

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 3 January 2017
Please ask for : Rob Hooper, 01392 382300

Email: rob.hooper@devon.gov.uk
:

CABINET

Wednesday, 11th January, 2017

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

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 14 December 2016 (previously circulated).

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

4 Chairman's Announcements

5 Petitions

6 Question(s) from Members of the Council

FRAMEWORK DECISION

None

KEY DECISIONS

7 Target Budget (Minute 115/14 December 2016) (Pages 1 - 2)

Report of the County Treasurer (CT/17/1) on the impact of the Provisional Local Government Settlement for forthcoming year on the preparation of the 2017/18 budget and re-affirmation of service expenditure targets, attached.

[NB: As in previous years and as part of the detailed budget preparation exercise that follows the setting of target budgets, the Cabinet and Council will also have regard to appropriate assessments of the impact of the budget on services and be mindful of any legislative and equality considerations; such assessments will be made available to relevant Scrutiny Committees to be taken into account as part of their deliberations and in order that all Members shall have regard to the requirements placed upon the Council to exercise its Public Sector Equality Duty under s149 of the Equality Act 2010, before making any decisions. The 2017/18 Budget Impact Assessment will be available, alongside any specific impact assessments undertaken as part of the budget's preparation, at:

<https://new.devon.gov.uk/impact/published/budget-setting-201718/>]

Electoral Divisions(s): All Divisions

8 Children's Services: Re-procurement of Services (Pages 3 - 6)

Joint Report of the Chief Officer for Communities, Public Health, Environment and Prosperity and the Chief Officer for Children's Services (CS/17/6) on the process for a procurement exercise for new contract/arrangements for commissioning of children's services, attached.

Electoral Divisions(s): All Divisions

9 Schools Funding 2017/18: Dedicated Schools Grant and High Needs (Pages 7 - 10)

Joint Report of the County Treasurer and Chief Officer for Children's Services (CT/17/7) on the proposed transfer funding between elements of the Dedicated Schools Grant, attached.

Electoral Divisions(s): All Divisions

10 Budget Monitoring 2016/17 (Pages 11 - 14)

Report of the County Treasurer (CT/17/6) monitoring budgetary provision at Month 8, attached.

Electoral Divisions(s): All Divisions

11 Environmental Policies and Action Plans (Minute 104(c)/9 November 2016 and County Council Minute 71/8 December 2016) (Pages 15 - 34)

Report of the Head of Planning, Transportation & Environment (PTE/17/2) on proposed revisions to the Councils Environmental Policies and related Action Plans relating to waste, procurement and countryside and heritage issues arising from the Council's determination of a Notice of Motion on this matter previously submitted by Councillor Wright, attached

Electoral Divisions(s): All Divisions

MATTERS REFERRED

12 Notice of Motion - Pensions 'Triple Lock' (County Council Minute 75/8 December 2016)

The following Notice of Motion submitted to the County Council by Councillor Greenslade has been referred to the Cabinet for consideration, reference to another committee or to make a recommendation back to the Council, in accordance with Standing Order 8(2).

'That the County Council considers the implications for Devon Pensioners and the county economy arising from the refusal by the Chancellor to commit to the "triple lock" for state pensions beyond 2020 in his Autumn Statement; accordingly the Corporate Services Scrutiny Committee be asked to consider this situation and recommend any lobbying action that should be taken.'

Notwithstanding State Pensions are the responsibility of Government and the ability of any Council to directly influence the impact of Pensions administration is limited, the County Council has previously considered and taken a view on the impact of changes upon individuals or categories of pensioners residing in Devon. While neither the County Council nor the Cabinet would normally direct a Scrutiny Committee to look at a particular issue the Cabinet may wish to invite the Corporate Services Scrutiny Committee to examine the matters outlined in the Notice of Motion and comment thereon, as is its prerogative.

[NB: All Members of the Council have been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the state pension provision]

13 North Devon Locality (County) Committee : Flood Risk Management

The North Devon Locality (County) Committee on 20 December 2016 (Minute 2) received a presentation by the Head of Highways, Infrastructure Development & Waste (PTE/16/67) on the role of the County Council as the Lead Local Flood Authority and the functions of the different organisations involved with flood risk management and efforts to ensure that legal and policy requirements were correctly applied and resolved '(a) ...that this Committee express its concern at the time taken for any meaningful impacts to reduce the flooding risks in North Devon'.

Recommendation that the views of the Locality Committee be noted and taken into account in the development of future work programmes.

STANDING ITEMS

14 Question(s) from Members of the Public

15 Delegated Action/Urgent Matters (Pages 35 - 36)

The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A summary of such decisions taken since the last meeting is attached.

16 Forward Plan

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at: <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1>]

- 17 Learning Development Joint Venture Partnership (Minute *435/11 January 2012) (Pages 37 - 40)

Report of the Head of Education & Learning ([EL/17/2](#)) on the process for and letting of a new contract consequent upon the expiration of existing arrangements in 2019, attached.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

- 18 Exclusion of the Press and Public

Recommendation: 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 namely, the financial or business affairs of the preferred bidder or tenderers for the provision or supply of council goods or services, and of 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 outweighs the public interest in disclosing the information.

- 19 Learning Development Joint Venture Partnership: Award of Contract Extension

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof]

Report of the Head of Education & Learning ([EL/17/4](#)) on the financial considerations relating to the award of this contract, attached.

PART I - OPEN COMMITTEE

- 20 Devon Independent Living Integrated Service: Outcome of Tenders and Award of Contract (Pages 41 - 44)

Report of the Head of Adult Commissioning & Health ([ACH/17/57](#)) on the outcome of a recent tendering exercise undertaken, in conjunction with New Devon and Torbay & South Devon Clinical Commissioning Groups, for the Devon Independent Living Integrated Service (DILIS) for the provision of Community Equipment, Assistive Technology and Minor Adaptations, as well as information, advice and signposting services, attached.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

- 21 Exclusion of the Press and Public

Recommendation: 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 namely, the financial or business affairs of the preferred bidder or tenderers for the provision or supply of council goods or services, and of 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 outweighs the public interest in disclosing the information.

[An item to be considered by the Cabinet in accordance with the Cabinet Procedure Rules and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, no representations having been received to such consideration taking place under Regulation 5(5) thereof]

Report of the Head of Adult Commissioning & Health ([ACH/17/58](#)), attached.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

<i>Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website at http://www.devon.gov.uk/cma.htm</i>
<i>Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.</i>
<i>Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.</i>

Membership
Councillors J Hart (Chairman), B Parsons, S Barker, R Croad, A Davis, A Leadbetter, J McInnes, J Clatworthy and S Hughes
Cabinet Member Remits
Councillors Hart (Policy & Corporate), Barker (Adult Social Care & Health Services), Clatworthy (Resources & Asset Management), Croad (Community & Environmental Services), Davis (Improving Health & Wellbeing), S Hughes (Highway Management & Flood Prevention), Leadbetter (Economy, Growth and Cabinet Liaison for Exeter), McInnes (Children, Schools & Skills) and Parsons (Performance & Engagement)
Declaration of Interests
Members are reminded that they 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.
Access to Information
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Rob Hooper on 01392 382300. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website.
Webcasting, Recording or Reporting of Meetings and Proceedings
The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/
In addition, 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 Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations,

please contact the Officer identified above.

Questions to the Cabinet / Public Participation

A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.

Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. For further information please contact Mr Hooper on 01392 382300 or look at our website at: <http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/>

Emergencies

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.

Mobile Phones

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

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

CT/17/1
Cabinet
11th January 2017

Budget 2017/18 Report of the County Treasurer

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

Recommendations: that:

- (i) the content of the Provisional Settlement be noted;
- (ii) the revenue spending targets for 2017/18 approved at the December Cabinet meeting remain unchanged.

Introduction

1. On 15th December 2016, the Secretary of State for the Department for Communities and Local Government, Rt. Hon. Sajid Javid MP, made a statement to Parliament on the Provisional Local Government Finance Settlement for 2017/18. The main items of note are set out below.

The Provisional Local Government Finance Settlement 2017/18

2. The 2016/17 local government finance settlement announced Core Spending Power figures for the period 2016/17 to 2019/20. The main changes to these allocations are set out below:
 - 2.1. In 2016/17, the Social Care Precept on Council Tax was set at 2% per annum for the period 2016/17 to 2019/20 inclusive. The terms of this precept have now been changed for the period 2017/18 to 2019/20. Local Authorities will now be able to increase the Social Care Precept by up to 3% per annum in 2017/18 and 2018/19. However, authorities that go ahead with the 3% increase in both years will not be able to make a further increase in 2019/20 (i.e. the total allowable increase over the three year period remains at 6%).
 - 2.2. The 2017/18 New Homes Bonus allocations and details of the consultation on the future of the scheme have been announced (previously these figures were indicative). The number of years the scheme will be based upon, currently six years, will reduce to five years in 2017/18 and four years from 2018/19 onwards. The scheme will now also only reward growth in homes above 0.4% per annum, currently all growth is rewarded. These changes have reduced the County Council's expected New Homes Bonus allocation by £709,000. The majority of New Homes Bonus, 80%, is retained by the District Councils and the impact of this change is therefore felt more keenly by them. The Devon Districts have between them seen their funding reduced by £2.95 millions in 2017/18.
 - 2.3. The changes to the New Homes Bonus Scheme have allowed the Government to remove £241m from the 2017/18 scheme. This saving has been used to create the new Adult Social Care Support Grant. This funding is being distributed based on the relative needs formula and is for 2017/18 only. The County Council will receive £3.592 millions.

