

## CABINET

10 October 2018

Present:-

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

Members attending in accordance with Standing Orders 8 and 25

Councillors F Biederman, J Brazil, A Dewhirst, R Hannaford, R Hosking, C Whitton, C Wright

\* 231

**Minutes**

**RESOLVED** that the minutes of the meeting held on 12 September 2018 be signed as a correct record.

\* 232

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 233

**Announcements**

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

The Chair updated the Cabinet on a letter received from Ofsted relating to a recent focused visit (published on 5th October 2018) on the Care Leavers service. Two observations were made from the inspection, the first that corporate parenting was a key strength in the Authority and, second, political leaders of the Council understood both the strengths and weaknesses of the service.

There were five areas for improvement of practice and these would be taken forward as part of the service improvement plan. The Leader of the Council and Cabinet Member for Childrens Services and Schools paid tribute to all the staff involved and the recognition of their passion for and dedication to the service.

The letter could be found at <https://files.api.ofsted.gov.uk/v1/file/50030100>

The Chair also, in accordance with Standing Order 5 varied the order of business on the agenda to take item 14 (Questions from Members of the Public) and then item 8 (Foster Carer Fees) immediately after item 6 (Questions from Members of the Council).

\* 234

**Petitions**

There was no petition received from a Member of the Public or the Council.

\* 235

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

There was no question from a Member of the Council.

\* 236

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

(Councillor Parsons declared a Disclosable Pecuniary Interest in this matter by virtue of being a foster carer and having foster care placements and withdrew from the meeting during its consideration).

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to twenty questions from members of the public on foster carer fees and allowances, in particular, the impact on future service users, the role of the new working group, carers views and consultations, formulation of the new model, cuts to allowances, the matching of needs, workloads, reliance on IFA's, assessment criteria's, attendance at training and the labelling of children.

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

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

## KEY DECISIONS

### \* 237 Foster Carer Allowances

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

(Councillor Parsons declared a Disclosable Pecuniary Interest in this matter by virtue of being a foster carer and having foster care placements and withdrew from the meeting during its consideration).

The Cabinet considered the Report of the Chief Officer for Children's Services (CS/18/29) circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to a revised fees and allowances structure for Devon's foster carers.

Circulated at the meeting, but published prior to the meeting, was a revised recommendation to the Chief Officers Report and an updated scheme of fees and allowances incorporating all the recommendations of the Children's Scrutiny Committee (Minute \*74 of 17<sup>th</sup> September 2018).

The Report highlighted that the Council was a corporate parent and, in all decision-making relating to children in care, must have the welfare of the child as the paramount consideration.

The Council was also responsible for determining the fees and allowances it paid to its foster carers and the Cabinet noted that an engagement with foster carers, an analysis of practice in other Local Authorities and Independent Fostering Agencies had informed the proposals.

Detailed papers were previously prepared for Children's Scrutiny Committee who considered the matter on 17 September 2018. That Committee, in reviewing the Report and Addendum Report of the Chief Officer for Children's Services ((CS/18/25) and hearing representations from a number of foster carers, RESOLVED that it endorsed the principles behind the changes to the Foster Carer fees and allowances structure, as set out in the Report and Addendum (CS/18/25), but that Cabinet be strongly urged to:

- (i) guarantee income protection for carers until all current foster placements come to an end;
- (ii) pay birthday, holiday and festival allowances on or near the relevant date, rather than as part of the weekly allowance; and
- (iii) ensure that the fostering service look favourably upon requests for additional support, in circumstances where there are childminding and/or transportation needs, where this is consistent with the child's care plan.

The Cabinet welcomed these recommendations and had therefore incorporated them into the recommendation now before the Cabinet.

The proposed model was set out in the appendix (NEW), the governing principles being that it recognised the individual support needs of the child, was equitable and fair, gave reward and recognition for ongoing training, was affordable, recognised that support from the Council continued to be valued, had a fair assessment process, was simple and competitive with Independent Fostering Agencies, had clear expectations for carers, flexibility to reward work done and was transparent and understandable.

Under the proposals, 50% of carers (135 carers) would see an increase in fees, 10% would stay the same and 40% (108 carers) would see a decrease.

The model showing relevant payments was highlighted in the papers and details of the engagement and consultation processes were set out in the scrutiny papers, linked from the Report now before the Cabinet.

A snapshot of children in placement on 31<sup>st</sup> March 2018 was used as the baseline for the financial modelling in respect of the original proposal and then subsequently in respect of the scrutiny recommendation to offer protection to the end of existing placements. The Report highlighted the cost of each option. The costs of the Scrutiny recommendation was higher, but the risk profile in relation to placement stability for children was lower.

