

## COUNCIL

5 October 2017

### Present:-

Chair: R Radford

Vice-Chair: R Edgell

Councillors M Asvachin, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, E Brennan, J Brodie, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, A Dewhurst, A Eastman, R Gilbert, B Greenslade, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, S Randall-Johnson, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

### Apologies:-

Councillors H Ackland and Y Atkinson

## **32 Honorary Alderman - Ceremony of Conferment**

Pursuant to the decision taken at the Extraordinary Meeting of the Council held on 25 May 2017 to confer the title of Honorary Alderman upon former Councillor B Hughes OBE, the Chairman presented to him a Pendant of Office and Commemorative Scroll.

The Leader of the Council, Councillor Hart spoke regarding his nomination of former Councillor B Hughes OBE for Honorary Alderman commending the eminent service he had given to the Council; remarks echoed by a number of other members of the Council. The newly appointed Honorary Alderman responded.

## **33 Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 20 July 2017 be signed as a correct record.

The Motion was put to the vote and declared **CARRIED**.

## **34 Announcements**

The Chair reported on the passing of Eleanor Cohen, who had represented the Plymouth St Peter Division on the former County Council, between 1989 and 1997, having been unwell for some time and also of Dennis Dicker, who represented the Plymouth Plymstock Dunstone Division on the former County Council between 1977 and 1985 and then again between 1989 and 1997.

The Council also received the excellent news that Andrew White (son of Richard White from the Council's Commissioning team) had been successful at the Invictus Games in Toronto, with a silver medal in the Time Trial and Gold in the Criterium and was the Invictus Games Cycling Champion 2017. The Council congratulated Andrew and all those who participated in the Invictus games.

The Chair also formally recorded his thanks to Colin Davis, who had acted, primarily, as Chauffeur to the Chair of the Council for a number of years, with 41 years service in Local Government, with 32 of those at Devon County Council.

The Leader presented Colin with a certificate of appreciation.

**35 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

**36 Public Participation: Petitions, Questions and Representations**

There was no petition received from a member of the public.

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to one question from a member of the public on free school meals and school holidays.

The Cabinet Member also responded orally to the supplementary question arising from the above.

*[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

**37 Petitions from Members of the Council**

There was no Petition received from a Member of the Council.

**38 Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 10 questions submitted by Members of the Council relating to dispensation permits, county hall barriers and relevant traffic orders, Recruitment of EU Citizens to health, social care and education, social workers survey and reduced care packages, private finance initiative contracts, devolution, pay & display parking tickets, compliance with policy in relation to school uniforms and traffic calming at St Georges Road, Barnstaple.

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

*[NB: See also responses to Questions referred to at Minute 36 above. A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

**39 Cabinet Member Reports**

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

**(a) Community, Public Health, Transportation and Environment**

Councillor Croad circulated a report, as requested by Councillor Hannaford, on the HIV Support Services provided by The Eddystone Trust and also responded to questions on prevention and relevant preventative services.

**(b) Children's Services and Schools**

Councillor McInnes circulated a report on the Corporate Parenting Board Summer Walkabout. Following a refreshed approach to the Board's work, the new model included some 'out and

about' activity, and this walkabout was a fact finding mission, opening a window into the system which had brought into sharper relief the issues and concerns of the frontline.

He also responded to questions on the numbers of social workers and turnover rates, the role of personal advisers, caseloads, progress with co-location, the importance of adequate support to assist with transitions from care and opportunities for other Members to be involved in future like events.

**(c) Organisational Development and Digital Transformation**

Councillor Parsons commented, as requested by Councillor Dewhirst, on leadership in diversity and equality, including the importance of appropriate language in maintaining and increasing confidence within communities. He further reported, as requested by Councillor Aves, on the Council's continued support for Fairtrade so that the alternatives (e.g. Fairly Traded) would not weaken the good work done by Fairtrade respectively.

**40 Minutes**

The Chairman of the Council **MOVED and it was duly SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved.

Standards Committee	-	29 August 2017
Appeals Committee	-	4 September 2017
Development Management Committee	-	6 September 2017
Procedures Committee	-	13 September 2017
Audit Committee	-	14 September 2017
Investment & Pension Fund Committee	-	15 September 2017
Appointments & Remuneration Committee	-	27 September 2017
Health & Adult Care Scrutiny	-	26 July and 21 September 2017
Children's Scrutiny	-	11 September 2017
Corporate Infrastructure & Regulatory Services Scrutiny	-	26 September 2017

The Motion was put to the vote and declared **CARRIED**.

**41 Schools Funding - Outturn Surplus and Re-allocation of Funds (Minute 30 - 20 July 2017)**

Pursuant to County Council Minute 30 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

*'(1) that the County Council notes that earmarked reserves at outturn for 2016/17, excluding carry forwards, increased in year by £15,299 m with no spending being made against the reserves for budget management, business rates risk, emergency, and on street parking in 2016/17.*

*Accordingly County Council agrees to compensate all school budgets, which had suffered a £33 per pupil cut in 2017/18, by the equivalent of the loss in their budgets consequent upon this decision taken in setting the County Council's budget for 2017/18.*

*The cost of this action, approx £2.2m, be met from the earmarked reserve for budget management.*

*(2) that the County Council organises a round table at which representatives of the Devon schools community debate with all the MP's representing new Devon the issue of future school funding including a revised schools funding formula.'*

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 55a of 13 September 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that

*the Cabinet's advice be accepted and that that in light of the actions already undertaken and taken by Cabinet Members, Officers and the wider education community to secure fairer funding for schools, outlined in Report CSO/17/24, the County Council be recommended to take no further action on the Notice of Motion; and that the Council continue to work with the f40 Group (which represents the lowest funded local authorities) to secure fairer funding for education.*

The Amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Greenslade then **MOVED** and Councillor Biederman **SECONDED** that

*'the Cabinet recommendation be deleted and amended by the substitution of the original notice of motion'.*

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that, in accordance with Standing Order 32, the vote on the amendment in the name of Councillor Greenslade shall be by a roll call vote.

The Motion was put to the vote and declared **LOST**.

The Amendment in the name of Councillor Greenslade was then put to the vote and declared **LOST**.

(In accordance with Standing Order 32(4) Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hannaford, Hodgson, Hook, Shaw, Way, Whitton and Wright asked that their vote for Councillor Greenslade's amendment be recorded).

The Motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

(In accordance with Standing Order 32(4) Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hannaford, Hodgson, Hook, Shaw, Way, Whitton and Wright asked that their vote for against Councillor Harts motion be recorded).

## **42 Police & Crime Commissioner (Minute 31 - 20 July 2017)**

Pursuant to County Council Minute 31 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Dewhirst that:

*'Devon County Council is extremely alarmed at the proposal by the Police and Crime Commissioner, Alison Hernandez, to drastically reduce the number of PCSOs, the eyes and ears of the force. At a recent consultation by South Devon and Dartmoor Community Safety Partnership, Neighbourhood Watch Co-ordinators, Parish, Town and Borough Councillors, District Councillors and County Councillors described the proposed changes as "dangerous". Members are hearing reports from constituents of massive increases in low-level crime in our towns, villages and rural areas.*

*Additionally there is a general concern that the Police and Crime Commissioner is unfit and unsuitable for her job after making tactless comments about being "really interested" in licensed firearm owners being allowed to act during terrorist incidents. We endorse Deputy Chief Constable Paul Netherton's view that "Under no circumstances would we want members of the public to arm themselves with firearms".*

*This Council believes that the Police and Crime Commissioner is wrong to propose reductions in Neighbourhood Policing, that proposals to utilise domestically owned firearms is a crass and inadequate response to mounting concerns about police cuts and that her proposal to appoint a Deputy Police and Crime Commissioner is an appointment that is just not needed in these cash-strapped times.*

*We therefore request the Chief Executive to contact the Home Secretary requesting she use whatever powers may be available to remove Ms Hernandez from office allowing Devon and Cornwall Police to continue the fight against crime at all levels and that Members of Devon County Council show their lack of support for the Police and Crime Commissioner by voting "No Confidence" in her office'.*

and having had regard to the advice of the Cabinet (the amendment) set out in Minute 55b of 13 September 2017:

Councillor Hart **MOVED** and Councillor Croad **SECONDED** that the Cabinet's advice be accepted and that;

*no further action be taken on the Notice of Motion, acknowledging the Chief Constable and the Police and Crime Commissioner are aware that the Neighbouring Policing Review outlined in Report CS/17/24 has created uncertainty within local communities the Chief Officer for Community, Public Health, Environment & Prosperity be asked to liaise with the Police and Crime Commissioner to ensure that - as the review is taken forward - there is an opportunity for communities to contribute effectively to the review and that County Councillors are kept Member informed of developments relating to their electoral divisions. Furthermore, the view of the Deputy Chief Constable be endorsed in that allowing licensed firearms owners to act during terrorist incidents would be wholly inappropriate.*

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

#### **43 Paris Accord on Climate Change (Minute 29 - 20 July 2017)**

Pursuant to County Council Minute 29 of 20 July 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hook that:

*"The people of Devon, along with vast numbers of people around the globe, were dismayed at the pronouncement from President Trump that he was pulling America out of the Paris Accord on Climate Change. This is a move that will impact negatively on all residents of this planet and is a step back in time. Climate Change is the single biggest threat to mankind, and the policies now to be followed by President Trump will cause it to accelerate. His policies will also undermine the health of the planet and the people who are sustained by the planet. Pollution of water and air are already killing hundreds of thousands prematurely.*

*This Council condemns President Trump for the action he has taken and will join with others from around the world in conveying to him this error of judgement on his part and request an early reconsideration and reversal of this decision."*

and having had regard to the advice of the Cabinet (the amendment) as set out in Minute 55c of 13 September 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that

*the Cabinet's advice be accepted and that the sentiment of the Notice of Motion be approved and the Council recognise that the decision of POTUS is regrettable and, potentially, de-stabilising and damaging to global efforts to tackle climate change through a reduction in greenhouse gas emissions. This Council therefore reaffirms its*

*commitment to the implementation of its Energy Policy, Strategy and Action Plan as the most effective response to this situation and, consequently takes no further action on the Notice of Motion.*

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED**, nem con, as the substantive motion.

