

## CABINET

14 March 2018

Present:-

Councillors J Hart (Chair), S Barker, J Clatworthy, R Croad, A Davis, S Hughes, A Leadbetter, J McInnes and B Parsons

Members attending in accordance with Standing Orders 8 and 25

H Ackland, J Brazil, A Connett, A Dewhirst, B Greenslade, R Hannaford and M Shaw

\* 138

**Minutes**

**RESOLVED** that the minutes of the meeting held on 9 February 2018 be signed as a correct record.

\* 139

**Items Requiring Urgent Attention**

(An item taken under Section 100B(4) of the Local Government Act 1972).

(Councillors Brazil, Connett, Dewhirst, Hannaford and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Chair had decided that the Cabinet should consider these items as a matter of urgency.

**(a) Staff and Contractors during Poor Weather Conditions**

The Leader of the Council paid tribute to all those staff and contractors for their overwhelming support during the recent snow and poor weather conditions and those who continued to work to reach isolated communities to ensure people were safe. He further highlighted the positive response from the public.

**(b) A379 at Slapton**

The Leader further welcomed the recent announcement that Government would provide £2.5m of financial assistance to ensure that the A379 at Slapton would be repaired and rebuilt. Thanks were given to Sarah Wollaston MP who had raised the issue with both the Transport Secretary Chris Grayling and the Prime Minister, resulting in this funding to the Council.

\* 140

**Announcements**

There was no announcement by the Chair at this meeting.

\* 141

**Petitions**

The Leader was presented, by Mrs Amy Sweet, with a petition organised by Exmouth Bosom Buddies, a group providing help and support to breastfeeding mothers, containing 533 signatures expressing concern over reduced funding to services at Withycombe Centre.

The Chair indicated that the relevant Cabinet Member would be asked to respond direct to the petitioners on the issues raised, within 15 days.

*[NB: The relevant Cabinet Member would respond in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=416&MId=2487&Ver=4&info=1>)]*

\* **142**      **Question(s) from Members of the Council**

In accordance with the Cabinet Procedure Rules, the Leader and relevant Cabinet Members responded to four questions from Members of the Council on political awareness for young deaf people in Devon, the Council and Accountable Care Organisations, the lawfulness of Accountable Care Organisations and the Democratic Authority of Partnership Agreements.

The Leader and Cabinet Members also responded orally to supplementary questions 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/ningifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

\* **143**      **Budget Monitoring: Month 10**

(Councillors Connett, Dewhirst, Greenslade, Hannaford and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of County Treasurer (CT/18/03) on Budget Monitoring and the Month 10 position, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet Member for Resources and Asset Management highlighted that the total underspend at month 10 was forecast at just over £6.0 millions.

The Report further outlined that Adult Care and Health Services were forecast to underspend by £6.5 millions, an increase of £1.8 millions from the underspend reported at month 8. This was being driven by the operational position being influenced by recent reductions in client numbers, additional staff vacancy savings and further savings on contracts. The position reflected the £77,000 of management action yet to be achieved. As a breakdown, Adult Care Operations were forecasting to underspend by £5.4 millions, Older People and Physical Disability services forecast to underspend by £2.5 millions, Sensory, Community Enabling, Social Care Reablement and other operational budgets were showing an underspend of £767,000, Learning Disability services, including Autistic Spectrum Conditions, were forecast to overspend by the end of the year by £1.6 millions, the result of higher numbers of care packages than budgeted and Adult Commissioning and Health was forecast to underspend by £1.1 millions.

In Children's Services, a forecast overspend of £3.4 millions was showing, an increase on the month 8 position of £50,000. Children's social care was forecast to over spend by £2.6 millions, the Placements budget to overspend by £3.3 millions. Disabled Children's Services were forecasting a £387,000 overspend. The overspends had been partially offset by other savings including vacancy management, lower legal disbursement charges and other variations of £1.1 millions. The non DSG element of Education and Learning was forecasting an overspend of £801,000, a decrease of £104,000 since month 8 and the Dedicated Schools Grant forecasting to overspend by £2.7 millions.

Highways, Infrastructure Development and Waste were forecasting an underspend of just over £1.0 million, an improvement of £794,000 from month 8.

Communities, Public Health, Environment and Prosperity (COPHEP) were showing a forecast underspend of £502,000, an improvement of £268,000 against month 8.

Corporate Services were forecasting an underspend of £315,000 against a month 8 break-even position.

In terms of Capital Programme Expenditure, the year-end forecast was £133.2 millions, producing slippage of £32 millions. Slippage had been identified in respect of Marsh Barton station (£3.7) millions, South Devon Highway (£2.5) millions, A361 Gornhay to M5 (£3.2) millions, Connecting Devon & Somerset (£2.0) millions and Street Lighting improvements (£2.4) millions.