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- 2.4. As the Adult Social Care Support Grant is for 2017/18 only and the increased freedoms relating to the Social Care Precept being a matter of timing only there is no change to funding levels from these two changes in 2019/20.
- 2.5. Within the Business Rates Retention system the Top Up element has been amended to reflect the 2017 revaluation. For the County Council this amounts to an additional £74,000 in 2017/18; this is not a gain however, as the local element of Business Rates is expected to reduce by this amount. The other elements of Core Funding are as expected.
3. The provisional settlement has confirmed that the Council Tax increase that will trigger a referendum, excluding the Social Care Precept, will remain at 2% for 2017/18.
4. The 2017/18 Public Health grant has been confirmed at £28.238 millions in line with expectations.
5. Notification of the Dedicated Schools Grant and some other smaller grants has not yet been received.

2017/18 Targets

6. The Cabinet meeting of 14th December approved the revenue spending targets for 2017/18. As the provisional settlement is no worse than anticipated the targets set at that meeting can remain unchanged.

Mary Davis
County Treasurer

Electoral Divisions: All
Cabinet Member: Councillor John Clatworthy
Local Government Act 1972: List of Background Papers
Provisional Settlement 2017/18
Contact for enquiries:
Angie Sinclair
Tel. No. 01392 380711

Children's Services: Re-procurement of Services

Joint Report of the Chief Officer for Community, Public Health, Environment and Prosperity and the Chief Officer for Children's Services

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.

Recommendation: that Cabinet approves a six-week consultation on three options for children's services provision following the end of the current five-year contract on 31st March 2018, and receives a further paper at its meeting on 8 March 2017 to decide on the preferred option for the County Council.

1. Context

1.1 This paper describes the current contractual arrangements for Integrated Children's Services with Virgin Care Limited, and explains why Cabinet is requested to approve a consultation on options prior to decision-making in March.

1.2 While it is not anticipated that there will be any substantive change in service provision as a result of any of these options, the nature of the commissioning arrangements will be changing after 31st March 2018 as a result of the expiry of the current contract with Virgin Care Limited. Following advice from the Council's legal team, Cabinet is advised to undertake a consultation on the options prior to coming to a decision. The commissioning partners are committed to continue their strong working arrangements both as a commissioning partnership for children, young people and families, and strategically as part of the Devon Children, Young People and Families Alliance.

2. Background

2.1 In April 2013, Devon County Council and NHS Devon (Devon Primary Care Trust) entered into a 3+1+1 year (five year maximum) contract for the delivery of integrated children's services with Virgin Care Limited via a pooled budget arrangement. The services are currently commissioned from this pooled budget with Northern, Eastern and Western Devon Clinical Commissioning Group acting on behalf of the commissioning partners as the Co-ordinating Commissioner.

2.2 The intention of the commissioners at that time was to bring together three main elements of existing services for children:

- Public Health Nursing services and the mandated National Child Measurement Programme (health visitors and school nurses)
- Specialist Child and Adolescent Mental Health services (CAMHS)
- Specialist Children with Additional Needs services (for those with complex needs such as physical and learning disability)

2.3 On 1st April 2013, there were significant structural changes to the public sector which meant that the original two-partner commissioning arrangement became much more complex. NHS commissioning then became the responsibility of three commissioning partners – NHS England, Northern, Eastern and Western Devon Clinical Commissioning Group (NEW Devon CCG) and South Devon and Torbay Clinical Commissioning Group. Devon County Council became two commissioning partners: People Social Care Commissioning and Public Health Devon, following the transfer of public health responsibilities to the local authority on 1st April 2013. In summary, from 1st April 2013, the original commissioning arrangement had increased from two to five commissioners. A further change occurred on 1st October 2015 when, nationally, the responsibility and budget for commissioning 0-5 years Public Health Nursing transferred from NHS England to local authority public health teams.

2.4 The pooled budget has a total value of almost £35 million per annum and the five-year contract with Virgin Care Limited is from 1st April 2013 to 31st March 2018. The contract ends at this point and because it has already been extended twice, it cannot be extended again under national regulations.

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2.5 In terms of Devon County Council's current financial contribution to the pooled budget:

- Social Care currently invests approximately £3.5 million in specialist children's services.
- Public Health Devon is the sole investor of approximately £11.9 million in 0-19 Public Health Nursing services.

2.6 Public Health Devon's investment is from the Public Health Grant, which is for the delivery of Public Health England's national specification for a 0-19 service and is currently subject to a mandate (via a statutory instrument) for the five universal checks between 0 and 5 years of age. The service forms part of the Director of Public Health's responsibilities made under section 6C of the NHS 2006 Act, inserted by section 18 of the 2012 Act. This funding currently represents 41% of the total ring-fenced Public Health Grant for 2016-17 from Public Health England.

2.7 NHS England has advised that for its two areas of commissioning responsibility, childhood immunisations and the Child Health Information System (CHIS), it will be making alternative arrangements from 1st April 2018.

2.8 As part of the public health transition arrangements set out by the Government, Child Health Information Systems are planned to become a local authority public health responsibility from 2020.

2.9 It should be noted that the Government's intention in transferring the responsibility for Public Health Nursing services to the local authority as part of the public health transition arrangements was to ensure that local authorities were able to better align their social and health care responsibilities for children, young people and families and to ensure that all children have the best start in life.

3. Pre-Procurement process

3.1 The process of pre-procurement formally commenced in June 2016. An independent chair was appointed and employed by South Devon and Torbay Clinical Commissioning Group (on behalf of NEW Devon Clinical Commissioning Group as the lead commissioner and the other three commissioning partners) to establish and chair a Pre-Procurement Board, the aim of which was to clarify intentions, begin collating the necessary finance and contractual data and, based on this, produce a set of recommendations on the approach to procurement. A market engagement event was held at Finlake on 17th November 2016 which was well attended by a range of stakeholders.

3.2 At its meeting on 7th December, the Pre-Procurement Board considered the position of each of the partners in relation to the procurement. It was recognised that further work was required by the two Clinical Commissioning Groups in relation to elements of the contract.

3.3 The Clinical Commissioning Groups, working with the other commissioning partners across the wider Devon footprint, intend to set out their strategic ambition for the system and how the procurement will enable this to be achieved. Over the next 6 months of the Sustainability and Transformation Plan (STP) process, priorities relating to children's services, alignment with the STP Acute Hospital Services Review and mental health programmes will be developed, alongside the reconfiguration of the Children's Partnership arrangements in Devon. An integrated children's delivery plan will then be developed to provide the strategic context for the re-procurement.

3.4 The Clinical Commissioning Groups have therefore proposed awarding a one-year interim contract to allow further work to be completed that will inform the procurement of a longer-term agreement that would commence on 1st April 2019.

3.5 DCC Procurement has confirmed that Public Health Devon is still able to meet the original timeline for the procurement of 0-19 Public Health Nursing Services due to its state of readiness. As per the original timeline, NHS England will also be consulting on its services and will re-procure to enable the new services to be in place from 1st April 2018. Recommendations will be made to Cabinet on the investment from Devon County Council's Children's Services at the Cabinet meeting on 15th March.

4. Options for 0-19 Public Health Nursing

4.1 Following discussion at the Pre-Procurement Board, three options have presented themselves:

1. To negotiate a 12 month interim contract for the provision of children's services to allow for a full procurement with a contract start date of 1st April 2019 and which incorporates 0-19 Public Health Nursing Services.
2. To proceed with the independent procurement of 0-19 Public Health Nursing services.

3. To transfer the 0-19 Public Health Nursing Service to Devon County Council from 1st April 2018, under the management of the Director of Public Health as the statutory Director, until such time as strategic discussions on the configuration of children's services have been completed and a decision made on future commissioning/provision arrangements.

4.2 Subject to Cabinet approval, a six-week consultation would be undertaken from 12th January 2017 to 22nd February 2017, with further consideration and a decision on the preferred option by Cabinet on 15th March 2017.

5. Legal Considerations

Legal advice is that a consultation on the options is required at this stage prior to Cabinet making a decision.

6. Risk Management Considerations

A risk assessment has been carried out of each of the three options.

7. Options/Alternatives

Included within this paper.

8. Public Health Impact

The Joint Health and Wellbeing Strategy is a relevant document, drawing together priorities from the Joint Strategic Needs Assessment. This report and the related documents emphasise the need for children to have the best start in life and that this can have an impact on a young person and adult's later health and wellbeing and thus this relates directly to other important health, social care and wellbeing outcomes such as mental health and health inequalities, as well as the detection and prevention of child safeguarding risks and reducing the risk of children going in to statutory care proceedings, both of which are the cause of significant costs to local authority social care and can have a life-long negative impact on children as they grow up. The prime purpose of the Public Health Grant is to ensure the delivery of the mandated elements of the grant as described in the statutory instrument, and the expectation of local authorities to deliver year-on-year improvements in the health of children and young people through the delivery of an effective 0-19 Public Health Nursing service.

Dr Virginia Pearson
CHIEF OFFICER FOR COMMUNITIES, PUBLIC HEALTH,
ENVIRONMENT AND PROSPERITY

Jo Olsson
CHIEF OFFICER FOR CHILDREN'S
SERVICES

Electoral Divisions: All

Cabinet Member for Health and Wellbeing: Councillor Andrea Davis
Cabinet Member for Children's Services: Councillor James McInnes

Local Government Act 1972: List of Background Papers

Contact for enquiries:

Dr Virginia Pearson
Room No 142, County Hall, Topsham Road, Exeter. EX2 4QD
Tel No: (01392) 386374

Background Papers

Future Service Delivery Models – Risk Identification and Assessment Template for 0-19 Public Health Nursing Services

Children's Services: Re-procurement - Equality impact assessment for 0-19 Public Health Nursing Services

Public Health England and the Association of Directors of Public Health. Guidance on the ring-fenced public health grant conditions and mandated functions in England. Public Health England 2016; Gateway number 2016-253.