#### **44 Plastic Free Coastlines**

Councillor Biederman **MOVED** and Councillor Wright **SECONDED**;

*'This Devon County Council supports Plastic Free Coastlines, committing to plastic free alternatives and supporting plastic free initiatives within Devon.*

*The Council commits to lead by example to remove single-use plastic items from its premises. Also it must encourage plastic free initiatives, promoting the campaign and supporting its events.*

*A representative of this council will become a member of the Plastic Free Coastlines Steering group'.*

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

#### **45 Health and Adult Care Scrutiny - Community Role and Safeguarding Future Buildings and Place Based Health Services**

The Chair of the Council **MOVED** and the Vice-Chair **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting.

The Motion was put to the vote and declared **CARRIED**.

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED**

*The County Council regrets the failure of the Health and Adult Care Scrutiny Committee on 25 July 2017 to be seen to scrutinise the decision of NEW Devon Clinical Commissioning Group to close community hospital beds in Honiton, Okehampton, Seaton and Whipton, especially in the light of the subsequent urgent recommendation by the head of the NHS in England, Simon Stevens, which is supported by evidence from the Royal College of Emergency Medicine and the King's Fund, that more beds need be made available for the coming winter.*

*Noting also the Standards Committee's conclusion that events at the Scrutiny Committee meeting 'may not reflect well on individual members of the Council or upon the Council as a whole', its recommendations for the Committee's Chair and its general recommendations to both members and chairs of Scrutiny Committees, the County Council therefore;*

*1. requests the Health and Adult Care Scrutiny Committee to scrutinise those issues identified by the County Solicitor in her paper for 25 July which were not directly and fully addressed at the Scrutiny Committee in that meeting;*

*2. consistent with the Council's 'community champion' role, alerts the Secretary of State to the strength of feeling in the locality at the overall STP process throughout the County and the significant numbers of objections made by the public to the CCG's proposals and that in the interests of democracy and democratic accountability he might wish to satisfy himself that all relevant process were properly undertaken and assessed and that the CCGs subsequent decisions are supported by the evidence; and*

3. *welcomes the agreement of the Health and Adult Care Scrutiny Committee to examine, subject to the advice of the County Solicitor, means of safeguarding community hospital buildings throughout Devon as facilities for the provision of place-based health services.*

Councillor Hart then **MOVED** and Councillor Twiss **SECONDED** that the Motion be amended by the insertion of words and deletion of words as detailed below and the subsequent renumbering of paragraphs 1 – 3 (italics denoting additional text).

*That the County Council notes that the Health and Adult Care Scrutiny Committee held on the 25th of July 2017, within its clearly defined role as a 'critical friend', has extensively considered the issues and concerns from members of the public, elected members and others, including medical professionals, all matters relating to the closure of some community hospital beds in Honiton, Okehampton, Seaton and Whipton.*

*The Council recognises, and fully welcomes the cross-party and Independent persons standards committee report, which concluded unanimously that there was no breach in the members code of conduct.*

1. The County Council therefore, consistent with the councils 'community champion' role, *sends a letter to the Secretary of State for Health, (together with copies to all Devon M.P.s), seeking reassurance that appropriate funding is provided by government to deliver the necessary health and social care services in Devon, recognising that this must be within a clear and proven, evidence based and tested Sustainable Transformation Plan, and due regard is taken that many parts of Devon are 'truly rural', with an ageing population needing more services, more often and sometimes for longer.*
2. That the County Council also welcomes the *resolution of the health and adult care scrutiny committee, held on the 21st of September 2017, that advice be sought in terms of the legal position, in securing the interest of buildings, contributions or legacies left to community groups, and other benefactors.*

Councillor Twiss **MOVED** and Councillor Hart **SECONDED** that, in accordance with Standing Order 32, the vote on the Amendment in the name of Councillor Hart shall be by a roll call vote.

The Motion was put to the vote and declared **CARRIED**.

The Amendment was then put to the vote and there being:

For the amendment - Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chubb, Chugg, Clatworthy, Colthorpe, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Prowse, Randall-Johnson, Radford, Russell, Sanders, Saywell, Scott, Sellis, Slade, Squires, Trail, Twiss and Yabsley (Total 40);

Against the amendment - Councillors Asvachin, Aves, Biederman, Brazil, Brennan, Brodie, Connett, Dewhirst, Greenslade, Hall, Hannaford, Hodgson, Shaw, Way, Whitton and Wright (Total: 16);

The Amendment in the name of Hart was declared **CARRIED**.

Councillor Wright then **MOVED** and Councillor Hodgson **SECONDED** that the Motion be amended by the insertion of words and deletion of words as follows;

Deletion of the words 'seeking reassurance' in paragraph 1 and then the addition of the words '*requesting a review by the independent reconfiguration panel of the evidence and process associated with the bed closures at Seaton, Whipton, Honiton and Okehampton hospitals. Also,* (and then the continuation of paragraph 1)

Councillor Biederman **MOVED** and Councillor Connett **SECONDED** that, in accordance with Standing Order 32, the vote on the Amendment in the name of Councillor Wright shall be by a roll call vote.

The Motion was put to the vote and declared **LOST**.

The Amendment in the name of Councillor Wright was put to the vote and declared **LOST**.

The Motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

#### **46**      **National Funding Formula for Schools**

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

*County Council expresses its considerable disappointment at the Government's recently announced proposals which notionally leave Devon Schoolchildren with a funding gap of £268 below the national average. Additionally considerable concern is also registered that Devon has not done well with the high needs block allocation compared to others which will increase pressure on budgets for SEN.*

*These concerns be communicated on an all party basis to the Government and all Devon MP's.*

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

#### **47**      **Ethical Care Council**

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED** that:

*This Council commits to becoming an Ethical Care Council by commissioning homecare services which adhere to an Ethical Care Charter. This will establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay (based on a minimum –genuine- living wage), conditions and training levels. On that basis we will adopt and sign UNISON's Ethical Care Charter.*

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

#### **48**      **20 MPH Speed Limits**

Councillor Hodgson **MOVED** and Councillor Biederman **SECONDED** that:

*With rising concerns about road safety for pedestrian and cyclists and in response to the growing calls for 20 mph speed limits in villages, this Council will welcome and consider proposals from Town and Parish Councils for 20 mph speed limits in residential areas, town and village centres and associated approach roads.*

In accordance with Standing Order 6(6) the Notice of Motion was referred, without discussion, to the Cabinet for consideration.

[NOTES:

*Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Mr Coren.*

*The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting are available on the County Council's Website.*

*Minutes should be read in association with any Reports or documents referred to therein, for a complete record.  
A recording of the webcast of this meeting will also available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]*

The Meeting started at 2.15 pm and finished at 5.45 pm





## QUESTIONS FROM MEMBERS OF THE PUBLIC

Thursday 5 October 2017

### 1. QUESTION FROM ALDERMAN SPENCE Re: Free School Meals and School Holidays

On Thursday 11 December 2014, I asked Cllr. McInnes the following question about free school meals and the summer holidays: "In view of the recent reports showing that children receiving free school meals were increasingly at risk of food hunger during school holidays, particularly the long summer break, is the County Council investigating how meals for children in need in Devon could be provided during holiday periods?" This was followed up with a survey of Devon schools and in Exeter the beginning of the "Summer Cookery" scheme.