The Cabinet noted that whilst it was pleasing that a relatively small underspend was being projected, it was impossible to forecast or control the weather and the Council was dealing with the aftermath of significant levels of snow and a storm and the cost of dealing with the emergency was still being assessed.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Clatworthy, **SECONDED** by Councillor Hart, and

**RESOLVED**

(a) that the financial position and forecast for the Authority at month 10 (to the end of January) of the financial year be noted; and

(b) that the Cabinet note that the total underspend at month 10 is forecast at just over £6.0 millions, however, this figure must be viewed with caution as it does not reflect the additional financial pressures associated with the very adverse weather conditions experienced at the start of March 2018. At the time of writing the report, the financial impact of that adverse weather was still being assessed. There is potential that the magnitude of the response required to manage the impact of the snow and storms could be sufficient to trigger a claim under the Bellwin scheme for financial recompense.

\* **144** **Flood Risk Management Action Plan – Update on the current year's programme and approval of schemes and proposed investment in 2018/19**

(Councillors Brazil, Dewhirst, Greenslade and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/18/8) on the Flood Risk Management Action Plan 2018/2018 circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report provided Cabinet with an update of the ongoing development and delivery of essential flood improvements, as set out in the current year's Flood Risk Management Action Plan and to gain approval for the 2018/19 Action Plan relating to the Council's role as Lead Local Flood Authority (LLFA). The Report showed the Council's Flood and Coastal Risk Management Team had worked in partnership with other Risk Management Authorities (RMAs), including the delivery of collaborative schemes, in implementing the functions and principles set out in the Devon Local Flood Risk Management Strategy and the level of external funding that has been drawn down from Defra, Local Levy and other RMAs.

The Head of Service for Planning, Transportation and Environment referred to the achievements for 2017/18 which had included resolving local issues, reviewing and approving Land Drainage Consents, taking an enforcement case to court, the delivery of the flood improvements set out in the 2017/18 Flood Risk Management Action Plan and the implementation of the new DCC Property Level Resilience (PLR) grant scheme. A fuller update, including an illustrated summary of the work and projects delivered by the Flood and Coastal Risk Management Team in 2017/18, was included at Appendix I to the Report.

The proposed Flood Risk Management Action Plan for 2018/19 was attached at Appendix II and much of the Plan consisted of high priority projects already underway. The completion of these schemes, costing in the region of £3m, should reduce flood risk to over 300 properties, including dwellings and businesses.

In summary, making Devon more resilient to flooding was a strategic aim for the Council and the Action Plan continued to focus on supporting communities as the risk of flooding continued to be a threat.

The Cabinet noted that a Strategic Environmental Assessment had been produced to support the Local Flood Risk Management Strategy which identified that all schemes, during their development, would need to be assessed to ensure the proposals had due regard for the environment and, where possible, enhancements incorporated. Each review of the potential environmental impacts would be carried out using the corporate integrated assessment tool and 'Environmental Review' process at the appropriate time.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

(a) that the implementation and associated financial allocations of the County Council's 2018/19 Flood Risk Management Action Plan be approved; and

(b) that any changes to the programme and related expenditure of less than £50k be delegated to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Community, Public Health, Transportation and Environmental Services.

#### \* **145** **Strategic Review of Special Educational Needs Provision**

(Councillors Connett, Dewhirst, Greenslade, Hannaford and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Education and Learning (CS/18/10) on the Review of Special Educational Needs Provision, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report outlined that the Strategic Review of SEND Provision had provided a targeted focus for delivering the objectives within the Devon's Multi-Agency Strategy for Children and Young People with Special Education Needs (SEND) 2017 -2020.

This Multi-Agency Strategy set six strategic priorities to improve outcomes for children and young people with SEN & disabilities and their families and had the overarching aspiration that learners with SEN would have access to good or better provision in their local community and was committed to reviewing SEN provision annually to ensure it was in the right location, of sufficient quality and there was a good match between demand and supply.

Alongside this, the Department for Education had required all Local Authorities to undertake a strategic review and allocated capital funding to support recommendations arising from this piece of work.

The 2017-18 Strategic Review of SEND Provision was attached at Appendix A to the Report and would be published on the SEND Local Offer website.

The Department for Education had allocated Devon the Special Provision Fund, a three-year allocation of £2,247,854 (£749,285 per year). It was proposed that the funds sit within the PTE Capital Programme and be allocated as summarised in Appendix B to the Report. In order to support schools, it was proposed in the first year to allocate £350,000 for schools, in partnership with the 0-25 team.

