.</p>

	SCT supports care leavers to live independently in the community, working closely with Housing to ensure care leavers are able to good quality accommodation in Sandwell.
Thriving Economy in Sandwell	SCT works with families to access services and support so that they are able to improve their economic well-being and the life chances for their children.

4. Context and Key Issues

- 4.1 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.
- 4.2 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.
- 4.3 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.

- 4.4 On 28 March 2018, the Council entered into a governance side agreement with the Department for Education which 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).
- 4.5 The Articles of Association for Sandwell Children's Trust, its governing document, state that the Council, as Sole Member, retains the power to appoint the Chair of the Trust Board.
- 4.6 Reading the Articles of Association in concert with Governance Side Agreement means that the Council is required to confirm the appointment as Chair the individual directed by DfE.
- 4.7 Following the resignation of Rt Hon Baroness Jacqui Smith, a recruitment process was undertaken by the DfE. This was in line with the governance side agreement between the Council and DfE which gives the DfE the power to appoint a new Trust Board Chair in consultation with the Council.
- 4.8 The DfE have appointed Graham Archer to the role of Trust Board Chair. As the appointed individual they will, as a non-executive director 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 Sandwell Children's Trust.

4.9 The item will be considered as a matter of urgency and as such the Chair of the Children’s Services and Education Scrutiny Board has been consulted and agreed to waiver the 28-day notice, the 5-day meeting notice and the call-in provision so that the report, if approved, can be implemented immediately.

5 Alternative Options

5.1 The alternative option would be to reject the direction of the DfE. However, the Council would then be in breach of the Governance Side agreement signed with DfE in March 2018.

6 Implications

Resources:	<p>Sandwell Children’s Trust receives a significant financial resource to deliver the Council’s statutory responsibilities for children’s social care.</p> <p>The Trust chair is paid directly by DfE, therefore no additional costs are associated with this role.</p>
Legal and Governance:	<p>The Governance Side Agreement between the Council and Department for Education sets out the composition of the board of directors of the Trust.</p> <p>The Council is required, as sole owner of the Trust, to consult with the Secretary of State on certain ‘Consultation Reserved Matters’ prior to notifying the Trust of its decisions in respect of that Consultation Reserved Matter. The approval of any removal or appointment of Trust Chair is such a matter.</p>
Risk:	<p>The corporate risk management strategy has been complied with and risks have been identified arising from the recommendations being sought. This has concluded that there are no significant risks that require reporting and that suitable measures are in place to mitigate the risks identified to acceptable levels.</p>
Equality:	<p>An Equality Impact Assessment screening is not required for this report.</p>
Health and Wellbeing:	<p>SCT continues to support children and families in Sandwell and as the quality of service that they deliver improves so does the impact they have on</p>

	improving the health and wellbeing of children and families.
Social Value	SCT supports children to achieve, feel safe, be supported and access opportunities. SCT supports care leavers to access education, employment and training. Having strong governance and oversight supports SCT to achieve service improvement and better support children and families in Sandwell.
Climate Change:	There are no climate change implications attached to this report
Corporate Parenting	Having a permanent chair in place strengthens the governance and oversight of the delivery of corporate parenting.

7. Appendices

None

8. Background Papers

Cabinet Paper 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](#)