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To: The Chair and Members  
of the Cabinet

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 2 March 2021

Contact: Karen Strahan, 01392 382264

Email: [karen.strahan@devon.gov.uk](mailto:karen.strahan@devon.gov.uk)

## **CABINET**

Wednesday, 10th March, 2021

A virtual meeting of the Cabinet is to be held on the above date at 10.30 am to consider the following matters. The meeting will be livestreamed and can be viewed [from this link](#).

Phil 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 12 February 2021 (previously circulated).

3 Items Requiring Urgent Attention

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

4 Announcements

5 Petitions

6 Questions from Members of the Council

**FRAMEWORK DECISION**

NIL

**KEY DECISIONS**

7 Budget Monitoring - Month 10 (Pages 1 - 4)

Report of the County Treasurer (CT/21/02) on the budget monitoring position at month 10, attached.

*Electoral Divisions(s): All Divisions*

**MATTERS REFERRED**

8 Corporate Infrastructure and Regulatory Services Scrutiny Committee - Active Travel

At its meeting on 28 January 2021, the Corporate Infrastructure and Regulatory Services Scrutiny Committee had considered the Report of the Head of Planning, Transportation and Environment (PTE/21/3) relating to Active Travel in Devon (Minute 216 refers) and subsequently resolved (a) 'that Cabinet be asked to develop policy which supports local people to develop and realise cycle and multi-use trails in local areas and to include Scrutiny where appropriate in the development of policy; and (b) that Cabinet to include consideration of 20 mph areas in positive active travel strategies'.

Recommendation

(a) that Officers and the Cabinet Member for Highway Management be asked through the planned refresh of the Cycling and Multi Use Trail Strategy to develop policy to enable local people to be actively involved in the delivery of Multi-Use Trails; and

(b) that Officers and the Cabinet Member for Highway Management review the outcome of the Newton Abbot 20mph trial in terms of its impact on active travel as well as road safety and a range of other environmental factors.

*Electoral Divisions(s): All Divisions*

9 Notice(s) of Motion (Pages 5 - 16)

The following Notices of Motion submitted to the County Council by the following Councillors have been referred to the Cabinet in accordance with Standing Order 8(2) for consideration, to refer it to another Committee or make a recommendation back to the Council:

- (a) Voting Systems (Councillor Shaw)
- (b) Elections – Campaigning (Councillor Shaw)
- (c) Climate and Ecological Emergency Bill (Councillor Hodgson)
- (d) Beach Breaks, Mental Health and Support of Initiatives (Councillor Biederman)
- (e) Sustainable future funding for Local Welfare Assistance (Councillor Atkinson)
- (f) Use of Neonicotinoids (Councillor Wright)

*Electoral Divisions(s): All Divisions*

**STANDING ITEMS**

10 Question(s) from Members of the Public

11 Minutes

Minutes of the bodies shown below are circulated herewith for information or endorsement as indicated therein (i.e. any unstarred minutes):

- (a) Standing Advisory Council on Religious Education - 11th February 2021  
(Pages 17 - 22)
- (b) Farms Estate Committee - 22nd February 2021 (Pages 23 - 28)

[NB: Minutes of [County Council Committees](#) are published on the Council's Website:

12 Delegated Action/Urgent Matters

The Register of Decisions taken by Members under the urgency provisions or delegated powers is available on the website in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The decisions taken and associated information can be found [here](#).

13 Forward Plan (Pages 29 - 38)

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.

The [Forward Plan is available on the Council's website](#).

*Electoral Divisions(s): All Divisions*

**KEY DECISION**

14 Future Arrangements for the Provision of Education and Inclusion Services (Pages 39 - 84)

Report of the Head of Education and Learning ([CS/21/04](#)) on the future arrangements for Education and Inclusion Services, attached.

An Impact Assessment has been prepared for the attention of Members at the meeting and is attached as well as being available on the website at <https://www.devon.gov.uk/impact/published/>.

*Electoral Divisions(s): All Divisions*

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

15 Exclusion of the Press and Public

Recommendation: 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 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.

16 Education and Inclusion Services Commissioning (Pages 85 - 88)

*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 and Learning ([CS/21/05](#)) on the commissioning of Education and Inclusion Services, attached.

*Electoral Divisions(s): All Divisions*

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

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

### **Declarations of Interest for Members of the Council**

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

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## **BUDGET MONITORING 2020/21 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:**

- a) That the month 10 budget monitoring forecast position is noted**
- b) That the Pandemic funding update is noted**

### **1. Introduction**

- 1.1. This report outlines the financial position and forecast for the Authority at month 10 (to the end of January) of the financial year.
- 1.2. At month 10 it is estimated that budgets will underspend by £3.7 millions, a reduction of £5.6 millions from the month 8 forecast of £1.9 millions overspend.
- 1.3. The Dedicated Schools Grant projected deficit, relating to Special Educational Needs and Disabilities (SEND), is forecast to be £30.1 millions, this is a reduction of £300,000 since month 8. In line with Department of Education guidance this deficit will not be dealt with this financial year but carried to future years.
- 1.4. Central government has put in place a number of grant funding streams to help support Local Authorities during the pandemic. The confirmed additional funding Devon County Council is expecting to receive directly this financial year currently stands at £91 millions.

### **2. Revenue Expenditure Adult Care and Health Services**

- 2.1. Adult Care and Health services are forecast to overspend by £921,000, a reduction of £1.5 millions from month 8.
- 2.2. As a consequence of the pandemic, it is estimated that £4.7 millions of the budgeted savings are no longer deliverable within this financial year and this pressure is instead supported by Covid-19 funding.
- 2.3. Adult Care Operations is forecasting to overspend by £227,000, a reduction of £943,000 since month 8. Pressures within Learning Disabilities and Autism have continued, with client numbers for these areas 166 higher than the budgeted level of 3,406. Improvement in the forecast position is primarily due to a reduction in client numbers over the winter months, increased client income and savings within in-house services and other staffing costs.
- 2.4. Adult Commissioning and Health is forecast to underspend by £268,000.
- 2.5. Mental Health is forecasting an overspend of £962,000 a reduction of £392,000 from month 8. Pressures continue to be experienced from higher client numbers within

# Agenda Item 7

community-based settings, but one-off additional funding has been secured to support some of the in year demand since month 8 resulting in a reduced forecast.