The Chief Officer's Report incorporated an Impact Assessment which outlined the financial impact on foster carers had been carefully considered with extensive financial modelling and any losses to allowances being ameliorated as far as practicable. There was a risk that the new model might mean some foster carers left fostering, however, Devon's market position was competitive and carers who decided to work for another authority or an Independent Fostering Agency (IFA) were unlikely to receive a higher financial package. The assessment reported that the risk was felt to be outweighed by the benefit of attracting new foster carers into the fostering service due to the new fees model being more fair and consistent.

The impacts and actions would be monitored as part of the project governance that had been in place since the project commenced. Any issues would be escalated to Childrens Senior Leadership Team via the senior responsible officer (SRO).

In summary, the Cabinet Member highlighted that the Council valued its foster carers and the current system was both complex and unfair. The proposed new model was based on the child and supported training. The aim was to create a fair and equitable system, a more transparent fee structure and coupled with highly regarded support for foster carers and be in a stronger position to recruit more foster carers in the future.

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

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

#### **RESOLVED**

(a) that the revised scheme of fees and allowances for Devon County Council's Foster Carers, attached as Appendix (New), which incorporates all of the recommendations of the Council's Children's Scrutiny Committee of 17 September 2018 (set out in paragraph 3.1 of Report CS/18/29) be approved; and

(b) that the scheme commences three months from the date of this Cabinet meeting in order that the operational arrangements be finalised and that an evaluation and review, in 12 months time, is reported to the Children's Scrutiny Committee.

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

\* **238**      **Sidmouth Surface Water Improvements**

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

The Cabinet considered the Report of the Head of Planning Transportation and Environment (PTE/18/44) circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 on proposed surface water improvements in Sidmouth.

The Report highlighted that studies commissioned by the Council had shown a significant risk of surface water flooding in Sidmouth, therefore it focused on the history and calculated risk of future surface water flooding in the town. The Surface Water Management Plan for Sidmouth established there was a high risk of flooding affecting a significant number of residential and commercial properties, emphasised in November 2014, when 18 properties in the town were flooded from surface runoff during a minor incident.

Detailed hydraulic modelling had been carried out as part of the preferred scheme design which identified over 100 properties would benefit from the proposed works.

The scheme proposals to reduce the ongoing risk of flooding would be undertaken in two discrete locations in the town, as shown in Annex 1 to the Report.

Phase 1 would be the provision of new and upsized drainage systems in the town centre, and new, direct discharges into the River Sid, as seen in Annex 2. Subject to funding, the works were proposed to commence in January 2019.

Phase 2 would be the creation of surface water storage at The Knowle, as seen in Annex 3. Subject to funding and required planning consent, the works were proposed to take place immediately after the summer holiday period in 2019 to minimise disruption in Sidmouth.

Throughout the investigation and design process there had been a close working relationship between DCC's Flood & Coastal Risk Management Team, Jacobs Civil Engineering, East Devon District Council, South West Water and relevant landowners.

A business case had been submitted to the Environment Agency to request funding support from Defra's Flood Defence Grant in Aid and also via the Local Levy collected from the Lead Local Flood Authorities of Devon, Plymouth Torbay, Cornwall and the Isles of Scilly. Capital works would be funded and monitored through the Councils capital programme. Current estimates were for a further £719,000 to complete the works, in addition to the £39,945 previously spent.

All of the surface water flood improvements mentioned would be developed in accordance with the Equality and Environmental Assessments produced in support of the Devon Local Flood Risk Management Strategy. All elements of the scheme had been assessed at the appropriate stage using the corporate, integrated assessment tool, with relevant equality and environmental impacts identified and acted on as necessary.

An environmental appraisal of the proposals indicated that, with appropriate mitigation, there would be limited impact upon landscape, historic and ecological interests.

The Cabinet noted that the delivery of the surface water flood improvements would significantly increase the standard of protection and reduce the risk of flooding to over 100 residential properties in the town of Sidmouth. The business case to be submitted to the Environment Agency justified the level of investment in the proposed scheme in accordance

with national objectives. It also had a high priority when considered against the criteria set out in the Devon Flood Risk Management Strategy.

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

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

**RESOLVED**

(a) that the Sidmouth Surface Water Improvement Scheme at an estimated cost of £759,000, planned to commence this financial year, dependent on securing all funding, be approved; and

(b) that the authority to apply for planning permission and acquire title and/or rights over the necessary land as required in order to deliver the scheme also be given.