The Plan further highlights the review undertaken on Resource Bases within Devon's schools to ensure they were meeting the needs of Devon learners. Cabinet noted that there was no longer demand for some centres (low numbers, little / no parental preference etc), but the future of these would be subject to consultation, where required, as detailed in Appendix C.

The Plan also provided the evidence to increase provision to support students with Social Emotional and Mental Health (SEMH) needs and the proposal regarding new provision, by increasing Special School provision at Charlton Lodge in Tiverton, was confirmed.

The Report outlined that the Review had consulted, in particular, with young people and parents/carers. The consultation findings would be published on the SEND Local Offer Website. In addition, the Children's Scrutiny Committee and the SEND Improvement Board had been briefed on the plan's development.

The Head of Service's Report also incorporated an Impact Assessment relating to the possible impacts of the proposal, which had been circulated previously for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010.

The overall impacts of the proposal were expected to be positive as the Review aimed to increase capacity and develop facilities for educational provision for learners with SEN (statutory plans), supporting the SEND Strategy priority of promoting the use of mainstream provision, as locally as possible as a key contribution towards promoting inclusion of vulnerable children and young people. Educational opportunities and outcomes would be maintained and improved (particularly for SEMH needs, post 19, those with SEN plans in Alternative Provision) and would provide for increasing demand arising from future demographic changes.

Further consultation would be undertaken in respect of those specialist support centres for which demand may no longer be required.

The assessment reported that progress in undertaking the review would be subject to regular monitoring by the Children's Services Leadership team and SEND Improvement Board and the Action Plan by the Education Management Team and Corporate Services Leadership Team.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor McInnes **SECONDED** by Councillor Hart and

**RESOLVED**

(a) That the recommendations contained within the 2017-18 SEND Strategic Review and Development Plan be endorsed;

(b) that the proposal to increase the 2018-19 Planning Transportation and Environment Capital Programme by £749,285 and the allocation of the grant as set out in Appendix B, be approved;

(c) that the commencement of the statutory consultation on the support centres as detailed in Appendix C, where required, be approved; and

(d) that proposals for Marland School Day provision and Charlton Lodge, Tiverton, as outlined in paragraphs 2.4 and 2.5 be noted.

*[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].*

\* **146**      **Sponsorship of Highway Assets**

This item was withdrawn, pending further consultations.

\* **147**      **Department for Transport Consultation on Proposals for the Creation of a Major Road Network: Devon County Council response**

(Councillors Connett, Dewhirst, Hannaford and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/18/9) circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which provided a proposed consultation response to the Department for Transport's proposals for the creation of a Major Road Network. It also outlined the desirability for the formation of a South West Peninsula Sub-National Transport Body (STB), which would be subject to future legislation.

The Report highlighted that as part of the Transport Investment Strategy, published in 2017, the Government committed to creating a Major Road Network (MRN) across England. The need for a MRN was identified in the Rees Jeffreys Road Fund Report, highlighting there were a set of economically important roads that deserved a similar level of attention to the Strategic Road Network (SRN) (in Devon the SRN is the M5, A30, A38 and A35).

A 12-week consultation period was being held between 23 December 2017 and 19 March 2018 which outlined the Government's proposals and sought views on its core principles, the definition of the network, investment planning, and eligibility and investment assessment.

The Consultation also set out that the MRN would form a consistent, coherent network, alongside the SRN, to allow better coordination of road investment, provide funding certainty to roads in the network through use of the National Roads Fund (funded by Vehicle Excise Duty), and raise standards and performance across the new network and provide clear roles for local and regional partners, who would support the Government to develop and deliver MRN schemes.

The document also set out a preference for Sub-National Transport Bodies (STBs) to be formed which would have an important role in the MRN investment planning.

A proposed consultation response from the Council was attached as an Appendix to the Report and also summarised the main points which outlined that the proposals included both quantitative and qualitative criteria for identifying links that should be included in the MRN, but there were links that would benefit from inclusion in the MRN which were currently omitted under the criteria, which included the A386, particularly between Plymouth and Sourton Cross and Sourton Cross and Bideford, the A376, A382, Sherford Road between Elburton Road and Deep Lane junction, the A39 between Minehead and Barnstaple and the A388.

The response also highlighted that in terms of investment planning, there were roles proposed for local, regional and national bodies which would need to be defined clearly to avoid confusion.