## **3. Revenue Expenditure Children's Services**

- 3.1. Children's services are forecasting an overspend of £2.2 millions, a reduction of £1.4 millions from month 8. However, this figure does not include the projected deficit of £30.1 millions on Special Education Needs and Disabilities (SEND).
- 3.2. Children's Social Care is forecast to overspend by just under £353,000, a reduction of £863,000 from month 8. The forecast includes budgeted savings of £614,000 which are no longer considered deliverable as a result of the pandemic and the majority of this pressure is instead supported by Covid-19 funding. £557,000 planned savings have been achieved.
- 3.3. The forecast also includes £1.2 millions relating to the estimated cost of the Councils response following the outcome of the Ofsted inspection. This was agreed by Cabinet in May 2020. An underspend of £1 million continues to be forecast within Public Health Nursing which is the result of staff, accommodation and transport costs being lower than budgeted. A reduction in the number of looked after children, reduced agency costs and increased vacancy slippage in the Corporate Parenting and Social Work teams have all contributed to the improved financial position.
- 3.4. The non-Dedicated Schools Grant (DSG) element of Education and Learning is forecasting an overspend of just under £1.8 millions, a reduction of £503,000 from month 8. Pressures continue within school transport from the rising costs associated with contract changes and additional SEND personalised transport routes linked to continued growth in numbers. The improved financial position is the result of School Transport receiving a rebate from the Transport Co-ordination Service and £102,000 of lost income is now confirmed as supported by Covid funds.
- 3.5. Within the DSG High Needs Block, SEND is forecasting a deficit of £30.1 millions, a reduction of £321,000 from month 8. The High Needs block continues to be under significant pressure, the number of students with Education and Health Care Plans continues to grow along with the complexity of need of pupils.
- 3.6. The Council, in line with government guidance for 2020/21, is holding the SEND deficit on the balance sheet as a negative reserve. A Statutory instrument that states all DSG deficits carried over from 2019-20 into 2020-21, and any subsequent deficit positions for the term of the override, are to be moved to an unusable reserve through a statutory accounting adjustment until April 2023 has now been enacted. In practice this means that the deficit does not have a negative impact on the assessment of the County Councils financial sustainability.
- 3.7. In 2019/20 the DSG reported an outturn deficit of £19.7 millions which was carried forward as a deficit reserve as per government guidance. When combined with the current year forecast the deficit is expected to be £49.8 millions by the end of 2020/21. The service is currently developing a recovery plan for the overall DSG deficit.

## **4. Revenue Expenditure Highways, Infrastructure Development and Waste**

- 4.1. Highways, Infrastructure Development and Waste is forecasting an underspend of £1.4 millions a change from the reported breakeven position at month 8.

- 4.2. Highways maintenance, Network Management, Street Lighting and Infrastructure Development are forecasting an underspend of £500,000, a reduction of £1.4 millions from month 8. The change in forecast is primarily attributable to confirmation that patches greater than 1m<sup>2</sup> can be classified as capital expenditure as they extend the life of the highway; the associated costs have been transferred accordingly.
- 4.3. Waste management continues to forecast an underspend of £850,000, which is no change from the month 8 position. The impact on waste tonnages of the covid-19 lockdown has been mixed. Household recycling and food waste volumes have increased, while garden waste tonnages have been significantly lower.

## **5. Revenue Expenditure Other Services**

- 5.1. Communities, Public Health, Environment and Prosperity (COPHEP) are forecasting a underspend of just under £3 millions. Transport co-ordination is forecasting an underspend of just over £2.2 millions associated with the concessionary travel scheme and vacancies, delays have also been experienced this year as a result of the pandemic which have affected grant schemes and the connecting Devon and Somerset broadband project. Corporate Services are forecasting an underspend of £187,000 a reduction of £324,000 from month 8.
- 5.2. Non- service items, which includes capital financing charges, are forecast to underspend by £2.3 millions.

## **6. Capital Expenditure**

- 6.1. The approved capital programme for the Council is £198.4 millions. This figure incorporates amounts brought forward from 2019/20 of £27.4 millions, and in year additions of £56.6 millions. Of this increase £44.1 millions is externally funded.
- 6.2. The year-end forecast is £162.6 millions, producing forecast slippage of £35.8 millions.
- 6.3. The main areas of slippage can be attributed to variations and programme delays in Highways, Planning and Transportation (£24.8 millions net slippage) which reflects the complexity of the major schemes within these areas.
- 6.4. Historic trends suggest further slippage is likely, which is mainly due to fluctuations and variations of major projects. Wherever possible slippage is offset by the accelerated delivery of other approved schemes within the capital programme, subject to affordability.

## **7. Debt Over 3 Months Old**

- 7.1. Corporate debt stood at £3.5 millions, being just over 2% of the annual value of invoices, against the annual target of 1.9%. The balance of debt owed will continue to be pursued with the use of legal action where appropriate to do so.

## **8. Covid-19 funding**

- 8.1. In response to the COVID-19 outbreak Central government has put in place a number of grant funding streams to help support Local Authorities in responding to the pandemic. To date Devon County Council is in direct receipt of 13 different pandemic related grants with a confirmed value of £91 millions, of which £88.6 millions has now been received and £53.7 millions spent.

# Agenda Item 7

- 8.2. The Local Authority Covid Support grant remains the most significant of these grants. This funding is intended to support the pressures being faced in response to the Covid-19 pandemic across all the County Councils services. Devon County Council has received £43.5 millions. £41.5 millions of this grant has been allocated to support interventions of which £36.1 millions has been spent. Any unallocated grant is expected to be carried forward into 2021/22 as part of the year end process and added the confirmed additional funding of £14.8 millions.
- 8.3. Most of the other grants received are ring-fenced and repayable if not spent up in full in the time frame specified in the grant determination. The exceptions to this are the Communities grants and Public Health grants which generally have less prescriptive grant determinations and any underspends are also anticipated to be carried into next year.

## 9. Conclusion

- 9.1. The level of uncertainty and pressures being faced by the public sector this year are unprecedented and continue to evolve.
- 9.2. The projected underspend is welcomed but there remain significant far reaching risks associated with the impact of the pandemic, which could be financially destabilising as well as the ongoing pressures being experienced within the DSG.
- 9.3. The funding issued to support Local Authorities in responding to the Pandemic is significant but the ever-changing landscape we are faced with continues to present service delivery challenges and financial pressures.

Mary Davis, County Treasurer

Electoral Divisions: All  
Cabinet Member: Councillor John Hart  
Local Government Act 1972: List of Background Papers  
Contact for Enquiries: Mary Davis  
Tel No: (01392) 383310 Room: 199  
Date Published: 01/03/2021

## NOTICES OF MOTION

Report of the County Solicitor

**Recommendation:** that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Chief Officer and / or Head of Service is also included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Voting Systems (Councillor Shaw)**

*This County Council regrets that under the current first-past-the-post system for electing councillors:*

- 1. A large proportion and usually the majority of the votes cast do not help to elect a councillor, meaning that many voters see their votes wasted over many successive elections.*
- 2. This situation discourages participation in the electoral process since many people see no point in voting.*
- 3. A party is able to gain an overwhelming majority on the Council despite receiving only a minority of the votes across the county, reducing voters' faith in the fairness of elections.*

*In this light, this Council welcomes the new legislation agreed by the Welsh Assembly to allow councils to choose to change their voting system to the proportional Single Transferable Vote system, which is already used for local elections in Scotland and Northern Ireland. This Council calls on the Government to introduce similar legislation for England so that we can make a choice of the best system for the people of Devon.*

# Agenda Item 9

## **Briefing Note / Position Statement from the County Solicitor**

Before 1997 all elections in the UK, with the exception of Northern Ireland, used the same voting system. However, since 1997 a number of different voting systems have come to be used. The House of Commons, Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly and UK local authorities all use different voting systems.