\* **239** **Procurement of Community Health and Wellbeing Services for Children and Young People in Devon**

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

The Cabinet considered the Report of the Chief Officer for Children's Services (CS/18/33) on asking the Cabinet to support NEW Devon CCG's recommendation that Torbay and South Devon Foundation Trust, acting as prime provider for the consortium Devon Children and Families Alliance, become preferred bidder for the delivery of Community Health and Wellbeing Services. The Report was circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Council had been working with the CCGs over the year to re-commission Community Health and Wellbeing services. Many of these services were currently provided by Virgin Care under the contract called Integrated Childrens Services.

The Cabinet previously resolved (minute 65 (d) of 11 October 2017) that *'the joint commissioning of Occupational Therapy (OT) and child and adolescent mental health services (CAMHS) as part of the Community Health and Care Services with NEW Devon CCG acting as lead commissioner for a new contract to start from April 2019, be approved'*.

A further delegated decision by the Cabinet Member for Children's Services and Schools on the 29th January 2018 approved the recommendation to put in place a Section 75 pooled fund with NEW Devon CCG for the period 2018-2029 and for the Council to contribute £1.6m per annum to the pooled fund.

On 27th of September 2018, NEW Devon CCG recommended that the Devon Children and Families Alliance (The Alliance) was selected as the preferred bidder to deliver the contract for a period of seven years from 1st April 2019, with the option to extend for a further three. The final contract award decision would be made by a further meeting of the CCG's Governing Body Committees in Common which was anticipated to be early November.

The Report highlighted the consultation with children and families that had been undertaken to inform the specifications for the procurement of services. A summary report was published on the NEW Devon CCG website.

The Report highlighted the value of the contract of £23.856m for the first year, with a seven-year primary contract value of £166.992m. The Council's contribution being £1.6m.

The Cabinet noted that a Quality and Equality Impact Assessment (QEIA) had been developed by NEW Devon CCG, which had overall responsibility for the procurement process.

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

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

**RESOLVED** that the NEW Devon CCG's recommendation that Torbay and South Devon Foundation Trust, acting as prime provider for the consortium Devon Children and Families Alliance, become preferred bidder for the delivery of Community Health and Wellbeing Services be supported.

*[NB: The Impact Assessment referred to above (for the Cabinet decision of October 2017) may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].*

\* **240** **Promoting independence in Devon: Our Vision and 5 year Plan for Adult Social Care**

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

The Cabinet considered the Report of the Head of Adult Commissioning and Health (ACS/18/93) on 'Promoting Independence in Devon', 'Vision' and '5 year Plan for Adult Social Care', circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Attached separately to the Report was the 'Vision' document for Devon Adult Care and Health (what we do and how we do it) and also 'Promoting Independence in Devon, Our 5 Year Plan for Adult Social Care 2018.

The 'Vision' for Adult Social Care in Devon had been developed with wide ranging engagement and was intended to provide a clear and inspiring vision that people within and beyond the organisation could identify with, including an articulation of the thinking that informed the 'Promoting Independence' policy. It was about leading lives that were as independent and fulfilling as possible through information, security and connectivity.

The annually updated plan for adult social care laid out how the vision would be achieved drawing on the insights gained from the annual report and the Joint Strategic Needs Assessment (JSNA). It had also been developed in parallel with the updated strategy for the Sustainability and Transformation Partnership of NHS organisations and local authorities in wider Devon, arranged around our four priorities:

- Enabling more people to be and stay healthy (life chances, stimulating the voluntary sector, making every contact count, falls prevention and the one small step initiative);
- Enhancing self-care and community resilience (personalisation, employment, strength-based care management, caring well in Devon, technology enabled care services and preparing for adulthood);
- Integrating and improving community services and care in people's homes (living well at home, supporting independence short term services, enabling, day opportunities and supported living); and

- Delivering modern, safe and sustainable services (accommodation with care, in-house services review, new residential and nursing care framework, regional commissioning, quality assurance).

The Report also highlighted actions in terms of developing the workforce, markets and information technology.

The Cabinet Member for Adult Social Care and Health Services concluded that the annual report, vision and plan had been developed to align with both the Council's Strategic Plan and the developing strategy of the wider Devon Sustainability and Transformation Partnership with the plan organised around the latter's priorities to maximise the potential benefits of joint working.

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

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

#### **RESOLVED**

(a) that the refreshed Vision for Adult Social Care in Devon and the updated 5 Year Plan for Adult Social Care in Devon be approved;

(b) that the alignment between the organisational plan and the planning framework for the wider health and care system in Devon be noted; and

(c) that the Cabinet agree that in future years, planning for adult social care in Devon will be part of a more integrated approach to planning across the health and care system with organisational reporting being an output of that approach.

