

County Council
Thursday 7th December 2023



You can view the agenda at
<https://www.devon.gov.uk/democracy/>
or use a smart phone camera and scan the code above.



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

29 November 2023

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 7th December, 2023 at 2.15 pm.

Chief Executive

(A community cohesion message will be offered by Edith Chinnah (Clinical nurse specialist at RDE – Ethnic Minority Champion for Equality and Diversity and representative for the South West Region), at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend).

A G E N D A

1. Apologies for Absence

2. Minutes

To approve as a correct record and sign the minutes of the meeting held on 7 September 2023.

3. Announcements

4. Items Requiring Urgent Attention

5. Public Participation: Petitions, Questions and Representations

Petitions, Questions or Representations from Members of the public in line with the Council's Petitions and Public Participation Schemes.

6. **Petitions from Members of the Council**

7. **Questions from Members of the Council**

Answers to questions from Members of the Council pursuant to Standing Order 17.

FRAMEWORK DECISIONS

8. **Youth Justice Plan** (Pages 1 - 98)

To Council is asked to receive and approve the Youth Justice Plan, as recommended by the Cabinet (13 September 2023) (Minute 377 refers and replicated below). The Report is attached.

(a) that the 2023/2024 Youth Justice Service Plan be endorsed and in accordance with 'Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000', be recommended to the Council for adoption;

(b) that the existing contribution to a pooled budget to part finance Youth Justice Services in Devon of £299,200 be agreed, noting that no additional funding is being sought through the Report; and

(c) that in order to maintain an informed dialogue on youth justice matters within communities to achieve the ambitions of the plan to the greatest effect, for both the benefit of children and society as a whole, the Report be further endorsed.

Electoral Divisions(s): All Divisions

9. **Cornwall Council's proposal to join Adopt South West** (Pages 99 - 136)

The Council is asked to receive and approve the proposal that Cornwall Council join Adopt South West, as recommended by the Cabinet (8 November 2023) (Minute 414 refers) and replicated below). The Report is attached.

(a) that the proposal by Cornwall Council to become a full member of Adopt South West Regional Adoption Agency, hosted by Devon County Council, from 1 April 2024, be approved;

(b) that the acceptance of the statutory and legal functions relating to adoption services as set out in paragraph 8 of the Report, delegated by Cornwall Council to Devon County Council as the host authority be recommended to Council for adoption;

(c) that the Director of Children and Young People's Futures, the Director of Finance and Public Value, and the Director of Legal and Democratic

Services be given delegated authority to finalise and agree a revised Inter Authority Agreement for the purposes of adding Cornwall Council to the existing shared service and updating the financial model as set out in section 7 of the Report; and

(d) that the transfer of staff under TUPE regulations from Cornwall Council to Devon County Council be approved and the Director of Children and Young People's Futures and the Director of People and Culture be given delegated authority to complete all necessary actions required to support the expansion of the adoption services by the Regional Adoption Agency to the administrative area of Cornwall Council and the Isles of Scilly.

Electoral Divisions(s): All Divisions

10. Future of the Heart of the South West Joint Committee (Pages 137 - 140)

Report of the Head of Economy, Enterprise and Skills (EES/23/2) seeking approval, in accordance with the Heart of the South West Joint Committee (HotSW JC) inter-authority agreement, to give notice of intention to withdraw from the HotSW JC and propose to the HotSW JC that the Joint Committee be dissolved.

Electoral Divisions(s): All Divisions

OTHER MATTERS

11. Cabinet Member Reports

To consider reports from Cabinet Members.

12. Minutes

To receive and adopt and / or approve the Minutes of the under mentioned Committees

- (a) Appeals Committee - 4 September 2023 (Pages 141 - 142)
- (b) Appeals Committee - 9 October 2023 (Pages 143 - 144)
- (c) Appeals Committee - 6 November 2023 (Pages 145 - 146)
- (d) Development Management Committee - 6 September 2023 (Pages 147 - 150)
- (e) Investment and Pension Fund Committee - 15 September 2023 (Pages 151 - 158)
- (f) Investment and Pension Fund Committee - 24 November 2023 (Pages 159 - 162)
- (g) Audit Committee - 25 September 2023 (Pages 163 - 168)
- (h) Audit Committee - 27 November 2023

The minutes of this meeting will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=161&MIId=4790>

(i) Procedures Committee - 26 September 2023 (Pages 169 - 222)

The Council is asked to approve the following:

- Minute 37 – Revised Financial Regulations (endorsed by the Governance Working Group), revised regulations attached.
- Minute 38 – Policy Framework Amendments ((endorsed by the Governance Working Group). Changes are outlined in full (in red) at minute 38.
- Minute 39 – Revised Definition of Cabinet Key Decision (endorsed by the Governance Working Group). Changes are outlined in full (in red) at minute 39.
- Minute 40 – Public Participation. It is proposed that the Constitution provides a high-level summary of the public participation opportunities, attached and will signpost to the detailed guidance on the website, the revised scheme is also attached for endorsement.
- Minute 42 – relating to the boundary between the County’s Tiverton East Electoral Division and the Willand and Uffculme Electoral Division, Map attached.

(j) Procedures Committee - 23 November 2023 (Pages 223 - 250)

The Council is asked to approve the following:

- Minute 46 - Local Member Protocol for inclusion in the Constitution, attached.
- Minute 47 - Scrutiny Procedure Rules (Part 4d of the Constitution) and the minor amendments to update current processes, removing references to outdated practice and ensuring alignment with other areas of the Constitution, revised version attached with the changes annotated in red.

(k) Public Rights of Way Committee - 23 November 2023 (Pages 251 - 256)

(l) Appointments, Remuneration and Chief Officer Conduct Committee - 6 November 2023 (Pages 257 - 258)

(m) Children's Scrutiny Committee - 19 September 2023 (Pages 259 - 266)

(n) Children's Scrutiny Committee - 14 November 2023 (Pages 267 - 272)

(o) Health and Adult Care Scrutiny Committee - 21 September 2023 (Pages 273 - 278)

(p) Health and Adult Care Scrutiny Committee - 9 November 2023 (Pages 279 - 286)

(q) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 28 September 2023 (Pages 287 - 296)

(r) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 16 November 2023 (Pages 297 - 306)

NOTICES OF MOTION

13. Gaza Crisis

Councillor Dewhurst to move:

Council condemns the awful terrorist attacks carried out by Hamas in Israel on 7th October.

Council is horrified by the scenes of violence in relation to all individuals who reside in the area in the weeks and days since, in particular the devastating humanitarian situation and the potential effect on the residents of Devon.

Council supports the implementation of international law, which means targeting terrorists, not civilians, and ensuring that innocent citizens do not pay the price.

Council expresses its concern at the UK Government's failure to attempt to ensure that the Israeli government and its military adhere to the requirements of international law and the UK Government's refusal to publish legal advice it has received in relation to the conflict.

Council further calls for the international community to revisit UN Resolution 242, supporting a long term, peaceful, two-state solution for both Israel and Palestine.

Council also believes:

- Essential supplies of aid, water, food, medicine and electricity must continue to be provided to Gaza.
- The UK Government must, with others, work for a lasting ceasefire to:
 - A - Facilitate the delivery of humanitarian aid into Gaza, and
 - B - Allow for an intensive period of diplomacy to realise a political solution, aimed at achieving two states and a lasting peace.

Council accordingly resolves to:

- Ask the UK Government to work towards a lasting ceasefire.
- Note with deep concern the severe reverberations of this crisis in the UK, with Jewish, Muslim and Palestinian communities all fearing and grieving, and condemns the rise in antisemitism and Islamophobia since 7th October. This could have the potential to affect our communities in Devon.
- Thank community leaders for the role they are playing in reducing tensions at this sensitive and difficult time.

- Call upon community leaders and public figures to act responsibly and work to bring communities together at this sensitive time.
- Recognise the role Devon & Cornwall Police are playing at the current time in supporting communities in Devon.

14. **Tackling "Box Shifting"**

Councillor Adams to move:

The bankruptcy of Birmingham City Council was partly attributed to “dramatic reductions in business rates income” - an issue facing all councils across the UK, to the tune of £250 million a year. The unethical “Box Shifting” practice is a loophole that allows businesses to avoid paying business rates. Closing this loophole will allow local authorities to put back these business rates in their own pockets.

Key information:

- Box shifting involves landlords placing boxes in vacant commercial properties for a six-week period to trigger a three- or six-month rates-free period. Annually, this costs councils around £250 million (*Local Government Association Survey, 2019*)
- This cycle is often repeated, resulting in local councils losing over two-thirds of their empty rates incomes, and properties remain empty for months on end..
- Some landlords put a broadband box, an empty fish tank, or even snail farms in the property to trigger rates avoidance.

This Council pledges to:

Send a letter to the Chancellor of the Exchequer to propose extending the occupation period for business rates exemption from six weeks to six months to tackle the unethical practice of “Box Shifting”.” This follows the example of the Welsh and Scottish governments, who have already introduced legislation to tackle the issue.

15. **Local Government and Social Care Ombudsman (LGSCO) findings on Special Educational Needs and the Role of Scrutiny**

Councillor Bailey to move:

This Council notes that there has been a concerning high number of Local Government and Social Care Ombudsman (LGSCO) findings against Devon County Council relating to Special Educational Needs provision this year, with 26 complaints being upheld against DCC (15 of these have been since June alone).

This Council believes that it is important that each of its three main Scrutiny Committees are furnished with complete information to enable them effectively to scrutinize the various services of Devon County Council and that each committee agenda should include a standing item provided by DCC officers on any LGSCO findings.

16. Devon Residents Deserve Clean Rivers and Beaches

Councillor Leaver to move:

This Council condemns repeated sewage outfalls across the county and Devon's Conservative MPs votes to allow South West Water to continue to pollute our rivers and beaches.

Council notes that the ongoing problem of poor water quality in Devon impacts on our local communities, economies and environment across the county.

Council believes that this issue goes beyond party politics, and resolves to write a letter from all DCC Group Leaders to Devon MPs and South West Water demanding urgent investment to clean up our water and funding for this to be prioritised over payment of dividends to shareholders and Directors' salaries.

17. Hospiscare Funding

Councillor Atkinson to move:

Hospiscare which provides humane respectful end of life care and management costs almost 10M a year to run with just 18% of that funded by the ICB. This is well below the national average of 37% other hospices receive.

Despite ongoing discussions with the ICB they have refused to provide additional funding, and this means they will be forced to close or reduce services to meet a £2.5 million funding gap.

Without Hospiscare, its patients will need to be treated in an acute hospital setting where they will be a further demand on the NHS system and cost the NHS additional millions in direct care.

Motion

- DCC Believes that hospices are a better place than acute hospitals for people to receive palliative care when dying when no other medical treatment beyond pain relief is appropriate.
- DCC supports Hospiscare's fight for fairer funding from Devon Integrated Care board and agrees to write to the ICB to ask them to meet the funding gaps so services can be maintained.
- DCC will write to the ICB, NHS England ministers and local MPS to

urge them to support Hospiscare's request for funding.

18. Humanitarian Emergency in Gaza

Councillor Atkinson to move:

“Devon is proud to offer refugees sanctuary and proud of the of all communities in Devon. Devon County Council stands in solidarity with all those affected by the recent events in Israel and Gaza.

The extreme humanitarian emergency in Gaza, following the 7 October attacks on Israel have both been shocking for us all to see. The situation has had a deep impact on our communities in Exeter.

Devon County Council denounces hate crime in the strongest terms and community cohesion remains a priority for this local authority. It is important that we do not allow these tragic events to divide our communities here in the Devon.

The rise in Antisemitism and Islamophobia across the UK is unacceptable, and Devon County Council will continue to work with all of our communities in Devon to ensure residents feel safe and free from hate.

The Council supports the humanitarian work being done in Gaza and the middle east and encourages residents to donate to organisations raising funds for those in need”

19. Austerity and Cuts to Local Government Funding

Councillor Atkinson to move:

The Chancellor's Autumn statement has set the country on course for a “more painful” austerity drive after the next general election after more than a decade of austerity starting under David Cameron and George Osborne.

The £20bn package of tax cuts is almost entirely funded by swingeing real-terms reductions to public spending planned from 2025 when it may not even be in government according to the IFS.

It is estimated that the NHS receives 20% of its funding from National Insurance.

The plans to cut National Insurance means that some funding for social care and the NHS will have to come from other budgets or general taxation

This implied a 1.8% cut for unprotected budgets each year from 2024-25 to 2028-29 – including for prisons, the courts system, local government and further education.

After taking into account funding settlements for Scotland, Wales and Northern Ireland, the plans imply cuts of 3.4% in England.

This Council has had more than 50% of its budget cut since 2010 and is already again planning to cut services to bring in a legally balanced budget for 2024-5.

Economists doubt efficiency gains on such a scale can be achieved.

Councils all around us and throughout the country are on the verge of bankruptcy and the County Council is having to make hard choices to cut funding and services to maintain a balanced budget.

This Council resolves:

1. To write to the government to ask them to make no real time cuts to Local Government until it has undertaken a spending review.
2. Seek the support of the LGA to oppose the Chancellor's budget for Local Government

MEETINGS INFORMATION AND NOTES FOR VISITORS

Getting to County Hall and Notes for Visitors

For SatNav purposes, the postcode for County Hall is EX2 4QD

[Further information about how to get to County Hall](#) gives information on visitor parking at County Hall and bus routes.

Exeter has an excellent network of dedicated cycle routes. For further information see the [Travel Devon Webpages](#).

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street), St David's and St Thomas's. All have regular bus services to the High Street.

Visitors to County Hall are asked to report to Main Reception on arrival. If visitors have any specific requirements, please contact reception on 01392 382504 beforehand.

Membership of a Committee

For the full details of the Membership of a Committee, please [visit the Committee Page](#) on the website and click on the name of the Committee you wish to see.

Committee Terms of Reference

For the terms of reference for any Committee, please [visit the Committee Page](#) on the website and click on the name of the Committee. Under purpose of Committee, the terms of reference will be listed. Terms of reference for all Committees are also detailed within Section 3b of [the Council's Constitution](#).

Access to Information

Any person wishing to inspect any minutes, reports or background papers relating to an item on the agenda should contact the Clerk of the Meeting. To find this, [visit the Committee Page](#) on the website and find the Committee. Under contact information (at the bottom of the page) the Clerks name and contact details will be present. All [agenda's, reports and minutes of any Committee are published on the Website](#)

Public Participation

The Council operates a Public Participation Scheme where Members of the public can interact with various Committee meetings in a number of ways. For full details of whether or how you can participate in a meeting, please [look at the Public Participation Scheme](#) or contact the Clerk for the meeting.

In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours notice.

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of any meeting may be recorded and / or broadcasted live, apart from any confidential items which may need to be considered in the absence of the press and public. For more information [go to our webcasting pages](#)

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Filming must be done as unobtrusively as possible without additional lighting; focusing only on those actively participating in the meeting and having regard to the wishes of others present who may not wish to be filmed. Anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance.

Members of the public may also use social media to report on proceedings.

Declarations of Interest for Members of the Council

It is to be noted that Members of the Council must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

WiFi

An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall.

Fire

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair.

First Aid

Contact Main Reception (Extension 2504) for a trained first aider.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

Alternative Formats

If anyone needs a copy of an Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Customer Service Centre on 0345 155 1015 or email: committee@devon.gov.uk or write to the Democratic and Scrutiny Secretariat in G31, County Hall, Exeter, EX2 4QD.

Induction Loop available



Agenda Item 8.



You can view the agenda on the [website](#)
or use a smart phone camera and scan the code

To: The Chair and Members
of the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 5 September 2023

Contact: Karen Strahan, 01392 382264

Email: karen.strahan@devon.gov.uk

CABINET

Wednesday, 13th September, 2023

A meeting of the Cabinet is to be held on the above date at 10.30 am at Committee Suite (DAW) - County Hall to consider the following matters.

Donna Manson
Chief Executive

A G E N D A

8 CORRECT VERSION OF REPORT - Youth Justice Plan (Pages 1 - 96)

Report of the Interim Service Manager, Devon Youth Justice Service (CS/23/10), presenting the Annual Youth Justice Plan, attached.

Electoral Divisions(s): All Divisions

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

Agenda Item 8.

CS/23/10
Cabinet
13 September 2023

Youth Justice Service (YJS) Annual Plan

Report by John JAMES
Interim Service Manager
Devon Youth Justice Service

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended that the Cabinet be asked to note and agree the 2023/2024 Youth Justice Service Plan on the following basis:

(a) To comply with requirement that YJ Plans must be signed off by the full council in accordance with 'Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000'

(b) To agree to contribute to a pooled budget of £229,200 to part finance Youth Justice Services in Devon (this is in additional to DCC staffing costs of £384,000). Note – no additional financial resource is being requested in this report.

(c) To provide elected member endorsement to maintain an informed dialogue on youth justice matters within our communities to achieve the ambitions of the plan to the greatest effect, for both the benefit of children and society as a whole

2) Background / Introduction

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YJS. Section 38 (1, 2) identifies the statutory partners. These statutory partners are:

- local authority
- education
- police
- probation service
- health

The national Youth Justice Board require each Youth Justice Service in England and Wales to submit an annual report to inform the strategic oversight of the service and set out the ambitions for the upcoming year.

Agenda Item 8

1. The YJ Plan must be agreed by the Chair of the local Youth Justice Management Board, pre submission to the YJB for scrutiny (completed 30th June 2023)
2. The 'sign off' by the Chair is an indication that the wider management board have approved the submitted plan and all sections outlined in the [Youth Justice Plan Structure](#) have been covered.
3. The requirement for full council sign off has been in place since the Crime and Disorder Act 1998 enabled Youth Offending Services (the national title), but to date Devon YJT was not aware of this requirement. This is in place going forwards.

3) Main Body

The autumn 2022 inspection process by HMI Probation recorded a GOOD rating with several outstanding features (appendix 1)

The work of Devon YJT is driven by the YJ Management Board and its annual objectives (appendix 2)

Objectives and progress are regularly reviewed in quarterly Board meetings. All staff members are involved in various objectives of the plan via their most recent appraisal.

4) Options

Devon YJT is a statutory service with multi partner funding sources together with a national YJB grant. Completion of the sign off process is necessary to ensure the grant is received in a timely fashion, to enable the effective operation of YJ services.

5) Consultations / Representations / Technical Data

The YJ Plan previously submitted to the national YJB contains performance data for the 2022/2023 year as required. (appendix 3)

Feedback forms an integral part of YJT evaluation:

Children feedback

- 98% of children said they felt supported and safe.
- 94% felt their qualities and strengths were recognised.
- 100% felt spoken to a way they could understand.
- 96% felt DYJS helped them make their own choices.
- 100% felt DYJT worked well with other professionals in their lives.
- 92% felt we helped make their lives better.

Parents/carers feedback

- 97.6% felt part of the planning process though out the intervention.
- 97.6% felt empowered to challenge DYJS at any stage.
- 100% felt empowered to make decisions to protect their own child.
- 97% felt DYJT helped bring all services together to benefit their child.

Agenda Item 8.

- 100% said DYJS checked they were receiving all their support entitlements.
- 100% felt comfortable, safe, and understood by DYJS staff.
- 85% felt reassured about who they could turn to for support once DYJS ended their work with the family.
- 97.6% said working with DYJS was a positive experience.

Case Studies

Anonymised case studies and good practice examples are regularly shared with the Board. (appendix 4)

6) Strategic Plan

The strategic plan of Devon Youth Justice system is well aligned with a range of the Council's Strategic plan priorities.

Strategic Plan Priority	Strategic plan action
Be ambitious for children and young people	Children working with YJT can highly achieve if given the right support at the right time by developing prosocial identities and by helping them repair issues with attachment their offending will reduce.
	All services should be held to the highest account to ensure that children's rights under the UN convention of the rights of the child are always upheld. The Board holds responsibility for YJT.
Support sustainable economic recovery	Supporting children's sense of self and pro social identity to develop their interests, hobbies and ambitions to secure and maintain appropriate ETE
	Reducing the use of detention - direct Local Authority costs.
Tackle poverty and inequality	Ensuring families receive the correct financial support, helping tackle the barriers to attaining employment and signposting to community support
Improve health and wellbeing	Helping children develop pro social identity and repair attachment issues.
	Screening for possible Speech and Language issues and providing appropriate intervention.
	Each child in YJS can access fast track CAMHS support to address emotional difficulties.
Health communities be safe, resilient and connected.	Reducing crime and its impact upon persons harmed

7) Financial Considerations

Devon YJS operates under a 5 parts pooled budget – the core membership plus the YJB grant. Budget 2023 – 24:

Agency	Staffing Costs	Payments in kind	Other delegated funds	Total
Police	151,320	0	0	151,320
Police and Crime Commissioner	0	0	190,266	190,266
Probation	59,670	0	5,000	64,670
Health	188,115	0	66,431	254,546
Local Authority and Education	384,000*	0	299,200 *	683,200
YJB	0	0	£827,910	827,910
Total	783,105	0	1,388,807	2,171,912

8) Legal Considerations

Youth Justice Services are designed and delivered under the Crime and Disorder Act 1998. The legal framework for council sign off is as stated in Sections 1 and 2.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

Staff travel is minimised and shared where possible - no adverse environmental impact of YJ functioning is envisaged.

10) Equality Considerations

Sadly, children from a range of backgrounds are over-represented in the youth justice system. Nationally it is known that Black and Mixed ethnicity boys are over-represented and the recent [HMIP thematic report](#) made a number of recommendations which Devon is taking in to account in service delivery. Tackling disproportionality in the criminal justice system in Devon will remain an ongoing target for DYJS. Children coming under DYJS supervision are not over presented regarding their race and/or ethnicity.

However, nationally it is not only black and mixed ethnicity children that are over-represented and a move to the full 18+1 range of ethnic identification is in development.

11) Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or action have been taken / included to safeguard the Council's position. (appendix 5)

12) Summary / Conclusions / Reasons for Recommendations

- Cabinet agreement to the annual YJ Plan is necessary for full release of the YJB annual Grant.
- It is a requirement under Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Agreement to YJT funding is necessary to continue to run a high performing (HMIP GOOD rated) service and develop further to OUTSTANDING.

Stuart Collins

Director of Children Services

Electoral Divisions: All

Contact for enquiries:

Name: John James, Interim Service Manager

Telephone: 01392 384978

Address: Devon Youth Justice Service Ivybank, 45 St Davids Hill, Exeter, EX4 4DN

Local Government Act 1972: List of background papers

Appendix 1

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2022/11/Devon-Youth-Justice-Report-v1.0.pdf>

Appendix 2



Board%20Objectives
%202023%202024.docx

Appendix 3



Youth%20Justice%20
Plan%202023%20cor

Appendix 4



Case%20Study%20A
ug%202023.docx

Appendix 5



Risks%2023%2024.d
ocx



HM Inspectorate
of Probation

An inspection of youth justice services in

Devon

HM Inspectorate of Probation, November 2022

Contents

Foreword	3
Ratings	4
Recommendations	5
Background	6
Domain one: Organisational delivery	7
1.1. Governance and leadership	7
1.2. Staff.....	8
1.3. Partnerships and services.....	9
1.4. Information and facilities.....	10
Domain two: Court disposals	13
2.1. Assessment.....	13
2.2. Planning	14
2.3. Implementation and delivery	15
2.4. Reviewing.....	16
Domain three: Out-of-court disposals	16
3.1. Assessment.....	17
3.2. Planning	18
3.3. Implementation and delivery	19
3.4. Out-of-court disposal policy and provision.....	20
4.1. Resettlement	21
4.1. Resettlement policy and provision	21
Further information	21

Acknowledgements

This inspection was led by HM Inspector Avtar Singh, supported by a team of inspectors and colleagues from across the inspectorate. We would like to thank all those who helped plan and took part in the inspection; without their help and cooperation, the inspection would not have been possible.

The role of HM Inspectorate of Probation

HM Inspectorate of Probation is the independent inspector of youth offending and probation services in England and Wales. We report on the effectiveness of probation and youth offending service work with adults and children.

We inspect these services and publish inspection reports. We highlight good and poor practice and use our data and information to encourage high-quality services. We are independent of government and speak independently.

Please note that throughout the report the names in the practice examples have been changed to protect the individual's identity.

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence or email psi@nationalarchives.gsi.gov.uk.

Published by:

HM Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

Follow us on Twitter
[@hmiprobation](https://twitter.com/hmiprobation)

ISBN: 978-1-915468-18-5

© Crown copyright 2022

Foreword

This inspection is part of our programme of youth justice service (YJS) inspections. We have inspected and rated Devon YJS across three broad areas: the arrangements for organisational delivery of the service, the quality of work done with children sentenced by the courts, and the quality of out-of-court disposal work.

Overall, Devon YJS was rated as 'Good', with three aspects of court work practice rated as 'Outstanding'. We also inspected the quality of resettlement policy and provision, which was separately rated as Good.

The service is child-centred reaching out to children to meet their practical needs and help them to desist from repeat offending. A personalised approach ensures that children's diversity needs are understood, and measures put in place to help children achieve and attain. Staff and volunteers are without doubt the organisation's most significant asset. They are kind, caring and ambassadors for the children they supervise. They show resilience and want to improve the quality of the services they deliver.

The head of service leads the YJS well. He is knowledgeable and skilled, with a desire to drive the service to achieve positive outcomes for children.

The board, although beginning to improve, has been disconnected from the wider YJS for some time. This has left many staff feeling undervalued. The absence of a consistent effective strategic link to operational delivery has meant that critical gaps have remained in the board's understanding of the challenges faced by practitioners. For example, educational outcomes for many YJS children have been poor, but the board has not fully tackled this problem to bring about change. Furthermore, while the board has access to universal YJS data about the profile of children in the cohort, the range is limited and there is a lack of forensic analysis. The board intends to address these deficits. This is reassuring.















Staff have access to a wide range of services to help children and their parents and carers. In particular, the health offer is excellent and making a real difference in improving children's emotional wellbeing. Resources and information used by the YJS have been reviewed by the speech and language therapist and redesigned to make them more child-friendly and accessible.

The YJS can be proud of the way it honours the children it supervises and the effective support it provided to children during the pandemic. It must now focus on bringing together the whole of the partnership. In this report we make six recommendations to further improve the work of Devon YJS. We trust that they will assist the service as it continues its improvement journey.



Justin Russell
HM Chief Inspector of Probation

Ratings

Devon Youth Justice Service		Score	26/36
Fieldwork started September 2022			
Overall rating		Good	
1. Organisational delivery			
1.1	Governance and leadership	Requires improvement	
1.2	Staff	Good	
1.3	Partnerships and services	Good	
1.4	Information and facilities	Good	
2. Court disposals			
2.1	Assessment	Good	
2.2	Planning	Outstanding	
2.3	Implementation and delivery	Outstanding	
2.4	Reviewing	Outstanding	
3. Out-of-court disposals			
3.1	Assessment	Good	
3.2	Planning	Good	
3.3	Implementation and delivery	Good	
3.4	Out-of-court disposal policy and provision	Good	
4. Resettlement¹			
4.1	Resettlement policy and provision	Good	

¹ The rating for Resettlement does not influence the overall YOS rating.

Recommendations

As a result of our inspection findings, we have made six recommendations that we believe, if implemented, will have a positive impact on the quality of youth offending services in Devon. This will improve the lives of the children in contact with youth offending services, and better protect the public.

The Devon Youth Justice Service should:

1. ensure robust contingency plans are in place for all children that address their safety and wellbeing, and risk of harm to others
2. review and produce quality assurance arrangements that drive improvement across all aspects of case management in court and out-of-court service delivery
3. review management roles and responsibilities to ensure more parity in work distribution.

The Devon Youth Justice Service Management Board should:

4. expand the breadth and depth of management information, forensically analyse segmented data, and use findings to improve outcomes for children
5. ensure that strategic relationships with children's social care translate into positive outcomes for YJS children
6. strengthen connectivity with YJS staff to build closer collaboration that improves outcomes for children.

Background

We conducted fieldwork in Devon YJS over a period of a week, beginning on 05 September 2022. We inspected cases where the sentence or licence began between 06 September 2021 and 01 July 2022; out-of-court disposals that were delivered between 06 September 2022 and 01 July 2022; and resettlement cases that were sentenced or released between 06 September 2021 and 01 July 2022. We also conducted 36 interviews with case managers.

Devon County Council serves one of the largest geographical areas in the country, covering 2,600 square miles, with a total population of 795,286². The youth population (10 to 17) comprises 68,691 children. Children and young people represent around 18.3 per cent of the county's total population, a slightly lower proportion than the south west as a whole.

Devon remains a predominantly white population, with 2.5 per cent of the total population reporting as Black, Asian, or minority ethnic. There is significant variation in the size of the Black, Asian or minority ethnic populations between district areas, with just 1.3 per cent in Torrington and up to 7.5 per cent in Exeter, according to the 2011 census. The Devon schools census data shows a Black, Asian or minority ethnic population of 8 per cent.

Devon Youth Offending Team became Devon Youth Justice Service in January 2022 after a consultation process involving children, parents, partners, staff, and others. The geography of the county means that the distances children and their families must cover to access resources are a real challenge. Devon YJS addresses these needs by having several centres where children and families can be seen: two permanent offices in Barnstaple and Exeter, a delivery base in Newton Abbot, and a variety of other premises across the county. This includes running referral panels in a variety of settings.

There are four main police custody centres. Two of these are in Devon and two are in adjoining unitary authorities.

The rate of first-time entrants to the criminal justice system (CJS) continues to remain low compared with Devon's statistical neighbours. In real terms, 94 fewer young people entered the CJS for the first time in Devon in 2021 than in 2019 (154 down to 60). The YJB figures for the April to June 2020 cohort show that Devon children who reoffended committed 1.83 further offences during this period, with a reoffending rate of 32.4 per cent. This is consistent with Devon's statistical neighbours.

Data from the local Live Reoffending Tracker, covering April 2021 to June 2021, shows that 12 children out of a cohort of 122 reoffended (a rate of 9.8 per cent). Each of the 12 children who reoffended committed an average of 2.33 offences. The total number of reoffences was 28.

² All data shown below was provided by the Devon YJS

Domain one: Organisational delivery

To inspect organisational delivery, we reviewed written evidence submitted in advance by the YJS and conducted 12 meetings, including with staff, volunteers, managers, board members, and partnership staff and their managers.

Key findings about organisational delivery were as follows.

1.1. Governance and leadership



The governance and leadership of the YOT supports and promotes the delivery of a high-quality, personalised and responsive service for all children.

Requires improvement

Strengths:

- The YJS board is well integrated into wider strategic safeguarding arrangements and community safety partnership boards, including the Office of the Police and Crime Commissioner.
- Service level agreements and joint working protocols are in place with all providers in the partnership.
- The partnership has established a range of services for YJS children. There are strong links with the third sector, and this has created broader access.
- The head of service is visible, skilled, experienced, knowledgeable, and approachable. The management team has clear lines of accountability, where roles and responsibilities are understood well.
- There is a suitable risk register in place, with appropriate mitigations and controls to support effective service delivery.

Areas for improvement:

- There has been a notable disconnect between the board and operational staff for some time. Many staff do not understand the role of the board and report that direct communication and feedback about their work is limited.
- Until recently, those above head of service level had gaps in their knowledge about youth justice, and this had affected the strategic delivery of effective services. However, new senior leaders have greater experience of YJS, and the Deputy Director (Children's Services) will be chairing the board going forward.
- Management information available to the board is not sufficiently analysed or broad enough. It is not segmented, and gaps in the information mean that board members do not fully understand the needs of all YJS children. The board does not understand disproportionality across all protected characteristics well enough.
- The board needs to better understand why there are a significant number of YJS children aged under 16 in alternative provision.
- The partnership needs to build on its commitment to being 'child first', by creating more opportunities for children and their parents/carers to influence strategy, practice, and service delivery.

1.2. Staff



Staff within the YOT are empowered to deliver a high-quality, personalised and responsive service for all children.

Good

Strengths:

- The YJS provided excellent pastoral and professional support for all staff during Covid-19.
- The YJS leadership team motivates staff to achieve the best for the children they supervise.
- All staff are committed, keen, caring, and willing to go the extra mile to support the children they are working with.
- Staff provide considerable voluntary contact to children and their parents/carers while they are awaiting panel decisions.
- Case managers' workloads are reasonable, and this enables them to deliver individualised and responsive services for children.
- Most staff receive regular supervision, which affirms how much they are valued by their managers. The supervision agreement with practitioners provides an effective tool to ensure consistency across work areas and personal development.
- Cases are allocated in a fair and considered way that maximises the skills of operational staff.
- Induction activity has improved for all, especially board members, in the partnership and new staff joining the organisation.
- Volunteers are supported well, feel valued and receive up-to-date and timely information to carry out their responsibilities as referral order panel members.

Areas for improvement:

- Managers' workloads are not equally distributed and, as a result, management oversight is not effective in keeping children and others safe. There needs to be a review of the management team's roles, responsibilities, and lines of accountability.
- There is currently no YJS-specific learning and development plan in place.
- Reward and recognition initiatives need to be strengthened, including affirmation from the board.
- The service has engaged in a peer review and a recent diagnostic review; however, it has been slow to respond to some areas identified for improvement following the peer review.

1.3. Partnerships and services



A comprehensive range of high-quality services is in place, enabling personalised and responsive provision for all children.

Good

Strengths:

- Children are consistently asked about their views on the quality of the interventions they have received. Feedback on planning activity resulted in a revised child-friendly 'my plan' document being produced.
- There is excellent access to SALT services to meet children's desistance, safety and wellbeing needs and keep other people safe. Documents and resources are regularly revised so that they are better understood by children and their parents/carers. There is evidence of SALT informing the way practitioners engage with children.
- The wider health offer, which includes Y-SMART (drugs and alcohol service), and the in-house child and adolescent mental health service (CAMHS) are effective and making a difference to children's quality of life. The education worker is a good advocate for YJS children and attends a number of county-wide meetings to help them achieve positive outcomes.
- The YJS uses an impressive range of services and interventions to support children to desist from offending, support their aspirations and keep them safe. All interventions build on children's strengths.
- In the post court cases that we reviewed, inspectors found that children had access to the services they needed to support desistance and risks to others in 87 per cent of the cases. In out-of-court cases, inspectors found that case managers had access to the services they needed to support desistance in 78 per cent, and to support risks to others in 83 per cent.
- There are a variety of reparation projects, and the restorative justice offer is effective and actively engages with victims to keep them safe.
- Relationships with youth courts are effective, arrangements with the police to keep others safe and support the safety and wellbeing of children work well and the provision of a probation specialism adds value in the YJS.

Areas for improvement:

- The management board does not consistently take a forensic approach to analysing and interrogating the data available to it across a range of areas. This means that it does not fully understand the changing profile of YJS children and cannot always identify the right services to target their needs.
- The board has not fully examined or understood the reasons why 53 per cent of YJS children under 16 are in alternative education provision and 44 per cent of those over 17 are not in education or training.
- The YJS needs to explore and scrutinise children's wider protected characteristics and interrogate the data on disproportionality to equip the service to achieve better outcomes. Some staff reported that relationships with children's social care are strained and not always achieving positive outcomes for YJS children.

1.4. Information and facilities



Timely and relevant information is available and appropriate facilities are in place to support a high-quality, personalised and responsive approach for all children.

Good

Strengths:

- The YJS has a range of policies that largely describe and guide the work of practitioners.
- The facilities available at the Ivybank office are excellent. Activities are plentiful and tailored to children's specific needs. This office is centrally based and accessible.
- Given the large geographical area covered by the YJS, staff work across sites, youth centres and community spaces to deliver services – this enables children to be seen in locations that suit them and their parent/carers.
- ICT access is good, which enables staff to carry out planning, service delivery and reviewing of work.
- Staff can work effectively from both office bases and remote settings.
- There are effective processes in place to ensure that the YJS learns from things that go wrong.
- The views of children and their parents/carers are sought both formally at key stages of the supervisory process, and on completion of interventions.

Areas for improvement:

- There have been historical slippages in policies not being reviewed regularly. Some are not sufficiently detailed to support effective service delivery.
- Policies need to be reviewed from a disproportionality perspective to ensure that the needs of all children with protected characteristics are met.
- The YJS does not produce information on diversity across a range of needs regularly enough.
- Quality assurance processes are underdeveloped and there is no written assurance policy.
- The YJS does not thoroughly evaluate the impact of services across all provision, and its evaluation is not adequately informing service delivery. The incoming chair of the board and head of service recognise that the quality assurance process and other scrutiny mechanisms require development.

Involvement of children and their parents or carers

Devon YJS values, gathers, and intentionally considers the views of children and their parents/carers. It collects and captures their views in different ways, including regular consultation events, surveys, audits, and end of intervention feedback. The service can show how, on several occasions, the contributions of children and their parents/carers have had an impact on informing service delivery. For instance, following requests from children and their families, the service has greatly improved the language it uses in formal documents and planning.

The service employs a participation worker, whose primary role is to obtain feedback on the quality of services received by children and their families. Questions include: 'Do you understand what was in your plan?' 'Do you understand what you need to do to stop offending?' 'Were you listened to by your worker?'

Responses are aggregated and analysed. Results show that there are clear strengths in the service, but that more could be done, especially to involve children and their parents/carers in developing strategic initiatives and plans.

The YJS contacted, on our behalf, children who had open cases at the time of the inspection, to obtain their consent for a text survey. We delivered the survey independently to the 9 children who consented, and one child replied. We also spoke to six children who had accessed the service and one parent/carer.

In the text survey, children were asked to rate the YJS on a scale of 1 to 10, with 1 being poor and 10 fantastic. The one child who responded gave a score of 10.

In the telephone interviews, all children reported that they understood what the YJS is trying to achieve. When asked if they thought the staff had the right skills, they all responded 'yes'. Comments from children included:

"My worker is so skilled. She's amazing. She knows so much. I feel she listens and gets me."

"My worker is very good. She's been with the YJS for a long time. She gets kids and she gets me. She's well clever."

"I'm in care. My PA [personal advisor] is rubbish. Doesn't do anything. Gives me false hope. My YJS worker can't do enough for me. She's always there whenever I'm in crisis. She's got food for me, helped me to not get angry as much and showed me ways of talking to people more decently."

"The workers are all positive, they make time to get to know you, they tell me it's ok to be sad, I trust them, and they respect me, and I respect them."

The parent stated:

"My son has ADHD and can't concentrate very well. The worker used different communication cards and a map thing to help him understand why he had stolen the bike. I can't believe how much he has learnt through the different way they have supported him."

"My son had hardly been to school for years. He had missed out on so much. Today he started college. The YJS helped him. I'm a proud mum."

Diversity

The information below sets out some of the data on staffing and diversity held by the YJS.

Of the staff working in the YJS, 59 per cent are female; 5 per cent are Black, Asian or minority ethnic; and 8 per cent have a declared disability. Of the children on the current caseload, 21 per cent are female; 78 per cent have a learning disability or learning difficulty or are subject to an education, health and care plan (EHCP); and 19 per cent have a child in need plan.³

The collection and analysis of management information and data on disproportionality, diversity and protected characteristics is underdeveloped. Once these have improved, and there is a forensic analysis of the data, the YJS will be better able to understand the comprehensive needs of the children it supervises. YJB data for 2021/2022 shows that 4 per cent of children sentenced or cautioned in Devon are from diverse ethnic backgrounds. However, the local Devon schools' data for the same period shows that the proportion is in fact 8 per cent. To its credit, the YJS routinely monitors disproportionate treatment and outcomes for children at several points in the system, including the scrutiny of stop and search figures from the police. However, it is not clear how this information is being integrated into developing services for children who may be being treated harshly. Furthermore, there has been an increase in the number of girls coming to the notice of the YJS, including for violent offending, but it is unclear how the YJS is using this knowledge. The YJS needs to explore and scrutinise the diversity factors of children given out-of-court disposals so that all protected characteristics are considered and understood.

The YJS strives to be a child-first, child-centred organisation that delivers personalised services, but there several areas of diversity work that need to be developed. The service has a Diversity Forum, which has the potential to improve performance. However, attendance has historically been poor, and the forum has made little progress following discussions. Additionally, the guidance provided in a range of policies and processes to identify and respond to diversity factors needs to be much more explicit.

Operationally, direct work with children that takes account of diversity needs is strong. We found that, in planning work for court cases, attention to diversity was done well in 14 out of the 15 inspected cases. Similarly, in 19 out of the 22 inspected out-of-court cases, diversity work in planning was also strong. Services provided by the SALT practitioner are excellent. The resources that have been designed to work with children who have specific diversity needs are exceptional. Additionally, practitioners have shown courage in exploring very personal circumstances relating to children's experiences of prejudice and discrimination. This has empowered children and given them the confidence to be bolder and more ambitious.

Staff recognise that there are gaps in their knowledge, skills, and abilities in dealing with all protected characteristics. This is encouraging, as it shows how determined they are to do better. The operational workforce largely reflects the diversity of the local population. There are very few non-white senior leaders in the partnership.

³ The information in this paragraph was supplied by Devon YJS.

Domain two: Court disposals

We took a detailed look at 15 community sentences managed by the YJS.

2.1. Assessment



Assessment is well-informed, analytical and personalised, actively involving the child and their parents or carers.

Good

Our rating⁴ for assessment is based on the following key questions:

	% 'Yes'
Does assessment sufficiently analyse how to support the child's desistance?	87%
Does assessment sufficiently analyse how to keep the child safe?	87%
Does assessment sufficiently analyse how to keep other people safe?	73%

Assessment work to support children in desisting from further offending is a strength. Practitioners take a forensic approach to understanding a child's offending and make good use of historical and current information. They understand diversity needs and personal circumstances well. We found that practitioners had made some good use of information held by other agencies in their assessment enquiries. Additionally, they had robustly reviewed the child's level of maturity. However, victims' needs must be addressed more consistently.

On occasions, practitioners did not always include the voice of children and that of their parents and carers to inform what they believed were the causes of the child's offending.

Assessment activity sought to identify any risks to the child's safety and wellbeing in most cases. Practitioners appropriately collected relevant information from other agencies and used it well to better understand the risks to children's safety.

Assessments to identify all relevant factors linked to keeping other people safe were weaker. We found that practitioners had not identified all significant factors. In some cases, it was unclear to whom the child presented a risk and what the nature of this risk was. Disappointingly, practitioners did not consistently gather or verify information from other agencies. This included intelligence from the police and children's social care.

We found evidence of under-recording in a number of cases, especially in the assessment of safety and wellbeing and risk of harm. While practitioners were able to articulate a broader understanding of these aspects of casework, they needed prompts to help them to be more precise.

⁴ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annexe.](#)

2.2. Planning



Planning is well-informed, holistic and personalised, actively involving the child and their parents or carers.

Outstanding

Our rating⁵ for planning is based on the following key questions:

	% 'Yes'
Does planning focus sufficiently on supporting the child's desistance?	93%
Does planning focus sufficiently on keeping the child safe?	87%
Does planning focus sufficiently on keeping other people safe?	87%

Planning to support children so that they do not commit further offences is a strength. We found timely plans in place that clearly identified what work needed to be carried out to achieve positive outcomes for children. The plans included a detailed account of the child's personal circumstances, including their broader familial situation. In addition, plans were informed by the trauma and adverse childhood experiences that children had experienced. This meant that practitioners identified appropriate services. We found some good examples of plans that included statutory and voluntary interventions.

Planning to keep the child safe is mostly done well. We found that practitioners had carefully considered how to keep children safe when they were carrying out their work with the YJS. For instance, they had identified the most suitable locations to meet children, and thoroughly risk-assessed reparation projects. Practitioners avoided meeting children where they might encounter other children with whom they had unhealthy relationships. Plans with other agencies were largely aligned, and each service provider was clear about the actions needed to keep the child safe. Practitioners are aware of and used tailored provision well. They had made referrals to and liaised with services such as speech and language therapy, Y-SMART and CAMHS. Controls to maximise safety had been examined well but contingency planning requires further attention.

Planning to keep other people safe is detailed. The responsibilities of other service providers in managing risk were clear. For example, there are information-sharing arrangements and attendance at a range of multi-agency meetings, including risk management panel meetings. Practitioners had identified external controls to mitigate risks. Interventions to address concerns about harmful behaviours were evident, including peer associations and weapons awareness courses. Practitioners had considered actual and potential victims in most of the required cases, and there was a clear emphasis on victims' safety. However, contingency planning was too often basic. Arrangements need to be much more explicit about the actions required if the level of risk increases.

⁵ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annexe.](#)

2.3. Implementation and delivery



High-quality, well-focused, personalised and coordinated services are delivered, engaging and assisting the child.

Outstanding

Our rating⁶ for implementation and delivery is based on the following key questions:

	% 'Yes'
Does the implementation and delivery of services effectively support the child's desistance?	100%
Does the implementation and delivery of services effectively support the safety of the child?	80%
Does the implementation and delivery of services effectively support the safety of other people?	93%

Practitioners are competent at developing meaningful working relationships with children and their parents or carers. They use different methods to engage children, including home visits, walk and talk, in-person meetings, virtual sessions, and phone contact. This has allowed regular contact that is accessible for children. Practitioners are imaginative and bold in their work. They tailored work to the children's strengths to encourage them to participate. For example, they helped children to achieve pass grades at GCSE level by arranging one-to-one tutoring and set up personalised reparation projects. Delivery is strengths-based, with a focus on making the best use of community resources. Practitioners are aware of the services available and use them well. Work to meet diversity needs is done well, especially speech and language therapy.

There are well-established multi-agency arrangements in place to support children's safety and wellbeing. However, operational relationships with children's social care are challenging and not leading to positive outcomes for all children. Services were largely well-coordinated, and partners shared the responsibility for managing risk. Practitioners were responsive when risks to the child increased, and made adjustments to keep the child safe, such as securing alternative accommodation. Practitioners understood the risks to children, such as exploitation and the trauma this can cause. They set interventions and support in place, including working with specialist providers. Practitioners were swift in completing referrals and children had timely access to in-house provision from CAMHS, substance misuse services and the SALT worker.

Inspectors found that the partnership actively monitored risks to others. Agencies worked well together to share information, and each had a responsibility for keeping other people safe. Practitioners worked collaboratively with children and their parents/carers to help them to understand external controls and encourage them to see how these were helping to keep victims safe. Practitioners innovatively delivered a range of interventions, including driving offences, eye movement desensitisation and reprocessing (EDMR) therapy and weapons awareness.

⁶ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annexe.](#)

2.4. Reviewing



Reviewing of progress is well-informed, analytical and personalised, actively involving the child and their parents or carers. **Outstanding**

Our rating⁷ for reviewing is based on the following key questions:

	% 'Yes'
Does reviewing focus sufficiently on supporting the child's desistance?	93%
Does reviewing focus sufficiently on keeping the child safe?	87%
Does reviewing focus sufficiently on keeping other people safe?	100%

The reviewing of work to judge the impact of interventions on reducing reoffending is impressive. Practitioners carry out both formal and dynamic informal reviews as personal circumstances change. Consideration of protective factors and diversity needs, as well as a robust examination of personal and familial circumstances, appear consistently in casework.

Practitioners consistently reviewed children's motivation and appropriately addressed any barriers that they identified whether structural or individual. Dialogue with children and their parents and carers was facilitated well in all the inspected cases. This helped practitioners to better understand the children's broader lived experiences and empowered parents and carers to become involved in their children's supervision.

The quality of reviewing activity in keeping children safe was mostly positive in the cases inspected. Where necessary, reviewing responded appropriately to changes linked to safety and wellbeing, information was obtained from other agencies that were involved, and plans were revised to support ongoing work. This systematic approach was helping children to understand how their wellbeing needs were changing. Furthermore, this insight was helping them to build on the progress they were making.

When necessary, practitioners responded to changes in factors related to risk of harm and amended plans to better protect others from harm. Again, this applied in all relevant inspected cases. Written reviews were completed in a timely manner in almost all cases, as required. This ensured that other practitioners involved in delivering risk of harm work had full access to all the current information.

In several of the inspected cases, and through conversations with practitioners, we found that when orders/requirements had formally come to an end, practitioners continued to offer voluntary contact to ensure that the child's assessed needs had been fully met. This was appreciated by the children and their parents and carers.

⁷ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annexe.](#)

Domain three: Out-of-court disposals

We inspected 23 cases managed by the YJS that had received an out-of-court disposal. These consisted of 14 youth conditional cautions, five youth cautions, three community resolutions and one other disposal. We interviewed the case managers in 19 cases.

3.1. Assessment



Assessment is well-informed, analytical and personalised, actively involving the child and their parents or carers.

Good

Our rating⁸ for assessment is based on the following key questions:

	% 'Yes'
Does assessment sufficiently analyse how to support the child's desistance?	87%
Does assessment sufficiently analyse how to keep the child safe?	78%
Does assessment sufficiently analyse how to keep other people safe?	65%

Overall, analysis of desistance was done well, and practitioners had sought to understand the responsibility the child took for their behaviour, their attitude towards their offending and their reasons for becoming involved in offending. This approach enabled practitioners to go deeper into understanding how children's adverse childhood experiences may have resulted in their offending.

The attention that practitioners paid to the role that diversity factors had played in the children's offending was impressive. It was clear that time had been invested in building a clearer picture of the child's lived experience. Case managers actively sought information from other agencies. This helped them to consider patterns of previous behaviour and any barriers to engagement.

Assessment work that clearly identifies and analyses risks to the child's safety and wellbeing is weaker. Practitioners did not always make use of information they had gathered from other agencies, especially findings from their assessments. We did not agree with a number of risk classifications made by case managers and this should have been picked up by managers.

Assessment activity did not clearly identify and analyse the risk of harm to others posed by the child in far too many cases. We found several examples where case managers had underestimated the risk of harm to others. This included a failure to identify who is at risk and the nature of that risk. This is concerning, and the YJS needs to improve this area of work. Too often assessments lacked analysis and the context of risk of harm was not understood well enough.

⁸ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annexe.](#)

3.2. Planning



Planning is well-informed, analytical and personalised, actively involving the child and their parents or carers.

Good

Our rating⁹ for planning is based on the following key questions:

	% 'Yes'
Does planning focus on supporting the child's desistance?	78%
Does planning focus sufficiently on keeping the child safe?	65%
Does planning focus sufficiently on keeping other people safe?	74%

Planning to support the child's desistance was variable. Plans did not always contain the key interventions or identify who would deliver these services and within what timescales. It was encouraging to find that, during the pandemic, interventions had been revised and personalised to meet children's needs. For example, some activity was to be completed at home and offending behaviour work was to be completed through 'walking and talking'. Once again, planning that combined information on diversity and personal circumstances was robust. This ensured that plans were directly relevant to meeting the children's needs.

Given that practitioners had spent considerable and meaningful time with children and their parents and carers, they had access to substantial amounts of information. This helped them to assess how prepared children were to engage with services.

Planning did not adequately promote the safety and wellbeing needs of all children. In these cases, there was insufficient evidence to reassure inspectors that all staff fully understood the need for comprehensive plans that would help to keep children safe. The information included in plans frequently lacked substance. Furthermore, practitioners had not aligned their plans with those prepared by children's social care. Additionally, contingency planning was poor in far too many cases.

Planning activity to promote other people's safety was again variable. Practitioners did not always liaise effectively with the police and the concerns of actual and potential victims did not come through in plans. Furthermore, there were delays in producing plans, and this led to an escalation in risk of harm to others.

Again, contingency planning was poor and the absence of robust arrangements led to the potential for further harm being caused to others. Given the variability in the analysis of assessment work, it is unsurprising that similar deficits were repeated in this area. Comprehensive plans that consider the safety of all actual and potential victims are needed. This will help practitioners to ensure that, in their supervisory work, they remain focused on reducing harm to others.

⁹ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annexe.](#)

3.3. Implementation and delivery



High-quality, well-focused, personalised and coordinated services are delivered, engaging and assisting the child.

Good

Our rating¹⁰ for implementation and delivery is based on the following key questions:

	% 'Yes'
Does service delivery effectively support the child's desistance?	83%
Does service delivery effectively support the safety of the child?	74%
Does service delivery effectively support the safety of other people?	74%

The quality of services delivered to help children to not commit further offences was much better. We found examples where mental health support and speech and language interventions were provided, and these were improving the child's emotional wellbeing and supporting desistance. Reparation work was tailored well to the individual child and focussed on developing life skills. These findings were also evidenced from direct feedback given to us by children with whom we spoke.

Practitioners had regular contact with children and their parents and carers, with high levels of engagement. This was not limited to reviewing personal circumstances and gathering updates, but also involved delivering a range of interventions that supported the child's achievement and progress.

Service delivery to keep children safe was not consistently done well in every case. There were delays in responses from some partners, including children's social care. While these matters were correctly escalated, lengthy delays aggravated the adverse experiences of children. Practitioners made good use of specialist services, such as CAMHS and speech and language therapy. In several cases, case managers used the strategies provided by the speech and language therapist to support work on safety.

Work with partners to keep children safe was limited and coordination of this work was inconsistent. This needs immediate attention. Initial gaps in assessment and planning for this work were having a negative impact on service delivery. The YJS has some assurance and gatekeeping systems in place, but these were not working well enough because managers lacked capacity.

In a number of inspected cases, not enough services were delivered to keep other people safe. There was evidence of risk management meetings taking place, but these did not always lead to activity. The attention paid to the needs of potential and actual victims was particularly weak. However, in some cases, we found evidence of worksheets being completed, individualised knife crime awareness sessions taking place and effective restorative work being delivered.

¹⁰ The rating for the standard is driven by the lowest score on each of the key questions, which is placed in a rating band, indicated in bold in the table. [A more detailed explanation is available in the data annex.](#)

3.4. Out-of-court disposal policy and provision



There is a high-quality, evidence-based out-of-court disposal service in place that promotes diversion and supports sustainable desistance.

Good

We also inspected the quality of policy and provision in place for out-of-court disposals, using evidence from documents, meetings and interviews. Our key findings were as follows:

Strengths:

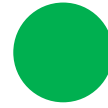
- Devon YJS has an out-of-court disposal policy titled 'Joint Youth Decision Making Process between D&C Constabulary and Devon Youth Offending Service'. The policy is supported by a range of guidance.
- Arrangements for out-of-court disposals are diverting a significant number of children from formal criminal justice processes and reducing the number of first-time entrants.
- The YJS has a well-established panel that supports joint decision-making. This is multi-agency, including partners from the YJS, police, health, CAMHS, speech and language specialists, and education, social care, alcohol and drug services. Partners work together to achieve fair and proportionate outcomes for children.
- There is an escalation process to manage disagreements between partners. It is concise and clear.
- The use of out-of-court disposals is monitored well to avoid overuse or inappropriate use.
- The youth intervention clinic, currently being piloted, is used well by the police to support and refer children to services that will help them to desist from offending. Management information is collected and used well to measure impact and learning.
- Arrangements for supporting victims of crime are strong.

Areas for improvement:

- Internal and external scrutiny arrangements for the out-of-court disposals scheme need to be more robust.
- The newly designed 370 police document does not explicitly include issues relating to safety and wellbeing. While it includes the need to take a trauma-informed approach, it needs to provide clearer guidance to support practitioners to ensure these issues are covered comprehensively.
- Report writers who have completed assessments, following an adjournment, do not attend the panel to present their findings and recommendations. This is a missed opportunity, given that assessments are carried out on these children because they have committed high gravity offences or who have complex needs or both.
- The voice of the child and their parents/carers is not always clearly evident in all cases that come to the decision-making panel.

4.1. Resettlement

4.1. Resettlement policy and provision



There is a high-quality, evidence-based resettlement service for children leaving custody.

Good

We inspected the quality of policy and provision in place for resettlement work, using evidence from documents, meetings, and interviews. To illustrate that work, we inspected two cases managed by the YJS that had received a custodial sentence. Our key findings were as follows.

Strengths:

- There is a resettlement policy dated 2021. It puts the child first and is understood by those who are responsible for resettlement.
- The policy promotes the need to build on a child's strengths and their protective factors. This was evidenced well in the two cases we reviewed.
- Children in custody receive frequent visits, both in person and through video conferencing.
- YJS staff often provide transport for families, and the YJS contributes towards travel costs.
- Practitioners regularly write to children in custody and inspectors have seen evidence of children writing back.
- Release on temporary licence is used well to support reintegration into the community.
- Victim workers are creative in their work with children while in custody.