**First-past-the-post** – used in the House of Commons and local councils in England and Wales. This is a familiar arrangement with the UK divided into constituencies and Local Authorities into wards. Voters put a cross (X) next to their preferred candidate on a ballot paper, they are counted and the candidate with the most votes represents the constituency or ward.

**Alternative Vote (AV)** - Voters rank candidates in order of preference by marking 1, 2, 3 and so on. A voter can rank as many or as few candidates as they like or vote for one candidate. First preference votes are counted first and if a candidate receives more than 50% of the first preference votes then they are elected. If no candidate reaches 50%, the candidate with the fewest first preference votes is eliminated. Their second preference votes are reallocated to the remaining candidates. If one candidate has more votes than the other remaining candidates put together, that candidate is elected. If not, the process is repeated until one candidate has more votes than the other remaining candidates put together. This candidate wins the election.

**Supplementary Vote (SV)** – this is similar to the AV system and is used for Elections for mayors in England and Wales, and for Police and Crime Commissioners. Voters are limited to a first and second preference choice. A voter marks a cross in one column for their first preference candidate. They mark another cross in a second column for their second preference (if they wish to do so). If a candidate receives more than 50% of the first preference votes then they are elected. If no candidate reaches the 50% threshold, the two candidates with the highest number of votes remain. This eliminates the other candidates. The second preference of the eliminated candidates are counted. Any made for the two remaining candidates are transferred. The candidate with the most votes at the end of this process is elected.

**Single Transferable Vote (STV)** – this is used for Northern Ireland Assembly elections and Local elections in Scotland and Northern Ireland. Voters rank candidates in order of preference by marking 1, 2, 3 and so on. A voter can rank as many or as few candidates as they like or vote for only one candidate. Each candidate needs to reach a quota. This is the minimum number of votes calculated according to the number of seats and votes cast. The first preference votes for each candidate are added up. Candidates who achieve this quota are elected. Surplus votes from candidates who hit the quota go to second preference candidates. Votes from the candidate with the fewest first preference votes who do not achieve the quota are eliminated. Their votes go to the second preference.

**Additional Member System (AMS)** – this is used by the Scottish Parliament, National Assembly for Wales and London Assembly. Voters are given two votes on separate ballot papers. One vote is for a constituency member and one vote

# Agenda Item 9

is for a party list. In Scotland and Wales list members are elected by region. In London there is a single London-wide list.

Constituency votes are counted first and the members for each constituency are elected using first-past-the-post.

Additional members are then elected by counting the party list votes in each region. The number of members elected from the list is based on the percentage of the votes cast but also takes into account the number of constituency members already elected in the region. This is designed to make the result more proportional to the number of votes cast.

| <b>Voting System</b>           | <b>Where Used</b>                                                                                                                                    |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Past the Post            | House of Commons<br>Local elections in England and Wales<br>Scottish National Park authorities                                                       |
| The Supplementary Vote         | Mayor of London and all other elected Mayors in England and Wales where there are more than two candidates. Police and Crime Commissioners.          |
| Single Transferable Vote (STV) | Northern Ireland Assembly<br>European Parliament elections in Northern Ireland<br>Local elections in Scotland<br>Local elections in Northern Ireland |
| Additional Member System       | Scottish Parliament<br>National Assembly for Wales<br>London Assembly                                                                                |
| Alternative Vote (AV)          | Excepted hereditary peers in the House of Lords.<br>Elected members of the Scottish Crofting Commission                                              |

## **Referendum**

A referendum was held on 5 May 2011 on whether the electoral system used for UK general elections should be changed from the first past the post system to the AV system.

The referendum rejected the adoption of the AV and the results in brief were 6.2 million 'Yes' votes (32.1%) in favour of the change and 13.0 million 'No' votes (67.9%) opposing the change.

## **Local Government and Elections (Wales) Act 2021**

The Act which received Royal Assent on 20 January 2021 includes provisions for:

- Reforming electoral arrangements for local government, including:
  - extending the voting franchise to 16 and 17 year olds and foreign citizens legally resident in Wales,
  - changes to voter registration, and

# Agenda Item 9

- enabling a principal council to choose between the 'first past the post' or the 'single transferable vote' voting systems;
- A general power of competence for principal councils and eligible community councils;
- Reforming public participation in local democracy;
- The leadership of principal councils, including to encourage greater diversity amongst executive members and establishing a statutory position of chief executive;
- The development of a framework and powers to facilitate more consistent and coherent regional working mechanisms;
- A new system for performance and governance based on self-assessment and peer review, including the consolidation of the Welsh Ministers' support and intervention powers;
- Powers to facilitate voluntary mergers of principal councils and restructuring a principal area;
- Local government finance including non-domestic rating and council tax;
- Miscellaneous provisions relating to:
  - information sharing between regulators,
  - abolition of community polls,
  - fire and rescue authorities,
  - the Local Democracy and Boundary Commission for Wales, and
  - Public Service Boards.

## **(b) Elections – Campaigning (Councillor Shaw)**

*This County Council regrets the Government's decision to continue with elections in May as planned, despite the difficulties of organising this safely for voters or polling staff, while banning leafleting and canvassing and failing to make postal voting easier.*

*In order to ensure the safe and equitable running of the elections, this Council calls on the Government to facilitate (1) online registration for postal voting, and (2) a free postal delivery of leaflets for each Council Election Candidate.*

## **Briefing Note / Position Statement from the County Solicitor**

### **Postal Voting**

Members of the electorate are eligible to apply for a postal vote if they wish to vote by post. You do not need to give a reason (unless you're voting in Northern Ireland).

In terms of applying for a postal vote you can choose to apply for a single election on a specific date, a specific period of time (England, Scotland or Wales) or to permanently vote by post.

Postal vote application forms are available to download from the Electoral Commission website. The form can be downloaded and filled out in pen or can be completed online (text only), but then requires a signature to be included on the form. You could complete the application online by typing in details and technically



# Agenda Item 9

by drawing a signature on a computer. However, the Electoral Commission's form does state that the signature needs to be completed in ink.

In terms of trying to do an 'online signature', there can be issues when the actual postal vote is later returned to Electoral Services. This is because postal voting statements have to be completed on paper so the signature on the paper statement is often quite different to the 'signature' on the application form if this has been done / drawn on a PC.

In general discussion with Electoral Service Managers, generally, most postal vote applications are completed by hand on a paper form which means details can be clearly picked up and EROs prefer paper applications to avoid these situations and voters potentially losing their postal votes.

The requirement for Postal and Proxy voting applications to contain personal identifiers comes from the Electoral Administration Act 2006. This Act amends the Representation of the People Act 2000 to provide a date of birth and signature.

It is understood that the Cabinet Office is looking to introduce legislation to develop online postal voting, but this would not be in time for May 2021. However, there haven't been any indications as to how the proposals can address the issues with online signatures. As far as it is known, it is expected to be part of the Electoral Integrity Bill.

## Campaigning / Leafleting

The guidance, up until now, from the Cabinet Office is that doorstep campaigning and leafleting is not necessary and goes against the spirit of the stay-at-home order in force during the current lockdown. Campaigners also needed to ensure that leafleting is carried out through existing commercial delivery services.