\* 241

#### **Joint Strategy For Adults With a Learning Disability In Devon**

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

The Cabinet considered the Report of the Head of Adult Commissioning and Health (ACS/18/90) circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 on the joint strategy, 'Living Well with a Learning Disability in Devon 2018-2022'.

Also circulated with the papers was an easy read version of the Cabinet Report, the Strategy (Living Well with a Learning Disability in Devon 2018 – 2022) together with a full and summary easy read version.

The Report highlighted that across Devon, Plymouth and Torbay there was a desire to promote the independence of people with learning disabilities and help people achieve what mattered to them. The joint strategy, 'Living Well with a Learning Disability in Devon 2018-2022', built on the progress made since the publication of the 2014-2017 joint strategy, setting out a refreshed approach to improve the lives of adults with a learning disability, to support them to be as independent as possible and lead meaningful lives within their communities.

There were 20,586 adults with a learning disability across Devon, Plymouth and Torbay, and 3,530 of those received adult social care services. People with learning disabilities had markedly poorer physical and mental health than their non-disabled peers in Devon, Plymouth and Torbay and only 7% of adults with a learning disability across Devon were in paid employment in 2017.

The refreshed joint strategy was part of the Council's wider work to improve how people with disabilities were supported to be confident, resilient and connected. It was part of a programme of work across the health and social care system to improve the lives and address health inequalities of people with learning disabilities and would support Local Authorities and the NHS to commission quality support, within the context of significant financial challenges.

The strategy set out the actions across Devon, Plymouth and Torbay that were best enabled by working at scale, for example working together to have more appropriate housing, support more people with a learning disability in Devon to have a job and improve access to healthcare for improved physical and mental health outcomes.

There would be regularly reporting on progress to the Health and Wellbeing Boards in each Council area and the Learning Disability Partnerships Boards would also have an important role in the monitoring of any local action plans. The strategy would also be regularly reviewed, particularly in light of the Government's forthcoming Green Paper on adult social care to ensure reflection of both national and local contexts.

An Impact Assessment was also circulated for the attention of Members at the meeting. This reported that the Strategy set out aspirations that would only have a positive impact given its aims to promote independence, choice and control for people with learning disabilities. It also highlighted that successful implementation should improve the social wellbeing of people with learning disabilities and their parents / carers, and there should also be improvements in the social cohesion of local communities.

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

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

#### **RESOLVED**

(a) that the joint strategy, 'Living Well with a Learning Disability in Devon 2018-2022' be approved and the engagement undertaken and next steps be noted.

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

#### **MATTERS REFERRED**

\* **242** **Corporate Infrastructure and Regulatory Services Scrutiny Committee - Problem Gambling Spotlight Review (Minute \*85)**

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

The Corporate Infrastructure and Regulatory Services Scrutiny Committee, at its meeting on 25th September 2018 (Minute \*85 refers), considered the Report of the Spotlight Review on Problem Gambling and the recommendations contained therein. In discussion at that meeting, it was agreed that revisions be made to the recommendations in the Report and then the Committee RESOLVED 'that the revised Report be commended to the Cabinet'.

The Cabinet Member for Community, Public Health, Transportation and Environmental Services paid tribute to the excellent work undertaken.



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

### **RESOLVED**

(a) That the Corporate Infrastructure and Regulatory Services Scrutiny Committee be thanked for its Spotlight review and associated Report and that the recommendations of the Review be endorsed; and

(b) that the relevant Cabinet Member and Chief Officer for Communities, Public Health, Environment and Prosperity be asked to take forward the Report and progress / co-ordinate the recommendations contained therein, engaging other partners as necessary.

### **OTHER MATTERS**

#### \* 243 **Annual Childcare Sufficiency Report: Endorsement of Annual Report**

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

The Cabinet considered the Report of the Head of Education and Learning (CS/18/32) seeking endorsement of the Annual Report outlining how the Council was meeting its statutory duty to secure sufficient early years and childcare places and identifying challenges and actions for the coming year in relation to meeting the duty. The Report was circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report highlighted the Council's statutory duty to secure sufficient early years and childcare places, sufficiency being met through a variety of providers (e.g. schools, pre-schools, day nurseries, holiday clubs, breakfast clubs, after school clubs, childminders, etc.)