Can Cllr. McInnes report on the current situation and what action is being taken to promote holiday projects and breakfast clubs in Devon schools? Can Cllr. Leadbetter tell us of any action being undertaken by Public Health to address this problem highlighted once again by this summer's report on hunger by the All Party Parliamentary Group chaired by Frank Field? He tells us:

**"Up to 3 million children risk going hungry during the school holidays, leaving them vulnerable to malnutrition and undermining their education and life chances, a cross-party group of MPs and peers has warned. Its report cited evidence of children existing on holiday diets of crisps, hungry youngsters unable to take part in a football tournament because "their bodies simply gave up", and others surviving on stodgy, unhealthy diets "bought to fill hungry stomachs"."**

The report said those at risk of hunger over the summer include more than 1 million children who receive free school meals during term time, and 2 million more with working parents who are still in poverty. "The evidence presented in this report is staggering. It shows us that not only are there children in this country who are exposed to hunger when they are not at school, but also that this exposure risks damaging their prospects of gaining a good education and living a healthy life," the group's chair, Frank Field MP, said. The all-party parliamentary group (AG) on hunger found there was a "deeply troubling" impact on children who had gone hungry over the holidays and returned to class "malnourished, sluggish and dreary". It said the evidence it had received indicated that those children "start the new term several weeks, if not months, intellectually behind their more fortunate peers."

### REPLY BY COUNCILLOR MCINNES

The percentage of Free School Meal (FSM) children has risen slightly in Devon over the past 4 years but is still around 10% lower than Plymouth where FSM pupils make up almost a third of the cohort. The table below provides further information:

		-	2012	2013	2014	2015	2016
<b>Primary Pupils</b>							
878	Devon	-	18.30	19.00	19.80	19.80	19.10
879	Plymouth	-	28.90	29.30	30.20	30.00	29.80
<b>Secondary Pupils</b>							
878	Devon	-	19.70	20.70	21.30	21.60	22.20
879	Plymouth	-	27.00	28.50	31.00	32.50	32.90

# Minute Item 36

It has recently been reported that some Local Authorities including Plymouth have developed a very effective way of distributing schools meals to children over the holidays. The Council understand that the Plymouth project is run through the company that provides their FSM, and staff deliver the packed lunches in their own time and suppliers give the ingredients for free to areas such as parks, . <http://www.itv.com/news/westcountry/2017-08-02/scheme-aims-to-prevent-children-going-hungry-during-summer-holidays/>

Whilst recognising the value of the Plymouth project, Devon is faced with a significantly different challenge to Plymouth given the size of the county and the distribution of pupils on FSM over a large rural area. The Council's learning communities with the highest percentages of FSM pupils are:

Sidmouth	13.0%
Teignmouth	13.0%
Totnes	13.2%
Okehampton	13.4%
Honiton	13.8%
Torrington	14.0%
Holsworthy	14.1%
Exeter - Beacon	14.8%
Exeter - West Exe	15.0%
Tiverton	15.7%
Bideford	15.7%
Dartmouth	16.1%
Ilfracombe	16.9%
Barnstaple	16.9%
Newton Abbot	17.1%
Exeter - Central and Chestnut	18.4%

A project of the type described above for Plymouth would I am sure be welcome and one we may perhaps want to consider, but this would require significant officer time, volunteers and help from our school meal provider. A more community based approach may be a more viable option, it should however be noted that there are significant health and safety requirements for the provision and transport of meals for children.

The Local Authority has actively encouraged schools to take part in the Department for Education Summer Holiday Club programme. This provided secondary schools with funding to run a summer school for children on FSM, the funding also enabled other students to access the provision. In summer 2016, 26 out of 37 Devon schools provided this opportunity. Unfortunately the Department for Education did not provide funding for summer 2017.

A variety of organisations, including schools do still run holiday clubs and information about these are available on the link below, however these are most often fee paying. <https://services.pinpointdevon.co.uk/kb5/devon/services/results.page?qt=summer+clubs&communitychannel=0&term=&sorttype=distance&spradius=5>

As part of its commitment to the well-being of children and families, Devon ran a big campaign approximately 4 years ago to promote before and after school clubs and we still actively encourage their development. 127 maintained schools now offer before school/breakfast clubs during term time and a further 37 provide information to other breakfast clubs run locally (e.g. sometimes a nursery does this and then takes the children to school). We do not have information relating to Academies. The 'Pinpoint' website lists some of the breakfast clubs and also provides information relating to 144 after school clubs.

**In response to action being undertaken by Public Health**, as Alderman Spence notes, the Council's Public Health and Education departments collaborated to conduct a survey of all Devon schools (in 2015) to get a better understanding of the extent and impact of food poverty on children and young people in Devon and to gather information on the resources available to counter it. This was circulated widely and discussed at the Devon Education Forum. Schools were sent the report and asked to use it alongside their local knowledge to signpost families at risk of food poverty, particularly during the summer holiday, into local schemes. This was one of the only surveys of its kind in England and used as key evidence by the All Party Parliamentary Inquiry, "Feeding Britain", six months on. In addition and in order to further highlight the importance of this issue Public Health Devon included a chapter on food poverty within the Joint Strategic Needs Assessment.

Public Health Devon supports the establishment of place-based food networks that can galvanise action, including around food poverty, at a local level. For instance Public Health Devon has supported Exeter Food Network. This was established in 2014 as a way of piloting the implementation of the Devon Strategic Partnership's food strategy at a local level. This has been very successful. It has brought together almost 20 organisations in the city concerned with food, including those concerned with food poverty. One of the responses of the group was to pilot a summer holiday cookery school aimed specifically at children at risk of holiday hunger. This has gone from strength to strength and is in its 3rd year of operation. The network has plans to expand this scheme across the city and to find ways of ensuring its sustainability.

Exeter Food Network is now part of the national Sustainable Food Cities Network and has been able to attract funding (for example for its Sugar Smart Exeter campaign) and is getting involved in the new national initiative to tackle food poverty called "Food Power".

This model of supporting the development of local networks is being shared with other districts across Devon and is stimulating action in other parts of the county. For instance Public Health initiated the establishment of the Ilfracombe Food Network with a focus predominately on food poverty.





**QUESTIONS TO THE  
LEADER OF THE COUNCIL, CABINET MEMBERS  
AND/OR  
CHAIRMEN OF COMMITTEES**

Thursday 5 October 2017

**1. QUESTION FROM COUNCILLOR PROWSE  
Re: Dispensation Permits**

The Council will recall my question in May regarding the lawfulness of one of the charges relating to the daily charge over and above the application fee. The reply was not available at the meeting. Pursuant to a request a reply was furnished on the 24<sup>th</sup> July. The letter was signed by Councillor Hughes, the reply is as follows:

“I refer to your question at full Council on 25 May relating to the Council’s parking dispensations scheme. The matters you raised have been considered by the County Solicitor and it is agreed that the two part pricing structure in respect of dispensation notice permits needs to be reviewed. I have asked officers to develop a revised pricing structure. These proposals will be reviewed by the County Solicitor and changes proposed as soon as possible. Users will be contacted directly regarding these changes.”

It is apparent that recent legal advice has confirmed my assertion that the second charge is not lawful. My questions are as follows:

- a) What date was the Traffic Order relating to the dispensation scheme sealed and effective from?
- b) Given the reply as above please confirm that this advice was from a barrister and at what cost to the authority?
- c) On what date was the reply received by this authority?
- d) Accepting that the daily charge is no longer chargeable, on what date did this authority instruct employees to cease charging? (please supply a copy of that notice)
- e) How many permits have been issued since the effective date? (annual permits that is)
- f) How many applications for the daily charge have been made since the effective date?
- g) How many daily charges have been made and issued between the date of receipt of the legal advice and the issues of the cessation notice?
- h) Does the Cabinet Member agree that an apology press release should now be made?
- i) What does the Cabinet Member propose to correct this negligent error?
- j) Does the Cabinet Member agree that all those who applied for the daily charge will now be offered a refund? (on account that most applied online and paid by card the refund is easily achieved)
- k) Does the Cabinet Member propose to introduce a new Traffic Order or amend the current one?

**REPLY BY COUNCILLOR HUGHES**

- a) The most recent Traffic Order relating to dispensations, and applying the current charging mechanism was effective from 21st September 2015
- b) Advice was sought from a barrister, the cost in respect of this was £2000 (plus VAT)
- c) The advice was received on 7th July 2017, further clarification was provided with discussion on appropriate remedial actions being finalised on 27th July 2017
- d) The instruction to cease charging was issued on 30th August 2017 to our contractor:

# Minute Item 38

*“Further to earlier conversation, please could you action the change to charging for our daily dispensations. This is following legal advice that a two part charge is problematic and that we should only charge for “consideration” of applications.*

*So we will retain the £5 application fee, but zero the additional costs per day. Therefore for the time being there will be a flat rate of £5 irrespective of whether an application is for 1 or 21 days.*

*(We will be arranging a new TRO to put a new more appropriate charging regime in place in due course)”.*

- e) Since September 2015, 3,958 Annual Dispensation Permits have been issued.
- f) Since September 2015, 4381 Daily Dispensations of various durations between 1 and 21 days) have been issued
- g) Between 7th July 2017 and 30th August 2017, 310 Daily Dispensations of various durations between 1 and 21 days) have been issued.
- h) The situation will be made public on our web pages, along with the proposal to advertise a new Traffic Order, communications will be sent direct to all users on this matter. A press release will be made to launch the new service and reiterate offer of refund.
- i) A new Traffic Order will be advertised to apply an appropriate charging mechanism. As stated above the proposals will be direct marketed, with a press release at launch.
- j) It is agreed that an offer of refund should be made.
- k) A new traffic order will be advertised to ensure an appropriate charge is applied.