DEDICATED SCHOOLS GRANT and HIGH NEEDS

Joint Report of the County Treasurer and Chief Officer for Children's Services

1. RECOMMENDATIONS

- 1.1. That Cabinet approve the transfer of £2.22 millions funding from Individual Schools Budgets to the High Needs budget. This being a reduction in the Age Weighted Pupil Unit (AWPU) of £33. (See section 4 of the report)**
- 1.2. That Cabinet note the expected need to take a proposal to the Devon Education Forum to carry forward an overspend in High Needs into the 2017/18 financial year.**

2. BACKGROUND

- 2.1. High Needs expenditure is part of the ring fenced Dedicated Schools Grant (DSG). The rules relating to decision making by the Council and the Devon Education Forum (DEF) in connection with DSG can be complex.
- 2.2. In recent years expenditure on High Needs has been growing rapidly in Devon by £8millions, from £53 millions in 2014 to a forecast £61 millions in 2017/18. A number of other low funded authorities are also experiencing significant pressures on High Needs budgets.
- 2.3. Funding has been added to High Needs as well as continuing actions to restrain and control expenditure. The most recent significant increase was in 2015/16 when Fairer Schools Funding arrangements increased Devon's allocations by £16 millions. Of this £1 million went to increase High Needs and £1 million to Early Years, with approximately £14 millions being allocated to Individual Schools budgets.
- 2.4. In recent months a significant forecast overspending on High Needs has emerged. At the time of writing, the most recent information indicates the forecast outturn position to be £4.3 millions overspent.
- 2.5. Earlier in October a consultation with Devon schools was held in which they were asked if they agreed in principle to transfer funding of up to £4.5 millions from the Schools Block in 2017/18 allocations, to meet the expected level of expenditure in High Needs. Of the 66 schools which responded to this question 50 schools (76%), opposed the transfer. When the transfer was discussed at DEF on 19th October, opposition to the transfer was unanimous.

3. ONGOING WORK

- 3.1. Officers have worked closely with schools representatives via the Schools Finance Group (a sub group of DEF) to seek solutions to the dilemmas posed by increasing High Needs spending. This has been so for many years, and early this financial year, when a significant overspend seemed likely, officers and head teacher representatives met several times to plan what reductions in spending could be made. The efforts to contain and reduce spending continue. At the same time, we need to predict what additional funding may be expected this year and next year.

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- 3.2. High Needs spending is difficult to control as it depends on individual decisions about the support needs of children in mainstream schools, as well as placement costs for children in special schools, whether LA maintained, or independent. Where children must be placed in independent schools, the cost depends on the needs of the child and negotiation as to the rate we pay. There is also a system of independent appeal, which means that the Council may end up having to pay more than it thought necessary to meet those needs. Any forecast must therefore be treated with caution.
- 3.3. Officers and head teachers have continued to work together through the autumn, focussed on the need to lobby Devon MPs in order to persuade Government to allocate more funding for Devon education overall. Clearly, if Devon were not underfunded per pupil relative to the national average, the decisions we are faced with would be far easier, and as stated earlier, pressure on High Needs is a national issue, partly due to Government decisions.
 - 3.3.1. A one page draft letter template has been supplied to assist schools in lobbying MPs. Devon Schools Associations have forwarded a version of this to all schools, encouraging participation in the lobbying effort
 - 3.3.2. We have also initiated discussions with Somerset and Cornwall, who were in agreement to jointly lobby South West MPs. We have supplied copies of our briefing notes and template letters.
 - 3.3.3. This recent work builds on work over many years to press for fairer funding for Devon schools.

4. TRANSFER OF FUNDING FROM THE INDIVIDUAL SCHOOLS BLOCK TO THE HIGH NEEDS BLOCK

- 4.1. At the time of writing, using the latest information available, it is expected that High Needs will be overspent at outturn for 2016/17 by around £4.3 millions.
- 4.2. On the 20th December 2016 the Education Funding Agency (EFA) announced the Schools Funding allocations for 2017/18. This shows that overall Devon have been funded slightly better than anticipated. This essentially means that the following additional funding of £3.6 millions can be targeted to the High Needs Block.
 - 4.2.1. The High Needs block has increase by £1.514 millions (£514,000 more than anticipated).
 - 4.2.2. Funding over and above the assumed requirements for the central provision and other miscellaneous areas of £296,000.
 - 4.2.3. The National Funding Formula (NFF) for Early Years is seeking to achieve the same basis of funding for all local authorities and therefore made general assumptions around funding. Devon was already advanced towards the NFF. This has resulted in additional funding within the Early Years block of £767,000 which is not required by the service.
 - 4.2.4. Additional funding of £1 million has been received within the Schools Block. This funding, when allocated based on our local formula, is over and above growth and inflation. Therefore, it is proposed to allocate this funding to the High Needs Block.
- 4.3. When further plans to contain spending are taken into account our forecasts indicate that a permanent injection of £2.22 millions is needed in the 2017/18 budget to bring the expected deficit down to zero by outturn 2018/19 – i.e. to pay back the expected carried forward overspend over the next 2 years.
- 4.4. This is lower than the limit figure of “up to £4.5 million” proposed to DEF. Although careful note will certainly be taken of schools views on the matter the allocations of budget are ultimately a matter for the Council to decide.
- 4.5. In earlier papers to DEF and to schools, the figure of £4.5 millions transfer was translated to a reduction of £55 in the Age Weighted Pupil Unit (AWPU). The transfer of £2.22 millions translates to £33 reduction in AWPU.

- 4.6. It should be noted that in its national funding formula consultation (due for implementation in 2018/19), Government propose that there would in future be no transfers between blocks (such as Schools and High Needs). However, a small degree of local flexibility would remain.
- 4.6.1. If it does proceed then it will mean that the transfer discussed above will be the last.
 - 4.6.2. It is very hard to know what the risks of future High Needs funding will be, as this will depend upon how funding is allocated by government firstly at National level between High Needs, Early Years, Central Provision and Individual Schools Budgets and then how it is distributed to local authorities.
 - 4.6.3. It is unclear, due to the delay, how baselining of expenditure will work in fixing the blocks of spending, if the proposal proceeds

5. CARRY FORWARD OF OVERSPEND FROM 2016/17 OUTTURN

- 5.1. The above figures assume the overspend projected at the end of this year, 2016/17, will be carried forward into next year, 2017/18.
- 5.2. The carry forward of a deficit in the Central Expenditure element of DSG can be proposed by the Local Authority but is decided by the Schools Forum (DEF). If it is not approved it can be adjudicated by the Secretary of State.
- 5.2.1. If approval were declined by both, the balance would have to be taken in the Council's revenue outturn position. If this were to happen it is very likely that the Council would have little option but to offset all underspends in the Central Provision to reduce the overall net deficit carried forward.
 - 5.2.2. This would leave problems in next year's Growth Fund that would have to be resolved in next year and future years as well.
 - 5.2.3. In previous years, a decision by DEF has not been needed as the Central Expenditure element has been in overall surplus.
- 5.3. Carry forward decisions would not normally be dealt with until much later, but in this instance, a proposal will be taken to DEF at its meeting on 15th March, by early March the outturn position will be far more certain than at present

6. CONCLUSIONS

- 6.1. Although section 4.2 outlines the additional funding elements received as part of the DSG Settlement, the funding is not sufficient to cover the level of service now being required within the High Needs Block.
- 6.2. At the time of writing this report, due to the late receipt of the DSG Settlement, the detailed work is still ongoing. Therefore, Cabinet will be updated with any material changes to the level of funding transfer required. Any change during the year to the forecasts or assumptions contained within this report will be considered during 2017/18 with reference to Schools.
- 6.3. The County Council will continue to actively engage with the Devon Education Forum to ensure funding is appropriately distributed and targeted to achieve the best educational outcome for all children across all ages and levels of need.

Agenda Item 9

COUNTY TREASURER

CHIEF OFFICER for CHILDREN'S SERVICES

Electoral Divisions: All

Cabinet Member: Councillor John Clatworthy and Councillor James McInnes

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Dawn Stabb and Nicky Allen

Tel No: (01392) 383000

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
Impact Assessment		

CT/17/06
Cabinet
11 January 2017

BUDGET MONITORING 2016/17 Report of the County Treasurer

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.

Recommendation: that the position based on Month 8 is noted and Cabinet considers whether further actions are taken across the County Council to balance the budget pressures identified within Services.

1. Introduction

1.1 This report outlines the financial position and forecast for the Authority at month 8 of the financial year.

2. Revenue Expenditure People Services

2.1 The current forecast for People indicates an overspend of £8.786 millions, an increased overspend of £1.786 millions on the last reported forecast.

2.2 The forecast overspend in respect of Adult Social Care has worsened by £1.158 millions to £6.358 millions. As reported previously, the overspend is the result of increased residential and nursing costs across all clients groups and numbers of care packages being above budgeted levels. Budgeted numbers of packages across the areas of older people, the physically and learning disabled were 9,838 compared with actual numbers at month 8 of 10,422, an increase of 584. Learning Disability services is currently showing the most significant increase in packages with an increase above budgeted numbers of 330 at month 8, an increase of 53 on month 6.

2.3 Within Children's Social Work and Child Protection the overspend from month 6 has increased by £242,000 to £1.342 millions. The increase in month 8 relates to the non achievement of savings strategies identified for the year.

2.4 Education and Learning are currently overspending by £1.086 millions an increase of £321,000 since month 6. School transport continues to be of concern with increases in costs across the range of services including route costs of both home to school and home to college, and personalised transport.

2.5 It is important to note that £5.1 millions of management action savings remain to be delivered to achieve the overall overspend forecast. This represents an area of high risk. In addition, the current forecast includes a one-off benefit of £6.4 millions due to the delay in transfer of business to the Living Well at Home contract.

2.6 Of the savings strategies identified in the current year budget, which totalled £20.3 millions across People, £13 millions is forecast to be achieved by year end, a shortfall of £7.3 millions. However, other management action plans have been brought forward in seeking to contain and bring down the overspending, so that for the year as a whole, Adult Care and Health is forecast to achieve total savings of £18.9 millions and Children's Services, savings of £1.7 millions.