[\*The Early Education and Childcare: Statutory Guidance for Local Authorities\*](#), set out that the Local Authority should report annually to elected Members on how they were meeting their duty to secure sufficient childcare. This was the sixth Childcare Sufficiency Assessment Annual report.

The Annual Report 2017/18 encapsulated key findings from data relating to 2017/18 (1st April 2017 to 31st March 2018) and actions for the Early Years and Childcare Service for 2018/19. The analysis indicated that overall there was sufficient early years and childcare provision within Devon. Although the rural/urban spread of different types of provision varied. [Childcare Sufficiency Hot Spots](#) had been identified.

In terms of moving forward, the Early Years and Childcare service would continue to assess sufficiency and identify hot spots, carry out actions to address issues in hot spot areas, survey parents to gain a greater insight into demand for childcare, carry out the annual survey of providers in January 2019, continue to promote the take up of funded two, three and four year old places to parents as well as the importance of taking up the full entitlement, continue to promote the take-up of the extended entitlement to 1140 hours of funded childcare for eligible three and four year olds, monitor the take up of funded places and hours (two-year-old funding, universal funding, extended entitlement), monitor the impact of the extended entitlement on the number of places for two-year-olds, promote the stretched offer to parents, increase the take-up of the Early Years Pupil Premium, capture information on Governor Run out of school provision that was not Ofsted registered and monitor openings, closures and expansions.

The actions arising from the Childcare Sufficiency Report contributed to the promotion of equality of opportunity and the actions identified for the coming year were a continuation of the ongoing work of the Early Years and Childcare service in promoting equality of opportunity for all families through provision of accessible, affordable, childcare.

To continue to ensure the duty was met in 2018/19 the main areas of focus would be ensuring sufficient places for 2-year olds and promotion of this entitlement, ensuring sufficient places for the increase of the Early Years Entitlement to 1140 hours a year for 3 and 4-year olds of working families, raising the quality of funded places– specifically those judged as ‘Requires Improvement’ and ‘Inadequate’ by Ofsted, meeting the need for early years and childcare places where there were new housing developments and ensuring inclusive early years and childcare provision for children with disabilities and special education needs.

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

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

**RESOLVED** that the Annual Childcare Sufficiency Report be welcomed and endorsed and arrangements be made for the Report (and supporting reports) to be published on the Council’s website.

#### **STANDING ITEMS**

\* **244** **Delegated Action/Urgent Matters**

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

\* **245** **Forward Plan**

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

\* **246** **Exclusion of the Press and Public**

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

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party 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.

## KEY DECISION

### \* 247 Land at Exeter Science Park

(Councillors Dewhurst, Hannaford and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity (ES/18/6) relating to Land at Exeter Science Park, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report set out a proposed transaction which would give the Council the mechanism to facilitate further development at Exeter Science Park.

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

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

**RESOLVED** that the Chief Officer for Communities, Public Health, Environment and Prosperity, the County Treasurer and the County Solicitor in consultation with the Leader of the Council (Cabinet Member for Policy, Resources and Asset Management) be authorised to finalise and agree the terms, as landowner, of the land arrangements required to facilitate the development of Exeter Science Park, subject to having first secured agreement with the landowner to acquire land for a Park & Change facility adjacent to the Science Park, and to enter into any other appropriate legal and financial agreements as may be required to facilitate the same.

#### NOTES:

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

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

The Meeting started at 10.30 am and finished at 12.57 pm





## QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 10 October 2018

### 1. **QUESTION FROM LEIGH STRANGE** **Re: Future Service Users**

Has any consideration been given to those children who might need to use the Service in future if many of Devon's existing, loyal and experienced carers feel they are unable to work with a Fostering Service that reduces allowances aimed at supporting the very children they're required to protect?

#### **REPLY BY COUNCILLOR MCINNES**

Very careful consideration has been given to the potential risk of some carers deciding that they no longer wish to foster for Devon County Council.

This would be a matter of great regret, as we value all of our carers.

We have mitigated risk in three ways

1. By ensuring our offer is competitive and that we are attractive to new carers as well as to existing carers
2. By ensuring our support to carers is of the highest possible standard, so that we retain the very high calibre carers we have
3. By putting in place protection that ameliorates the loss of income for affected carers, giving them time to make plans for the future.

### 2. **QUESTION FROM DAVID LEYLAND** **Re: Proposed New Working Party**

As carers, en masse, were not involved in the consultation, would DCC consider using the learnings since 25 July to allow carers to be part of a new Working Party that produces a model that is acceptable to more carers?