Furthermore, in terms of the 'Eligibility & Investment Assessment', where the proposed funding thresholds were for schemes between £20million and £50million, with some schemes with a strong case being eligible for up to £100million, it was suggested that it would be preferable to lower the minimum cost threshold.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Davis, **SECONDED** by Councillor Hart, and

**RESOLVED**

(a) that the Cabinet agree to continue to investigate and develop Devon County Council's involvement and role in the proposed Sub-National Transport Body for the South West Peninsula; and

(b) that the draft Devon County Council consultation response (at Appendix I to the Report) to the Department for Transport proposals for the creation of a Major Road Network be approved; and gives delegated powers to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Infrastructure, Development and Waste, to make minor amendments to the draft response in conjunction with neighbouring authorities before submitting it to the Department for Transport.

\* 148

**Health and Care Integration in Devon**

(Councillors Ackland, Connett, Greenslade and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Chief Executive (ACH/18/81) on Health and Care Integration in Devon, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report outlined the national context which had been a national policy driver towards the integration of health and social care with successive governments using the term without prescribing a solution or answer. It also outlined that, in 2016, the Local Government Association, Association of Directors of Adult Social Services, the NHS Confederation of Providers and NHS Clinical Commissioners published a vision for the integration of adult social care (Stepping Up to the Place) and made a shared commitment to a collective approach to achieving integration by 2020.

Devon had been developing its integrated working and the Report outlined the proposals in the latest phase towards a fully integrated health and care system across wider Devon. It also reiterated the key milestones over the last several years which had included a Section 75 agreement for the provision of services to working age adults with mental health needs, a Section 75 partnership agreement between local authorities and the NHS for pooling resources and delegating certain NHS and local authority functions to other partners, co-location and co-management of community health and social care services and joint governance of pooled budgets, including of the Better Care Fund from 2015.

The Report then set out the way forward to bring about further health and care integration in Devon, but noting there was no proposed changes to the formal governance of health and Care in Devon as proposed.

In order to support the delivery of health and care and achieve outcomes of improving quality, lowering costs and enriching user experience, partners were planning to further develop partnership through the establishment of an Integrated Care System (ICS). This was alongside the statutory duty of the local authority to co-operate with NHS partners of which collaboration and partnership were key features of an ICS approach. The ICS was not an Accountable Care Organisation (ACO) which had been subject to national consideration and debate. It was not about changing organisational accountability or privatisation of either NHS or council services and the local authority would remain responsible for all its existing statutory obligations. NHS statutory obligations remained unchanged. The development of an Integrated Care System in Devon mirrored the approach being taken nationally.

The Report outlined the following actions that had been agreed in Devon;

- (i) A single integrated strategic commissioner for health and social care, primary care and specialised commissioning (plans were being developed, although the first step would see the County's two Clinical Commissioning Groups working together to manage the overall annual NHS budget of £1.5 billion, set strategic direction, co-commission services, develop plans for the future and work more jointly with Local Authority Partners;
- (ii) A number of local care partnerships and integrated mental health; and
- (iii) Shared corporate services across Devon for the NHS (such as IT, Finance and HR).

The Report also outlined how plans and resources could start to align better and an enhanced model of partnership working from April 2018, where possible, which reflected national planning guidance for 2018/19.

In addition, the two CCG's had been aligning their resources and executive teams and Consultation on a single CCG executive structure was underway and due to be concluded at the end of February 2018. Also proposed were joint appointments between local authorities and the NHS. For Devon County Council, there were three positions jointly funded by DCC and CCGs at Executive Team Level (Head of Adult Commissioning and Health, Joint Strategy Director and Joint Commissioning (South Devon)).

There was also an ambition for co-location of teams, based in the Exeter area and options were currently being explored.

In terms of Governance, there was no change to legislation, statute or constitutions but options on governance of any new integrated arrangements would need to be explored. The Report highlighted that the role of Scrutiny Committees would remain a key function.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Chief Executive's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Leadbetter, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

(a) that the key features of an emerging Devon Integrated Care System being a single Integrated Strategic Commissioner, a number of Local Care Partnerships, a Mental Health Care Partnership and shared NHS corporate services, be noted.

(b) that the proposed arrangements in Devon as set out in paragraph 3 of the Report be endorsed, reporting to the Appointments and Remuneration Committee as necessary.

(c) that the co-location of NHS and DCC staff within the Integrated Strategic Commissioner, subject to agreement of the business case, be approved; and

(d) the Health and Adult Care Scrutiny Committee be invited to include Integrated Care System governance in its work programme.