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3. Revenue Expenditure Place Services

- 3.1 Place Services position for month 8 has improved to a forecast underspend of £434,000 at year-end, a favourable movement of £989,000.
- 3.2 The majority of the movement relates to an underspend of £874,000 within Waste on the Energy from Waste (EfW) Plants. Data has now been received from the South West Devon Waste Partnership which shows a significant underspend of £730,000 on the Plymouth EfW Plant. Overall tonnages and transfer fees are below the original forecast. The Exeter EfW is showing an underspend of £245,000 relating to income from substitute waste and a one off underspend on insurance premiums. These underspends have been partially offset by an overspend on disposal and various other small movements of £101,000.
- 3.3 Services for Communities overspend is forecast to increase slightly by £5,000 to £118,000. This relates to marginal reduction in the level of savings to be achieved in respect of staff costs.
- 3.4 Planning, Transportation & Environment overspend has reduced to £120,000, a reduction of £131,000. This movement relates to an increase in income from inspections fees generated during the year.
- 3.5 The Service specific outturn forecasts in respect of Highways & Traffic Management (overspend of £102,000) and Economy & Enterprise (overspend of £100,000) remain as forecast at month 6.
- 3.6 Savings plans put in place at the start of the financial year of £9.5m have predominately been achieved as planned. A small amount totalling £387,000 has yet to be achieved but this is considered to be low risk.

4. Revenue Expenditure Corporate Services and Other Items

- 4.1 Corporate Services are now forecasting an underspend of £238,000 compare to a balanced position at month 6. Savings plans put in place for the year of £4.3 millions have achieved £3.7 millions to date. The remaining amount outstanding is considered reasonably low risk.
- 4.2 Business Strategy and Support are forecasting an underspend of £142,000. In the main this relates to additional energy savings of £92,000 in respect of new contracts across DCC buildings. There are other various smaller movements which contribute to the remaining underspend.
- 4.3 Human resources are showing an underspend of £69,000 due to staff turnover savings, with Legal Services indicating a minor underspend of £27,000 mainly relating to income from registration.
- 4.4 As a result of the above, the overall Service overspend is forecast at £8.1 millions, being £600,000 more than the month 6 forecast. If New Burdens Resilience budget is applied, the overspend will be reduced to £1.1 millions.

5. Capital Expenditure

- 5.1 The approved capital planning level for the Council is £164.3 millions. Spending incurred to month 8 totalled £74.6 millions and the year-end forecast is £146.5 millions, resulting in slippage of £17.8 millions. Those schemes providing the main areas of slippage include Marsh Barton Station, Roundswell Phase 2, the North Devon Hub and Dartington C of E Primary School.

6. Debt Over 3 Months Old

- 6.1 Corporate debt stood at £2.59 million, being 1.5% of the annual value of invoices and below the annual target of 1.9%. This has increased slightly since the last report and it is anticipated that year-end debt will remain well below the annual target.

7. Proposed Actions and Conclusion

- 7.1 The overall forecast revenue overspending has worsened from month 6 by £600,000. Despite the efforts being made by Services, the projected overspending continues to increase and the time to contain or reverse this by the year end is running out. When the Month 6 budget monitoring report was discussed at Cabinet in November reference was made to cross Council actions that could be implemented to offset the projected overspending. Given the worsening financial forecast it has been decided that from 1st January 2017 recruitment to vacant posts be restricted to those that are 'business critical'. Recruitment to a vacant post will only be considered where not filling that post would lead to a *significant* risk to the Council fulfilling its statutory responsibilities, or to effective budgetary control. In addition, with the exception of front line social work posts, the engagement of any consultant, interim staff or agency staff will require the personal authorisation of the Chief Executive, and will only be considered in exceptional circumstances.

Mary Davis, County Treasurer

Phil Norrey, Chief Executive

Electoral Divisions: All

Cabinet Member: Councillor John Clatworthy

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Mary Davis

Tel No: (01392) 383310 Room: 199

Background Paper Date File Ref:

Nil

PTE/17/2

Cabinet
11 January 2017

Environmental Policies

Report of the Head of Planning, Transportation and Environment, as Chair of the Environmental Performance Board ("the Board")

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.

Recommendation: It is recommended that Cabinet:

- (a) adopts the attached suite of three new environmental policies relating to waste, procurement and countryside and heritage issues;**
- (b) notes the content of the countryside and heritage action plan that responds to Councillor Wright's Notice of Motion as referred to Cabinet on 9 November 2016.**

1. Summary

This report presents three new environmental policies and summarises the content of their action plans that will enable the Authority to continue to enhance its environmental performance and deliver its over-arching Environmental Policy (Appendix 1).

2. Background

Following the focus of the Environment Project Board on energy issues, which resulted in the Energy Policy and Action Plan adopted by Cabinet in October 2015, the Board has undertaken gap analyses to develop detailed policies and action plans to improve performance across three further components of the Environmental Policy; Waste produced by the Authority's activity (not local authority collected waste), Procurement and Countryside and Heritage.

3. Proposal

The Corporate Waste Management Policy (Appendix 2) documents the Authority's intention to continue engaging all staff to reduce, reuse, recycle and compost. A significant part of the action plan is to work with Norse FM to improve data about how much waste is produced and how it is managed.

The Sustainable Environmental Procurement Policy (Appendix 3) renews the authority's commitment to ensuring environmental risks and opportunities are considered at the outset of procurement activity. The action plan majors on raising awareness of this commitment at all levels of the organisation and re-launching the sustainable procurement impact assessment tool.

The Countryside and Heritage Policy (Appendix 4) looks to enhance the Authority's project appraisal processes to improve outcomes for environmental issues (such as wildlife, landscape and historic assets), reduce legislative and reputational risk for the authority and demonstrate community leadership on significant issues such as ash dieback. The action plan's focus is on enhancing specific processes by making appropriate data and expertise

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available at key points to influence a project's design in a positive, collaborative fashion between project managers and environmental specialists. In preparing this document, particular consideration has been given to the Notice of Motion from Councillor Wright, endorsed at the recent meeting of the County Council, which highlights the ongoing issues facing our natural environment; its content shows how this authority will take additional action to help in tackling relevant issues. The action plan is included in Appendix 4.

These policies and the action plans have been developed and endorsed by the Board (comprised of the Head of Planning, Transportation and Environment, the Head of Digital Transformation and Business Support, the Environment Manager and the Cabinet Member for Community and Environmental Services), which will monitor the delivery of the Action Plans on a quarterly basis and ensure the policies remain relevant to the Authority's activities.

4. Financial Considerations

The issues and opportunities raised within these policies and action plans are not new to the Authority – indeed Devon County Council has a reputation for leading on many environmental issues. The route forward in the action plans, on the whole, is for improvement of already 'good' performance that does not require new resources at this stage. None of the actions require new financial allocations and will be delivered using existing resources.

Through better consideration of its use of resources and more consistent identification of environmental and legislative risks the Authority will be in a better position to avoid unexpected costs from rising commodity prices and potential fines.

5. Environmental and Equality Considerations

Where relevant to the decision the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding. taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective. In progressing the suite of environmental policies, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available alongside this Report on the Council's website at: <https://new.devon.gov.uk/impact/environmental-policies-and-action-plans/>, which Members will need to consider for the purposes of this item.

The suite of environmental policies will have no negative effects on equality considerations. The policies have been designed with the objective of improving environmental outcomes. This will have a subsequent flow of benefits for health and wellbeing of the whole population and help maintain the flow of natural resources into the local economy.

6. Risk Management Considerations

The policies and action plans have been developed in response to the issue of the global need to improve environmental quality, not least for its intrinsic value, but also for the environment's fundamental role in providing elements vital for life, such as clean air and water, productive soil to provide food and other resources, and recreational and cultural experiences that improve our health, enrich our wellbeing and support our economy.

These policies and action plans will further reduce the likelihood of the Authority finding itself in breach of environmental legislation.

7. Alternatives

The alternative is not to adopt the revised policies and action plans that have been developed following analyses of current practice in comparison to the objectives of the over-arching Environmental Policy.

9. Reason for Recommendation

Adopting the policies and action plans will contribute to delivering the Environmental Policy, will enable the Authority to demonstrate vital community leadership on environmental best practice, and will provide improved measures for managing legislative compliance and insulating the Authority from rising commodity prices.

Appendices

1. Devon County Council's over-arching Environmental Policy
2. Corporate Waste Management Policy
3. Sustainable Environmental Procurement Policy
4. Countryside and Heritage Policy and Action Plan

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: All

Cabinet Member for Environment and Community Services: Councillor Roger Croad

Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson

Local Government Act 1972: List of Background Papers

Contact for enquiries: Doug Eltham

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
1. Impact Assessment	December 2016	https://new.devon.gov.uk/impact/environmental-policies-and-action-plans/

Devon County Council's Environmental Policy

May 2011

We are reliant on the natural environment. It controls air and water quality, regulates global climate, circulates vital nutrients to enable the provision of food, fuel and pharmaceutical resources. Partnered with historical and cultural offerings it provides recreation and tourism experiences that are beneficial for our health and well-being and economic prosperity.

Devon County Council recognises its responsibility to minimise the impact of its own operations on the environment and acknowledges the contribution it can make to protecting and enhancing Devon's distinctive natural, historic and cultural surroundings whilst being sensitive to economic and social considerations. Minimising the use of resources will help protect the authority from future increases in energy and utility prices.

Devon County Council will...

Embedding & Educating

Consistently consider the environmental implications and opportunities of policies, projects, decisions and working practices.

Encourage environmental best practice among employees, Members and school communities.

Community Leadership

Set an example by continually seeking to improve the authority's environmental performance.

Help improve communities' environmental awareness and encourage individuals to take responsibility for their actions.

Procurement

Ensure the environmental impact of goods and services is considered within its procurement decisions.

Work with suppliers, contractors and tenants to lessen the environmental impacts of their operations.

Transport & Travel

Help employees, Members and school communities minimise the environmental impact of commuting.