Areas for improvement:

- The resettlement policy does not include guidance on how Multi-Agency Public Protection Arrangement cases are to be dealt with.
- Practitioners are required to produce individualised plans, but they are not given sufficient guidance on what good diversity works in these plans entails.
- The bail and remand guidance policy is not dated and this makes it difficult to know how long it has been issued for.
- Although planned, there has been no specific resettlement training for staff for some time. Staff have largely relied on their own experiences and applied learning from other training they have attended.
- More guidance is needed in the resettlement policy to keep other people safe.

Further information

The following can be found on our website:

- [inspection data, including methodology and contextual facts about the YJS](#)
- [a glossary of terms used in this report.](#)

Board objectives 2023 / 2024

1. The reduction of 1st time entrants into the criminal justice system (national indicator)
2. To strengthen the crossover and oversight of serious violence governance
3. To have a robust workforce development plan for all staff in the YJS
4. To expand the participation offer within DYJS.
5. To ensure robust quality assurance process.
6. To deliver “swifter justice” and avoid unnecessary delays for children and victims of crime.
7. To reduce the use of youth detention for all children
8. To ensure the 10 new KPIs are fully embedded in practice
9. To strength the roles and responsibilities of members of DYJS management board
10. To tackle issues of disproportionality/overrepresentation in the youth justice system in Devon
11. To review all local policy to ensure they are child first and align with national YJB case management guidance.
12. To increase the participation of children and young people open to YJS in Education, Training and Employment (ETE) opportunities.



YOUTH JUSTICE PLAN 2023-2024



Contents

1. Introduction, vision and strategy
2. Child First
3. Voice of the child
4. Governance, leadership and partnership arrangements
5. Board Development
6. Progress on previous plan
7. Resources and services
8. Performance
 - National Key Performance Indicators:
 - Local Performance
9. Priorities
 - Children from groups which are over-represented
 - Prevention
 - Diversion
 - Education
 - Restorative approaches and victims
 - Serious violence and exploitation
 - Detention in police custody
 - Remands
 - Use of custody
 - Constructive resettlement
10. Standards for children in the justice system
11. Workforce Development
12. Evidence-based practice and innovation

Evaluation

13. Service development plan

Service development

Challenges, risks and issues

14. Sign off, submission and approval

Appendix A: Caseload

Appendix B: Devon Feedback

Appendix C: Devon YJS Management Board Terms of Reference

Appendix D: Devon YJS Structure Chart

Appendix E: Glossary of abbreviations

1. Introduction, vision, and strategy

I am pleased to share with you Devon Youth Justice Service's strategic plan for 2023-24. The plan outlines the accomplishments made over the past year and seeks to build on these successes, by responding to the needs of children in the youth justice system in Devon. We have made great strides in delivering a child first service in Devon which has been recognised by HMIP in the Autumn of 2022, finding the service to be performing at a "good" standard, with many outstanding features.

We remain wholeheartedly committed to this positive momentum and in working closely with our partners, we are presenting a bold and ambitious plan to set out a clear direction for this service over the coming year. The majority of the children in the system experience extremely challenging issues and have complex needs. This plan intends to demonstrate how we can continue to support the prevention and diversion of children away from the criminal justice system, whilst also helping those who are getting stuck within it.

Devon Youth Justice system cannot do this alone and the support from our statutory, and non-statutory, colleagues and partners have a central role to play in reflecting on how the whole system can understand and support these children. In turn we can seek ways to remove the structural barriers which may be hindering their opportunities to develop pro social identities. This plan will set out how we intend to continue to learn about children in the Criminal Justice System by improving our participation offer, by regular sharing, and the subsequent scrutiny, of relevant data and by maintaining a skilled workforce who have the time and ability to work with children and assist them in turning away from crime.

This Youth Justice Plan has been produced following consultation with stakeholders, partners, staff and most importantly the children and their parents and/or carers who are accessing or have lived experience of being in the system. These perspectives are all considered alongside relevant data, comments from our HMIP inspection and an operational self-assessment.

Alongside capturing the information required under the new Key Performance Indicators, our board has identified other areas of focus. This includes the strengthening of the governance and oversight from the board itself, by ensuring board members bring relevant data from their agency to continue our understanding of the children in the criminal justice system and seek to maximize how we respond to these children in a child first manner. We are focused at putting children and their needs at heart of our response in Devon.

I would like to thank everyone who works in Devon Youth Justice Service, as well as our partner colleagues, for all the hard work over the last year. The year has not passed without it challenges nonetheless, the staff have remained committed, dedicated and passionate to seek improvements for children in the system. I thank them for this, and I know in the implementation of this plan will continue to build upon this services' great success.

Jassi Broadmeadow Chair of the Devon YJS Management Board

Local Context

Devon's demographics

Devon YJS serves one of the largest geographic areas in the country, covering 2,600 square miles and a youth-justice aged population (10-18) of 94,957 children (2021 figure, source ONS). The total population of the Devon County Council area is 811,600 (ibid, 2021). Children and young people represent around 11.7% of the county's total population, a slightly lower proportion than the Southwest as a whole.

In the year between mid-2020 and mid-2021, the population in Devon grew by an estimated 3,724 people, and in the ten years prior to mid-2021, the population grew by 61,338. Devon's population growth rate between mid-2020 and mid-2021 was 0.5%, which is 0.4% lower than the average population growth rate in Devon for the ten years prior to mid-2021 (0.9%).

We expect the total population of Devon to expand to 854,142 by 2026, with every district area seeing a rise. Most of this is expected to come from domestic and international migration into the region, with average fertility rates dropping for the ninth year declining to a fertility rate of 1.55 in 2021, lower than England's fertility rate of 1.62. Devon's population is expected to get older over the next two decades, with a 94% increase in those aged 85+, compared with a growth rate of just 2% for those under 65 by 2040. On top of falling fertility rates, this is exacerbated by younger people seeking opportunities in larger urban centres outside of Devon.

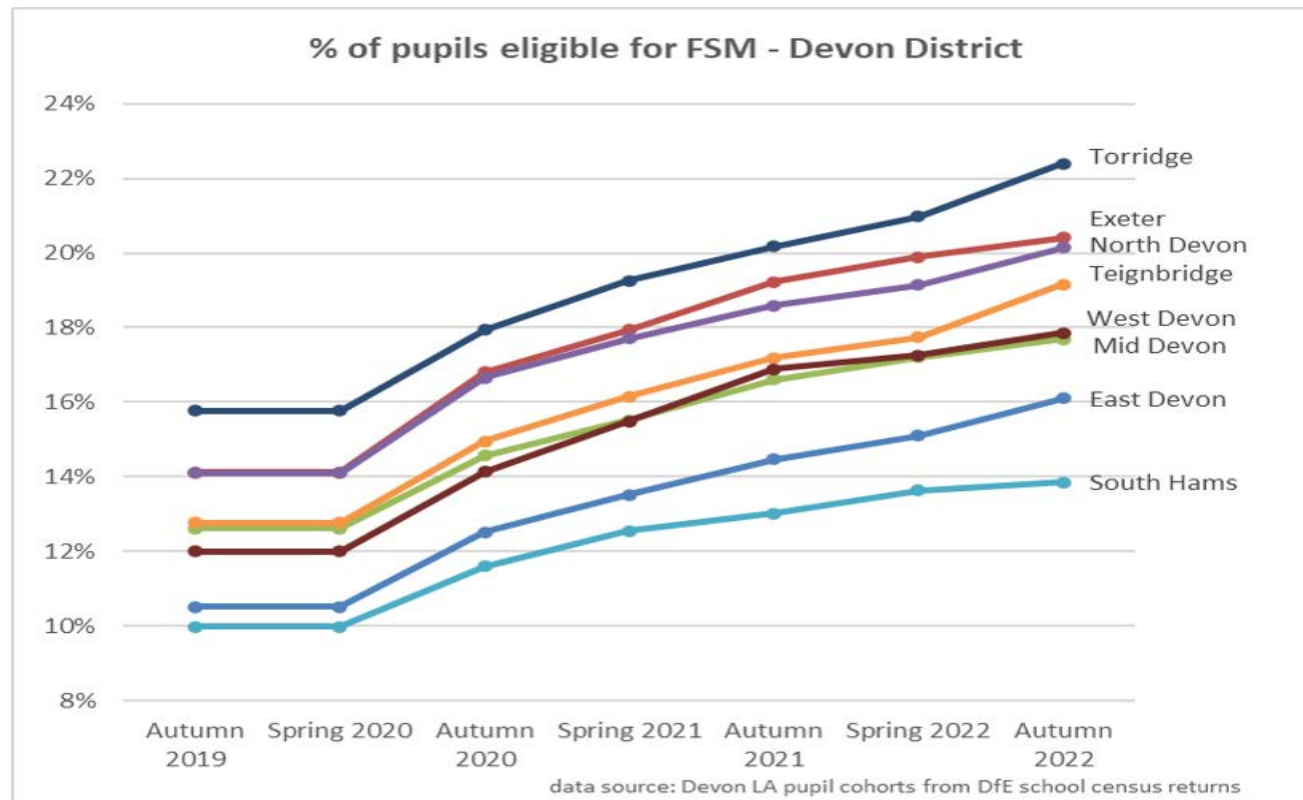
Devon remains a predominantly white population at 96.4%. People identifying as Asian, Asian British or Asian Welsh make up 1.5% of the population. Those identifying as Black, Black British, Black Welsh, Caribbean or African make up 0.3% of the population. Those identifying as Mixed or Multiple ethnic groups total 1.4% and 0.5% identify as another ethnic group (not defined by the ONS).

The context of poverty and deprivation in Devon

Devon (within the County Council boundaries) is a large and predominantly rural county with only one city, Exeter, and several coastal and inland towns. As a result, there are significant differences in the experiences and outcomes of children and young people growing up in different neighbourhoods across the county. County-wide statistics hide the wide disparities between urban and rural neighbourhoods, as well as between coastal and inland towns. Some neighbourhoods in Ilfracombe and Barnstaple in North Devon are among the 10% most deprived in the country, with others in Teignmouth and Exeter are in the 20% most deprived and in Exmouth, Dartmouth and Tiverton in the 30% most deprived (ibid, 2021). Household deprivation is largely characterised by insecure and low-quality housing, rising debt burdens, fuel poverty, digital poverty and food poverty. While entrenched poverty and inequality manifests itself in declining access to local public services and community spaces, limited public transport and low-wage and seasonal employment opportunities.

Devon’s economy and labour market are disproportionately structured around seasonal industries, predominantly tourism and hospitality. This seasonality has helped lead to disparities, especially the divides between coastal and inland communities. On top of this, in recent years, the impact of limited suitable and affordable housing in the region, digital poverty, and unreliable transport links have exacerbated inequalities between rural and urban areas and limiting the improvement of livelihoods and opportunities of young people and families.

Since the pandemic, increasing numbers of children are now eligible for free school meals. There are currently over 18,000 pupils, across all types of school, in Devon who are eligible. This is an increase of over 1,000 children since the last YJB plan in 2022.



SEND in Devon

In 2022, there were approximately 108,714 children attending 414 Devon schools. A further 1,519 are known to be home educated. Devon has more children supported at both SEN support level and with an Education Health and Care Plan (EHCP) than seen elsewhere in the country, 12,860 (January 2023) across both state funded schools and school maintained by the local authority. The percentage of Devon children in special schools has risen slightly but is less than that seen than nationally (28.5% compared to 34.8%)

Most children with SEN, including those with an EHCP, are appropriately supported in mainstream school. In December 2022, 8,123 children had an Education Health and Care plan supported by Devon County Council.

The top three categories of need for this cohort of young people, making up two-thirds of the cohort, are:

- social, emotional and mental health difficulties (SEMH)
- autistic spectrum disorder (ASD)
- speech, language and communication needs (SLCN)

There is widespread evidence that young people with SEND are disproportionately known to youth justice services across the country, especially where needs relate to speech, language and communication. The charity organisation, Speech and Language UK tells us that the scale of the issues in 2023, is that approximately 10% of children nationally have a speech and language issue. However, the National Institute for Health and Care research (NIHCR) indicates that in the UK “approximately 80% of children who have broken the law have speech and language needs.”

Studies from the NIHCR show that “Young people convicted of a criminal offence are much more likely to have another conviction within 12 months if they have an undiagnosed language problem” and “people with developmental language disorder (DLD) have difficulty expressing themselves verbally or understanding what is said to them. “

There are a higher number of children and young people who have identified special educational needs in Devon schools than national and regional levels. This trend is also replicated in the numbers of pupils who receive SEN support in school or have an EHCP. The higher-than-average proportion of children with SEN is particularly the case for those relating to social, emotional, behavioural, and mental health needs.

Since 2016, the number of children who have an EHCP has more than doubled. This has resulted in increased pressures on local SEND services in Devon to meet this growing need. Most of the rise in EHCPs in recent years is accounted for by the rise of children and young people presenting with needs relating to autism.

Children and young people in care are disproportionately likely to receive SEN support or have an EHCP. In part, this is due to the close scrutiny on their individual health and care needs, however, it is undeniable that this cohort of children and young people are more likely to present with additional needs. Almost two-thirds (64%) of Devon's children in care either receive SEN support or have an EHCP. Of those with an EHCP, the vast majority (63%) have a primary need of SEMH, while SLCN was the most common secondary need.

Exclusions and Suspensions

Data from 2022, indicates that 137 permanent exclusions were issued to pupils attending Devon state funded schools. Of these 137, 10 pupils were reinstated by the school and 9 exclusions were withdrawn. This resulted in 118 permanent exclusions upheld in 2021/22.

2022 data shows 9,385 suspensions were issued to pupils attending Devon primary, secondary and special schools. This is an increase of 63% on the previous year (5,757 suspensions). In addition to this, 608 suspensions were issued to pupils attending alternative provision

Not in Education, Training or Employment

In August 2022, the percentage of young people in Devon in years 12 and 13 (age 16 & 17) who were NEET was lower than that seen in the other Peninsula Local Authorities (4.0% vs 4.6%). When compared to the same period last year, the figures for both cohorts have improved, with fewer levels of NEET. The percentage of young people in years 12 to 13 whose circumstances are Not Known is slightly lower in Devon than in the SW Peninsula (2.2% compared to 2.4%).

Figures from Careers Southwest (April 2023) show that across Exeter, Barnstaple and Newton Abbot there are a total of 1,958 year 12-14's who are not in education, employment or training.

Safety and wellbeing

The needs of young people coming into contact with Devon Youth Justice System are becoming increasingly complex and multi-faceted. Co-existing risks and harms are present in many young people's lives and make recovery and resilience more difficult to achieve without intensive support. Vulnerabilities such as overrepresentation of minority groups, financial hardship, threats of homelessness, rising stress, neurodiversity issues, poor mental health/emotional wellbeing and the lasting impact of adverse childhood and/or traumatic experiences are exacerbating existing community safety issues including increasing the misuse of substances, criminal and sexual exploitation, and more prevalent and widespread possession of weapons.

Child Protection in Devon

The Office Of National Statistics says that between March 2021 and March 2022 (latest data)

- 490 MASH referrals per 10,000 0-17 year-old population (annualised rate covering the last 6 months). This is up from 304 during 2020-2021, and compares to 396 among Devon’s statistical neighbours
- 192 ‘Children in Need’ per 10,000 0-17 population. The national average is 334 per 10,000 children
- 43 children with a Child Protection Plan per 10,000 0-17 population. This is slightly more than the national average of 42 children per 10,000.
- Currently there are nearly 820 children in care in Devon – this is an increase of 18% over the past two years.

Police Data

Devon and Cornwall Police police have confirmed that as of May 2023, 340 children in Devon are released under investigation but at the time of request for information, were unable to provide further detail of what alledged offence type they were being investigated for. 16 children were held overnight in police custody through 2022, but in the first quarter of 2023, only one child was held overnight in police custody. Unfortunately, due to a change in Devon and Cornwall computer systems, no reliable data was available regarding stop and search for children. Devon and Cornwall police have given assurances this data will be shared going forward in future DYJS management board meetings.

2. Child First

DYJS is committed to understanding and promoting the evidence regarding the best outcomes for children who come into contact with the Youth Justice System. This evidence is summarised well here <http://www.lboro.ac.uk/subjects/social-policy-studies/research/child-first-justice/>.

The Youth Justice Board refers to four primarily components (referred to as ‘tenets’) of Child First approaches. These include the system viewing individuals who offend as “children” rather than offenders, promoting the development of pro-social identity, encouraging collaboration with children and seeking ways to divert children away from the stigma of system contact. DYJS believe in this approach in supporting a future of fewer victims and safer communities.

Devon Youth Offending Team became Devon Youth Justice service in January 2022 after a consultation process involving children, parents, partners, staff and others. The geography of the county means that the distances children and their families/carers must covers to access resources are a real challenge. DYJS addresses this by seeing children in their homes, their communities and by having several centres where children and families/carers can be seen.

At the same time, we proudly publicised our Mission statement –

- *Our aim is for the youth justice system in Devon to see all children as children, to treat them fairly and to help them to build on their strengths so they can make a positive contribution to society.*
- *Our goal is to keep children safe, to keep other people safe and to repair the harm caused to victims, making Devon a safer place for all.*
- *Our belief is that, by developing meaningful relationships with children, and working closely with the people closest to them and our partner agencies, we can better succeed at our joint target of diverting children away from harmful behaviour.*
- *Above all, our aim is to ensure that everyone is treated fairly and to promote equality of opportunity*

Devon YJS is a trauma-informed service, with all staff having undertaken Trauma Informed Practice training and with Devon being a very early adopter of the Enhanced Case Management (ECM) approach. The Service aims to be as strengths-based as possible, seeking to enhance the support that young people get from their families, friends and communities. During the past 12 months the service has expanded on our participation strategy, with children being involved in staff interviews and involving children more feedback on our policy and procedure.

Collaboration with partner agencies across the system is needed to achieve our mission. We are committed to supporting, and where necessary challenging each other in our mission to be a child-first service. This Youth Justice Plan aims to promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention wherever possible. One of the most significant changes in the work of Devon YJS in the past three years has been the growing importance of the Out of Court Decision process. This is now the area of the greatest volume of interventions in Devon, with more children being successfully diverted early and not becoming involved in the formal criminal justice system and growing into the adult criminal justice system.

Significant work has been done to revise the police paperwork used to refer into DYJS, to ensure this prompts a Child First approach, asking officers to look for issues of adversity, complexity and wider context before reporting on an offending incident. This approach is embedded in the culture of any multi-agency meeting chaired by DYJS, where focus is first and foremost put on who the child is (including ethnicity, age, maturity, diversity issues, home context etc) before exploring their behaviours.

Building effective relationships with children is essential if we want to achieve our mission (see - [Relationship-based practice framework \(justiceinspectors.gov.uk\)](#)). The Building Bridges framework (NHS England, 2020), The Positive Youth Justice Model (2015) and indeed Social Learning Theory (Bandura, 1977) gives us reassurance of the importance of this approach. Contemporary research and evidence-based strategies delivered collaboratively by the NHS, Youth Custody Service and the Department for Education has demonstrated that a foundation of a “positive, child/adult

relationship in an environment that recognises the ‘relational conditions that can manage risk, promote positive behaviour and safety’ is what creates change with the children encountering the youth justice system.

The lead inspector for HMIP stated that on his visit he “found in all staff a deep, unbending desire to make a difference”. DYJS know that it takes the most skilled practitioners to help the cohort of children we work with feel safe enough to be challenged, empowered and fulfil their potential.

3. Voice of the Child

Each child is different and has a unique voice and experience. Devon YJS recognises the rights of children, including their right to have their views respected and their best interests always considered. It is essential that we demonstrate that respect by listening to the children we are currently working with and indeed, those we have worked with in the past.

Devon YJS collects and captures views in different ways, including regular consultation events, surveys, audits, and end of intervention feedback. The service can show how, on several occasions, the contributions of children and their parents/carers have had an impact on informing service delivery. For instance, following requests from children and their families, the service has greatly improved the language it uses in formal documents and planning.

The service employs a participation worker, whose primary role is to obtain feedback on the quality of services received by children and their families. As part of this plan children and their parents have been liaised with and detailed feedback can be found in Annex B.

Over the past year, young people have participated in recruiting staff for the service by acting as full members of the interview panel, resulting in very positive new appointments to the team. But we have ambition to do more and expand on our participation strategy, which includes exploring the possibility of a Young Person shadow Management Board; assertively seeking the views of children we know have a characteristic which is over-represented in the system and involving children in the training of staff and partners.

As part of the DYJS audit strategy, child and their parents/carers views are always sought and discussed in senior management teams to understand views and trends. Children have been consulted over choosing a new name, a new logo and a Mission Statement for Devon YJS. Display boards have been set up in each office to record changes – “*you said, we did*”. Last year young people told us that employment support and training opportunities were their biggest priority and in turn we have secured the support of ETE personal assistant support to enhance children’s chances of gaining better employment or training opportunities.

More recently feedback from children has been that Asset plus assessment can be overly intrusive. This has partially influenced a decision being made for DYJS to become an early adopter of the Short Assessment Tool, to be used with children with lower concerns.

4. Governance, leadership and partnership arrangements

Devon YJS Management board is the accountable body for issues such as staffing, budgets, the signing off the Youth Justice Plan and resulting protocols and procedures. The objective of the Devon YJS Management Board is to ensure integrated strategic planning and working with clear performance oversight, to ensure the effective delivery of youth justice services in Devon. Historically, Devon YJS Management Board has met every three months. Following the publication of Devon HMIP inspection report in November 2022, the board has met monthly to formulate and enact the resulting improvement plan.

Membership

The core membership of the Devon YJS Management Board comprises the agencies identified within the Crime and Disorder Act 1998:

- The Local Authority (including local Social Care, Education and Serious Violence functions)
- Health
- Police
- The Probation Service

In addition to the above, the chairs of the two Youth Benches of Magistrates (North & East Devon and South & West Devon benches) are members of the Management Board, as are managers from Early Help (in the form of the Devon Youth Inclusion Team Manager), representatives from Devon County Council finance department and representatives from the Office of the Police and Crime Commissioner. Agency representatives are sufficiently senior to be able to contribute to board discussions, subject to their own governance and decision-making arrangements on substantive matters.

In terms of agendas for the meetings, a core focus within agendas shall be placed on:

- Performance and Quality Assurance
- Planning, Delivery and Outcomes
- Resources
- Service Development

- Children in custody and/or of high concern in the community
- *Please see Appendix C for more detailed Terms of Reference for the Devon Youth Offending Service Management Board.*

Management board members have an ambition to scrutinise a wider data set on a quarterly basis inclusive of stop and search numbers, children held overnight in custody, children being expelled from schools and to have oversight of children who are in custody or secure institutions or are considered to pose a high-risk concern in the community. In addition, there is an aspiration to develop a “shadow” management board of young people who have lived experience of the youth justice system.

Operational Leadership and Structure

Devon YJS is located within Devon County Council Children’s Services, reflecting the significance of safeguarding and risk management work within the YJS. The location of the YJS within this service enhances links and working relationships with children’s social care teams. The Devon YJS Service Manager reports to the Head of Early Help in Devon’s Children’s Services.

A new restructure is proposed for DYJS going into 2024, inclusive of a 0.3 fte Service Manager, 0.8 fte Operational Manager and 3.6 fte team leaders who will meet as a Management Team monthly to share information from local and regional forums. The Service Manager carries overall responsibility for youth justice strategy within Devon, the operational manager for the writing and implementation of all policy and procedure (inclusive of Quality Assurance and workforce development) and each team leader has responsibility for coordinating services within specific portfolio areas (See Appendix D, Devon YJS structure chart.)

Additionally, Y-Smart Drug and Alcohol services and the Youth Inclusion Team (YIT) are co-located in the service bases in Exeter and Barnstaple and the delivery base in Newton Abbot. This co-location is a real strength for Devon YJS and results in very successful integration between the work of Y-Smart, YIT and Devon YJS. In recognition of the joint work achieved, Devon YJS supports both Y-Smart and the YIT Team financially.

Safeguarding and Public Protection

Through supervision and management oversight of casework, safeguarding issues are identified and YJS staff attend meetings for children in need of help and protection as part of multi-agency working arrangements. They also attend child protection, core group and Adolescent Safety Framework meetings on all open cases. The YJS Operational Manager is responsible for safeguarding and for escalations within the service, and chairs multi-agency meetings for those assessed as having high or very high vulnerability, through public protection panel meetings which are held bi-monthly. YJS has an escalation policy in place with Children’s Social Care, and staff complete relevant Safeguarding Training in line with the requirements of the Devon Children and Families Partnership. YJS duty staff provide information to the MASH hub as required and regularly complete MASH referral forms and take safeguarding action on behalf of the children they work with. In addition, YJS staff are represented at the local Missing and Child Exploitation (MACE) meetings and complete National Referral Mechanism (NRM) forms where appropriate. The YJS also plays a full part in all multi-agency safeguarding audits.

Relevant cases are referred to MAPPA, and the YJS works closely with partners in the police to review intelligence and ensure that measures are in place to protect the public, including named and vulnerable victims. In the first instance options are sought to do this via those who have parental responsibility but also use clear boundaries via use of external controls such as licence conditions and prohibitive requirements, if required.

Early Help/Supporting Families

Devon County Council has merged the Supporting Families Agenda into Early Help and as mentioned above, there are strong working links between Devon YJS and Early Help, particularly in terms of links with the Youth Inclusion Teams and the newly established Turnaround team. Devon YJS staff attend Early Help meetings in all parts of the county, with staff attending practitioner forums and managers attending Steering Group meetings. In addition, the weekly OOC panels, which co-ordinate packages of assistance for children at the earliest point of possible offending behaviour, are attended by staff from Early Help, Youth Inclusion Teams, Turnaround, Y-Smart drug and alcohol services, the Devon MASH, Speech and Language Therapists, allocated Social Workers and Victim Workers as well as Devon YJS and the police.

Partnership Arrangements

Partnership arrangements are in place between Devon YJS statutory partners, who have a stake in delivering local youth justice services, and wider partnerships, to generate effective outcomes for children who offend or are at risk of offending.

Devon YJS has both financial and staffing contributions from partner agencies which are detailed further in Section 7 of this document.

The YJS is a partnership which includes, but also extends beyond, the direct delivery of youth justice services. To deliver better outcomes for children and victims, the YJS must function effectively across the two key statutory frameworks, covering criminal justice services and a wide range of health and social care services.

To accomplish this, the YJS is represented on, and makes a significant contribution to, a broad range of partnerships including:

- The Local Criminal Justice Board
- The Devon and Cornwall Youth Justice Forum

- The Devon Youth Crime Prevention Partnership
- Safer Devon Partnership
- Youth Bench meetings with local Youth Magistrates
- Youth Detention Review Forums (to review children detained overnight in police custody)
- MACE meetings
- Devon Children and Family Partnership meetings
- Devon's Channel Panel and Prevent meetings
- Misogyny working group
- Weekly missing panel

The overarching protocol for partnership working for Devon Youth Justice Service is the 'Partnership Financial Agreement' between the statutory partners. This Agreement outlines all the financial arrangements of the partnership, including the level of both financial and staff contributions made by each of the statutory partners.

Resettlement of children leaving custody has always been a very important priority for Devon YJS, with a deliberate strategy in place to visit children in custody over and above the national standards for this and to start the discussion of resettlement from the very outset. Clear protocols have been established with Devon County Council children's services to support their release from custody plan. These protocols will be reviewed and strengthened, so that the experience of children leaving custody continues to improve.

The Counterterrorism and Security Act 2015 placed a duty on YOTs and key partners to have due regard to the need to prevent people from being drawn into terrorism and extremism. As of September 2021, the Devon YJS' Operational Manager has represented Devon Children's Service in Channel Panel meetings. This has resulted in very much clearer YJS input into the discussions and earlier input from YJS services to children going through the panel process. Most Devon YJS staff have undertaken 'prevent' awareness training. One member of staff has undertaken more specialised training in this area and, when needed, offers advice and assistance to colleagues, or undertakes joint work.

The Prevention and Reduction of Serious Violence Regulations 2022 were laid on 12 December 2022, which reiterates our duty to co-operate with partner agencies to prevent and tackle serious violence, reduce criminal exploitation and advise on appropriate responses to enable children to move beyond their offending behaviour. Further detail can be found here. [Serious Violence Duty - Statutory Guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144443/Serious_Violence_Duty_-_Statutory_Guidance.pdf)

5. Board Development

The YJB are clear in their guidance that there is an expectation for management boards to take responsibility for all aspects of youth justice governance, to lead strategically across relevant partners and to ensure a high-quality service is provided to all children. Further guidance can be found here [youth justice service governance and leadership](#).

Feedback from HMIP in the Autumn 2022, suggested improvements could be made regarding strengthening the connectivity between the management board and the staff group. Partners in the YJS management board have welcomed this feedback and since then have sought to strengthen its role and level of oversight of children who are in, or at risk of coming into, the youth justice system. Over the past year there have been some changes in the chairing of management board, though soon a new head of early help will be recruited and the chairing for future board meeting will be their responsibility and with it bring some ongoing consistency. Feedback from HMIP stated that if this governance were more consistent, the service would be likely upgraded from the finding of “good” to “outstanding” in any future visits.

A new induction pack was adopted in 2022, and plans are in place to review the experiences and value that partners have taken from this approach. Furthermore, partners have made efforts to be more present in offices to increase “visibility”, observe practice and meet with staff. The management board have been involved in the writing of this plan and shared ongoing ambitions to maintain their visibility within the service by attending quarterly face to face management boards in DYJS offices; by inviting staff into Management Board meetings; by publicising a summary of management board minutes within five working days of having had the meeting; by having greater focus and analysis of data in quarterly meetings; by seeking to establish a shadow board with children discussing the needs of service and by discussing children in custody and those who are presenting a high concern who are “stuck” in the system.

6. [Progress on previous plan](#)

Devon Youth Justice Service set several key targets during 2022/23.

Aim	Progress and/or specific barriers to completion.
<p>Work to establish a multi-agency protocol to reduce delay for children going to Court. This was the biggest concern from partners in Devon YJS's consultation exercise.</p>	<p>Not achieved and is an ongoing aim -</p> <p>In reviewing this target with the Management board no members were aware of an established protocol or that any dip sampling has occurred over the past year.</p> <p>Some children working with Devon YJS have produced written information about the experience of going to Court in Devon. Those awaiting Court receives an offer of support and this written information whilst they await the confirmation of their court date. This includes offering to show them around Court prior to their appearance.</p>
<p>Work to establish a multi-agency protocol to reduce overnight detentions in police custody.</p>	<p>Not achieved and is an ongoing aim -</p> <p>The most recent protocol in place dates to 2018, this protocol has not been reviewed in the last year. The protocol should include a requirement for data regarding overnight detentions, to be brought to quarterly management board meetings.</p>
<p>Work to increase Participation of children in in Devon YJS</p>	<p>Partially achieved and is an ongoing aim.</p> <p>Young People are routinely invited to interviews for new members of staff in DYJS.</p> <p>Links have been established with the Participation team in Children's Services and a learning event is taking place in June to consider the voice of children and young people regarding transitions.</p> <p>More needs to be done to strengthen and develop the participation offer/strategy from DYJS including more routine and consistent consultation with young people and their families and for them have a voice in the Management Board.</p>
<p>Continue to reduce the number of First Time Entrants in Devon</p>	<p>Not achieved and is an ongoing aim -</p> <p>Most recent rates of FTE level are 121/100,000 and last year's figures were 97/100,000, this is an increase of 29%.</p>

	<p>Nonetheless, the OOC panel is well established, well attended and most cases are presented at panel before a decision is made. Those who are not discussed in panel could be collated for discussion in future management board meetings to explore why.</p> <p>Voluntary support is offered in a variety of ways. 1) Under CR's and/or Youth Cautions 2) When children are awaiting court dates 3) post statutory intervention if the child/parent/carer requests this and there is an identified need that cannot be fulfilled by other non-statutory community services.</p> <p>FTE figures should be routinely discussed for future quarterly Management Board meetings and further exploration is needed across the peninsula regarding the improvement of the Outcome 22 offer.</p>
<p>Continue to keep the number of remands and custodial sentences low in Devon</p>	<p>Achieved and is an ongoing aim -</p> <p>Most recent level of custody is 0.07/1,000 which is above the southwest rate of 0.04 but below the national average of 0.11.</p> <p>66 days were spent on remand over 2021/22.</p>
<p>Offer continued support to children and their families</p>	<p>Achieved and is an ongoing aim -</p> <p>-Family support policy is in place and Family Support Practitioner is in post. Part of their role is to check the family are in receipt to all benefits to which they are entitled and seeks if the family are facing any other structural barriers or require emotional or parental support/guidance.</p>
<p>Work to increase participation by YJS children and young people in Education, Training and Employment (ETE) opportunities</p>	<p>Achieved and is an ongoing aim -</p> <p>The current number of school aged children open to DYJS and in full time education is 69%. (May 2023). Steps have been taken to lessen the administrative burden on the current Educational Welfare Officer (EWO) seconded to the team to seek ways to increase this number further. Indeed, more EWO time is being assigned to the team from Autumn 2023.</p> <p>Bimonthly meetings occur to discuss children over school age who are NEET. 44 per cent of those over 16 and open to DYJS are not in education or training. The overall figure of children NEET in Devon is significant and DYJS are committed to close work with Careers Southwest and Devon County Council ETE Personal Assistants to help improve this.</p>

Tackle disproportionality in the criminal justice system in Devon	<p>Partially achieved and ongoing aim</p> <p>YJAF data shows that children from a Black or Mixed heritage background, receiving a Criminal Justice outcome in Devon are not disproportionate sitting at 6% (latest data provided for this in March 2022 – YJAF Summary Ethnic disparity tool)</p> <p>All staff have completed Race Equality training and the HMIP effective practice for working with Black and Mixed Heritage boys is part of induction and well known in service.</p> <p>Steps have been taken to increase the understanding of the 10-point checklist of children in care, which has seen a reduction in the number of incidents of criminal damage within care homes being pursued.</p> <p>Whilst successes and steps have been made, DYJS management board recognises that more can and will be done to consider the wider levels of over representation and disproportionality.</p>
Work with partners to reduce violent offending	<p>Achieved and is an ongoing aim -</p> <p>The figures below are sourced from serious youth violence toolkit 2023 though the format of data capture has altered since the last plan. The toolkit indicates at the year-end 2021 the number of SV offences per 10,000 children in Devon was 1.5. The figure for year-end 2022, has increased to 4.4/10,000.</p> <p>The Serious Violence Group has now been reinstated. Community Safety & Violence Prevention Lead will attend YJS management board on quarterly basis to discuss ongoing strategy regarding the serious violence duty.</p>
Work to strengthen the Devon YJS Management Board	<p>Partially achieved and ongoing aim -</p> <p>The management board induction pack has been created and rolled out to all partners to help clarify roles and aims. Partners have occasionally met face to face in YJS offices, to ensure visibility to the wider team or have visited offices independently to strength relationships with front line staff. Minutes of meetings are now distributed to the wider staff group.</p> <p>There is a strong commitment from the management board to consider data trends and analysis to inform strategic direction of the service.</p>
Workforce development	<p>Achieved and ongoing aim -</p>

<p>1) Trauma Informed Practice training will increase practitioners'/managers' knowledge and understanding. Staff, including volunteers, will be offered various training opportunities</p> <p>2) Child First practice, offering the Effective Practice Award to staff</p>	<p>All staff have been trained in Trauma informed practice and ongoing "bite sized" training is offered to staff regarding trauma informed practice.</p> <p>To date a combination of 7 team leaders and case holding staff have completed the training, though the ambition is for the whole service to have undertaken this training by the Spring 2024.</p>
<p>Speech and Language assessment</p> <p>All children open to the service should be screened to a Speech and Language therapist. This is voluntary, so some young people will decline, but it is planned that all young people will be offered a screening.</p>	<p>Achieved</p> <p>All cases which come are opened or assessed by DYJS have a screening for SAL and this is now considered embedded practice.</p>
<p>Generate 'real time' Live Tracker data</p>	<p>Achieved</p> <p>The live tracker has now been completed (in May 2023) with the roll out and implementation for the tracker from July 2023. Data from the tracker to be submitted to Quarterly management board meetings to analyse data and consider strategy.</p>

<p>Nine new Key Performance Indicators</p> <p>(NB – last year’s plan referred to the KPI’s before their release in April 2023.)</p>	<p>Achieved and ongoing aim</p> <p>A process is now in place to ensure we are accurately recording this data in Child view with practitioners getting support from Admin and an Information Officer assigned to support the service.</p>
<p>Establish a clear strategy to identify neurodiversity needs in children referred to Devon YJS and create plans to deliver services that take account of these needs.</p>	<p>Partially Achieved and ongoing aim</p> <p>Staff have been advised to update the health section of Child View to record any identified neuro diversity.</p> <p>The necessity to capture information for KPI’s will assist us over the incoming year to ensure we have this data, that it can be analysed in MB and in turn, the strategy reviewed.</p>

7. [Resources and Services](#)

This section references how Devon Youth Justice Service intends deliver effective youth justice services in prevent offending and reoffending, reducing numbers entering the system, in improving the safety and wellbeing of our children and communities and to improve outcomes for all, based on the financial contributions given by the YJB and other partners.

Devon YJS is committed to the following principles:

- Maintaining adequate front-line delivery of core YJS services to children and partners
- Ensuring that Devon YJS remains in a position to improve practice and outcomes for children
- Ensuring that children are kept safe, and any concerns to the wellbeing of children or potential victims are well managed
- Working with children to encourage desistance from crime and anti-social behaviour
- Ensuring value for money

These principles underpin all our budgetary management. The budgets are monitored by DCC Finance Department, with quarterly reports presented to the Devon YJS Management Board and partner agencies. Alongside the financial monitoring of these budgets, local area performance is also monitored against Key Performance Indicators (KPIs) and National Standards. The YJS continues to undertake reviews and analysis of its caseloads and service users' needs, using the outcomes to adapt service delivery and to ensure that there are appropriate levels of resources in each area to meet children's needs.

The YJS budget comprises partnership funding, YJB funding and specific grant funding. The budget allocation is reviewed annually by the Devon Youth Justice Service Management Board (see Appendix 2 for Terms of Reference). All partners (Police, Probation, Health, Local Authority and the Police and Crime Commissioner) agree funding contributions for the following year and these arrangements are formalised into a [Partner Financial Agreement](#), which is reviewed annually and signed by all partners. Devon YJS uses the YJB grant and partner contributions to deliver the benefits and outcomes set out later in this report. The partner financial agreement mentioned above ensures that all partners maintain their contributions at the level necessary to deliver effective Youth Justice Services in Devon, as measured against Key Performance Indicators and National Standards and as monitored by Devon YJS Management Board meetings.

There are numerous benefits linked to this agreement, such as:

- Agreement on levels of cash contributions from each agency
- Agreement on levels of staff secondments from each agency

- A clear budget-planning process, including timescales
- The service has a track record of remaining within budget and, over a period of time, has been able to retain balances that enable it to undertake developments or cover unexpected expenditure without the need to seek recourse to the statutory partners.

Budget 2023 – 24

Agency	Staffing Costs	Payments in kind	Other delegated funds	Total
Police	151,320	0	0	151,320
Police and Crime Commissioner	0	0	190,266	190,266
Probation	59,670	0	5,000	64,670
Health	188,115	0	66,431	254,546
Local Authority*	384,000	0	299,200	683,200
YJB	0	0	775,808	775,808
Junior Attendance Centre (YJB)	0	0	16,450	16,450
Total	783,105	0	1,353,155	2,136,260

The total YJS budget for 2021-22 is **£2,136,260**.

**A restructure of DCC Children's Services is underway and included in the restructure plans are the DCC funded members of staff within the Youth Justice Service. The figures given in this report are therefore subject to change.*

Planned spending for 2022-23 is as follows:

Salaries 69%

Supplies 19%

Premises 10%

Transport 2%

Transport

In addition to the above, Devon YJS receives one-off funding as follows:

Office of the Police and Crime Commissioner:

£15,000 grant for calendar year 2023/24 to support work of OOC panel (spent enabling partners to provide additional voluntary packages of support).

Devon Youth Justice Grant

The Devon youth justice grant is spent exclusively on the salaries of staff who deliver youth justice services. The youth justice grant does not cover all of these salary costs, so partner agency contributions are used to supplement them.

Table detailing spending of Youth Justice Grant and Junior Attendance Centre (JAC) monies.	Amount	Activities	Youth Justice Service Staff Salaries
Youth Justice Grant	£775,808		£775,808
JAC grant	£16,450	£16,450	

Staffing

The YJS is staffed in line with the requirements of the Crime and Disorder Act (1998), including: Social Workers, Probation, Police, Health and Education professionals, plus a range of other staff, e.g., Victim Liaison Officers, Restorative Justice staff, Parenting worker and Speech & Language specialists.

The service currently has X operational staff (full time equivalents) and is supported by a bank of active volunteers. The breakdown of staffing by agency is given below, a detailed structure chart is provided as Appendix D

Partner Agency	Staffing
Devon County Council	31 (26.88 Whole Time Equivalents) *
Probation	2 (1.4 Whole Time Equivalent)
Police	3 (2.6 Whole Time Equivalents)
Health	5 (3.5 Whole Time Equivalents) *
Education	1 (0.46 Whole Time Equivalent)
TOTAL	42 (34.84 Whole Time Equivalent)

Because of the increasing complexity of cases managed, the team operates a relationship-based practice model of case management, enabling staff to work to their expertise and experience and input more resource to children with higher concerns and/or needs. The need to develop trust and working relationships are key to change for this cohort of children, most of whom had had the most adversarial childhood experiences. See - [Relationship-based practice framework \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/relationship-based-practice-framework/).

Key staffing monitoring information

- Devon YJS has 42 members of staff: 22 are female and 15 are male (plus five vacancies).
- We currently have 37 staff trained in restorative justice.
- We have a total of 28 referral panel volunteers, of whom 22 are female and 6 are male. All are trained in restorative justice. 27 self-declare as White British and one as Black African.
- In addition, TAAS (The Appropriate Adult Service) has 28 ‘outsourced’/’sessional’ staff plus one volunteer. Of the sessional staff, 24 are female and 4 are male; the volunteer is female. All TAAS staff (and the volunteer) are White British.
- *See Appendix 3: Devon YJS Structure Chart plus other tables*

8. [Performance](#)

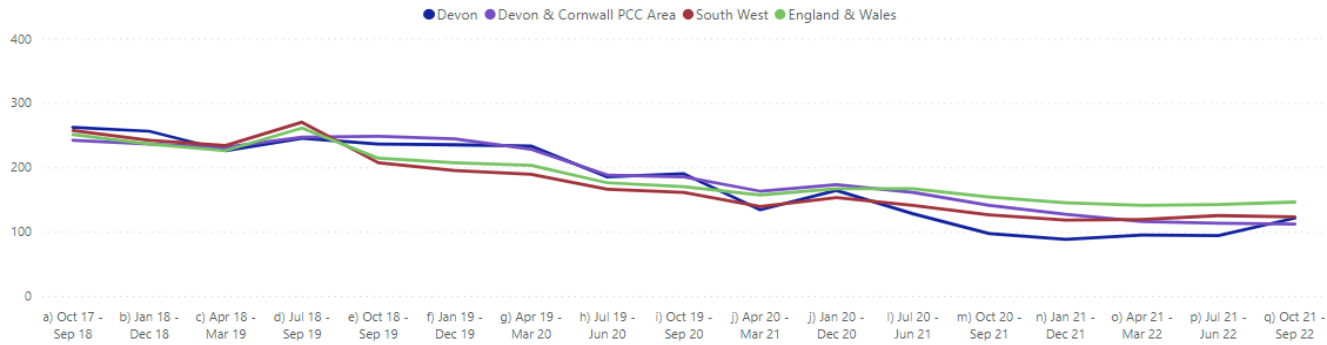
National Key Performance Indicators

Devon Youth Justice service welcome the requirement to report on the [new key performance indicators](#) from April 2023, with the first submission due August 2023. Whilst we do not have this information at the time of submission of this plan, a plan has been established with the wider team, administrative staff, and an information officer to ensure DYJS is capturing this data accurately and will submit this information in a timely fashion. This data will be discussed in each quarterly management board meeting over the incoming year, to note trends and help to inform where resources need to be allocated.

The following data, shows performance against the existing key performance indicators.

First-time entrants FTEs):

Rate of FTEs per 100,000 under 18's Oct 17 - Sep 21



Area	a) Oct 17 - Sep 18	b) Jan 18 - Dec 18	c) Apr 18 - Mar 19	d) Jul 18 - Sep 19	e) Oct 18 - Sep 19	f) Jan 19 - Dec 19	g) Apr 19 - Mar 20	h) Jul 19 - Jun 20	i) Oct 19 - Sep 20	j) Apr 20 - Mar 21	k) Jan 20 - Dec 20	l) Jul 20 - Jun 21	m) Oct 20 - Sep 21	n) Jan 21 - Dec 21	o) Apr 21 - Mar 22	p) Jul 21 - Jun 22	q) Oct 21 - Sep 22
a) Devon	262	256	226	245	236	235	233	185	190	164	134	128	97	88	95	94	121
c) South West	257	242	234	270	207	195	189	166	161	153	139	141	126	118	119	125	123
d) England & Wales	251	236	226	261	214	207	203	176	170	167	157	167	154	145	141	142	146
b) Devon & Cornwall PCC Area	242	236	231	247	248	244	228	188	185	173	163	161	141	127	116	113	112
Total	1012	970	917	1023	905	881	853	715	706	657	593	597	518				

Over the last five years, the number of FTEs has declined by 46%. Last year's figures were the lowest ever recorded by Devon YJS, which in part can be attributed to the multi-agency Out of Court Decision Panel, along with additional funding from the Police and Crime Commissioner's office but may have also been effected by the impact of the pandemic. However, this years FTE figures are 121 per 100,000 – an increase of nearly 30% on the previous years data.

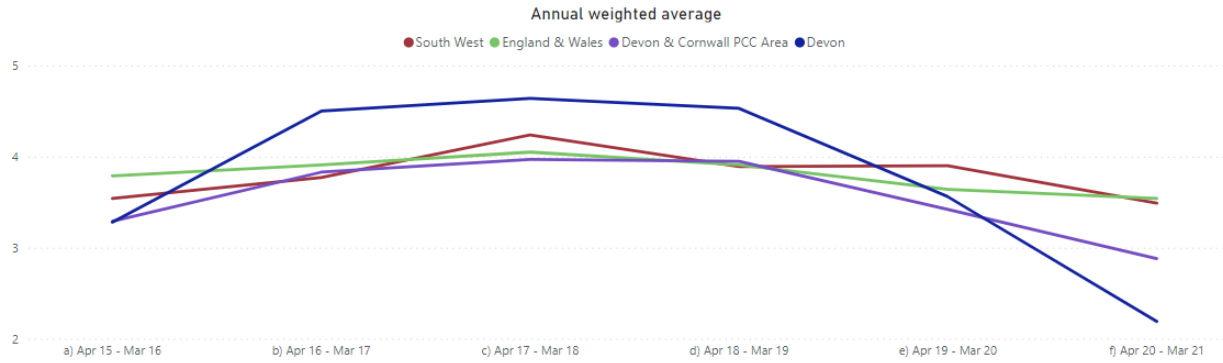
First Time Entrants (April 2022 - March 2023)



a) April 2022	b) May 2022	c) June 2022	d) July 2022	e) August 2022	f) September 2022	g) October 2022	h) November 2022	i) December 2022	j) January 2023	k) February 2023	l) March 2023	Total
7	6	6	12	10	7	7	8	4	16	13	8	104

More locally sourced data (DCC information management) gives us an idea of FTE figures between April 2022 and March 2023 (which is a differing data set/time period to above). This graph is helpful to identify the trends over the last year of when Children first become involved in the CJS. A spike can be seen in June (after many year 11's have finished school) and this spike reduces as a summer break ends. A further spike can be noted over Christmas and the new year.

Reoffending rates:



These re-offending rates demonstrate a lower-than-average re-offending rate in Devon in comparison with England and Wales and across Devon and Cornwall PCC area.

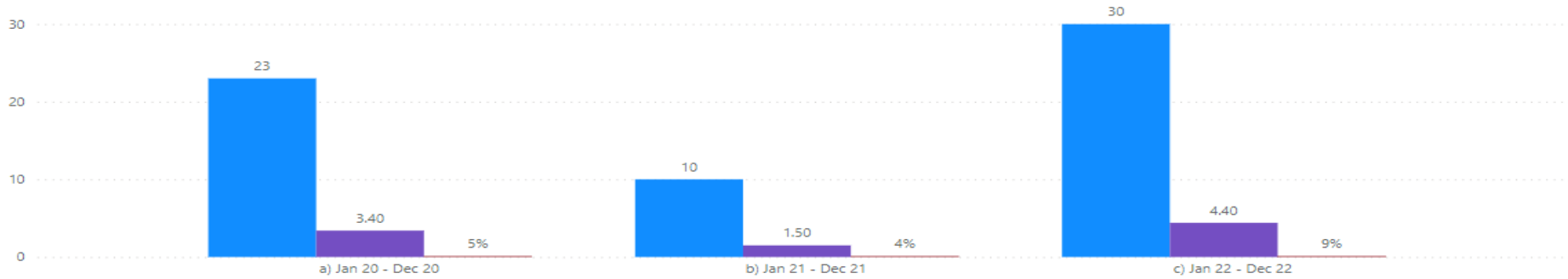
Year	a)Apr 15-Mar 16	b)Apr 16-Mar 17	c)Apr 17-Mar 18	d)Apr 18-Mar 19	e)Apr 19-Mar 20	f)Apr 20 - Mar 21
Devon	3.28	4.50	4.64	4.53	3.56	2.19
Devon & Cornwall PCC Area	3.29	3.83	3.97	3.95	3.42	2.88
England & Wales	3.79	3.91	4.05	3.91	3.64	3.54
South West	3.54	3.77	4.24	3.89	3.90	3.49
Total	13.90	16.01	16.90	16.28	14.52	12.10

Serious Youth Violence Offences:

The data below demonstrates a very concerning increase in trend of serious violence in Devon and this will form part of the planning for 2023/24. Please see refer to the next section re DYJS priorities for SYVO.

Number & Rate of Serious Youth Violence Offences - Devon

● Number of SYV Offences ● Rate per 10,000 of the general 10-17 pop ● % SYV comprise of total offences



Year	a) Jan 20 - Dec 20	b) Jan 21 - Dec 21	c) Jan 22 - Dec 22
% SYV comprise of total offences	5	4	9
Number of SYV Offences	23	10	30
Rate per 10,000 of the general 10-17 pop	3.4	1.5	4.4

Local Performance

Out of Court Decisions	Number of Outcomes
Community Resolution Police Facilitated	190
Community Resolution with YOT Intervention	18
Deferred Prosecution Outcome 22	18
Youth Caution	49
Youth Conditional Caution	71
Total	346

This table shows the Out of Court outcomes for young people in the Devon YJS area in the 12-month period April 2022 to March 2023. This data shows that there have been fewer single agency police facilitated Community Resolutions but an increase in disposals supported by the Youth Justice Service in comparison to the previous year. (2021/22 saw a total of 86 OOCd disposals involving YJS. 2022/23 saw a total of 156 OOCd disposals).

The table opposite shows outcomes from Youth and Crown Court in Devon. The main outcomes which have required DYJS input have been those children sentenced to custody, Youth Rehabilitation Orders and Referral Orders. In real terms this figure amounts to 56 Court disposals between April 2022 and March 2023. This is an increase from the previous year's figures of 36.

Of note in this table is of the number of children DYJS currently have recorded as having been "recommended prosecution" i.e. to go to Court, amounts to 67. This indicates there are still either a) delays in children going to Court or b) not robust communication links with Crown Prosecution Service to let DYJS know if prosecutions are not being proceeding with. NB. All children who are awaiting prosecution are offered voluntary support from DYJS.

Offences by Type	Number of Offences
Violence Against The Person	257
Drugs	96
Criminal Damage	93
Public Order	62
Theft And Handling Stolen Goods	51
Other	21
Sexual Offences	21
Motoring Offences	15
Non Domestic Burglary	15
Vehicle Theft / Unauthorised Taking	11
Robbery	9
Racially Aggravated	8
Breach Of Statutory Order	5
Domestic Burglary	5
Arson	4
Fraud And Forgery	4
Total	677

Offences linked to OOC and Court Outcomes.

Offences of violence are the most common but have reduced from last year's figure of 273. Drug offences have increased by 3, whilst criminal damage and public order offences (often linked to violence) have reduced by 78 and 6 accordingly. This is attributed in part to a focus on a strategy of seeking alternatives to criminalisation of children in care via the 10-point checklist [The forgotten 10 point checklist – the decision to prosecute offending in children's homes \(yjlc.uk\)](#). Motoring offences have seen a dramatic reduction from last year's figure of 56 (a reduction of 41) but sexual offences have increased by 8. The rest of the offence types have remained somewhat static on average.

Court Outcomes	Number of Outcomes
Community Punishment Order (CSO)	1
Disqualified from Driving	1
Fine	1
License Endorsed	1
Order to Continue	1
Order Varied	1
Young Offenders Institution (Yoi Custody)	1
Youth Rehabilitation Order ISS Requirement Band 1	1
No Separate Penalty	2
Order Revoked	2
Penalty Points	2
Detention + Training Order (Custody)	4
Conditional Discharge	6
Discontinued/Dismissed/Withdrawn	7
Youth Rehabilitation Order	11
Referral Order	40
Recommend Prosecution	67
Total	149

9. Priorities

Children from groups which are over-represented

Sadly, children from a range of backgrounds are over-represented in the youth justice system. Nationally it is known that Black and Mixed ethnicity boys are over-represented and the recent [HMIP thematic report](#) made a number of recommendations. These have been discussed with the whole staff group and the effective practice document which followed this report is part of the induction package for new staff and volunteers. Tackling disproportionality in the criminal justice system in Devon will remain an ongoing target for DYJS. Children coming under DYJS supervision are not over presented in regard to their race and/or ethnicity, however since last year's report we have seen an *increase of 2%* of children identifying as black or mixed heritage. We cannot be complacent to this issue and continue to review this data across our own and police data sets.

However, nationally it is not only Black and Mixed ethnicity children that are over-represented. DYJS intend to expand the data set for quarterly review in our management board. This will include but is not limited to children known to social care services, children excluded from school and Gypsy, Roma and Traveller children and children who have a neurodiversity or other health issue.

DYJS and partners have recognised that there has historically been an over-representation of children in Devon's criminal justice system who are in care placements. A number of these children would become "known" to the CJS for offences of Criminal Damage within the home. Work has been done with police, social care and some placement in Devon (often via the OOC panel) to challenge decisions to potentially criminalise these children, referring to the 10-point checklist for children in care. Data above shows a significant reduction in the number of children now being criminalised for criminal damage offences. In part because of this strategy, the number of criminal damage offences have *reduced by 46%*.

Anecdotally, we recognise a pattern of more neurodiversity in the children coming into the criminal justice system. But we need to be better at understanding this locally (data below shows the picture we currently have, but we are not reassured this is as accurate as it needs to be). Nonetheless, training has been delivered and more is planned with both DYJS and Police colleagues about working with children with Neurodiversity issues.

Whilst there are fewer girls in the youth justice system, they do have a specific set of needs. There has been a reduction of the number of female children working with DYJS since last year, *a reduction of 2%*. Staff have said they would welcome further training in how to support girls in the criminal justice system.

Characteristics of Children Subject to DYJS Assessment/Intervention (April 2023 data)

Of the 120 cases open to DYJS in the month of April (2023) the children had the following characteristics.