#### **REPLY BY COUNCILLOR MCINNES**

I am satisfied that, over the last 12 months, all carers have had ample opportunity to help shape the model. The Overview and Scrutiny Committee that has examined the issues in great detail, has endorsed the model proposed by the Council.

The council has committed to an Overview and Scrutiny review in 12 months.

### 3. **QUESTION FROM PATRICIA BAGSHAW** **Re: Carers Views and Consultations**

As the proposal seems to have remained unchanged from the start of the wider consultation period in July to when it was presented at scrutiny Committee in September, how have carers views been incorporated in it making the consultation period meaningful?

#### **REPLY BY COUNCILLOR MCINNES**

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Many carers report that they have been very fully engaged in developing the model and feel confident that they will continue to be fully involved in its implementation. Consultation feedback has led for example to the following changes:

1. Carers asked that the payment for birthdays, holidays and festivals is not spread but is paid at the time of the event. This has been agreed
2. Carers made suggestions about issues that should be included in the framework for decision making about standard/enhanced/enhance plus. These have been agreed.
3. Carers expressed concern that children's behaviours should not shape the criteria for the framework for decision-making, thus avoiding any risk of labelling. This has been agreed

**4. QUESTION FROM PETER LYNN  
Re: Formulation of Model**

What official body of work or Government flagship authority example did the Council use to formulate this model? I.e. was it just an idea or was there strategic thinking involved

**REPLY BY COUNCILLOR MCINNES**

The most recent government position is set out in the Narey Review of Fostering, published this year. The council's model fully reflects the recommendations of the Narey Review.

The Fostering Network recommended consideration of the Mockingbird model which is in place in some Local Authorities. The LA intends to consider this further in the development of its emerging edge of care and crisis response services, currently at a very early stage of development.

The Council is fully engaged, through the Association of Directors of Children's Services network with best practice in all other Local Authorities. The fostering service including its senior managers have, between them, thousands of years of experience in lots of different Local Authorities. There isn't a single model that is better for children than any other model and all good fostering services constantly evolve.

**5. QUESTION FROM KERRY LITTLE (NOT IN ATTENDANCE)  
Re: Cuts to Service**

107 Carers (40%) are facing cuts of up to 35%, so in the spirit of being 'fair and equitable' are 40% of all DCC staff (obviously including senior management and those with many years experience and a huge skill base) also being forced to accept a huge cut in order that the remaining 60% of the workforce can have an increase and attract new staff?

**REPLY BY COUNCILLOR MCINNES**

You will be aware that over the last ten years, Local Government has endured very substantial cuts, of about 50%. The Council has worked tirelessly to try to ensure Children's Services are protected from these cuts, as far as it is humanly possible. The proposals here will see increased investment in fostering in an extremely difficult context.

The Council has undertaken numerous restructurings and redesign programmes that have involved job losses, as well as changes to terms and conditions, for staff at all levels of the organisation. In order to protect frontline services to the community, all staff and managers in Devon County Council have been required to do more with less.

**6. QUESTION FROM P J MANN-TRUDGETT (NOT IN ATTENDANCE)  
Re: Fostering Service and the Matching of Needs**

While I welcome a meaningful assessment of need for each Child in Care, ensuring they can more easily access support services outside of the home environment – how are the Fostering Service going to match the needs of the Child or Young Person to Devon's Foster Carers without a formal acknowledgement of our skills & experiences?

## REPLY BY COUNCILLOR

Supervising social workers have full and detailed knowledge of carers' skills and experiences. They will apply this knowledge when considering any matches. This is not different to what happens now.

### 7. QUESTION FROM LORRAINE TAYLOR Re: Workload of Foster Carers

How can members of this Cabinet or the Fostering Service expect foster carers to accept lower allowances, with higher expectations and no reduction to our workload? Would it be acceptable to ask the same of social workers or managers?

## REPLY BY COUNCILLOR MCINNES

My response to question five is part of my response to this question. At the moment, we are paying carers different rates to do exactly the same job. That isn't right. I believe the needs of the child have to be at the heart of resource allocation decisions.

### 8. QUESTION FROM TERESA WEST Re: Foster Carer Consultation

Are members of this Cabinet content that much of its' foster care workforce believes this 'consultation' was merely a tick box exercise?

## REPLY BY COUNCILLOR MCINNES

I am aware that some carers think that, I don't agree.