## **2. QUESTION FROM COUNCILLOR PROWSE Re: County Hall Barriers**

In May 2015, I objected to a formally advertised Traffic Order which amongst other things proposed to include the lawfulness of the double yellow lines between the two sets of barriers at the County Hall Site. In a written response at the time, it was asserted by this Authority that the road between the barriers was not a road, it being owned by the Authority.

The advert to seal the Traffic Order was made on 25 June 2015. No challenge was made within the six week period to the High Court. In view of a recent event I have conducted further research. The advert pertaining to the double yellow lines was clearly made subject to the provisions of sections 1, 2, 32, 25 & 39 of the Road Traffic Regulations Act 1984. Sections 1 & 2 of this Act concern the regulation of the work road and its definition. They do NOT relate to off street car park areas. By this definition the Authority (its legal department) has clearly advertised the road between the barriers to be a road. If the Authority did not wish to have this road cited as a road then it should not have advertised it as section 1 & 2.

Can the Cabinet Member confirm that the legal department made a glaring error in their advert? If he agrees then as he is the Highways Cabinet Member, what does he intend to do about the illegal barriers which do not have their own separate traffic order?

## **REPLY BY COUNCILLOR HUGHES**

The provisions of the Road Traffic Regulation Act 1984 apply to all “lengths of highway or of any other road to which the public has access”. The road between the two sets of barriers at County Hall is a road to which the public has access and can therefore be the subject of the TRO. This road is not however a public highway. It is not shown on our official records of maintainable public highways and is privately owned by the Council. As the road is not a public highway there is no requirement for a separate TRO in respect of the barriers. If you wish to discuss the status of the County Hall road further then I am happy to arrange a meeting to discuss directly with the legal team.

### 3. QUESTION FROM COUNCILLOR SHAW

**Re: Recruitment of EU Citizens to health, social care and education**

National evidence shows both that recruitment to health, social care and education jobs from other European Union countries has fallen drastically and that the numbers of other EU citizens leaving employment in these sectors has risen, since the Brexit vote. Please provide the most recent figures, compared to those for preceding years, for the numbers of citizens of other EU states:

- (1) recruited into health, social care and education employment in Devon
- (2) leaving health, social care and education employment in Devon
- (3) currently in health, social care and education employment in Devon.

### REPLY BY COUNCILLOR PARSONS

We do not have the fields populated within our HR system (Oracle) that would supply the data to allow us to report on this.

### 4. QUESTION FROM COUNCILLOR SHAW

**Re: Social Workers Survey and Reduced Care Packages**

A new national survey of social workers by Community Care Magazine, supported by the Care and Support Alliance, shows that most respondents feel expected to reduce care packages because of cost pressures in their local authority, while many feel they are unable to provide people with the care they needed, or are not confident that the reduced care they have to administer is "fair and safe". What opportunities do we provide for Devon social workers to express their opinions about the care packages they arrange, and do we have any data which shows to what extent they share concerns similar to those reported by this survey?

### REPLY BY COUNCILLOR LEADBETTER

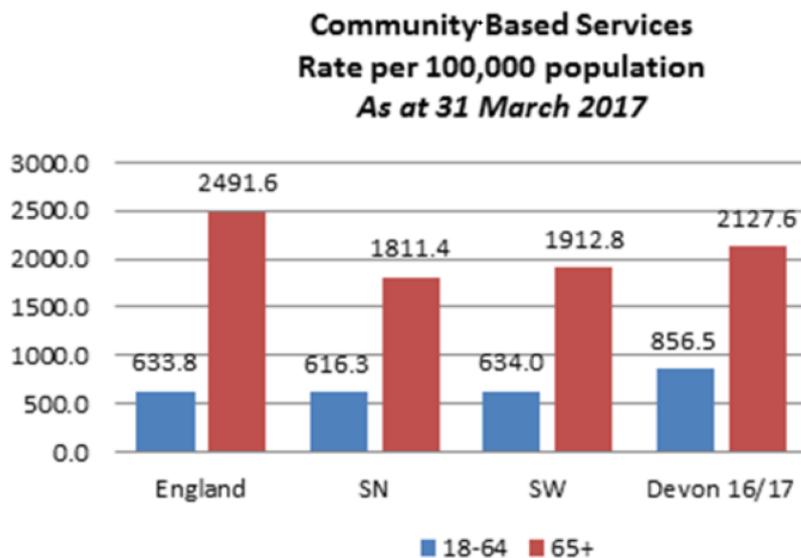
Social Workers are key to assessing the level of support that is required to keep people safe, meet eligible needs, and to promote independence. In doing so, Social Workers must adhere to both requirements of legislation and local and national policy. Furthermore, Social Workers must comply with the requirements of the regulatory body, the Health and Care Professions Council, and must adhere to professional standards.

Social Workers in Devon have the opportunity to speak to their Manager about any support arrangement that they are planning, and indeed are required to seek Manager approval where the cost of a package of support proposed is above a threshold amount. Both Manager and Social Worker will need to be confident that the support arrangements proposed and authorised are safe and offer support in line with Care Act requirements.

There are a number of other routes through which Social Workers can raise any issues or concerns. Social Workers are, for example, represented within the Senior Management Team by the Principal Social Worker. This gives an avenue through which concerns can be raised and considered alongside reporting through the line management structure.

By way of context, national evidence suggests that Devon has historically provided a higher level of support than other authorities nationally, and within "statistical neighbour" groups. The latest benchmarking information demonstrates that relative to our population, we still provide care to more people than comparators.

# Minute Item 38



Although the social care budget for Devon and other authorities has been increased in 2017/18 to meet inflationary and demand pressures, Social Workers and all employees must take care to ensure effective use of public funds. We have supported practitioners through guidance and training to ensure that they are properly focussed on balancing safety and risk on the one side with promoting independence and reducing reliance on funded support where appropriate. In line with Care Act guidance, and the Council's Promoting Independence policy, we seek to ensure that in all situations Social Workers will consider opportunities for people to develop skills and self-reliance; look to their family and community networks for support; and make use of assistive technology to ensure safety and wellbeing.

## 5. QUESTION FROM COUNCILLOR CONNETT Re: Private Finance Initiative Contracts

What would be the cost to Devon County Council if it cancelled its Private Finance Initiative contracts, including those for the schools in Exeter?

REPLY BY COUNCILLOR CLATWORTHY

It is not possible to accurately estimate the costs of terminating the Council's PFI and similar contracts, without entering into negotiations with the contractors and also grant paying organisations.

The audited Statement of Accounts for 2016/17 discloses the payments that are to be made under PFIs and similar contracts from 1 April 2017 for the remainder of the contracts.

- £210 millions for Exeter Schools PFI Scheme
- £322 millions for Exeter Energy from Waste (Public Private Partnership - although similar to a PFI this does not attract any support from Government and is therefore not technically a PFI)
- £139 millions for the Council's share of the Devonport Energy from Waste scheme. The lead authority in the South West Devon Waste Partnership is Plymouth City Council. Torbay Council is the third local authority partner.

These future payments include the costs of the construction of the buildings, plant and equipment and interest. Future payments also include the future costs of maintenance, facilities management and in the case of the energy from waste plants, the operating costs.

These future payments are gross - that is they do not take into account PFI credits and other income that offset the costs to the Council. Consequently, the contractor may be able to provide

a price to terminate the contract but the Council would need to secure the agreement from Government to avoid any financial loss from a termination.

For example, the Council's financial contribution to the Schools PFI is a relatively small amount compared with the financial contribution from Government and schools. When the Schools PFI commenced in 2005/06, the total payments under the contract were established at £348 millions. Set against this was a grant of £248 millions that would be received from central government. Of the balance, £75 millions would be met from delegated school budgets and the remainder (£25 millions) would be financed by the Council.

With energy from waste contracts there are agreements with other third parties about the supply of energy. The costs of terminating these contracts would have to be negotiated. In the case of Devonport Energy from Waste, the final costs to the Council would depend upon the negotiating positions of partner authorities and Government.

Future payments include contractor costs that have yet to be incurred. Consequently, the termination costs of these contracts would be lower than total future payments but how much lower would depend on negotiations with the contractors. The final cost to the Council would also depend on negotiations with partners (other councils, schools and Government) to determine the level of grants and contributions that they are prepared to pay to finance the termination of these contracts.

**6. QUESTION FROM COUNCILLOR CONNETT**  
**Re: Devolution**

What was the outcome of the Leader's recent 'Devolution' meeting with the Government to press the case for another layer of bureaucracy and red tape to run Devon and Somerset?