Whilst a snapshot, these figures demonstrate very powerfully the level of multiple challenges that this cohort of children are faced with. Children who work with Devon YJS typically face multiple challenges (the average child has almost four characteristics from the below list, one child had nine) which means that a multi-agency plan of work is typically required. Devon YJS benefits from having a wide variety of professionals within the service (from Health, Speech and Language, Education, Police, Probation and Social Services backgrounds) and it also links with a range of agencies across Devon to ensure that the best possible plan is put in place. *(NB health needs, excluding S&L, have only recently been added to this list for data capture so the reliability of this data is uncertain. It is believed the figures for health could be more than is shown below)*

Characteristic	Number of Young People
Child In Need	32
Child Looked After	27
Child Protection Plan	9
EHCP	42
Health Need (Diagnoses of ADHD)	19
Health Need (Diagnoses of Autism & ADHD)	7
Health Need (Diagnoses of Autism)	17
Mental Health	55
S&L	64
SEN or Disability	60
Substance Misuse	72
Vul Criminal Exploitation	65
Vul Sexual Exploitation	20

Breakdown of Age/Gender/Ethnicity/Religion

This data shows us that predominately the ethnicity make up of the children known to DYJS are white, and the percentage of children from black, mixed heritage or Asian background has reduced by 0.1%. This does not demonstrate disproportionality, nonetheless oversight of this is continually needed given the national over representation of black and mixed heritage children in the CJS.

Boys have historically been more represented in the CJS compared to girls, but the figures show that there is a significant number of girls working with DYJS and this has increased in the last year by 4%. In addition, whilst numbers are low some children are not identifying as either male or female when they have contact with the service.

The ages of children being opened to DYJS is more varied than last years figures. 32% of the DYJS cohort were aged 17, whilst this year the figure has reduced by 10%. There is also a sharp increase of children aged between 10-13 becoming open to the service (11% compared to last year).

Data on religion is poor and predominately shows that the service is not sufficiently capturing this data.

Ethnicity	% of Young People
White	95.3%
Mixed	2.9%
Unknown	1.0%
Black or Black British	0.5%
Asian or Asian British	0.3%

Gender	% of Young People
Male	76.4%
Female	23.0%
Indeterminate	0.3%
Other	0.3%

Age at Outcome Date	% of Young People
15	22.0%
17	22.0%
14	16.5%
16	16.0%
13	12.0%
12	8.4%
11	1.8%
10	0.8%
18	0.5%

Religion	% of Young People
No Data for this person	43.2%
Unknown	39.5%
Agnostic	6.0%
Christian	3.7%
Other	3.1%
Non Conformist	2.6%
Atheist	0.8%
Buddhist	0.3%
Church of England	0.3%
No Religion	0.3%
Roman Catholic	0.3%

Prevention

A report published by the YJB in February 2023, ([Final Report: Prevention and Diversion Project – Youth Justice Board for England and Wales \(February 2023\) - Youth Justice Resource Hub \(yjresourcehub.uk\)](#)) shows that nationally on average more than half of a youth justice service caseload are children receiving preventative or diversionary support; there is widespread confusion over definitions of early intervention practices; a significant gap in data and there is “diverse and inconsistent practice owing to a lack of central guidance”.

In Devon the “Turnaround Project” was established in the Spring 2023. This project has 1.0 FTE team leader and 3.0 fte staff. They currently have a caseload of 25, all cases having been referred by the police as children who have been either arrested and NFA’d, received Community resolution or are RUI’d. Staff in DYJS are available and currently do support and advise the police and partners in early discussions regarding the early prevention and possible diversion of children if formal process can be avoided. Devon currently has 340 children RUI’d so further thought could be given to ensure partner are assured all relevant children are offered support when released under investigation.

Devon Management Board recognise the need to consider the overall early help, adolescent offer to help prevent children formally entering the criminal justice system. Further strategy meetings are planned to include all relevant statutory and non-statutory partners to consider pathways for relevant children of concern. The serious violence strategy recommends that such strategy includes consideration for the support of children who have been released under investigation for serious violence.

Diversion

HMIP noted in November 2022, “There is a high-quality, evidence-based out-of-court disposal service in place that promotes diversion and supports sustainable desistance” and DYJS were rated as “good”. Devon YJS has a well-established panel that supports joint decision-making. This is multi-agency, including partners from the YJS, police, health, CAMHS, speech and language specialists, and education, social care, alcohol and drug services and victim representation. Partners work together to achieve fair and proportionate outcomes for children but there is an escalation process to manage disagreements between partners. The panel all adopt a “child first” approach and always speak about who the child is before discussing the behaviour.

The Police run a Youth intervention clinic to issue Community Resolutions by trained Youth Intervention Officers, who support and refer children to services that will help them to desist from offending. Whilst this was noted as being very positive by HMIP, the inspectors strongly recommended the voice of the children, and their parents/carers should be sought from a third party (i.e. other than police) before the decision is made to issue a Community Resolution.

Report writers who have completed assessments, following an adjournment, do not currently attend the panel to present their findings and recommendations. HMIP felt this “is a missed opportunity, given that assessments are carried out on these children because they have committed high gravity offences or who have complex needs or both.”.

There is also an inconsistency of diversionary approaches across the 4 youth justice services in Devon and Cornwall. A Youth OOC improvement group has been established and is chaired by a D&C Inspector who is the lead for youth responses to crime across the peninsula. This group very much is developing the strategy for the consistent use of Out of Court disposals inclusive of ensuring the effective use of Outcome 22 for appropriate children.

Education

As stated above, From April 2023, DYJS will be required to submit performance data on Education, Training and Employment as well as the SEN and disability/additional learning needs data of our cohort. This data will be analysed in quarterly management board meetings to discuss children not receiving their education entitlement, how many are excluded, on part time timetables or elective home educated. This will further help identify any issues of disproportionality and care statuses of these children.

Currently DYJS employ an Education Welfare Officer to support these children in attaining their educational entitlement and lead on providing data to the management board, as is recommended in the following thematic inspection. [‘Major barriers’ to participation in Education, Training and Employment for the most vulnerable children in the youth justice system \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk).

% of School aged pupils (Open to DYJS April 2023)	Total
AP	26%
EOTAS	7%
Mainstream	48%
EHE	2%
Independent special school	15%
Maintained Special School	2%

Most recent data indicates that 44 per cent of those over 17 are not in education or training. DYJS do now have access to specialist ETE personal advisors with whom staff can refer children to or seek specific advice on how to support but more scrutiny and analysis of this data will form part of the ongoing plan.

Restorative approaches and victims

It remains within our mission that victims can never be overlooked or forgotten. The restorative approaches taken by DYJS empowers victims and gives them a voice in the criminal justice process, helping them to move on with their lives. DYJS believe victims should always be considered when planning for their safety and there should also be consideration of the child's experience of being a victim and any potential future concern. Restorative approaches can also help children move forwards and draw a line under past events. The victim officers within the team have a central role in helping those who have been harmed by the behaviours of children known to our service, many of whom may not understand why we may be seeking to divert a child away from a court process. This takes significant skill, time and empathy to do this role well.

At the time of writing, DYJS have 1.2 fte staff who lead on victim support covering 83 open victim cases. From April 2023, 'Victims' will become a key performance indicator and DYJS will need to demonstrate to the YJB how we achieve this aim.

Serious violence and exploitation

The Serious Youth Violence duty came into force in January 2023 - [Home Office Serious Violence Duty](#). Work has begun across the authority to identify the drivers of serious violence committed by children in Devon. Many of these children may be released under investigation following an incident and further planning needs to occur across partners about Devon's preventative offer, how to engage with children released under investigation and how we continue to improve outcomes for those children awaiting a disposal (either by means of an Out of Court or Court Disposal) as well as those subject to police or court-imposed disposals.

Partnership work is underway with the exploitation leads in Devon Local authority to address the concerns regarding child criminal exploitation, the numbers of NRMs in county and the corresponding strategy and to ensure that wider partnership arrangements are in place to learn from any serious incidents which may occur. Data in the previous section shows us that serious violence trends are increasing in Devon.

DYJS head of service currently sits on the county wide Prevent multi-agency meeting to consider concerns regarding the possible radicalisation or extremist activity of children in Devon or under the care of Devon Local Authority.

Overall, the ambition is to continue to strengthen the crossover and oversight of serious violence governance and since May 2023, the lead for Community Safer partnership will join the DYJS management board to consider ways to address this in Devon, such as considering an application to host the knife angel [Official Knife Angel Page | The British Ironwork Centre](#).

The trends of serious violence increasing is of concern, not least in the impact on victims and the public but also the impact on staff dealing with issues of serious violence, the duty of care DYJS to properly support and supervise those staff in dealing with serious violence.

Detention in police custody

The National Police Chiefs Council (NPCC) strategy for Police Custody indicates that using police custody should be a last resort for young people under the age of 18. It is widely recognised that police custody suites are not suitable places for children or young people to be held in overnight. There is a risk that children and young people may be exposed to aggressive and abusive behaviour, or encounter people experiencing mental health episodes or under the influence of alcohol and substances. It is recognised that children or young people are vulnerable in a custody setting and should be treated differently to adults in police custody.

The law recognises that police cells are not a suitable place for children. The Police and Criminal Evidence Act 1984 requires the transfer of children who have been charged and denied bail to more appropriate local authority accommodation, with a related duty in the Children Act 1989 for local authorities to accept these transfers. In 1991 the UK ratified the UN Convention on the Rights of the Child, agreeing that custody should be used “only as a measure of last resort and for the shortest appropriate period of time”.

Devon and Cornwall Police and Devon County Council have developed a PACE beds fostering scheme. A review of the current protocols (latest version dates to 2018 is required in the incoming year). The management board should have quarterly information on the following:

1. The number of under 18s detained in police custody for 4 hours or more, between the hours of midnight and 8.00am
2. The number of under 18s who are charged and detained in police custody overnight with no request for any accommodation made by police to the local authority
3. The number of requests made for secure accommodation
4. The number of transfers to secure accommodation as a result of the requests made in (2)
5. The number of requests made for non-secure accommodation
6. The number of transfers to local authority non-secure accommodation as a result of the requests in (4).

Remands

Nationally, most children held in custody are held on remand. Remand numbers in Devon have traditionally been low; however, 66 days on remand were built up at the end of the 2022/23 year, with this placement continuing. Plans to continue work to keep custody numbers low and reduce remand numbers are detailed in the current Service Improvement Plan. Low custody and remand numbers are proven to have better outcomes for children and indeed save the local authority significant money by having the child managed in the community as opposed to youth detention (as detailed below).

Remands to Youth Detention Accommodation

Year	YOI	SCH	STC	All Settings
2019/20	15	122	0	137
2020/21	0	23	0	23
2021/22	58	0	0	58
2022/23	66	0	0	66
Total	139	145	0	284

Number of nights in remand

Year	YOI	SCH	STC	All Settings
2019/20	1	5	0	6
2020/21	0	1	0	1
2021/22	1	0	0	1
2022/23	1	0	0	1
Total	3	6	0	9

Cost of Remands

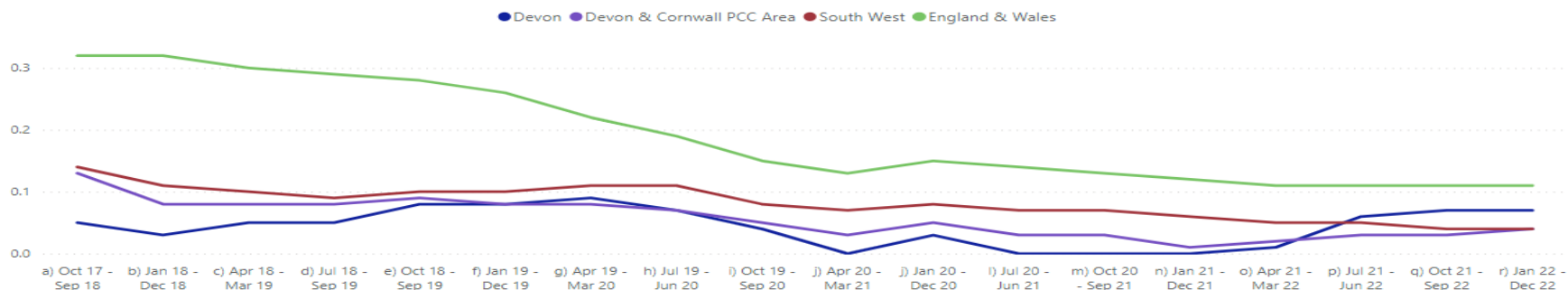
Year	YOI	SCH	STC	All Settings	MoJ Budget	Additional DCC budget	Over/Under budget
2019/20	£3,600.00	£85,278.00	£0.00	£88,878.00	£29,171.00	£0.00	-£59,707.00
2020/21	£0.00	£17,526.00	£0.00	£17,526.00	£41,827.00	£31,000.00	£55,301.00
2021/22	£18,270.00	£0.00	£0.00	£18,270.00	£28,804.00	£31,000.00	£41,534.00
2022/23	£20,262.00	£0.00	£0.00	£20,262.00	£19,883.00	£31,000.00	£30,621.00
Total	£42,132.00	£102,804.00	£0.00	£144,936.00	£119,685.00	£93,000.00	£67,749.00

Use of custody

When children do go to custody it can have a damaging effect on their lives, disrupting education and straining family relationships. Children in custody are likely to be amongst the most complex and vulnerable children in society and the financial burden is high on local authorities who have children in custody.

The rate of custodial sentences in Devon is very low, with 4 custodial sentences being imposed from March 2020 to March 2023. These figures not only reflect the work done by DYJS staff to present the Court with robust alternatives to custody, as well as collaborative multi-agency efforts in possible custodial situations and good working relationships with the Courts; but also, the hard work, effort and time DYJS staff put into keeping these children out of custody by ensuring their compliance with the alternative community sentence.

Custody Rate per 1,000 Young People



Area	a) Oct 17 - Sep 18	b) Jan 18 - Dec 18	c) Apr 18 - Mar 19	d) Jul 18 - Sep 19	e) Oct 18 - Sep 19	f) Jan 19 - Dec 19	g) Apr 19 - Mar 20	h) Jul 19 - Jun 20	i) Oct 19 - Sep 20	j) Apr 20 - Mar 21	jj) Jan 20 - Dec 20	k) Apr 20 - Mar 21	l) Jul 20 - Jun 21	m) Oct 20 - Sep 21	n) Jan 21 - Dec 21	o) Apr 21 - Mar 22	p) Jul 21 - Jun 22	q) Oct 21 - Sep 22	r) Jan 22 - Dec 22
a) Devon	0.05	0.03	0.05	0.05	0.08	0.08	0.09	0.07	0.04	0.03	0.00	0.00	0.00	0.00	0.00	0.01	0.06	0.07	0.07
b) Devon & Cornwall PCC Area	0.13	0.08	0.08	0.08	0.09	0.08	0.08	0.07	0.05	0.05	0.03	0.03	0.03	0.03	0.01	0.02	0.03	0.03	0.04
c) South West	0.14	0.11	0.10	0.09	0.10	0.10	0.11	0.11	0.08	0.08	0.07	0.07	0.07	0.07	0.06	0.05	0.05	0.04	0.04
d) England & Wales	0.32	0.32	0.30	0.29	0.28	0.26	0.22	0.19	0.15	0.15	0.13	0.14	0.13	0.13	0.12	0.11	0.11	0.11	0.11
Total	0.64	0.54	0.53	0.51	0.55	0.52	0.50	0.44	0.32	0.31	0.23	0.24	0.23	0.19	0.19	0.25	0.25	0.25	0.26

Constructive resettlement

DYJS have adopted the guidance regarding the 7 pathways to resettlement for children - [Pathways to Resettlement \(publishing.service.gov.uk\)](https://publishing.service.gov.uk). HMIP rated the DYJS response to resettlement as “good” stating that the service recognises the need to build on a child’s strengths and their protective factors; the children we have had in custody receive frequent visits, both in person and through video conferencing and that YJS staff often provide transport for families, and/or the YJS contributes towards travel costs for families to maintain contact.

DYJS practitioners regularly write to children in custody and more often than not, children write back, showing evidence of a positive working relationship. Where appropriate we have supported release on temporary licence is used well to support reintegration into the community in going to interviews and spending time with families.

DYJS Victim workers are creative in their work with children while in custody and very much are involved in the formulation of any licence conditions required to keep victims safe.

10. Standards for children in the Youth Justice System

DYJS undertake monthly audits (3 cases per month) and in addition a self-assessment has been carried out to inform this report. In addition to this, HMIP inspected the service in the Autumn of 2022, publishing their report in November 2022. This led to the creation of an additional action plan.

Auditing

Auditing of cases have seen a variety of improvements in practice, including use of a shorter assessment tool for voluntary cases and lower concern cases (high concern cases will still require a full asset plus), offering support to young people awaiting Court and the use of clearer, more child-focused planning processes and paperwork. This led to a change in wording for breach meetings to 'back on track' meetings, with updated contracts of behaviour and leaflets (produced in association with Speech and Language therapists) to explain processes to children. Current audit processes involve the auditor speaking to children and their parents and asking their views. This element of the audit produces valuable feedback on what works and what makes a real difference, and the YJS plans to strengthen it during the coming year.

Audits have also seen an increased use of DYJS Police time in delivering all out of court disposals and all secondee staff accessing partners information on allocation of a new assessment, to feed into the assessment being carried out on the child.

Areas for improvements from internal audits show an ongoing need for consistency from countersigners in their oversight of risk/high concerns; improving response to diversity needs and improving exit planning and contingency planning.

Self-Assessment for the YJB plan

To complement and build on the monthly audits undertaken, DYJS management team have undertaken a further self-assessment of 5 areas of our core work inclusive of Out of Court Disposals, Community Disposals, Court Work, Custody cases and cases who transition to over services (specifically as they turn 18).

The main themes support the ongoing positive approach of DYJS in delivering a child first approach, building effective relationships with children and parents/carers, excellent assessment, planning and implementation of supporting children is excellent. Areas of outstanding practice have been in the support from children awaiting court and helping them to understand what the process will be like, in some cases having taken the child to the Court prior to the Court date to help their understanding and allay some fears.

Areas of development noted have been

- Delays in process inclusive of inconsistency of how swiftly form 370's are received and how quickly children are listed in Youth Court following a recommendation for prosecution
- DYJS having a consistent way of recording notes to assist in the auditing process and to allow duty officers to access information as swiftly as possible.
- To have a more consistent induction process for children when they become open to the service.
- Speech and Language support is offered to children attending only 1 of the 3 courts who operate in Devon.
- An improvement of the consistency of preparation for children who have diversity needs going to Court
- Opportunity to offer all parents/carers a service for support from the Family support worker (this is currently reliant on referrals from case holders)
- There is a need to discuss areas of detention for all children, in the management board meetings. The self-assessments for children being detained in cells (whether that is police or Court cells) have shown that children have reported poor experiences e.g. One child said he was given a newspaper as a pillow in a Court cell. One child who was due for release from custody, had release accommodation identified a couple of weeks prior to release which had impact on the rest of the resettlement planning.

HMIP Improvement plan

The HMIP report [An inspection of youth justice services in Devon \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk) showed that DYJS is a “good” performing service with a number of outstanding features. There were areas for improvement which are noted below and remain outstanding –

- To update the current risk policy to redefine risk to self, risk others, contingency and safety planning
- To update the Quality Assurance arrangements to drive improvement across the service and serve the management board with qualitative and quantitative data to influence strategy.
- Strengthen connectivity between the Management board and YJS staff to build closer collaboration that improves outcomes for children

11. Workforce Development

Devon YJS undertook full-service training in Trauma Informed Practice in 2019. Staff who have joined the service since that date have also undertaken this training. The Trauma Informed approach in Devon YJS was reflected in the early adoption of the Enhanced Case Management model over the past three years. The service has now appointed a Trauma Champion to further develop the trauma-informed approach of the service. This is part of a South-West regional approach to improve Trauma Informed Practice across the region. A new permanent Psychologist post in Devon YJS has recently been recruited to, to further embed the ECM model and offer further training to the wider staff group.

A target was set to ensure the training of at least 12 members of staff in the Child First Practice Effective Practice Award. We have been able to train 7 members of staff. Some barriers to this have been the focus on inspection, the service being part of an overall restructuring of children services which has seen several changes in senior leadership. The ambition to have a wider number of staff obtaining this award will carry forward into the next year, ensuring that all team leaders are trained and that a summary of this training is delivered to the management board.

Several staff have undertaken the AIM 3 assessment training and work on the 'Good Lives' model of intervention, enabling them to work with young people displaying Harmful Sexual Behaviour.

A skills audit for the staff group would benefit the service to understand the needs of the staff group and in turn formulate a more formal workforce development plan.

12. Evidence based practice and innovation

Below is a summary of some areas of practice innovation seen in DYJS over the past year.

- Children in Care offences of Criminal Damage – DYJS and partners have recognised that there has been an over-representation of CIC receiving formal outcomes for criminal damage offences within their homes. Significant work has taken place with police, social care and placement providers regarding the 10-point checklist for children in care.
- The effectiveness of the multi-agency OOC panel is to be celebrated and significant work has been undertaken to align the consistent offer to children across Devon and Cornwall, which consists of 4 differing Youth Justice Services.
- For the last three and a half years, the service has run an Enhanced Case Management project using a psychologist paid for out of reserves, as agreed with the MB. This has proved to be a very effective method of working for the most traumatised young people, powerfully bringing services together to address the needs of the most complex children. (NB for nine months the service was without a psychologist, but we have since re-recruited).
- Devon YJS has a Trauma Champion who supports the ECM model and works closely with the psychologist to establish and formulate meetings. They support the auditing of this model and gather feedback to allow for oversight and scrutiny. During the past year this post has helped to increase training opportunities and promote practice innovation for staff.
- With regards to Speech and Language assessment, Devon YJS has operated a model that assumes young people will have a Speech and Language need unless there is evidence to suggest otherwise. This leads to a very high proportion of YJS children being offered Speech and Language support, with many deriving great benefits. (One child said *"I was at my last school for five years and they just didn't get me. It only took Gemma three hours, and she got me."*) The latest innovation is that the Speech and Language therapist is based at Court and seeks to assess young people there, with a view to assisting with communication between the child and the Court. This pilot project has had some excellent early results and it is planned to roll

- it out to other Courts in Devon. This project, coupled with training for magistrates from the Speech and Language therapists in Devon YJS, has really raised the profile of children with Speech and Language issues in the Courts.
- One further area of innovation is transitioning children/young people to Probation. Devon Social Care's OFSTED inspection raised some concerns about the services offered to Care Experienced young people (Care Leavers) in Devon, finding a very abrupt difference from youth to adult services. Devon YJS has worked with the Permanence and Transition Service (who support Care Experienced young people) and the police to improve this. Transitions from the YJS to Probation are dealt with very carefully, with a Probation Officer who works part-time in Devon YJS and part-time in Probation often providing continuity to young people and thus avoiding re-allocation. The probation service has now gone further, by establishing 18-25 "pods" ensuring that this group of young people receive the appropriate support based on their age and maturity.

13. Service development plan

Partnership priority is....	In 2023/24 we want to see...	Accountability (inc. Partner and staff providing support)	Benefits	Success indicators
Reducing 1 st time entrants	<p>Ongoing development of the turnaround programme.</p> <p>An expansion of the offer of O22 disposals.</p> <p>A strategy in place regarding the spike in FTE numbers during school leaving time and holiday periods</p> <p>Regular review of data in management board to review FTE figures</p>	<p>DYJS Head of Service; DYJS Operational Manager; Turnaround Team Lead; Youth Justice Inspection Devon and Cornwall Police</p>	<p>Child diverted from the YJ system</p> <p>Swifter justice</p> <p>Support for schools</p>	<p>Reduction in FTEs</p> <p>Successful completions of children open to preventative or diversionary support packages</p> <p>A reliable method of sharing data on FTE's in quarterly Management board meetings is established.</p>

<p>To strengthen the crossover and oversight of serious violence governance.</p>	<p>A reduction/sustained low rate in serious youth violence and knife related offences and the rate per 10,000.</p> <p>A reduction in the numbers of substantive outcomes in youth justice relating to serious violence</p> <p>An improved and coordinated approach to youth safety and violence reduction-including contextual safeguarding.</p> <p>Improved supported transitions from youth justice services and targeted support for 18- to 25-year-olds.</p> <p>A greater emphasis on providing services at ‘teachable, reachable moments’ for adolescents at risk of serious youth violence and child criminal exploitation.</p> <p>An offer of support for children released under investigation and/or awaiting Court for alleged offences of serious violence</p> <p>Innovation strategies such as bidding to host the “Knife angel”, to react to emerging</p>	<p>DYJS Head of Service; DYJS Operational Manager; Safer Devon Partnership; Devon County Council strategic lead on Exploitation, Missing children and Prevent, Probation Service leads on 18-25 cohort; Police Prevent leads and Counter Terrorism Policing teams; MAPPA and MASH leads</p>	<p>Public Protection</p> <p>Increasing the safety and wellbeing of the children of Devon</p>	<p>Offer given/or assertive outreach to all Children RUI’d or awaiting Court for Serious Violence</p>
--	---	---	--	---

	<p>themes of concern such as concerns linked to misogyny.</p>			
Workforce development plan	<p>A workforce development plan that seeks to increase the skills and understanding of a Child First approach in Youth Justice.</p> <p>An increase in support to CJS partners in their workforce development plans to ensure that there is a cross partnership understanding of child first approaches to justice.</p> <p>To ensure the management board partners are abreast of the current evidence base regarding successful interventions for children in the Criminal Justice system</p>	DYJS Head of Service; DYJS Operational Manager; all partners in Management Board.	<p>Expands the skills, knowledge and expertise of DYJS staff in dealing with the range of issues faced by children entering the CJS.</p>	Evidence of cross partner training having been delivered
Participation offer expansion	<p>A deeper understanding of participation as an evidence-based intervention focused on identity development.</p> <p>To have developed youth participation forums.</p> <p>To have developed parent’s participation forums.</p>	DYJS Head of Service; DYJS Operational Manager; all partners in Management Board; DCC participation team; SPACE	<p>Stronger voice of the child and their families/carers in shaping services in our communities</p> <p>Developing stronger links with the community</p>	Emerging signs of the positive impact of participation on reoffending, youth detention and disproportionality rates.

	<p>To learn from Inspections and national best practice</p> <p>An increased number of children and families actively participating in youth justice service design, scrutiny and desistance focused interventions.</p>			
Quality Assurance	<p>A Quality Assurance strategy plan to be in place to provide a comprehensive, and integrated planning process focused on increasing the standard of service received by children, families and carers open to DYJS.</p>	<p>DYJS Head of Service; DYJS Operational Manager; all partners in Management Board; DCC Quality Improvement team</p>	<p>Helping to identify where systems and processes are not effective and where improvements can be made</p>	<p>A Quality Assurance process in place by October 2023</p> <p>The YJS team indicate a clear understanding of the QA process</p>
Swifter justice	<p>Delays in dealing with children post incident are kept to a minimum</p>	<p>DYJS Head of Service; DYJS Operational Manager; all partners in Management Board; Head of Crown Prosecution Service in Devon; work in Combination with Torbay Youth Justice Service to develop strategy.</p>	<p>Swifter justice is served for victims</p> <p>Rehabilitative support can be offered sooner (particularly relevant for children whose</p>	<p>Evidence and data captured on length of delays to analyse any reasons for this.</p>

			<p>maturity levels develop/change quickly)</p> <p>Diversionary options are considered in every case.</p> <p>Support offered to all children/their families and carers who are awaiting court.</p>	
Reduce the use of youth detention	<p>An ongoing and open challenge to board members on the partnership contribution to addressing risk of youth detention:</p> <p>Establish evidence-based models of practice that build upon the family safeguarding approach, including: constructive resettlement and identity development.</p> <p>Enhance our offer to prevent the unnecessary remand of children to youth</p>	<p>DYJS Head of Service; DYJS Operational Manager; all partners in Management Board; Emergency Duty Team Management; Appropriate Adult team children’s social care, contextual safeguarding team, education and the post 16 offer.</p>	<p>Improve child first response across county when they encounter CJS</p> <p>Safeguarding of children in Court (keeping them separate from adults awaiting sentence)</p>	<p>Build on internal monitoring mechanisms for children kept overnight in Devon police custody cells.</p> <p>Clear evidence that detention in police custody was the last resort</p>

	<p>detention where they can be managed safely in the community.</p> <p>Ensure disproportionality for children subject to youth detention is proactively monitored and challenged.</p> <p>Work with the Police and Court to support their environments to be as child friendly as possible.</p> <p>Ensuring the voice of the child and their family is present in OOC panel via attendance by the relevant YJS assessors.</p>		<p>Reports from those with the lived experience that their needs/rights as children have been met.</p> <p>Appropriate use of the PACE bed, or alternative safe accommodation and a reduction in children being held in Police Cells.</p>	<p>A reliable method of sharing data on children held overnight in Police custody in quarterly Management board meetings being established</p>
<p>Nine new Key Performance Indicators</p> <p>Live data tracker</p>	<p>DYJS will report to the MOJ and YJB on all nine Key Performance Indicators.</p> <p>DYJS will also capture data on the four existing KPI re FTEs, re-offending and frequency rate and the rate of children in Custody.</p>	<p>DYJS Head of Service; DYJS Operational Manager; DYJS information officer; all partners in Management Board; Lead for Adolescent framework; Head of Service for MASH in Devon LA</p>	<p>Clear understanding of the cohort</p> <p>Updated and “live” data to inform strategy and application of resources.</p>	<p>Improved outcomes for the lives of the children and their families/carers in Devon.</p> <p>Increase of children removed</p>

	<p>In addition to this DYJS will use a “live tracker” to capture data on reoffending</p> <p>Also seek to have a “dashboard” capturing -</p> <ul style="list-style-type: none"> - Educational outcomes, exclusions, type of school place allocated the DYJS children - ETE outcomes for post school age children - Disproportionality/Overrepresented children (including race, ethnicity, health and neurodiversity) - Children held overnight in custody - Children open to Social Care - Children with exploitation concerns - Stop and search data. 		<p>Clear accountability for all partners to hold each other to account.</p> <p>Ensuring the right support is given by the right team, at the right time.</p>	<p>from the Criminal Justice System.</p>
<p>Work to strengthen the Devon YJS Management Board</p>	<p>A strengthening of the links between the Youth Crime and Violence Prevention Partnership and Devon’s Youth Justice Management Board</p> <p>An understanding and full compliance with the Youth Justice Oversight Framework</p>	<p>All partners in Management Board, led by the Chair of the Management board; Safer Devon Partnership</p>	<p>Management Board assertively governing and overseeing process to meet the needs of children,</p>	<p>Management Board being undertaken on a face to face basis, in offices to enable more interaction with staff.</p>

	<p>A quarterly data analysis discussion to define and direct service</p> <p>DYJS operational manager to bring high concern children (those who have been high concern for long periods and are stuck or whom are in custody) to management board for oversight</p> <p>The management board members facilitate opportunities to operational staff to attend and contribute to the management board.</p> <p>Update the Management Board Induction Pack</p>		<p>families and communities.</p> <p>All steps can be taken by those with high seniority to try and remove any structural barriers faced by children “stuck” in the CJS.</p> <p>The strengthening of relationship between the board and operational DYJS staff.</p>	<p>Update from Management Board meeting to become a standing agenda item of Devon YJS Team Meetings</p> <p>A summary of Board minutes to be sent within 5 days after the board sits to all staff.</p> <p>New board members can clearly state they feel supported to carry out their roles most effectively.</p>
<p>Tackle disproportionality/overrepresentation in the criminal justice system in Devon</p>	<p>A completed policy to understand the issue and how to respond; by gathering and capturing data and feedback from overrepresented groups</p>	<p>DYJS Head of Service; DYJS Operational Manager; DYJS information officer; all partners in Management Board; Head of Corporate Parenting in Devon LA; Head of MASH in Devon LA</p>	<p>Management board feel reassured they have reliable data on minority groups in our</p>	<p>Disproportionality within the youth justice cohort to reduce and progress towards aligning with local</p>

	<p>That disproportionality is a shared priority across the partnership and wider local authority response.</p> <p>An increased engagement with voluntary and/or third sector organisations who specifically work with Black, Asian or minority ethnic communities</p> <p>Further development of the Trauma Recovery Model (TRM) through an Enhanced Case Management (ECM) approach with Child and Adolescents Mental Health Service (CAMHS)</p> <p>Ensure a strategy is in place for Children Looked After by the Local Authority or referred to MASH as they are over-represented in the CJS.</p> <p>Offer to all children awaiting court to be shown around the Court before the hearing</p> <p>To expand the offer of S&L for children appearing in Court</p>		<p>communities to identify over-representation in CJS</p> <p>Lived experiences of those from minority groups is gathered to support the ongoing review and implementation of policy</p>	<p>demographic and population.</p> <p>Evidence clear that all children awaiting Court have been offered support whilst they await a Court date</p> <p>All 3 Youth Courts in Devon having access to S&L support</p>
--	--	--	---	--

<p>Review all policy to ensure these are child first and align with new YJB case management guidance</p>	<p>As a minimum -</p> <ul style="list-style-type: none"> • Appropriate Adult • Provision for children who are interviewed under PACE • Victim and RJ Policy • Public protection and desistence policy (risk policy) • Case allocation policy • Compliance and Engagement policy • Data Protection policy • Disproportionality Policy • Resettlement • Adolescent Safer Framework and Exploitation 	<p>DYJS Head of Service; DYJS Operational Manager; all policies to be signed off by Management Board chair; Lead for Adolescent Safety Framework</p>	<p>Ensuring all policy follows the most recent guidance from YJB, follows child first principles and is based on most recent evidence of what works.</p>	<p>All policy has been reviewed and agreed in Management Board by year commencing 2024.</p> <p>Reports from the staff group of their understanding of all DYJS policy</p>
<p>Work to increase participation by YJS children and young people in Education, Training and Employment (ETE) opportunities</p>	<p>Develop ambitious aims for ETE work in the YJS, including the achievement of Level 2 English and Maths by every child</p> <p>Establish a greater range of occupational training opportunities for those children beyond compulsory school age</p>	<p>DYJS Head of Service; DYJS Operational Manager; DCC 0-25 lead; Education Welfare Officers; ETE PA's</p>	<p>Children being supported to attain good educational or training levels to develop protective factors to</p>	<p>A reduction in the number of children ending criminal justice outcomes Not in Education, Training or Employment</p>

	<p>Monitor and evaluate the levels of educational engagement and attainment in disproportionately represented groups within the YJS caseload to develop improvement, including for: - children with an EHCP; - children with SEN; - children permanently excluded from school; - out of court disposal cases; - children released under investigation.</p>		<p>promote desistence.</p> <p>In turn, lowered rates of further offending</p>	<p>A reduction in exclusions of children open to DYJS</p>
	<p>Monitor, alongside the local authority, key aspects of ETE work for children working with the YJS, including: - the extent of school exclusion in the YJS cohort; - the actual level of attendance at school, college, work or training placement; - the extent of additional support provided to children with SEN; - that every child with an ECHP has this reviewed on an annual basis to meet the statutory requirement.</p>			

14. Challenges, Risks and Issues

Challenges

- How and who to deliver the teachable/reachable moments at point of arrest?
- How and who to work with children who have been RUI'd for alleged offences of serious violence?
- How can we encourage children to be prioritised quicker by the CPS whilst awaiting Court and what offer of support can be given whilst they await the court date?
- How can we expand the S&L resource to cover both North and South Courts?
- Loss or lack of data from all agencies meaning the overall understanding of children in the CJS is unclear.
- Connecting the Youth Justice Service with Wider Children Services


Risks

- Failure to meet the KPIs
- Increase in FTEs
- Increase in use of detention for children of Devon
- Buildings - possible change to Exeter office location may see a loss of resources (such a music area, community gardening, kitchen, wood working, pottery, bike maintenance, computer suites for revision, needlework) used to help them develop pro social identifies.
- If staffing became under-resourced which could make a workforce development plan hard to deliver on and re-offending rates increased

Issues

- Financial implication to the LA when/if children are remanded or detained in secure settings
- Possible future funding uncertainties

15. Sign Off, Submission and approval

Version	Date	Reviewed by
V1	15.06.2023	Discussed with Devon YJS management team
V3 FINAL	30.06.2023	Final version submitted to the YJB
<p>Approved by:</p> <p>John James Acting Head of Devon Youth Justice Service</p> <p>Signature:</p>  <p>Date: 30.06.23</p> <p>Jassi Broadmeadow Chair of Devon YJS Management Board</p> <p>Signature:</p> 		

Date: 30.06.2023		
------------------	--	--

Appendix A - Caseload

The data provided here covers the work done by DYJS between 1st April 2022 to the 31st of March 2023.

A total of 177 initial assessments has been undertaken in this time, reviews are required of these assessments as circumstances change for children, or at least every 6 months.

A total of 268 interventions have been opened in the service in this time. The breakdown of these cases are as follows:

Intervention type	No of cases opened	No of cases of low concern (remained low throughout intervention)	No of cases of medium concern	No of cases of high concern	No of cases of very high concern
Anti-Social Behaviour contract/Civil Order	5	2	3	0	0
Bail Support Programme	3	0	0	0	3
Community Resolution with YJS intervention	27	3	22	2	0
Outcome 22 (with YJS involvement)	1	0	1	0	0
Youth caution with YJS intervention	43	2	35	5	1
Youth Conditional Caution	64	4	47	12	1
Referral Order	48	4	31	13	
Youth Rehabilitation Order	13	0	6	7	0
ISS programme	2	0	0	2	0
DTO post custody	4	0	0	4	0
DTO (custody programme)	4	0	0	4	0
Non statutory preventative	55	15	26	13	1
Total	269	30	171	62	6

Appendix B - Children, Families and Carers feedback



- 98% of children said they felt supported and safe
- 94% felt their qualities and strengths were recognised
- 100% felt spoken to a way they could understand
- 96% felt DYJS helped them make their own choices not just told them what to do
- 100% felt me worked well with other professionals in their lives
- 92% felt we helped make their lives better

The team have been AMAZING

DYJS have supported X completely throughout this whole process

97.6% said they felt part of the planning process though out the intervention

97.6% felt empowered to challenge DYJS at any stage

100% felt we helped them feel empowered to make decisions to protect their own child

97% felt we helped bring all services together to benefit their child

100% said DYJS checked they were receiving all their support entitlements

100% Felt comfortable, safe and understood by DYJS staff

85% felt reassured about who they could turn to for support once DYJS ended their work with the family

97.6% Said working with DYJS was a positive experience.





Parent/carer feedback

I am so grateful for the time you have given to us

You are A1!

Stay! Don't close!

Appendix C – Management Board terms of reference

The Devon YJS Management Board should ensure effective delivery of services to prevent youth crime by:

- Securing the appropriate financial, estates, personnel, strategic planning and data management in accordance with national and local legislative and policies/procedures.
- Monitoring the performance of the Devon YJS against key elements of effective practice, local targets, and inspections to ensure continuous improvement.
- Ensuring that the work of the YJS is integrated into relevant local partnerships and there are clear lines of communication.
- Contributing to and approval of the Youth Justice Plan for recommendation to partner agencies prior to final submission to the Youth Justice Board.
- Determining the overall financial and human resources of the YJS to meet the requirements of the Youth Justice Plan.
- Ensuring that core staffing is retained from the statutory agencies, and systems are in place to maintain continuous staff secondment.
- Ensuring that the work and development of the YJS is given a high profile within all partner agencies and within Devon, through effective marketing to improve public confidence in the Youth Justice System.

The Devon YJS Management Board will receive reports (to be circulated prior to the meeting) covering key areas of performance data. These will include the areas listed below; however, it is anticipated that this list will be added to in future meetings, depending upon the current areas of interest to the board.

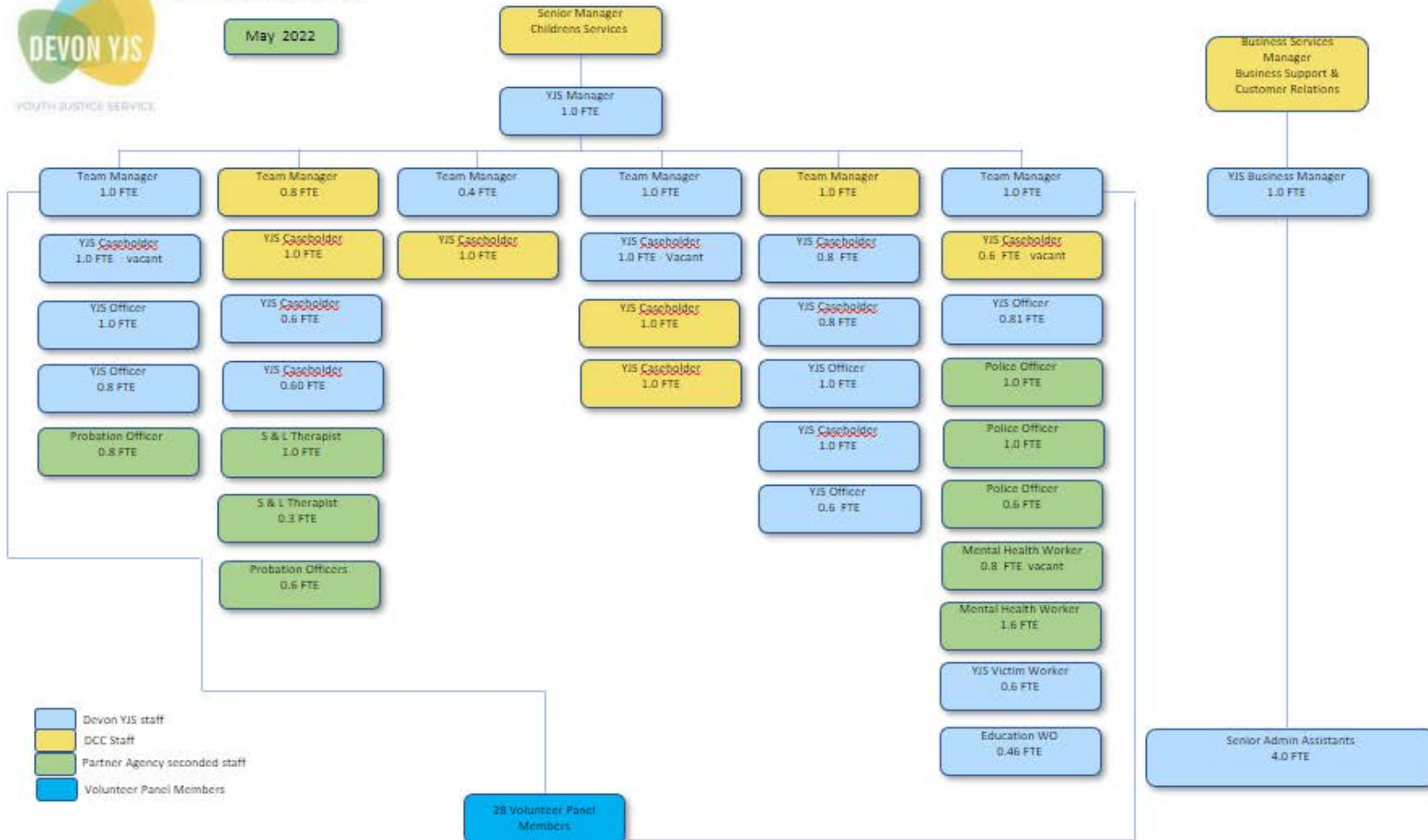
- 1) Financial report (detailing budgets and current and projected spending)
- 2) Appropriate Adults (are AAs being provided in a timely manner and how well is the AA scheme working)
- 3) Children being held overnight in Police custody
- 4) Key Performance Indicators (to cover KPIs reported by the Youth Justice Board but also other areas of interest to the Devon Board)
- 5) Offending by Children in Care in Devon

Appendix D – Staff Structure chart



YJS Structure Chart

May 2022



Appendix E - Glossary of Abbreviations:

Anti-Social Behaviour	ASB	His Majesty's Inspectorate of Probation	HMIP	Police & Crime Commissioner	PCC
Adolescent Safety Framework	ASF	Junior Attendance Centre	JAC	Quality Assurance	QA
Black, Asian and Minority Ethnic	BAME	Key Performance Indicators	KPIs	Restorative Disposal	RD
Child and Adolescent Mental Health Services	CAMHS	Missing and Child Exploitation	MACE	Restorative Justice	RJ
Child Sexual Exploitation	CSE	Multi-Agency Public Protection Arrangements	MAPPA	Remand to Local Authority Accommodation	RLAA
Devon County Council	DCC	Multi-Agency Safeguarding Hub	MASH	The Appropriate Adult Service	TAAS
Detention and Training Order	DTO	National Standards	NS	Youth Inclusion Team	YIT
Enhanced Case Management	ECM	National Referral Mechanism	NRM	Youth Justice Board	YJB
Education, Training and Employment	ETE	Office of the Police and Crime Commissioner	OPCC	Youth Justice Service	YJS
First-time entrants	FTEs	Out of Court Disposal	O OCD		

Case Study 1

Simon assaulted another boy his age by punching him in the face. Historically, this matter would have proceeded immediately to Court. Often with a significant delay before it was heard and in turn would have left Simon with a criminal record and the lifelong impact of such upon a child.

Following an assessment by YJS, it was discovered that Simon's mother was struggling at home, suffering from PTSD and self-harming. Simon was caring for her and his twin brother who had his own disability from a head injury when he was a baby. The victim of Simon's offence had disagreed with Simon about a football result. This was enough to trigger Simon's sense of pent up frustration and anger and he lashed out at the victim. We felt we could work with Simon on an Out of Court disposal. The police and, with some reassurance, victim and his family agreed with this proposal.

We worked with Simon, his family, the victim and the school to ensure the victim felt safe and secure and following support being given to his mum, twin brother and Simon himself – we arranged some restorative justice meetings.

Simon's YJT worker spent a lot of time building a trusted relationship with him by carrying out activities Simon enjoyed. As they were undertaking these activities, they would talk about the problems Simon was experienced. A screening for Speech and Language discovered a development Language disorder in Simon and all partners and the school have been given support on how best to communicate with him. Simon was introduced to martial arts groups and now has a stable relationship within these groups. Mum is now supported via her GP for her own mental health issues, through JS parenting support and social care early help support. Mum is also coming to the martial arts groups and developing her own relationships with other parents there. Simon completed his work with us but remains in contact with YJS and helps us by sharing his thoughts on new policy and process at the point of review.

Case Study 2

D was heavily involved in an organised crime group and being exploited under a County Line to deal drugs and get involved in serious violence. The police had known about D for some while and felt the only way legitimate to address this was for D to be placed in custody. He was being labelled as an "offender" and as "dangerous". Assessment uncovered that D had experienced a lifetime of trauma, abuse, rejection, punishment and expulsion. D felt he did not have a place in "normal" society or indeed within his own family. The organised crime group offered him purpose, money and a sense of belonging. They exploited this child's negative experiences to benefit the overall crime group.

In working with D, the YJS has worked hard to understand what has happened to D, rather than what is wrong with him and assign him with any further negative labels. YJS prioritised the view that behaviour stems from any child's identity and the way in which they perceive themselves, their relationship to others and the world around

Agenda Item 8.

them. We knew any work we did with D needed to focus heavily on how to develop his pro social identity and in develop a new sense of purpose and a sense of belonging. His history led to him having an identity to perceive the world around him to be unsafe and dangerous and himself to be unlovable, not worthy of trusting and nurturing relationships. His early experiences led to him being hypervigilant and sensitive responses regarding his fight, flight and freeze responses. This made him more vulnerable to exploitation and a propensity to be violent as a result. There was very little opportunity for identity shift and YJS knew custody is more likely to increase his sense of a future life involved in the criminal justice system. What was there to lose?

YJS devised an intensive package of support around D and convinced the Court to allow him to remain in the community. The package of support needed the full involvement of social care, the police, health and probation services. A lot of monitoring was required at first and D was prevented from having contact with certain others. At the same time the hard work began to develop a trusting relationship with him. It hard task given his experiences. But this was achieved. A kind, funny and generous boy was discovered. He had a love of cars. He was trusted to help learn more about cars and supported to get his driving licence. In doing this he was taught about the value in failing in order to succeed and in turn develop his resilience.

D continues to work with us and has not re-offending to date. We are realistic there could always be times were he “relapses” and will always have some vulnerability to exploitation. But viat eh resources we hold we expose him to more and more positive activities via our centre in Exeter. He tried cooking and woodwork; he did not enjoy it but tried! He has though, wanted to get into fitness too and we are now starting in this journey to develop a sense of belonging in this group. Environment of intervention and interaction is crucial. It impacts on the child’s sense of self and self-worth. It needs to be safe to explore new things. To get things wrong and learn from it. Having areas were staff know their names, remembering what they like to drink and taking interest in their lives – whether this is an allocated work or not, or indeed admin or reception staff – makes the world of difference to helping a child like D move away from a life in the criminal justice system.

Agenda Item 8

Below is a summary of the main challenges, risks and issues faced by Devon Youth Justice Service for the upcoming year 23/24.

Challenges

- How and who to work with children who have been Released Under Investigation for alleged offences of serious violence?
- How can we encourage children to be prioritised quicker by the Crown Prosecution Service whilst awaiting Court.
- How can we expand the Speech and Language resource to cover both North and South Courts?
- How can we ensure we receive data from all agencies meaning the overall understanding of children in the Criminal Justice System is clear.
- How can we connect the Youth Justice Service with Wider Children Services

Risks

- If we fail to meet the KPIs return deadlines
- An Increase in child FTEs
- If we see an increase in use of detention for children of Devon
- Buildings - possible change to Exeter office location may see a loss of resources (such a music area, community gardening, kitchen, wood working, pottery, bike maintenance, computer suites for revision, needlework) used to help them develop pro social identifies.
- If staffing became under-resourced which could make a workforce development plan hard to deliver on and re-offending rates increased

Issues

- Financial implication to the LA when/if children are remanded or detained in secure settings
- Possible future funding uncertainties

CS/23/17

Cabinet

Date 8 November 2023

Proposal to integrate Cornwall into Adopt South West

Report of the Interim Head of Adopt South West

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet be asked to:

- (a) approve the proposal by Cornwall Council to become a full member of Adopt South West Regional Adoption Agency, hosted by Devon County Council, from 1 April 2024
- (b) approve the acceptance of the statutory and legal functions relating to adoption services as set out in paragraph 8 of this Report, delegated by Cornwall Council to Devon County Council as the host authority
- (c) authorise the Director of Children and Young People's Futures, the Director of Finance and Public Value, and the Director of Legal and Democratic Services to finalise and agree a revised Inter Authority Agreement for the purposes of adding Cornwall Council to the existing shared service and updating the financial model as set out in section 7 of this Report
- (d) agree to the transfer of staff under TUPE regulations from Cornwall Council to Devon County Council and authorise the Director of Children and Young People's Futures and the Director of People and Culture to complete all necessary actions that are required to support the expansion of the adoption services by the Regional Adoption Agency to the administrative area of Cornwall Council and the Isles of Scilly

2) Background and introduction

- 2.1 In June 2015, the Department of Education (DfE) required all adoption agencies in England (local authority adoption services and voluntary adoption agencies) to consider how they could work more closely together on a regional basis.
- 2.2 The Education and Adoption Act 2016 gave the Secretary of State a new power to direct one or more named Local Authorities to make arrangements for any, or all, of their adoption functions to be carried out on their behalf by one of the Local Authorities named, or by another agency.
- 2.3 On 11 April 2018, Devon Cabinet agreed that a Regional Adoption Agency named Adopt South West be established, incorporating the adoption services of Somerset

Agenda Item 9.

County Council, Torbay Council and Plymouth City Council, to be hosted by Devon County Council.

- 2.4 Cornwall and the Isles of Scilly Adoption Service (for whom Cornwall provide an adoption service) did not join a regional adoption agency at this time due to uncertainty about the model being proposed, and concerns at the time about consistent practice standards. However, seven years have since passed since the Education and Adoption Act 2016 came into force and Regional Adoption Agencies across England have developed significantly.
- 2.5 Cornwall is now one of only two Local Authorities nationally who are not yet part of a Regional Adoption Agency and the DfE has given a clear message that Cornwall should join a Regional Adoption Agency as soon as possible.
- 2.6 In partnership with Adopt South West, Cornwall undertook a review of options for Cornwall's future relationship with Adopt South West.
- 2.7 Cornwall Council are requesting agreement from Adopt South West members and host Devon County Council to join Adopt South West. Merging Cornwall and the Isles of Scilly Council Adoption Service, both pre and post order adoption services, and therefore become a full member with Adopt South West.
- 2.8 The benefits for Cornwall will exceed the disruption that moving a service will cause, giving Adopt South West delegated duties for all Adoption core functions, which will also allow a larger area of media coverage leading to more potential adopters, a streamlined service over a large proportion of the South West area, continuity of service not only for staff working within adoption but also for our children and adopters.
- 2.9 The proposal for Cornwall Council and the Isles of Scilly Adoption Service joining Adopt South West involves the TUPE transfer of staff to Devon County Council and the provision of finances to support Adopt South West to enable the continuation of outstanding adoption practices across the region.

3) Proposal

- 3.1 The proposal is for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. Becoming a full member would lead to Cornwall joining the existing partners and sharing equal influence and accountability to further develop and improve the service. All core functions, pre and post adoption order, of Cornwall and the Isles of Scilly adoption agency would be delegated to Devon County Council as the host of Adopt South West.
- 3.2 Decision making related to children prior to the making of an adoption order would continue to be held by the responsible Local Authority.

Agenda Item 9.

- 3.3 The Isles of Scilly would be included in the agreement with a new Service Level Agreement will be agreed between Devon County Council and the Isles of Scilly from 1 April 2024 onwards.
- 3.4 It is felt by Cornwall Council that Adopt South West was the best regional adoption agency for Cornwall to join, not just because of its locality but because it is a high performing agency that has developed excellent practice in the four years since it was set up. Essex Children and Families Partner in Practice (PIP) have undertaken two Peer Reviews of Adopt South West, the first in December 2020 and the second in February 2022. They found Adopt South West to be a 'very good, well-functioning organisation producing a large volume of high-quality work' and that they had achieved an enormous amount of progress in a very short timescale.
- 3.5 Fourteen posts from Cornwall's Adoption teams, including business support, would transfer to Devon County Council, as host of Adopt South West. Staff in those posts at the point of transfer will be subject to the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations unless they inform their current employer, Cornwall Council, in writing, that they do not wish to transfer. In addition, Cornwall will transfer funding for 60% (3 days) of a Service Manager post to cover the increased workload and staff management responsibilities and 100% (5 days) for team management of Cornwall's adoption work.
- 3.6 Cornwall's geographical area is unique, and the TUPE transfer of Cornwall Council employees will ensure that all of Cornwall can continue to be easily accessed by staff who know Cornwall. All Adopt South West workers will also be able to access and work from any main Cornwall Council building, which would include meeting rooms to printing facilities. This will assist at times with areas of demand across the whole of the South West region.
- 3.7 Negotiations will take place about the inter-agency budget and contributions that will be made for placing children with adopters approved by adoption agencies other than Adopt South West. Joining Adopt South West will enable access to a single pool of adopters across five Local Authorities, which have a financial benefit.
- 3.8 Cornwall's Adoption Panels will move to Adopt South West. All Cornwall Adoption Panel members will be encouraged to join Adopt South West Central List. The Cornwall Health Authority Medical Advisor as well as Education colleagues would continue to provide their service to all children across the Adopt South West region. Virtual Adoption Panels have been successful within Adopt South West, providing consistent scrutiny of documents, with one Agency Decision Maker, Head of Adopt South West, for prospective adopters.
- 3.9 Cornwall Council (as with existing Adopt South West partners), will retain decision-making for children, in respect of Cornwall's children prior to the making of an adoption order.
- 3.10 Risks and Mitigations:

Agenda Item 9.