### 9. QUESTION FROM PATRICK BLOSSE Re: Proposed Model

As a member of the Working Group that helped to develop the ground rules on which this model was meant to be based, I am very disappointed that the proposed new system does not meet the objectives of equity, placement stability, reward for carers' skills and experience and simplicity that we set out to achieve. Furthermore, my fear that consultation was being poorly managed was well founded. Throughout the development process, Working Party members were instructed not to talk to their fellow carers, open sessions have been held at the most inconvenient times, key information about how parts of the system would work have been withheld, and hardly any of the consultation feedback has trickled through to the report in front of you. The Fostering Services Manager assured the Working Group that, if the model proved to be 'unacceptable' it could be scrapped, and we could start again. This model is unacceptable to the majority of foster carers and it is the children in care who will suffer as a result. Are the members of the Cabinet willing to admit that the model is 'unacceptable' and ask the officers to start again?

## REPLY BY COUNCILLOR MCINNES

Let me begin by expressing my appreciation for your involvement in the working group.

I have to acknowledge that the model is unacceptable to some carers. It is not unacceptable to the majority. Applying this model will see 50% of carers receiving increased financial recognition of the very valuable work they do. Many of them have been in touch to thank the Council for tackling this extremely sensitive and very difficult issue.

I do not intend to ask the officers to start again though I have asked that we review in 12 months.

### 10. QUESTION FROM ANDREW RANDALL Re: Measures and Reliance on IFA's

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Following this review will Devon County Council finally take measures to avoid over reliance on IFA's, which drain almost HALF OF THE ENTIRE CHILDREN'S SOCIAL CARE BUDGET, in future? It appears to many of us that THIS is the root cause of many of Devon's children being 'funnelled' into the independent sector, which costs significantly more to Devon's Fostering Service.

## **REPLY BY COUNCILLOR MCINNES**

First let me reassure you that IFAs do not drain almost half of the entire children's social care budget. The actual percentage is less than 10%

The gap between our spend on IFAs and our spend on in-house foster care is not wide when you factor in the costs of the staff we employ to support in-house fostering.

Our preferred placement for every child in care is an in-house fostering placement. To ensure as many children as possible have access to this we need to significantly increase our pool of in-house foster carers. The review is designed to achieve this.

## **11. QUESTION FROM STEPHANIE RANDALL**

### **Re: Assessment Criteria**

The Assessment criteria and process for grading the children was only recently revealed at the Scrutiny Committee as a "Work in Progress". How can the Cabinet vote on this aspect when they do not know how this is actually going to work and what confidence can foster carers have in a process that has not been formalised and consulted on?"

## **REPLY BY COUNCILLOR MCINNES**

The assessment framework has been proposed and consulted upon. Some changes have been suggested through the consultation process and accepted. The detail will be finalised after the cabinet decision today. Council members are not qualified to have a view on the detail of the assessment framework, that is for professional staff to determine, taking into account the views of carers.

Taking a co-production approach means that carers, who want to work with us, can continue to influence and help to shape the 12-month review.

## **12. QUESTION FROM SARAH BRADLEY (NOT IN ATTENDANCE)**

### **Re: Finalisation of Proposals**

How can the Cabinet approve proposals which are not fully thought out, we do not have answers to many issues, such as if we only manage to attend 5 out of 6 required training courses, do we forego the whole amount, or would we be paid 5/6 of the £116 per week?, if we attend 6 support groups would the support element be paid in full, if the training element is not? what is the final arrangement with birthday and Christmas allowances.

I realise this sounds like more than one question so my final question would be,

Are Cabinet willing to approve something that is not finalised, how can they know what they are agreeing to if the final details are a "work in progress", how do they do not know what they are approving, and are they happy approving something on this basis?

## **REPLY BY COUNCILLOR MCINNES**

My reply to the previous question, hopefully addresses the broad question you have asked. A three-month period from decision to implementation is planned for officers to hammer out the final details.



**13. QUESTION FROM LINDA CROWDEN  
Re: Creation of the Model**

Are members of this Cabinet aware that only a handful of foster carers took part in the creation of this model and, since they were disallowed from speaking to other carers about it, could only consider their own personal situation and experiences? This was not 'consultation'.

**REPLY BY COUNCILLOR MCINNES**

Yes, a small group, representative of all the different foster carers in Devon, joined the officers in the fostering service to form the working group, to co-produce the design principals and the model which was then widely consulted upon.

The approach taken is entirely consistent with co-production principles.

**14. QUESTION FROM ANNE PURDY  
Re: New Pay Structure**

As a carer currently offering 3 placements to Devon's Fostering Service - two of which are teenagers, and another youngster who will soon become one - how will they convince me that we should stay with Devon Fostering under this new pay structure, which is unfair and penalises many of us? '

**REPLY BY COUNCILLOR MCINNES**

I very much appreciate the contribution that you and other carers make in looking after children in care and I don't under-estimate the difficult choices some carers are facing. I think your first step is a candid conversation with your supervising social worker about your options, to help you weigh up the pros and cons of leaving and staying. The planned protection arrangements mean that you should have time to reflect in a calm and measured way and come to the decision that is right for you and your family.