Reduce the need for fleet, work and school related travel and minimise the environmental impact of that which is necessary.

Water & Sewage

Monitor, manage and reduce its use of fresh water by cutting demand and improving efficiency in existing and new buildings.

Ensure sewage disposal occurs through appropriate mechanisms.

Environmental Risk

Meet the requirements of relevant legislation.

Suitably store, use and dispose of hazardous materials.

Ensure its services are resilient to extreme weather and a changing climate.

Countryside & Heritage

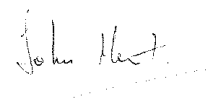
Promote the conservation and enhancement of biodiversity, landscape, built environment, maritime, cultural and historic interests through its estate and activities and through its work with others.

Energy

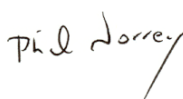
Reduce its demand for energy, improve energy efficiency and utilise renewable energy technologies where appropriate in existing and new assets.

Waste

Minimise waste and make the best use of resources by encouraging employees, Members and suppliers to reduce, reuse, recycle and compost.



Cllr. John Hart
Leader of the County Council



Phil Norrey
Chief Executive



Devon County Council Corporate Waste Strategy

STATEMENT OF COMMITMENT

Devon County Council's Environmental Policy states that Devon County Council will:-

Minimise waste and make the best use of resources by encouraging employees, Members and suppliers to reduce, reuse, recycle and compost.

May 2011

PURPOSE

The purpose of this document is:-

- To set out the Authority's strategy and its associated, policies and action plans, in relation to waste generated by the Authority's activities as a result of both statutory and discretionary services provided directly or indirectly through its contractors to the communities of Devon.
- To implement the Environmental Policy commitment

GLOBAL CONTEXT & DRIVERS FOR CHANGE

Resource Consumption

The waste created as a result of activities in Devon and by the Authority is part of a global economy, and with a rising population and standards of living, there is an increasing demand for the world's finite resources. In the UK our current lifestyle consumes resources 3.5 times faster than the environment can replenish them; we need to consume less and reuse and recycle more.

Historically in the UK and in Devon waste has been disposed of in landfill sites, the use of which prevents the resource from being used again and in the case of organic waste contributes to climate change. However, over the past 20 years the waste industry has transformed to meet the growing need for more sustainable solutions. For many years the Waste Hierarchy (Figure 1) has been, and still is, a founding principle for sustainable waste management. However there has been a significant shift in thinking towards adopting a more Circular Economy (Figure 2) in recent years.

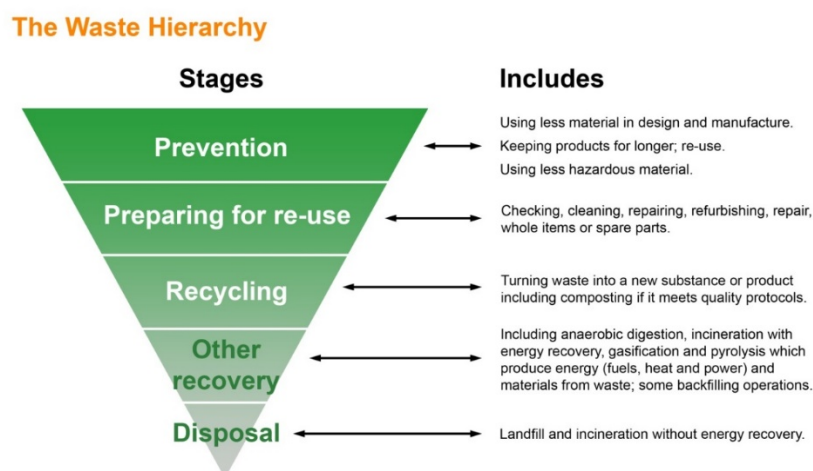


Figure 1

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A circular economy is an alternative to the traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them while in use, then recover and regenerate products and materials at the end of each service life¹.



Figure 2¹

The model of a Circular Economy reflects how waste is increasingly seen as a valuable resource and how more organisations are taking steps to recover value from the materials that were previously viewed as just waste. This has in turn led to improvements in efficiency which can save money and help to reduce our impact on the natural environment.

As a leading community organisation, the Authority has an important role to promote sustainable waste and resource management, not only through the services it provides to residents of Devon, but in the way it manages its own waste.

Managing Cost

Reductions in Government funding have required the Authority to make significant changes to how it operates and resulted in the disposal of assets, a reduction in staff, and increased commissioning of services. Despite all these changes, the Authority remains a strong influence and needs to actively promote and demonstrate good practice in relation to sustainable waste and resource management, working with its staff, delivery partners and the public.

Managing waste at higher levels of the waste hierarchy will often reduce costs in comparison to landfilling and purchasing new resources.

AIMS

The overarching aims of this strategy, applicable to its entire scope, are to:

- ensure awareness of and full compliance with all relevant waste-related regulations
- record waste arisings data where appropriate
- use arisings data to manage waste and resources in the most cost-effective and sustainable manner and strive for improvement
- keep under review opportunities for waste resources to generate income or energy

¹ WRAP website February 2016

- provide guidance to all staff involved in waste and resource management
- provide staff based in DCC corporate buildings with access to recycling facilities where practicable
- ensure new and refurbished buildings have access to recycling facilities and that space for receptacles are integrated into the design
- ensure staff have suitable guidance and systems in place to facilitate the reuse of furniture and equipment within the authority and with partner organisations.
- encourage the Authority's staff and its contractors to purchase materials from recycled or sustainable sources where practicable.
- try to ensure waste and resource management is a material consideration in the commissioning and procurement of goods and services where relevant.
- investigate and adopt where appropriate new and innovative waste and resource management approaches and technologies.

SCOPE

Due to the diverse nature of the Authority's responsibilities, this document briefly summarises 6 strategic elements and sign posts to further documentation where appropriate.

The 6 strategic elements are:-

1. Local Authority Collected Waste

The County Council, as a Waste Disposal Authority (WDA) is responsible for the treatment and disposal of Local Authority Collected Waste collected by the District Councils which incorporates domestic and offensive (low level clinical waste) from households, waste collected from some commercial sources, street sweepings, litter and fly tipping. In addition it provides a network of Recycling Centres where members of the public can deposit their bulky household waste.

How this waste is dealt with is detailed in 'The Waste and Resource Management Strategy for Devon. This document can be found at:-

http://www.devon.gov.uk/dcc_waste_strategy_review.pdf.

Current waste performance data can be found in the Waste chapter of the Devon and Torbay State of Environment at <http://www.naturaldevon.org.uk/state-of-environment/>

The County Council is also the Waste Planning Authority and as such has been responsible for publishing the Waste Local Plan. This is a land use planning document identifying where suitable sites for waste and resource management facilities might be located. This document can be found at <https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>

2. Corporate Estate (Property)

Recycling

Recycling of white office paper was first introduced at County Hall in 1996 with ad hoc arrangements in some other buildings. In 2004 the current multi material recycling system was trialled as part of the Recycle@work campaign and formal targets were set in 2006. By March 2010 75% (5,191) of staff had access to recycling facilities, in 41% (141) of the County Council's properties across Devon.

Against a backdrop of significant changes to the corporate estate, figures are now (2015) estimated at:-

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- Percentage of DCC building (non school) with recycling facilities:- 58.7%
- Percentage of staff (non school) with access to recycling facilities: 90.1%

Contractual arrangements for the collection of waste and recycling from properties is arranged at a local level by the Facilities Management staff. Consideration needs to be given to the cost benefits of a corporate contract, however it would be wise to delay this until after the current contraction of buildings is complete and new facility management arrangements for all buildings are finalised.

Reuse

Over the past 2 years staff at Devon County Council have recorded over £125,000 in avoided procurement and disposal costs and saved 22 tonnes of waste by using a web based system called WARPIt. The scheme has the potential to be used more widely across the Authority by more staff and will continue to record the significant savings that efficient use of resources can have.

3. Land Management

The Authority is responsible for a significant amount of land and the following outlines briefly what the current arrangements for waste management are.

County Farms

NPS South West Ltd manages the County Farms Estate of 3,894 hectares (Dec 2015)). The Estate currently comprises 69 fully equipped residential Dairy and Mixed Livestock farms categorised into Starter and Progression Units ranging from 37 to 301 acres. Strategic, policy and operational management decisions are considered by its own Committee, but how waste is managed is the responsibility of each tenant, however specific guidance on sewage sludge, slurry and silage management is provided to farms located within Nitrate Vulnerable Zones.

Grounds Maintenance

Devon County Council has contracts with a number of contractors for the grounds maintenance of sites such as schools and other DCC establishments. The majority of waste materials created as a result of normal operations by grounds maintenance is left on site e.g.: grass cuttings. However the Authority's tree framework contract does generate arisings that have to be removed from site and the contractor is expected to comply with all relevant legislation and the guidance provided within their contractual agreement with the Authority.

Highway Verges

Under the terms of the current highways term maintenance contract:-

- Vegetable material is left in situ to rot down. Tree and shrub cuttings are taken to tip as green waste for composting.
- Arisings from edge ploughing of the road are distributed on verges local to the works
- Arisings from gullies are deemed to be contaminated waste and after desiccation (to reduce hauled mass) are taken to licenced waste management site
- Road planings are reutilised wherever possible or sold on by the contractor as a secondary aggregate for use by private individuals.

Public Rights of Way (PROW) Maintenance

As the Highway Authority for Devon, the County Council is responsible for 3,200 miles (4,960km) of public rights of way. A significant amount of the materials created from works is organic in nature and dealt with in situ. However, where waste material does need to leave site, then the contractor is expected to comply with all relevant legislation and the guidance provided within the contractual agreement.

Country Parks (Stover and Grand Western Canal)

Devon County Council has responsibility for two Country parks; The Grand Western Canal and Stover Country Park. Both sites deal with organic waste in situ and have recycling facilities in place for materials generated from their buildings. Residual waste is dealt with via appropriate waste collection services.