However, new guidance has just received outlining that door-to-door campaigning for the Elections will be allowed from 8 March. Activists will be permitted to canvas and leaflet as long as they work alone, with groups of six allowed from 29 March.

Hustings and public meetings over this limit will still have to take place online.

Campaigners will be able to "engage with electors on their doorsteps," but must always stay socially distanced and not enter people's homes. They are also encouraged to wear face coverings and use hand sanitiser.

Operational collection and delivery of campaign literature should be handled on a click and drop or doorstep drop procedure as for other goods deliveries during the pandemic.

From 29 March, the provision for six people or two households to meet outdoors may support organisational work by campaigners and the holding of meetings outdoors. At this stage, there will be no change to the rules on meeting others indoors. This means that the rules on doorstep campaigning will not change.

# Agenda Item 9

All campaigning activity will need to follow the relevant rules on gatherings and social distancing. If it is necessary to meet electors, campaigners should continue to do so outdoors, for example on the doorstep, and should not enter people's homes.

However, it is also suggested that voters can continue to get campaigning information remotely, for example through online campaign events and materials and that this remained the safest way to conduct campaigning.

## **(c) Climate and Ecological Emergency Bill (Councillor Hodgson)**

*In line with our formal declaration of a climate and biodiversity emergency, and our commitment to actions to change behaviour to address the causes of this situation and mitigate the impacts, this Council supports the Climate and Ecological Emergency Bill proposed by a coalition of scientists, academics and lawyers with the aim of bringing the UK's climate policy into one with evolving scientific evidence. This proposed Bill is also supported by 96 cross-party members of parliament. Nationally we need a strong legislative framework that embeds the Government's targets in law, enabling us as supportive players, to plan and develop our future trajectories, to fit in with those targets.*

### **Council therefore resolves to:**

- i. Support the Climate and Ecological Emergency Bill*
- ii. Inform the local media of this decision;*
- iii. Write to local MPs, asking them to support the Bill; and*
- iv. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk)'.*

## **Briefing Note / Position Statement from the Head of Planning, Transportation and Environment**

Devon County Council declared a climate emergency in February 2019. Later, in May, the Authority convened the Devon Climate Emergency partnership with the aim of "Creating a resilient, net-zero carbon Devon – where people and nature thrive." The Devon Climate Declaration commits partners to collaborating to achieve net-zero emissions in Devon by 2050 at the latest.

The Climate and Ecological Emergency Bill originates from a campaign by the climate change campaign movement Extinction Rebellion. It is a Private Members' Bill, introduced to Parliament by Caroline Lucas MP on 2 September 2020.

The Bill's objectives in tackling the climate and ecological emergency are to ensure that the United Kingdom:

- (a) reduces its anthropogenic greenhouse gas emissions at a rate that would be consistent with keeping the global average temperature increase to 1.5 degrees Celsius compared to pre-industrial levels, in accordance with the provisions of the UNFCCC and the Paris Agreement, taking into account:

- (i) the United Kingdom's greenhouse gas footprint, and
- (ii) the United Kingdom's and other countries' common but differentiated responsibilities, and respective capabilities, given national circumstances;
- (b) restores and regenerates biodiverse habitats, natural and human-modified ecosystems and their soils;
- (c) expands natural ecosystems, wherever possible, and enhances agroecosystems for the purposes of safeguarding their carbon sink capacity and their resilience to global heating;
- (d) actively conserves biodiversity and safeguards ecosystem services; and reduces its overall anthropogenic impact on the variety, abundance and health of soils and biodiversity.

Many of the Bill's objectives are closely aligned to the Devon Climate Declaration, the work of the Devon Local Nature Partnership, particularly the Nature Recovery Network, and the co-benefits identified by the draft Interim Devon Carbon Plan. Unprecedented levels of behaviour change, skills development, technology deployment and investment from the private and public sectors will be necessary to achieve the vision.

## **(d) Beach Breaks, Mental Health and Support of Initiatives (Councillor Biederman)**

*'This Council recognises that many children in Devon have never been to the Beach or because of financial limitations on families can often find it beyond their means.*

*Visiting a beach can have fantastic health benefits for young people and their family, particularly their mental health, as well as connecting them with our beautiful environment, if communities are better connected to our natural environment, they will be more inclined to preserve it for future generations.*

*Pensioners can access the beaches with their free bus pass, we believe this should also be available to our young people.*

*So, this Council commits to work with our travel partners to provide vouchers to families on low incomes for free travel to the beach at weekends and/or during school holiday periods.*

*Cabinet are asked to provide a budget to support this, from the public health budget.*

*We also lobby Government for more Public Health Funding to help support these type of initiatives'.*

# Agenda Item 9

## Briefing Note / Position Statement from the Director of Public Health

### Introduction

There is a substantial body of evidence suggesting that regularly accessing both green and blue spaces has benefits to physical and mental health for people of all ages:

- Better general health is associated with living in greener environments.
- Those living in urban environments with exposure to green and blue space are more likely to meet physical activity recommendations.
- Greater exposure to green and blue space reduces physiological markers of stress, is associated with higher life satisfaction and has been shown to reduce depression, anxiety, stress, and fatigue.
- Greener living environments are associated with better emotional wellbeing and more resilience in children and young people.

These benefits are conveyed via various mechanisms, including:

- Providing opportunities to easily engage in health behaviours such as physical activity, other recreation activities, and active travel.
- Improving opportunities for social connection.
- Supporting learning and the development of skills (particularly for children and young people).

### Accessing Devon's blue and green spaces

Most of Devon's landscape is defined as rural greenspace, and includes two national parks, five Areas of Outstanding Natural Beauty, 3,500 km of rivers, 79,000 ha of woodland, and three heritage coastlines. The scale of the natural landscape provides many opportunities for engagement, however the type of green and blue space that is beneficial to health also applies to 'any area of public or private vegetated land (urban or rural), or any natural or built environment that prominently features water'. This can include parks, gardens, playing fields, woodland, allotments, streams, ponds, canals, rivers, and the sea; many of which are accessible easily to the local population near to their home.

Accessing blue and green spaces regularly and experiencing the associated physical and mental health benefits is most likely to occur and be sustainable where barriers to access are reduced and **use of the space is seen as an everyday regular activity rather than a 'special' trip**. Barriers to access include perceived cost, distance, low levels of confidence in where to visit, and lack of time.

Due to the geography of the county, a planned activity such as a beach visit may pose logistic challenges for many families, even with financial assistance, due to an absence of or the complexity of transport routes.

## **Current initiatives at Devon County Council**

There are several ongoing workstreams to support increasing access to green and blue spaces:

- Engaging with the Devon Local Nature Partnership (LNP).
- Engaging with partners via the Naturally Healthy Forum and steering group.
- Working with Active Devon to promote the Connecting Actively to Nature Partnership and Naturally Healthy month initiative, this year to focus on Covid-19 recovery, mental health, the over 55's, NHS workplaces and schools.
- Promoting the Devon County Council 'Explore from your door' campaign via social media channels.
- Making links with social prescribers in Devon's Primary Care Networks to encourage 'green prescribing' to the individuals who most require support (all age).
- Public Health engagement with colleagues in planning to advocate for inclusion of green and blue spaces.
- Working with schools to promote active travel.
- Capital grant funding to schools through the Healthy Pupil Capital Fund to support improved opportunities for physical activity and mental health in the school environment.
- Engagement with Active Devon through Prevention workstream of Sustainability and Transformation Partnership to promote walking outdoors.