**REPLY BY COUNCILLOR HART**

The purpose of the meeting with the Minister was to press the case for the Government to devolve new powers and funding to Devon. It certainly was not to create another 'layer of bureaucracy'. Indeed, one of the first topics on our agenda was to lobby Government to move away from its focus on governance and mayoral Combined Authorities and instead debate the real opportunities that I believe devolution can deliver. We called on the Minister to take us into formal negotiation and relinquish control of a range of centrally controlled powers to help non-metropolitan areas like Devon and Somerset to thrive. He was impressed with the level of unity and hard work undertaken with 22 other partners to develop plans to improve the prosperity of our area. We made the offer to the Minister to give us the powers so that we can make a difference that will benefit the whole economy. In particular, I focused on the importance of Government delegating powers to improve the delivery of training and skills in our region and in doing so boost productivity. The current skills system, with its fragmented budgets and perverse incentives, does not serve our people or our businesses well. We believe we can do a better job. The case for devolution for our region is real. We have some of the lowest waged areas in the country but we can only help to solve these local problems if we have the control over the tools that will make a difference. This is not about a layer of bureaucracy but an attempt to get control of our future. The alternative is that we sit back and are overlooked as those with a greater and united voice reap the rewards.

**7. QUESTION FROM COUNCILLOR PROWSE**  
**Re: Pay & Display Tickets**

The recent purchase of an on street pay & display ticket from this authority revealed that it had the expression: "NOT TRANSFERABLE" on the front.

- a) What is the contravention code?
- b) When was a Traffic Order created to make such a statement valid and lawful?
- c) My understanding that having researched this it appears that such an expressions is unregulated

# Minute Item 38

- d) Who authorised this to be included on our tickets?
- e) For what purpose was it included?

## **REPLY BY COUNCILLOR HUGHES**

A pay & display ticket is valid for the parking place for which it was purchased, with appropriate tariffs and maximum stay periods applied. They are not transferrable around a community, or, between on and off street areas, or, between communities.

Paragraph 25 of our Traffic Regulation Order imposes the condition that the period of parking is purchased for use in that specific parking place “The initial charge is payable on the leaving of a vehicle in a parking place referred to in Schedule 5 and is the appropriate payment specified in corresponding tariff of Appendix C to purchase a ticket from a pay and display ticket machine or a payment made by means of a mobile phone or device to cover the anticipated length of stay subject to the maximum stay permitted at that parking place”.

If it was identified that a ticket was being used in a parking place other than that in which it was purchased, then contravention code 06 would apply (Parked without clearly displaying a valid pay-and-display ticket or voucher).

If there remains concerns over the rules governing, or approach to, pay & display parking in Devon, the Traffic Management Team are happy to discuss the matter with the Councillor and if necessary I am happy to facilitate that discussion.

## **8. QUESTION FROM COUNCILLOR PROWSE Re: On Street Pay & Display Machines - Car Registration Details**

To what extent has this authority received negative feedback over the accuracy and complexity of number plate input and for those who choose to pay by phone via a third part?

### **REPLY BY COUNCILLOR HUGHES**

Having reviewed customer contact records for the last 3 years it would appear very few complaints have been received relating to the need to provide vehicle registration data, and it is not considered to be a significant issue for drivers in Devon.

If the Councillor is aware of any specific concerns I would ask he raises them with the Traffic Management Team to respond directly or, if necessary, I would be happy to discuss his concerns with him directly.

## **9. QUESTION FROM COUNCILLOR BRENNAN Re: School Uniform – Compliance with Policy**

“In light of the boys at Isca Academy who overcame their school uniform 'no shorts' policy during the summer heat by wearing skirts, which made headlines nationally and internationally, I would like to ask the Cabinet Member for Children's Services and Schools what guidelines DCC provides to our county schools, academies and free schools in terms of school uniform?

In particular, what do we do to ensure that schools are adhering to equality policies by ensuring that there are no listed differences as to what boys and girls are expected to wear, but rather that there is a single uniform list of options that all pupils can choose from? Does the Cabinet Member agree that having separate uniform requirements for boys and girls is not only discrimination between the sexes, but it is also discriminatory against any pupils who may be transgender, or who may not identify as one or other sex? Does he also agree that schools should ensure that all pupils, both girls and boys, should feel comfortable in their classrooms in all weathers?

In addition, what does DCC do to ensure that schools are following school uniform guidance from the Department for Education in relation to the cost to parents? This states that:

'The school uniform should be easily available for parents to purchase and schools should seek to select items that can be purchased cheaply, for example in a supermarket or other good value shop. Schools should keep compulsory branded items to a minimum and avoid specifying expensive items of uniform e.g. expensive outdoor coats.

Governing bodies should be able to demonstrate that they have obtained the best value for money from suppliers. Any savings negotiated with suppliers should be passed on to parents wherever possible. Schools should not enter into cash back arrangements. Exclusive single supplier contracts should be avoided unless regular tendering competitions are run where more than one supplier can compete for the contract and where best value for parents is secured.'

A month or two after many Devon parents have spent, in some cases, hundreds of pounds on school uniforms, can the Cabinet Member confirm that DCC is proactive in ensuring that parents and carers are provided with the best value for money when it comes to purchasing these basics that children need to be able to even access their education?"

## **REPLY BY COUNCILLOR MCINNES**

Governance regulations (Governance Handbook - January 2017), require that in all schools, Governing Boards decide whether there should be a school uniform and other rules relating to pupils' appearance, and if so, what they should be. Governing Boards also have a duty of course to ensure that they meet the duties of the Equality Act 2010 and the specific education sections of the Act, for school pupils.

The Department for Education last issued (non-statutory) general guidance on school uniform in September 2013, relating to best practice on developing school uniform policy for Governing Boards. The Department strongly encourages schools to have a uniform believing that it can play a valuable role in contributing to the ethos of a school and setting an appropriate tone.

The onus rests on the Governing Board to therefore decide: whether to have a uniform, what that uniform should be and where it can be obtained from - with a need to consider the cost of uniform and the availability of supply sources.

Governing Boards need to think very carefully about introducing any changes to uniform policy and would be advised to take into account the views of parents and pupils on any significant changes. Governing Boards also need to consider carefully any reasonable requests to vary their agreed policy, in particular to meet the needs of any individual pupil to accommodate their religion or belief, ethnicity, disability or potentially gender based issues.

In formulating its school uniform policy, a school will need to consider its obligations not to discriminate unlawfully. Governors should be willing to consider reasonable requests for flexibility in the uniform policy for an individual pupil to accommodate particular social and cultural circumstances.

There is no statutory duty for the LA to monitor schools adherence to the guidance and any disputes about school uniforms should be resolved locally and if necessary pursued in accordance with the school's complaints policy.

## **10. QUESTION FROM COUNCILLOR GREENSLADE Re: Traffic calming measures**

Some months ago work was done with support from my community funds to provide traffic calming along St George's Rd, Barnstaple.

To date nothing has happened to install the calming when can I expect this to happen?

# Minute Item 38

## **REPLY BY COUNCILLOR HUGHES**

The Traffic Regulation Order and notices for the introduction of the 20mph speed limit and the road humps is currently being processed and should be advertised prior to Christmas. If there are objections to the Order these may need to go to the April meeting of the North Devon HATOC, and as such it is unlikely that the construction of the works will take place until June/July 2018.

## **Report of the Cabinet Member** **Community, Public Health, Transportation and Environmental** **Services**

### **Introduction**

I have been asked by Councillor Hannaford to report on the consultation to potentiality withdraw HIV Support Services provided by The Eddystone Trust from October 1st 2017 and to include a brief overview on how we cover these issues generally.

### **Response**

Devon County Council has a statutory responsibility to provide open access sexual and reproductive health services as part of the Public Health grant conditions. Devon County Council has been working with Torbay Council on the tendering of a single Sexual and Reproductive Health Service to cover the population of Devon and Torbay.

Through engagement with service users and stakeholders a clear consensus emerged that prevention needs to be given a higher priority and that the prevention work in Devon and Torbay needs to be better coordinated and targeted at those in greatest need.

A draft service specification was developed, which proposed two specific services. The main service (Lot 1) being the provision of a Sexual and Reproductive Health Service and a separate service (Lot 2) to provide a coordinated, targeted prevention service, which focused on HIV prevention, young people and training for non-healthcare professionals. At present Eddystone Trust are contracted (until 30/06/18) to provide HIV prevention and an Advocacy and Support Service for people living with HIV. The proposed new prevention service includes HIV prevention, but not the provision of advocacy and support for people living with HIV, as this is not a prevention service.

To gain an initial understanding of the impact to service users of not including advocacy and support for people living with HIV within the service specification a review of client needs was undertaken. This was led by Torbay Council on behalf of both authorities and undertaken in collaboration with the current service provider. The outcome of this helped inform the equality impact assessment.