4. Schools

The Authority does not have direct control over how a school manages its waste. Due to the increasingly complex nature of school funding and waste management the Authority can only offer advice and support to schools rather than direct intervention.

Schools Waste Education

The Devon Waste Education programme offers support to all schools in Devon. Educating children is an essential part of Devon's long term Waste & Resource Management Strategy, aiming to achieving a more sustainable future, with an increasing emphasis on waste minimisation, resource management and greater awareness of the issues surrounding consumerism. In addition it is a very effective way of encouraging both the schools and parents to manage their waste in a more sustainable manner. The Authority renewed its commitment to the Waste Education Programme in 2012 by retendering the Waste Educators Contract for a further 3 years with and by extending it by a further 2 years. The Waste Education Strategy can be found at:-

http://www.devon.gov.uk/waste_education_strategy_2014_-_17.pdf

Building of new schools

Devon has a statutory responsibility to ensure that every child in Devon has a school place and to increase opportunities for parental choice. The changes in the Government's approach to education provision in recent years has resulted in a change to the Local Authority's statutory role from provider of school places to commissioner of school places.

When new school buildings are built, Site Waste Management Plans (SWMPs) are considered a best practise tool which encourages designers to estimate the volumes of waste generated and to consider how this could be reduced through the design and construction process. The regulations also required contractors to record the amount and types of waste produced during the construction process and ensure as far as reasonably practicable that the waste produced was reused, recycled or recovered. The 2008 Site Waste Management Plan (SWMP) regulations were repealed by government in 2013. The Built Environment Team (BET) recognising the benefits of SWMPs and the repealed regulations and continue to adopt SWMPs and associated requirements by way of contractual conditions for schemes over £300k. For schemes under £300k contractors are required to adopt the same ethos but without the requirements to record the volumes of waste generated.'

Through initiatives such as 'Class Space', (a DCC standardised classroom design developed in part to minimise waste). The use of co-ordinated dimensions and products ensures that site material wastage is minimised and site process efficiency is maximised. Although

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projects are not ordinarily designed to BREEAM standards, BET briefs require designers to adopt the ethos used in Class Space as an alternative standard to BREEAM.

5. Engineering Design Group

The Authority is responsible for a wide variety of engineering projects across the County, and, as with the building of new schools, the Engineering and Design Group gave consideration to the costs and associated benefits of SWMPs and decided to continue with them as a best practise tool for schemes over £300k. They also require contractors to adopt the same ethos for smaller schemes.

6. Procurement and Commissioned Services

The Authority has developed a Procurement Sustainability Matrix which includes sustainable waste management as one of its elements. The tool is designed to help identify the potential sustainability issues associated with the product or service that is being purchased or commissioned. It is used at the outset of a procurement activity so that staff can incorporate the outcomes into the specification. All procurement activity over £10,000 must make use of this tool but lower value activity can benefit from using the tool too.

CONCLUSION

Devon County Council is a large authority going through a period of significant change. Managing its waste and resources in a more sustainable manner is an important step, not only for the environment, but as a tool to aid the Authority in becoming more efficient and cost effective in its everyday operations.

The majority of the Authority's waste appears to be being managed well, however there is a need to improve and update the way the corporate estate manages and monitors its waste and for guidance to be provide to staff with responsibilities for activities/services that generate waste.

ACCOUNTABILITY AND REVIEW

The Environmental Performance Board is responsible to the Corporate Leadership Team and the Community and Environmental Services Cabinet Member for ensuring that the objectives of this strategy are met. It will review progress on a quarterly basis and will publish an annual Environmental Performance Statement that will include a Waste & Resource performance report. It will also regularly review and update this strategy to ensure it remains consistent with and relevant to the Authority's vision and targets.

The Head of Business Strategy and Support is accountable for leading and reporting on the implementation of the Devon County Council Corporate Waste Strategy on behalf of the Authority with responsibility for project delivery with the relevant Head of Service.

APPLICABILITY

It is fully recognised that everyone in the organisation should be responsible for their own actions with respect to sustainable waste management. Accordingly staff, Members and contractors are expected to support the Authority's objectives and to cooperate actively in achieving them. In order to facilitate this process, this document will be shared with all tiers of the Authority's management structure and across all service areas.

ADOPTION

This document was adopted by Cabinet on xxxx

Devon County Council Environmental Sustainable Procurement Policy 2016 – 2020

Devon County Council will ensure the environmental impact of goods and services is considered within its procurement decisions and work with suppliers, contractors and tenants to lessen the environmental impacts of their operations.

DCC Environmental Policy

Aim

The Council will consider its impacts within sourcing strategies, specification, evaluation and contract management in acquiring goods and services that not only meet users' needs and deliver long term value for money, but at the same time maximise social and economic benefits and minimise damage to the environment and health.

1. Introduction:

The purpose of this environmental sustainable procurement policy is to set out a methodology for procurement activity within Devon County Council (DCC) to consider opportunities for sustainable environmental improvement.

This policy is to be read in conjunction with other DCC policy documents and is to be applied in compliance with organisational values.

This policy aims to show the “journey” for addressing sustainability. It is to be noted that it is a live document and is subject to corporate governance.

This policy encourages activities to:

- Reduce waste, optimise value and minimise environmental impacts
- Build supply chain resilience
- Improve delivery efficiencies, ensuring continuity of supply.

2. Objectives and Commitments:

The objectives of this policy are as follows:

2.1 Sustainable environmental practices will be considered for all aspects of contracting activity.

2.2 Developing staff understanding of what sustainable procurement is and engage them in delivering it

Agenda Item 11

2.3 Sustainable environmental practices will be promoted through the following routes:

- 2.3.1 Continue supporting and fostering sustainability champions within Procurement to embed sustainable behaviours by making a commitment to make sustainability relevant to everyday activities and contracted service provisions.
- 2.3.2 Empowering decision makers to opt for sustainable procurement as good practice
- 2.3.3 Educating and encouraging suppliers and service providers to use sustainable methods of service delivery with the aim of motivating suppliers to offer more sustainable products and services.
- 2.3.4 Include sustainable requirements that maximises social and economic benefits and minimises damage to the environment and health within sourcing specifications where relevant to the subject matter, practical proportionate.

2.4 Assessment of sustainable Procurement practices will be carried out with a view to:

- 2.4.1 Measuring the environmental risks and their impacts on the organisation through Application of the sustainability impact assessment and corporate impact assessment tools.
- 2.4.2 Refer any benefits or issues identified during sustainability assessment to the Environmental Group for review / comment.
- 2.4.3 Striving for continuous improvement through contract monitoring and management
- 2.4.4 Challenging sustainability targets with commissioners and measuring progress in current and future activity

2.5 Commissioners will be encouraged to:

- 2.5.1 Ensure procurement costs take into account whole life costing including disposal
- 2.5.2 Ensure that suppliers' environmental credentials are, as far as legally practicable, considered in the suppliers appraisal process
- 2.5.3 Ensure that (where appropriate), environmental performance is used in the awarding of contracts
- 2.5.4 Explore opportunities for the reduction, reuse and recycling of materials as appropriate and the reduction of waste
- 2.5.5 Ensure that appropriate consideration is given to the costs and benefits of environmentally preferable products and service alternatives.
- 2.5.6 Identify risk and opportunities in the supply chain of products supplied to DCC and work with the supply chain to mitigate or utilise as appropriate
- 2.5.7 Work for a reduction of waste to improve resource use efficiency
- 2.5.8 Promote and encourage the use of new technology where it has sustainable benefits or other benefits to DCC.
- 2.5.9 Encourage the utilisation of recognised sustainable product accreditation

2.6 To work with the wider environment by:

- 2.6.1 Working in partnership with others in the community to promote environmental and ethical standards.

- 2.6.2 Considering the contribution we make to local communities when carrying out procurement activities.

3. Monitoring and Review:

In order to ensure this policy remains effective, it will be reviewed on an Annual basis to ensure that:

- 3.1 The policy is adopted and reviewed by management at the appropriate level.
- 3.2 Any environmental and sustainable procurement targets will be included within the overall Objectives and targets as set by members.
- 3.3 The policy's outcomes link back to its objectives.

4. Guidance

Sustainable procurement in government: Guidance to the flexible framework:

<https://www.gov.uk/government/publications/sustainable-procurement-in-government-guidance-to-the-flexible-framework>

Green Public Procurement:

http://ec.europa.eu/environment/gpp/index_en.htm

4.1 Case Studies:

There are a number of sustainability case studies here:

<http://www.wrap.org.uk/content/sustainable-procurement>

http://www.actionsustainability.com/resources/case_studies.aspx

<https://www.sustainablepurchasing.org/library/>

4.2 Other resources:

WRAP: <http://www.wrap.org.uk/content/sustainable-procurement>

Procurement Policy Note 14/15: supporting apprenticeships and skills through public procurement:

<https://www.gov.uk/government/publications/procurement-policy-note-1415-supporting-apprenticeships-and-skills-through-public-procurement>

Procurement Policy Note 06/15: sustainable skills development through major projects:

<https://www.gov.uk/government/publications/procurement-policy-note-0615-sustainable-skills-development-through-major-projects>

Devon County Council Countryside & Heritage Policy

STATEMENT OF COMMITMENT

“Devon County Council will promote the conservation and enhancement of biodiversity, landscape, built environment, maritime, cultural and historic interests through its estate and activities and through its work with others.”

DCC Environmental Policy

PURPOSE OF THIS POLICY

- Add substance to the Environmental Policy statement of commitment
- Provide a framework to develop action plans and monitor performance,
- Fulfil Devon County Council's (DCC) statutory duties to have regard to natural and cultural environment issues thereby minimising legal, financial and reputational risk.

VISION

DCC will have a 'net positive impact' on countryside and heritage interests so that the environment is left in a better state than it was found.

KEY AIM

All DCC activities will incorporate countryside and heritage considerations into decision making on a proportionate basis and implement appropriate mitigation and enhancement actions to deliver multiple environmental benefits and improved outcomes for DCC's services.