**149** **Notice(s) of Motion referred from Council (Minute 81 and 82 of 15 February 2018)**

**(a) Accountable Care Systems**

Councillor Shaw attended in accordance with Standing Order 8 and Councillors Ackland and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

*This Council is concerned by the decision of the Devon Clinical Commissioning Groups to introduce an Accountable Care System for Devon's NHS and adult social care services from 1st April 2018, without the full agreement of this Council.*

*In view of the widespread public concern over Accountable Care Systems and Accountable Care Organisations, and the decision of NHS England to hold a 12-week consultation on ACOs, this Council calls on the Devon CCGs to put the introduction of the ACS on hold until local people have been fully consulted on the plans'.*

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally proposed and raised further concerns over the Governance of future arrangements. Members considered the relevant Officer's factual briefing/position statement on the matter and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Leadbetter, and

**RESOLVED**

(i) that the Council be asked to note the Report of the Chief Executive (ACS/18/83) which outlined the key features of an emerging Devon Integrated Care System, outlining the statutory duty of the local authority to co-operate with NHS partners and the focus on Integrated Care Systems bringing together aspects of health and social care, enabling organisations to share services, budgets, staff and resources where appropriate to best meet the needs of the populations they serve and also the briefing note circulated to all Members of this Council on 9 February which confirmed there was no creation of a new organisation;

(ii) that the Council be asked to note there are no proposed changes to existing Governance or accountability arrangements from 1 April 2018; and

(iii) that the Council, in line with the recommendations to Cabinet in Report ACS/18/83, welcome and endorse the invitation for the Health and Adult Care Scrutiny to include Integrated Care System Governance in its work programme to inform future decision making and to ensure Scrutiny Members are involved in the planning for these integrated arrangements.

(b) Sunset for the Royal Marines and Future Resilience

Councillor Greenslade attended in accordance with Standing Order 8 and Councillor Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

*The County Council expresses concern at the conclusions of the Defence Select Committee report "Sunset for the Royal Marines" regarding the future strength of the Royal Marines and the implications for the economy of the county and the viability of Royal Marine bases in Devon such as those in Plymouth and at RMB Chivenor.*

*Devon County Council resolves to play an active part in lobbying to retain Royal Marine bases in our County'.*

The Mover of the Notice of Motion (wording of Motion outlined above) had sought the Cabinet's support for the course of action originally proposed. Members considered the relevant Officer's factual briefing/position statement on the matter, the relevant Cabinet Members willingness to endorse the underlying principles therein and their support for the recommendation now before the Cabinet, representations previously made and to actions now proposed or already undertaken and any other relevant factors (e.g. public health, financial, environmental, risk management and equality and legal considerations and Public Health impact):

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Barker, and

**RESOLVED** that it be recommended that, following the conclusions of the Defence Select Committee, the County Council join with Plymouth City Council and write to the Secretary of State for Defence expressing support for the retention of Royal Marine bases in Devon and Plymouth. The letter to include concerns about the effect any reductions will have on the economy of Devon and Plymouth.

\* **150** **Question(s) from Members of the Public**

(Councillor Parsons, notwithstanding having a dispensation, declared both a personal and disclosable pecuniary interest in this matter by virtue of having a young person in care at home and his partner being in receipt of remuneration and left the room during consideration of the item)

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to four 4 questions from Members of the public on Foster Carers Allowances and Fees, Changes to Fostering Allowances, Reduction in Tier 3 Carers payments and Ex-Family Care Workers.

The Cabinet Member also responded orally to supplementary questions 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/mingifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

\* **151** **Minutes**

(Councillors Dewhirst and Shaw attended in accordance with Standing Order 25(2) and spoke to this item).

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and

**RESOLVED** that the Minutes of the following and any recommendations to Cabinet therein be approved:

Standing Advisory Council for Religious Education – 6 February 2018  
Devon Authorities Strategic Waste Committee - 7 February 2018  
Farms Estate – 12 February 2018

\* **152**      **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

\* **153**      **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions (including an item on Community Transport raised at the meeting) and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>).

**NOTES:**

1. *These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.*
2. *Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.*
3. *The Minutes of the Cabinet are published on the County Council's website.*
4. *A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>*

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 1.15 pm





## QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday, 14 March 2018

### 1. QUESTION FROM COUNCILLOR DEWHIRST Re: Political Awareness for Deaf Young People in the Media

As a Governor of the Royal Academy for Deaf Education I have been surprised and disappointed in the lack of political awareness by the young people studying at the Academy. When questioned the young people say that politicians' words are never signed in the media so they do not hear any political messages.

Can the Leader tell me what can be done to help extend political awareness for young Deaf people in Devon?