- As with any large change, there is the potential that some Cornwall employees may feel anxious about TUPE to another local authority, in this case Devon County Council. They may be concerned about the loss of their identity and worried their feelings will not be addressed. However, it is recognised that the processes within the TUPE consultation will be designed to support these employees and address any concerns they have. Having the opportunity to informally meet Adopt South West employees before the 'go live' date has also helped with relationship building and give incoming staff some confidence about working more closely together. Staff are already participating in task and finish groups to align practice and build relationships. Plans are in place for the staff groups to continue to come together on a regular basis throughout 2023 and 2024.
- Adopt South West's funding formula is at this time under final consultation by member authorities, and informal agreement on the implementation timetable has been agreed subject to the normal democratic decision-making processes. The financial implications section of this business case outlines this option.
- There is the potential for inter-agency fees across the region to be reduced as no fee would be paid for adoptive placements within the Adopt South West region. However, there is also a risk the inter-agency fees could be greater. Although it is expected that children from across the region could also be matched to prospective adopters resident in Cornwall as well as the rest of the region, there may be occasions when other regional adoption services or voluntary adoption agencies will be used. These costs form part of the Adopt South West funding formula, that Cornwall would contribute to.

3.11 Benefits:

- Cornwall Adoption Agency have, for a number of years, been an outstanding Ofsted rated adoption agency but recognise that within the fast-changing pace of social work and current adoption climate, joining and pooling resources, knowledge and expertise with four other Local Authorities, (Devon, Plymouth, Somerset and Torbay) would be extremely beneficial for children whose permanence plan is one of adoption. With the integration of Cornwall, practice would be standardised across all five Local Authorities adoption services, which will provide consistency to the child and the adopter experience.
- There is the potential for member authorities to see improved outcomes for children due to swifter matching for children within a larger pool of prospective adopters to achieve the most suitable match.
- A single pool of adopters would improve the capacity for a reduction in the number of 'change of plans' across the region, leading to potential for more children achieving permanence through adoption.
- It would improve adopter recruitment levels and all potential prospective adopters will have the same consistent preparation within the Adopt South West region.
- All of the local authorities involved could potentially achieve better value for money when commissioning and procuring contracts for services and pooling resources.
- Core Functions, such as Stage 1 and 2 of the Prospective Adopters Report, Letter Box Direct Contact, Step Parent Adoption Information and Assessments, Birth Parent Counselling/Relative and Birth Record Enquiries would be arranged and overseen by Adopt South West. This would ensure consistency across the Adopt South West regions giving children and families equality in the services provided.

Agenda Item 9.

- It will allow shared best practice across the Adopt South West region and encourage further innovation across the region.
- Staff will receive shared training and skills transfer, which will support improved standards, increased consistency, and best practice.
- A whole South West (five local authorities) approach would be achieved, giving transparent, consistent and efficient Adoption Panels. There would be one Agency Decision Maker for prospective adopters, which will provide consistency in decision making.
- Commissioning marketing and recruitment with clear requirement strategies in respect of volume and quality of adopters for the whole of the South West, which would make the best use of marketing and provide a single front door for all potential prospective adopter enquiries.
- Partner Agencies having one contact, i.e., Adopt South West when working with children who are being adopted or are within their adopted families no matter where they live within the Adopt South West region.
- By working together with employees and supporting them through change, Adopt South West would gain experienced staff who are knowledgeable about requirements across Cornwall and the Isles of Scilly.
- Cornwall Adoption Business Support staff or equivalent resource would also TUPE to Devon County Council, bringing with them knowledge and experience to assist with the work for Cornwall within Adopt South West.
- There would be improved data collection for performance measurement and management effectiveness across the whole of the Adopt South West region. It can be used to look at trends within areas and identify areas of development.

3.12 Key outcomes:

- Increase the number of prospective adopters available for 'children with harder to place/priority needs' across the region through the cumulative impact of four strategies:
 - See a higher conversion rate from enquiry to approval of prospective adopters by using a single front door, Adopt South West's Marketing and Recruitment contract, focused on quality of adopters and the quality of early assessment to create a larger pool of quality adopters. Adopt South West approved 92 adult group prospective adopters in the last financial year, while Cornwall approved 18. This would have given a pool of 110 prospective adopter families (data 31st March 2022).
 - Earlier identification of children with potential adoption plans through Adopt South West Family Finding team/Gateway/tracking meetings to match with the larger pool of adopters. Adopt South West have a target for a child to be linked with a prospective adopter within one month of a Placement Order being granted. Adopt South West performance on A2 (Court authority to match) for the last financial year was 162. Cornwall's A2 figure being 289 for the same period would therefore improve swiftness for Cornwall's children is an area of development.
 - Increased targeted recruitment of adopters for the children that are harder to place due to age, additional needs or sibling groups through the addition of Cornwall residents applying to adopt through Adopt South West, as part of one Marketing and Recruitment contract.

Agenda Item 9.

- Increase the number of Early Permanence (Foster to Adopt) – Adopt South West Family Finding Team, every child will be considered for a Foster to Adopt placement through a larger single pool of adopters.
- Reduce the number of children with a Placement Order revoked by improved quality of adopters identified through the Adopt South West marketing and recruitment contract.
- Reduce the financial costs of inter-agency placements by having a larger pool of prospective adopters throughout the Adopt South West region.
- Improved stability of placements and retention of recruited prospective adopters by creating:
 - More timely matching of children to prospective adopters approved by Adopt South West, through shared processes and interfaces with five Local Authorities.
 - Continuity for all adopted children and their families, providing quality support no matter where a child or family live within Cornwall, Devon, Plymouth, Somerset, or Torbay. Early prevention to avert a breakdown and a child returning to care is a necessity both to the child and family but also financially for a local authority.
- Increased data collection for performance measurement and management effectiveness across the whole Adopt South West. A system which will look at trends within areas and identify areas of development. A system which will report to the DFE as a Regional Adoption Agency, but also can break down data for each individual local authority. A proven system which handles data safely and securely.

4) Options / Alternatives

4.1 Do nothing

The no change option was not a viable option as the push for Cornwall to join a Regional Adoption Agency (RAA) came for the Department for Education and given their location, Adopt South West was the only RAA that made logistical sense.

4.2 Partial integration

The other proposal considered was for Cornwall's adoption services to be integrated into Adopt South West, with the exception of the adoption support services. However, this option was not considered viable by the existing Partners as it would have meant that Partners in Adopt South West would no longer have been equal, which would have made the calculation of financial contributions and governance arrangements extremely difficult.

5) Consultations / Representations / Technical Data

- 5.1 Consultation has been undertaken with the current four local authorities that make up ASW who are supportive of Cornwall Council joining Adopt South West on the basis described in this report.

6) Strategic Plan

6.1 The proposal is aligned with the Council's priority to be ambitious for children and young people as it will:

- increase the number of prospective adopters available for 'children with harder to place/priority needs' across the region
- see improved outcomes for children due to swifter matching for children within a larger pool of prospective adopters to achieve the most suitable match
- improve the capacity for a reduction in the number of 'change of plans' across the region, leading to potential for more children achieving permanence through adoption
- reduce the number of children with a Placement Order revoked by improved quality of adopters identified through the Adopt South West marketing and recruitment contract

7) Financial Considerations

7.1 Work has taken place over recent months to ensure that Adopt South West will have sufficient additional budget to take on the functions for which it will now be responsible. In total additional budget of £916,000 will be required. This comprises:

Budget Heading	Amount (Based on 23/24 prices) £	Comments
Direct Staffing costs	592,137	Based on 12.2 full time equivalent staff
Indirect staffing costs	20,630	Training, travel and other overheads
Step Parent Assessments	23,000	Contract with independent Social Worker
Subscriptions	20,150	Includes subscriptions that will transfer from Cornwall plus expected additional costs incurred by ASW due to increase in size of the RAA
Internal Support Services	33,538	ICT, HR, Insurance etc
Panel Costs	20,100	
Post Adoption Support functions	42,000	
Advertising	10,000	
Other operational budget items	4,000	Equipment, ICT hardware etc
Total Operational Budget Costs	765,555	

Agenda Item 9.

Inter-agency fees	150,000	Based on estimated annual spend
Total	915,555	

- 7.2 As mentioned the figures above are based on 23/24 prices and will be refreshed as part of the 24/25 budget setting exercise, when details such as pay award assumptions are known.
- 7.3 At their meeting in August 2023 the Adopt South West Strategic Board were asked to consider a new funding formula for use for the period 2024/25 to 2026/27. This new methodology fundamentally changes the basis on which partners are recharged for the costs of Adopt South West and uses volumetric activity data to determine charges to each partner. Partners have informally indicated that they are happy with the new methodology and have recently informally agreed to implement this over a 2-year period, subject to the normal democratic decision-making processes required by each partner. Options based on implementing the formula over different timescales from one to three years were explored but consensus on the implementation over 2 years has been reached. All other options were rejected by one or more of the partners.
- 7.4 Cornwall have worked closely with the Adopt South West finance team to enable their contribution levels under both the existing and proposed funding formula to be calculated by providing operational volume data and historic spend information.
- 7.5 Under the existing funding formula, which is recommended to be discontinued for use prior to Cornwall joining the RAA they would be responsible for 19.48% of the total costs of Adopt South West. This equates to a total charge of circa £1.236 million (based on 23/24 prices).
- 7.5 However, under the informally agreed option to phase in the change over 2 years the charge to Cornwall would reduce and be representative of the amount of work done for Cornwall Council. The charge would be as follows:

	2024/25	2025/26	2026/27
Overall percentage of total ASW costs	17.63%	15.78%	15.78%
Charge	£1,118,948	£1,001,166	£1,001,166

- 7.6 Cornwall's charges under this formula is in excess of the expected additional budget required (as shown in para 7.1 above) and recognises the requirement for them to contribute to the overall cost of Adopt South West including the RAA's management and overhead costs. Cornwall's membership is ultimately of benefit to the existing Adopt South West partners and amounts to over £203,000 in the first year of their membership.
- The financial implication for Devon County Council arising from the formula change and Cornwall joining the Partnership is a net increase of £100,000. This takes account of the financial benefits of Cornwall joining described above.

- 7.7 There are other financial benefits to Cornwall joining Adopt South West – for example inter-agency fees which are currently charged for children placed between the two organisations would no longer apply.
- 7.8 The financial administration of the Adoption Support Fund for Cornwall would be taken over by the existing Devon County Council Finance team who administer this function on behalf of the whole partnership. A proportion of the staff transferring from Cornwall is likely to be required to supplement this team to deal with the increased workload. This is included in the 12.2 full time equivalents included in the tables above.
- 7.9 The implementation of the new funding formula and its phasing are subject to the democratic decision-making processes of each partner. In the event that any partner fails to ratify this proposal then the existing funding formula (as detailed in para 7.5) would apply.

8) Legal Considerations

- 8.1 The Regional Adoption Agency is governed by an Inter Authority Agreement which formalises the following:
- A shared service model with Devon County Council (DCC) as the host
 - The transfer of specified adoption functions from the other participants to DCC to exercise on their behalf
 - The delivery of the adoption service including ancillary services to support the adoption service and staffing
 - The transfer of staff, assets, contracts, and records to DCC
 - Financial arrangements including annual budget setting, funding contributions, and risk sharing
 - The use of premises
 - Information sharing protocols
 - Governance and decision making
- 8.2 To admit Cornwall Council as a full member to the RAA, DCC will enter into a replacement Inter Authority Agreement with Cornwall Council and the existing partners.
- 8.3 The admittance of Cornwall Council to the RAA will involve the delegation of certain adoption functions to DCC as the host authority to discharge on its behalf. The Inter Authority Agreement will set out the functions that are being delegated to DCC; a full list of these functions is appended to this report as Appendix 2 .

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

- 9.1 No impact identified.

Agenda Item 9.

10) Equality Considerations

10.1 After the integration of Cornwall, the Adopt South West Regional Adoption Agency will continue to deliver improved outcomes for children and families:

- Creating a system where children are matched with the most suitable adopter as quickly as possible
- Improve the scale of Adopter recruitment to provide a broader pool of adopters, well prepared and well matched to the needs of children waiting
- Offers sufficient, high quality adoption support services

10.2 This will be achieved by employing best practice, improving processes and practice quality and by encouraging innovation. Better shared resources across the region will also improve cost effectiveness with the potential to invest further in service developments.

10.3 Full details are included in Appendix 1 – Equality Impact Assessment.

11) Risk Management Considerations

11.1 This proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

11.2 Where risks have been identified such as those outlined below, the implications of those have been taken into account in preparing this report.

Ref	Risk description	Mitigation
1	RESPONSIBILITIES: Devon will become accountable for another local authority's adoption services. This may potentially attract a financial cost, for example if there are legal costs related to a complaint	<ul style="list-style-type: none">• Clear Governance and effective Inter Authority Agreement, e.g., delegation and financial arrangements• Responsibility for performance and inspection remains with the child's Local Authority, in the same way an authority retains responsibility for commissioned services
2	COST: Devon as the Host of the RAA will attract additional costs e.g., corporate service functions such as IT and HR	<ul style="list-style-type: none">• Funding Model will have appropriate mechanisms to ensure the Host does not wholly bear additional cost and there are appropriate mechanisms to manage financial risks agreed by all authorities• Regular review of the funding model

Agenda Item 9.

Ref	Risk description	Mitigation
3	COST: Local authorities may see an increase in cost of service as Cornwall's contribution split doesn't cover the additional cost of incorporating Cornwall into ASW	<ul style="list-style-type: none"> • Cornwall's contribution has been proportionately evaluated during the project using the current and proposed funding formula.
4	COST: Limited budget currently available to do the work required to ensure a smooth transition, and provide the new IT equipment required	<ul style="list-style-type: none"> • Ensure we have an early understanding of the full estimated costs so additional funding can be sought, if required
5	FUNDING FORMULA: New funding formula currently under development that could impact on the contribution levels of both existing Partners and Cornwall	<ul style="list-style-type: none"> • We have had sight of the proposed funding formula which is currently financially beneficial to Cornwall
6	STAFFING: Cornwall may see staff leaving their adoption services ahead of the transfer due to the uncertainty of change	<ul style="list-style-type: none"> • Early decision on posts in scope for TUPE so staff are aware of the position • Communication of the benefits of joining ASW, and what this means for staff, and ensuring they are engaged throughout the process • Transparent and timely consultation to inform working arrangement e.g., teams, locations, work base, and terms and conditions
7	STAFFING: Lack of experienced staff with local knowledge transferring across in key roles	<ul style="list-style-type: none"> • Communication of the benefits of joining ASW, and what this means for staff, and ensuring they are engaged throughout the process • Transparent and timely consultation to inform working arrangement e.g., teams, locations, work base, and terms and conditions • Staff engagement between ASW and Cornwall colleagues has commenced and will be ongoing until Cornwall join, as proposed, by April 2024
8	RECRUITMENT: Devon as Host Local Authority may end up with a number of vacancies immediately after the transition, with recruitment slowed down by the extra steps	<ul style="list-style-type: none"> • Early agreement on interim recruitment processes to allow Devon to recruit to known vacancies as soon as

Agenda Item 9.

Ref	Risk description	Mitigation
	required due to the recruitment freeze within Devon	they are known, or gaps identified <ul style="list-style-type: none">• Start the process of getting approval to recruit as soon as aware of a vacancy

The corporate or community risk registers have been updated as appropriate.

12) Reasons for Recommendations

12.1 Cornwall joining Adopt South West will provide several key benefits to existing Local Authorities:

- Cornwall has an outstanding adoption service and expertise across children's social care, evidenced in its outstanding Ofsted inspection report outcome (2019). This would indicate that Cornwall can contribute positively to the good quality of social work practice in Adopt South West. Although Adopt South West has not yet been inspected by Ofsted a peer review by Essex County Council in 2021, identified a good quality of practice.
- Cornwall joining will offer a wider range of potential adopters for children across the Adopt South West area.
- An increase in the number of partners to share overhead costs will see each of the existing partners benefit by over £203k in the first year of their membership (see financial implications below for full details).

Name: Amanda White

Head of Service – Adopt South West

Electoral Divisions: All

Cabinet Member for SEND: Councillor Lois Samuel

Local Government Act 1972: List of background papers

Background Paper: Equality Impact Assessment

Date: 23 May 2023

File Reference

Contact for enquiries:

Name: Amanda White – Interim Head of Adopt South West

Telephone: 01392 381786

Email: amanda.white@devon.gov.uk

Impact Assessment



Assessment of: Adopt South West Regional Adoption Agency – Kernow and Adopt South West Unite

Service: Children's Services

Director of Children's Services: Julian Wooster

Version / date of sign off by Head of Service: V1

Assessment carried out by (job title): Head of Adopt South West

1. Description of project

Cornwall's Adoption services wish to join Adopt South West Regional Adoption Agency as a full member. Regional adoption agencies were a response to the Education and Adoption Act 2016 which required authorities and voluntary adoption agencies to join together to form Regional Adoption Agencies (RAA). However, at that time Cornwall Council did not become members. Devon County Council took the lead and is the host council to Adopt South West. The regional grouping at this time for Adopt South West also includes Plymouth, Somerset and Torbay Councils.

2. Reason for change/review

Cornwall's Adoption services have been rated as an outstanding adoption agency for many years by Ofsted but recognise that within the fast-changing pace of social work and current adoption climate, joining and pooling resources, knowledge and expertise with four other Local Authorities, (Devon, Plymouth, Somerset and Torbay) would be beneficial for children whose permanence plan is one of adoption. Practice would also be standardised across five Local Authorities, which will provide consistency to the adopter experience.

3. Summary of aims/objectives, limitations and options going forwards

The clear benefit identified is to achieve the integration of Cornwall's Adoption services with Adopt South West, a Regional Adoption Agency that will deliver one best practice model to the South West peninsula. It will provide a larger pool of prospective adopters, swift matches for children who have a plan of adoption, better value for money in sharing costs between five Local Authorities and a service which delivers consistently good and innovative adoption practice that ensures improved life changes for children.

4. People affected, diversity profile and analysis of needs

Social/equality impacts:

The Adopt South West Regional Adoption Agency will continue to deliver improved outcomes for children and families:

- Creating a system where children are matched with the most suitable adopter as quickly as possible
- Improve the scale of Adopter recruitment to provide a broader pool of adopters, well prepared and well matched to the needs of children waiting
- Offers sufficient, high quality adoption support services

This will be achieved by employing best practice, improving processes and practice quality and by encouraging innovation. Better shared resources across the region will also improve cost effectiveness with the potential to invest further in service developments.

Environmental impacts:

There are no negative environmental impacts envisaged, staff will continue to travel to meet with children and potential adopters in the course of their work, they will now operate out of offices across the five Local Authorities, rather than four. The workforce will continue to work with technology that minimises the need to travel where possible.

Economic impacts:

Better shared resources across the region will improve cost effectiveness with the potential to invest further in development of services. There is a wish to increase the volume and type of services available to better support families post adoption, these may be secured from the market, and this would see a need for growth and development of new capabilities by the service providers and may offer opportunities for jobs in the area. It may also reduce the inter-agency costs by increasing the single pool of adopters approved by Adopt South West.

Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):

The introduction of the Adopt South West Regional Adoption Agency involved Plymouth City Council, Torbay Council, Somerset County Council, and at that time Voluntary Adoption agencies and other adoption service providers across the area. Cornwall's Adoption services will integrate into the practice already being undertaken by Adopt South West, continuing to develop shared practice and learning from each other, with themed participation groups across the region with Adopters and Parents.

The system is continually reviewed to ensure children can be placed with families more effectively and with minimal disruption. Support to adopters and their families will be improved as no matter where they live within the Adopt South West area local support will be available. Cornwall will join Adopt South West's "joint adoption panels" to bring more consistency to the preparation required of staff and Adopters for decisions and to align the terms such as payment for those acting on adoption panels across the area. There will be no Adopt South West specific impact on existing Devon County Council Policies, this does not preclude changes that may be required to meet National Policy relating to Regional Adoption Agencies.

How will impacts and actions be monitored?

Adopt South West already have a mechanism to collect the required information to regularly report on performance, which Cornwall will become part of, allowing data to be collated from all five Local Authorities. This will support the existing national statutory reporting required from all Adoption Services in England. Ofsted currently inspects Adoption Services through the lens of an ILACS inspection of the child's Local Authority.

5. Stakeholders, their interest and potential impacts

People affected:

- Birth families of a child/children who have been adopted
- Children with an adoption placement order in Devon, Somerset, Torbay, Plymouth and Cornwall and those people wishing to adopt a child from the area
- Local Authority Members and Chief Officers responsible for Children's Services and accountable to the Ofsted inspection regime and national achievement required by the Department for Education
- Staff in Local Authority children's teams and Adoption Services in the five Local Authorities, Adoption Panel Chairs and Members

Diversity profile and needs assessment of affected people:

- Adopters are considered regardless of age, gender, disabilities, race, culture, ethnicity, sexual orientation or religion/belief.
- Children considered for adoption are aged up to maximum age of 18 when the adoption order is made

Other stakeholders:

- Families of those people who have adopted a child/children
- Providers of support to adopters and Birth families
- Partner agencies e.g. Health, CAMH's, Education

6. Research and information used

Page 15
Adopt South West is following the single Local Authority Hosting model for a Regional Adoption Agency. The required Inter Authority Agreement is informed by legal, financial, practice and commissioning representatives from each Local Authority.

The Regional Adoption Agency Service has been specifically based on the expertise and experience of all the Local Authority partners and was informed by the key involvement of the Voluntary Adoption Agencies practising at that time, Families for Children and Barnardo's.

The best practice available from across the area was adopted, and adapted through further innovations, to deliver a consistently high-quality adoption service. Cornwall will join in developing services further by adding their knowledge and expertise. There are already in place shared learning forums for all Regional Adoption Agency development teams to share and learn from one another.

Each Local Authority responds to the Children and Social Work Act, and this is carried through into the ethos, practice, and approach to improvement in development of the Regional Adoption Agency.

A further reference employed is the Children and Family Act 2014, which sets out regulations around Fostering for Adoption and the principle that every child should be considered for fostering for adoption if Adoption is a permanence option. The Act reinforces wider reforms to ensure that all children and young people can succeed, no matter what their background. It is central to the Regional Adoption Agency practice.

The family finder's role within Adopt South West is key in working in partnership with the five Local Authorities Child Care Social work staff for identification of children at the earliest point possible, and to provide guidance to the Local Authority around the potential of Foster for Adoption placements. All practice reviews are guided by the Adoption Minimum Standards and the Adoption Regulations 2005 ensuring the Adopt South West as a Regional Adoption Agency will continue to meet statutory guidelines.

Social Impacts:

The Regional Adoption Agency operates within clear standards laid down in law regarding [Adoption Children Act 1989](#), which sets out many of the duties, powers and responsibilities local authorities hold in respect of their looked after children and care leavers.

In 2015, new regulations relating to the Children Act came into force. Among other things, these regulations set out arrangements for Local Authorities considering ceasing to look after a child.

Other Acts that regulate how Adopt South West operates are:

- [Children \(Leaving Care\) 2000](#), which sets out duties local authorities have to support young people leaving care from 16 to 21 years of age
- [Adoption and Children Act 2002](#) updated the legal framework for domestic and inter-country adoption, and places a duty on local authorities to maintain an adoption service and provide adoption support services
- [Children and Adoption Act 2006](#) gives courts more flexible powers to facilitate child contact and enforce contact orders when separated parents are in dispute
- [Children and Young Persons Act 2008](#) legislates for the recommendations in the [Department for Education and Skill's 2007 Care Matters white paper](#) to provide high quality care and services for children in care
- [Children and Families Act 2014](#) encourages 'fostering for adoption', which allows approved adopters to foster children while they wait for court approval to adopt and introduces a 26-week time limit for the courts to decide whether a child should be taken into care. In some cases, this

limit may be extended by eight weeks. It also introduces 'staying put' arrangements that allow children in care to stay with their foster families until the age of 21 years. This is provided that both the young person and the foster family are happy to do so

➤ xxx

7. Equality analysis

Adopt South West operate within clear standards laid down in law regarding Adoption. An Adopter does not have to be a British citizen to adopt a child, but:

- An Adopter must have a fixed and permanent home in the UK, Channel Islands or the Isle of Man
- An Adopter must have lived in the UK for at least 1 year before you begin the application process
- An Adopter will not be allowed to adopt if you, or an adult member of your family, have a criminal caution or conviction for offences against children or certain sexual offences against adults but, with the exception of these specified offences, a criminal record will not necessarily rule you out

Page 117

Smoking will not necessarily rule you out from adopting. Consideration will be given to this and to all health- and lifestyle-related issues, and the agency will want to know of any specific health risks to you or to the children who may be placed in your care. There is no single national policy on smoking, but all agencies will apply some restrictions. According to national medical advice children under five and those with particular medical conditions should not be placed in smoking households. You will usually need to be smoke-free for at least six months before adoption from these groups can be considered

To adopt a stepchild an Adopter must tell their local council at least 3 months before applying to a court for an adoption order. Also, the child must also have lived with both of adults for at least 6 months.

If an adult disagrees with an adoption agency's decision, they can either:

- challenge their decision by writing to the agency decision maker
- apply to the Independent Review Mechanism, which will look into the case

Staffing - Cornwall Council Adoption Service employee's will be TUPE transfer to Devon County Council. Although the majority of the workforce is largely mobile, all require an office base. Cornwall Council offices will be open to all employees of Adopt South West.

Age:

Adopt South West will operate within clear standards laid down in law regarding Adoption. An Adopter may be able to adopt a child if they are aged 21 or over (there's no upper age limit).

Having children of their own (of any age) will not exclude a person from adopting, whether those children are living at the family home or have left home. Consideration will, however, be given to the age gap between a person's own children and the age of the child(ren) the person wishes to adopt, and the position of each child within the family in accordance with the child(ren)s' needs.

Staffing - there will be no change to existing HR workforce policy.

Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:

Adopt South West operate within clear standards laid down in law regarding Adoption. Being disabled should not automatically exclude anyone from becoming an adopter and it is widely recognised that disabled people can often provide a very loving home for a child.

Disability is only one of the many issues that will be considered by an adoption agency so adopters should not rule themselves out before they have had a conversation with their agency of choice. Even if an adopter believes that they might need some additional assistance to adopt a young person, social care may be able to provide this support.

It is recognised that the life experiences of disabled people can give them a unique insight into the lives of children in care, who often have a sense of themselves as 'different' or who may also have a disability. Living alongside disability in the context of positive relationships can teach children the importance of inclusivity and how to value difference.

The Medical Adviser will assess the information provided through a medical on a disabled applicant and an assessing social worker will also explore any potential impact this may have on parenting and how these would be managed.

Similarly, if a person has had treatment for a serious illness, Adopt South West will seek full information from the person's GP and will want to establish the impact of the illness and future prognosis. A Medical Adviser may want to contact a hospital consultant for further details before being able to make a recommendation. If there is a significant risk that a person may not be able to care for a child throughout their dependent years, the Medical Adviser will seek further information and advise the Adopt South West accordingly.

As well as existing health conditions, Adopt South West will want to discuss lifestyle issues such as weight, smoking and alcohol consumption. These issues are not barriers to adoption, but they could present health risks in the future. If a person has unresolved problems with such issues in their past, the agency may consider that you have shown strength and motivation to deal with problems which would enhance your application.

Staffing - there will be no change to existing HR workforce policy.

Culture and ethnicity: nationality/national origin, skin colour, religion and belief:

Adopt South West operate within clear standards laid down in law regarding Adoption. A prospective adopter can be matched with a child with whom they do not share the same ethnicity, provided they can meet the most important of the child's identified needs. All families should be able to get support to help their adopted child to understand and appreciate the important cultural, religious, or linguistic values of their birth community.

Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed):

Adopt South West will operate within clear standards laid down in law regarding Adoption. The Adoption and Children Act 2002 gave unmarried couples, including same sex couples, the right to adopt, and this became law in December 2005.

A same sex couple doesn't need to be in a Civil Partnership or married to adopt but does need to show they are living together in an enduring relationship.

Single adopters are also welcome whatever their sexual orientation. An adopter should not experience discrimination on grounds of sexual orientation.

All agencies are committed to equal treatment of all potential adopters and in fact may positively welcome applications from LGBT adopters.

Staffing - there will be no change to existing HR workforce policy.

Marital status:

Adopt South West will operate within clear standards laid down in law regarding Adoption. An adopter may be able to adopt whether they are:

- single
- married
- in a civil partnership
- an unmarried couple (same sex and opposite sex)
- the partner of the child's parent

Staffing- there will be no change to existing HR workforce policy.

Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation:

Adopt South West will operate within clear standards laid down in law regarding Adoption. An adopter may be able to adopt whether you are a homeowner or living in rented accommodation.

An adopter's financial circumstances and employment status will always be considered as part of an adoption assessment, but low income, being unemployed or employed do not automatically rule them out. An adopter can also be an adoptive parent while on benefits.

The agency will want to discuss how the responsibility of caring for a child would be managed. Some agencies want a child to have their own bedroom, but this is not a requirement, and in some circumstances, sharing can be considered.

The adopter's Local Authority may provide support, especially for adopters of sibling groups or of children with a disability or special need of some kind.

An adopter would also be encouraged to look into what benefits they may be entitled to. A number of other allowances are available for children with disabilities.

Adoption Agencies need to be sure that any pets that are owned do not pose a threat to children's health or safety. Also, some children may suffer from allergies which would prevent placement with some pets. A report from a vet may be requested.

Staffing- there will be no change to existing HR workforce policy.

Page 127

8. Human rights considerations

9. Environmental impacts

Reduce waste, and send less waste to landfill: n/a

Conserve and enhance biodiversity: n/a

Safeguard the distinctive characteristics, features and special qualities of Devon's landscape: n/a

Conserve and enhance the quality and character of our built environment and public spaces: n/a

Conserve and enhance Devon's cultural and historic heritage: n/a

Minimise greenhouse gas emissions: n/a

Minimise pollution (including air, land, water, light and noise): n/a

Contribute to reducing water consumption: n/a

Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level): n/a

10. Economic impacts

Impact on knowledge and skills: Although bringing together five Local Authority Services to operate as a DCC hosted single Service the location of demand and distribution of staff will still be across the existing local authority boundaries. It is therefore unlikely there will be either a positive or negative impact on knowledge and skills within Devon.

Impact on employment levels: Although bringing together five Local Authority Services to operate as a DCC hosted single Service the location of demand and distribution of staff will still be across the existing local authority boundaries. It is therefore unlikely there will be either a positive or negative impact on employment levels within Devon.

Impact on local business: Although bringing together five Local Authority Services to operate as a DCC hosted single Service the location of demand and distribution of staff will still be across the existing local authority boundaries. It is therefore unlikely there will be either a positive or negative impact on local business within Devon.

'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

Presently each Local Authority has contracts for services with the Adoption support services provider market but not necessarily for the same services. These contracts will be aligned so that all five Local Authorities procure the same services, this sees an opportunity for existing providers to review the scope and scale of their service offer and may see these businesses grow. There may also be new businesses created through interest in the opportunities these contracts afford.

FUNCTIONS/ RESPONSIBILITY MATRIX

THE CHILD

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Case Responsibility Adoption and Children Act 2002 Children Act 1989 Adoption Agencies Regulations 2005 (AAR)	<p>The local authority will retain case management responsibility for the child until the making of the Adoption Order</p> <p>The local authority will be responsible for all statutory functions including but not limited to:</p> <ul style="list-style-type: none"> • Statutory Visits and Reviews • Management and supervision of contact between child and family members. • Administration and finance of foster placements and communication with foster carers who care for children under Fostering for Adoption arrangements. 	<p>The RAA will provide specialist advice and support to assist LA staff to fully understand the adoption process, influencing and promoting best practice</p> <p>The RAA will provide the supervision to foster carer's caring for a child under Fostering for Adoption arrangements.</p>
Early identification of children requiring adoption Adoption and Children Act 2002 AAR 2005 as amended	<p>The local authority is responsible for identifying, at the earliest possible stage, the children who may require adoption and making them and their needs known to the RAA, providing relevant and timely information.</p> <p>Birth parents to be referred to the Birth Parent support service at an early stage.</p> <p>Future potential contact arrangements to be considered at an early stage</p>	<p>The RAA will designate a Family Finder to each child identified as possibly requiring adoption to liaise with children's social workers</p> <p>The RAA aims to develop working practises with each LA to ensure involvement in care planning to assist with the earliest identification.</p> <p>Making sure siblings placed with other adopters are considered by the LA.</p> <p>Staff from the RAA will be involved in identifying children for early permanence placement.</p>
Communication during the family finding process Adoption Agencies Regulations 2005 (AAR)	<p>It will be the responsibility of the LA to keep the Child Permanence Report updated and to inform the family finder of any changes in the child's development or circumstances (e.g. change of placement).</p>	<p>The RAA will keep the LA regularly updated about progress on family finding.</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Early Placement	<p>The LA will arrange the Administration and finance of fostering for adoption placements and communication with foster carers who care for children under Fostering for Adoption arrangements as necessary.</p> <p>The LA Social Worker will understand the statutory responsibilities i.e. visits / reviews to the child whilst the child is in Early Permanence Placement</p> <p>The LA will be responsible for financial allowances for Early Permanence Placement carers.</p>	<p>Where appropriate, and in agreement with the local authority, the RAA will make available an Early Permanence Placement (EPP) e.g. a Fostering for Adoption Service for children who may benefit from the possibility of early placement with potential adopters.</p> <p>If there are no RAA Fostering for Adoption placements available, the RAA has a responsibility to search for a placement outside of the RAA.</p> <p>The RAA will support these carers whilst caring for these children in an Early Permanence Placement</p>
Multitracking of children requiring adoption	<p>The local authority will track the progress of children in care proceedings or looked after under section 20 (Children Act 1989) to maintain an up-to-date knowledge of their potential need for an adoption placement</p>	<p>The RAA will also actively track all children for whom initial information indicates that adoption may be a likely plan</p>
<p>Pre-placement Reports</p> <p>Children Act 1989</p> <p>Adoption and children Act 2002</p>	<p>The LA will be responsible for the completion and cost of all reports prior to an adoption placement being made including:</p> <ul style="list-style-type: none"> • Child Placement Reports • QA reports • Sibling Assessments • Support Plans <p>LA responsible for completing the profiles of the child once an ADM decision is made</p> <p>The LA will liaise with the RAA before the final Care plan is completed and the Adoption Support plan to agree the plan specifically around birth family and sibling contact and ongoing support for the child/ren and Adopters.</p> <p>Final Care plans are to be completed by the LA but the RAA to be consulted on any support needs / contact arrangements post order.</p>	<p>The RAA can advise on and support the completion of the Child Placement Report and early profile of the child. The RAA will provide support and challenge to help ensure that the CPR's are of a consistent high quality across the partnership.</p> <p>The RAA will provide additional information and advice on the placement needs of the child and the likely need for post adoption support services, including financial support</p> <p>RAA to endorse Support plans and final care plans specifically around future contact and support needs to the LA on final care plans</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Adoption Agencies Regulations 2005 (AAR)	The local authority will be responsible for assessing the child's needs in respect of a future placement and in ensuring that any required financial support for a future adoptive placement is available prior to the Adoption Order	It will be necessary for the RAA and LA to work closely and collaboratively to ensure that the needs of the child can be met and that training support is sustainable. The training will be provided by the Panel Advisor to child Care Social workers to continuously improve practice.
Medical Information Adoption Agencies Regulations 2005 (AAR)	The Local Authority will be responsible for obtaining all required medical information in respect of children who are being considered for adoption and will meet with prospective adopters to ensure they are fully aware of the child's future medical needs as appropriate. The LA will be responsible for organising for the prospective adopters to have a consultation by phone / face to face prior to Adoption Panel to discuss the Childs current and future needs.	The RAA adoption co-ordinator / social workers will support the Prospective Adopters to attend appointments to fully understand the Childs needs.
Decision that adoption should be the child's plan Adoption Agencies Regulations 2005 (AAR)	The Agency Decision Maker in each LA will be responsible for the 'Should be placed for adoption' decision. The LA will undertake a regular review of this decision and associated plans and keep the family finder in the RAA informed of any changes. LA to refer children with a possible plan of being relinquished to the RAA at the earliest opportunity. The LA with advice from the RAA will refer birth family members to independent birth family support at the earliest opportunity.	The RAA will support the decision-making process as requested, particularly in the provision of Professional Advice to the LA's ADM. The RAA will provide an adoption panel for relinquished children's plans to be heard. Panel Advisor to provide panel minutes to the LA ADM. Independent birth family support is the responsibility of the RAA.
'Hard to Place'/Priority Children	The LA is responsible for identifying at the earliest opportunity where a child is: <ul style="list-style-type: none"> • Aged three or over • From a BME heritage • Part of a sibling group of two or more • Has uncertainty about their development • Has a disability or medical condition 	RAA to track all children and all possible options explored, documented and shared with the LA. The RAA will either provide a service for Priority children which may involve some or all of the following: <ul style="list-style-type: none"> • Increased publicity – DVD, Photos etc. • Profile the child at specific events • Press and digital media advertising

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
	<ul style="list-style-type: none"> Sibling matches for new-born <p>The LA will gather the relevant information, assess and forward to the RAA as soon as possible.</p> <p>LA to contribute to the learning to explore how children can be placed in permanent placements.</p>	<ul style="list-style-type: none"> Attempt to recruit Adopters specifically for the child Provide additional training and preparation for potential Adopters Advise on or assist with additional preparation work with the child. <p>RAA to contribute to the learning to explore how children can be placed in permanent placements.</p>
<p>Preparation of the child</p> <p>Adoption and Children Act 2002</p> <p>Adoption Agencies Regulations 2005</p>	<p>The LA will be responsible for preparing the child for an adoptive placement.</p> <p>The LA will be responsible for the preparation of the child's Life story Book/ work. This often needs to start early in the child's looked after career and will contain information to which the LA has immediate access.</p>	<p>The RAA will provide advice and guidance & potentially training to the LA in the preparation of the child, particularly in respect of the future placement.</p> <p>The RAA will provide advice regarding completing a life story work/ later life letter.</p>
	<p>The LA will be responsible for producing the Later life letter</p>	<p>The RAA will provide advice and written guidance</p>
<p>Linking and Matching</p> <p>Adoption Agencies Regulations 2005 (AAR)</p>	<p>The LA, by agreement, will meet the costs of introductions between children and Adopters.</p>	<p>The RAA will take lead responsibility for all aspects of the linking and matching process, but will always involve the LA in the decision-making process.</p> <p>The RAA will chair linking/ matching meetings as part of the process.</p>
	<p>The LA is responsible for updating of the Child Permanence Report, Delegation of Parental Responsibility report and the Adoption Placement Report, the section on the Child.</p>	<p>The RAA will be responsible for completing the Adoption Placement Report, apart from the section on the child.</p> <p>The RAA will organise the Matching Panel</p>
		<p>The RAA will chair and organise life appreciation days for children over 3 years old.</p>
<p>MATCHING DECISIONS</p> <p>Adoption Agencies Regulations 2005 (AAR)</p>	<p>The Agency Decision Maker in each LA will be responsible for the Matching decision for the child.</p>	<p>The RAA will support the process with information as required, including Panel Minutes and administrative support including letters regarding the decision.</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
PLACEMENT	<p>The Local Authority is responsible for Placing the child/ren with prospective adopters.</p> <p>The LA will commission the Letterbox function from the RAA.</p>	<p>The RAA will offer support and advice to the LA</p> <p>The RAA will support the LA when a child is placed.</p> <p>The RAA to work closely with the LA pre-order and can offer independent support to birth family.</p> <p>The RAA will set up the Letterbox pre-adoption order and will be responsible for managing this day to day post order.</p>
<p>Adoption Support Fund</p> <p>The Adoption Support Services Regulations 2005</p> <p>The Local Authority Adoption Service (England) Regulations 2003</p> <p>Regulation 9A</p>	<p>LA to work closely with the RAA to provide the information to complete the ASF application for families/children who require therapeutic support.</p>	<p>RAA to submit the ASF application for families/children who require therapeutic support..</p> <p>RAA will provide the administration and contracting support to implement the operation of ASF funding.</p>
<p>ADOPTION ALLOWANCES</p> <p>The Adoption Support Services Regulations 2005</p> <p>The Local Authority Adoption Service (England) Regulations 2003</p>	<p>Allowances / One off payments will be paid by the LA - e.g. vehicles for larger sibling groups, Adoption</p>	<p>The RAA will complete assessments and will review these every 2 years and forward the assessments to the LA to consider.</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)

ADOPTER RECRUITMENT

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
RECRUITMENT OF ADOPTERS Adoption Agencies Regulations 2005	The LA will signpost any enquiries from potential adopters to the RAA. The LA will ensure that information relevant to potential adopters is included in its own marketing materials and on its website, clearly signposting potential adopters to the website of the RAA.	The RAA will signpost fostering enquiries to the LA. The RAA will be responsible for recruiting adopters appropriate to the needs of children waiting in each LA. Marketing information will reflect the fact that the RAA is delivering the service on behalf of partnering LAs. This information will be provided on the website or prospective applicants can email or telephone and speak with a worker for further information.
Enquiries		The RAA will provide a centralised enquiry process for the region to meet all statutory requirements. Adopters can enquire via telephone / email / or by completing a Registration of Interest form. The RAA will provide written information to potential adopters and will hold information events. The RAA may at times signpost potential adopters to other agencies/ return to Fostering in LA's if they are unlikely to be able to meet the needs of the children needing placement.
Stage One	The LAs will provide all information required for statutory checks of potential adopters resident in the LA.	The RAA will undertake all Stage one functions
Stage Two		The RAA will undertake all Stage Two functions
		The RAA will complete the Prospective Adopters Report (PAR)
Approvals		The RAA will manage the Adoption Panel. The RAA Agency Decision Maker will be responsible for all approvals

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
POST APPROVAL SUPPORT AND TRAINING		The RAA will provide post approval support and training to approved adopters

POST ADOPTION SUPPORT SERVICES

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
ADOPTION SUPPORT ASSESSMENTS/ PLANS & SERVICES Adoption and Children act 2002 Adoption Support Regs	<p>Respite / Short term breaks – if this service is assessed by the LA as being required this will be provided by the LA.</p>	<p>The RAA will undertake assessments of adoption support needs.</p> <p>The RAA's core offer will provide general adoption support services: newsletter, social events for children and young people; social/training events for adoptive parents; advice and signposting for adoptive families; independent support and advice to birth relatives; post box services etc</p> <p>The RAA will undertake applications to the Adoption Support Fund for children and commission services agreed by ASF for families/children</p>
Adoption Support Fund (ASF)	Match Funding – Pre 3 years of adoption order – LA responsible for match funding.	Match funding – post 3 years of adoption order – RAA responsible for Match funding.
	The LA will signpost requests from adoptive families for adoption order support to the RAA. Alongside needs directly related to adoption, a family may have needs identified that meet threshold for LA intervention, such as child in need. The LA will be responsible for completing these assessments and providing any identified services.	The RAA will undertake the assessment of adoption support needs of the child and family and produce an adoption support plan. Where appropriate, the RAA will make a referral to the early help service or multi-agency safeguarding hub. The RAA will offer support to the adoptive family during any section 47 enquiry if the case is open to the RAA.

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
	<p>Where a safeguarding referral is made to the LA the LA will conduct any appropriate section 47 enquiry and will allocate an LA social worker where thresholds are met, but will notify the RAA of any referral involving an adopted child.</p> <p>If adopted child/young person accommodated, LA will be responsible for social work support to child/family.</p>	<p>RAA will complete any specific work needed e.g. Life Story work or application to ASF for therapeutic support for families/children.</p>
Out-of-hours services	<p>All adopters will have access to the LA's Emergency Duty Team out of core hours.</p>	
Indirect/ Letterbox contact Adoption and Children Act 2002 AAR 2005		<p>The RAA will provide a Letterbox service between adopted children and their birth families. This RAA can carry out ongoing assessments to consider whether contact is in the best interest of the child.</p>
Supervised & Sibling Direct Contact Adoption and Children Act 2002 Adoption Support Regs	<p>Cost of arrangements agreed in the pre- adoption support plan e.g. travel & accommodation expenses will remain with the LA.</p>	<p>Responsibility for arranging / supervising Direct Contact requirements will transfer to the RAA.</p>
ADOPTION ALLOWANCES Adoption support Regs	<p>Adoption allowances will be paid for by the LA</p>	<p>RAA to undertake appropriate assessment</p>
ADOPTION SUPPORT FUND The Adoption Support Services Regulations 2005		<p>The RAA will be responsible for undertaking all funding applications to the Adoption Support Fund and all contracting arrangements</p> <p>Existing contracting resources to transfer to the RAA</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
<p>The Local Authority Adoption Service (England) Regulations 2003</p>		
<p>ACCESS TO CHILDREN'S ADOPTION CASE RECORDS</p> <p>Adoption Agencies Regulations 1983</p> <p>Sections 56–65 of the Adoption and Children Act 2002 and the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005 (AIR)</p>	<p>LA to store historic children's adoption case records. For RAA adoptions the LA will have access to records if the case becomes open to them as a CIN / LAC / Safeguarding.</p>	<p>RAA to store and hold new files</p> <p>Existing record keeping resources to transfer to RAA</p>
<p>BIRTH RECORDS COUNSELLING</p> <p>Adoption Agencies Regulations 2005</p>	<p>Existing budget to transfer to the RAA</p>	<p>RAA will be responsible for delivery of counselling.</p>
<p>INDEPENDENT SUPPORT TO BIRTH PARENTS</p>	<p>Existing budget to transfer to the RAA</p>	<p>RAA will be responsible for delivery of support.</p>
<p>ACCESS TO ADOPTERS RECORDS</p> <p>Adoption Agencies Regulations 2005</p> <p>The Local Authority Adoption Service (England) Regulations 2003</p> <p>The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003</p>	<p>LA to signpost Adoptees to the RAA where appropriate</p>	<p>RAA to store and hold new files</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
<p>Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005</p> <p>The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005</p>		
STEP PARENT ADOPTION ASSESSMENT	LA to sign post adopters to the RAA	RAA to be responsible for assessments

SERVICE USER ENGAGEMENT

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Adopters		The RAA / commissioned agency will engage with adopters, individually and in groups, with the aim of improving the services available
Adoptees		The RAA / commissioned agency will engage with adoptees, individually and in groups, with the aim of improving the services available
Birth parents		THE RAA / commissioned service will engage with and birth parents individually and in groups with the aim of improving the services available
Special Guardians The Children Act 1989 as amended	Initial assessment, placement, the support plan and payments and allowances are the responsibility of the LA including contact arrangements and the cost of any supervised contact.	The RAA has no responsibilities in support of Special Guardians

PERFORMANCE MANAGEMENT & INSPECTION -

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Data provision	Each LA will need to provide specified key data to the RAA on performance. Each LA is responsible for the ALB Child return	RAA is responsible for production of ALB Adopter return
Data analysis		The RAA will produce a 3-monthly report to each LA on performance against an agreed set of indicators
OFSTED	OFSTED will inspect through the LA lens: evaluating how the RAA is delivering the local authority's statutory responsibilities. Each LA is still responsible for demonstrating how the arrangements comply with their statutory responsibilities and meet the needs of local children. OFSTED have the right to access records relevant to the performance of a LA, wherever they may be held. It remains the LA's responsibility to demonstrate how the individual needs of children are met when the plan is adoption, even when delivered through an RAA. The director of LA children's services should notify the RAA that an OFSTED inspection has started.	The RAA will make available to OFSTED any records required for the purposes of an inspection.
Freedom of Information applications	The LA / RAA will cooperate within the timescales to enable information to be made available to the applicant	The LA / RAA will cooperate within the timescales to enable information to be made available to the applicant

MISCELLANEOUS SERVICES

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
STATEMENT OF PURPOSE		The RAA will provide take responsibility for updating this for the functions that have been delegated to the RAA. The RAA will take responsibility for completing each LA statement of purpose regarding the functions left with the LA, in consultation with the LA.
REGISTERED MANAGER		The RAA will provide a registered manager for their adoption functions.

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
ADOPTION SUPPORT SERVICE ADVISOR The Adoption Support Services Regulations 2005 The Local Authority Adoption Service (England) Regulations 2003		The RAA will undertake the role of Adoption Services Advisor for each LA.
CHILDREN'S GUIDE FOR ADOPTION	Each LA has a responsibility for this	The RAA could provide advice and guidance
ANNUAL SERVICE REPORT		RAA to complete an annual public facing service report
CHILDREN'S GUIDE FOR ADOPTION SUPPORT		The RAA will update the Children's guide for adoption support
STEP PARENTS/RELATIVES WHO WISH TO ADOPT (NON-AGENCY ADOPTIONS)		RAA to be responsible for providing this service – this service will be commissioned out.
INTER-COUNTRY ADOPTION		RAA will provide this service; it will commission advice and information on inter-country adoption from a specialist agency. Service users will have to meet cost of assessment and approval process in the commissioned agency

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Adoption with a Foreign Element Regulations 2005 Regulation 19		
ADOPTION PANELS Adoption and Children Act 2002 Adoption Agencies Regulations 2005	<p>The three larger LA's to provide a social work representative to sit on panel twice a month and the smaller LA once a month.</p>	<p>The RAA will provide adoption panels across the region and will appoint Independent panel chairs and retain a central list and will provide training and support for panel members.</p> <p>The adoption panel will provide a quality assurance report for the partnership on a 6-monthly basis</p>
TRAINING FOR LA staff The Local Authority Adoption Service (England) Regulations 2003 Regulation 12 Employment of staff The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous		<p>The RAA can provide training for social workers regarding the adoption process/ writing of CPR's/APR'S/Support plans and preparing for Adoption Panel</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	ADOPTION FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the RAA)
Amendments) Regulations 2003		
ADOPTEE COUNSELLING		The RAA will signpost applicants to independent services and will not provide an intermediary service.
DISRUPTIONS AAR 2005	LA to contribute to the disruption process	RAA to undertake the disruption process. Panel Chairs and other professionals will be invited to contribute to this process.
ALLEGATIONS The Local Authority Adoption Service (England) Regulations 2003 Regulation 9 Arrangements for the protection of children	LA is responsible for initiating this process prior to the Adoption order being granted. The RAA will contribute to this process.	RAA is responsible for initiating this process post the Adoption order being granted. The LA will contribute to this process if necessary.

EES/23/2
Council
7 December 2023

The future of the Heart of the South West Joint Committee

Report of the Head of Economy, Enterprise and Skills

Please note that the following recommendations are subject to consideration and determination by the Council before taking effect.

1) Recommendation

It is recommended that the Council, in accordance with the Heart of the South West Joint Committee (HotSW JC) inter-authority agreement, gives notice of its intention to withdraw from the HotSW JC and proposes to the HotSW JC that the Joint Committee be dissolved.

2) Background

In December 2017 the Council approved proposals relating to the formation of a Joint Committee for the Heart of the South West (minute 55 refers). Since its establishment in March 2018 the HotSW JC has worked on issues such as a Local Industrial Strategy, Coastal Productivity Plan, Housing Task Force and regional imbalances. The JC has provided a forum for local authority engagement with the Heart of the South West Local Enterprise Partnership (HotSW LEP) and Government.

The HotSW JC has a meeting cycle of two formal meetings a year and it is directly supported and administered by Somerset Council. The HotSW JC's constituent authorities are:

- Dartmoor National Park Authority
- Devon County Council
- East Devon District Council
- Exeter City Council
- Exmoor National Park Authority
- Mid Devon District Council
- North Devon Council
- Plymouth City Council
- Somerset Council
- South Hams District Council
- Torbay Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council

The HotSW LEP and the NHS are co-opted members of the HotSW JC.

3) Proposal

The proposed devolution deal, the forthcoming integration of the HotSW LEP into local authorities, together with other changes in Government policy mean that the purposes of

Agenda Item 10.

the HotSW JC have largely been superseded and other partnership arrangements between the Constituent Authorities are, or will, deliver the same aims.

In relation to withdrawal from/dissolution of the HotSW Joint Committee, the inter-authority agreement states that:

- *A Constituent Authority wishing to withdraw from the Joint Committee shall give a minimum of 6 months' notice in writing to the other Constituent Authority via the Administering Authority. The Constituent Authorities shall co-operate with any such request.*
- *If two or more Constituent Authorities give notice of withdrawal from membership of the Joint Committee in the same Financial Year, the Joint Committee shall consider and make recommendations to the remaining Constituent Authorities as to the future operation of the*
- *Joint Committee and, if appropriate, recommend any necessary amendments required to the Joint Committee's functions and operating arrangements.*
- *Where a majority of the Constituent Authorities at any time agree (via formal resolutions) that the Joint Committee should be dissolved or terminated on a specified date then the Joint Committee shall cease to exist from that date.*

It is expected that under the terms of the inter-authority agreement the proposal to withdraw will be recommended to the other Constituent Authorities, that they will also give notice and propose that the HotSW JC be dissolved.

4) Financial Considerations

The HotSW JC is reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme. Joint Committee members' costs and expenses are funded and administered by each respective Constituent Authority. The Administering Authority (Somerset Council) holds the balance of contributions from the Constituent Authorities. The current unallocated balance is £ 43,009. If the JC is dissolved, then any outstanding balance would be returned proportionally to each of the Constituent Authorities on the same percentage basis that they made contributions.

5) Legal Considerations

The HotSW JC is established under Sections 101 to 103 of the Local Government Act 1972. The review of the role and functions of the JC has taken account of the legal framework within which it operates. The recommendation is in accordance with the Inter-Authority Agreement.

6) Risks

The key risk is continuing with the HotSW JC and duplicating the work of existing partnership arrangements without adding any value. The recommendation mitigates that risk.

7) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental impacts associated with the recommendation.

8) Equality Considerations

There are no equality implications associated with the recommendation.

9) Other Options Considered

The alternative option is that the Council does not agree to serve notice and continues to be a member of the HotSW JC. However, if the majority of Constituent Authorities serve notice, then the HotSW JC will be automatically dissolved.

Name: Keri Denton

Head of Service Economy, Enterprise and Skills

Electoral Divisions: All

Cabinet Member for Economic Recovery and Skills: Councillor Rufus Gilbert

Local Government Act 1972: List of background papers

Background Paper: Cabinet report

Date: 8/11/17 and 7/12/17

File Reference: CX/17/26

Contact for enquiries

Name: Keri Denton

Telephone: 01392 382150

Address: County Hall, Topsham Road, Exeter, EX2 4QD

The future of the Heart of the South West Joint Committee - Final

APPEALS COMMITTEE

4 September 2023

Present:-

Councillors J Hawkins (Chair), P Henderson and C Whitton

Apologies:-

Councillors P Sanders and C Slade

* 80

Minutes

RESOLVED that the minutes of the meeting held on 10 July 2023 be signed as a correct record.

* 81

Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100A(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* 82

Budget Monitoring

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee received the Report of the Director of Climate Change, Environment and Transport on the financial impact of the Committee's decisions for the current financial year.

* 83

Deferred Appeals

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public are excluded)

There were no appeals determined under urgency procedures/no Members' route walks arising from the last meeting.

Agenda Item 12.(a)

2

APPEALS COMMITTEE

4/09/23

* 84 School Transport Appeals

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee considered reports from the Director of Children and Young People's Futures on appeals and written and verbal submissions from appellants who attended as follows:-

ST240	Bideford – Barnstaple, PETROC	Appellant
ST236	Holsworthy – Launceston, Step Into Learning	Appellant
ST239	Bovey Tracey – Newton Abbot, Coombeshead Academy	-
ST238	Ashburton – Newton Abbot, S Devon UTC	-

RESOLVED: that the following appeal(s) be refused:-

ST240	Bideford – Barnstaple, PETROC
ST236	Holsworthy – Launceston, Step Into Learning
ST239	Bovey Tracey – Newton Abbot, Coombeshead Academy
ST238	Ashburton – Newton Abbot, S Devon UTC.

NOTES:

1. Minutes should always be read in association with any Reports for a complete record.
2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting

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

The Meeting started at 9.45 am and finished at 12.25 pm

APPEALS COMMITTEE

9 October 2023

Present:-

Councillors J Hawkins (Chair), P Henderson, P Sanders, C Slade and C Whitton

* 85

Minutes

RESOLVED that the minutes of the meeting held on 4 September 2023 be signed as a correct record.