## **(e) Sustainable future funding for Local Welfare Assistance (Councillor Atkinson)**

### ***This Council notes that:***

- 1. Until 2013, emergency financial assistance was principally provided by central Government through the Discretionary Social Fund.*
- 2. From 2013, the Government implemented wholesale reform of the Discretionary Social Fund. Some parts were kept, however, the government abolished Crisis Loans (other than Alignment Payments) and Community Care Grants.*
- 3. Responsibility for emergency financial assistance was devolved to the local level and funding transferred to local authorities in England on a non-ring-fenced basis, with the intention that they establish their own Local Welfare Assistance (LWA) Schemes to support local people facing a crisis.*
- 4. The Government then decided that from 2015/16 onwards there would be no separate LWA funding stream. Instead, it would become part of the general Revenue Support Grant that central government provides to councils to support their spending on any local services.*
- 5. In the intervening years, with reduced overall funding for councils, a lack of guidance from central government, and the absence of a statutory requirement for local authorities to deliver emergency financial assistance, local authorities faced difficult decisions about funding and maintaining LWA schemes. In many areas local welfare provision was either significantly reduced or closed completely.*

# Agenda Item 9

6. *In 2020/21, in response to significant levels of need during the COVID-19 pandemic, Government provided additional funding to local authorities to deliver emergency financial assistance. £63million was provided through the Local Authority Emergency Assistance Grant for food and essential items, whilst a further £170million was provided through the COVID Winter Support Scheme.*

## ***This Council believes that:***

1. *As a result of the COVID-19 pandemic and its economic impacts, we can expect there to be significant ongoing need for emergency financial assistance, with many families in this country at some time facing a ‘financial crisis’ point – a financial problem which puts the immediate health and wellbeing of family members at risk.*
2. *If properly resourced, local authorities are uniquely placed to support residents facing financial crisis, with LWA schemes central to that support. Local schemes can be underpinned by the existing knowledge that councils have of need in their communities, alongside the relationships they hold with local voluntary and community sector partners.*
3. *Whilst local authorities have other mechanisms such as Discretionary Housing Payments and Local Council Tax Support Schemes to support low income households, Covid-19 has demonstrated how important it is for Councils to have the capacity to deliver timely and discretionary emergency support to households reaching crisis point.*
4. *Central Government should therefore provide sustainable, long-term funding for local welfare assistance- to give councils the confidence and certainty that they need to develop an effective local welfare offer.*

## ***This Council, therefore, resolves:***

1. *To [establish/maintain] a Local Welfare Assistance Scheme to support residents facing financial crisis.*
2. *To campaign for a new funding allocation for councils from central government to provide Local Welfare Assistance schemes to be made available at the next comprehensive spending review and protected in real terms over the following years.*
3. *To write to the Chancellor, the Secretary of State for Housing, Communities and Local Government and Secretary of State for Work and Pensions to request that they make such a funding allocation available to local authorities.*

## **Briefing Note / Position Statement from the Chief Executive**

1. The Notice of Motion describes the history of local welfare funding. Upon the 2013 abolition of the Discretionary Social Fund, a Government grant of approximately £1.2 m was made to Devon County Council. Common purposes were agreed with Districts and funding devolved to them under a partnership agreement that enabled local flexibility where required.
2. This partnership scheme worked well until Government funding was withdrawn in 2015/16. However, a small local welfare scheme was maintained in South West Devon.

3. At the onset of the COVID19 pandemic, Devon County Council took a proactive step by devolving £1m through Team Devon to District Councils under a similar funding agreement, tailored to the new crisis. Districts have used this Financial Hardship Fund for many types of support including food, other essentials, and advice services. Districts have also set up their own grant funds for local VCS organisations.
4. This funding was subsequently topped up by a DEFRA of £750,000 grant in Autumn 2020 and a further £600,000 from the County Council's 2021/22 budget agreed on Thursday 18<sup>th</sup> February.
5. This fund has been recognised as a good example of Team Devon working across local government (county, district and parish/town) together with community and voluntary organisations. Case studies are being gathered to illustrate how valuable it has been to people who are in financial hardship because of COVID19.
6. Despite these investments by the County Council there are wide gaps appearing in terms of social and economic deprivation and potential massive unmet need. County and Districts have no possibility of closing these gaps alone and will continue to lobby the Government for a strategy for dealing with hardship in the medium term.

## **(f) Use of Neonicotinoids (Councillor Wright)**

*This Council regrets the Government's u-turn on using Neonicotinoids, banned under EU law, and which have proved to be damaging to our vital bee population, other insects and birds and water courses.*

*This Council calls on the Government to urgently reverse its decision.*

## **Briefing Note / Position Statement from the Head of Planning, Transportation and Environment.**

Neonicotinoids, also known as 'neonics', are relatively new pesticides. First developed in 1991, they are now the most widely used insecticides in the world. This is due to their efficacy against sap-feeding insects, such as aphids, and the diseases they transmit. Neonics are relatively long-lasting, remaining in the plant throughout the growing season and are persistent in the environment (in soils). Inadvertently they have a highly detrimental effect on bees and other insects. Research has also demonstrated cascading effects up the food chain affecting birds and fish. The impact of neonics on non-target species can impair ecosystem functioning, threatening food security.

In December 2013 the European Commission (EC) introduced a precautionary ban on the three most common neonics. This ban initially targeted flowering crops until 2018, when the EC extended the ban to all outdoor crops as a result of environmental concerns, particularly the acute risk to honeybees. Since 2018, 10 EU countries have been granted emergency use authorisations for neonicotinoid seed treatments and the UK's approach to authorisation has not changed since

# Agenda Item 9

leaving the EU. The latest such emergency use authorisation was approved by Defra in January this year to counter the threat to sugar beet crops from beet yellow virus. This was in response to a request from farming and commercial interests, despite a similar application in 2018 being rejected because of the unacceptable environmental effects.

It is stated that neonicotinoid use in this case will be limited and controlled through virus forecasting models, stewardship schemes and a plan to develop alternative sustainable approaches to protect crops in the future. The plan requires herbicides to be applied to prevent harm to bees from flowering plants growing in and around the crops; also, a 22-month window will be left before flowering crops can be planted. This should limit direct harm, but also removes flowering plants for pollinators over an extended period.