**15. QUESTION FROM DEBORAH SIMPSON  
Re: Impact of Cuts**

Children's Services is a department which is set up solely for looking after abused and vulnerable children. Why are the children and their carers looking at a fees/allowance cut? If DCC need to raise funds to look after the children in its care (and attract more foster carers) it should be looking at the amount paid to IFA's and to the salaried staff. Surely cuts should be made to staffing before children, particularly senior management, not the very children it is there to serve.

**REPLY BY COUNCILLOR MCINNES**

Children's Services has a much wider set of functions and responsibilities than you think, for example all the early years and school support functions ranging from school admissions to Special Educational Needs.

The proposals being considered by cabinet today are an investment not a cut. Resources are being realigned to make the system more fair and equitable, they are being increased not cut.

My answer to earlier questions picks up the very significant cuts that have been endured by the Council that have impacted all grades of staff.

**16. QUESTION FROM MANDY HEGGADON  
Re: Allowances and Attendance at Training.**

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I would like to ask how the standard allowances of £116 that are only payable for attending the 6 training and 6 support groups will be implemented and monitored. For example what constitutes 1 training event when courses can be anything from 18 days to just 2 hours.

If carers do not meet this requirement will this allowance not be paid?

## **REPLY BY COUNCILLOR MCINNES**

This is a question for a professional rather than a Member.

I have asked that someone from the Fostering Service contact you to discuss this with you.

As I said in answer to an earlier question there are some detailed implementation issues to be hammered out in the three-month period between our decision and go-live.

## **17. QUESTION FROM M COLGAN**

### **Re: Labelling of Children**

Why is it acceptable that this model wishes to label children as good, bad, unmanageable etc and scale them on this 'difficulty'. In the modern era we are moving away from labels, you aren't allowed to discriminate by age or colour, etc, so these children should not have a label either, furthermore those giving said labels are not child psychologists, behaviour therapists or trained at all to allow them to accurately grade a child with anything more than guesswork and opinion, often based on limited contact with the child. How is this in any way acceptable?

## **REPLY BY COUNCILLOR MCINNES**

I am very troubled by this question. There are a number of questions today where the level of misinformation is truly disturbing. There is nothing in the model that labels children good, bad or unmanageable. The framework focuses on children's circumstances and experiences. It is a framework that is used successfully in other Local Authorities, for example in Plymouth

## **18. QUESTION FROM PETER PURDY**

### **Re: Consultation and Proposed Model**

There appears to have been no change to the proposed model from the way it was drafted before the consultations to the way it was presented to Scrutiny Committee and this Cabinet AFTER the consultations. Why did the 'consultations' not heed any of the concerns voiced by those foster carers and are members of this Cabinet willing to endorse a model that is not yet finalised and could radically change the landscape further for Devon's foster carers? "

## **REPLY BY COUNCILLOR MCINNES**

My response to questions three and eleven cover this question

## **19. QUESTION FROM ANN LYNN**

### **Re: Loss of Foster Carers**

If DCC lose £1 million pounds worth of foster carers as a result of this review to the independent sector, (given that they asked for this in the budget) will the resulting loss of supervising social workers help balance the books or will it make a different budget look improved?

## **REPLY BY COUNCILLOR MCINNES**

There are no plans to reduce the number of supervising social workers. Our strategy is to grow in-house fostering capacity. If we do lose carers as a consequence of the review,

something I would very much regret, we will double our efforts to recruit more carers as we are completely committed to a thriving and effective in-house fostering service.

**20. QUESTION FROM MAGGIE PETERS**  
**Re: Use of IFA's**

It is clear to us that too much money is being spent on the use of IFAs in Devon (almost HALF of the entire children's social care budget) and Devon's children are being disadvantaged because of the reliance on them. (it is well understood that children fare better in their own communities than being sent out of county).

Why are more questions not being asked about the use of IFAs?

**REPLY BY COUNCILLOR MCINNES**

We spend less than 10% of the children's social care budget on IFAs, 9.6% in fact. Devon's children are not disadvantaged by us using IFA carers, sometimes an IFA placement is the very best option for a child. Nevertheless, as I have said already, our strategy is to increase our in-house capacity to create a service that is thriving and completely focused on serving the interests of children in our care