* 86

Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100A(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* 87

Budget Monitoring

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee received the Report of the Director of Climate Change, Environment and Transport on the financial impact of the Committee's decisions for the current financial year.

* 88

Deferred Appeals

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public are excluded)

There had been no appeals determined under urgency procedures/no Members' route walks arising from the last meeting.

* 89

School Transport Appeals

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

Agenda Item 12.(b)

2

APPEALS COMMITTEE

9/10/23

The Committee considered reports from the Director of Children and Young People's Futures on appeals and written and verbal submissions from appellants who attended as follows:-

ST241) ST242)	Kingskerswell – Coombeshead Academy	Appellant & Local County Councillor
ST243	Spreyton – Hillerton Cross pick up point	Appellant & Local County Councillor
ST245	Landkey – Barnstaple, The Park	Appellant & Local County Councillor

RESOLVED:-

(a) that the following appeal(s) be refused:-

ST241) Kingskerswell – Coombeshead Academy
ST242)

ST245 Landkey – Barnstaple, The Park

(b) that the following appeal(s) be deferred for members' route inspection:-

ST243 Spreyton – Hillerton Cross pick up point.

NOTES:

1. Minutes should always be read in association with any Reports for a complete record.
2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting

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

The Meeting started at 9.45 am and finished at 12.30 pm

Agenda Item 12.(c)

2

APPEALS COMMITTEE

6/11/23

* 94 School Transport Appeals

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee considered reports from the Director of Children and Young People's Futures on appeals and written and verbal submissions from appellants who attended as follows:-

ST246 &	Beaworthy - Madworthy Church pickup	Appellant
ST248	Exmouth - St Joseph's RC Primary	Appellant
ST249	Bovey Tracey - Ilsington Primary	Appellant
ST250	Colyton - Exeter College	Appellant and local County Councillor.

RESOLVED:-

(a) that the following appeal(s) be allowed:-

ST249	Bovey Tracey - Ilsington Primary
ST250	Colyton - Exeter College

(b) that the following appeal(s) be refused:-

ST246 & ST247	Beaworthy - Madworthy Church pickup
ST248	Exmouth - St Joseph's RC Primary.

NOTES:

1. Minutes should always be read in association with any Reports for a complete record.
2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting

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

The Meeting started at 9.45 am and finished at 1.00 pm

DEVELOPMENT MANAGEMENT COMMITTEE

6 September 2023

Present:-

Councillors J Brook (Chair), I Hall (Vice-Chair), S Aves, I Chubb, D Cox, L Hellyer, J Hodgson, P Sanders, C Slade and J Yabsley

Apologies:-

Councillors A Connett, G Gribble, R Hannaford and J Wilton-Love

43 Minutes

RESOLVED that the Minutes of the meeting held on 26 April 2023 be signed as a correct record.

44 Items Requiring Urgent Attention

No item was raised as a matter of urgency.

45 County Council Development - Teignbridge District: Erection of a community centre and general practice surgery and associated infrastructure provision for vehicle parking, cycle storage, EV charging bays, pedestrian and cycle routes and landscaped spaces, Land to the east of the A379, south of Ellacott Road and adjacent to the new Matford Brook Academy, Exeter

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/61) on a planning application to construct two buildings to provide a community centre and general practice surgery on land forming part of the South West Exeter development.

The application site is located at the junction of Ellacott Road with the A379, with new residential properties to the north and the new school and associated sports facilities to the south and south-east.

The Director of Climate Change, Environment and Transport's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

Members were informed of an update since the report was written that Flood Risk Officers had withdrawn a holding objection following the submission of additional information from the applicant but requested two additional conditions requiring the submission of a detailed drainage design and a detailed surface water drainage management plan.

Agenda Item 12.(d)

2

DEVELOPMENT MANAGEMENT COMMITTEE

6/09/23

It was suggested the recommendation be slightly amended to reflect this.

Member discussions and questions to the Officers related to queries on adequate car parking, management of the buildings, noise levels, and availability of community facilities.

It was **MOVED** by Councillor J Brook and **SECONDED** by Councillor C Slade and

RESOLVED that planning permission is granted subject to the conditions in Appendix 1 of this report and the inclusion of two additional conditions requiring details of surface water drainage (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

46 County Matter: Waste - Establishment of a community composting scheme, Stone Cutters Barn, Butterlake, Marldon, Paignton

Councillor Hodgson declared a personal interest as she had recently been appointed Lead Executive Member for Waste and Community Composting at South Hams District Council.

The Committee considered the Report of the Chief Planner (CET/23/62) regarding an application for the establishment of a community compost scheme to which local residents can bring their organic garden waste in Marldon.

The proposed site is at Stone Cutters Barn located at the northern edge of Marldon Village, with the barn and surrounding land being owned by the National Trust, who lease them to a local farmer. Both parties have given written permission and support for the use of the land around the barn for a 12 month period.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

Member discussions and questions to the Officers related to the need for this service in the area, clarification this proposal was for garden waste only, movement of vehicles, recognition that other similar composting schemes in the district worked well.

It was **MOVED** by Councillor J Brook and **SECONDED** by Councillor Hodgson and

RESOLVED that planning permission is granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes

to the conditions being agreed in consultation with the Chair and Local Member).

47 Delegated Action - Schedules and Summary

The Committee received and noted the report of the Chief Planner (CET/23/63) on action taken under delegated powers.

NOTES:

- 1. Minutes should always be read in association with any Reports for a complete record.*
- 2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 2.59 pm

INVESTMENT AND PENSION FUND COMMITTEE

15 September 2023

Present:-

Devon County Council

Councillors J Morrish (Chair), P Bullivant (Vice Chair), Y Atkinson, M Hartnell

Unitary Councils

Councillors M Brook and T Evans (remote, substitute)

Union and Retired Members

R Franceschini and M Daniell (remote)

(NB – attendees attending virtually are unable to participate in voting)

Apologies:-

L Parker-Delaz-Ajete and Councillors H Gent, R Bloxham, M Lowry

* 129

Minutes

RESOLVED that the minutes of the meeting held on 16 June 2023 be signed as a correct record.

* 130

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 131

Devon Pension Board

The Committee noted the minutes of the meeting of the Devon Pension Board held on 6 July 2023.

* 132

Brunel Oversight Board

The Committee noted the minutes of the meeting of the Brunel Oversight Board held on 8 June 2023.

Agenda Item 12.(e)

2

INVESTMENT AND PENSION FUND COMMITTEE

15/09/23

* **133** **Pension Fund Annual Report and Accounts 2022/23**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/80) on the Pension Fund Annual Report and Accounts 2022/23. The Annual Report, including the Statement of Accounts, was brought to the Committee each year for approval. The Statement of Accounts remained subject to approval by the County Council's Audit Committee and completion of the external audit. Formal publication of the Annual Report would not be possible until the audit had been completed.

The Report had been produced in line with CIPFA guidance and included within it statutory policy as required by such guidance. The Report highlighted that, at time of writing, the external auditors had yet to issue audit opinions on the Authority's 2020/21 and 2021/22 Statements of Accounts. As such, the final version of the Pension Fund Annual Report for those years was yet to be published.

Officers highlighted improvements made to the stewardship section of the Report in light of feedback from the UK Financial Reporting Council (FRC).

A member commented on the omission of a narrative report on the fixed interest Sterling Corporate Bonds and Multi Asset Credit portfolios. It was requested to officers that this be rectified and included for future annual reports.

It was **MOVED** by R Franceschini, **SECONDED** by Councillor Y Atkinson and

RESOLVED

(a) that the position on the audit of the 2020/21 and 2021/22 Pension Fund Statement of Accounts be noted;

(b) that the Pension Fund Annual report and Accounts for 2022/23 be approved and adopted, subject to approval of the Statement of Accounts by the Devon County Council Audit Committee and completion of the external audit; and

(c) that the submission of the unaudited Pension Fund Annual Report and Accounts to the Financial Reporting Council for assessment against the requirements of the UK Stewardship Code, be approved.

* **134** **Investment Management Report**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/80). The Report outlined the Fund value and asset allocation,

Fund performance, funding level, 2023/24 budget forecast, cash management and voting and engagement activity.

As of 31 March 2023, the Fund value stood at £5,362.9 million which was an increase of approximately £50 million over the quarter. Performance wise, the Fund achieved a positive return of +1.3% over the quarter to 30 June. This represented an under-performance against the strategic benchmark of +1.9%.

A member queried recommendation (c) in respect of what was meant by 'a temporary basis.' It was explained by officers that, if approved, the intention would be to quickly withdraw funds to increase the cash balance given current interest rates of 5-6% on cash. The cash balance would gradually reduce back to target as private market commitments were drawn.

It was **MOVED** by Councillor P Bullivant, **SECONDED** by Councillor Y Atkinson and

RESOLVED

(a) that the amendment of the strategic asset allocation targets for 2023/24, to reflect the table in Section 2 of the report, be approved;

(b) that the reallocation of £50 million from Passive Equities to Sterling Corporate Bonds be approved;

(c) that the provision of flexibility to officers to increase the cash balance to up to 4% on a temporary basis be approved;

(d) that compliance with the 2023-24 Treasury Management Strategy be noted.

* 135

Department for Levelling-Up, Housing and Communities consultation: Local Government Pension Scheme (England and Wales): Next Steps on Investment

The Committee considered the Report of the Director of Finance and Public Value (DF/23/82) on the Department for Levelling-up, Housing and Communities Consultation on the future of investment pooling in the Local Government Pension Scheme (LGPS).

Officers explained that although they understood and supported the intention of Government to ensure current pooling arrangements were effective, they were concerned about the possibility of Government imposing a minimum pool value of £50 billion and the impact this would have on the Pension Fund. With the combined assets under management of the Brunel funds being less than this, officers were concerned that this would therefore force realignment resulting in additional costs at the expense of the Fund; and that this was unnecessary given the positive performance of the Fund.

Agenda Item 12.(e)

4

INVESTMENT AND PENSION FUND COMMITTEE

15/09/23

Member discussion points centred around questions eleven and twelve of the consultation and the proposed response from the Devon Fund. Members were concerned that an investment strategy would be imposed which removed local control from the Fund, and that investment in areas which were less beneficial to the Fund would be forced by Government.

It was **MOVED** by Councillor M Brook, **SECONDED** by Councillor J Morrish and

RESOLVED

(a) that the proposed responses to questions eleven and twelve be amended to clearly reflect Member concerns around maintaining local control and not having an investment strategy as detailed above imposed on the Fund, with final wording delegated to the Director of Finance and Public Value in consultation with the Chair of the Committee; and

(b) that, subject to the changes outlined in recommendation (a), the response to the consultation on next steps on investment, attached at Appendix 2 to the report, be approved.

* 136

Pension Fund Risk Register

The Committee considered the Report of the Director of Finance and Public Value (DF/23/83) on the Pension Fund Risk Register. The report outlined the number of risks to both the Devon Pension Fund and to Peninsula Pensions, before and after mitigating actions had been applied.

Members debated the merit of including risks rated 'low' within the Register, with a member concerned that this might draw attention away from 'medium', 'high' and 'very high' risks which were inherently more important to address. Officers highlighted that this had been considered by the Devon Pension Board who wished to retain the 'low' risks in the Register. Other members expressed that 'low' risks could develop into 'medium', 'high' or 'very high' risks and that monitoring these – and therefore having these included in the Register – was important, in agreement with the judgement of the Devon Pension Board. Officers agreed to explore the issue with the Devon Pension Board.

A member commented that risk F2, which regarded the Pension Fund's investment strategy not achieving required returns, did not include the mitigating factor of the Committee's monitoring of the quality of external fund managers, and that this would be an important mitigating factor to be included.

It was **MOVED** by Councillor M Brook, **SECONDED** by Councillor Y Atkinson and

RESOLVED that the Pension Fund Register and additional actions proposed to mitigate risk be approved, subject to the inclusion of the mitigating control as outlined above to risk F2.

* **137** **Training Review 2022/23 and Training Plan 2023/24**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/84) which outlined the training made available to members of the Investment and Pension Fund Committee and the Devon Pension Board in 2022/23. Appendix 1 to the report proposed training to be provided over the year 2023/24 for members of the above-named committees.

It was **MOVED** by Councillor M Brook, **SECONDED** by Councillor Y Atkinson and

RESOLVED that the 2023/24 training plan be approved and adopted.

* **138** **Employer Changes**

The Committee noted:

- (a) New admitted bodies – The following application for admitted body status has been approved since the last meeting of the Committee:
- 1 January 2023 - Livewell with agreement from Plymouth City Council typed 1 member of staff to NHS (Devon ICB)
 - 1 April 2023 - Ted Wragg Trust retendered their catering contract and the new provider Dolce Ltd.
 - 1 April 2023 - Ted Wragg Trust typed cleaning staff to Fusion School Services Limited.
- (b) Employer Cessations - The following employer has left the scheme
- 31/3/2023 Aspens catering contract with Ted Wragg Trust ceased.
- (c) New academy conversions and changes.
- 1 March 2023 - Mount Tamar School joined Transforming Futures Trust.
 - 1 March 2023 - Sidmouth College joined Ted Wragg Trust.
 - 1 April 2023 - Wynstream Primary School joined Education South West.
 - Atrium School closed on 30th April 2023 and the 5 remaining staff have been transferred to South Dartmoor CC wef 1/5/2023.

Agenda Item 12.(e)

6

INVESTMENT AND PENSION FUND COMMITTEE

15/09/23

* **139** **Dates of Future Meetings**

The Committee noted the dates of future meetings as:

24 November 2023, 10.30am;

1 March 2024, 10.30am;

1 March 2024, 2.15pm (Staff/Retiree Consultation)

* **140** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual (including the authority holding that information) and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **141** **Review of Indemnity Bonds**

(An item taken under Section 100A (4) of the Local Government Act 1972 during which the press and public were excluded).

The Committee considered the Report of the Director of Finance and Public Value (DF/23/85) on the risk to the Pension Fund of a fund employer ceasing to exist with insufficient funding available to settle outstanding debts, or where such an employer might refuse to pay the cessation value. This was a risk that had been identified in the risk register.

Partial mitigation of risk was achieved by the requirement on some admitted bodies to have a bond or guarantee in place. The Fund Actuary had been asked, in line with good practice, to review the indemnity levels of all admitted bodies coming under the valuation.

It was **MOVED** by Councillor M Brook, **SECONDED** by R Franceschini, and

RESOLVED

(a) that the proposed action to notify letting authorities of the revised recommended bond levels and the employer risk assessment risk scores be approved; and

(b) that maintenance of the required indemnity bonds for the three housing companies at the current level be approved.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.35 am and finished at 11.49 am

INVESTMENT AND PENSION FUND COMMITTEE

24 November 2023

Present:-

Devon County Council

Councillors J Morrish (Chair), Y Atkinson, H Gent and G Gribble (remote)

Unitary Councils

Councillor M Lowry (remote)

Union and Retired Members

R Franceschini and M Daniell (remote)

Other Employers

Councillor R Bloxham

Apologies:-

L Parker-Delaz-Ajete and councillors P Bullivant (Vice Chair) and M Brook

* 142 **Announcements**

There was no announcement made by the Chair.

* 143 **Minutes**

RESOLVED that the minutes of the meeting held on 15 September 2023 be signed as a correct record, subject to the amendment of Minute *133 to rectify a spelling error in R Franceschini's name.

* 144 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 145 **Devon Pension Board**

The Committee noted the minutes of the Devon Pension Board meeting held on 13 October 2023. Minute *134 was commented on, which regarded a Government consultation on the future of the Local Government Pension Scheme investment pools and was discussed at the last meeting of this

Agenda Item 12.(f)

2

INVESTMENT AND PENSION FUND COMMITTEE

24/11/23

Committee. The Government had now issued a response to the consultation. Officers would update further at the next meeting.

* **146** **Brunel Oversight Board**

The Committee noted the minutes of the Brunel Oversight Board meeting held on 7 September 2023.

* **147** **Audit Report on the Pension Fund Statement of Accounts 2022/23**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/107) on the Audit Report of the Pension Fund's Statement of Accounts for 2022/23. At the last meeting of the Committee, the external audit of the Fund had not been completed. It had now been, subject to a small number of remaining items, with a draft Audit Findings Report attached at Appendix 1 to the report. Members were also updated on the progress of the audit of the accounts for 2020/21 and 2021/22, which had been completed and 'consistency' audit opinions issued.

The Committee heard from a representative of Grant Thornton, the external auditor, who outlined the remaining areas required for the audit of the 2022/23 accounts, in particular some further work on IT controls. It was stated that the external auditors hoped to issue a finalised audit opinion on the 2022/23 accounts in January 2024; and that the work that had already been completed on the audit of the 2022/23 accounts demonstrated that the Fund had effective arrangements in place to produce complete, accurate and timely accounts.

Members noted the report.

* **148** **Investment Management Report**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/108). The Report outlined the Fund value and asset allocation, Fund performance, funding level, 2023/24 budget forecast, cash management and voting and engagement activity.

Member attention was drawn to the addition of £50 million to the Sterling Corporate Bonds portfolio as agreed by the Committee at its last meeting.

As at 30 September 2023, the Fund value stood at £5,363.4 million which represented an increase of around £50 million over the financial year to date, albeit with little increase since the end of June. For the financial year to date up to 30 September 2023, the Fund's return was +1.3% compared to the strategic benchmark of +2.7%, namely an underperformance. It was explained that the Sustainable Equities and Infrastructure portfolios had struggled in the quarter as banks and oil companies had led the market, with Infrastructure impacted by rising interest rates and gilt yields.

Members discussion points included the diversification of the Fund; and employee contribution bands into the Fund, namely that these are set nationally and out of direct control of the Fund.

Members noted the report.

* **149** **Future Cashflow Forecast**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/109) which outlined three scenarios of future cashflows into the Fund, based on a model provided by the Fund Actuary, to project across a 25-year period. The three scenarios reflected different degrees of deterioration of the Fund’s cashflow position. It was explained to members that there were other scenarios, but that in the case of, for instance, increased fund membership, then these other (positive) scenarios would not detriment the Fund’s cashflow and were therefore not of concern.

Members heard, based on current projections of the Fund’s cashflow, that in the most severe of the scenarios outlined, the Fund would still be able to meet its obligations to pay pensions for the next six or seven years without needing to sell Fund assets, and that there was therefore no immediate call to refocus the current investment strategy to generate additional income. The next external review of the Fund’s investment strategy was planned for late 2024 or early 2025, which was explained to be a suitable time to factor in future cashflow forecasts into any recommended changes to the strategy.

Members noted the report.

* **150** **Employer Changes**

The Committee noted:

(a) New admitted bodies –The following application for admitted body status had been approved since the last meeting of the Committee:

- 1 June 2023 - Plymouth City Council tuped staff to PEC Management Services Ltd which they had previously seconded to them.
- 1 July 2023 - Delt Shared Services won the contract to provide IT, Finance, HR and Estates management including catering, cleaning, maintenance etc for Mount Tamar School, an academy within the Transforming Futures Trust.

(b) Employer Cessations - None

(c) New academy conversions and changes.

- 1 June 2023 - Avanti Hall part of Reach South changed to Thomas Hall.
- 1 July 2023 - Honiton Community College joined Ted Wragg Trust.
- 1 August 2023 - Honiton MAT moved to Learning Academies Trust

Agenda Item 12.(f)

4

INVESTMENT AND PENSION FUND COMMITTEE

24/11/23

- 1 August 2023 - Sparkwell All Saints Primary School moved to Link Academy Trust

* 151 Dates of Future Meetings

Members noted the dates of future meetings of the Committee as:

1 March 2024 10.30am
1 March 2024 2.15pm - Staff/Retiree Consultation
14 June 2024 10.30am
13 September 2024 10.30am
29 November 2024 10.30am

* 152 Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual (including the authority holding that information).

* 153 Local Impact Investment

(An item taken under Section 100A (4) of the Local Government Act 1972 during which the press and public were excluded).

Members considered the Report of the Director of Finance and Public Value (DF/23/110) on progress made committing the approved 3% allocation to local impact investments, which was agreed previously by this Committee in June 2023; and provided an update on the due diligence done in relation to three proposed investments, with final decisions delegated to officers, also as agreed at the June meeting (Minute *126 refers).

Members noted the report.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.31 am and finished at 11.30 am

AUDIT COMMITTEE

25 September 2023

Present:-

Councillors R Scott (Chair), F Biederman and C Whitton

Apologies:-

Councillors M Hartnell, R Chesterton and I Roome

* 78

Minutes

RESOLVED that the Minutes of the meeting held on 20 June 2023 be signed as a correct record

* 79

Items Requiring Urgent Attention

There was no item received as a matter of urgency.

* 80

Statement of Accounts & Annual Governance Statement 2021/22

The Committee received the Report of the Director of Finance and Public Value (DF/23/89), which asked Members to review and approve the amendments to the Authority's Statement of Accounts for 2021/22 and to review and approve the changes to the Pension Fund Statement of Accounts for 2021/22. The amended pages were attached to the Report.

Members were informed at the last Committee meeting in June of a national issue regarding the lateness of audit opinions and the impact of the triennial valuation of the Pension Fund at 31 March 2022.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Whitton and

RESOLVED that:

- (a) the changes to the Authority's Statement of Accounts for 2021/22 be approved; and
- (b) the changes to the Pension Fund Statement of Accounts for 2021/22 be approved.

* 81

External Audit Plan for Devon County Council 2022/23

The Committee received the Report of Grant Thornton of the External Audit Plan for Devon County Council 2022/23, which provided an overview of the planned scope and timing of the statutory audit of the Council.

Agenda Item 12.(g)

2

AUDIT COMMITTEE

25/09/23

Grant Thornton had determined materiality for the final accounts audit to be £20.9 million, which equated to 1.4% of the gross expenditure reported in the draft financial statements. The threshold below which uncorrected omissions or misstatements were considered 'clearly trivial' had been set at £950,000.

Areas of significant weaknesses were identified under the risk assessment of the Council's Value for Money arrangements, namely:

- The Council's responses to Ofsted's inspection of Children's Social Care Services;
- Financial pressures within Special Educational Needs and Disabilities (SEND); and
- Financial pressures within the Council.

* 82 External Audit Plan for Devon Pension Fund 2022/23

The Committee received the Report of Grant Thornton of the External Audit Plan for Devon Pension Fund 2022/23, which provided an overview of the planned scope and timing of the statutory audit of the Devon Pension Fund.

Areas identified as significant risks included: Revenue and expenditure recognition (rebutted); Management override of controls; and Valuation of Level 3 investments.

Grant Thornton had determined materiality to be £66.4 million for the Pension, which equated to 1.25% of the fund's prior year net assets as at 31 March 2023. The threshold below which uncorrected omissions or misstatements were considered 'clearly trivial' had been set at £3.3 million.

The final audit would take place in July to September 2023 with a proposed fee estimate of £74,569. Highlighted specifically was that the National Audit Office had confirmed that fees relating to IAS 19 assurances would now form part of audit fees, a change from previous years.

* 83 Devon County Council Internal Control Environment

The Committee received the Report of the Director of Finance and Public Value (DF/23/88), which set out the responses from management to questions from the external auditors.

As part of the auditors' risk assessment procedures, they were required to obtain an understanding of management processes and the Council's oversight of the areas listed in the Report.

The Committee endorsed the Report.

* 84 Statement of Accounts and Annual Governance Statement 2022/23

The Committee considered the Report of the Director of Finance and Public Value (DF/23/87) on the Statement of Accounts for the County Council and Devon Pension Fund 2022/23 and Annual Governance Statement 2022/23. The Report highlighted the key messages for the Authority's Accounts and the Pension Fund Accounts.

Key messages from the Report included:

- the Authority's reserves (including general fund balance) and carry forwards had reduced by £61.3 million;
- the Special Educational Needs and Disabilities (SEND) deficit had increased by £38.9 million in 2022/23 to £125.4 million at 31 March 2023; and
- that the Authority now had a positive Balance Sheet at 31 March 2023 of £840 million as a result of a significant reduction in the pension liability as assessed by the actuary.

Questions and discussion points with Members and Officers included:

- The funding level of the Pension Fund as of March 2022 of 98%, an improvement on the 91% funding level at the previous triennial valuation in March 2019.
- The SEND Safety Valve discussions continued with the Department for Education and it was hoped an agreement could be reached. This was a national issue with some areas affected more significantly than others, including Devon. There was an expectation that the Authority would have to contribute to this deficit.

The external auditors stated they were hopeful that the Statements of Accounts for 2020/21 and 2021/22 would be signed off by the end of the week or early next week.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Whitton and

RESOLVED

- (a) that the Annual Governance Statement for 2022/23 be approved;
- (b) that the Authority's Statement of Accounts for 2022/23 be approved; and
- (c) that the Pension Fund Statement of Accounts for 2022/23 be approved.

* 85 **Internal Audit Update**

The Committee received the Report of the Director of Finance and Public Value (DF/23/90), which provided an update on the opinion of the Council's Internal Audit Service (Devon Audit Partnership) and described the progress

Agenda Item 12.(g)

4

AUDIT COMMITTEE

25/09/23

against the internal audit plans for 2023/24, approved by the Committee in February 2023.

Overall, based on work performed during 2023/24 to date and from the previous year's audit, the Head of Internal Audit's opinion was of Reasonable Assurance on the adequacy and effectiveness of the internal control framework within the County Council.

Points particularly highlighted included:

- Since writing the report, it was highlighted that a number of audits, although not finalised, had come through as limited assurance, and these would be reported on at the next Committee meeting.
- Changes to the Audit Plan since it was approved in February 2023, were highlighted in yellow as revised priorities under the Adaptive Plan section.
- To note that the limited assurance given to the audit of Children's Services' use of iTrent was in draft awaiting management responses.

Questions and discussion points with Members included:

- That risk areas coming through as 'limited assurance' would be reported on at the next Committee meeting, following further work with the relevant Services.
- Assurance that the Barclays spend by Human Resources on recruitment advertising and staff recruitment costs was deemed compliant with the credit card acceptable use guidance.
- Barclaycard spend for an Amazon Prime subscription, where one subscription remained, was not in line with guidance.
- Audit's annual plan was adaptive and would react to any new risks identified during the year or to new/changes in legislation.
- The audit of Children's Homes, identified in the plan as a revised priority, had yet to be scoped and Officers undertook to provide the Committee with further detail on why it was included in the plan.
- To date there had been positive engagement from clients across the Council. Where DAP had been alerted to potential areas of control weakness had naturally resulted in audit work being of limited assurance. Further work would take place and followed-up to provide further assurances of improved controls.

* 86

Risk Management Update

The Committee considered the report of the Director of Finance and Public Value (DF/23/91) providing an update on Risk Management 2023/24.

The Report set out the risk position of the Council, updates on changes to risk management arrangements during 2023/24 to date and confirmed the role of the Committee as per the Council's Risk Management Policy. It further

explored and summarised the existing risk position via links to visual reporting of risks using the Power BI platform.

Questions and discussions points with Members and Officers included:

- Officers would revert to Members as to the financial liability risk to the Council as guarantor in relation to the Exeter Science Park.
- Officers would revert to Members with further data on the placements to support children in care in Devon, which had grown from £3,100 to £4,800 per week.
- The number of risks identified as very high were scored after mitigation controls had been implemented and had therefore lowered the overarching risk.
- The Chair would welcome Scrutiny examining the risk data.

* **87** **Counter Fraud Update**

The Committee received the Report of the Director of Finance and Public Value (DF/23/92) on the Counter Fraud Update at September 2023, which set out the work undertaken and ongoing in order to mitigate the challenges posed by fraudulent activity for the Council.

Of highlight was a new area of work where the Counter Fraud Team would be looking to support the Traffic Management Team in the enforcement process around Blue Badge misuse, where a plan of action had been drafted.

Discussion ensued around the work that Audit had carried out in the last financial year on Direct Payments in both Adult and Children's Services, which had led to follow-up work this year. An update on this would be provided to a future Committee meeting.

* **88** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

* **89** **Digital and Transformational Services**

Firstly, the Committee received the Report of the Director of Finance and Public Value (DF/23/93) and accompanying Internal Audit Report on Digital

Agenda Item 12.(g)

6

AUDIT COMMITTEE

25/09/23

and Transformation Services – Vulnerability/Patch Management, which set out the audit work performed and the associated issues raised.

Secondly, the Committee received the Report of the Director of Finance and Public Value (DF/23/94) and accompanying Internal Audit Report on Digital and Transformation Services – Shadow IT, which set out the audit work performed and the associated issues raised.

NOTES:

- 1. Minutes should always be read in association with any Reports for a complete record.*
- 2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.52 pm

PROCEDURES COMMITTEE

26 September 2023

Present:-

Councillors J Hart (Chair), S Hughes, C Whitton, J Brazil, Y Atkinson and D Cox (for Councillor Leaver)

Councillors F Biederman and J Hodgson attended remotely.

Apologies:-

Councillors C Leaver and P Prowse

Members attending in accordance with Standing Order 25

Councillor P Twiss

* 34 **Election of Chair**

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Whitton, and **RESOLVED** that Councillor Hart be elected Chair for the meeting.

* 35 **Minutes**

RESOLVED that the minutes of the meeting held on 25 April 2023 be signed as a correct record.

* 36 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

37 **Review of Financial Regulations - Section 5 of the Constitution**

The Committee considered the Report of the Director of Finance and Public Value (DF/23/86) which sought approval to update financial regulations and recommend the changes to the Council.

The Committee further noted that the Governance Working Group considered and endorsed the changes at its meeting on 4 September 2023.

The Report highlighted that a new Finance System had been procured by the Council and would be implemented during 2023/24 ready for "go live" in 2024. The procurement had focused on purchasing a system that was a market leader and would provide the Authority with the latest technology, specifically tailored

Agenda Item 12.(i)

2

PROCEDURES COMMITTEE

26/09/23

for Local Government. The impact of this would be that processes and systems within the Authority would change significantly.

The review of the Financial Regulations had been expedited due to the implementation of the new finance system, but also as part of the overall review of Governance for the Authority.

The proposal was to remove the detailed procedures and place them in the Finance Standards SharePoint site, accessible only to Officers of the Authority. The detailed standards would be renamed Financial Procedures in line with terminology used by other, benchmarked local authorities. The second part of the proposal was for a complete review of all areas of the Financial Regulations to update the content to reflect current legislation, guidance and practice.

The review and update of the Financial Regulations was a workstream within the Future Finance Project and during the review it was noted that the contents fell fall within two distinct areas:

1. The framework describing the accountabilities and delegations from Council which ensured the proper administration of the Authority's financial affairs; and
2. Detailed Standards which described the financial procedures that Officers of the Authority's must follow to process day to day transactions.

The current format of the document meant that the Financial Regulations had become a weighty document (49 pages), not easily navigated, details of confidential internal operations were in the public domain and the complexity of the document had made it harder to use and enforce.

The recent changes in leadership meant there was a stronger focus on accountability and control and updated and newly focussed Financial Regulations would enable clarity and accessibility for all Members and Officers.

The Committee noted there had been benchmarking with other Authorities (West Sussex County Council, Hampshire County Council, Kent County Council and Oxfordshire County) which highlighted that Devon published significantly more details than the comparators.

Internally, staff had been invited to review the newly drafted regulations and to feedback, which had been incorporated.

The updated Financial Regulations positively supported the "How We Will Work" element of the Council's Strategic Plan 2021–2025, specifically enabling greater financial resilience and improved financial planning as well as increased discipline and rigour around decision making.

In summary, the proposal aimed to ensure that Financial Regulations within the Constitution were clearer, focused, accessible to all, shorter and relevant to Members and the external audience. Furthermore, financial operational

standards would be able to be updated swiftly as the new finance system was implemented and sensitive information would no longer be in the public domain.

Members asked the following questions and raised issues as follows:

- clarification of the governance at the lower level of decision making, for example updating operating standards;
- the Chair of the Corporate Infrastructure and Regulatory Services Spotlight Review into the future finance system welcomed the updates in terms of how they supported the roll out of the new system;
- clarification of the financial thresholds related to decision making, including that for FIN letters (delegated decisions by the Cabinet Member for Finance);
- the importance of Local Members being consulted on matters that impact on their divisions and that a Local Member Protocol was being prepared as part of the Governance Working Group; and
- clarification over the meaning of 'guarantees' as outlined at section C8 of the revised regulations.

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

RESOLVED

(a) that the proposed changes to the Financial Regulations which update these regulations to reflect current legislation, best practice guidance and current practice be endorsed and recommended to Council; and

(b) that the removal of the "Detailed Standards" from the Financial Regulations and for these detailed standards to become internal documents which continue to govern the actions of Officers of the Authority and for these standards to be directly under the jurisdiction of the Director of Finance and Public Value further be recommended for adoption.

38 Policy Framework Review

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/23/14) which presented a review of the Council's Policy Framework, as considered by the Governance Working Group.

The Report highlighted the Council's current Policy Framework as outlined in Article 4 in the Constitution and those plans currently requiring Council approval. It further highlighted the requirements of Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which listed those functions not to be the sole responsibility of an Authorities Executive as well as outlining those additional strategies or matters not currently reflected in the Policy Framework, such as the Member Development Strategy and Members Allowances.

Agenda Item 12.(i)

4

PROCEDURES COMMITTEE

26/09/23

Views had been sought from the Governance Working Group and benchmarking across other Authorities as well as a review of Regulation 4 of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000', which included considering other plans and Strategies that other Authorities had detailed within their policy frameworks, also having regard to those matters which were also the responsibility of an Authorities Executive.

The Report proposed that the Article 4 be amended as outlined below, with amendments shown in red.

- The Council's Strategic / **Corporate** Plan;
- **Performance Plan and Summary**
- Minerals and Waste Development Plan documents;
- Local Transport Plan;
- Municipal Waste Management Strategy;
- Pay Policy Statement
- **Youth Justice Plan**
- **Corporate Parenting Policy / Plan**
- **Children and Young People's Plan**
- **Member Development Strategy**
- **Members Allowances**
- **Constitution (except those minor updates which MO has delegated power to authorise as outlined in Article 15)**

Any other Plan, Strategy or matter (whether statutory or non-statutory) in respect of which the Council from time to time determines that the decision on its adoption or approvals should be taken by full Council rather than the Cabinet.

The Committee also recognised there was a need to consider the (Sustainable) Community Strategy and Crime and Disorder Reduction Strategy following further discussions with the partnerships and current arrangements.

The revisions to the Policy Framework ensured that the Council was compliant with the requirements of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000' and also the inclusion of those matters previously signed off by Council but not reflected in the framework ensured clarity of decision.

Members commented on Economic Development Strategies and the link to the Council's Corporate Plan, the future of the Local Enterprise Partnerships and any financial arrangements as part of this and potential Devolution deals and the Governance thereof and whether this impacted on the proposed changes, which it was confirmed it did not at this stage.

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

RESOLVED

(a) that Council be recommended to amend Article 4 of the Constitution as outlined in section 4 of the Report (with the additions to the policy framework shown in red);

(b) that further work be undertaken in relation to sign off processes for the (Sustainable) Community Strategy and Crime and Disorder Reduction Strategy following further discussions with the partnerships regarding current arrangements; and

(c) that Council delegates Authority to the Director of Legal and Democratic Services in consultation with the Governance Working Group to further amend the policy framework after the work at (b) is undertaken.

39**Decision Making - Revised Definition of Key Decision**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/23/16) which presented a revised definition of the key decision threshold, as considered and endorsed by the Governance Working Group.

The Governance Review Group had reviewed and benchmarked the Key Decision threshold and determined that the financial threshold of £1 million remained the appropriate threshold.

A copy of the current key decision was attached at appendix 2 to the Report and the proposed amendments could be found at appendix 3.

Views were sought from the Governance Working Group and benchmarking data from across other Authorities as well as specialist support from the Local Government Association (LGA). The Benchmarking information was attached at Appendix 1 of the Report.

In accordance with article 2 of the Constitution (section 13.4), Key decisions were those which by reason of their strategic, political or financial significance or which would have a significant effect on communities in more than one division.

The Report proposed that the definition of a Key Decision was further defined to provide additional clarity in decision making. The revised definition was therefore proposed to include the following wording:

10.3 Devon County Council Defines a Key Decision as

- any decision which would result in the closure of an amenity or total withdrawal of a service;
- any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £1,000,000 or above, with the exception of operational expenditure by the Chief Executive identified within the approved budget and policy framework;

Agenda Item 12.(i)

6

PROCEDURES COMMITTEE

26/09/23

- any proposal to change the policy framework; • any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions, unless this falls under the delegation or terms of reference of another Committee of the Council;
- any contract (or programme) which: exceeds an annual value of £1 million; and
- proposes significant changes to the Constitution together with any other decision which the Monitoring Officer in consultation with the Leader and Head of Paid Service considers to be a key decision within the Regulations.

10.4 If Key Decisions are to be discussed with Council officers at a meeting of the Cabinet, the meeting will be open for the public to attend except where matters of a confidential or exempt nature are to be discussed.

10.5 The Cabinet has to make decisions which are in line with the Council's budget and policy framework. If it considers that a decision is required which is outside the budget or policy framework, it must refer the matter to the whole Council for a decision."

In order to retain a degree of flexibility, the Committee noted that the revised definition would also allow for matters which fell outside of the definition. The Monitoring Officer in consultation with the Leader and Head of Paid Service could deem the matter a key decision.

The proposal aligned to the Council's Strategic Plan 2021 – 2025 and supported the commitment of ensuring the Council made good decisions, was transparent and supported being a trusted and inclusive Council.

Members raised issues relating to the external transfer of services from the Council, how the process for schools converting to Academies impacted on this and decisions which resulted in redundancies.

It was proposed by Councillor Atkinson that the definition of a key decision should also include services being externally transferred from the Council, to which the Leader and Committee agreed.

It was therefore **MOVED** by Councillor Hart, **SECONDED** by Councillor Biederman, and

RESOLVED that Council be recommended to amend Part 3c of the Constitution as articulated in Appendix 3 of the Report (outlined above in red), including adding the issue of services being externally transferred out of the Council into the above revised definition, and cross referencing with Article 2 – Section 13.4.

40 Public Participation - Updated for Modern Meetings

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/23/13), which presented an updated public participation scheme, which reflected updated working practices and the views of the Governance Working Group.

The Report highlighted that the Council's public participation guidance had been in existence for a number of years, with the ability for members of the public to engage with the democratic processes of the Council.

It further reported on the changes to the scheme over the years to increase democratic engagement, such as the ability to submit questions to the Cabinet and Council (introduced in 2014). At the same time, revised arrangements were made so that the public may make oral representations at meetings of the Council.

In 2016, the facility for public speaking at Scrutiny Committees was introduced, initially for a trial period of 12 months but permanent after the trial period had ended.

The guidance on Public Participation formed a dedicated work strand of the Governance Working Group. This was initially discussed at its meeting on 7th August 2023 as well as the Centre for Governance Scrutiny's four principals of good scrutiny.

The main changes proposed to the scheme including a number of amendments which reflected more modern meetings and working practices, for example the ability to attend some meetings virtually.

The Committee noted there were no changes proposed to the deadline on submitting representations or questions, as the benchmarking data showed that the Council had reasonably long deadlines when compared to others.

A number of other small changes had been proposed, for example the ability of Members and / or Officers to respond to any points made by the public, particularly if clarification was required and also improved sign posting towards which Committee would be best suited for questions and or representations, furthermore, highlighting that Scrutiny was not a decision-making body.

Whilst this proposal was not directly aligned to the Council's Strategic Plan 2021 – 2025, it supported the commitment of being a trusted and inclusive Council that heard the voices of communities, listened, learned and made good decisions.

In summary, the Committee noted that the revised public participation guidance had not significantly changed, for example deadlines remaining the same and no public engagement opportunities had been withdrawn. The updates sought to

Agenda Item 12.(i)

8

PROCEDURES COMMITTEE

26/09/23

clarify the expectation at meetings in terms of responses and also reflect more modern working practices.

Members expressed concern that the ability of right of reply should not turn into a debate with public participation at meetings. It was further clarified that the public were informed by Committee Clerks that if large numbers of speakers registered or numerous questions were received, then the time limit allowed may expire before they could be heard. The guidance highlighted that if questions could not be dealt with in the timescale, then a response would be sent via email.

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

RESOLVED that the changes to the Public Participation guidance, attached at appendix 1 to the Report, be endorsed, and recommend that Council adopt accordingly for publication on the website and make the necessary amendments to the Constitution.

* 41 Draft calendar of meetings for 2024/2025

The Committee considered the draft calendar of meetings for 2024/25 prepared in line with the pattern of previous years, known determinants and relevant factors.

The Committee noted that the budget cycle had been pushed back as far as was possible in terms of Scrutiny meetings and Budget Consultations in order to support the finance process as part of budget setting.

The calendar also included Scrutiny masterclasses and Member Development sessions.

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

RESOLVED that the draft Calendar for 2024/2025 be approved for publication.

42 Devon County Boundary Divisions - Tiverton East and Willand and Uffculme

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/23/9) which sought approval to support the proposal that the boundary between the County's Tiverton East Electoral Division and the Willand and Uffculme Electoral Division, be amended.

Mid Devon District Council had recently completed a Community Governance Review (CGR) of Mid Devon Council parish boundaries, following the Local Government Boundary Commission for England (LGBCE) in respect of the Commission's review of the district ward boundaries completed in 2021, which resulted in a change of most ward boundaries.

The Committee noted that in publishing its final report, the Commission had suggested that the District Council carry out a CGR of all parishes which had been completed in December 2022. As a consequence, the parishes of Halberton, Uffculme and Willand boundaries were approved by the Council and took effect for the May 2023 District and Parish elections. The new parish boundaries no longer fell into line with the new District Ward boundaries and the LGBC had agreed to consider a “related alteration” of those boundaries and as such had asked the County Council to consider agreeing that the boundary between the County’s Tiverton East Electoral Division and the Willand and Uffculme Electoral Division, be altered in line with what would be the new district boundary, the map showing the area under consideration was appended to the Report.

The earliest that the changes could be implemented were for the May 2025 County elections and if the proposals were agreed, the district wards would be implemented for the 2027 district elections.

Views were sought from Group Leaders, Local Members and also relevant officers within the Council. The Local Members then confirmed they were content to go ahead with the proposals and Officers had no objections.

The Committee commented that the proposal appeared a sensible solution to ensure the County’s Tiverton East Electoral Division and the Willand and Uffculme Electoral Division, were in line with what would be the new district boundary.

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

RESOLVED that Council be recommended to support the proposal that the boundary between the County’s Tiverton East Electoral Division and the Willand and Uffculme Electoral Division, be altered in line with, what will be, the new district boundary, as outlined in the map appended to the Report.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*

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

The Meeting started at 10.30 am and finished at 12.00 pm

Update of the Financial Regulations

Report of the Director of Finance and Public Value

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee be asked to:

- (a) Agree proposed changes to the Financial Regulations which update these regulations to reflect current legislation, best practice guidance and current practice,
- (b) Agree to the removal of the “Detailed Standards” from the Financial Regulations and for these detailed standards to become internal documents which continue to govern the actions of officers of the Authority and for these standards to be directly under the jurisdiction of the Director of Finance and Public Value.

2) Introduction

For the first time in nearly 30 years a new Finance System has been procured by the Council and will be implemented during 2023/24 ready for “go live” in 2024. The new system will be provided as “software as a service” one of the implications of which is that the Council is buying access to a remotely hosted suite of applications which are updated regularly by the host. The procurement has focused on buying a system that is a market leader and will provide the Authority with the latest technology and will be specifically tailored for local government. The impact of this will be that processes and systems within the Authority will change significantly, commencing during the implementation phase and potentially carrying on at a faster rate than previously as technological advancements alter the approach and processes required by officers to effectively manage the Authority’s finances.

The review of the Financial Regulations has been expedited due to the implementation of the new finance system, but also as part of the overall review of governance for the Authority.

3) Proposal

The proposal is to remove the detailed procedures and place them in the Finance Standards sharepoint site, accessible only to officers of the Authority. The detailed standards will be renamed Financial Procedures in line with terminology used by other, benchmarked local authorities. The second part of the proposal is for a complete review of

all areas of the Financial Regulations to update the content to reflect current legislation, guidance and practice.

The review and update of the Financial Regulations is a workstream within the Future Finance Project which has been undertaken in preparation for the implementation of the new systems that together will form the finance system through which the Authority manages its financial affairs. During this review it was noted that the contents currently fall within two distinct areas:

1. The framework describing the accountabilities and delegations from Council which ensure the proper administration of the Authority's financial affairs;
2. Detailed Standards which describe the financial procedures that Officers of the Authority's must follow to process day to day transactions.

It was also noted that there is a high level of variation within the document regarding formatting, terminology and the structure of each section as well as links to internal documents (not accessible to external readers), redundant areas and some very detailed descriptions of internal processes, not relevant to Members or other external readers.

This has the following impact:

- The Financial Regulations have become a weighty document (49 pages) that is not easily navigated,
- Details of confidential internal operations are in the public domain. This includes such items as the Authority's policy on bad debts. Whilst the Authority upholds very high standards regarding transparency such internal policies are not best placed in the public domain and access to such could be exploited by shrewd debtors,
- The complexity of the document has made it harder to use and enforce.

The implementation of a new financial system will require there to be considerable changes to operations over the next few years as the system embeds. In addition, it is anticipated that technological changes will be more frequent in the future requiring adoption of new processes at officer level regularly and quickly. At present detailed standards within the Financial Regulations describe these processes. If the Regulations continue to include these detailed standards this will lead to unworkable delays between needing to implement new processes (following the adoption of software changes) and updating the Regulations to reflect these changes as well as creating significant additional work for the Procedures Committee. These changes will only implement operations at officer level.

Also, with the changes in leadership at the Authority there is now a stronger focus on accountability and control. Updated and newly focussed Financial Regulations will enable clarity and accessibility for all Members and officers. The introduction of a new Financial Standards sharepoint site, accessible to all officers, provides a central location for the storage and access of all Financial Procedures (detailed standards).

The Financial Regulations were previously split in this way and the current published Regulations still contain the statement:

"The Authority's detailed financial procedures, setting out how these Regulations will be implemented, are contained in the Financial Standards Manual."

This statement is outdated as no such manual exists.

4) Options / Alternatives

The alternative is for there to be no change and for detailed standards to remain as part of the published Constitution. However, this will not allow the agility that a new system will require.

5) External Benchmark and Internal Consultation

The benchmark exercise reviewed the regulations at West Sussex County Council, Hampshire County Council, Kent County Council and Oxfordshire County Council and these documents are linked below.

[Financial Regulations, West Sussex CC](#)

[Financial Regulations, Hampshire CC](#)

[Constitution Kent CC \(includes Financial Procedures and Delegations\)](#)

[Financial Procedure Rules, Oxfordshire CC](#)

In brief the findings are that Devon County Council publishes significantly more details than the comparators leading to Devon County Council's Financial Regulations being up to twice as long as other Authorities.

Internally all staff were invited to review the newly drafted regulations and to feedback, over a two-week period at the end of August 2023. Twenty-one responses were received and feedback has been included in the revised Financial Regulations.

6) Strategic Plan

The updated Financial Regulations positively support the "How We Will Work" element of the Council's Strategic Plan 2021 – 2025 - <https://www.devon.gov.uk/strategic-plan>.

The regulations update explicitly supports the following two objectives within How We Will Work:

- Enable greater financial resilience and improve financial planning
- Increase discipline and rigour around decision making.

7) Financial Considerations

The Financial Regulations update work is within the budget for the Future Finance Project. The update underpins the financial probity and robustness of financial governance at the Authority.

8) Legal Considerations

The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and that one of their officers be responsible for the administration of those affairs. The Constitution of the Authority designates the Director of Finance and Public Value as the Chief Finance Officer and the Section 151 Officer and therefore the officer responsible for establishing and maintaining the Authority's Financial Regulations and the Financial Procedures which set out how the regulations will be implemented.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

This report has no specific environment impact considerations.

10) Equality Considerations

The Financial Regulations have been produced in an accessible format and will be published on Devon County Council's website in this format ensuring equality of access for all.

The content of the Financial Regulations has no impact on equality issues.

11) Risk Management Considerations

The risk that the Financial Regulations are incomplete or inadequate to uphold the financial probity of the Authority has been mitigated through:

- Benchmark against other Authorities,
- Assurance review by Devon Audit Partnership
- Internal consultation
- Review by the Governance Working Group.

Risks relating to implementation of new financial procedures to support the new finance system will reduce as it will be possible to make changes and update procedures quickly.

Risks resulting from over-exposure i.e. placing information in the public domain that is considered sensitive, will reduce.

12) Conclusions

This proposal is recommended for acceptance for the following reasons:

1. Financial regulations within the Constitution will be clearer, focused, accessible to all, shorter and relevant to Members and the external audience,
2. Financial operational standards will be able to be updated swiftly as the new system is implemented and embeds, will have clear ownership through the Financial Standards (sharepoint) site and will be easily accessed by all finance staff.
3. Sensitive information will no longer be in the public domain.

Name

Director Angie Sinclair

Electoral Divisions: All

Cabinet Member for Finance Councillor Phil Twiss

Contact for enquiries:

Name: Helena Freeman

Telephone: 01392 381159

Helena.freeman@devon.gov.uk

Financial Regulations

Devon County Council

Appendix A

TABLE OF CONTENTS

INTRODUCTION	2
<u>The Purpose of Financial Regulations</u>	2
<u>Status of Financial Regulations</u>	2
<u>Where Financial Regulations fit in</u>	3
<u>Financial Principles</u>	3
A FINANCIAL MANAGEMENT	4
<u>A1. The Council</u>	4
<u>A2. The Cabinet</u>	4
<u>A3. Committees</u>	4
<u>A4. Statutory Officers</u>	5
<u>A5. Financial Control</u>	6
<u>A6. Accounting Arrangements</u>	7
<u>A7. Year-end accounting</u>	7
<u>A8. Use of Consultants</u>	8
B. FINANCIAL PLANNING AND CONTROL OF EXPENDITURE	9
<u>B1. Policy Framework</u>	9
<u>B2. Revenue Budget Preparation</u>	9
<u>B3. Resource Allocation</u>	10
<u>B4. Maintenance of Reserves</u>	10
<u>B5. Revenue Budget Monitoring and Control</u>	10
<u>B6. Authority to Incur Revenue Expenditure</u>	11
<u>B7. Virements</u>	11
<u>B8. Capital Expenditure and Leasing</u>	11
C. RISK MANAGEMENT AND INTERNAL CONTROL	15
<u>C1. Risk Management</u>	15
<u>C2. Internal Control</u>	15
<u>C3. Retention of Records</u>	16
<u>C4. Investments and Treasury Management</u>	16
<u>C5. Fraud and Corruption</u>	17

<u>C6. Audit Requirements</u>	17
<u>C7. Staffing</u>	17
<u>C8. Guarantees</u>	18
<u>D. INCOME, BANKING AND TAXATION</u>	19
<u>D1. Income and Banking</u>	19
<u>D2. Taxation</u>	19
<u>E. COLLABORATIVE AND AGENCY ARRANGEMENTS, EXTERNAL FUNDING AND SERVICE CHANGES</u>	20
<u>E1. Collaborative Arrangements, Joint Ventures, and Joint Operational Models</u>	20
<u>E2. External Funding</u>	20
<u>E3. Work for Third Parties (Agency arrangements)</u>	21
<u>E4. Alternative Commissioning/Delivery Models</u>	21
<u>GLOSSARY OF TERMS</u>	22

INTRODUCTION

The Purpose of Financial Regulations

1. Devon County Council (the Authority) is responsible for many millions of pounds of public money and has a number of statutory responsibilities in relation to its financial affairs.
2. The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and that one of their officers be responsible for the administration of those affairs. The Constitution of the Authority designates the Director of Finance and Public Value as the Chief Finance Officer and the Section 151 Officer and therefore the officer responsible for establishing and maintaining the Authority's Financial Regulations and the Financial Procedures which set out how the regulations will be implemented. The Financial Regulations set out the financial policies of the Authority. The Chief Finance Officer is responsible for presenting all updates which must be approved by the Council and any breaches of these regulations must be reported to Cabinet.
3. The Chief Finance Officer is also responsible for the accounting system, ensuring, by maintaining an effective and adequate internal audit, that all accounting records are satisfactorily maintained.
4. For employees, these regulations form part of the Corporate Employee Code of Conduct, so a breach will be considered a disciplinary offence which will invoke those procedures (and can lead to dismissal).
5. For Members, adherence to these regulations form part of the [Members' Code of Conduct](#) so any breach of the Code will be reported to the Monitoring Officer and Standards Committee in line with agreed processes who will make an appropriate decision on actions to be taken.

Status of Financial Regulations

1. Financial regulations provide the framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.
2. The regulations identify the financial responsibilities of the Council, Cabinet and Scrutiny Members, the Head of Paid Service (the Chief Executive), Directors, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance and Public Value) and other Heads of Service.
3. All members and officers have a responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these

resources is legal, properly authorised, provides value for money, and achieves best value.

4. Directors are responsible for ensuring that all staff in their directorates are aware of the existence and content of these Financial Regulations and of the Financial Procedures and that they comply with them.
5. The authority's detailed financial procedures which officers must follow, are contained in Financial Procedures documentation which fall under the jurisdiction of the Chief Finance Officer and are accessible to all officers.

Where Financial Regulations fit in

1. Financial Regulations are linked to other internal regulatory documents forming part of the [Authority's Constitution](#). The Financial Regulations are one part of the Code of Business Conduct which is the collective term for various Authority regulations and provisions such as Procurement Policy, Financial Regulations, Contract Procedure Rules, Electronic Transactions, Surplus Property, Insurance, and the Whistleblowing Policy. It also encompasses the [Good Practice Guide](#), [Procedures for Tenders and Contracts](#), [Minimum Standards for External Funding](#), VAT guidance as well as finance standards and service area financial procedures.

Financial Principles

1. The Authority is responsible for the stewardship of public money and will make arrangements to safeguard the interests of taxpayers and other stakeholders.
2. The Authority expects its members and officers to exercise high standards in financial management and administration and aims to stimulate openness and a climate of frankness that it will support through policies and regulations, such as the [Whistleblowing Policy](#). The Authority upholds the [Nolan Principles](#) and its Best Value Duty.

A FINANCIAL MANAGEMENT

Financial Management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget. Below are set out the main areas of responsibility of financial management.

A1. The Council

1. The Council is responsible for adopting the [Authority's Constitution](#) and [Members' Code of Conduct](#) and for approving the [budget and policy framework](#) and borrowing within which the Cabinet operates. The functions are set out in [Article 4 of the Constitution](#). It is also responsible for approving and monitoring compliance with agreed policy and reporting decisions taken.

A2. The Cabinet

1. The Cabinet is responsible for proposing the policy framework (see B1 below) and budget to the Council. Within the approved policy and budget frameworks the Cabinet is responsible for day-to-day direction of the Council's affairs. The Constitution provides for the necessary decision-making at three levels:
 - a. [Key Decisions](#) – decisions which by reason of their financial, strategic, or corporate importance are taken by the whole Cabinet.
 - b. Cabinet Member Decisions – each member of the Cabinet is assigned a particular area of service responsibility (a Cabinet Remit) and can take decisions within that remit after the proposal has been notified to all members of the Council.
 - c. Director & Heads of Service Decisions – decisions taken within a Director's professional or management role or in accordance with specific delegated powers.
2. The decision making protocol and delegations are described in the [Scheme of Delegation](#).

A3. Committees

1. [Scrutiny Committees](#) are responsible for scrutinising Cabinet decisions and for holding the Cabinet to account.
2. The [Audit Committee](#) has delegated authority from the Council. It has the right of access to all of the information it considers necessary and can consult directly with internal or

external auditors. The Committee's remit is internal control and governance. It is responsible for reviewing and approving the Annual Governance Statement and Statement of Accounts on behalf of the Authority. It reviews the external auditor's plans and reports for the Authority and the Pension Fund and the internal audit's annual plan and report. The Audit Committee also receives reports regarding the Authority's risk management arrangements and risk register.

3. The [Standards Committee](#) is responsible for advising the Council on the adoption and revision of the Members Code of Conduct and for monitoring the operation of the code.