As an outcome of the public consultation, I have asked Officers from the Public Health Team and Adult Social Care to work with colleagues from Torbay Council and the service provider, to undertake a detailed options appraisal for the provision of advocacy and support for people living with HIV. The appraisal will take into account the impact on people who currently receive services from Eddystone Trust and the extent to which mainstream services would meet the gaps if the service was to be wholly or partly decommissioned.

**Councillor Roger Croad**  
**Cabinet Member**  
**Community, Public Health, Transportation and Environmental Services**



## DEVON CORPORATE PARENTING BOARD SUMMER WALKABOUT

### BACKGROUND & INTRODUCTION

For information about corporate parenting in Devon, please see <https://inside.devon.gov.uk/task/corporate-parenting/>

In 2015, Devon's services for children in care were judged 'Requires Improvement to be Good' by the regulator, Ofsted. Services for care leavers were judged 'Inadequate'. A service review in May 2017, noted 'a step change in corporate parenting'. The review commented that many of our current cohort of children in care received services, in the community or in care, during the period that services in Devon were inadequate, with a consequent accumulation of trauma for children and young people. The review noted that in every case reviewed, current practice is stronger than historical practice.

A new council was elected in May 2017, the lead member for children and chair of the Corporate Parenting Board (CPB) was confirmed to continue in role and decided to take the opportunity for a refreshed approach to the Board's work.

### THE PROCESS

For 2017, the chair of CPB plans to alternate a usual board meeting with papers, reports, presentations, performance and so on with some kind of 'out and about' activity. This will make better use of the elected member capacity on the Board. The chair decided to kick start the new model with a Summer Walkabout, designed as a fact finding mission.

A sub-group of the Board was established:

- The lead member and chair of CPB

- The co-chair of CPB and other care experienced young people

- Elected members of CPB *\*some were experienced, others very new*

- The Chief Officer Children's Services

A day was spent in each of the Localities (North, South, Exeter and Mid & East), meeting with frontline staff and managers of services with responsibility for children in

care, exploring with them where things are working well and where we might need to double our efforts. We met with the following groups:

Social workers and Personal Advisors (PA) in permanence and transition teams and fostering teams

Virtual school (PEPCos and Area Learning Advocates) *\*We conducted this piece of work during the school holidays to facilitate the involvement of experts by experience; however it meant that designated teachers were excluded.*

Health staff (designated and named doctor/nurses and LAC nurses)

CAMHS staff (those with specific responsibilities for children in care and those with wider responsibilities)

Police and community safety colleagues (focused on missing and CSE vulnerabilities)

The full list of colleagues involved in conducting the walkabout and those we talked with, in carrying out the walkabout, are listed in appendix one and two. *\*Appendix two might include some inaccuracies; we didn't record attendees or minute meetings, as we wanted to create a culture of informality and candour.*

The CPB didn't invite staff from the disabled children's services to join the conversations. We intend to use one of our follow up sessions to explore the issues for disabled children in care. The Independent Reviewing Service (IRS) was not confident that the allocation of PAs for disabled young people is embedded and the CPB wants to test this further. The question of transitions into adulthood was also raised by the IRS. The SEND Improvement Board has a work-stream focused on transitions and the CPB may wish to consider asking for a report from the SEND Improvement Board. However, the conversation with the IRS explored a wider question about young people needing to know what is going to happen in the future for example in relation to higher education. Their sense is that practice is very rooted in the here and now and not sufficiently future focused.

The framework for our conversations with the frontline was drawn from the lessons from Takeover Day and issues raised by care experienced young people. In summary these are:

- Communication
- Skills to discuss loss
- Preparation for young people's independence
- Signs of self-harm and early intervention
- Child sexual exploitation (CSE)
- Partnership Working

The framework was purposefully loose as we wanted the conversations to follow the narrative threads of the participants rather than being overly prescriptive or rigid.

Concurrently, a care experienced participation apprentice telephone interviewed 8 children in care, two from each Locality, using the same framework to explore their experience.

We road-tested our findings and recommendations with the Independent Reviewing Service who have an independent operational role as well as an independent strategic oversight role.

The experts by experience have prepared a reflective commentary on their experience of the process and this will be appended at appendix three. *\*Appendix three to follow.*

## THE FINDINGS

Participants welcomed very warmly the opportunity to contribute to this piece of work. They appreciated the opportunity to speak directly to members and the chief officer and reflected that the model of a partnership between members, officers and experts by experience, with an open, exploratory agenda was one to emulate. Conversations were informal and open. CPB appreciated the candour of participants and felt that participants had permission to be open and frank about their struggles as well as their achievements.

CPB was powerfully struck by the passion, energy, tenacity and commitment of participants; this was palpable and heart-warming. Asked about the highlights of the job, without exception, everyone responded in the same way; referring to the privilege of working with inspiring children and young people and making a difference to their lives. The CPB was left in no doubt that all those involved share a common purpose, to transform the lives of children and young people in care and care leavers.

There is a lot to be proud about in this area of our work. All participants reflected on improved working together and services that, notwithstanding challenges and difficulties, are continuously improving. **Placement stability** was an area of

improvement that was referred to by many participants. This has been an area of focus for CPB and is clearly an understood and shared passion and ambition of all the colleagues we met. While there has been improvement, we still heard about multiple placements for children, the complexity of matching, the intense pressure in placement searching and the incredibly difficult decisions that have to be made every day about individual children and young people. **PLACEMENT SUFFICIENCY**, with the corollary complexities of matching, quality of provision and breakdown, was identified as the principle preoccupation of almost everyone, with **HOUSING** being the equivalent priority for care leavers. CPB did not include the placements and resources functions as part of our Summer Walkabout, which was an omission. The national crisis in placement sufficiency was reported in The Municipal Journal 18.7.17 <https://www.themj.co.uk/Exclusive-Councils-face-daily-struggle-to-place-vulnerable-kids/208474>

The **Placement Support Team** which provides bespoke planned and emergency interventions to enable foster carers to manage high levels of risk, need and complexity was very strongly endorsed. Concerns were expressed about whether the recent restructuring in fostering might undermine this resource. Colleagues will need to be vigilant in identifying and responding to any evidence of adverse impact.

We heard about colleagues increasingly working together to find creative answers to the complex problems of young people. We heard that the IRS plan to extend their work on strengths based practice in child protection into the work with children in care. The CPB, mindful of the risk averse culture that pervades Devon, often to the detriment of vulnerable children, was pleased to learn of this plan

The investment in **Personal Advisors** (PA) was strongly endorsed. One young person said,

‘Post 18 is a lot more improved. The service before Post 18 needs more work.....’

Caseloads were reported to be preventing compliance with Devon’s requirement, based on statutory guidance, to allocate a PA at 16, who would work in partnership with the social worker pending full transfer of responsibility at 18. Upto 50 unallocated (to a PA) young people were reported in the South, with PAs only becoming involved at 17+. Elsewhere, questions were raised, by experts by experience, about why the statutory social worker role needs to continue if an effective relationship is established between PA and young person, and the young person has a clear

preference. Simply announcing it as a statutory responsibility and therefore unchangeable doesn't suggest creativity and innovation. The CPB is mindful that Section Three of the Children and Social Work Act 2017 will see PA allocation to those young people who wish for it up to the age of 25, irrespective of their employment education and training status.

We heard many stories of good and outstanding **social work practice** in the fostering teams and in the Locality teams. Social workers talked to us about balancing the need to protect the precious resource of foster carers while also being demanding of carers to ensure we can meet the needs of as many children as possible in local family placements. Working well with these dilemmas depends upon respectful, professional relationships between foster carers, supervising social workers, Locality social workers and placements. This hasn't always been consistent in Devon. These relationships can become fractious, mostly because of pressure and sometimes because of misunderstandings about respective roles and responsibilities. The value of knowing and understanding each other's worlds was emphasised. Contributors affirmed that the somewhat cavalier attitude towards foster carers that prevailed for a period was a thing of the past. It was suggested that some cumbersome arrangements, for example expenses claims and passport applications, could be resolved by reallocating responsibilities; this would reduce the frustrations experienced by foster carers.

Foster carers are excellent value for money; they deliver the best outcomes at lowest cost. Our conversations with foster carers reminded us (if we needed it) of the extraordinary role they play in the lives of children in care. Foster carers are also the best recruiters of foster carers! Sustainable placement sufficiency depends upon a very healthy pool of foster carers. Placement stability depends upon a pool that is sufficient to enable good matching. Contributors reported 96% occupancy. While this is an incredibly efficient use of resources, it also indicates that our pool is not big enough to meet our need.

Excellent progress is being made in all aspects of our work with children in care. However, **WORKFORCE CHURN AND CASELOADS** were an important area of exploration for us. One young person said,

'I had my social worker longer than I should have, which is fine by me because I've got a good one' another said,

'I had two really good ones'

But these were the exceptions. Most young people interviewed reported real difficulties.

'I had about nine social workers which meant I had to go over my life story to all of them.....There was one month where I had four different social workers and they didn't tell each other everything which meant I had to.'