### REPLY BY COUNCILLOR HART

*The County Council, along with all public bodies, are required under the Equality Act 2010 to make all reasonable adjustments to help make our services and other public information as accessible as possible to everyone.*

*For example, the council website is AA compliant (the national accessibility standard) and, if we receive a request for our published information to be provided in an alternative format, we have a legal duty to provide this. This includes the potential to produce signed material for Deaf people. We occasionally make information 'readily available' in BSL (British Sign Language) and this has already been used, in video form, on the website and in social media to support key targeted public health and social care campaigns. Signing has also been used as a part of specific engagement events. The County Council has also recently introduced a sign language video relay interpreting service, so that Deaf people can telephone us via an online sign language interpreter.*

*In terms of the democratic process, all agendas and minutes are readily available online in written form via the ModernGov system. Key cabinet, scrutiny, full council and other meetings are webcast and we have investigated the potential for these to be automatically transcribed as a part of this service. However, the technology currently available has proved highly inaccurate, so would add very little value. A live signer could be considered a regular part of all public meetings along with other more traditional tools such as an audio loop system (which is available in the DAW room and Council Chamber) for those with hearing difficulties in attendance but more consideration is needed to research how valuable this would actually be to Deaf people or indeed whether the cost would represent a reasonable adjustment.*

*On the specific question of having politician's words signed directly in the media, this is often not in the gift of this authority. All key media statements from elected members acting in their representative capacity are produced in written form and published online via the council's NewsCentre as well as being promoted via social media. Occasionally, these are also produced in video or audio form and we can further consider the greater use of signage in this context.*

*In terms of media interviews, it is interesting to note that even the might of the BBC and other commercial media organisations do not regularly make use of signers in local reporting or even when covering major national political dialogue. Nor do our own political parties have an exemplary track record in making specific adjustments to consciously reach out to Deaf people in our national or local publicity. It is therefore perhaps unreasonable to expect this authority to make adjustments that others cannot or do not.*

# Minute Item 142

*However, the Council acknowledges, welcomes and supports the broad ambition as expressed in the question. As such, our Equalities Officer and Head of Communications offer to meet with Cllr Dewhurst and representatives of Devon's Deaf community, particularly young people, to develop an action plan to help examine and extend the opportunity for greater political awareness, involvement and participation.*

## **2. QUESTION FROM COUNCILLOR GREENSLADE**

### **Re: Devon County Council as part of an Accountable Care Organisation**

Following the debate about Accountable Care Organisations (ACO) at the last County Council meeting I would be grateful if Councillor Leadbetter will clarify?

a) That Devon County Council will be or will not be part of an ACO for Devon from 1st April 2018?

b) If the answer is will be, can he explain why Health Scrutiny have not had the opportunity to scrutinise this significant change to Healthcare provision in the County?

Further can he say when and who has been involved in preparations for a Devon ACO?

c) Additionally, can he say where and how a democratic decision to involve DCC in a Devon ACO was taken?

d) If DCC is not as yet part of a Devon ACO can Councillor Leadbetter please say if this will happen in due course and what are the mechanics for this and whether there will be adequate opportunity for Health Scrutiny to look at and comment on the proposals in advance?

## **REPLY BY COUNCILLOR LEADBETTER**

*a) There are no proposals for Accountable Care Organisation(s) in Devon.*

*b) See answer (a) above*

*c) See answer (a) above*

*d) The arrangements for an Integrated Care System in Devon will continue to mature and when substantive proposals requiring Cabinet decision are made they will be articulated in a report to Cabinet. Proposals regarding the further involvement of Health and Adult Care Scrutiny are made in Section 5.1 of the report 'Health and Care Integration in Devon' from the Chief Executive (ACH/18/81) to Cabinet.*

## **3. QUESTION FROM COUNCILLOR GREENSLADE**

### **Re: Lawfulness of Accountable Care Organisations**

Does Councillor Leadbetter agree with me that Sarah Wollaston MP should be congratulated on her intervention with the Health Secretary to ensure his proposals for ACOs could be considered by the Health Select Committee?

Further does he also welcome the actions of Stephen Hawking and leading Doctors to take Jeremy Hunt to court over "back door privatisation" of the NHS?

For information a full judicial review has been granted to determine the lawfulness of the Secretary of State's proposals to introduce ACOs. In these circumstances would Councillor Leadbetter agree any proposals for a Devon ACO should be put on hold?

ACOs are alleged to be able to decide what care is free and what care can be charged for. ACOs will be paid more if they save money and will be subject to commercial rules allowing them to claim corporate confidentiality. ACOs would not be recognised in an act of Parliament and as such would not have any legal basis.

Would Councillor Leadbetter agree that on such a basis the original objectives for the NHS would be destroyed?