A4. Statutory Officers

1. The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. They must report to and provide information for the Cabinet, the Council, Scrutiny Committees, and other Committees. They are responsible for establishing a framework for management direction and standards and for monitoring the performance of the organisation.
2. The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law or maladministration and for ensuring that the procedures for recording and reporting key decisions are operating effectively. The Monitoring Officer is responsible for advising all members and officers about who has the authority to take a particular decision and whether a decision is likely to be considered contrary to the policy framework. The Monitoring Officer and the Chief Finance Officer are also responsible for advising the Cabinet or Council if a decision could be considered contrary to the budget.
3. The Chief Finance Officer has responsibility for the proper administration of the Authority's financial affairs. This includes ensuring compliance with the Detailed Standards, with key financial controls, providing financial advice and advising on the corporate financial position, advising on preparation of revenue and capital budgets, and treasury management.
4. The Chief Finance Officer is also responsible for ensuring lawfulness and the financial prudence of decision making. After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Cabinet in relation to a Cabinet function and the Authority's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully. The Chief Finance Officer, in conjunction with the Chief Executive and after consultation with the Leader of the Council, shall have the powers to take any action necessary to safeguard the interests of the Authority.

5. The Chief Finance Officer is responsible for advising Committees on all financial matters. They must be consulted on all financial matters and given adequate opportunity to provide written comment in any report with financial implications. All reports to the Cabinet or Committees with significant financial implications are to be made under the joint names of the Head of Service concerned and the Chief Finance Officer.
6. Where the [urgency procedures](#) set out in the Authority's Constitution are to be invoked, the Chief Finance Officer must first be consulted on financial and other resource implications.
7. Revenue budgets delegated to schools under DfE Regulations are outside the scope of these regulations and are subject to the conditions set out in the [Scheme for Financing Schools – Statutory Guidance for Local Authorities](#), updated annually.
8. The Money Laundering Reporting Officer is responsible for notifying the National Crime Agency (NCA) of any suspected cases of money laundering committed within the accounts of the Authority, the Pension Fund, or any other funds for which the Authority is the Accountable Body, as soon as possible and fulfil other duties as defined by legislation or regulation related to the post. Simultaneously, the Cabinet Member for Finance will be kept informed of any notifications to NCA and of any issues arising from them.
9. The Deputy S151 Officer is appointed as the Money Laundering Reporting Officer and the Head of Devon Audit Partnership is appointed as the Deputy Money Laundering Reporting Officer.

A5. Financial Control

1. Directors must operate efficient systems of financial control and are responsible for:
 - a. ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
 - b. ensuring that Cabinet members are advised of legal implications of all proposals and that the legal implications have been agreed with the Monitoring Officer.
 - c. the signing of contracts on behalf of the Authority (except where the seal of the Authority is applied). Directors may, however, delegate authority to sign contracts below £1,000,000 to Heads of Service or an Officer to whom they have specifically delegated authority to sign contracts within their area of responsibility. In all cases before signing a contract the officer concerned must be satisfied that the necessary approval to award the contract has been obtained. Where contract variation could increase the value of the contract to be in excess of £1,000,000, approval from the Director must be sought.

- d. Consulting with the Chief Finance Officer and seeking his/her approval on any matter that could materially affect the Authority's financial position before any commitments are incurred.

A6. Accounting Arrangements

1. The Chief Finance Officer is responsible for keeping the accounts and financial records of the Authority. They must also approve accounting and other systems with a financial function and accounting records of directorates.
2. Accounting procedures will reflect recommended professional practices, and follow accounting principles as determined by the Chief Finance Officer. Accounting procedures will be reviewed as necessary by the Chief Finance Officer in consultation with Directors and Heads of Service to ensure that they provide the information required by both without duplication of records.
3. No change to existing accounting procedures must be made without prior consultation with the Chief Finance Officer.
4. The Chief Finance Officer must examine and certify where required any submission, estimate, or claim for payment of grant by a Government Department or funding from any other body. Officers responsible for the administration of such grants, funds and spending associated with them must ensure compliance with the conditions of the grant/funding and where appropriate adhere to the [Authority's Minimum Standards for External Funding](#).
5. The Chief Finance Officer, where required, must examine, and certify any financial return to a Government Department or other body.

A7. Year-end accounting

1. The Chief Finance Officer is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the "Code of Practice on Local Authority Accounting in the United Kingdom," (CIPFA/LASAAC). The Cabinet is responsible for approving the annual Revenue and Capital Outturn and for agreeing procedures for carrying forward under and overspending on budget headings. The Authority's final financial position as presented in the Annual Statement of Accounts will be approved by the Audit Committee on behalf of the Council.

A8. Use of Consultants

1. If any person is to be engaged either as interim manager, consultant, professional or to fulfil the position of an Office Holder they shall be engaged under the (internal) Hiring Temps, Agency Workers, Interims & Consultants Policy. They will be subject to approvals in line with those of procurement & purchasing as set out in the Constitution

and to comply with Tax Legislation. Any waivers of this regulation shall be in line with that of waivers for Tenders. For engagements at Director level, approval shall be sought through the Appointments Committee.

2. Directors, in consultation with the Leader and the service Cabinet Member may appoint specialist consultants up to the total contract value of £100,000 per consultant. Where the total required value is over £100,000 approval must be obtained from the Chief Executive and the appropriate cabinet member.

B. FINANCIAL PLANNING AND CONTROL OF EXPENDITURE

Sound budget management is crucial to informing good decision making and achieving value for money and best value in the use of the Authority's resources.

B1. Policy Framework

1. The Council is responsible for agreeing the Authority's policy framework and budget that will be proposed by the Cabinet. In terms of financial planning the key elements are:
 - a. The Strategic Plan
 - b. The medium-term financial plan
 - c. The annual revenue budget
 - d. The capital strategy
 - e. The multi-year capital programme budget
 - f. The Treasury Management Strategy

B2. Revenue Budget Preparation

1. The Chief Finance Officer is responsible for ensuring that a revenue budget for the coming year and a medium-term financial plan for the four subsequent financial years is prepared annually for consideration by the Cabinet.
2. The Chief Finance Officer is responsible for providing guidance on the general format of the budget.
3. The Cabinet is responsible for setting a target budget for each service area.
4. Subsequently Directors will prepare, in consultation with the Heads of Service and relevant Cabinet Member and in accordance with the framework set down by the Chief Finance Officer an estimate of income and expenditure for the ensuing financial year within the spending targets set by the Cabinet.
5. The Cabinet will then submit a 'final budget' to the Council which is recommended for approval.
6. The Chief Finance Officer is responsible for reporting to the Council on the robustness of estimates contained within the budget proposed by the Cabinet and the adequacy of reserves allowed for in the budget proposals.

B3. Resource Allocation

1. The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures that both capital and revenue expenditure plans take account of the Authority's policy framework (B1.1) and changing priorities within that.
2. It is the responsibility of Directors to ensure that the revenue and capital budget estimates reflect agreed service plans, are in line with the medium-term financial plan, the capital strategy and that they follow any guidance issued by the Cabinet. The guidance will take account of the following:
 - a. Legal requirements
 - b. Medium term planning prospects
 - c. The Strategic Plan
 - d. Available resources and spending pressures
 - e. Value for money and best value
 - f. Other cross cutting issues

B4. Maintenance of Reserves

1. It is the responsibility of the Chief Finance Officer to provide the Cabinet with a written report on levels of reserves that are considered prudent. This advice to be based on an annual risk assessment of the Authority.
2. The Authority's medium term financial plan should, in part, be based on how to either reach or maintain the recommended level of reserves.

B5. Revenue Budget Monitoring and Control

1. Management and control of a Service budget (or part where appropriate) is the responsibility of the appropriate Director.
2. Directors must ensure that there are designated senior officers accountable to them for the detailed management of their budget and notify the Chief Finance Officer of those so designated.
3. Directors and the Chief Finance Officer will jointly carry out regular budget monitoring and reporting to identify financial problems and key issues and to recommend the action necessary to resolve them. Responsibility for the delivery of such actions rests with the Director.
4. Monitoring reports defining service financial problems and key issues with recommended action will be made to the Cabinet on a regular basis.
5. With the explicit approval of the Cabinet in each case, and subject to the overall outturn position, at the end of each financial year any net under-spending within a Service's revenue budget may be carried forward into the following year.

6. The Authority's final financial position as presented in the Annual Statement of Accounts will be approved by the Audit Committee.

B6. Authority to Incur Revenue Expenditure

1. No expenditure shall be incurred or any reduction in income authorised by any officer or Committee unless such expenditure or reduction in income is:
 - a. covered by the annual or supplementary budgets approved by the Cabinet.
 - b. the benefit of a carried forward under-spending (See B5.5)
 - c. covered by a virement (see B7)

B7. Virements

1. Where a virement represents a major change in policy and is greater than £100,000, the Director and the Chief Finance Officer need to prepare a brief report for the Cabinet seeking its approval to the policy change and the associated virement.
2. All other virements should be approved by the Director or nominated representative and the Chief Finance Officer informed in writing.

B8. Capital Expenditure and Leasing

1. Preparation of the capital programme

1. The Chief Finance Officer is responsible for ensuring a five-year capital programme is prepared and submitted to Cabinet for approval.
2. Before items are included in the proposed capital programme a business case must be produced. Programmes of work may be aggregated, but where the programme or the project has a cost of greater than £100,000 a separate business case must be produced and included within the proposed capital programme.
3. The Capital Programme Group will evaluate capital projects and programmes that require internal funding and make recommendations to the Chief Finance Officer.
4. The Chief Finance Officer is responsible for ensuring that the proposed capital programme aligns with the Strategic Plan and the Estates Strategy.
5. The Chief Finance Officer will then recommend the capital programme to Cabinet.
6. Cabinet may delegate approval of targeted programmes of work to Directors or Committees.
7. Any capital expenditure wholly or partially financed by external borrowing must always be approved by Cabinet.
8. Where a capital project or programme has a revenue implication, approval must be sought in line with the regulations set out in section B2 (above).

Control of existing capital projects and programmes

1. The Chief Financial Officer is responsible for ensuring that any amendments to the capital programme align with the Strategic Plan and the Estates Strategy.
2. Approval for amendments to the capital programme, including revisions to existing projects, should be obtained in line with the table below and should include both the amendment to the approved capital programme and its financing.

2. Limit for new projects or amendment to existing projects	3. Authorisation required
Any project involving the acquisition of land and/or buildings	The Cabinet member for Policy Corporate and Asset Management in conjunction with the authorisations set out below
For all other projects	The procedures below are for programmes and projects which are internally funded or funded through external grants or contributions. ALL programmes and projects which require external borrowing must go to Cabinet for approval.
Up to £49,999	Head Accountant for Capital & Technical Finance in conjunction with relevant Head of Service
£50,000 to £199,999	Chief Finance Officer with recommendation from: <ul style="list-style-type: none"> • the relevant Head of Service • the Capital Programme Group where the project involves the use of corporate funds
£200,000 to £999,999	Chief Finance Officer, with recommendation from: <ul style="list-style-type: none"> • the relevant Head of Service • the Capital Programme Group where the project involves the use of corporate funds <p>will seek approval from the relevant Cabinet Member/s via a letter</p>

2. Limit for new projects or amendment to existing projects	3. Authorisation required
£1,000,000 and above	<p>For projects wholly externally funded:</p> <p>Chief Finance Officer in conjunction with the relevant Head of Service will seek approval from the relevant Cabinet Member/s via a letter.</p> <p>For projects funded (wholly or partially) internally:</p> <p>Cabinet, based on recommendation from Chief Finance Officer in conjunction with the following:</p> <ul style="list-style-type: none"> • the relevant Head of Service • the Capital Programme Group • Strategic Leadership Team

3. New approvals and variations approved in year must be reported to the Chief Finance Officer as part of the budget monitoring cycle.

4. Capital items purchased must be recorded in the appropriate register or inventory.

4. Capital receipts

1. The Chief Finance Officer must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed.

2. The procedures for declaring properties surplus to requirements are set out in the [Council's Code of Practice for the Disposal of Surplus Property](#).

3. The Director of Transformation and Business Services will be responsible for the negotiations of all such sales, with the exception of those relating to the industrial estate, including skills provision, which will be the responsibility of the Head of Economy, Enterprise & Skills. Approval must be sought from the Chief Finance Officer ~~will be consulted~~ on the sale of assets at less than full market value.

4. Capital receipts are defined in legislation, and must be accounted for separately from revenue income, in accordance with the Local Government Act 2003. Officers banking these monies must ensure accurate use of capital analysis codes, as well as compliance with the other regulations concerning income, banking, and Tax.

5. All capital receipts will be treated as corporate capital receipts unless specific approval is obtained from the Cabinet for an alternative treatment.

5. Leasing: Property and other assets

1. All vehicle, plant, furniture, and equipment leasing must be negotiated in conjunction with the Chief Finance Officer. Provision for the acquisition of leased items must be included in the capital programme.
2. All property leases must be notified to the Chief Finance Officer, who will seek the approval of the Cabinet Member for Policy, Corporate and Assets, before a commitment is entered into.

C. RISK MANAGEMENT AND INTERNAL CONTROL

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. Equally, regulations are needed to ensure arrangements are in place to protect the assets and resources of the Authority.

C1. Risk Management

1. The Audit Committee is responsible for approving the Authority's [Risk Management Strategy](#) and for reviewing the overall effectiveness of the strategy.
2. The Chief Finance Officer, in conjunction with Directors and Heads of Service, is responsible for preparing the Authority's [Risk Management Policy](#) statement and for promoting it throughout the Authority and updating it.

C2. Internal Control

1. Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient, and effective use of resources and that the Council's assets and interests are safeguarded and the best value duty is upheld.
- 6. Systems of internal control**
1. The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.
 2. It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising, and controlling their operations to achieve continuous improvement, economy, efficiency, and effectiveness and for achieving best value and their financial performance targets.
 3. Directors and Heads of Service are responsible for ensuring staff receive appropriate training to undertake their financial responsibilities, in accordance with any standards set by the Chief Finance Officer.
 4. The Chief Finance Officer will prepare an annual statement on the effectiveness of the Authority's system of internal control. This statement will be published as part of the Annual Statement of Accounts and will be approved by the Audit Committee.

C3. Retention of Records

1. Accounting and other records must be retained for periods that comply with the Authority's [Record Retention Schedule](#)

C4. Investments and Treasury Management

1. The Authority adopts the key recommendations of the CIPFA's Treasury Management in Public Services Code of Practice: The Code. Accordingly, the Authority will create and maintain, as the cornerstone for effective treasury management:
 - a. a treasury management policy statement, stating the policies, objectives, and approach to risk management of its treasury management activities.
 - b. suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
 - c. Prudential indicators as shown in the Prudential Code for Capital Management (limits for external borrowing, other long-term liabilities, and related matters).
2. The Council is required to approve certain maximum borrowing levels before the start of each financial year based on the recommendations of the Chief Finance Officer.
3. The Council will receive reports on its treasury management activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in the TMP.
4. The Council delegates responsibility for the implementation and regular monitoring of its treasury management to the Cabinet, and for the execution and administration of treasury management decisions to the Chief Finance Officer.
5. The Corporate Infrastructure and Regulatory Services Scrutiny Committee will be responsible for ensuring the effective scrutiny of the treasury management strategies and policies.
6. The Chief Finance Officer is empowered to make decisions regarding the premature repayment of debt, the acquisition of new debt and debt rescheduling within the borrowing limits set by the Cabinet. All such decisions will be in line with the TMP. A full analysis of the budgetary implications of the debt rescheduling will be undertaken before any decision is reached. This analysis will include an assessment of all risk factors affecting the current and future cost implications of the debt rescheduling.
7. All of the following shall be made in the name of the Authority or in the name of nominees approved by the Cabinet.
 - a. Investments
 - b. Securities

- c. Title deeds to all property
 - d. Borrowings
 - e. Stocks, bonds, and mortgages
 - f. Funds held in trust
8. All officers acting as trustees or controlling funds by virtue of their official position have a duty to exercise due care over the custody of valuables and documents and the administration of funds.

C5. Fraud and Corruption

1. It is considered that all Officers and Members occupy a position in which they are expected to safeguard, or not to act against, the financial interests of the Authority.
2. All Officers and Members are responsible for giving immediate notification to the Head of Internal Audit / Counter Fraud Services Manager where there are grounds to suggest or there is any suspicion of fraudulent activity, financial impropriety or irregularity concerning cash, stores or other property of the Authority or held by the Authority.

C6. Audit Requirements

1. In accordance with delegated powers and the Accounts and Audit Regulations 2015 the Chief Finance Officer shall ensure that the Authority maintains effective arrangements for internal audit to evaluate the effectiveness of its risk management, control, and governance processes, taking into account public sector internal auditing standards and guidance.
2. The Authority is responsible for the appointment of their own external auditor under the provisions of the Local Audit and Accountability Act 2014. Any such appointment must be approved by Council.
3. The Authority may, from time to time, be subject to audit, inspection, or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

C7. Staffing

1. The Chief Executive in consultation with the Leader is responsible for determining how officer support for the Cabinet and Executive Members and for all other Member roles within the Council will be organised.
2. Directors are responsible for the operation of the following controls over staffing:
 - a. A staffing strategy is in place that matches staffing requirements and budget allocations
 - b. Appropriate methods are used to forecast staffing requirements and related costs.

- c. Staffing establishments specified as full time equivalents are approved alongside the annual budget and the budget includes the costs for the staffing establishment at the grades designated.
 - d. For any subsequent increases in establishment levels, funding must exist and approval is required from the Head of Service, Chief Finance Officer, and appropriate Cabinet member
 - e. Procedures are in place to ensure that only properly authorised vacancies are advertised.
 - f. Monitoring of full-time equivalents against budget is undertaken on a quarterly basis.
 - g. Corporate minimum standards on recruitment and selection are followed at all stages of the recruitment process.
3. The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees shall be made in accordance with the Financial Procedures as issued by the Chief Finance Officer.
 4. The Director of People and Culture is responsible for the correct payment of all salaries, wages, compensation, and other emoluments to all employees of the Authority.
 5. The Chief Finance Officer is responsible for the correct payment of pensions to ex-employees of the Authority.

C8. Guarantees

Where there is a need for the issue of a guarantee which has potential financial or resource implications, this must be agreed with the Chief Executive or relevant Director, as appropriate, and agreed with the Chief Finance Officer.

D. INCOME, BANKING AND TAXATION

D1. Income and Banking

7. Income

1. Heads of Service/Directors are responsible for accurately identifying the sums due to the Authority.
2. [Scales of charges](#) for services and allowances and any variations thereof (except where fixed by statute) must be reviewed annually by the Chief Executive or the relevant Director, as appropriate. Any proposed variations must be agreed with the Chief Finance Officer and Cabinet Member via a delegated decision. Any new schemes for fees and charges must be reviewed by the Chief Executive or the relevant Chief Officer, as appropriate, and agreed with the Chief Finance Officer and submitted to Cabinet for approval.
3. New fees, charges and allowances must be reviewed by the Chief Executive or the relevant Director, as appropriate, and agreed with the Chief Finance Officer and submitted to Cabinet for approval.

8. Banking arrangements

1. The Chief Finance Officer is the sole officer authorised to make arrangements regarding the Council's bank accounts in accordance with the detailed standards.
2. The Chief Finance Officer will make arrangements for regular overall bank reconciliation.

D2. Taxation

1. The Chief Finance Officer is responsible for advising Directors of guidance issued by appropriate bodies and relevant legislation as it applies, on all matters relating to taxation of both revenue and capital items including the treatment of VAT and employee related taxation issues that affect the Authority and ensuring compliance with relevant legislation.
2. The Chief Finance Officer is responsible for maintaining the Authority's VAT records, making all VAT payments, receiving VAT credits, and submitting VAT returns by their due date as appropriate.

E. COLLABORATIVE AND AGENCY ARRANGEMENTS, EXTERNAL FUNDING AND SERVICE CHANGES

The Authority has a distinctive leadership role for the community, bringing together contributions from various stakeholders, optimising funding opportunities and achieving best value whilst minimising the risk to Devon ratepayers.

This may involve the establishment of collaborative arrangements (formal or informal partnerships), joint ventures, joint operational models (such as pooled budgets) or providing an agency service.

It is essential that the responsibilities, obligations, and commitment attached to such arrangements are properly assessed and understood prior to any commitments being made, and then managed and accounted for appropriately.

E1. Collaborative Arrangements, Joint Ventures, and Joint Operational Models

1. The Chief Finance Officer must be consulted on the financial and probity implications of all proposed arrangements before any such agreements are finalised. Final arrangements must then be approved by the Chief Finance Officer.
2. Formal Joint Ventures will be subject to Cabinet approval. All proposals for formal joint ventures must be assessed through robust options analysis and appraisal with the preferred option being recommended by the Chief Finance Officer to the Cabinet for approval. Approval must be gained in advance of the signing of any agreements or formal commitment of the Authority.

E2. External Funding

9. Any proposal for the Authority to be the Accountable and/or Lead body must be approved by the Chief Finance Officer.
10. Prior to the submission of any bid for external funding, the Chief Finance Officer must be consulted on the financial and probity implications of the project, except for projects with a gross spend of less than £50,000 which require approval from the Head of Service. This covers all funding which is competitively bid and/or where funding bodies are extending current funding proposals or allocating new funds. [External Funding minimum standards](#) describe the process for committing to external funds.

E3. Work for Third Parties (Agency arrangements)

1. The relevant Director is responsible for approving the contractual arrangements for any work for third parties or external bodies. The Chief Finance Officer must be consulted on any proposed arrangements to ensure that proposals are costed properly before an agreement is reached.

E4. Alternative Commissioning/Delivery Models

1. The Director must seek approval from the Chief Finance Officer and Director of Legal and Democratic Services on the financial and probity implications of proposals which change the mode of delivery for a service or significant part thereof.
2. All options considered should be fully costed and appraised to lead to the selection of a business case based on the preferred option. Consideration must be given to the financial impact of the transfer of pension rights and liabilities arising as a result of any insourcing or outsourcing proposals.
3. The business case must then be approved by Cabinet.

GLOSSARY OF TERMS

11. Term	12. Description
(the) Authority	The statutory organisation that is Devon County Council
Best Value	The consideration of overall value, including economic, environmental, and social value, of any project or planned expenditure.
Capital expenditure	<p>Capital expenditure includes the following:</p> <ol style="list-style-type: none"> 1. the acquisition of land, buildings, furniture, equipment, plant, and vehicles. 2. the construction of new buildings or improvements to existing buildings. 3. road improvements, bridgeworks, and traffic management and waste disposal schemes. 4. internal or external professional fee costs on the above. 5. grants and advances for a capital purpose. 6. property leases for more than three years duration. <p>Other expenditure may be brought within the definition of capital expenditure by Central Government Regulations.</p>
Capital receipt	The sale of land, buildings and leases of land or buildings of more than three years duration, are capital receipts. Particular rules must be observed in dealing with the proceeds.
Council	This refers to the strategic decision-making body which consists of the democratically elected members.
Directors and Heads of Service	The Leadership Team as described within the Authority's Constitution
Value for Money	The optimal use of resources to achieve the intended outcomes. This does not mean the cheapest price.
Virement	Movements of budget provisions between budget headings.

Appendix B

These are the current, published [Financial Regulations](#)

Revised Constitution Wording

Public Participation at County Council, Cabinet and Committees

Meetings of the Council, Cabinet and most Committees are open to the public who may attend and observe.

Members of the public will be treated with respect and courtesy when attending meetings of the County Council. They will be listened to and everyone who has registered will be able to ~~be present~~ speak without interruption or intimidation (within the overall timescales).

It is therefore expected that members of the public listen to the proceedings and respect the views and experiences of other people contributing. For further information please see the Council's [public behaviour protocol](#).]

Members of the public are able to ask a question of the Leader or Cabinet Members at meetings of the full Council or at meetings of the Council's Cabinet. Attendance can be in person or in some circumstances via Teams.

Representations may be made to the Council, Development Management Committee, Scrutiny Committees, the Highways and Traffic Orders Committees or the Public Rights of Way Committee. The representation and the name of the person making the representation will be recorded in the minutes.

At meetings of the Council, it must either be a representation or a question, not both.

To ask a question or make a representation, the individual must live in the area served by the County Council.

The public may also, at any time, deliver or present a petition to the Council or one of its Committees (depending on the subject matter). There are various actions which the Council may take (depending upon the numbers of signatures the petition has) and for further information, please read the Council's Petition Scheme (part 4g).

Any question can be asked provided it is not frivolous, defamatory nor concerns a confidential issue which would be considered in private. The question can be about any matter which relates to the responsibilities of the Council or Cabinet.

The full guidance is available here –

<https://www.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-1-can-i-attend-a-meeting/> and covers the following matters.

Part 1 – Attending Meetings

Part 2 - Public Participation, Questions, Representations and Petitions

Part 3 – Submitting Questions to Council or Cabinet

Part 4 - Attendance and time allowed for petitions and / or questions.

Part 5 – Answers to questions and what happens next

Part 6 - Representations to Council

Part 7 - Representations to the Scrutiny Committee Meeting

Part 8 - Presentations to Development Management, Highways and Traffic Orders and Public Rights of Way Committees

Part 9 - Agenda Publication for a meeting

Part 10 – Democratic Services Contact Details

Questions: Council and Cabinet

- ~~1. At any meeting of the County Council or the Cabinet a member of the public who is a resident within the administrative area of the county of Devon may ask the Leader a formal, written, question upon a matter which, in every case, relates to the functions of the Council. In the case of the County Council and the Cabinet the Leader will decide who shall reply to any question for which notice has been given.~~
- ~~2. A person who wishes to attend a meeting for the purpose of paragraph (1) shall give notice in writing to the Chief Executive by 12 noon on the fourth working day before the relevant meeting and include in that notice the text of the question to which they want a reply.~~
- ~~3. Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions at 2 above then provided written notice of a question is received within 24 hours of that Agenda or Report having been published then the question shall be allowed.~~
- ~~4. No person shall ask more than one question at any meeting of the Council or the Cabinet. If either more than one question is received or a single question contains a number of component questions only the first question shall be accepted.~~
- ~~5. All questions received shall be printed in order of receipt and shall be published just before the meeting together with the answers to those questions. No discussion will take place upon a reply except that a person who has submitted a question is entitled to ask one supplementary question arising from the answer given and to receive a further answer. This must be a question, not a statement.~~
- ~~6. At meetings of the Council answers to questions will be provided prior to consideration of all Framework, Key and other decisions. At meetings of the Cabinet this will take place after consideration of such matters. The time allowed for such answers (and representations – see paragraph 11 below) shall not exceed 30 minutes in total. The order of business may be changed by the Chair at their discretion.~~

- ~~7. If a question is not reached within the overall time limit, the reply will have been published on the agenda page of the meeting on the website.~~
- ~~8. If the questioner is unable to attend the meeting the Chief Executive shall send the questioner the reply which the Leader or Chair would have given.~~
- ~~9. If a question is unsuitable in form, frivolous or derogatory to the dignity of the Council, the Cabinet or the Committee or relates to a matter which should be considered in the absence of the press and public the Leader/Chair shall have the right to rule a question out of order.~~
- ~~10. Questions must be submitted, in writing, and via e-mail is acceptable.~~

~~Representations: Council, Development Management, Highways & Traffic Orders, Public Rights of Way and Scrutiny Committees~~

- ~~11. In addition to the provisions set out at paragraphs 1-10 above, any member of the public may, at any ordinary meeting of the County Council, make oral representations on any matter relating to the functions of the Council; such 'representations' are limited to 3 minutes per person, within the overall time limit for Questions and Oral Representations of 30 minutes (see paragraph 6). Such persons are required to submit in advance an outline of the point(s) they may wish to make, by 12 noon on the fourth working day before the relevant meeting. It is important to note that at meetings of the Council, it must either be an oral representation or a question, not both. Officers may choose to respond to something you have raised, but this is a matter for them, and you should not necessarily expect a response to a representation.~~
- ~~12. At any meeting of the Development Management Committee, an applicant, objector or supporter may make a representation of up to three minutes relating to:
 - a) ——— a planning application to be determined by that Committee;
 - b) ——— any consultation on a proposal by a Government Department; or
 - c) ——— a Review of an Old Minerals Permission application.~~
- ~~13. Any applicant, objector or supporter who wishes to make a presentation to the Development Management Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the fourth working day before the relevant meeting of the Committee, indicating the application or proposal upon which they wish to make a presentation.~~
- ~~14. Where, in the case of a planning application or a ROMP application, a number of objectors or supporters wish to make presentations, a~~

- ~~representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary, the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.~~
- ~~15. Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Director, Head of Service or Chief Planner. Applicants, objectors or supporters may not participate in the debate or ask questions of officers or Members.~~
 - ~~16. If, for any reason, an application is to be considered by the Committee on more than one occasion then any person who wishes to make a presentation may do so only once. On the rare occasion that an application comes to the Committee again with changes from the original proposals, participants may speak but limit the scope of their comments to those changes. This procedure shall not apply where the Committee is considering a report of a site visit upon an application previously considered by the Committee.~~
 - ~~17. Where presentations are to be made by both an applicant and an objector on a particular application, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.~~
 - ~~18. At any meeting of a Highways & Traffic Orders Committee an objector or supporter may make a presentation of up to three minutes relating to any traffic regulation proposal to be considered by that Committee, at the meeting at which it is to be considered.~~
 - ~~19. Any objector or supporter who wishes to make a presentation to a Highways & Traffic Orders Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the fourth working day before the relevant meeting of the Committee, indicating the proposal upon which they wish to make a presentation.~~
 - ~~20. In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours' notice.~~
 - ~~21. Where a number of objectors or supporters wish to make representations, a representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary, the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.~~

- ~~22. Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Director or Head of Service. Objectors or supporters may not participate in the debate or ask questions of officers or Members.~~
- ~~23. Where presentations are to be made by both an objector and a supporter on a particular proposal, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.~~
- ~~24. At any meeting of the Public Rights of Way Committee an objector or supporter may make a presentation of up to three minutes relating to any Order relating to a proposal for a public path order to be considered by that Committee, at the meeting at which it is to be considered.~~
- ~~25. Any objector or supporter who wishes to make a presentation to the Public Rights of Way Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the fourth working day before the relevant meeting of the Committee, indicating the proposal upon which they wish to make a presentation.~~
- ~~26. Where a number of objectors or supporters wish to make presentations, a representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary, the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.~~
- ~~27. Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Officer. Objectors or supporters may not participate in the debate or ask questions of officers or Members.~~
- ~~28. Where presentations are to be made by both an objector and a supporter on a particular proposal, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.~~
- ~~29. At any meeting of a Scrutiny Committee, any resident (of the administrative county) of Devon may speak on any substantive matter listed on the Agenda of any Scrutiny Committee (i.e. other than matters for information or administrative business). Any person wishing so to do must register, in writing (by letter or email), by 12 noon on the fourth working day before the relevant Scrutiny Committee – giving an outline of the point(s) they wish to raise. If more than one person wishes to make the same point or make similar representations, those persons may be asked to agree a spokesperson to make a single presentation. Any representation shall be limited to 3 minutes per person, within an overall time limit of 15 minutes. All representations will be taken together at the~~

~~beginning of the relevant Scrutiny Committee, immediately after consideration of any urgent business. If there are more than 5 persons wishing to speak the Chair may reduce the amount of time for each person. Representations should be concise and must not be defamatory or offensive. No writing or photographic material may be circulated around a meeting during any presentation. Direct, specific, questions to Members or Officers will not be accepted but, in making any representation, a person may pose a general suggestion that they would wish the Committee to have regard to in the course of its subsequent deliberations. There will be no detailed answers to any points raised, although Officers or Members may choose to respond for points of clarification. The Committee may take into consideration the points that you raise in their questioning of the subject at the appropriate point in the meeting.~~

~~30. The representation and the name of the person making the representation will be recorded in the minutes.~~

General

~~31. As set out at Article 3 of this Constitution, and at any of those meetings, the Leader or Chair may also receive petitions from members of the public before responding to any questions received which will be dealt with in accordance with the Council's Petition Scheme (Part 4 of the Constitution).~~

~~32. Detailed advice for the public on the operation of these schemes is set out on the Council's website at: <https://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-1-can-i-attend-a-meeting/>~~

Public Participation at Committee Meetings (Web Contents)

Contents

Introduction

Part 1 – Attending Meetings

Part 2 - Public Participation, Questions, Representations and Petitions

Part 3 – Submitting Questions to Council or Cabinet

Part 4 - Attendance and time allowed for petitions and / or questions.

Part 5 – Answers to questions and what happens next

Part 6 - Representations to Council

Part 7 - Representations to the Scrutiny Committee Meeting

Part 8 - Presentations to Development Management, Highways and Traffic Orders and Public Rights of Way Committees

Part 9 - Agenda Publication for a meeting

Part 10 – Democratic Services Contact Details

Part 10 – Democratic Services Contact Detai

Introduction

Part 1 – Attending Meetings

Meetings of the Council, Cabinet and most Committees are open to the public who may attend and observe.

The majority of meetings can be viewed. The Council, Cabinet and Committees are livestreamed and the livestream link can be found on the agenda page for the meeting and will also be available as a recording on the website. At the current time, it is not feasible to livestream Highways and Traffic Orders Committees.

Members of the public may use social media to report on proceedings at meetings. Anyone who wishes to film any part of the proceedings may do so, unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer so that those present are aware.

Members of the public will be treated with respect and courtesy when attending meetings of the County Council. They will be listened to and everyone who has registered will be able to speak without interruption or intimidation (within the overall timescales). For further information please see the Council's [public behaviour protocol](#).

It is also expected that members of the public listen to the proceedings and respect the views and experiences of other people contributing.

Part 2 - Public Participation, Questions, Representations and Petitions

Members of the public are able to ask a question of the Leader or Cabinet Members at meetings of the full Council or at meetings of the Council's Cabinet. Attendance can be in person or in some circumstances via Teams (check with the Democratic Services team).

Representations may be made to the Council, Development Management Committee, Scrutiny Committees, the Highways and Traffic Orders Committees or the Public Rights of Way Committee. The representation and the name of the person making the representation will be recorded in the minutes.

At meetings of the Council, it must either be a representation or a question, not both.

To ask a question or make a representation, the individual must live in the area served by the County Council.

The public may also, at any time, deliver or present a petition to the Council or one of its Committees (depending on the subject matter). There are various actions which the Council may take (depending upon the numbers of signatures the petition has) and for further

information, please read the Council's Petition Scheme (part 4g).

Any question can be asked provided it is not frivolous, defamatory nor concerns a confidential issue which would be considered in private. The question can be about any matter which relates to the responsibilities of the Council or Cabinet. If you are not sure about which meeting is responsible, please contact the Democratic Services Officer who will be happy to advise.

To engage with one of our meetings, the Democratic Services team will be pleased to help and signpost accordingly to which meeting might be best to attend.

Part 3 – Submitting Questions to Council or Cabinet

To submit a formal, written question it must be put in writing (by email) before 12 noon on the fourth working day before the date of the meeting (i.e. if the meeting is on a Friday then the question must be submitted by the preceding Monday, taking into account any Bank Holidays). The contact details for Democratic Services Officer will be shown on the agenda page for the meeting. Where the question relates to a report on an agenda and that Report is not available by this time, it may still be possible to ask a question. Provided written notice of a question is received within 24 hours of that Agenda or Report having been published, then the question shall be allowed.

All questions submitted to Council and Cabinet will be printed in the order received and will be circulated to everyone at the meeting with a written response. It is not expected that the initial question is read out, but questioners will be invited to ask one supplementary question arising from the answer received. This **must** be a question, not a statement.

When submitting a question, it would be helpful if a telephone number can be provided so we can make contact if there is anything to clarify.

Only one question at any meeting of the Council or the Cabinet may be asked. If more than one question is received or a single question contains several questions, then only the first question will be accepted.

It is best to keep questions succinct to avoid any misunderstanding. 50 words is normally sufficient to frame a clear and direct question.

Part 4 - Attendance and time allowed for petitions and/or questions

At Cabinet, there is a maximum of 30 minutes in total. If there are a lot of questions and not all the questions can be dealt with in that timescale, then a response will be sent by email.

At a full Council meeting, this 30-minute time allocation will also include any oral representations being made by members of the public or any petitions being handed in.

If the meeting cannot be attended, the answer to question will be emailed to the questioner and will be available on the Council's website.

In terms of Petitions, members of the public can attend the meeting to submit a Petition. It may be possible in some instances to attend remotely and submit the Petition in advance to the Democratic Services Officer. Please check with the Democratic Services Officer in advance of the meeting.

Part 5 - Answers to Questions and What Happens Next

The answer to a formal question will be put in writing, will be circulated at the meeting and published on the website.

The chair of the meeting will highlight that a written response has been prepared in response to the question and will invite questioners to ask a supplementary question based on the answer given. This is not an opportunity to make statements, but a succinct follow-on question on the same matter.

Part 6 - Representations to Council

Any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes (this 30-minute time allocation will also include any questions from members of the public). Whilst views and comments may be acknowledged by the Chair of the meeting, there will not be detailed 'answers' to any points included in a representation. Officers may choose to respond to something raised, but this is a matter for them, and it is not to be expected to receive a response to a representation.

If a member of the public wishes to make such a representation, they must, via email, submit an outline of the points they wish to raise before 12 noon 4 working days before the meeting takes place.

Part 7 - Representations to the Scrutiny Committee Meeting

At Scrutiny Committee meetings, a member of the public who is resident in the area served by the County Council may make oral representations on any substantive matter listed on the agenda. This must relate to a specific matter or examination of services provided or to be provided, therefore excludes items such as minutes and work programming items.

Representations will be limited to a maximum of 3 minutes per person, within an overall

time limit of 15 minutes at the start of the meeting.

If a member of the public wishes to make a representation, they should, via email, submit details of the points they wish to raise, before 12 noon 4 working days before the meeting. There will not be detailed answers to any points that are raised at the meeting, although Officers or Members may choose to respond if they wish to do so. This is not a debate, but an opportunity for clarification if needed. Members may take into consideration the points that are raised in their questioning of the subject at the appropriate point in the meeting.

If more than one person wishes to make the same point or make similar representations, those persons may be asked to agree a spokesperson to make a single presentation.

It is important to recognise that Scrutiny Committees are not decision-making bodies but can make recommendations to the Cabinet (a decision-making body), therefore consider which forum or mechanism might be best to engage with the Council's meetings.

Part 8 - Representations to Development Management, Highways and Traffic Orders and Public Rights of Way Committees

Representations may also be made to Development Management, Highways and Traffic Orders and Public Rights of Way Committees in relation to certain types of application, Traffic or Footpath Orders respectively, to be considered by those Committees at the meeting at which the Order is being considered. The rules governing these representations are set below:-

- the representations will be strictly limited to 3 minutes and will be timed by the Democratic Services Officer;
- participants will be invited to make their representation and will be advised by the Democratic Services Officer where they should sit; or when to speak if attending online;
- representations will be made following a short introduction from the appropriate officer of the County Council;
- there is no right to ask questions of Officers or Members;
- there is no right to participate in the debate;
- representations will normally be on the basis of 1) Applicant 2) Objector and 3) Supporter as appropriate but detailed operation of the procedure will be entirely at the discretion of the Chair;
- There may be representations from applicants, objectors and supporters, if one decides not to participate, others will not be precluded from making a representation;
- where a planning application (or ROMP application) Traffic Order or Public Footpath Order arouses a large number of objections or support, those concerned may be asked to nominate a representative to present their views. In such cases the identity of the spokesperson must also be made known to the Democratic Services Officer prior to the

start of the meeting;

- In relation to the Development Management Committee participants will only be able to make one representation on a particular application. On the rare occasion that an application comes to the Committee again with changes from the original proposals, participants may speak but limit the scope of their comments to those changes. Participants may not speak when the Committee is only considering the report of a site visit.
- if applicants, objectors or supporters wish to make a representation to any of these Committees they must give notification to the Democratic Services and Scrutiny Team by 12 noon on the fourth working day before the relevant meeting. It will be up to the applicant, objector or supporter to register their wish to make a representation. The County Council will not invite participation or send reminders.

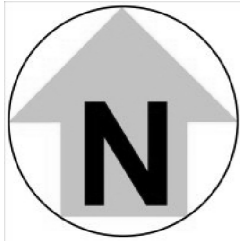
In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours' notice.

Part 9 - Agenda Publication for a meeting?

Agendas are normally published one week in advance of the meeting and are available at the Council's offices at County Hall and on the Committee Pages - <https://democracy.devon.gov.uk/mgListCommittees.aspx?bcr=1>

Part 10 – Democratic Services Contact Details

Please click on the relevant Committee from this link [Committee structure - Democracy in Devon](#) and the Clerks contact details will be displayed at the bottom of the page – alternatively email committee@devon.gov.uk

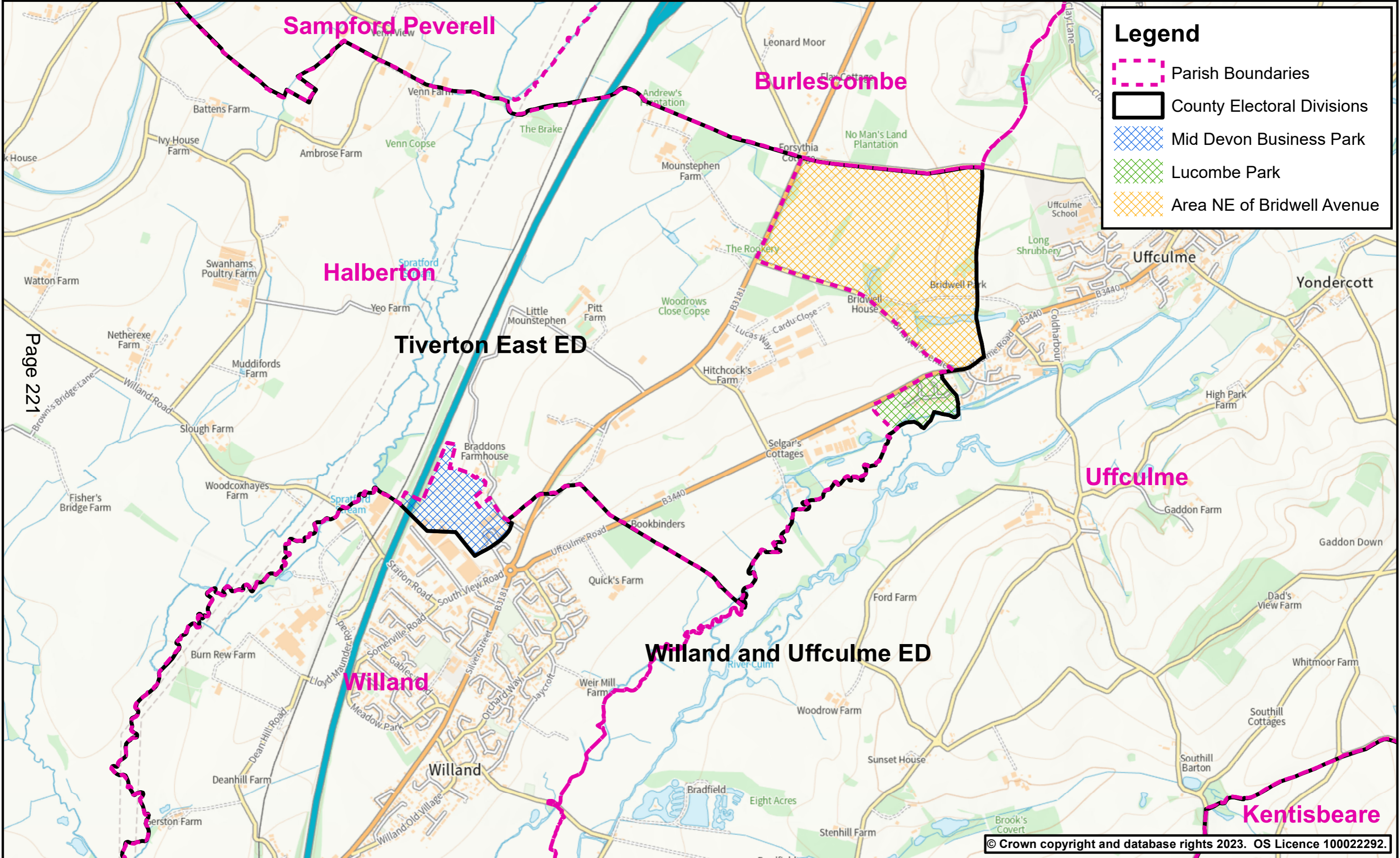


Title
**MDDC Parish Boundaries
 and
 County Electoral Divisions**

Mid Devon District Council

Scale	1:15,000 @ A3	Date	05 June 2023
Drg. No.		Produced by	GMS

Phoenix House
 Phoenix Lane, Tiverton EX16 6PP
 Tel: 01884 255255
 Website: www.middevon.gov.uk



Legend

- Parish Boundaries
- County Electoral Divisions
- Mid Devon Business Park
- Lucombe Park
- Area NE of Bridwell Avenue

Page 221

PROCEDURES COMMITTEE

23 November 2023

Present:-

Councillors J Hart (Chair), J Hodgson, S Hughes, C Whitton, P Prowse and Y Atkinson

* **43** **Election of Chair**

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Atkinson, and,

RESOLVED that Councillor Hart be elected Chair for the meeting.

* **44** **Minutes**

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hodgson, and,

RESOLVED that the minutes of the meeting held on 26 September 2023 be signed as a correct record.

* **45** **Items requiring urgent attention**

There was no item raised as a matter of urgency.

* **46** **Local Member Protocol - Think Local Councillor**

The Committee considered the Report of the Director of Legal and Democratic Services, (LDS/23/20) which presented a Local Member Protocol – ‘Think Local Councillor’ for adoption into the Council’s Constitution.

The Committee noted that following matters raised by a number of Elected Members, a request was made for the Governance Review Working Group to consider a protocol which focussed on Officer communication and consultation with Elected Members.

Research had been carried out, examining guidance and best practice from other authorities and a proposed protocol was considered by the Working Group on the 2 October 2023.

The Governance Review Working Group Members were supportive of the guidance, and endorsed the protocol and recommended its presentation to the Procedures Committee.

Agenda Item 12.(j)

2

PROCEDURES COMMITTEE

23/11/23

The proposal aligned to the Council's Strategic Plan 2021 – 2025 by supporting the commitment of ensuring that the Council made good decisions, was transparent and supported being a trusted and inclusive Council that heard the voices of communities and listened and learned.

The proposed Local Member Protocol '**Think Local Councillor**' strengthened current processes and would need to be formally communicated to service areas in order to achieve its purpose.

Members raised the following matters and asked questions as follows:

- that the reference to consultations should be wider than highways and planning matters;
- the importance of considering the impact on adjoining divisions;
- the role of parishes; and
- the importance of maintaining confidentiality and understanding when matters might be embargoed.

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

RESOLVED that the Committee endorse the Local Member Protocol, as at Appendix A of the Report, subject to the amendments to clarify the wider range of consultations and the recognition of the importance of adjoining / adjacent divisions, to be included alongside the Council's Protocol on Member / Officer Relations listed at 6h of the Constitution, and therefore recommend its adoption to the Council.

* 47

Scrutiny Procedure Rules - Part 4d

The Committee considered the Report of the Director of Legal and Democratic Services, (LDS/23/21) which proposed minor updates to Part 4d of the Constitution (Scrutiny Procedure Rules).

As part of the work of the Governance Review Working Group, a review of the Scrutiny function had commenced in early September. The review was ongoing, but it was noted early in the review that not many Constitutional changes would be required as part of the work.

The Governance Working Group considered a small number of proposed changes to the current Scrutiny Procedure Rules at its meeting on 2 October 2023, which were intended to update current working practices and ensure alignment to other parts of the Constitution.

The changes proposed were reflected in Appendix A of the Report which included a rewording of section 10, which ensured that the ability of Members of the Committee to submit agenda items under Standing Order 23, reflected the Member led process of Scrutiny in aligning such matters to its agreed work programme. The changes also reflected the updated terminology of

spotlight reviews, standing overview groups and masterclasses. The proposed changes also removed the reference to the Joint Budget Scrutiny which was removed from Council processes several years ago. Scrutiny also routinely undertook site visits which was in contradiction to the current guidance, so again this had been updated.

The proposal aligned to the Council's Strategic Plan 2021 – 2025 in supporting the commitment of ensuring the Council made good decisions and was transparent.

In summary, the proposed amendments sought to update current processes, removing references to outdated practice and ensuring alignment with other areas of the Constitution.

Members asked questions in relation to section 18 of the procedure rules and suggested clarification of the working practices outlined at paragraph 10.5.

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

RESOLVED that the Committee recommend that Council adopt the proposed minor amendments to Part 4(d) – Scrutiny Procedure Rules, as annotated at Appendix A of the Report, subject to section 10.5 being reworded to reflect working practices of sub committees, task groups and spotlight reviews.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.30 am and finished at 11.03 am

Local Member Protocol

Informing elected members – Think Local Councillor

Councillors (“Members”) are elected representatives of their communities. They need to be kept informed of developments in their division, and in relation to their specific areas of interest or responsibility, at the earliest possible stage and throughout the process. Officers have a responsibility to tell Councillors what the Council is doing or plans to do in their area. Councillors also have detailed knowledge of their electoral division and are in a good position to assess the effectiveness and quality of service delivery at the local level and this can help officers do their jobs better.

Keeping Councillors informed is vital for good communications, effective decision-making and service delivery.

Councillors must be informed **at the earliest stage about all significant Council events and issues affecting their electoral division and their constituents**. As a ‘rule of thumb’, a significant development is anything that may cause a constituent, a local organisation, or the press to contact the Councillor. So, inform Members early but in a way which is appropriate to the circumstances. By phone? By email? Is a briefing or consultation meeting necessary?

The Council and Officer Scheme of Delegation requires local Councillors to be consulted before formal decisions are taken which affect localities and also to be informed of the decision taken.

Circumstances when it is essential for Officers to inform Members about local impacts include:

- Changes to Council services
- Buildings and Property
- Council decisions (before and after the decision is taken)
- Controversial issues (local campaigns / planning applications etc)
- Council Consultations including, but not exclusively, service reconfigurations, highways issues and planning matters
- Events such as opening or closing of premises.

Key rules:

- Think about informing local Councillors at the earliest possible stage in the development of a proposal or as soon as an issue becomes apparent.
- If the public are being informed, tell the Councillor too – ideally before.
- Individual service areas are responsible for keeping Councillors informed. Communications and Democratic Services teams cannot do it for you.
- Newly elected Councillors may not be aware of the history of local issues and may need additional briefings from the outset.

- If in doubt consult with senior managers – but assume that it's better to tell the Councillor than not. Democratic Services Managers can also advise.

Most local Councillor notifications relate to site or area/locality specific proposals and usually only affect a single electoral division. However, some proposals have a wider impact and Officers will need to judge whether to inform other local Councillors. Specific consideration to this should be given when proposals are close to adjoining / adjacent wards. Examples of matters involving a wider area could be the closure of a secondary school, road closures and changes to library services. In the case of Exeter, you need to alert all Exeter Members.

Please note that although general information is made available to Councillors in a variety of ways including electronically through the Council website and the fortnightly Members' Bulletin, this does not guarantee that a Councillor will pick up information relating to their local area and is not a substitute for direct contact.

Councillor roles

Councillors have an important role to play in policy and decision-making and it is important that their views and the views of their local communities are heard and taken into account by decision-makers - whether that is Full Council, the Cabinet, Cabinet Members, Committees or Officers.

Members are encouraged to inform relevant Officers of significant local issues which they become aware of and may have an impact on the Council and its services and to give feedback from their communities.

Councillors have a responsibility to ensure that they are able to receive communications from officers by DCC email and by phone.

Councillors are required by the Members' Code of Conduct not to breach confidentiality. Therefore, an issue being confidential does not in itself prevent the sharing of it with the local Councillor, but the Councillor must be made aware that it is confidential.

Councillors must ensure that when asked questions by the media requiring them to release information that they know to be or suspect may be confidential, they should have regard to the requirements of the Members' Code of Conduct, make no comment and refer the reporter to an officer in the Communications team.

Scrutiny Procedure Rules

1.0 NUMBER OF AND ARRANGEMENTS FOR SCRUTINY COMMITTEES

- 1.1** At its Annual Meeting, the County Council will appoint one or more Scrutiny Committees and decide their membership and terms of reference. The current arrangements are set out in Part 3 of the Constitution.

2.0 MEMBERSHIP OF SCRUTINY COMMITTEES

- 2.1** All councillors except the Chair of the Council and members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision of another committee in which they have been directly involved.

3.0 CO-OPTEEES (Voting Scheme)

- 3.1** A Scrutiny Committee is entitled to recommend to the Council (which shall appoint committees in accordance with Standing Order 21) the co-option of one or more persons as voting or non-voting members of the Committee.

4.0 OTHER REPRESENTATIVES

- 4.1** The Children's Scrutiny Committee (or any successor committee dealing with education matters) shall include in its membership the following voting representatives:
- a) 1 Church of England diocesan representative; and
 - b) 2 parent governor representatives representing primary and secondary and special schools in the county.

who shall vote only on matters relating to the Council's functions as a Local Education Authority and not on other matters considered by the committee although they may remain in the meeting and speak to those other items.

- 4.2** The Health & Adult Care Committee (or successor committee) shall include in its membership 1 voting representative of City, Borough and District Councils in the administrative County of Devon, to collate and represent the views of the District Councils.

5.0 MEETINGS OF SCRUTINY COMMITTEES

- 5.1** There shall be at least 5 ordinary meetings of each Scrutiny Committee in each year in accordance with the Council's Calendar of Meetings. In addition, extraordinary meetings may be called from time to time as and when appropriate by the Chair or by the Chief Executive if either considers it necessary or appropriate.

6.0 QUORUM

- 6.1** The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules (Standing Order 26) in this Part of the Constitution.

7.0 CHAIR

- 7.1** The Chair and Vice-Chair of any Scrutiny Committee will be appointed by the Council at the Annual Meeting (see also Annex, paragraph 2)

8.0 WORK PROGRAMME

- 8.1** A Scrutiny Committee will be responsible for setting its own work programme taking into account the wishes of all members of that Committee in line with these procedure rules (see also paragraph 9 below and Annex, paragraph 3)

9.0 AGENDA ITEMS

~~Any member of a Scrutiny Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the remit of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the agenda for that meeting.~~

- 9.1** In line with Standing Order 23 any Member of a Scrutiny Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the remit of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the agenda for that meeting and the Member can explain to the Committee why the issue is important and then the Committee can determine whether the matter is added to its work programme.

- 9.2** Any member of the Council who is not a member of a Scrutiny Committee may give written notice to the Chief Executive that they wish an item on any local government matter and relevant to the functions of that Committee to be included on the agenda of that Committee and such an item will be included on the agenda of the next meeting of that Committee.
- 9.3** A Scrutiny Committee will also respond, as soon as practicable, to any petition referred to it by the Cabinet under the Council's Petitions Scheme (Part 4 of the Constitution) or where any such petition contains the required number of signatures, a Scrutiny Committee shall require a relevant senior council officer (i.e. a Chief Officer, as defined in Part 6 of the Council's Constitution, Chief Officer Employment Procedure Rules) to attend and give evidence to it to explain progress or to explain the advice previously given to councillors to assist in their decision making. A Scrutiny Committee shall then report its findings and any recommendations to the Cabinet.
- 9.4** A Scrutiny Committee will also respond, as soon as practicable, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where it does so, the Scrutiny Committee shall report its findings and any recommendations to the Council and/or the Cabinet.

10.0 POLICY REVIEW AND DEVELOPMENT

- 10.1** The role of a Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 10.2** In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, a Scrutiny Committee or sub-committee-group may make proposals to the Cabinet for developments in so far as these relate to matters within its terms of reference.
- 10.3** A Scrutiny Committee may investigate the available options for future direction in the development of the Council's policies and may appoint advisers and assessors to assist it in this process. It may ask witnesses to attend to address it on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 10.4** A Scrutiny Committee undertaking the Council's functions in relation to the scrutiny of the health service and, in particular, where being formally consulted by the NHS or Health Providers will ensure that all relevant partners in the locality affected, including local authority partners, will have the opportunity to

contribute and that those views will be taken into account in making its recommendations to the NHS, Health Provider or Secretary of State for Health.