'My social workers constantly changed. I had social worker, after social worker, after social worker. I can't remember the number of social workers I had'

We heard several times of children having five social workers in less than two years. Some Localities reported lower churn and more manageable caseloads for social workers but little resilience; that is, caseloads could easily become unmanageable and churn could easily increase. In some Localities sickness levels are high indicating resilience is over-stretched. The locations of children in care, across the country, means travel time is high and efficiency is a priority. Having access to wifi and touchdown options across the public sector would increase efficiency. Overall the picture is of a system under intense and fairly unremitting pressure. We heard that the capacity to respond to the deeper concerns of children and young people (loss, self-harm, CSE risk, and so on) became compromised when resilience was over-stretched.

Young people reported mixed experience of staff responding to deeper concerns:

'It ranges from really bad to really good and there's no in-between'

Young people identified stabilising churn and building capacity in the workforce as their principle priority.

Unchecked, workforce instability and/or elevated caseloads will constitute major vulnerabilities.

We heard about the positive impact of training on attachment, trauma, loss and therapeutic parenting. The fostering service has built an excellent practice model that has transformed the behaviours and parenting approaches of carers. Locality social workers appear to have had a diluted exposure which means that common language, values, culture and approach can't necessarily be guaranteed.

The **EMOTIONAL HEALTH AND WELL-BEING** of our children in care is a priority. There are two aspects to this, specialist CAMHS and non-specialist social care capacity. CPB was pleased to learn of investment and developments in CAMHS which means that every child entering care is assessed and where necessary put onto an appropriate care pathway. However there are many children who entered care earlier and therefore have not benefited from this initiative. We heard about the

difficulties of accessing the right service at the right time for children in care. CAMHS shared with us their thinking about their role in responding to behavioural manifestations of distress and the development of an ACE (Adverse Childhood Experiences) approach. The recognition of the singular and profound impact of ACE on adult mental health was welcome. The CPB suggested that every child in care would meet an ACE threshold. CPB was heartened to hear about increasingly integrated working together and the potential benefits of deeper integration and co-location (our discussions with the police reflected a similar ambition). We were mindful that the reported experiences of the frontline were more variable than the analysis of more senior clinicians and managers might suggest.

There is very good evidence in Devon of the impact of investing in foster carers' capacity to understand and respond at a much deeper level to the impacts of loss and trauma on the emotional health and well-being of children in care. One young person said,

'I think they have a pretty good understanding of this, especially foster carers. I would score them an 8 out of 10 of how good they are. They're really good at the moment'

The quality of care at Atkinson is clearly linked to similar investment in staff development. Sustained investment in the development of social worker workforce is essential. Coupled with this has to be recognition that reasonable caseloads have to be maintained if quality care for children in care and worker openness to the emotional distress of children and young people is not to be compromised. **Caseloads are not at the levels required for good practice to flourish.**

The CPB welcomed the progress made by the **Virtual School** and the ownership by schools of the responsibility for the progress of children in care. The overall picture painted was one of strengthening; notwithstanding that practice between schools varies. The impact of attachment sensitive schools, where trauma and its sensory consequences is understood, was identified as a significant and very positive development. Embedding this in all schools could have very profound benefits. Advocating for children in care and holding schools to account were clearly held values. More attention needs to be paid to **exclusions and alternative arrangements**. These can put unbearable pressure on foster placements, which often breakdown (or sustain at very high cost to the carers). Wrapping support around a school to sustain a school placement might be a good investment if it avoids a care placement breakdown. Similarly, improvements in health services for

children in care were welcomed, though the strategic arrangements for the designated doctor appeared very fragile.

The police and community safety colleagues in the South were pre-occupied about the issues arising from the proliferation of children's homes and 16+ provision in the south of the county. These mostly involve other LA children in care rather than Devon children. Nevertheless they are vulnerable children in our area and while the County Council does not have statutory responsibility, we do accept a moral responsibility to exercise our influence, alongside the partners who do have a statutory responsibility, on behalf of these children. Colleagues described poor practice in matching of need to provision and matching young people who should or should not live together. This is an inevitable consequence of the national placement sufficiency crisis. Partners have put a lot of effort into establishing coordinated and effective communication between provisions and the key public sector organisations. Good relationships, with staff in DCC commissioning, were reported. A very different picture emerged in Exeter, where the police have invested in a dedicated team. Early indications are that this has had a very significant and very positive impact on the behaviours of young people and missing episodes. Subject to affordability testing, rolling this pilot out across the patch would make a very significant difference to risks and vulnerability of children in care. The investment in partnership working and, where practicable, co-location were seen as the next steps in strengthening practice to improve outcomes for children in care and care leavers. There is no doubt that a more joined up, multi-disciplinary approach to vulnerable young people, (not all of whom are in care) could add enormous value and is likely to be key to responding to the placement sufficiency challenge.

## **CONCLUSION**

This piece of work is evidence of the 'step change in corporate parenting' that the Service Review recognised. The issues raised with CPB were not new but they penetrated in a new way and the concentrated focus on children in care built a greater sense of urgency. The walkabout opened a window into the system and brought into sharper relief the issues and concerns of the frontline.

### **We have identified three critical issues for follow up:**

#### **1. WORKFORCE CHURN AND CASELOADS**

##### **The timely allocation of PA**

We are mindful that Devon remains inadequate in relation to its services for care leavers. This is completely unacceptable for all corporate parents; inadequate Local Authorities are failing to meet the 'good enough for my child?' test.

*We want to see an analysis of the data on PA allocations*

- % allocated at 15.6
- % allocated at 16.6
- % allocated at 17.6
- % allocated at 18

*Where we are non-compliant with minimum statutory requirements in relation to PA allocation, we want an action plan that will remedy any deficit in an appropriately timely way. Where our practice is legally compliant but does not meet expectations of good practice, we want to be assured that the Service Improvement Plan specifies the actions that will be taken to bring practice up to a good standard.*

We don't think it is wise to wait until the next Ofsted before satisfying ourselves on our progress since 2015 in relation to care leavers. *We would like to suggest that the service consider a peer review of our services and progress.*

### **Caseloads of social workers**

We are mindful of the need to prevent upward drift in caseloads for social workers, and the importance of ensuring social workers and teams are sufficiently resilient to respond to the exigencies of operational services. *We want the performance reports to CPB to include data on social worker and PA caseloads.*

We are mindful that headline figures can suggest a more positive picture because they include data from teams that have very low churn, for example fostering and adoption. The CPB needs to see the data for the children and families teams and the permanence and transition teams alongside the whole service data.

## **2. PLACEMENT SUFFICIENCY & HOUSING**

The CPB is aware that the service is working on a *placement sufficiency strategy and would welcome a report to update on progress.* However the Board's view is that a more urgent response is needed, as the pressures in the national as well as the local system are clearly acute and intense.

*CPB would like to see an immediate response plan to what appears to be an emergent crisis in the system.*

### **Celebrating foster care**

*The CPB would like to propose an event to recognise and celebrate foster carers.* Many Local Authorities host this kind of celebration, often funded through corporate sponsorship. Members of CPB could be active in planning and organising.

### **Developing the role of Member corporate parents**

Members are often quite baffled about what they are supposed to do to execute their CP duty. We think members could play an important role in promoting and encouraging fostering in their divisions. We would like to have deeper discussions at CPB to explore how this role could be developed. We also think members who are twin hatters, sitting on district councils as well as the County Council could play a more purposeful role in relation to care leavers and housing and we would like to explore this idea further at CPB.

### **3. EMOTIONAL HEALTH AND WELL-BEING**

Much of what was raised with us at Takeover Day was about the capacity, competence and confidence of frontline staff to engage with children and young people. Children and young people don't always want to be referred on to 'an expert' they want to be able to talk with someone they trust about the things that really matter to them and that are troubling them. Staff therefore need to be skilled up and supported. We know, from Atkinson and from foster carers, the transformational impact this upskilling can have.

We want the service to consider how it can strengthen a child mental health perspective on practice. We know in some Local Authorities a mental health practitioner is located in every team or locality to upskill and build capacity as well as co-working on complex cases and providing a conduit into specialist provision where that is needed. We think there are also co-location options to be explored further.