## **REPLY BY COUNCILLOR LEADBETTER**

*The Health Select Committee is undertaking an inquiry into Sustainability and Transformation Partnerships (STPs), Accountable Care Systems (ACSs) and Accountable Care Organisations (ACOs) within its ongoing scrutiny of the arrangements proposed under the Five Year Forward View for the NHS, a strategy for the NHS in England published in October 2014 and updated by subsequent documents. This inquiry builds on the inquiry into Sustainability and Transformation Partnerships (STPs) initiated earlier in 2017 but cut short by the General Election of June 2017.*

*The judicial review initiated by Professor Hawking and others is specific to proposals for Accountable Care Organisation contracts articulated in the document 'Integrating care: contracting for accountable models NHS England' published in August 2017. This draft guidance is already subject to a consultation exercise. Any proposals to apply it in practice in those parts of the country planning to enter into this kind of contractual arrangement, including regarding the potential for involvement of for-profit organisations in such arrangements, have been delayed until the outcome of that consultation exercise is clear.*

*The proposals in Devon articulated in the report to Cabinet do not concern the establishment of Accountable Care Organisation(s) in Devon nor the use of the contractual model currently being consulted upon and subject to judicial review.*

## **4. QUESTION FROM COUNCILLOR GREENSLADE Re: Partnership Agreements and Democratic Authority**

Councillor Leadbetter will doubtless recall all party support for my motion not to support the NHS STP for Devon at the December 2016 County Council meeting? I believe he was one of the supporters.

In subsequent conversations with the Chief Executive (CEX) I was given to understand that the STP for Devon was overtaken by a Partnership Agreement which the CEX signed on behalf of DCC.

Can Councillor Leadbetter please explain what this Partnership Agreement means and whether this has been made available to Health Scrutiny for consideration?

Does this Partnership Agreement have any relationship to possible proposals to create a Devon ACO and where and when was the Partnership Agreement given Democratic Authority?

## **REPLY BY COUNCILLOR LEADBETTER**

*The motion carried at the Full Council meeting of December 2016 concerned the Success Regime regarding NEW Devon CCG, not the Sustainability and Transformation Partnership for wider Devon.*

*Devon County Council has participated in its Sustainability and Transformation Partnership in common with all other top-tier local authorities as required by our duty to cooperate in joint planning. Devon County Council is also a signatory to the Better Care Fund plan.*

*Devon County Council is a signatory to the Better Care Fund plan which refers to the Council and local NHS bodies as partners. The Better Care Fund is a government policy to facilitate integration between NHS organisations and local authorities with local governance by the Health and Wellbeing Board which includes member representation.*

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*The Better Care Fund plan sets out arrangements for working together to deliver improved outcomes for people, around a mandatory pooled budget which can only be spent with such agreement. It does not concern the establishment of Accountable Care Organisation(s) in Devon and is compatible with the proposed Integrated Care System arrangements.*



## QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday, 14 March 2018

**1. QUESTION FROM MRS LITTLE (in attendance)  
Re: Foster Carer Fees**

After we have both given up paid employment in order to become Family Care Workers and committed fully to offering permanent placements to Young People who were destined for residential care homes (including maintaining a home and vehicles bigger than we would otherwise need and all the associated costs), are the terms of our fostering agreement going to remain in place in order that we can continue to honour our commitments without the service cutting our allowances at every juncture?

It is time that we were appreciated for the job we were asked to do, looking after Devon's most vulnerable Young People and it is time for us to stop wasting our time over and over again, fighting for our livelihoods. Don't you agree we have a much more worthwhile job to do?

Whilst we agree that others should have a pay increase if earned, we do not accept that we should have a cut to our allowances to finance it.

### **REPLY BY COUNCILLOR MCINNES**

*Devon foster carers are highly respected within the Council and their contribution to children's social care services is appreciated.*

*The Family Care Workers Scheme came to an end in early 2016. Carers who had been a part of this scheme were invited to become Tier 3 carers. Other carers who met the Tier 3 requirements could also apply to become Tier 3 carers.*

*There are no plans to amend the terms of the Devon County Council's Foster Carers Agreement. The agreement currently makes no requirements over carers giving up paid employment, and many Tier 3 carers have other income streams as well as fostering.*

**2. QUESTION FROM MRS STRANGE (in attendance)  
Re: Changes to Fostering Allowances**

In the Treasurer's Report of Revenue & Expenditure Children's Services (Budget Monitoring 2017/2018) dated 10th January 2018, reference is made to the 'external residential and supported accommodation over spends total £4.2 million, partially offset by under spending in other placement types, INCLUDING FOSTERING and post 18 placements of £1.6 million'.