- 10.5** A Scrutiny Committee may, in accordance with Standing Order 21, appoint sub-committees or ad hoc task groups, **spotlight reviews** to investigate specific topics on its behalf on a time-limited basis. **It can also establish a standing overview group or masterclasses to increase understanding and awareness for Committee Members. Sub-Committees will operate in line with the requirements of the Local Government Act. All other Scrutiny working groups as outlined above will operate in line with operational working practices, including meeting in private if required and final outcomes, recommendations and reports being presented to Scrutiny Committees.**
- 10.6** ~~With the agreement of the Procedures Committee,~~ a Scrutiny Committee may hold an inquiry in the nature of a "select committee hearing" **such as a task group or spotlight review** into an issue which is not directly related to the exercise of the Council's functions, but which has a bearing upon its statutory responsibility for the promotion of the economic, social and environmental wellbeing of the area.

11.0 REPORTS FROM SCRUTINY COMMITTEES

- 11.1** Once it has formed recommendations on any proposal or Cabinet decision, a Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet or to the Council as appropriate.
- 11.2** If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet alongside the majority report.
- 11.3** The Council or the Cabinet shall consider the report of the Scrutiny Committee within two months of it being submitted to the Chief Executive.

12.0 CONSIDERATION OF SCRUTINY COMMITTEE REPORTS BY THE CABINET

- 12.1** The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny Committees'. The report of a Committee referred to the Cabinet shall be included at this point in the agenda (unless it will be considered in the context of the Cabinet's deliberations on a substantive item elsewhere on the

agenda) within two months of the Scrutiny Committee completing its report/recommendations.

12.1.1 When the Cabinet considers any such report from a Scrutiny Committee the record of the meeting at which that report is considered shall state:

- what will be done about the recommendations and the time scale for those actions.
- where the Cabinet rejects or decides not to act on a Scrutiny Committee's recommendations, the reasons for so doing.

12.2 Where a Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where the Council or Cabinet has delegated decision making power to a Cabinet Member, then the Scrutiny Committee will submit a copy of its report to that member for consideration and shall send a copy to the Chief Executive. The member of the Cabinet must consider the report and respond in writing to the Scrutiny Committee within 2 months of receiving it. A copy of his/her written response shall be sent to the Leader and to the Chief Executive. The member will also attend a subsequent meeting of the Scrutiny Committee to present his/her response.

12.3 Nothing in this paragraph prevents more detailed or informal liaison between the Cabinet and the Scrutiny Committee as appropriate, depending on the particular matter under consideration.

13.0 REPORT TO COUNCIL

13.1 Reports on the taking of key decisions.

If a Scrutiny Committee thinks that a key decision has been taken which:

- a) was not included in the Forward Plan; or
- b) was not the subject of the general exception procedure under Paragraph 7.0 of the Cabinet Procedure Rules; or
- c) was not the subject of an agreement with a relevant Scrutiny Committee Chair, or the Chair/Vice-Chair of the Council under Paragraph 8.0 of the Cabinet Procedure Rules.

the Committee may by resolution require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee but can also be exercised by the Monitoring Officer when so requested by the Chair (or, in his/her absence, the Vice-Chair) or any 3 members of that Committee.

13.2 Cabinet's report to Council

The Cabinet will then prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the resolution of the committee or a written notice of the Monitoring Officer, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

14.0 SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

14.1 Rights to copies

Subject to Rule 13.1 of the Access to Information Rules, and any statutory rights any Member of a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet, and which contains material relating to

- a) any business to be transacted at a meeting of the Cabinet; or
- b) any decision taken by a Cabinet Member or Officer.

Copies of such documents shall be made available within 10 clear days unless the Cabinet determine the Member concerned does not have the right to that information in which case the Cabinet must provide a written statement of reasons to the relevant Scrutiny Committee.

14.2 Limit on rights

A Scrutiny Committee will not be entitled to any part of a document which contains exempt or confidential information, unless the Monitoring Officer agrees that information is relevant to an action or decision they are scrutinising.

15.0 ATTENDANCE OF CABINET MEMBERS AND OFFICERS

15.1 A Scrutiny Committee may scrutinise, and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet and any senior officer to attend before it or a Task Group to explain in relation to matters within their remit:

- a) any particular decision or series of decisions.

- b) the extent to which the actions taken implement Council policy; and/or
- c) their performance.

and it is the duty of those persons to attend if so required.

15.2 Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that committee will inform the Monitoring Officer. The Monitoring Officer shall inform the member or officer in writing giving at least 3 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

15.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

[NB: A copy of the protocol for relationships and communications between the Cabinet and Scrutiny Committees is appended to these Rules for convenient reference].

16.0 ATTENDANCE BY OTHERS

16.1 A Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend (see also 10.3 and 10.4 above). ~~Additionally, and in relation only to the Joint Budget Scrutiny meeting normally held in January of each year, a member of the public who is a resident of the administrative area of the County of Devon may also make representations at that joint meeting as set out in Article 3 and in the Public Participation Rules in the Council's Constitution.~~

16.2 A Scrutiny Committee undertaking the Council's functions in relation to the scrutiny of the health service may require NHS Providers to attend before it or a Task Group to explain in relation to such matters.

17.0 CALL-IN BY SCRUTINY COMMITTEES

- 17.1** A decision made by the Cabinet, a committee or a Cabinet Member, an officer exercising delegated powers, an area committee or under joint arrangements may be "called in" under the following procedure. Such a call-in of a Cabinet decision or the decision of an Cabinet Member will take precedence over a request by an individual Member for reconsideration by the Cabinet under Paragraph 11.0 of the Scheme of Delegation set out in Part 3 of this Constitution or Paragraph 10.0 of the Cabinet Procedure Rules.
- 17.2** Call-in by Scrutiny should be used in exceptional circumstances and where Member(s) have evidence which suggests that the decision was not taken in accordance with the Council's Principles of Decision Making set out at Article 13 or the Council's Policy and Budget Framework.
- 17.3** Notice of all such decisions will be sent by email to all members of Scrutiny Committees within 2 working days of being made. The notice will bear the date on which it is published and will specify that the decision which it records will come into force 5 working days after that date unless it is called in.
- 17.4** Within that period, the Chair (or in his/her absence the Vice-Chair), any 3 members of the relevant Scrutiny Committee or any 5 members of the Council whether or not they are members of the relevant Scrutiny Committee may call in such a decision by requesting the Chief Executive to convene a meeting of that Committee to consider it. The Chief Executive will convene such a meeting within 5 working days of that request and will inform the decision-taker of the call-in.
- 17.5** Any Member wishing to call-in a decision is advised to first seek guidance from the Monitoring Officer on the veracity of their stated grounds for the call-in and demonstrate that they have been mindful of that advice when deciding whether or not to proceed with the call-in. Any Member or Members calling-in any decision must specify the reasons for so doing which will be reported to Scrutiny Committee together with any advice received from the Monitoring Officer.
- 17.6** If having considered the decision (the subject of the call-in), a Scrutiny Committee remains concerned, it may refer the decision to the Cabinet for reconsideration and will set out in writing the reasons for its concern and any proposed amendments. If, having considered the decision, the Scrutiny Committee decide not to ask for it to be reconsidered or amended in any way, it shall be implemented with immediate effect.

- 17.7** The Cabinet will reconsider the matter at its next ordinary meeting and may either amend or adopt the original decision, which shall be implemented with immediate effect.
- 17.8** The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent in line with Paragraphs 7.0 and 8.0 of the Cabinet Procedure Rules. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the relevant Scrutiny Committee (or in his absence the Vice-Chair), as appropriate must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported with the reasons therefore to the next meeting of the Council.
- 17.9** The operation of the provisions relating to call-in, and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18.0 THE PARTY WHIP

- 18.1** The Council considers that whipping is incompatible in principle with scrutiny and should only occur in exceptional circumstances. For these purposes whipping means:

“Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should they speak or vote in any particular manner.”

- 18.2** Where the whip has been imposed upon a matter, a member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19.0 PROCEDURE AT SCRUTINY COMMITTEE MEETINGS

- 19.1** Scrutiny Committees shall consider the following business:
- (a) minutes of the last meeting;

- (b) declarations of interest (including whipping declarations);
- (c) any matter referred to the committee for a decision in relation to call-in of a decision;
- (d) responses of the Cabinet to reports of that Scrutiny Committee; and
- (e) any petition referred to it or received under the Council's Petitions Scheme (paragraph 9.3 above refers)
- (f) the business otherwise set out on the agenda for the meeting.

19.2 Where a Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy.

19.3 Following any investigation or review the committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19.4 The Council has also agreed a protocol governing relationships and communications between Scrutiny Committees and the Cabinet and operating procedures to supplement these Rules. This protocol does not form part of the Council's Constitution but is reproduced in the Annex to these Rules for convenient reference.

20.0 MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE

20.1 Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the committee conducting the review shall invite the Chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

21.0 COUNCIL PROCEDURE RULES

- 21.1** Except where these rules expressly provide for different arrangements, Standing Orders will apply mutatis mutandis to meetings of Scrutiny Committees.

TERMS OF REFERENCE OF SCRUTINY COMMITTEES

Corporate, Infrastructure and Regulatory Services Scrutiny Committee

- (1) To review the implementation of the Council's existing policy and budget framework and ensure effective scrutiny of the Council's Treasury Management Strategy and policies and consider the scope for new policies for the Council's use and management of its resources and the discharge of its corporate and strategic services and governance arrangements and community safety activity, including emergency planning and the Council's functions in the scrutiny of authorities responsible for crime and disorder strategies;
- (2) To review the implementation of existing policies and to consider the scope for new policies with regard to all aspects of the discharge of the Council's 'place shaping and universal population services' functions concerning the environment, economic activity and enterprise, integrated planning and transport and community services, including libraries, arts and cultural heritage of the County, an integrated youth service and post 16 education & skills;
- (3) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity and relate overview and scrutiny to the achievement of the Council's strategic priorities and objectives and of delivering best value in all its activities;
- (4) To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

Children's Scrutiny Committee

- (1) To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council's functions concerning the provision of personal services for children including social care, safeguarding and special needs services, schools and learning;
- (2) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity;
- (3) To relate scrutiny to the achievement of the Council's strategic priorities and objectives and of delivering best value in all its activities;

- (4) To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

Health & Adult Care Scrutiny Committee

- (1) To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council's functions concerning the provision of personal services for adults including social care, safeguarding and special needs services and relating to the health and wellbeing of the people of Devon, including the activities of the Health & Wellbeing Board, and the development of commissioning strategies, strategic needs assessments and, generally, to discharge its functions in the scrutiny of any matter relating to the planning, provision and operation of the health service in Devon;
- (2) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity;
- (3) To relate scrutiny to the achievement of the Council's strategic priorities and to its objectives of promoting sustainable development and of delivering best value in all its activities;
- (4) To make reports and recommendations as appropriate arising from this scrutiny to the County Council and to the Secretary of State for Health, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

1. ANNEX

A PROTOCOL FOR RELATIONSHIPS AND COMMUNICATIONS BETWEEN THE CABINET AND THE HEALTH & WELLBEING BOARD AND SCRUTINY COMMITTEES

This protocol supplements the Scrutiny Procedure Rules contained in the Council's Constitution which affect the operation of the Committee process or impact upon individual members. This protocol does not form part of the Constitution but is reproduced here for convenient reference.

1. Chairs and Vice-Chairs of Scrutiny Committees will be appointed at the Annual Meeting of the Council.
2. The positions of Chairs of Scrutiny Committees may be filled by members of minority groups and the positions of Vice Chairs of such Committees by members of the majority group, at the discretion of the Council.
3. Co-ordination of the activities of Scrutiny Committees and their Task Groups shall be undertaken by the Chairs and Vice-Chairs of Scrutiny Committees, meeting jointly, to avoid duplication of effort and to ensure that the resources of the Council are best directed to support the work of Scrutiny Committees through, for example, investigating current or future policy development or scrutinising decisions of the Cabinet in connection with the discharge of the Council's functions rather than simply reviewing or monitoring operational performance; including, for example, guidance on the number of Task Groups that may be supported over a given period of time.
 - 3.1. It should be also regarded as good practice, as part of the regular bi-annual meetings between the Chairs and Vice-Chairs of Scrutiny Committees and the Leader of the Council, to review any such work programmes to ensure optimum resources may be made available or obviate any potential difficulty or conflict with the Council's strategic objectives or policy development.
4. Members of the Council may attend meetings of Scrutiny Committees to observe proceedings.
 - 4.1. To promote communication and understanding, all Scrutiny Committees will extend a standing invitation to Cabinet Members to attend meetings of those Committees most relevant to their responsibilities, to listen to the debate and contribute, if invited.
 - 4.2. Cabinet Members may only speak at Scrutiny Committee meetings at the invitation of the Committee. However, if a Cabinet Member asks to speak, then the Committee is asked to be receptive to that request. (Where the request is made prior to the meeting, it should be referred to the Chair. Scrutiny Officers will act as the contact point for such requests),

- 4.3. Scrutiny Committees are encouraged regularly to call Cabinet Members to account.
- 4.4. Scrutiny Committees are urged to question Cabinet Members directly on the reasons for and merits of member-level decisions.
- 4.5. Scrutiny Officers will draw Cabinet Members' attention to impending investigations that appear likely to affect their areas of responsibility.
- 4.6. Where a Scrutiny Committee specifically wishes to question a Cabinet Member about some aspect of his/her remit:
- the Scrutiny Officers should give as much notice as possible of the topic under consideration and the date on which it is to be considered;
 - the agenda will include an indicative time for the consideration of the item in question; and
 - that item will appear early on the agenda.
- 4.6.1. The Leader of the Council will seek to ensure:
- that the appropriate Cabinet Member(s) attends each relevant Scrutiny Committee meeting in the Council's approved calendar; or
 - where the Cabinet Member is not able to attend, then another member of the Cabinet should attend in his/her stead.
- 4.7. All other members may, in line with Standing Order 25 and the Scrutiny Procedure Rules, speak to any item under consideration with the consent of the Scrutiny Committee.
- 4.8. There may be occasions when a Scrutiny Committee will discuss an issue which is of purely local significance relating exclusively to the electoral division of an individual member. In those circumstances even if they are a Member of the Cabinet that Member shall be deemed to have been invited by the Scrutiny Committee and may attend and speak to that meeting in line with Standing Orders.
5. A Scrutiny Committee may ask witnesses to attend to address them on any matter under consideration, as set out in detail in the Scrutiny Procedures Rules in the Council's Constitution.
- 5.1. Scrutiny Committees' questioning of officers should centre on professional, technical and managerial matters.
- 5.2. Chief Officers and Heads of Service are asked to ensure that, as far as possible, an officer is present to represent each service when items affecting it feature on a Scrutiny Committee agenda.
- 5.3. It is recognised that when Scrutiny Committees are exploring options for the development of new policy, professional and technical information

from officers is likely to play a greater role than input from Cabinet Members.

6. Information on a Scrutiny Committee's work programme should be circulated to complement the Cabinet's Forward Plan.
7. A Scrutiny Committee ~~will not normally~~ may undertake site visits or public surveys or hold general public meetings ~~unless it can be demonstrated that if~~ such a course of action is essential to its investigations and would be a cost-effective method of obtaining ~~that~~ information. ~~While a Scrutiny Committee may appoint ad hoc working groups to look at specific topics relating to its terms of reference, the prior approval of the Procedures Committee will be required to the holding of any "Select Committee" style investigation in an area of or upon a subject upon which the Council does not have powers and duties.~~
8. In relation to the preparation and consideration of Reports by a Scrutiny Committee Task Group the following shall apply:
 - 8.1. The Task Group takes evidence from contributors. As those contributions are written up, each contributor is offered a chance to comment on the accuracy of the record of his/her evidence.
 - 8.2. Once all the evidence is taken, the Scrutiny Officer drafts a report and recommendations to reflect the preliminary views of the Task Group. A copy of this will be sent to the relevant Cabinet Member/Chief Officer/Head of Service and when the Task Group meets to consider and sign off the draft it is open to them to ask to attend and highlight any perceived inaccuracies or misunderstandings in the report. The meeting at which the Task Group discusses the draft should normally be held in Part II so that any differences of opinion can be aired in private.
 - 8.3. The entitlement of a Member to reasonable access to all documents within the Council's custody prevails over all other considerations and any commitment given to a witness who gives evidence at a hearing must contain the caveat that, once settled, the notes of the proceedings may be shown in confidence to any County Councillor who can satisfy the Director of Legal and Democratic Services of their "need to know"; accepting that in very exceptional circumstances it may be necessary to provide a member with an edited version of the notes.
 - 8.4. When the Task Group has settled the report and recommendations these go on the agenda for the next Scrutiny Committee meeting.
 - 8.5. When the Scrutiny Committee agenda is published, the Cabinet Member/Chief Officer or Head of Service concerned will receive a copy. If any of the Task Group's final recommendations cause them concern, they can ask to speak at the Scrutiny Committee meeting (Cabinet Members have a standing invitation to attend).

- 8.6. The Scrutiny Committee will consider the Task Group's recommendations and any comments from the Cabinet Member/Chief Officer, then decide whether to refer the recommendations to the Cabinet as they stand or with changes arising from the debate - or occasionally they may ask the Task Group to go back and do more work.
- 8.7. The report and recommendations go to the next Cabinet. That allows sufficient time for the Cabinet Member/Chief Officer to give a written response to any of the recommendations felt to be unacceptable to them in the form set out. The Cabinet can then debate the pros and cons and come to a view (or ask for more information, pending a debate at a later meeting).
- 8.8. The long established principles outlined above in relation to the relationship and communications between the Cabinet and Scrutiny Committees shall apply equally as between Health & Wellbeing Boards and Scrutiny Committees.
- 8.9. Moreover, it is acknowledged that while the Devon Health & Wellbeing Board is responsible for:
- encouraging integrated working between commissioners of NHS, public health and social care services for the advancement of the health and wellbeing of the local population.
 - providing advice, assistance or other support in order to encourage partnership arrangements such as the developing of agreements to pool budgets or make lead commissioning arrangements under section 75 of the NHS Act;
 - preparing, reviewing and monitoring the Devon Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy for Devon;

the purposes of the County Council's scrutiny function is to:

- assess the effectiveness of strategic decisions of the Health & Wellbeing Board and of the Cabinet;
- examine the provision and delivery of health and wellbeing services (including health, social care and public health services) in order to review their quality and effectiveness,
- consider, either of its own volition or arising from any external suggestion or request, the implementation of existing policies and consider the scope for new or amended policies for services affecting the health and wellbeing of people and communities in Devon; and
- make reports and recommendations as appropriate arising from this scrutiny.

A PROTOCOL FOR RELATIONSHIPS AND COMMUNICATIONS BETWEEN THE HEALTH & WELLBEING SCRUTINY COMMITTEE AND HEALTHWATCH DEVON

[NB: This protocol supplements the Scrutiny Procedure Rules contained in the Council's Constitution which affect the operation of the Scrutiny process or

impact upon individual members. This protocol does not form part of the Constitution but is reproduced here for convenient reference.]

While Devon County Council's Health & Wellbeing Scrutiny Committee and Healthwatch Devon acknowledge the separate roles of the two organisations this document sets out a protocol intended to clarify how they will work together and to set out, transparently, the principles relating to the relationship between the County Councils Health & Wellbeing Scrutiny Committee (or any successor body) and the Healthwatch Devon ensuring: -

- improved health and social care throughout the administrative county of Devon is a common goal;
- early and inclusive discussions to identify issues of mutual concern or interest are recognised; and
- relationships are based on openness, honesty and accountability.

The protocol will attempt to clarify and codify appropriate mechanisms for:

- exchanging information and work programmes;
- providing an opportunity for issues of mutual concern/interest to be recognised and dealt with co-cooperatively;
- avoid any duplication of effort;
- providing a shared understanding of the process of referrals and arrangements for dealing with such referrals;
- a clear understanding of accountability between the two bodies.

It is important to acknowledge that neither Healthwatch nor local authority scrutiny is a complaints service. It does not exist to directly inspect, or performance manage the NHS. The organisations that have responsibility for inspecting and performance management are NHS England, the Care Quality Commission (CQC) and MONITOR. While the Health & Wellbeing Scrutiny Committee or Healthwatch Devon may wish to receive regular reports from these and other relevant bodies such as the Health & Wellbeing Board and individual NHS Trusts on performance that is solely for the purposes of obtaining an overview of the pressures on the service and quality of provision; it is not a complaints body.

The County Council's Health & Wellbeing Scrutiny Committee

In accordance with legislation, the County Council's Health & Wellbeing Scrutiny Committee can scrutinise any matter relating to planning, provision and operation of health services in the area. It can hold to account Local commissioners and providers of healthcare service including local NHS organisations, the Health and Wellbeing Board and the County Council itself (as a commissioner or provider of health and/or public health services) for the quality, access and outcomes within the health services and ensure that these reflect the views and aspirations of local communities

The Health & Wellbeing Scrutiny Committee can hold these bodies to account by requesting information, requesting attendance at a scrutiny meeting, asking questions in public and making recommendations for improved services.

A local authority scrutiny committee may also seek evidence from other interested parties such as Healthwatch Devon, its delivery partners, stakeholders, voluntary agencies, other local authorities and public bodies and, perhaps most importantly, from the public. Any recommendations arising from scrutiny of provision or from any Review(s) initiated by the Health & Wellbeing Scrutiny Committee have to be considered and responded to by the relevant organisation/body/commissioner, in a timely way.

NHS Bodies and commissioners, including Clinical Commissioning Groups (CCGs) are also required to consult the Health & Wellbeing Scrutiny Committee on substantial developments or variations to local health services as an official consultee. If the Scrutiny Committee has significant concerns with any proposals, it has the power to make a referral to the Secretary of State for Health (or MONITOR) (jointly with other local authorities, if appropriate). All commissioners and providers of publicly funded healthcare and social care are covered by these powers, along with health and social care policies arising from the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy.

The formal terms of reference of the Health & Wellbeing Scrutiny Committee are:

‘To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council’s functions relating to the health and wellbeing of the people of Devon including the activities of the Health & Wellbeing Board, when established, and the development of commissioning strategies, strategic needs assessments and, generally, to discharge its functions in the scrutiny of any matter relating to the planning, provision and operation of the health service in Devon, including making reports direct to the Secretary of State for Health, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013’.

Healthwatch Devon

Healthwatch is the new independent consumer champion for both health and social care established in April 2013 to work alongside the national body – Healthwatch England – set up in 2012.

Healthwatch Devon is the local body established, in line with Government’s plans, to give people a stronger voice and drive improvements in health and social care services, gathering knowledge, information and opinion, influencing policy and commissioning decisions, monitoring quality, and reporting concerns to inspectors and regulators.

The national vision for local Healthwatch is that it will:

- act as local consumer champion representing the collective voice of patients, service users, carers and the public;
- support individuals to access information about services;
- provide or signpost people to independent advocacy if they need help to complain about NHS services;

- influence commissioners, providers, regulators and Healthwatch England using their knowledge of what matters to local people.

Healthwatch Devon will build on the work of the former Local Involvement Networks (LINKs), to represent the views and experiences of the people and communities of the administrative County of Devon, endeavouring in particular to ensure that the voices of vulnerable people and hard to reach communities are heard. It will gather intelligence from people and use it to inform how decisions about services are made, including highlighting where there are problems and where things are working well, acting as a conduit for its acknowledged Delivery Partners (Devon Senior Voice; Living Options Devon; Citizens Advice Bureau; Devon Carers Voice; Be Involved Devon and Devon Link Up).

Healthwatch Devon will therefore strive to provide a collective voice, not only for these communities of interest but for all people across both health and social care, influencing the Joint Strategic Needs Assessment and Joint Health and Wellbeing strategy – through its links with Scrutiny and through its seat on the Health and Wellbeing Board where local commissioning decisions will be guided.

In particular it will seek to:

- promote and support the involvement of local people in the commissioning, provision and scrutiny of local care services, including asking providers for information which they must make available to the public;
- enable local people to monitor the standard of provision of local care services and whether and how local care services could and ought to be improved;
- obtain the views of local people regarding their needs for, and experiences of, local care services and importantly to make these views known;
- provide advice and information about access to local care services so choices can be made about local care services;
- formulate views on the standard of provision and whether and how the local care services could and ought to be improved; and
- provide Healthwatch England with the intelligence and insight it needs to enable it to perform effectively.

Working Principles and Commitments

Devon County Council's Health & Wellbeing Scrutiny Committee and Healthwatch Devon undertake to:

- share each with the other information through actions, Agenda, Reports and Minutes of their respective bodies, work programmes and Newsletters;
- provide each with an early opportunity to comment on and contribute to the development of the others work programme;
- meet and exchange views on a regular basis to ensure a better understanding of each other's roles and responsibilities and, in

particular, the role of the elected member in this process and to share knowledge and experience on specific topics, in the spirit of partnership working.

[NB: Either party may, with prior approval, reproduce in whole or in part – or refer to - any Reports, Information, Data, Documents or Webpages that have been formally published by the other provided always that the reproduction of any such Report, Information, Data, Document or webpage is clearly acknowledged and credited in any publication, such consent not to be unreasonably withheld.]

The application of the principles and commitments in this protocol will depend on both Healthwatch Officers and the Council's officers (principally, but not exclusively, the Head of Scrutiny/Scrutiny Officers and/or Democratic Services Officers) maintaining effective communication at an early stage.

In particular and in addition to the above, **Healthwatch Devon will also:**

- provide the Health & Wellbeing Scrutiny Committee with a copy of any report that responds to a consultation exercise undertaken by Healthwatch Devon on behalf of local health or social care commissioners and providers or of its own volition;
- provide the Health & Wellbeing Scrutiny Committee with a copy of its Annual Report and Reports arising from any completed reviews;
- assist, where possible, the Health & Wellbeing Scrutiny Committee in its scrutiny of local health and social care issues;
- alert the Health & Wellbeing Scrutiny Committee - when invited to comment on its future work programme - of any planned work **or** work previously undertaken **or** relevant evidence compiled on any item listed therein, to inform that piece of work and/or avoid duplication of effort and resources; and
- may escalate matters to the Health & Wellbeing Scrutiny Committee where there is evidence indicating serious and widespread patient and public concern, having given careful consideration to the making of any such referral as set out below.

Is In particular and in addition to the above, **Devon's Health & Wellbeing Scrutiny Committee will also:**

- issue a standing invitation for a representative of Healthwatch Devon to attend meetings of the Committee and speak on any matter impacting upon the health and social care needs of the local population, at the discretion of the Chair;
- provide Healthwatch Devon with a copy of its Annual Scrutiny Report;
- alert Healthwatch - when invited to comment on its future work programme - of any planned work **or** work previously undertaken **or** relevant evidence compiled on any item listed therein, to inform that piece of work and/or avoid duplication of effort and resources;
- provide Healthwatch Devon with a copy of any Task Group Report(s) relating to matters impacting upon the health and social care needs of the local population;

- invite Healthwatch to contribute to any on-going item of scrutiny work or Task Group by providing information and data, or giving evidence thereto either in writing or in person, as appropriate.

Coordination of Activity

While recognising that Healthwatch Devon and the County Council's Health & Wellbeing Scrutiny Committee are independent organisations - and are therefore free to develop and pursue their own work programmes – it is equally acknowledged that there can be mutual benefit in the co-ordination of activity between the two bodies to achieve the best health outcomes for all.

This protocol recognises the complementary nature of and common functions of both bodies and the inherent ability therefore to be a critical friend to each other and to commissioners and providers in working toward the provision of high quality health and social care services for the people of Devon.

Referrals by Healthwatch Devon to Health & Wellbeing Scrutiny Committee

The County Council acknowledges that under the Local Government and Public Involvement in Health Act 2007 and the Health and Social Care Act 2012 a local Healthwatch may refer a matter relating to health and social care services to a scrutiny committee of a local authority.

Healthwatch Devon undertake that any and all such referrals will only be made by the Healthwatch Devon Board and submitted in writing (electronic form being acceptable) to the County Council's Head of Scrutiny and should normally be where there is significant evidence of patient and public concerns across the administrative area of Devon and where all attempts at seeking a local resolution with the appropriate health and social care commissioners and providers have been exhausted.

The Council's Health & Wellbeing Scrutiny Committee will acknowledge receipt of any referral within 15 working days of receipt, indicating how it is planned to deal with that referral and when a final response will be forthcoming.

The final response will necessarily depend on the subject matter but it may be:

- if the referral is within the Scrutiny Committee's terms of reference and the Committee is of the view that there would be value in scrutinising the issue identified, that it will then do so, either at:
 - the meeting at which the referral is first reported;
 - a future date, to be included in its Work Programme; or
 - through a Task Group, as identified in its Work Programme;
- that it does not wish to scrutinise the issue (and, if that is the case, it will provide a full written explanation as to why it has not chosen so to do).

If the matter is to be scrutinised, the Head of Scrutiny will formally advise the Chair of Healthwatch Devon of the outcome of that consideration in addition to the minutes of the meeting being made available in line with the general principles outlined above.

Referrals by Health & Wellbeing Scrutiny Committee Scrutiny to Healthwatch Devon

The Health & Wellbeing Scrutiny Committee may wish to commission Healthwatch Devon to undertake specific pieces of research or collate evidence or undertake such other work relevant to scrutiny reviews in pursuit of its objectives.

Where timescales do not allow for such requests to be made or endorsed at a meeting of the Health & Wellbeing Scrutiny Committee, a specification or scope for any piece of work or activity (including timescales) shall be prepared by the Head of Scrutiny in consultation with the Chair of the Committee. All requests will be submitted by the Head of Scrutiny to Healthwatch Devon in writing, utilising their Gateway Consultation portal*. Healthwatch Devon will consider any request and respond within 15 working days of receipt indicating if it is able to carry out the work requested within the specified timetable or suggest an alternative means of providing any work/activity so requested.

**[NB: This shall not preclude any informal contact between Healthwatch and the Council's officers simply to ascertain, without prejudice, whether or not Healthwatch Devon would have the capacity to undertake any such research.]*

September 2013

PUBLIC RIGHTS OF WAY COMMITTEE

23 November 2023

Present:-

Councillors L Hellyer (Chair), R Chesterton (Vice-Chair), D Barnes, J Bradford, J Brook, I Chubb, M Squires and D Sellis

Apologies:-

Councillor D Thomas

71 Chair's Announcements

The Chair welcomed Mrs R Salthouse who was attending in her capacity as a Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

*** 72 Minutes**

RESOLVED that the minutes of the meeting held on 13 July 2023 be signed as a correct record.

*** 73 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

*** 74 Devon Countryside Access Forum**

The Committee received the draft minutes of the meeting held on 18 September 2023. The minutes were noted.

In response to a comment regarding dogs, it was noted that the Forum had raised awareness of uncertainty and confusion caused by different rules being applied by different local authorities and other organisations, including number of dogs walked by an individual and length of lead.

*** 75 Parish Review: Definitive Map Review - Parish of Parracombe - Part 3**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/46) which examined an application by respective landowners to divert part of a public footpath in the parish of Bere Ferrers. The proposed diversion would support the applicants land management improvements, in addition to wildlife and heritage value, and

Agenda Item 12.(k)

2

PUBLIC RIGHTS OF WAY COMMITTEE

23/11/23

improvement to their privacy. The proposal would address historic anomalies relating to path alignment.

It was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Brook and

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by varying the particulars of Parracombe Footpath No. 2 and Challacombe Bridleway No. 3 as shown on drawing number CET/PROW/18/27 (Proposal 1). The proposed changes are: • deleting Footpath No. 2 between points D – E – F – G; • deleting Bridleway No. 3 between points G – H; • adding Footpath No. 2 between points D – L; • adding Bridleway No. 3 between points I – H; and • upgrading Footpath No. 2 to bridleway between points K – J – I.

* 76 Parish Review: Definitive Map Review - Parish of Littleham 2003-23

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/90) which re-examined a proposal originally raised during the Definitive Map Review in Littleham parish in 2003-05. The Definitive Map Review was opened in the parishes of Littleham and Landcross in 2003, with an informal consultation carried out in early 2005. This consultation included a proposal to add a footpath along Upadown Lane in Littleham village.

During general discussion about the consultation, Members noted that no objection had been raised by the Parish Council

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hellyer and **RESOLVED** that:

a Modification Order be made to modify the Definitive Map and Statement by adding a footpath along Upadown Lane, Littleham between points A – B, as shown on drawing number CCET/PROW/23/78 (Proposal 1). This would update the decision originally resolved by this Committee on 24 March 2005.

* 77 Parish Review: Definitive Map Review 2020-2023 - Parish of Washfield (part 2)

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/91) which examined the route referred to as Proposal 2 arising out of the Definitive Map Review in the Parish of Washfield in Mid Devon. A report on Proposal 1 was taken to the Devon Public Rights of Way Committee Meeting on 9 March 2023.

Mr Morison, attended the meeting under the Council's Public Participation scheme and made his objection that the pathway not be registered as a bridleway. He considered that the demarcation as an official track may increase the use and therefore spoil his privacy.

During general discussion, Members noted that the proposal was recommended due to an evidence led approach. In response to the consultation and the neighbouring landowner concerns, Washfield Parish Council now did not support the proposal. However, both Stoodleigh Parish Council and a different local resident supported the proposal.

It was **MOVED** by Councillor Barnes, **SECONDED** by Councillor Hellyer and

RESOLVED that a Modification Order be made to modify the Definitive Map and Statement by the addition of a Bridleway between points S - T - U as shown on drawing number HIW/PROW/22/18a (Proposal 2 Washfield).

* 78

Parish Review: Definitive Map Review - Parish of Aylesbeare

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/92) which examined two proposals arising from the Definitive Map Review in the parish of Aylesbeare.

Proposal 1: Proposed addition of a public Bridleway from the B3180 following Aylesbeare Footpath 11 to Manor Farm and then along Houndbeare Lane to meet the county road Quarter Mile Lane at Marsh Green. Points A-B-C-D-E-F on the proposal map CCET/PROW/23/22. Grid Ref: SY 054918 – SY 041935

It was noted that the Parish Council were supportive of the proposal and that the route is currently impassable due to fallen trees.

It was **MOVED** by Councillor Barnes, **SECONDED** by Councillor Brooks and

RESOLVED that no Modification Order be made in respect of **Proposal 1:** addition of a public Bridleway from the B3180 following Aylesbeare Footpath 11 to Manor Farm and then along Houndbeare Lane to meet the county road Quarter Mile Lane at Marsh Green. Points A-B-C-D-E-F on the proposal map CCET/PROW/23/22. Grid Ref: SY 054918 – SY 041935

Proposal 2: Proposed addition of public Footpath along Withy Bed Lane, between Houndbeare Lane and Quarter Mile Lane, points D-G on proposal map CCET/PROW/22/23. Grid Ref: SY 049926 – SY 038927

It was **MOVED** by Councillor Hellyer, **SECONDED** by Councillor Brooks and

RESOLVED that no Modification Order be made in respect of **Proposal 2:** addition of public Footpath along Withy Bed Lane, between Houndbeare Lane and Quarter Mile Lane, points D-G on proposal map CCET/PROW/22/23. Grid Ref: SY 049926 – SY 038927

Agenda Item 12.(k)

4

PUBLIC RIGHTS OF WAY COMMITTEE

23/11/23

* **79** **Parish Review: Definitive Map Review 2020-2023 - Parish of Exminster**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/93) and proposal to resolve the anomaly of a short section of unrecorded footpath across a footbridge between the parishes of Exminster and Exeter City.

The Committee noted that the ferry ran on a seasonal basis and in response to a question regarding a diversion route it was noted that the current route was liable to flooding.

It was **MOVED** by Councillor Brooks, **SECONDED** by Councillor Squires and

RESOLVED that:

(a) A Creation Agreement be made between Devon County Council and Exeter City Council to add Proposal 1 to the Definitive Map as a Footpath. Should a creation agreement not be practicable, that:

(b) a Modification Order be made for Proposal 1 to add it to the Definitive Map as a Footpath

* **80** **Parish Review: Definitive Map Review - Parish of Brixton**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/94) which examined the Definitive Map Review in the parish of Brixton in the South Hams District

It was **NOTED** that the Definitive Map Review has been completed in the parish of Brixton and that no modifications have been identified.

* **81** **Public Path Orders - Proposed Diversion: Footpath No.2 Bere Ferrer**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/95) which examined an application by respective landowners to divert part of a public footpath in the parish of Bere Ferrer. The proposed diversion would support the applicants land management improvements, including for wildlife and heritage value, as well as improving their privacy. In addition, the proposal would address historic anomalies relating to path alignment.

Mr R Flavin, one of the land owners, attended the meeting under the Council's Public Participation scheme and spoke in favour of the officer recommendation.

It was **MOVED** by Councillor Brooks, **SECONDED** by Councillor Chubb and

RESOLVED that a Public Path Diversion and Definitive Map & Statement Modification Order be made to divert Footpath No. 2, Bere Ferrers from the lines A – B, to the line A - C - D – E, as shown on drawing no. CCET/PROW/23/77; and that if there are no objections, or if such objections are made and subsequently withdrawn, it be confirmed as an unopposed order.

* **82** **Definitive Map Modification Orders**

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/97) which informed that a Definitive Map Modification Order for **Ottery St Mary (Footpath No. 64) Definitive Map Modification Order; Newton Poppleford & Harpford (Footpath No. 39) Definitive Map Modification Order** had been confirmed as unopposed.

Members **NOTED** the report.

* **83** **Public Path Orders**

The Committee **NOTED** the Report of the Director of Climate Change, Environment and Transport (CET/23/98) on the Public Path Orders made and confirmed under delegated powers.

* **84** **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee **NOTED** the Report of the Director of Climate Change, Environment and Transport (CET/23/96) that the modification orders as detailed in the report had been received by the Secretary of State.

* **85** **Rights of Way Improvement Plan**

The Committee **NOTED** the Report of the Director of Climate Change, Environment and Transport (CET/23/99) which provided an update on progress in reviewing The Rights of Way Improvement Plan (Devon on the Move, Rights of Way Improvement Plan Version 3).

Agenda Item 12.(k)

6

PUBLIC RIGHTS OF WAY COMMITTEE

23/11/23

86 **Dates of Future Meetings**

Dates of future meetings were noted as:

Thursday 7 March 2024

Thursday 11 July 2024

Thursday 14 November 2024

Thursday 6 March 2025

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.20 pm

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

6 November 2023

Present:-

Councillors C Whitton, A Leadbetter, A Saywell, J McInnes (Chair) and
F Letch MBE

* 79 **Minutes**

RESOLVED that the minutes of the meeting held on 13 July 2023 be signed
as a correct record.

* 80 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 81 **Exclusion of the Press and Public**

It was **MOVED** by Councillor Letch, **SECONDED** by Councillor Saywell, and

RESOLVED that the press and public be excluded from the meeting for the
following items of business under Section 100(A)(4) of the Local Government
Act 1972 on the grounds that they involve the likely disclosure of exempt
information as defined in Paragraph 1 and 2 of Schedule 12A of the Act
namely relating to any individual and information likely to reveal the identity of
an individual and in accordance with Section 36 of the Freedom of Information
Act 2000, by virtue of the fact that the public interest in maintaining the
exemption outweighs the public interest in disclosing the information.

82 **Deputy Director of Children's Services (Education & Schools)**

The Committee had, earlier in the day, interviewed for the post of Deputy
Director of Children's Services (Education and Schools) of Devon County
Council with a view to making a recommendation upon an appropriate
appointment to the County Council on 7 December 2023.

The process had been undertaken in line with the terms of reference of the
Appointments, Remuneration and Chief Officer Conduct Committee, the Pay
Policy Statement and the Chief Officer Employment Procedure Rules (set out
at Part 6 of the Constitution).

Agenda Item 12.(I)

2

APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE
6/11/23

The interviews having been completed and the suitability of the candidate for the post having been fully discussed and all relevant factors having been considered, such as the high level and breadth of experience and responsibility required for this role and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

RESOLVED that the press and public be now re-admitted to the meeting.

It was further **MOVED** by Councillor McInnes, **SECONDED** by Councillor Leadbetter, and

RESOLVED that the Council be recommended to not appoint, at this stage, to the post of Deputy Director of Children's Services (Education and Schools) of Devon County Council.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.45 am and finished at 1.28 pm

CHILDREN'S SCRUTINY COMMITTEE

19 September 2023

Present:

Councillors S Aves (Chair), P Sanders (Vice-Chair), T Adams, J Brazil, P Bullivant, C Channon, L Hellyer, P Maskell, M Squires, J Trail BEM and C Mabin (Church of England Diocesan representative)

Apologies:

Councillors J Bradford and I Hall

Members attending in accordance with Standing Order 25:

Councillors F Biederman, A Leadbetter and L Samuel

* 101 **Chair's Announcements**

The Chair welcomed the following:

- (a) The return of Ms C Mabin to the Committee, as the Church of England co-opted representative.
- (b) Councillor J Trail BEM in place of Councillor L Samuel who had taken on Cabinet Member responsibility for Children's SEND Improvement Services.
- (c) New Officers in Children's Services, attending the Committee for the first time today.

* 102 **Minutes**

RESOLVED that the Minutes of the meeting held on 6 June 2023 be signed as a correct record.

* 103 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 104 **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Caroline Bolingbroke, Holly Greenberry Pullen, Fiona Salter, Lucy Wilson and Elaine Davis-Kimble, on behalf of Devon SEND Parents and Carers for Change, on a

Agenda Item 12.(m)

CHILDREN'S SCRUTINY COMMITTEE
19/09/23

matter to be considered by the Committee that day, namely Item 9 Update on Devon's Special Education Needs and Disabilities (SEND) Improvement Plan. Their representations addressed the concerns they had around the SEND Improvement Plan.

The Chair responded by thanking them for their attendance and representations, which would be taken into account by the Committee during its subsequent deliberations. The Chair stated it was important for their views to be heard by Officers and the Committee and requested that their full written representations be sent to the Scrutiny Officer.

* 105 **Responses of the Cabinet to Reports of the Committee**

(Councillor Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

Councillor Leadbetter provided a brief update on Cabinet responses to the Committee's reports including:

- Welcomed the 18.4% budget increase in Children's Services, recognising however it was a one-off increase.
- Things were improving, with a new Director and Deputy of Children's Services, SEND Improvement Director and Heads of Service now in place.
- Councillor Samuel was the new Cabinet Member, whose focus would be on Children's SEND Improvement Services.
- Explanation of the safety valve intervention and that discussions with Government relating to this were ongoing.
- Work was ongoing to reduce the cost of agency staff and to try and secure a permanent workforce.
- In-year savings would be by way of efficiency savings rather than cuts.

* 106 **Scrutiny Committee Work Programme**

The Scrutiny Officer updated the Committee as to the Work Programme reminding Members of the Family Hubs Standing Overview Group meeting next week, 26 September, although it was noted that there would be an Ofsted monitoring visit on 26/27 September.

The Committee's Special Advisor suggested inviting School leaders, the ICB and strategic leaders across Health services to future meetings of the Committee to enrich discussion.

* 107 **Election of Domestic Sexual Violence and Abuse (DSVA) Champion**

The Cabinet Member with responsibility for Public Health, Communities and Equality wished to seek nominations for a Domestic Violence and Sexual

Abuse Member Champion on each of the three Scrutiny Committees in order to better support the Council's responses across its services.

Councillor Samuel had held this role previously and the Chair expressed her thanks to Councillor Samuel for her work to date.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Bullivant and

RESOLVED that Councillor Maskell be elected as Domestic Abuse and Sexual Violence Member Champion for the ensuing year in place of Councillor Samuel.

* 108 **Children's Social Care Performance Report**

(Councillor Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received the Children's Social Care Performance Report, which set out the Quarter 1 performance for 2023/24, covering key areas as follows:

- Data changes in Referrals, Assessments, Child Protection, Children in Care, Care Experienced Young People and Workforce.
- Peer reviews and learning
- Department for Education visit on 27/28 June 2023
- Improvement Plan 2023/24
- Front Door Design
- Strategic Quality Performance Review Meeting (QPRM)
- Recruitment and Retention
- Practice Quality Assurance (Audit Framework)
- The next six months

It was noted there would be a further Ofsted monitoring visit next week in relation to the Care Leaver services.

Officers reported on feedback received from the Peer Reviews that included:

- There were a large number of Early Help teams leaving potential for duplication and for children to slip through; there were multiple referral points into teams and a lack of co-ordination when working out how to meet needs.
- The Council needed to strengthen performance information and Quality Assurance
- The service was looking at a new Family Hub model and expansion of family intervention teams to provide more intense Early Help and universal support, to include social care, health, public health and midwifery.

Agenda Item 12.(m)

CHILDREN'S SCRUTINY COMMITTEE
19/09/23

- Decision-making at the front door was largely safe.
- There was good partnership working, but needed to ensure good information sharing.
- Social workers had warm, tenacious conversations with families, but needed to be clearer about next steps or what services could best meet their needs.
- Systems and processes were complicated.
- The service was in the process of reviewing the operating model for the front door.
- The need to develop a clear Early Help offer, understood by families and partners so that families can self-serve or partners can direct them to the right service.

Questions and discussion points with Members and Officers included:

- Reassurance that the Family Hub model would provide partnership services to meet early intervention needs, to include working with difficult to reach communities, as yet to be fully scoped and consulted upon. The Cabinet Member stressed the importance of placing the Family Hubs in the right locations.
- Further narrative was requested on the data (p.3), which Officers agreed to include in future reports; and also the direction of recruitment figures.
- It was planned to reduce the number of agency social workers over the next two years in line with the national average (18%).
- Social care teams had been reorganised into smaller teams to enable better practice and supervision.
- Extensive discussions had taken place with District partners on working together to provide better permanent housing options for care experienced young people.
- Work was ongoing to improve and strengthen permanency plans for children; and some quality assurance work around those plans would be undertaken shortly.
- There were not any homeless Care Experienced young people, only those designated in unsuitable accommodation, i.e. temporary, not their own. Work was ongoing to improve the quality of supported accommodation.
- The audit framework had been developed to look at the quality of the practice and the outcomes for children and families. A knowledge base had been collated since April of this year.
- Assurance that children awaiting a Child Protection Conference were known to the social worker team and safeguarded where necessary.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Trail and

RESOLVED that the Committee:

- (a) welcomes the commitments of the Cabinet Member on Family Hubs and invites the Cabinet Member to report back at a later stage on this and

welcomes improvements to the percentage of Children in Care with a permanency plan;

- (b) raises its concerns about details on partnership working on securing permanency homes for children in care;
- (c) asks for future performance reports to provide further narrative on the work behind the data and figures and evidence of better outcomes to appraise Members; and
- (d) agrees to set up a future task group to seek user feedback from children and families on our social care services.

* 109 **Update on Devon's Special Educational Needs & Disabilities (SEND) Improvement Plan**

(Councillor Samuel attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received the Report of the Director of Children and Young People's Futures (CS/23/12), which provided an update on the SEND Improvement Plan. The Report set out a revised approach to enable system wide change; the progress made since the last Committee and actions to be delivered before the next Committee meeting.

The new Cabinet Member for SEND Improvement Services, Councillor Samuel, looked forward to working with the SEND Team to take forward and focus on the hard work required.

Questions and discussions points with Members and Officers included:

- The importance of timely engagement, not only with partner services, but with families and young people to drive forward the required change and improvement.
- Governance arrangements had improved. In addition to the Programme Board, there was now a Strategic Partnership Board consisting of senior leaders and would be the accountable body to drive forward improvements and be responsible for Ofsted and the safety valve.
- The Improvement Plan would be refreshed to become more dynamic and RAG rated.
- Officers would revert to Members on the costs and numbers of Tribunals; and the Scrutiny Officer would investigate possible attendance.
- The deep dive review to be undertaken of statutory assessment processes would look at the whole system from start to finish and the conclusions thereof fed back to the Committee.

Agenda Item 12.(m)

CHILDREN'S SCRUTINY COMMITTEE
19/09/23

- The very low percentage (11.8%) of EHC assessments completed in 20 weeks was due to Early Help support offers not being in place, but it was aimed to see improvements from the Spring term.
- Members requested the number of staff taking part in the Restorative Practice training and the impact it has had in practice.
- Officers suggested it would be helpful for the Committee to also engage with partner services at Committee meetings to discuss the challenges faced.
- Members stressed the importance of hearing first-hand accounts from the speakers this morning.
- The importance of consulting with Devon SEND Parents and Carers for Change and Parent Carer Forum Devon on the new SEND Strategy.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Trail and

RESOLVED that the Committee:

- (a) supports the Council's revised approach to improvement to enable system wide change, as recommended by the SEND Task Group in November 2022;
- (b) asks the Cabinet Member to commit to and take a proactive role to ensure that children and families' voices are heard across the system, involving the Committee when appropriate;
- (c) invites the Cabinet Member to attend the Committee on 14 November 2023 to report back on the implementation of the Improvement Programme, the completion of the actions set out in this report and an update on Education Health and Care Plans; and
- (d) will invite key local area partners to the next meeting.

* 110 **Electively Home Educated (EHE) and Children Missing Education (CME)**

The Committee received the Report of the Director of Children's Service and Head of Education and Learning (CS/23/13), which provided an overview of the 2022/23 academic year for students identified as EHE and CME. The Committee were asked to review:

- (a) the draft Annual Report for Elective Home Education 2022/23;
- (b) the data relating to Children Missing Education 2022/23; and
- (c) support proposals to review CME and EHE Policy and resources through the Autumn term.

The Report demonstrated the increasing call on limited resources to support learners who were EHE and CME.

Questions and discussions with Members and Officers included:

- Request that Cabinet write to Ofsted seeking tighter regulations for EHE, specifically in terms of safeguarding.
- Wider issues were around the Inclusion system as a whole, across all types of schools, where secondary numbers were high. Officers confirmed safeguarding was their overarching responsibility.
- Safeguarding and quality of education checks were carried out, but resources were limited, and further detail had been requested on these checks to ensure a focus on safeguarding.
- A Fair Access Panel had been set up (to include schools), which could fast track children back into school. Further engagement with schools was also taking place through various forums.
- Members were concerned at the high numbers showing as reasons for EHE, particularly Mental Health (774) and Unknown (512).

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Squires and

RESOLVED that the Committee:

- (a) raises its concerns with the rising numbers and reasons for Children Missing Education and Elective Home Education;
- (b) welcomes plans to review Children Missing Education and Elective Home Education Policy and resources and welcomes the opportunity to be consulted on the review; and
- (c) asks the Cabinet Member to write to Ofsted to lobby for better regulation and oversight to safeguard Children Missing Education and Electively Home Educated and ensuring relevant costs are recovered.

* 111

Children's Scrutiny Social Care Visits Report

The Committee received the Report of the Children's Scrutiny Committee on the Social Care Visits to front-line staff that had taken place across the County this year, including recommendations to Cabinet. The Chair wished to thank everyone involved in the visits.

It was noted that the Bridges team had been put forward as finalists for the Social Worker of the Year Awards in the Team of the Year category.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Maskell and

RESOLVED:

1. That the Committee commends this report to Cabinet for Cabinet to consider this report and its findings as part of the Council's improvement journey in Children's Services.

Agenda Item 12.(m)

CHILDREN'S SCRUTINY COMMITTEE
19/09/23

2. That Cabinet has due consideration of the following key points and responds to the Committee at a future meeting with a response about how they will be addressed:
 - (a) the need to continue to recruit permanent staff across services;
 - (b) support from staff for increasing the Council's in-house provision of accommodation for children in our care;
 - (c) support from staff to in their feedback to work with District Councils and make care leavers exempt from council tax across Devon;
 - (d) support from staff in their feedback to work with District Councils and Devon Home Choice to ensure care leavers are automatically placed in Band B for priority of accommodation;
 - (e) support from staff to the provision of in-house mental health services due to rise in need and to ensure timely access to mental health professionals for children and young people;
 - (f) support amongst staff for motion passed by the Council on 7 September 2023 to treat care experienced young people as a protected characteristic; and
 - (g) recognising the important work of Bridges, Cabinet's continued support for the service, and consideration of expanding the service to support more families.

* 112 **Children's Standing Overview Group**

The Committee received the two reports from the Children's Scrutiny Committee Standing Overview Group held on 22 June 2023 and 17 July 2023.

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

The Meeting started at 10.32 am and finished at 1.40 pm

CHILDREN'S SCRUTINY COMMITTEE

14 November 2023

Present:-

Councillors S Aves (Chair), P Sanders (Vice-Chair), T Adams, J Bradford, J Brazil, P Bullivant, I Hall, P Maskell, J Trail BEM, J Wilton-Love and C Mabin (Church of England Diocesan representative)

Councillors C Channon, L Hellyer and M Squires (virtual presence)

Apologies:-

Councillors F Letch MBE

Members attending in accordance with Standing Order 25

Councillors A Leadbetter and L Samuel

* 113 **Chair's Announcements**

The Chair welcomed Mrs Mayes to the meeting who was attending in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 114 **Minutes**

RESOLVED that the Minutes of the meeting held on 19 September 2023 be signed as a correct record.

* 115 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 116 **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Ms V Leonard on a matter to be considered by the Committee that day, namely an update on Devon's SEND Improvement.

The Chairman responded, thanking Ms Leonard for her attendance and representations, which would be taken into account by the Committee during its subsequent deliberations.

Agenda Item 12.(n)

CHILDREN'S SCRUTINY COMMITTEE
14/11/23

* 117 **Responses of the Cabinet to Reports of the Committee**

(Councillors Leadbetter and Samuel attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

Councillor Hall declared a personal interest by virtue of being co-chair of One Eastern Devon Partnership and a member of the Eastern Locality Mental Health Partnership Group.

Councillors Leadbetter (Cabinet Member for Children's Services and Schools) provided a brief update on Cabinet responses to the Committee's reports including:

Social Care Visits:

- The Cabinet considered the Committee's report on Social Care site visits at its meeting on 8 November and accepted the recommendations.
- A new HR partner would be joining Children's Services to assist with the recruitment of permanent staff; and adverts were running for required permanent posts.
- As agreed at full Council, care experienced young people would now be given protected characteristic status.
- The Bridges Team were congratulated on having been awarded the Team of the Year Award at the national Social Worker of the Year Awards, in recognition of all their good work.
- Work was ongoing with District colleagues regarding housing accommodation for looked after children and children in care.
- A lot of work was also ongoing relating to the MASH service to ensure the service had the best front door; and Ofsted had indicated this area would be their next inspection.
- Issues with Eclipse continued to be worked on.

Corporate Parenting Board:

Had now reorganised into five subgroups, each chaired by a Cabinet Member, reporting back to the main Board: Talented Me; Healthy Me; Care for Me; Involve Me; and Welcome and Support Me.

Ofsted letter:

This would be an item for the next Committee meeting, although the Committee had been circulated a copy of the letter. Councillor Leadbetter recommended everyone attended the Total Respect Training delivered by our care leavers when it was rolled out.

Family Hubs:

Contract negotiations continued with Action for Children; and work continued on where the focus on buildings and staff would be.

Post-16 Accommodation:

Staff recruitment was underway, and close working continued with District Councils to secure housing and accommodation.

Young carers and mental health:

Active work was ongoing with these Contracts.

Councillor Samuel (Cabinet Member for Children's SEND Improvement Services) had circulated to Members a brief update and added that:

- Work was ongoing to further reduce staff caseloads and the Service were working with Essex County Council in this regard.
- Communication was part of the SEND Transformation Programme and was being worked on currently.
- She would be liaising with her counterparts at Plymouth City Council and Somerset County Council.

* 118 **Scrutiny Committee Work Programme**

The Scrutiny Officer updated the Committee as to the Work Programme:

It was noted that items relating to SEND and Social Care would now alternate between meetings to allow partner attendance and more in depth discussion.