Appendix 1

**Board Members on the Corporate Parenting Visits**

- Jo Olsson
- Councillor James McInnes
- Councillor Margaret Squires
- Councillor Debo Sellis
- Councillor Marina Asvachin
- Councillor Alistair Dewhirst
- Councillor Ray Bloxham
- Zara Clench
- Ellie Cooper
- Harry Ankers-Burke
- Jasmine Jordan
- Richard Green
- Sophie Ellis

Appendix 2

## **Those invited to meetings for the Corporate Parenting Visits**

### **Visits in North Devon**

#### ***North Devon Permanence and Transition Team Members***

Giles Bashford – Team Manager  
Danuta Dixon – Social Worker  
Fran Slark- Personal Advisor  
Lee Farmery – ASYE Social Worker  
Stewart Lansdale – Social Worker  
Tony Wasley – Personal Advisor

#### ***North and Mid Fostering Team Members***

Karl Jenkins – Supervising Social Worker  
Lindsay Hartley - Supervising Social Worker  
Joanne Hyson – Supervising Social Worker  
Luke Chapman - County Manager for Placements and Permanence

#### ***Northern, Eastern and Western Devon Clinical Commissioning Group Designated Nurse***

Lesley Cuthbert

#### ***North Personal Education Plan Coordinator***

Helen Conibear

#### ***Foster Carer***

Leigh Strange

#### ***Northern Response Police Team***

Steven Alexander & Officers on duty

### **Visits in Exeter**

#### ***Exeter Permanence and Transition Team Members***

Henrietta Trevor – Social Worker  
Paul Bootland - Social Worker  
Sophie Fisher - Social Worker  
Helen Laughton – Social Worker  
Annie Moore – Personal Advisor  
Sarah Rufus – Personal Advisor  
Tina Thomas – Personal Advisor

#### ***Exeter and East Fostering Team Members***

Vicki Wellesley – Social Worker  
Jo Halford – Supervising Social Worker  
Phil Dyson - Supervising Social Worker  
Lance Feldman - Placements Team Manager  
Louise Betts - Social Worker  
Joanne Hyson – Social Worker  
Donna Clifford – Permanency via Fostering Assistant Team Manager  
Denise Powell – Supervising Social Worker

***Named Nurse for Children in Care and Care Leavers, Integrated Childrens Services***

Cathy Jermey  
***Exeter & Mid Area Learning Advocate***  
Danny Mead

***Foster Carer***

Helen Nash

***CAMHS***

Sonja Upton - CAMHS Senior Manager  
Vicky Hill -Consultant Child and Adolescent Psychiatrist, Devon CAMHS Assertive Outreach Team

**Visits in Mid & East Devon**

***Mid & East Permanence and Transition Team Members***

Romila Woodger – Personal Advisor  
Belinda Orchard – Assistant Team Manager  
Brendan Mahon – Social Worker  
Jess Lebon – Social Worker  
Joann Mclear – Personal Advisor

***CAMHS***

Lucy Jay - CAMHS Senior Manager  
Crispin Taylor – Head of CAMHS

***Exeter Police Team Dealing with Missing People***

Karen Gold and Officers on Duty

***Exeter & East Area Learning Advocate***

Deborah Booth

**Visits in South Devon**

***South Devon Permanence and Transition Team Members***

Karen Thompson – Team Manager  
Marion Meyers – Social Worker  
Helen Reed – Social Worker  
Debra John – Social Worker  
Elizabeth Collins – Personal Advisor

***South and West Fostering Team Members***

Clare Bennet – Supervising Social Worker  
Claire Payne – Supervising Social Worker  
Vicky Woodgate – Supervising Social Worker  
Clare Harwood – Social Worker  
Camelia Alexia – Social Worker  
Hannah Charity – Social Worker

***Designated Doctor, Torbay and South Devon Clinical Commissioning Group***

Clive Sainsbury

***South Personal Education Plan Coordinator***

Robert Martin

*Foster Carer*

Tammy Picknett

*CAMHS*

Petula Dodd - CAMHS Senior Manager

Christine Curl -Clinical Lead for SW SCN(CAMHS), NHS England Professional Lead for Child Psychology & Psychological Therapies

*Southern Police Team*

Tanya MacKenzie-Clarke and Officers on duty

Appendix 3

## **Corporate Parenting Board Summer Walkabout 2017**

I attended the Walkabouts as the co-chair of the Corporate Parenting Board. I've been involved with the board for a while and this is the first time we have gone out and met with people in the different areas.

I worked with the Participation team and other young people involved in the board to come up with a set of questions that we would like to ask the different teams and individuals that we met during the four visits. A copy of these questions can be found attached to this report.

The days were long and we travelled about a lot to get to the meetings all over Devon. The board were asking questions and hearing the views of professionals, carers and other people involved in young people's lives. Myself and the other young people involved were supported by workers from the Participation Team, and worked alongside the other members of the board.

I found it to be a very interesting experience. I didn't realise how much work goes on for children in care in Devon. There were quite a few things that came up across the different areas such as social workers changing for young people too often and a lack of foster carers available. We also got a lot of insight into local policing problems and heard the views of foster carers in the different areas. The issues that were raised directly affect young people's lives so I was very pleased to be able to put across the points raised by young people and hear what action is to be taken to resolve these issues.

The key message for me as Co-Chair to the board was the point raised in all four areas that we visited about the lack of consistency in social workers and PA's caused by staff moving or leaving the job, is one that affects young people a lot. It is important that this is improved because young people often find this change upsetting and frustrating. Carers also feel very unhappy about this and this message came through in our meetings.

Overall, it was a positive experience and will give the board members a better understanding of the issues. I hope that I get the chance to do this again in the future.

Zara Clench: Co-Chair of Corporate Parenting Board

September 2017

### **Permanence & Transition**

- What is being done with regard to placement stability?
- How are you addressing the high turnover of social workers and how it impacts on young people

### **Fostering**

- Are targets around placement moves being met? If not, why not?
- How are you working towards reducing placement moves?
- Young people being placed in isolated rural areas, how is this being addressed?

### **Designated nurse**

- Young people, particularly older teens find it difficult and embarrassing to attend health assessments. Other young people, not in care, don't have to have their weight and height recorded and it adds to feeling different.

### **Virtual school**

- Many young people do not attend their review. The reasons given for this are;  
Being talked about as if you're not there.  
Adults not getting their facts straight.  
Having little or no input into the review.  
Feeling judged by professionals.

### **Foster carer**

- Transport: Many young people have difficulty getting to things they would like to take part in, transport is often a difficult subject.
- Foster carers feeling the need to ask social workers about things they should make decisions on. For example, sleepovers and curfews etc.
- Moving placements and how this affects the ability to build relationships with carers

### **Police**

- What training has your team had around working with young people in care?
- What are the initial actions you take when a young person is reported missing?

### **Exeter CAMHS**

- What is the average waiting time between an assessment and actually getting a support service in place?
- What is the process you have to go through to get help from CAMHS and who can start that process?

**Report of the Cabinet Member**  
**Organisational Development & Digital Transformation**

I have been asked by Councillor Aves to report on the County Council's continued support for Fairtrade so that the alternatives such as Fairly Traded will not weaken the good work being done by Fairtrade.

**Introduction**

Firstly, I would like to thank Cllr Aves for her question and for the opportunity to discuss Fairtrade in this Chamber. I know that many of you, like me, are supporters of Fairtrade.

**Background**

Devon was first awarded Fairtrade County status by the Fairtrade Foundation in 2008 and we have been successful in renewing our status ever since. I am delighted that our Fairtrade work has always received cross party support on this Council.

Devon County Council works with Fairtrade Devon to promote the benefits of Fairtrade and encourage individuals, communities, organisations and companies to act in support of Fairtrade.

**The Council's Work**

In our work we:

- Look for innovative opportunities to promote the principles and values of Fairtrade;
- Deepen people's understanding of what Fairtrade does and why it is so important, we do this by helping to bring Fairtrade producers to Devon to tell their story;
- Support a countywide movement of Fairtrade towns and volunteers who engage actively in campaigns and lobbying;
- Use and procure Fairtrade products.

## **Fair Trade Alternatives**

The UK is one of the world's leading Fairtrade markets, with more products and more awareness of Fairtrade than anywhere else. However, some companies make their own 'fair trade' claims without having the independent scrutiny of the Fairtrade mark, which shows that the product meets international Fairtrade standards.

The Fairtrade Premium is what makes Fairtrade unique. It is an additional sum of money paid on top of the Fairtrade minimum price that farmers and workers invest in social, environmental and economic development projects to improve their businesses and communities. They decide democratically by committee how to invest the premium and it is typically spent on health and education projects.

Some Members will be aware of the recent decision of Sainsbury's to drop the Fairtrade mark and introduce their own 'fairly traded' label. Under their new scheme, Sainsbury's will withhold the Fairtrade Premium and their 'expert committee' in London will decide what will be funded rather than the decisions being made at grass roots level by Fairtrade Co-operatives.

Fairtrade Devon has joined the national campaign to ask Sainsbury's to rethink its plan and reinstate the Fairtrade Premium, this has included lobbying MPs and engaging directly with Sainsbury's policy makers as well as local store managers. Fairtrade Devon is also in direct contact with Fairtrade producers themselves to monitor the situation and impact. An online petition calling for Sainsbury's not to ditch Fairtrade is close to 100,000 signatures as at 3 October.

## **Summary and Conclusion**

I would like reassure Councillor Aves that Devon County Council:

- will continue to support the work of Fairtrade Devon;
- remains committed to Fairtrade County status; and
- will continue to purchase products that carry the Fairtrade mark.

**Councillor Barry Parsons**  
**Cabinet Member**  
**Organisational Development & Digital Transformation**