SCOPE

The policy is applicable to all activity undertaken by DCC (the Authority) directly or through its partnership arrangements, contractors or commissioned services that have potential to significantly enhance or harm countryside and heritage interests, such as:

Wildlife and geology

Historic, archaeological and cultural assets

Flood and coastal risk

Landscape, including the built environment.

Air (inc. noise), water and soil

DCC as a Developer

The Authority is responsible for the design, construction and management of various built assets in the county, including highways, bridges, waste management facilities, flood defence structures and buildings such as office premises, depots and local authority maintained schools.

DCC as an Asset Manager

Asset management responsibilities include maintenance of roadside verges, public rights of way, hedges and trees; letting of County Farms; buildings' grounds maintenance; and management of Country Parks and other countryside sites. School grounds maintenance is

the responsibility of individual schools and is therefore not included in the scope of this policy.

DCC as a Regulator and Policy Maker

DCC develops and implements a wide range of statutory and non-statutory policies, plans and guidance and implements regulatory processes which directly affect elements of countryside and heritage. Examples include DCC's role as a waste and minerals planning authority, AONB Management Plans and providing Land Drainage Consent.

DCC as a Facilitator and Enabler

DCC coordinates, supports and funds a range of environmental partnerships which seek to protect, enhance and promote the understanding of countryside and heritage assets and encourage sustainable access and recreation.

DCC as a Provider of Knowledge and Expertise

DCC maintains and provides access to environmental data and offers specialist environmental expertise to help develop and influence policy, strategy, sustainable development and good business practice which promotes positive environmental management and resilience.

DCC as a Service Provider

Purchasing and commissioning services, undertaking business travel, managing its own waste and material resources and consuming water and energy can affect countryside and heritage. Furthermore, DCC's services can take advantage of Devon's outstanding countryside and heritage to get improved value and outcomes for people and places.

OBJECTIVES

- Raise awareness amongst all staff of:
 - The importance of countryside and heritage assets for everyone's health, wellbeing and economic prosperity.
 - How DCC's activity can negatively and positively affect countryside and heritage quality.
- Support staff responsible for the design, construction and maintenance of built assets and those responsible for land management in considering countryside and heritage within decision making.
- Ensure the design of DCC's plans and regulatory systems safeguards and enhances countryside and heritage interests.
- To ensure relevant countryside and heritage elements and associated benefits are considered within the commissioning and procurement of goods and services where applicable.
- Work with a variety of partnership arrangements to deliver this policy.
- Facilitate enhanced understanding of, and access to, the county's rich and varied countryside and heritage to help communities reduce their environmental effects.
- To ensure awareness of and full compliance with all relevant countryside and heritage legislation, policy and guidance.
- Maintain and provide access to environmental data systems and provide specialist environmental expertise to support decision making and the delivery of this set of objectives.
- Test new valuation methodologies to help understand the true value of the wider benefits provided by countryside and heritage assets. Where appropriate, enable DCC services to use these benefits positively in service delivery.

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ACCOUNTABILITY AND REVIEW

The Environmental Performance Board is responsible to the Corporate Leadership Team and the Community and Environmental Services Cabinet Member for ensuring that the objectives of this policy are met. It will review progress on a quarterly basis and will publish an annual Environmental Performance Statement that will include a Countryside and Heritage report. It will also regularly review and update this policy to ensure it remains consistent with and relevant to the Authority's vision and targets.

The Head of Planning, Transportation and Environment is accountable for leading and reporting on the implementation of the Countryside and Heritage Policy on behalf of the Authority with responsibility for project delivery with the relevant Head of Service.

ADOPTION

This Countryside & Heritage Policy was adopted by Cabinet in ~~XXXXXX~~ 20XX.

Countryside and Heritage Action Plan

For the purpose of conciseness the findings of the gap analysis between the Authority's current Countryside and Heritage practices and best practice is not described in this report. Below is the list of actions arising from the gap analysis.

No.	Task	Who	When	Resource
2.0a	Implement the actions within the DCC Pollinators' Action Plan.	Various	2016-2021	The majority of actions will have no new financial implications. Opportunities for external funding for improved management of roadside verges are being explored.
DCC as a Developer				
2.1a	Update the Environmental Appraisal process and extend its use to all development activity (in a manner commensurate with the scale of the task), not just highways schemes, and ensure it is used early in the project development cycle. Begin the roll-out with the Engineering and Design Group.	Environment Group and Engineering Design Group	Development is ongoing. Staff induction on new tool expected early 2017/18 for highways schemes.	Within existing staff resource
2.1b	Provide, mapped environmental data to fit engineers' and designers' needs, having piloted in autumn 2016.	Environment Group	February 2017	
2.1c	Ensure the CEMP production process is fully integrated into the Environmental Appraisal tool so that it receives input from the Environment Group.	Environment Group, Engineering and Design Group	See 2.1a	See 2.1a
2.1d	Implement a proportionate monitoring system for permitted development highways schemes.	Environment Group and Transportation	November 2017	Within existing staff resource
DCC as an Asset Manager				
2.2a	Develop a system for Highways Task Orders to receive a proportionate Environmental Appraisal.	Environment Group and Highways Management	November 2017	Within existing staff resource

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2.2b	Provide mapped environmental data to fit Highways Locality Officers' requirements			
2.2c	Prepare a Heritage Partnership for listed bridges within the southwest ADEPT area.	EDG Bridges and Structures	Already started. Ongoing.	Within existing staff and budget resource
2.2d	Integrate wildlife guidance into the information pack for Community Road Wardens and the Self-Help Scheme in order to help communities manage verges for wildlife	Env Group and Highways Management	November 2016	Within existing staff resource
2.2e	Pilot community engagement in managing verges for wildlife through the North Devon Biosphere HLF Project.	Env Group and Highways Management and Community Groups	Nov 2016 for three years	HLF funding
2.2f	Provide mapped environmental data to fit PRow Wardens' requirements	Environment Group and PRow Service	November 2017	Within existing staff resource
2.2g	Enhance the environmental checklist used for PRow maintenance works to ensure a proportionate Environmental Appraisal occurs			
2.2h	Provide mapped TPO data within all Devon districts and publicise to relevant DCC service areas and external partners	Environment Group	TBC - Dependent upon the involvement of district authorities that hold this data.	
2.2i	Support the delivery of the Devon Ash Dieback Action Plan, including the development of an ash replacement scheme for implementation by DCC and other Forum members.	Devon Tree Board	Replacement scheme established by April 2018.	Existing staff resource, plus MTFs requirement for DCC response to dying ash trees.
2.2j	Review the process of preparing and implementing County Farm Re-Letting Reports to ensure the advice and information provided is appropriate and proportionate to the individual holding.	Environment Group	April 2017	Within existing staff resource
2.2k	Work to bring all scheduled monuments within the County Farm Estate into positive management, through the County Farm re-letting reports.	Environment Group and NPS	Ongoing	Within existing staff resource

2.2l	Prepare County Hall management plan and Heritage Partnership	Environment Group and Property Services	By April 2018	Within existing staff and budget resource
2.2m	If the Heritage Lottery funding is successful (to be announced December 2016), deliver the master plan from January 2017 – August 2021.	Public Rights of Way	From January 2017	Existing staff resource and new Heritage Lottery funding
DCC as a Regulator and Policy Maker				
2.3a	Implement an enhanced environmental monitoring system for all development.	Development Management and Environment Group	April 2017	Within existing staff resource
2.3b	Revise and relaunch the environmental section of DCC's Impact Assessment Tool and develop monitoring arrangements.	Environment Group, Organisational Change	September 2017	
2.3c	Review the Land Drainage Consent process to ensure compliance with statutory environmental requirements.	Environment Group	September 2017	
DCC as a Facilitator and Enabler				
2.4a	Facilitate the development of the Devon Invasive Species Initiative with Natural Devon partners	Environment Group with Natural Devon Partners	Spring 2017	Within existing staff resource
DCC as a Provider of Knowledge and Expertise				
2.5a	Refine, publicise and promote Environmental Data Online	Environment Group	April 2017	Within existing staff resource
2.5b	Provide an annual update to the Devon and Torbay State of Environment and publicise it widely	Environment Group	Annually	
DCC as a Service Provider				
2.6a	Environment Group to be invited to comment on procurement specification where the Sustainability Impact Tool identifies potential significant effects.	Procurement	By April 2017	Within existing staff resource
2.6b	DCC will pilot an approach to valuing the true worth of natural and cultural assets in part of its estate.	Environment Group, Property, NPS	By April 2018	Within existing staff and budget resources

SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING		
Cabinet Remit/Officer	Matter for Decision	Effective Date
Resources & Asset Management	Approval to the site of Brookhayes, Pinhoe, Exeter being declared surplus to requirements	15 December 2016
	Approval to the Moretonhampstead Highways depot being declared surplus to requirements	22 December 2016
Highway Management and Flood Prevention	Approval to the installation by Highways England of an Average Speed Camera System on the northbound A380 carriageway	22 December 2016
Children, Schools & Skills	Approval to restructuring of Devon's Children's Services Governance and the development of an associated Children's Services delivery plan	3 January 2017

The Registers of Decisions will be available for inspection at meetings of the Cabinet or, at any other time, in the Democratic Services & Scrutiny Secretariat, during normal office hours. Contact details shown above.

In line with the Openness of Local Government Bodies Regulations 2014, details of Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

CS/17/02
Cabinet
11 January 2017

Education: Learning Development Joint Venture Partnership

Report of the Head of Education and Learning

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.

Recommendation: that the option for a three year extension, within the Devon County Council and Babcock LDP contract, be approved.

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#### 1. **Background/Introduction**

In 2012 Devon County Council entered into a Joint Venture Partnership with Babcock LDP. Through this Partnership, Devon County Council commissioned all of its school improvement, learner support, safeguarding, education psychology and school attendance service. The original contract was taken for 7 years with the option to extend for a further 3 years. The time has now arrived for the three year option to be considered.