It was agreed to add Family Hubs, Mental Health in Schools and Member/Community engagement to the Work Programme.

Suggestions for future visits to schools and frontline staff were welcomed from Members, as well as any other areas of interest.

* 119 **In-year Budget Position**

(Councillor Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received the Report of the Chief Officer for Children and Young People's Futures (CS/23/20), which set out the key budget issues for the Service identifying risks and actions to mitigate.

As at September 2023 the Service had a budget of £206.5 million, excluding the Dedicated Schools Grant (DSG) funding and the pressures experienced within the High Needs Block. The budget stated did include the additional in-year savings target of £2.9 million, of which £2.1 million was against Social Care and £819,000 against Education. The forecast position was an overspend of £9.3 million.

In summary, this was a challenging time for the Council and for the Service: In Children's Social Care and Wellbeing, budget pressures had to be balanced

Agenda Item 12.(n)

CHILDREN'S SCRUTINY COMMITTEE
14/11/23

against the need to implement service improvements. The underlying principles of the DSG management plan was to ensure that the needs of children and young people with SEND were met earlier and that there was sufficient provision to meet current and future demands. Increased levels of need in schools and settings continued and this was placing greater demands on education services.

Discussion and questions followed and included:

- Clarity that foster caring was a key and important part of the sufficiency pathway.
- The planned work to develop an Early Help service.
- The volatility in the staffing and placement landscape impacting plans to meet the in-year savings target of £2.1 million in Social Care.
- Improvement Board information on the action plan would be shared with the Committee.
- Officers undertook to respond to Councillor Trail with what the 'lost revenue from non-trading (666,000)' under overspends within Education, related to.

The Chair proposed that a budget monitoring group be set up to consider the budget throughout the year, which would report back to the Committee.

It was **MOVED** by Councillor Aves, **SECONDED** by Councillor Bullivant and

RESOLVED that a Budget Monitoring Standing Overview Group be set up to include Councillors Aves, Bullivant, Maskell, Sanders and Trail.

* 120 Update on Devon's SEND Improvement

(Councillor Samuel attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

(Councillor Sanders declared a personal interest by virtue of being a Director and Trustee of the Dartmoor Multi-Academy Trust)

Also in attendance to enable wider partner discussion were:

Suzanne Smart, Deputy Director of Commissioning Out of Hospital NHS Devon
Keith Bennett (Marland School) representing Special Schools
Paul Walker (First Federation) representing Primary Schools
Fay Bowler (virtual) (Braunton Academy) representing Secondary Schools

The Committee received the Report of the Director of Children & Young People's Futures (CS/23/19), which provided an update on education health and care needs assessment (EHCNA) and planning processes, as requested by Members at the previous Committee meeting.

In summary, the data showed that Devon was outlier in relation to requests for EHCNA and the number of children and young people supported through an EHCP, suggesting that at a system level, Devon's approach to meeting a range of needs at the earliest opportunity and the view of 'significantly greater difficulty in learning' might differ from other areas. Developing the educational offer in mainstream schools and settings to improvement inclusion and ensure that the needs of children and young people with SEND were met earlier was of critical importance.

The delivery of the local area's statutory process was not good enough and the approach to date had not had the desired impact. Reviewing the service improvement approach and undertaking a complete review of SEN statutory processes was critical and underway, including improving communications.

Members' questions and discussion points included:

- As part of the SEND Transformation Programme, a new quality assurance framework was being developed to strengthen the quality assurance process for EHCPs, with support from Essex County Council (funded by the Department for Education).
- Officers undertook to provide early years data on the number of children starting school following Covid. It was noted there had been a spike in speech and language in early years following Covid, but it was too soon to know if this was an ongoing trend.
- Those refused a 6-week assessment were referred back to the school to receive further SEN support; and an analysis was requested to identify any particular groups of children.
- Agreement on the significant change in transition from primary to secondary schools.
- Officers confirmed that data relating to exclusions and suspensions was shared with schools across the County.
- Good governance and performance was seen as key to improved communication.
- The Cabinet Member for Children's Services and Schools reported having met recently with the Minister for Children and Families requesting additional school funding; Members in addition proposed writing to the Minister in this regard; and Officers also encouraged Members and school leaders to write to their MPs requesting support for additional funding.
- Members requested further information for the Committee on the mental health support that was provided for schools.

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Aves and

RESOLVED that the Committee write to the Secretary of State for Education and the Minister for Children and Families and Devon MPs requesting additional funding for schools.

Agenda Item 12.(n)

CHILDREN'S SCRUTINY COMMITTEE
14/11/23

* 121 **Children's Services Recruitment and Retention Spotlight Review**

The Committee considered the report of the Spotlight Review on Children's Services Recruitment and Retention held on 26 July 2023, which detailed the findings and recommendations of the Spotlight Review.

The Children's Scrutiny Committee had previously completed a Social Work Workforce Recruitment and Retention Spotlight Review in December 2020. In November 2022, the SEND Task Group concluded and found recruitment and retention challenges in the SEND and Education teams and recommended a follow-up Spotlight Review on recruitment and retention be completed in order to look into any further recommendations that could be made to support Children's Services achieving a stable, permanent workforce.

It was **MOVED** by Councillor Aves, **SECONDED** by Councillor Brazil and

RESOLVED

- (a) that the Recruitment and Retention Spotlight Review report be commended to the Cabinet;
- (b) that Cabinet be asked to endorse and take action on the 12 recommendations contained in the report;
- (c) that in response, Cabinet be asked to agree a recommendations action plan detailing how and when any agreed recommendations will be enacted; and
- (d) that Cabinet be asked to report back to this Committee in June 2024 on progress made against the recommendations.

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

The Meeting started at 10.30 am and finished at 1.12 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 September 2023

Present:-

Councillors S Randall Johnson (Chair), Y Atkinson, J Bailey, R Chesterton, D Cox, P Crabb, L Hellyer, P Maskell, D Sellis, R Scott, C Whitton, M Wrigley (Vice-Chair) and J Yabsley

Members attending remotely via Microsoft Teams

Councillors I Hall and C Hodson

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 120

Minutes

RESOLVED that the minutes of the meetings held on 13 June 2023 and 27 July 2023 be signed as a correct record.

* 121

Items Requiring Urgent Attention

No item was raised as a matter of urgency.

* 122

Public Participation

There were no oral representations from members of the public.

* 123

Dental access for adults and children in Devon

The Committee considered the Report of NHS Devon on Dental access for adults and children in Devon. The Report outlined that dental services in Devon were provided in three settings: Primary care (high street), Secondary care (hospitals) and Community services ('special care').

The relationship between NHS dental services and private dental services was discussed. It was highlighted in the Report and wider discussion with the Committee that funding for dental patients on the NHS is only made available for approximately half of the population of Devon, which was national policy. There were therefore challenges to consider around how to prioritise those most in need of such services.

Agenda Item 12.(o)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/09/23

Members also raised concern around dentists prioritising private services above NHS services, and what solutions there may be. Officers advised that dentists providing NHS services would be doing so at a loss, and so providing private services (running a 'mixed practice') was often a necessity to remaining open, especially in light of the Cost-of-Living crisis; and that much of the problem was a national one relating to Government contracts which provide insufficient reimbursement to justify that as the sole source of income for a dental surgery.

Other member discussion with officers included:

- Government targets to increase the number of dentists by 2030;
- concerns around procurement processes for the introduction of new dental services, in particular around North Devon, which had seen a degradation in its dental services following a contract change;
- mobile dental units; and
- the mechanisms of Units of Dental Activity (UDA) contracts including how dentists claimed, and what measures were in place to prevent them spending NHS money on private patients.
- the role of the Housing Commission and key workers.

* 124 **NHS Devon Pharmacy Spotlight Review (Review of Recommendations)**

The Committee considered the Report of NHS Devon which provided an update against the five recommendations of the Committee, via the Community Pharmacy Spotlight Review. The recommendations were provided to NHS England; since then, NHS Devon had taken over commissioning of NHS pharmacy.

Member discussion with the ICS Development Director (Devon ICB) included:

- problems around training and retention of pharmacy staff, with the opening of a pharmacy school in Plymouth representing a positive step in training more staff and doing so locally, increasing the chance of retaining them;
- the recruitment of a system lead on a two-year contract to focus specifically on the workforce in Devon, including engagement with schools and supporting new graduates;
- exploring options for GP referrals to community pharmacies to result in income for the pharmacies; and

- ongoing challenges to change public habits and promote community pharmacy use.

The chair thanked the officer for the update and echoed the comments of members that, as local community representatives, they could assist in encouraging wider use of community pharmacy.

* 125 **Devon Integrated Care System Digital Strategy update**

The Committee considered the Report of NHS Devon on the progress of delivering the ICS Devon ('One Devon') Digital Strategy. The current iteration of the strategy was approved in March 2023 and focused on five key priorities. These were: Digital Citizen; Electronic Patient Record and Operational Systems; Devon and Cornwall Care Record; Business Intelligence and Population Health Management; and Unified and Standardised Infrastructure. Updates were provided against each of these.

In the update, an officer from NHS Devon spoke in particular to the progress made in digitising social care records including the £1.1 millions of funding secured for this purpose; and challenges around virtual ward targets being brought forward from March 2024 to September 2023; and a pilot for over-65s aimed at providing them the technology and knowledge required to access the virtual ward.

Member discussion with officers included:

- the current state of technology pertaining to patient experience with the NHS, in particular the number of different mobile applications that a patient may have to download for varied information, the poor performance of these applications and inconsistency of information available. Councillors expressed that technological progress was needed in healthcare, but that there must be significant focus on improving end-user experience, including simple but effective communications with patients via digital means. The Officer advised that the NHS applications are managed at a national level – but that there were roadmaps for development of these applications to improve them;
- the importance of balancing digital expertise in the technological development of the NHS with user experience, ensuring that changes and improvements made work for the benefit on-the-ground NHS staff and patients;
- the comments arising from the CQC inspection of the Royal Devon University Healthcare NHS Foundation Trust around the Trust's implementation of its electronic patient record system, with an officer confirming that the ICB was working alongside the Trust to make improvements; and

Agenda Item 12.(o)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/09/23

- the role of Integrated Adult Social Care working alongside domiciliary care providers in progressing with digitisation, who had expressed enthusiasm for the digital agenda.

* 126 **RAAC in Devon Hospitals**

In accordance with Standing Order 23(2) Councillor J Bailey had requested that the Committee consider this matter, in light of recent national concerns around the use of reinforced autoclaved aerated concrete (RAAC) in public sector buildings.

The Locality Director - North and East Devon, NHS Devon explained that they were hoping to share a national announcement from Government that was due before the Committee, but that this had been delayed. They explained however that NHS England wrote to all trusts in 2019 regarding the use of RAAC, with 27 sites across England identified as containing this material. In Devon, since 2019, the identified sites had undergone surveillance work to assess the clinical and structural impact of RAAC. For instance, North Devon District Hospital was identified as having a small amount of RAAC – but a site visit confirmed that the RAAC was in good condition and was not load bearing, which was positive. No further sites had been identified as a concern; and regular monitoring and surveys were being undertaken to monitor risk.

* 127 **Health and Care - General Update**

(Councillor J McInnes attended in accordance with Standing Order 25 (1) and spoke to this item with the consent of the Committee regarding the consultation on the proposals to close the North Devon Link Service and the three remaining link centres, assuring the Committee that the Devon Partnership Trust would continue to be involved in the consultation).

(At 1 pm the chair left the meeting and the vice-chair assumed chairing responsibilities for the remainder of the meeting).

Members considered the joint report of the Director of Integrated Adult Social Care, the Director of Public Health, the Director of Communities & Prosperity, and the Chief Medical Officer of NHS Devon (CX/23/181), which provided updates on key and standing items and general information, including responses on issues raised at the previous meeting of this Committee.

Officers highlighted the commissioning by NHS England of dental prevention work, aimed at educating people to improve their dental health and aim to reduce loads on dental services via prevention. Also called attention to the imminent launch of a new Devon Specialist Stop Smoking Service, which would continue the work of the previous provider but would also allow targeted work to supporting young people who vape but have never smoked,

in stopping to do so. A rise in sexually transmitted diseases in young people across Devon was also highlighted, with Devon and Torbay awarding a new contract for the C-Card Scheme to Preventx Limited. This would provide free online advice, and contraception, to young people. Members agreed on the importance of education on all three of these issues.

Other member discussion with officers included:

- the cessation of Council contributions to the Wellbeing Exeter Partnership Fund, as agreed by the Council's Cabinet on 13th September 2023, with there being some member concern about this decision and the implications on the Fund. Officers clarified that the Council's funding to the Fund (which was for social prescribing) was being duplicated by national funding, and that the decision was made in light of a risk assessment and assurance that social prescribing would not cease without the Council's funding;
- on homelessness, that conversations with Team Devon were ongoing alongside work with districts on proposals regarding the future of funding homelessness prevention;
- the future of North Devon Link Service. A member commented that making a decision on the future of the Link Centres based on patient numbers did not take full account of the picture; and that since the Coronavirus pandemic, changes to the referral system had impacted usage numbers, which did not reflect true need;
- that the forecast for the Public Health ringfenced budget was to break even;
- wider engagement for winter preparation was ongoing with community providers using local care partnerships following on from lessons of previous years' winters;
- COVID and flu jab uptake;
- the impact of strike action on hospitals in Devon;
- ongoing, widespread problems with staff retention;
- the role of the Scrutiny Committee in the health providers' quality accounts process and the intention of the Committee hearing from health providers prior to the composition of future Quality Account commentary; and
- concern regarding the CQC report on the Royal Devon University Healthcare NHS Foundation Trust and the need for greater scrutiny regarding the performance of the Trust.

Agenda Item 12.(o)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
21/09/23

* 128 **Scrutiny Committee Work Programme**

The Committee agreed the current Work Programme subject to inclusion of topics which arose from the meeting. This included Dentistry, the Committee's Quality Account commentary process and the CQC inspection of the Royal Devon University Healthcare NHS Foundation Trust.

* 129 **Information Previously Circulated**

The Committee noted information previously circulated for Members, since the last meeting, relating to topical developments which have been or are currently being considered by this Scrutiny Committee.

- Scrutiny Risk Registers ([Risk Registers - Democracy in Devon](#))
- Healthwatch Annual Report 2022/23
- [Future Hospitals: Update on University Hospitals Plymouth](#)

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

The Meeting started at 10.32 am and finished at 1.31 pm

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

9 November 2023

Present:-

Councillors S Randall Johnson (Chair), M Wrigley (Vice-Chair), Y Atkinson, J Bailey, R Chesterton, D Cox, P Crabb, I Hall, L Hellyer, P Maskell, R Peart, D Sellis, R Scott, C Whitton, Hodson and J Yabsley

Members attending in accordance with Standing Order 25

Councillor J McInnes

* 130 **Announcements**

The Chair welcomed the members of the press and public that were in attendance at the meeting.

* 131 **Minutes**

RESOLVED that the minutes of the meeting held on 21 September 2023 be signed as a correct record.

* 132 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 133 **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations from: (i) Ivan Lawrence, (ii) Councillor Chris Clarence and (iii) Viv Wilson MBE regarding the Teignmouth Community Hospital (Minute *134 refers) on the case for its retention and referral to the Secretary of State for Health and Social Care; and

(iv) Councillor Martin Shaw and (v) Jack Rowland regarding Seaton Community Hospital (Minute *135 refers) in opposition to proposals made to demolish a wing of the building.

The Chair thanked the speakers for their contribution.

* 134 **Teignmouth Community Hospital Task Group**

The Committee considered the Report of the Task Group which outlined its membership and scope, and provided background to the consideration of this issue by the NHS and the Committee; including a previous referral of the issue to the Secretary of State for Health on 18 March 2021, following a

Agenda Item 12.(p)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
9/11/23

Spotlight Review which had taken place in December 2020. The Report also included responses by NHS Devon to questions submitted by the Task Group; the view of the League of Friends; and details on the concerns of the Task Group with regard to the proposals regarding the closure of Teignmouth Community Hospital. In its recommendations, the Task Group supported further referral to the Secretary of State for Health and Social Care, as well as supporting efforts to retain the building for community use, should it not be retained by the NHS, and encouraged further engagement with local stakeholders by the NHS.

During debate, members expressed their wish to see the NHS provide to the Committee its treasury green book analysis, to evidence the cost benefit analysis that had taken place with regard to the proposal to close Teignmouth Community Hospital.

It was **MOVED** by Councillor Wrigley, **SECONDED** by Councillor Cox and

RESOLVED that

(a) the Committee takes steps to make a referral to the Secretary of State for Health and Social Care on the decision to move services from Teignmouth Community Hospital and build a Health and Wellbeing Centre on Brunswick Street, Teignmouth instead;

(b) efforts being made by local community groups to save the hospital building for community use, if it cannot be retained by the NHS, be supported;

(c) the NHS be asked to continue to engage with local stakeholders and local people in determining the long-term future of the Hospital site, whilst operating within the principle that the building currently used as Teignmouth Hospital should be saved for local people.

* 135 **Seaton Community Hospital**

In accordance with Standing Order 23(2) Councillor J Bailey had requested that the Committee consider this matter in light of proposals to demolish a wing of Seaton Community Hospital.

Councillor Ian Hall declared a personal interest by virtue of representing Devon County Council as an appointed governor to the Royal Devon University Healthcare Trust's Royal Devon Council of Governors; and by virtue of sitting as the co-Chair of the One Eastern Devon Partnership Forum (OEDPF).

A statement from Marcus Hartnell, local member, was read out at the meeting, expressing his support for the exploration of options to establish a community health and wellbeing space to provide for the residents of Seaton and Colyton.

Members were concerned around the £300,000 per year cost of maintaining the empty ward in question. They contended that the Committee should hold the NHS to account on the use of Seaton and similar properties, as to why funds such as this were not being used to more directly benefit taxpayers and users of the NHS. Members asked for details on other vacant NHS properties in the County to be reported to the Committee in January 2024.

Councillor Hall expressed the wish to be involved in any future working group that was set up in relation to Seaton Community Hospital.

It was **MOVED** by Councillor Hall and **SECONDED** by Councillor Wrigley that

(a) the Committee requests a report for its next meeting in January 2024 from both Devon ICB and NHS Property Services to consider the outcome from meeting the League of Friends and explore the options for delivering increased health and wellbeing services in the town for the next five years and beyond;

(b) the Committee requests that NHS Property Services includes a proposal for a Community Health and Wellbeing Hub in any future options for the former ward space; and

(c) the Committee asks the Devon ICB to fully engage with the Seaton Hospital League of Friends and local steering group, including the divisional member, to explore and discuss the long-term future provision of NHS/health and wellbeing services for Seaton and Colyton residents including how collaborative working may assist with bringing forward a business plan for a health and wellbeing hub at Seaton Hospital.

It was then **MOVED**, and **ACCEPTED** by the proposer of the original motion, that the motion be **AMENDED** by the addition of the following:

(d) the Committee requests that no final decision on the proposed disposal of Seaton Community Hospital is made without further work in line with recommendations (a) to (c) above.

Recommendations (a) to (d) were then voted upon as the substantive motion and **RESOLVED**.

* 136 **Royal Devon University Healthcare NHS Foundation Trust - CQC Report / Improvement Plan**

Members had received a presentation from the Chief Medical Officer of the Royal Devon University Healthcare NHS Foundation Trust, circulated in advance, in relation to the Trust's response to its Care Quality Commission (CQC) Inspection. In its report published in May 2023, the CQC had given the Trust an overall rating of 'Requires improvement.' The presentation outlined:

Agenda Item 12.(p)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
9/11/23

- the history of the Trust, being formed from the merging of the Royal Devon and Exeter NHS Foundation Trust and the Northern Devon Healthcare NHS Trust in April 2022;
- previous CQC inspections of these two trusts;
- the May 2023 findings of the CQC inspection of the Trust including achievements that had been highlighted (such as an Outstanding rating for the 'Caring' category), as well as areas that required work; and
- the Trust's plans to address issues raised by the CQC inspection including what external support the Trust requires to achieve its actions.

Member discussion points with officers included:

- Collaboration with other services such as Adult Social Care. Comments were made around the particular funding models of healthcare which tended to encourage competition between sectors where collaboration and cooperation were more beneficial;
- Predicted challenges because of winter, which was particularly relevant to Devon due to its aging population;
- The Trust's progress on its Acute Hospital at Home (AHAH) service in line its priority to reduce the number of patients remaining in hospital for extended period of times, instead facilitating their return home where they can be cared for. This included the use of wearable technology such as smart watches to allow effective monitoring of patients being cared for at home;
- Digitalisation and its benefits; as well as challenges for its implementation, namely a sudden implementation necessitated by the Coronavirus pandemic which had impacted the Trust's training and rollout plans. Record keeping, which formed part of this, was one of the failings highlighted by the CQC;
- The need to provide the public with clear alternatives to the emergency department or calling 999, such as NHS 111, which was improving;
- The occurrence of 'never events', where the Chief Medical Officer explained that all but one never event over the previous 18 months resulted in little or no harm;
- Challenges around recruitment and funding; and

- A potential RDUH masterclass to include virtual wards and 'never events'.

* 137 **NHS Devon - Integrated Urgent Care Service**

Members considered the report of NHS Devon on the Integrated Urgent Care Service. The report explained that this was a service commissioned by NHS Devon on behalf of Devon residents. It was a single contract for the provision of the NHS 111 call handling services, clinical contact as required for those accessing 111 online, Clinical Assessment Service (CAS) and out-of-hours primary care face-to-face treatment.

It was explained that the IUCS was previously delivered by Devon Doctors. Following CQC concerns, a procurement process was undertaken and the contract awarded to Practice Plus Group (PPG). This had seen improvements in the service including better meeting levels of demand, increased recruitment and an opening of a new call centre in Plymouth which operated 24 hours a day. NHS Devon were assured by the performance and transparency of PPG.

Member discussion with officers included:

- The IUCS' progress against national targets, and whether these targets were realistic given that the majority of providers in England were not close to meeting these targets. Officers expressed that they were always looking to improve standards and that the national targets did represent what an excellent service could look like, but that the context of the challenges faced by the service, and the capacity of other services nationwide to achieve these targets, were also important to consider;
- How outcomes could be better tracked to, for instance, account for those using NHS 111 and how to measure the effectiveness of the advice they had received. Officers expressed that one particular challenge was encouraging patients to divulge that they have been referred to a service upon point of use, and that in the absence of this it was difficult to track;
- The impact of GDPR on achieving targeted outcomes; and
- The rollout of electronic patient records (EPR) in better developing integration with other services, and the need to further roll out EPR across the country before being where the service wishes to be.

Agenda Item 12.(p)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
9/11/23

* 138 **Service Delivery for Public Health, Communities and Prosperity: In-Year Briefing**

The Committee considered the Report of the Director of Public Health, Communities and Prosperity (PH/23/03) which provided an in-year briefing on the delivery of Public Health, Communities and Prosperity services. Although the latter two were included in the report, the Committee focused on the Public Health aspect of the briefing.

Under Public Health, the report highlighted:

- The ongoing impact of the cost-of-living crisis on health and wellbeing;
- The recommissioning of the condom distribution service;
- Additional national grant funding to support delivery of the national drugs strategy; and
- The improvement of the Public Health Nursing Service, being rated Good by the CQC, despite ongoing challenges with recruitment and retention of staff.

Member discussion with officers involved:

- Vaping and the risk to young children, with members welcoming a focus on reducing vape usage in young people who had never smoked other tobacco products; and
- The role of Scrutiny in adding value to Public Health.

* 139 **Integrated Adult Social Care Finance and Performance - Mid-Year Update**

(Councillor J McInnes attended in accordance with Standing Order 25 (1) and spoke to this item with the consent of the Committee).

The Committee considered the Report of the Director of Integrated Adult Social Care (IASC/23/04) which provided a mid-year update on the finance and performance of Integrated Adult Social Care and highlighted the key risks facing the directorate. The report covered areas such as workforce (both nationally and in Devon), forecast overspend, and a number of key statistics such as how many people the service was supporting and the performance of residential care homes and community-based services in Devon compared to the national average. Officers highlighted the service's delivered savings in relation to its delivery target of £30 million.

Member discussion with officers included:

- Waiting lists, including for Deprivation of Liberty assessments, with failure of the Local Authority to meet its statutory obligations under The Deprivation of Liberty Safeguards being highlighted as a key risk in the report;
- The demographics of the Devon workforce where there had been an increase in the number of non-EU workers following a successful focus on international recruitment. A member queried the likelihood of retaining these staff, with officers advising that there was no present large risk of losing these staff en masse;
- Required improvements in how Integrated Adult Social Care can work more closely with the NHS and hospitals in supporting patients being discharged into out-of-hospital care; and
- The significant improvement in terms of market sufficiency and availability of personal care, resulting in fewer people waiting for care, which members welcomed.

* 140 **Integrated Adult Social Care response to the Peer Challenge report**

(Councillor J McInnes attended in accordance with Standing Order 25 (1) and spoke to this item with the consent of the Committee).

The Committee considered the Report of the Director Integrated Adult Social Care (IASC/23/05) which outlined the main recommendations of the Local Government Association (LGA) to its peer challenge of Adult Social Care, as commissioned by Devon County Council; and to summarise the improvement plan drawn up in response to the peer challenge. The LGA had submitted a final report to the Council in September 2023. More information was available on the [Devon County Council website](#).

Members welcomed the transparency of the report and the responses to the LGA's peer challenge that were outlined in the report. Upon querying the timelines of the planned improvements, it was explained by officers that the report was a high-level summary and that a detailed plan would be developed by the Council to respond to the LGA's comments. This would include specific timescales.

* 141 **Health and Adult Care - General Update Paper**

The Committee considered the Joint report from the Director of Integrated Adult Social Care (Devon County Council), Director of Public Health, Communities & Prosperity (Devon County Council), and Chief Medical Officer (NHS Devon) (IASC/23/06) which contained updates on key and standing items and provided general information on specific actions, requests or discussions during the previous meeting of the Committee.

Agenda Item 12.(p)

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
9/11/23

Member discussion with officers included consultations on: the future of the North Devon Link Service; the future of day services; and smoking and vape usage in younger people.

* 142 **Scrutiny Committee Work Programme**

The Committee agreed the current Work Programme subject to inclusion of topics which arose from the meeting. This included: Access to GP appointments; Minor Injury Units; Women's Health; diagnosis of autism in adults and the transition of young people from Children's Services to Adult Social Care.

* 143 **Information Previously Circulated**

The Committee noted information previously circulated for Members, since the last meeting, relating to topical developments which have been or are currently being considered by this Scrutiny Committee:

- NHS Dentistry Webinar (18 September 2023) – Recording and Presentation
- Integrated Adult Social Care Improvement Plan and Preparing for CQC Assurance Masterclass (27 September 2023) – Recording and Presentation
- State of Care 2022/23: CQC Annual Assessment of Health and Adult Social Care Services, Launch Event (20 October 2023)
- NHS 111 Masterclass (1 November)
- Annual Public Health Report 2022/23 Masterclass – to be held on 27 November 2023 ([Report available here](#))
- Briefing – Seaton Community Hospital Vacant Ward
- Scrutiny Risk Registers ([Risk Registers - Democracy in Devon](#))

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

The Meeting started at 10.35 am and finished at 2.14 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

28 September 2023

Present:-

Councillors A Dewhirst (Chair), P Bullivant (Vice-Chair), J Brook, R Chesterton, R Hannaford, J Hodgson, C Slade, I Roome, M Squires, J Trail BEM and J Wilton-Love

Apologies:-

Councillors M Asvachin, P Crabb and R Radford

Members attending in accordance with Standing Order 25(1)

Councillors R Croad and S Hughes

* 121 **Minutes**

RESOLVED that the Minutes of the meeting held on 22 June 2023 be signed as a correct record.

* 122 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 123 **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Cllr C Cottle-Hunkin, Torridge District Council, Mr J Smith, Vice Chairman, Coldridge Parish Council and Ms C Bury. A statement was also read out on behalf of Ms Baker. The representations were on a matter to be considered by the Committee that day, namely the Call-in of Cabinet Decision - Mobile Library Service (Minute *359 of 12 July 2023).

The Chair responded, thanking the public for all their representations which would be taken into account by the Committee during its subsequent deliberations.

Agenda Item 12.(q)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
28/09/23

* 124 **Call-In of Cabinet Decision - Mobile Library Service (Minute *359 of 12 July 2023)**

Councillor Croad, Cabinet Member, for Public Health, Communities and Equality attended in accordance with Standing Order 25(1) and spoke to this item in support of the Cabinet resolution of 12 July 2023 (i.e. decommissioning the mobile library vehicles and providing £25k transition support for vulnerable users to continue to access alternative library provision).

In accordance with Section 4(d), Paragraph 17, of the Scrutiny Procedure Rules, the Chair of the Corporate, Infrastructure and Regulatory Services Committee (Councillor Dewhirst) had invoked the call-in procedure in relation to the decision of the Cabinet (Minute *359 of the 12 July 2023) in relation to the Mobile Library Service in Devon.

The grounds for this call-in were:-

“1. When Cllr Connett spoke, the issue of leasing was raised. Then during the Cabinet meeting, it was revealed by the Head of Communities that officers had looked at leasing mobile library vehicles as an option to continue the service. However, this was not mentioned in the report to Cabinet, so Cabinet members had no opportunity to consider leasing as an alternative option to sustain the service. It was only in response to Cllr Connett's comment that the Head of Communities revealed leasing had been considered. However, the report did not set out how officers looked at this, what the financial considerations were and why it was not considered a viable option.

2. The report is unclear on whether the £217,000 being saved by axing the mobile library service is a genuine revenue saving to the council or is the money being 'recycled' into Libraries Unlimited to help meet service costs? This was not made clear during the meeting. It was stated that that the saving was a 'saving to the council'. It was also said it would support Libraries Unlimited who, without it, would have to make other cuts. Therefore, the Cabinet has decided to axe the mobile library service without the knowledge of what other cuts the library contractor would make - and therefore the Cabinet did not compare and consider the range of cuts and their likely impact on communities. The only option was to axe the mobile libraries.

3. Two councillors from Torridge District Council presented a petition at the start of the Cabinet meeting against the cuts. The petition was presented to the Leader of the Council. However, the Cabinet did not consider the petition, refer to it, or take it into account in any way before deciding to cut the mobile library service.

4. The Report before the Cabinet was silent or obscure on how any costs of the mobile libraries closure would be dealt with - for example, redundancy, pension costs etc. Therefore, the Cabinet has failed to consider the full

financial impact on other budgets of the council - including identifying how the proposed one-off grant of £25,000 in Option 2 would be funded, and where any redundancy costs would be met from.

5. The Cabinet had not considered the adequacy of the proposed £25,000 for mitigation measures of withdrawing the mobile library vans. The report did not describe how the figure of £25,000 was arrived at, what the evidence is to show it would be sufficient, nor how long the proposed mitigations proposals would last. The Cabinet was not clear on the detail of the proposed mitigations, what the various schemes are and how they would work in detail so that they had assurance about residents still being able to access books and library services.

6. There appeared to be confusion about the figures used to support the recommendation to axe the mobile library service. Figures, it was said, described a fall in the number of users but it was not clear that analysis was on a like for like basis in that there used to be 8 vans, then four which included the use of a 'stand-in' replacement vehicle, resulting in vans not being able to operate if they were in for servicing or had broken down... all leading to fewer customers being recorded. Cllr Cheryl Cottle-Hunkin (Torridge, petition presenter) in her commentary suggested there had been an increase in customers from 2019 to 2022."

The Committee noted Councillor Croad's response to the above 6 grounds of the call-in. The Committee also considered the original Cabinet Report containing proposals for the Mobile Library Service, associated Impact Assessment, as well as the respective minutes of the Cabinet meeting. Two further representations had been received from Sir Michael Morpurgo OBE, Children's Laureate and the Chair of Torridge District Council.

The Chair referred to additional representations sent to Members by Cllr Cottle-Hunkin, Torridge District Council, including comments that women, making up the majority of mobile library users, were often disadvantaged, living in rural communities, isolated and in unpaid caring roles.

Members' discussion and comments included:-

-acknowledgement of Councillor Croad's ongoing support for static libraries and alternative library provision, including for those within rural communities and vulnerable users, irrespective of supporting the decommissioning of the mobile library vehicles. This view was also supported by some members of this Committee, however;

-Committee members considered that further investigations should be carried out on a range of issues prior to a decision about decommissioning the mobile library vehicles was made;

Agenda Item 12.(q)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
28/09/23

-the potential educational, social/health and wellbeing effects on the more rural, isolated and disadvantaged communities, who had seen the reduction of other community provision and transport over recent years;

-the environmental and sustainability considerations of continuing the use of mobile library vehicles;

The Communities Business and Commissioning Lead responded to questions during the debate.

It was **MOVED** by Councillor Hannaford, **SECONDED** by Councillor Hodgson that the Committee recommends that Cabinet:

- (a) reconsiders the decision to decommission the mobile library vehicles and looks again at continuing to provide the mobile library service;
- (b) gets precise figures on leasing vehicles to review opportunities to continue to provide a cost effective service;
- (c) looks into opportunities to reduce the cost of delivery including commercial sponsorship opportunities on vehicles, crowdfunding and/or support from Parish Councils and community groups;
- (d) develops alternative library provision before taking the decision to remove services; and
- (e) reports findings back to this Committee.

Councillor Brook then **MOVED** an amendment, **SECONDED** by Councillor Trail that the Committee recommends that Cabinet:

approve the recommended Option 2 (as set out in Cabinet's Report SC/23/4) – Decommission the Mobile Library vehicles and provide £25k transition support for vulnerable users to continue to access alternative library provision, on the proviso that the Council looks at various areas to actively find solutions so that users can still effectively access a service.

The amendment was put to the vote and declared **CARRIED** and became the substantive motion.

Councillor Dewhirst then **MOVED** an amendment, **SECONDED** by Councillor Hodgson that this Committee recommends to Cabinet:

that should Cabinet decide not to continue with the mobile library service, the budget for Libraries Unlimited remain unchanged for the next financial year.

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

The substantive motion (as detailed above) was then put to the vote and declared **LOST**.

Councillor Hannaford then **MOVED, SECONDED** by Councillor Hodgson

that the Committee recommends that Cabinet:

- (a) reconsiders the decision to decommission the mobile library vehicles and looks again at continuing to provide the mobile library service;
- (b) gets precise figures on leasing vehicles to review opportunities to continue to provide a cost effective service;
- (c) looks into opportunities to reduce the cost of delivery including commercial sponsorship opportunities on vehicles, crowdfunding and/or support from Parish Councils and community groups;
- (d) develops alternative library provision before taking the decision to remove services; and
- (e) reports findings back to this Committee.

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

(The Committee adjourned the meeting after this item from 1218hrs until 1230hrs).

* 125 **Scrutiny Work Programme**

The Head of Scrutiny updated the Committee as to the work programme. In accordance with good governance, Members were encouraged to attend the masterclasses, visits and standing overview group meetings that had been scheduled.

The last DCC Council meeting (minute 232) had also referred the matter of the Call to Protect Ticket Offices Across Devon, following plans announced to close up to 1000 rail ticket offices across England in the next 3 years. Council recommended that: Scrutiny invite representatives from the relevant rail

Agenda Item 12.(q)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
28/09/23

operators(s) to attend a Scrutiny meeting at the earliest possible point to discuss future plans for ticket offices and staffing in Devon.

Members had no further items to add to the work programme.

The work programme was available at: [Scrutiny Work Programme - Democracy in Devon](#)

It was **MOVED** by Councillor Chesterton and **SECONDED** by Councillor Hodgson and **RESOLVED**:

(a) that rail companies be invited to attend the next meeting of this Committee to discuss future plans for ticket offices and staffing in Devon; and

(b) that the rail and bus companies be invited to attend an annual meeting/ provide an annual report, to give an opportunity for regular discussion and review.

* 126 **Moving Traffic Offences Spotlight Review - Progress on Recommendations**

Councillor Hughes, Cabinet Member attended in accordance with Standing Order 25(1) and spoke to this item, giving its one year update.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/64) on progress to date on Devon's application as one of a handful of local authorities in England applying to the Department for Transport (DfT) for powers to enforce Moving Traffic Offences (MTOs). MTOs were actions taken by drivers in direct violation of the rules of the road (e.g. driving through a no entry sign, making banned turns, entering a yellow box junction when the exit wasn't clear and driving on routes that were for buses and taxis only). The Council was considering ANPR (Automatic Number Plate Recognition) camera systems to be located at a number of locations around the county.

Public consultation closed 25 September 2023 and was to be reviewed before any application was made.

A further update was proposed following the provision of powers to the Authority and updating on progress on launching enforcement at the 8 sites identified in this Report.

Discussions and responses included:-

-This aimed to improve road safety, ease congestion and improve public services (e.g. by including driving in bus lanes as an MTO), as well as to be cost neutral, or marginally in deficit in accordance with national Guidance;

-MTOs were to be a last option, once Officers had reviewed highway restrictions in any given location. This was not about revenue generation;

-the Council was looking to procure cost effective and efficient technology to implement MTOs;

-Officers continued to work closely with the Police to best utilise the use of all types of highway cameras;

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Bullivant and **RESOLVED**:

that the Committee fully supports the Report and progress made on the recommendations from the Moving Traffic Offences Spotlight Review and the current position on the application to Department for Transport for Moving Traffic Enforcement powers and hopes that this can be developed swiftly, to enable other notable locations around the County with regular enforcement to be included.

(Councillor Roome requested that his abstention from voting be recorded).

* 127

Highways Performance Dashboard - Summer 2023

Councillor Hughes, Cabinet Member for Highways Management, attended in accordance with Standing Order 25(1) and spoke to this item.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/65). In response to the recommendations of the Planned & Reactive Maintenance: Potholes & Drainage Task Group presented to this Scrutiny Committee in March 2019 an updated Performance Dashboard Report had been produced, giving an overview of the performance of the Highways and Traffic Management Team over the summer period.

Discussion included:-

-Members acknowledged the ongoing highways underfunding due to the financial pressures on the Council as a whole and ways to manage the main highway network priorities and the issues for local roads;

-the extension of the successful 'Elastomac' trial to the end of October, a seasonal treatment only (see paragraph 2.2 of the Report);

-monitoring of any safety defects in work carried out;

-reduction of two gritters whilst maintaining the winter maintenance service;

Agenda Item 12.(q)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
28/09/23

- gully cleaning: reliability and currently behind schedule due to weather and flooding since May 2023;
- the costs and difficulties associated with contractors being unable to undertake planned work when impeded by parked cars;
- consistency of quality of work undertaken;
- success of cycleway surface trials;
- the issues for pedestrians including vulnerable groups, such as those with visual or mobility impairments, where there were no pavements through villages and a poor quality highway surface;
- public portal to report faults and how to improve mis-reportings (e.g. of pothole and flooding issues);
- welcoming the forthcoming Scrutiny visits to the materials lab on 11 and 18 October 2023.

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Trail and **RESOLVED**:

that Cabinet be requested to look at ways of ensuring contractors can undertake planned work and are not impeded by parked cars.

* 128 **Report of the Corporate Infrastructure and Regulatory Services Standing Overview Group: Climate Change**

The Committee received the Report of its Climate Change Standing Overview Group, which had considered the draft Devon, Cornwall and Isles of Scilly Climate Adaptation Strategy, available at [Adaptation Strategy – Climate Resilient Devon, Cornwall and Isles of Scilly \(climateresilient-dcios.org.uk\)](https://climateresilient-dcios.org.uk)

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Bullivant and **RESOLVED**:

that the Corporate Infrastructure and Regulatory Services Scrutiny Committee accepts this Report as an accurate record of the meeting and makes the following recommendations to Cabinet, namely that:

- (a) Cabinet be asked to write to Government to request more robust controls that developers must adhere to under the Future Homes Standard, in relation to the climate including: making solar panels mandatory for new builds on buildings which it is possible and appropriate to do so; and ensuring that new builds are required to put measures in place to reduce water usage below the Building Regulations Part G Optional Requirement of 110 litres per person per

day. This would be to reduce the need for new, strategic energy and water infrastructure;

(b) Cabinet be asked to further write to Government and to South West Water asking them to commit to working together to maintain existing infrastructure (particularly applying greater efforts for leakage reduction) before developing new water storage infrastructure and to prioritise these above the energy-intensive process of desalination; and

(c) Cabinet also encourages organisations responsible for strategic infrastructure to prioritise collaboration between one another to ensure that management decisions will not negatively affect the integrity or maintenance requirements of nearby or related infrastructure. This would be to ensure the implications of any such decision do not negatively impact community resilience to climate change, and that such decisions are taken in line with the Devon, Cornwall and Isles of Scilly Climate Adaption Strategy.

* 129 **Anaerobic Digestion Plant Visit, June 2023**

The Committee received the site visit report, which included key messages around processing, challenges, benefits to local businesses and conclusions as to the inexpensive benefits to the gas and energy grid and farmers, being environmentally friendly and completely renewable, providing clean energy and reducing the amount of landfill waste. The Chair welcomed the excellent and informative visit to the Plant.

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

The Meeting started at 10.30 am and finished at 1.40 pm

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

16 November 2023

Present:-

Councillors A Dewhirst (Chair), P Bullivant (Vice-Chair), M Asvachin, Y Atkinson, J Berry, J Brook, R Chesterton, J Hodgson, C Slade, R Radford, I Roome, J Trail BEM and J Wilton-Love

Apologies:-

Councillors P Crabb and M Squires

Members attending in accordance with Standing Order 25(1)

Councillors R Croad, A Davis, R Gilbert, S Hughes, A Saywell and P Twiss

* 130 **Minutes**

RESOLVED that the Minutes of the meeting held on 28 September 2023 be signed as a correct record.

* 131 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 132 **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Ms Spurr on a matter to be considered by the Committee that day, namely Treasury Management Mid-Year Report.

The Chair responded, thanking Ms Spurr for her attendance and presentations which would be taken into account by the Committee during its subsequent deliberations.

* 133 **Scrutiny Work Programme**

The Head of Scrutiny updated the Committee on the work programme, highlighting as follows:-

-29 November 2023: Standing Overview Group on Future Finance (update: date confirmed post Scrutiny Committee);

Agenda Item 12.(r)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
16/11/23

-25 January 2024 at 9.30am (earlier start time): Scrutiny Committee (Budget), followed by 2.15pm ordinary meeting; and

-18 April 2024:

Masterclass on Future Delivery Model for the Highway Maintenance Service.

<https://www.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>

* 134

In-year Service briefings

(a) Corporate Services

(Councillor Saywell attended under Standing Order 25(1)).

The Chief Executive reported the in-year position and the very challenging budget position for the next financial year and the work of the Senior Leadership Team on this, moving Children's Services out of "inadequate" by this time next year, positive engagement sessions with staff to help inform best value improvement and change and a review of governance.

The Director of Finance and Public Value reported on audit and accounting services and the national problem of getting statutory audits signed off. 2023/22 had now been signed off on an unqualified basis. Budget preparation had started very early this year with significant progress being made through a push by the whole organisation to find savings and meet best value. A standing overview group on future finance was set for the end of November/early December 2023.

The Director of Transformation and Business Services reported on a wide range of the directorate's work, including:- budget position and savings; important work on resilience against the increased threat from cyber security and the introduction of 24/7 security monitoring including DCC laptop replacement programme rollout commencing January 2024 as part of the security programme; increases in FOI and subject access requests, ongoing work in customer relations handling complaints across the organisation; property and facilities management progression of £10m capital receipts working with District Councils to repurpose buildings; business support's close working with children's services to reshape children's social care; and progress of the apprenticeship programme.

The Director of People and Culture reported on the wide range of strategic and operational work strands and current budget position, including:- engagement with apprentices, care leavers, 0-25 team, staff representatives; pressures regarding recruitment and retention particularly in areas such as social work; health and wellbeing hub; benefits platform; staff survey responses. The Chair suggested a masterclass on the Directorate's work in the future may help to pick up matters in a wider discussion.

The Director of Legal and Democratic Services drew attention to the success of the Registration service; proposed Coroner's merger to take on work in Torbay and Plymouth through a service level agreement; ongoing Governance review work; legal support for children and adult services and a move to reduce agency staff.

(b) Service Delivery for Climate Change, Environment and Transport

(Councillors S Hughes and A Davis attended under Standing Order 25(1)).

The Committee considered a Report of the Director of Climate Change, Environment and Transport (CET/23/83 on an in-year briefing on service delivery within Climate Change, Environment and Transport. This covered the Planning Team, Highways and Traffic Management (not previously reported via the Highways Dashboard), Infrastructure Development Infrastructure delivery; Waste Management, Transport Co-ordination, and the Environment Group. Discussion included development and viability of district heating networks and how this could be considered early in the planning process with District Councils; levelling up and the Exeter Active Travel Fund time constraints to deliver; flooding issues and climate change affecting highway and planning for new developments to wait for a full Report expected on this matter; waste reduction with 40% residual waste recyclable (a concerning 28% being unopened food) was a disappointingly high level and work was being targeted in areas with highest levels.

(c) Communities and Prosperity - Director of Public Health, Communities & Prosperity

(Councillor R Croad and R Gilbert attended under Standing Order 25(1)).

The Committee considered the Report of the Director of Public Health, Communities and Prosperity (PH/23/04) on the mid-year update with regard to Public Health and health protection, Communities, and Prosperity. The Public Health service had been covered by the Health and Adult Care Scrutiny Committee at its last meeting. The Paper in addition to public health covered Communities which included: Food and Fuel Insecurity, Migration and Resettlement Programme, Community Safety, and also Economy, Enterprise and Skills which included: Trading Standards, Future Farm Resilience Programme, Exeter Science Park, Devolution Pilot, Active Devon, Devon Libraries, Youth Service, Skills and Employment, Careers South West; and Learn Devon.

Discussion included:- support to voluntary youth groups providing a range of support services including counselling, complimenting the work of Devon's youth service; fuel and cost of living poverty; South Dartmoor example of integrated library services via post offices.

Agenda Item 12.(r)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
16/11/23

The Chair thanked the Officers for their Reports and discussion with Members, with consideration to be given to any future Directorate masterclasses (as appropriate).

* 135 Treasury Management Mid-Year Report

(Councillor Twiss attended in accordance with Standing Order 25(1)).

The Committee considered the Report of the Director of Finance and Public Value (DF/23/104), on the Council's treasury and debt management activities, long and short term borrowing, investment income and ongoing uncertainty around the impact current budget pressures. The resolution of SEN deficit issues was likely to be key in determining how the Council managed its external debt over the next year and beyond, with a Safety Valve Report expected to be presented to Cabinet in December prior to submission to the DfE. It was anticipated that Devon was now in a better position to be accepted onto the Safety Valve programme.

The Committee also considered the representations made under the Public Participation agenda item in respect of the Council's banking services contract with Barclays plc and Barclays' position in fossil fuel funding in particular. The Director of Finance and Public Value commented that this would be a standing agenda item in Devon's future 6 monthly regular contract review meetings with the bank, as well as to be considered at contract renewal stage. A question could also be posed at Barclays' AGM.

Members' discussion and comments included:- the borrowing strategy (section 4 of the Report), seeking to reduce its borrowing and borrowing interest rates and work to resolve the budget uncertainty of the SEN deficit and investment strategy (section 5 of the Report).

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Atkinson and **RESOLVED**

(a) that this Committee commend the Treasury Management Mid Year Report to Cabinet, commenting especially on the excellent work of the treasury management team in prudent financial management including achieving £4.86 million in the seven months to 31 October, in interest against a full year budget of £3.75 million; and

(b) that this Committee wishes the Cabinet and Executive team well with the ongoing negotiations with government over the high needs SEND block funding and anticipate a positive result in the new year.

* 136 Community Self-Delivery of Highway Improvements

Councillor Hughes, Cabinet Member for Highways Management attended in accordance with Standing Order 25(1) and spoke to this item.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/86) on a proposal to trial the self-delivery of minor improvement works to the highway network (e.g. 20mph speed limits or provision of footways) by Parish and Town Councils on behalf of their communities. This proposal would help address local requests that the County Council had been unable to carry out due to its limited resources, both financial and staffing. The emphasis was on enabling communities where they had the funds and ability to take on this commitment, but not a requirement to do so. The Report included a draft guidance document in Appendix 1 which was intended to help communities to understand what steps would be required such as the need for adequate consultation if a Traffic Regulation Order was required. The trial would act as a proof of concept, with the learning and feedback such as the level of officer support required, the ability to resolve legal issues, and Public Sector Equality Duty considerations used to inform the next steps.

It was proposed to take a Report to Cabinet's next meeting, following consideration by this Committee.

Discussion and Member comments included:-

- the need for a clear step by step checklist for parishes, to include links to the Association of Consultancy and Engineering (for competent practitioners) and a Bond calculator;

- policy to be clear and accessible, to include details such as responsibility, involvement of local County Councillors, requirements to seal Traffic Regulation Orders, quality assurance; adoption of schemes and maintenance costs;

- to establish the likely take up and how well this was to be received by communities;

- whether it would be more efficient for communities to pay DCC who had the expertise to do these types of schemes, but recognising there was a staffing capacity issue across Devon, local authorities and engineering consultants nationally, for traffic management knowledge together with how DCC could respond to the long term workstream;

- capacity/resources of smaller communities to be able to take on minor works projects and that collaborative, partnership working may be a suitable alternative for these communities;

- examples of experience where this type of scheme was currently being progressed within the county (small scale, ad-hoc basis);

- suggestion to start the trial on a small scale with simple, easier to deliver works, prior to any phased further expansion; and

Agenda Item 12.(r)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
16/11/23

-consideration of any further promotion communications.

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Atkinson and **RESOLVED**

(a) that the Committee support the proposed trial to enable communities to fund and self-deliver their own minor highway improvements in line with the guidance notes included in Appendix A; and

(b) that Town and Parish Councils be supported in self-delivery by having a checklist as part of the guidance supporting the community in carrying out these works; and

(c) that a Report be submitted to this Committee on progress and take up of the scheme from Town and Parish Councils.

* 137

Devon Electric Vehicle Charging Strategy

Councillor Davis, Cabinet Member for Climate Change, Environment and Transport attended in accordance with Standing Order 25(1) and spoke to this item.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/85) on the Strategy developed in close alignment with local, regional and national policy, including the Devon Carbon and Strategic Plan. It was to form part of a suite of documents supporting the emerging Local Transport Plan 4 on the future of transport in Devon. The Adoption of the Strategy (planned for January 2024) would put Devon County Council in a strong policy framework position to strategically spend an anticipated £7,067,000 of capital funding through the Local Electric Vehicle Infrastructure (LEVI) Fund and secure future funding.

The availability of suitable charging infrastructure remained a key barrier to the accelerated uptake of electric vehicles. Whilst the number of publicly accessible charging points was increasing rapidly, as more households without access to off-street parking purchase or lease electric vehicles, the demand for publicly accessible chargers would also grow.

The Strategy set out an evidence-based approach to rolling out charging infrastructure across the County and removing some of the barriers that were hindering the uptake of electric vehicles. It had received strong support including feedback on its aims and recommendations at public consultation.

Members discussion and comments included:-

-whether the Strategy had built on lessons learnt from the Rapid Charging Devon project;

-whether the national grid had capacity to accommodate the ambitions of the Strategy; and

-whether options to use streetlighting infrastructure for charging had been considered.

Officers provided assurances that these were covered in the Strategy.

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Asvachin and **RESOLVED**

that the Strategy, as set out in Appendix 1 to Report (CET/23/85) be supported and commended to Cabinet.

* 138

Bus Service Improvement Plan (BSIP) Grant, Update and In-Year Developments

Councillor Davis, Cabinet Member for Climate Change, Environment and Transport attended in accordance with Standing Order 25(1) and spoke to this item.

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/23/84) on the Government's National Bus Strategy on the future of local bus services, linked to the recovery of public transport after COVID19. Government aimed to increase the importance of local bus services as an integrated part of the transport network. Devon had been fortunate in securing BSIP funding achieved in part due to the recently established BUS Forums. BSIP was well aligned with a range of the Strategic Plan priorities.

The County Council has made an excellent start with the work on its BSIP delivering schemes with the £14.1million funding and formation of the Enhanced Partnership with Devon' bus companies. BSIP central government funding depended upon Local Authorities enhancing, not reducing services. In Devon more buses were being kept on the road and there were a number of improvements to bus shelter provision, real time information in Exeter and at key strategic Devon locations and signage.

This followed a period of significant challenge for the public transport sector following the COVID19 pandemic and the operational issues faced locally by Stagecoach during 2022.

The County Council's continued support for the network, together with Government funding allocations and the national £2 fare initiative, meant the existing network was largely maintained and improvements had started to be introduced where possible. Challenges remained, in particular the impact of high inflation, lower passenger numbers since the pandemic and congestion in urban areas, but a corner had been turned and local bus services continued to play an important part of the transport network in Devon.

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Asvachin and **RESOLVED**:

Agenda Item 12.(r)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
16/11/23

(a) that the progress towards delivering our Bus Service Improvement Plan (BSIP) through Department for Transport (DfT) grant be welcomed; and

(b) that a further update be submitted to this Committee in 12 months time.

* 139 **Equality, Diversity and Inclusion (EDI): Mid-year Update**

Councillor Croad, Cabinet Member for Public Health, Communities and Equality, attended in accordance with Standing Order 25(1) and spoke to this item.

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/23/22) on notable progress made over the last 12 months, resulting in the achievement of Bronze Trailblazer status for race equality awarded in July 2023.

The Chief Executive and the Senior Leadership Team were committed to ensuring that equality, diversity and inclusion was embedded into everything that the County Council did, developing SMART targets and effective data to enable us to measure our performance and develop even better practice.

Discussion included:-

-the role of the Equality Reference Group (including working with the voluntary sector and partners, critical friend) and the overarching role of the Equality Commission;

-review the equality action plan regarding meeting EDI legal requirements (e.g. disability impact assessment for highway schemes), noting the current impact assessments for committee reports;

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Slade and **RESOLVED**

(a) that the positive progress made, particularly achievement of Bronze Trailblazer status for race equality be welcomed and the EDI team be commended; and

(b) that equality, diversity and inclusion data is a key area for development for the Council, and integral to the development of the Performance Framework; and

(c) that the Director of Legal and Democratic Services review the equality action plan regarding meeting EDI legal requirements.

* 140 **Cost of Living Spotlight Review - Progress on Recommendations**

The Committee considered the Report of the Head of Communities (SC/23/6) Council's key priorities in its Strategic Plan 2021-2025 is to "tackle poverty and inequality" and the Annual Action Plan 2022-23.

This Report (SC/23/6) was an update on approved recommendations following Cabinet's consideration of a Spotlight Review Report (April 2023): [Agenda for Cabinet on Wednesday, 12th April, 2023, 10.30 am - Democracy in Devon](#)

Appendix 3 of the Report (SC/23/6) updated figures were:-
-At the end of October 2023: Just over £6m (£6,064,929.95) had been deployed from the Household Support Fund, with transactions to households of £46,582; and
-As of 10/11/23: Growing Communities Fund, £420,000 had been deployed to support 207 community groups and project initiatives.

The Head of Communities also highlighted the employee discount scheme and District Councils council tax discounts being introduced to care leavers.

It was **MOVED** by Councillor Dewhirst and **SECONDED** by Councillor Hodgson and **RESOLVED**

(a) that the update Report relating to the progress of the recommendations contained within the Cost of Living Spotlight Review Report (March 2023) be welcomed and the team who had driven and delivered this be commended; and

(b) that a further progress Report on the cost of living recommendations and subsequent developments be presented to this Committee in 12 months time.

* 141 **Future Meetings**

Please use link below for County Council Calendar of Meetings:

<http://democracy.devon.gov.uk/ieListMeetings.aspx?Committeeld=175>

* 142 **Head of Scrutiny**

The Chair and Members wished to place on record their appreciation of Camilla de Bernhardt Lane's work as Devon's Head of Scrutiny, in developing the Council's scrutiny role during her long service. Members wished Camilla every success in her future national scrutiny role at the Centre for Governance and Scrutiny.

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

The Meeting started at 10.30 am and finished at 2.15 pm