Has Devon County Council Cabinet agreed to funnel yet more money into Independent Fostering Agencies (at a time when the Directors of many of these are reported to be raking in huge personal profits), while Devon's own dedicated, loyal and highly qualified and experienced foster carers' allowances are to be used to 'offset' the £4.2 million overspend to external residential and supported accommodation and will Devon give a clear message to its own fostering workforce that it is valued for the work that it does on Devon's behalf by assuring carers that they will see no reduction in allowances that were previously agreed?"

### **REPLY BY COUNCILLOR MCINNES**

*Devon County Council values the contribution of its foster carers.*

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*Our intention is to increase the provision of in house foster care. All children coming into our care need good robust placements, and if we're not able to offer them an in house foster placement then we need to look externally.*

*Devon is reviewing its fostering payments. We are working on models that reflect the needs of the child. We are involving our foster carers in this development that they consider to be the most effective way of supporting and stabilising placements.*

*Once we have confirmed models we will be consulting with foster carers further. We will then be taking this to the Council's Scrutiny and Cabinet in order to seek the approval of Cabinet members.*

*The teams are working hard to recruit more foster carers and are busy assessing them, however we are still unable to place all of our children needing fostering placements in house, and so need to plan for the budget requirements in order to seek external provision.*

**3. QUESTION FROM MRS PETERS (in attendance)  
Re: Fostering Allowances – Reduction in Tier 3 Carers Payments**

Has it been considered that alienating the present tier 3 carers by cutting their present payment may well be counterproductive in that it will almost certainly mean that more of Devon's more challenging Children in Care will have to be placed in expensive out of county residential placements?

I understand the number of young people in these high-end placements has risen considerably over the past year (average cost £4000 per week) - I believe there are currently 60 in place - do the maths! Preserving the status quo for the current ex FCWS currently is peanuts by comparison and money well worth investing into the future of our most vulnerable young people?

Would it not also be financially sound to invest money into supporting the new generation of Devon foster carers by providing a career structure to enable them to become more experienced and qualified rather than increase the number of 'out of county' placements?

**REPLY BY COUNCILLOR MCINNES**

*Devon's foster carers play a key role in caring for our most vulnerable children and are held in high regard by the Council.*

*Decisions have yet to be made as to the model of payments to foster carers. Foster carers representatives have been involved in the development of models that we are exploring. The proposed model will be considered by Cabinet when all the work on the modelling has been done*

*Many of the children needing high cost placements, have needs that would mean they would struggle to be in a family setting. Our aim would be to support these children to ultimately enable them to step down from residential care into a family.*

*We are always considering ways of developing our foster carers. We offer a broad range of training courses specifically tailored to Foster carers and support and have particularly good feedback on the training around Therapeutic Parenting. Foster carers have given very positive feedback on the support they receive from the in-house Placement Support Team.*

**4. QUESTION FROM MR LEYLAND (in attendance)  
Re: Ex-Family Care Workers**

Having 4 years left on our mortgage and being unable to return to the careers we both left to concentrate on fostering, is it fair that we were told on 5 June 2017 that our payment of

£15,025 per year (based on one child being with us 365 days) needs to be reduced to be able to increase the payments to the Tier 1 and Tier 2 carers "to be fair and equitable, whilst remaining within budget"?

Would it not be fairer for Devon to find the small amount of additional budget be able to say, "we will honour our commitment to pay you your current rate per child for as long as you provide a service to us, alongside the other 32 ex-Family Care Workers, in recognition of the sacrifices you have made?"

This would be in line with the Fostering Network (the charity that advises the Government on behalf of Foster Carers) view that no foster carer should suffer financially following a review of fees and allowances.

It would also mean that we felt valued and respected by Devon County Council. Lastly, Tier 1 and Tier 2 carers could have a degree of confidence that in future years, their fees and allowances would not be cut.

## **REPLY BY COUNCILLOR MCINNES**

*The Family Care Workers Scheme came to an end in 2016.*

*At that time foster carers that were caring under that scheme were invited to become Tier 3 carers. Other carers that met the criteria in terms of their experience and wish to care for more complex children could also apply to become Tier 3 carers.*

*It was indeed the original intention that Tier 3 carers should take the most challenging children, however over time and with the complexity of placement sufficiency we now have carers in all tiers dealing with a broad cross section of complexities in children, and it is no longer Tier 3 carers exclusively caring for the more challenging children.*

*Many Tier 3 carers care for settled children and this includes children under the age of 10.*

*We are keen to get the model right to improve sufficiency and stability for our children. We wish to develop our in house fostering service and a fair and equitable rate of allowances will make fostering for Devon more attractive.*