Sugar beet is grown exclusively in the East Midlands and East Anglia, so the granting of this emergency use application is not relevant to farmers in Devon. However, such prophylactic use is not compatible with the EU requirements for integrated pest management, a compulsory approach since 2014. The use of neonics also appears to be inconsistent with the UK government's policy support for pollinators and the wider environmental objectives set out in its 25 Year Environment Plan.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers**

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
|--------------------------------|--------------------|------------------------------|
|--------------------------------|--------------------|------------------------------|

|     |  |  |
|-----|--|--|
| NIL |  |  |
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## STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION

11 February 2021

Present:-

Group A: Christian and Other Religion and Belief Communities (with the exception of the Church of England) W Becher, M Miller and J Taylorson

Group B: The Church of England C Hulbert, B Twiggs, J Roberts (Chair) and T Wilson

Group C: Teachers' Associations L Clay, R Flanagan, P Hammett, P Randall and W Harrison

Group D: The County Council Councillors C Channon, P Colthorpe, M Squires and C Whitton

Co-opted Members J Goody and S Spence

Adviser Ed Pawson

Apologies K Denby, S Gill, H Hastie, M Hext, and E Mihas

**125** **Minutes**

The Minutes of the meeting held on 25 November 2020 were signed as a correct record.

The Chair also wished to place on record, appreciation of the continued hard work of Headteachers and school staff in delivering the curriculum during the challenges of the ongoing pandemic.

**126** **Co-option of Mr J Goody**

(The Chair brought this item forward as Mr Goody was not able to attend the whole meeting).

Members considered appointing Mr Goody as a Co-opted Member, as he had relinquished his role as a NEU (Teacher Association) SACRE representative at the last meeting.

Mr Goody explained both his professional and SACRE experiences to date.

(Mr Goody then withdrew from the meeting whilst Members discussed his co-option).

It was **AGREED**: that Mr Goody be appointed as a Co-opted Devon SACRE Member.

**127**      **Devon SACRE Membership: Updates**

Ed Pawson reported that Penny Rouvas, Co-opted Member of the Sikh community had resigned. In considering outstanding SACRE vacancies, there would be a focus upon better ways of working with Exeter Mosque and the local Sikh community. A recruitment campaign would be timed to have new Members in place for the new academic year.

The amalgamation of Devon Association of Secondary Heads (DASH) and Devon Association of Primary Heads (DAPH) into one Teacher Association, Devon Schools Leadership Services (DSLS) was also to be updated within the SACRE Teacher Association membership.

**128**      **SACRE Administration: Devon County Council Charges**

Jeremy Roberts reported on the proposal by Devon County Council to charge for Democratic Services Officer support for the meetings of (statutorily established) SACREs, in line with other committee meetings. Ed Pawson had now discussed the matter further with Babcock and Devon County Council and whilst any charge to the SACRE budget would impact on funding available to spend on schools, the wish to maintain strong links with the County Council was recognised and a fair rate had now been negotiated.

In maintaining strong links with Devon County Council, SACRE also valued the appointment of County Councillors with experience and expertise in this area, noting the forthcoming County Council elections in May 2021.

**129**      **Update on Schools: Monitoring and Support during Covid 19**

Ed Pawson reported that since March 2020 due to the pandemic, it had been difficult to fulfil a full monitoring role at present with no objective evidence of schools' performance available, (i.e. no data on current public exam entry or results and with Ofsted inspections paused).

Schools were to be reminded that a 'catch-up' curriculum should not push RE down the priority list within Department for Education key principles for catch-up (i.e. for the curriculum to remain broad and ambitious: with all pupils continuing to be taught a wide range of subjects, maintaining their choices for further study and employment support). SACRE support was currently being offered through half termly RE newsletters, guidance on home learning and LTLRE hub meetings and Continuing Professional Development via Zoom.

Members discussed how RE in schools could help in mental health and other life and education skills at this time, also noting local schools celebrating RE, including competitions at Ivybridge CC and S Dartmoor CC.

Ed Pawson also indicated that the S Dartmoor CC RE Lead could be invited to a future SACRE meeting.

## **130 RE and Anti-Racism: Free Resources to Schools**

Members supported recommending to schools that they integrated some of the anti-racist RE learning materials, produced by RE Today, into their RE syllabus.

They also considered how schools could discuss ethical and anti-racism values amongst pupils. Examples of high quality anti-racism teaching resources not linked to RE included Devon Development Education resources.

## **131 Understanding Christianity: Offer to Community Schools**

Members noted that a subsidy of £150 per school had been made available for the cost of the Understanding Christianity course starting 5 February 2021 (i.e. a teaching resource giving detailed support for the Christianity units in the Devon RE syllabus).

The subsidy was specifically for community schools with 8 schools currently using this offer. This course would be offered again in the Autumn 2021.

## **132 Learn Teach Lead RE: Update**

Ed Pawson and Belinda Twiggs (South Devon and Torbay Hub) gave an update on the operation of the Hubs during the pandemic:-

- All meetings were held online, with most hubs offering meetings
- There was good attendance for LTLRE Autumn 2020 talks and interactive training sessions (and attracting new Members);
- Some hubs offered separate primary and secondary meetings;
- Some hubs joining together to run meetings; and
- New hub leaders were being inducted into the programme.

(LTLRE website <https://www.ltlre.org>).

## **133 National Developments: Religion and Worldviews**

Ed Pawson and Ruth Flanagan reported that the Religious Education Council of England and Wales had organised a series of online seminars and interactive discussions over the last month to explore a worldviews, bridge across approach to RE.

SW RE professionals involved included: Katie Freeman (Plymouth LTLRE), Ruth Flanagan\* (Exeter University), Rob Freathy (Exeter University) and Ed Pawson.

The worldviews lens was used to explore unconscious bias (e.g. how have different worldviews influenced personal perspectives/fixed views).

Two published papers were also referred to:-

\* "Worldviews: overarching concept, discrete body of knowledge or paradigmatic tool?" Ruth Flanagan. Available at <https://link.springer.com/article/10.1007/s40839-020-00113-7>; and

"The World Religions Paradigm Time for a Change" Suzanne Owen (Leeds Trinity University College, UK). Available at <https://journals.sagepub.com/doi/10.1177/1474022211408038>

## 134 **Holocaust Memorial Day: Report**

Ed Pawson reported that the January 2021 commemorative event at Exeter Cathedral was cancelled due to the pandemic, however online planned support for schools continued and anecdotally, schools had enjoyed the variety of these resources available (i.e. films of talks and resources for lessons and assemblies).

Films (available at <https://devonfaiths.org.uk/resources/>) were as follows, (including some personal and local experiences of the narrators/ interviewees):-

- Lizzie Small: Porrajmos film, the untold story of the Romani genocide at the hands of the Nazis (Y8 +)
- Stuart Raine: the story of Otto Deutsch, Kindertransport child (Y5 +)
- Anastasia Somerville-Wong: Genocide in Cambodia, when the darkest side of our nature prevails (Y8 +)
- Helen Fry: the story of the Jewish refugees living in North Devon during WW2 (Y5 +)

Jeremy Roberts advised that in planning future commemorative events and in looking at what had worked well, a combination of both online and a physical event would be considered.

## 135 **SW SACRE Conference 2021**

Ed Pawson reported on this virtual conference, "Exploring new visions for SACREs in the 2020s," to be held on 1 March 2021, as organised by SW RE advisers.