#### 2. **Main Text/Proposal**

Education and learning would like to propose that the option within the contract for the three year extension is approved. The case for this is provided below:

- **Inbuilt flexibility.** The basis of the contract has inbuilt flexibility for the LA with agreed reduction of the LA financial commitment over time staged over the time of the contract, with annual determination of KPIs and in the ability to adapt at short notice within year to challenges of national policy and local concerns related to vulnerable and disadvantaged groups. Low risk financial reduction.
- **Provides a high performing quality service** – a key feature of the contract is that it is focused on the outcomes for children and this means the provider can be held to account for their impact rather than the council pre-determining activity. Within the current contract the KPIs have been delivered to a consistently high level this is particularly notable around school improvement where 93.5% of children are in an Ofsted rated good or better schools and pupil attainment measures mean that Devon has been recognised as a high performing local authority. Similar success is evident in relation to Closing the Gap for vulnerable groups, supporting the work of Missing Monday, the Virtual School and Children in Care and particularly around safeguarding.
- **Delivers an effective and responsive working relationship.** One of the strengths of the contract is the effective working relationship between LA staff and Babcock LDP, which enables swift action to be taken where concerns around providers or children arise. Responsiveness is effective from senior management through to front facing staff. Babcock teams significantly contributed to the recent SEND Peer review and the improvement in LA Ofsted rating.

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- **Allows LA to benefit from innovation and sharing of good practice.** The broader partnerships within the Babcock contract and their work in supporting other LAs of Surrey and Worcestershire, their work with federations, academy trusts, schools and other LAs beyond Devon's borders, allows Devon to benefit from the sharing of good practice and innovation and cost savings on joint projects.
- **Financially low risk** – due to the flexibility built within the contract, the risk to the LA in taking the option to extend is low risk as it provides for annual change in both the value of the contract and the manner in which it is delivered with no penalty to the commissioner. It should be noted however that this contract delivers the LA statutory duties in relation to schools, education, SEN and safeguarding and therefore cuts would have other risks.
- **Security of ongoing quality service.** The intention of the extension will be to secure Babcock's ability to retain high quality staff so ensuring the ongoing quality of service. Staff engaged by Babcock in response to this contract are highly skilled and well qualified, and in some cases nationally renowned. By taking the option of the three year extension we will be providing long term security and stability of staff.

In addition the national picture around education is still in a period of significant change that is likely to continue for some time. This extension would provide the LA with the flexibility, financial agility and security to be assured that educational provision in Devon continued to be of good quality enabling the LA to continue to champion all Devon's children.

## Options/Alternatives

The below are provided for completeness and would present significant risk to the Local Authority.

1. End the contract with the 18month period – in the current national climate of education it would be very difficult to determine the exact requirements for a new contract which may not guarantee the quality of service and flexibilities of the current provider.
2. Shorter term contract. Whilst providing some opportunity to have a clearer idea of the future of education, this is unlikely to be stable within a lesser timeframe and additionally it may raise concern about precariousness of employment of Babcock staff

At the end of the three year period, based on timescales, we are likely to have clearer view of the likely direction of the LA role and therefore will be able to specify service requirements with confidence.

## Financial Considerations

Details of the financial considerations are the subject of a Part II report

## Equality Considerations

The contract is central to the ability of the LA to support SEND and vulnerable groups, any gap in the provision would disadvantage these children disproportionately.

## **Legal Considerations**

There are no specific legal considerations as the proposed extension was included in the original contract.

## **Summary/Conclusions/Reasons for Recommendations**

This is a secure, low risk way of delivering statutory responsibilities to children in school. As part owner of the LDP there are financial returns to LA accruing annually as dividends which will continue for the period of the proposed extension

Dawn Stabb

## **Electoral Divisions: All**

Cabinet Member for Children, Schools and Skills: Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

## **LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS**

### ***Contact for Enquiries:***

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Tel No: 01392 383212

Room: 130, County Hall



ACH/17/57

Cabinet

11<sup>th</sup> January 2017

## **DEVON INDEPENDENT LIVING INTEGRATED SERVICE (DILIS): OUTCOME OF TENDER AND AWARD OF CONTRACT**

### **Report of the Head of Adult Commissioning and Health**

*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.*

#### **Recommendations:**

That approval be given to the contract award recommendations set out in Report ACH/17/58.

#### **1. Introduction**

- 1.1 The DILIS service contract is for an integrated service that provides a one-stop shop for the community of Devon for the provision of Community Equipment, Assistive Technology and Minor Adaptations, as well as information, advice and signposting services.
- 1.2 The DILIS service that was first published for tender on 21st December 2013 was subsequently aborted. Since then, extensive work has been undertaken by the DILIS project group to ensure the tender documentation is robust and will deliver outcomes the commissioners are seeking, whilst reducing the risks associated with this procurement. As a result of this work, an Invitation to Tender was advertised on 29<sup>th</sup> June 2016 on behalf of Devon County Council, NHS Northern, Eastern and Western Devon Clinical Commissioning Group and NHS South Devon and Torbay Clinical Commissioning Group (the Commissioners). The ensuing contract will be between Devon County Council and the successful bidder. The evaluation process has now been completed and the outcome is set out in the attached Part 2 report.
- 1.3 The total estimated value of the DILIS contract is approximately £41 million over 7 years (the contract will be for a 5 year term with an option to extend for up to a further 2 years). This is an approximate cost as this contract is for a demand led service where volumes of business conducted fluctuate depending on a range of factors; such as enabling social care reablement to support people for longer at home and other initiatives as detailed at 2.4. and supporting the fluctuating numbers of hospital discharges caused for example by severe weather.
- 1.4 The contract will be for use by DCC, NHS South Devon and Torbay Clinical Commissioning Group and the NHS Northern, Eastern and Western Devon Clinical Commissioning Group. The award recommendation has been

# Agenda Item 20

endorsed by their Governing Bodies through the Joint Commissioning Coordinating Group.

## **2. DILIS: context and contract design**

2.1 The Commissioners are seeking a Primary Contractor to deliver the following across Devon as a single seamless service for adults and children:

- Complex stock items of community equipment for adults and children.
- Simple stock items of community equipment for adults and children where these are delivered as part of a bundled package alongside other service elements.
- Non-stock or bespoke complex equipment for adults and children.
- Minor adaptations up to a value of £1,000 for adults and children.
- Fixed ceiling track hoists.
- Basic speech and language communication aids.
- Technological equipment.

2.2 The services to be delivered under DILIS are currently provided by two organisations under separate contracts; one for provision of stock, non-stock and bespoke Community Equipment, fixed ceiling track hoists and minor adaptations, and the other for the provision of technological equipment. Alongside these organisations, Devon operates a retail model and approximately 54 independent accredited retailers provide simple community equipment as redemption against prescriptions issued by authorised prescribers.

2.3 The DILIS service will support the personalisation agenda for the whole population by improving the way people can directly access a range of equipment and other practical products and services that promotes independence by helping them continue to maximise their independence and safety without the need to contact statutory authorities. To achieve this, the Commissioners are seeking a provider who can recognise and meet the particular challenges associated with supplying services to adults, children and young people with varying levels of need in a large county, that includes hard to reach areas.

2.4 DILIS is to be available to people who fund their own care, as well as those who are patients of the NHS or customers of DCC. The service will need to closely align with, and support the future development of, existing health and social care services that also support independent living in the community, such as social care reablement, rapid response, hospital at home, and personal care and community based support. In addition, the Service will need to support children with a range of additional needs within mainstream education. Examples of key groups who will be supported are:

- Older People
- People who are acutely or terminally ill
- People with long term conditions
- People with mental health problems
- People with dementia or cognitive impairment
- People with learning disabilities



- People with physical disabilities
- Children and young people with a range of additional needs.

### **3. Financial Considerations**

- 3.1 The financial impact of the contract is set out in the Part 2 report.

### **4. Sustainability Considerations**

- 4.1 The service delivery model was adopted because it provides the optimum combination of service delivery and efficiency and will help the Commissioners and the Primary Contractor increase recycling rates for equipment.

### **5. Equality Considerations**

- 5.1 A detailed impact assessment was undertaken at the commissioning stage of this project and the outcomes reflected in the construction of the contract documentation and in the evaluation of the tenders and as such meets our equality duties.

### **6. Risk Management**

- 6.1 The DILIS procurement process has been fully risk managed. All key decisions have been referred to the Assistive Technology Board for consideration. Where appropriate, the Joint Commissioning Coordinating Group have also informed and endorsed key decisions.

### **7. Summary/Conclusions/Reasons for Recommendations**

- 7.1 The DILIS service will deliver multiple benefits: an integrated service which promotes independence and supports the personalisation agenda, with improved access and outcomes for service users and carers. It will deliver time saving efficiencies for professionals and detailed management information for Commissioners. It will also contribute to the prevention of inappropriate hospital admission and reduce the use of domiciliary care, care home placement and residential children's placement, through provision of timely and safe Community Equipment, Assistive Technology and Minor Adaptations. As a consequence, it will decrease the pressures on these services and also enable people to live independent lives in their own homes, without the need to always contact statutory authorities.

Tim Golby  
Head of Adult Commissioning and Health

**Electoral Divisions:** All

**Cabinet Member for Adult Social Care and Health Services: Councillor Stuart Barker**

**Head of Adult Commissioning and Health: Tim Golby**

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

# Agenda Item 20

*Contact for Enquiries:* Solveig Sansom (Senior Manager - Older People) and Nicola Tribble Head of Category (People)

*Tel No:* 01392 382300      *Annexe Floor 1*

| BACKGROUND PAPER | DATE | FILE REFERENCE |
|------------------|------|----------------|
|------------------|------|----------------|

*Impact Assessment:*  
<https://new.devon.gov.uk/impact/devon-independent-living-integrated-service/>