The keynote speaker was Dr Farid Panjwani (UCL and Aga Khan University, Pakistan), on "Decolonising the curriculum, achieving greater awareness of historical and worldview literacy."

There would also be a number of Workshops being run. Approximately 8 Devon SACRE Member delegates were due to attend, (including Jeremy Roberts and Ed Pawson).

Feedback on the conference would be made to the next SACRE meeting.

**136**      **Future SACRE Meetings**

Thursday, 1 July 2021 at 10 am

(at County Hall/virtual – to be confirmed).

The Meeting started at 10.00 am and finished at 11.20 am



## FARMS ESTATE COMMITTEE

22 February 2021

### Present:

#### County Councillors

Councillors R Edgell (Chair), J Brook, J Berry, C Chugg, T Inch and C Whitton

#### Co-opted Members

L Warner (Tenants' representative)

### Apologies

Councillors A Dewhirst

\* 151 **Minutes**

**RESOLVED** that the minutes of the meetings held on 7 and 21 December 2020 be signed as correct records.

\* 152 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 153 **Revenue Monitoring (Month 10) 2020/21**

The Committee received the Report of the County Treasurer (CT/21/19) on the County Farms Estate Revenue Monitoring (Month 10) 2020/21, noting the target surplus of £464,000 and providing a summary of the annual budget and detailing income and expenditure to date.

\* 154 **Capital Monitoring (Month 10) 2020/21**

The Committee received the Report of the County Treasurer (CT/21/18) on the County Farms Estate Capital Monitoring (Month 10) 2020/21, noting that the approved capital programme for 2020/21 included schemes totalling £600,000. There was an overspend of £30,888 in 2019/20 thus the balance of capital available to spend in 2020/21 was £569,112.

The Committee noted that, to fully fund the decent homes improvements programme without delaying any works, £600,000 had been brought forward at month 8 from the 2021/22 Estates Capital Programme. The revised 2020/21 budget was therefore £1,169,112.

# Agenda Item 11b

2

FARMS ESTATE COMMITTEE

22/02/21

The Chair congratulated the Land Agent on the successful bid for land acquisition that had recently completed.

## 155 Management & Restructuring Issues.

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/21/01) on the County Farms Estate management and restructuring issues.

### (a) Part Higher Henland Farm, Kentisbeare

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

**RESOLVED** that Part Higher Henland Farm Kentisbeare amounting to 9.89 hectares (24.45 acres) or thereabouts of bare land be let again to the tenant of Higher Henland Farm, Kentisbeare on a Farm Business (a)(a) agreement commencing 25 March 2022 and terminating 25 March 2024, subject to terms being agreed.

### (b) Land at Newcombes and Glebe Farms, Roborough

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

**RESOLVED** that the land at Newcombes and Glebe Farms, Roborough be advertised to let in two lots and in internal competition between the tenants of Ten Oaks Farm, Roborough; Furze Barton Farm, Ashreigney; Furze Cottages Farm, Ashreigney; Lower Farm, High Bickington; Lower Northchurch Farm, Yarnscombe; and Great Blakewell Farm, Chittlehampton for a term of up to five years and on a Farm Business Tenancy commencing 25 March 2022, subject to terms being agreed.

### (c) Land at Southwoods Farm, Uffculme

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

**RESOLVED** that the 28.76 hectares (71.11 acres) or thereabouts of land at Southwoods Farm, Uffculme be advertised to let in internal competition between the tenants of Great Southdown Farm, Burlescombe; Westcott Farm, Burlescombe; Higher Henland Farm, Kentisbeare; Lower Henland Farm, Kentisbeare; Dungeons Farm, Cullompton; and Tarrants Farm, Payhembury for a term of up to five years and on a Farm Business Tenancy commencing 25 March 2022, subject to terms being agreed.

### (d) Land at Bulleigh Elms Farm, Ipplepen

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Inch and

**RESOLVED** that parts NG 4649 and 4955 forming part Bulleigh Elms Farm Ipplepen and amounting to 0.27 acres or thereabouts be declared



permanently surplus to the operational requirements of the Estate and sold to the neighbouring special purchaser, subject to terms being agreed.

(e) Great Stone Farm, South Molton

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

**RESOLVED**

- (i) that the tenant's proposed surrender of the holding be accepted; and
- (ii) the farmhouse, buildings and 73.19 hectares (180.86 acres) or thereabouts of land at Great Stone Farm, South Molton be advertised to let as an equipped residential progression dairy farm in internal competition between existing tenants of the Estate and on a Farm Business Tenancy for a term of up to 15 years commencing 25 March 2023 and expiring 25 March 2038, subject to terms being agreed.

**156** **Progress Report on Farmhouse Refurbishment Programme**

The Committee noted the Report of the Head of Digital Transformation and Business Support (BSS/21/02) reporting on progress on the Farmhouse Refurbishment Programme.

It was highlighted that, out of a total of 68 dwellings on the Estate, 28 dwellings had been improved and a further seven were currently undergoing improvement works or were due to have works carried out prior to the end of this financial year, leaving a further 33 dwellings yet to be improved.

It was noted that solar panels had not been installed on all dwellings; and that a tender process required that a feasibility report be provided to enable an informed decision as to installation.

Members were pleased to note the improvements to accommodation which would add value to the Estate.

It was **MOVED** by Councillor Berry, **SECONDED** by Councillor Chugg and

**RESOLVED** that adequate capital funding be assured to enable the remaining 33 dwellings to be improved to an equal standard over the forthcoming years.

**157** **The Path to Sustainable Farming: Agricultural Transition Plan 2021-2024 (Minute \*147/7 December 2020)**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/21/03) on the Path to Sustainable Farming: An Agricultural Transition Plan 2021 to 2024. The Committee had previously considered the Department for the Environment, Food and Rural Affairs

# Agenda Item 11b

4

FARMS ESTATE COMMITTEE  
22/02/21

(DEFRA) published Agricultural Transition Plan at its meeting on 7 December 2020, Minute \*147.

The Report set out a summary of the Transition Plan; gave details on the Slurry Investment Scheme; and the New Entrants' Support Scheme, various consultations on which were expected to take place in early 2021.

It was DEFRA's plan during 2021 to work with Councils with 'County farms', other landowners and stakeholders to co-design a scheme that would create more lasting opportunities for new entrants.

The Agricultural Transition Plan offered the Estate a potential opportunity to draw down funding to provide more new entrant opportunities, whilst providing the Estate and its tenants access to potential funding to enlarge slurry stores or cover them to increase capacity and provide compliance with the Clean Air Strategy.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

**RESOLVED** that the Report be noted and:

- (a) ensure tenants are informed and supported to draw down grants available from 2022 under the slurry investment scheme;
- (b) ensure tenants are provided with training and support to access at least the new Sustainable Farming Incentive component of the Environmental Land Management Scheme (ELMS);
- (c) ensure any tenants considering retirement, possibly triggered by the option of taking the lump sum basic payment from 2022, are supported where practical to do so; and
- (d) the Estate looks to bid for any potential funding available through the proposed New Entrant Scheme currently being considered by DEFRA.

## 158 **Interim Devon Carbon Plan 2020 (Minute \*120/24 February 2020)**

The Committee noted the Report of the Head of Digital Transformation and Business Support (BSS/21/04) on the Interim Devon Carbon Plan 2020 with focus on the findings of Chapel 11, Food, Land and Sea, as this was an area where the County Farms Estate could be most engaged in leading the way in delivering the Carbon Plan objectives.

The Committee had at its meeting on 24 February 2020 considered the NFU Report - Achieving Net Zero – Farming's 2040 Goal and had subsequently resolved under Minute \*120. Although the Covid-19 pandemic had frustrated some initiatives and ability to deliver on the resolutions made, the Report outlined those that had been delivered.

In discussions, the Land Agent confirmed that any training would be rolled out to all tenants of the Estate.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Berry and

**RESOLVED** that the resolutions made at the Farms Estate Committee meeting on 24 February 2020 at Minute \*120 be reaffirmed and, subject to additional funding, go further to:

- (a) Volunteer the Estate resource as an opportunity for the Climate Emergency Partners to trial and demonstrate potential best practices and innovations in farming designed to reduce the emissions from agricultural activities and/or to sequester more carbon.
- (b) Commissions a report to map and identify the natural capital account and associated base line carbon sequestration capacity of the Estate and individual holdings.
- (c) Conducts a study tour with tenants to the Dartington Hall Estate to explore the potential opportunities for Silviculture on the Estate.
- (d) Provide tenants with an ongoing programme of training events to better inform alternative farming practices designed to reduce carbon emissions and sequester more carbon.
- (e) Once the 'test and trials' period has concluded and the Environmental Land Management Scheme (ELMS) is adopted, signpost tenants to scheme options that reward tenants financially for reducing carbon emissions, enhancing natural capital, and providing additional or improved carbon sinks.
- (f) Commission a report to monetise the value of existing carbon sinks in the form of tradable carbon credits in order to generate additional revenue for inward investment in appropriate localised tree planting on potential pockets of surplus marginal land.

## 159 **Exclusion of the Press and Public**

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg 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 Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

# Agenda Item 11b

6

FARMS ESTATE COMMITTEE

22/02/21

## **160      Management & Restructuring Issues**

The Land Agent responded to Members' questions relating to the value of the land at Bulleigh Elms Farm, Ipplepen.

## **161      Farmhouse Refurbishment Programme**

The Land Agent responded to Members' questions relating to specific farm details.

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

The Meeting started at 2.25 pm and finished at 3.25 pm

# DEVON COUNTY COUNCIL

## COUNCIL/CABINET FORWARD PLAN

In line with the public's general rights of access to information and the promotion of transparency in the way which decisions are taken by or on behalf of the Council, Devon County Council produces a Forward Plan of any Key Decisions to be taken by the Cabinet and any Framework Decisions to be made by the County Council. The Plan normally covers a period of a minimum of four months from the date of publication and is updated every month.

The County Council has defined key decisions as those which by reason of their strategic, political or financial significance or which will have a significant effect on communities in more than one division are to be made by the Cabinet or a Committee of the Cabinet. Framework Decisions are those decisions, which, in line with Article 4 of the Council's Constitution must be made by the County Council.

The Cabinet will, at every meeting, review its forthcoming business and determine which items are to be defined as key decisions and the date of the meeting at which every such decision is to be made, indicating what documents will be considered and where, in line with legislation, any item may exceptionally be considered in the absence of the press and public. The revised Plan will be published with the papers for the meeting. *Where possible the Council will attempt to keep to the dates shown in the Plan. It is possible that on occasion may need to be rescheduled.* Please ensure therefore that you refer to the most up to date Plan.

Click to see an [up to date version of the Forward Plan](#) on the Council's web site at any time.

Also see the website for [Copies of Agenda and Reports of the Cabinet or other Committees of the County Council](#) referred to in this Plan

## FORWARD PLAN

All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated for the reasons shown

Any person who wishes to make representations to the Council/Cabinet about (a) any of the matters proposed for consideration in respect of which a decision is to be made or (b) whether or not they are to be discussed in public or private, as outlined below, may do so in writing, before the designated Date for Decision shown, to The Democratic Services & Scrutiny Secretariat, County Hall, Exeter, EX2 4QD or by email to: [members.services@devon.gov.uk](mailto:members.services@devon.gov.uk)

### PART A - KEY DECISIONS

(To Be made by the Cabinet)

| Date of Decision                                  | Matter for Decision                            | Consultees | Means of Consultation* | Documents to be considered in making decision                                                                                                                                                                    | County Council Electoral Division(s) affected by matter |
|---------------------------------------------------|------------------------------------------------|------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <i>Regular / Annual Matters for Consideration</i> |                                                |            |                        |                                                                                                                                                                                                                  |                                                         |
| 14 April 2021                                     | County Road Highway Maintenance Capital Budget | N/A        |                        | Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions                                           |

|                  |                                                                                                                                                    |                                                |                                       |                                                                                                                                                                                                                  |               |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 14 April 2021    | County Road Highway Maintenance Revenue Budget and On Street Parking Account                                                                       | N/A                                            | N/A                                   | Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |
| 28 May 2021      | Revenue and Capital Budget Outturn for 20/21                                                                                                       |                                                |                                       | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                 | All Divisions |
| 8 September 2021 | Market Position Statement (Adults) - Annual Update                                                                                                 |                                                |                                       | Report of the Joint Associate Director of Commissioning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                        | All Divisions |
| 8 December 2021  | Target Budget and Service Targets for 2022/2023                                                                                                    |                                                |                                       | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                 | All Divisions |
| 9 March 2022     | Flood Risk Management Action Plan 2022/2023<br>Update on the current year's programme and approval of schemes and proposed investment in 2022/2023 | Liaison through Devon Operation Drainage Group | All other Risk Management Authorities | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                 | All Divisions |

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|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 11 February 2022                          | Admission Arrangements and Education Travel Review: Approval to admission arrangements for subsequent academic year                                                                                                                                                                                                                        | School / Academies /Members | Online | Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |
| <i>Specific Matters for Consideration</i> |                                                                                                                                                                                                                                                                                                                                            |                             |        |                                                                                                                                                                                |               |
| 10 March 2021                             | Budget Monitoring - Month 10                                                                                                                                                                                                                                                                                                               |                             |        | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.               | All Divisions |
| 20 March 2021                             | Education and Inclusion Services Commissioning<br><i>This matter will be considered in both Part 1 and Part 2, 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.</i> |                             |        | Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |



|                  |                                                                                                                                                                     |                                                           |                                                            |                                                                                                                                                                                                     |                                 |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 14 April 2021    | Domestic Abuse Bill – new statutory duties<br>To agree arrangements for the Council to discharge new statutory duties included in the Domestic Abuse Bill 2021.     |                                                           | tier 2 local authorities in Devon (duty to collaborate)    | Report of the Director of Public Health outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                           | All Divisions                   |
| 28 May 2021      | Government Housing Infrastructure Schemes at Dawlish and Cullompton: Approval of legal agreements with District Councils, and authority to progress to construction | Statutory and Public                                      | Undertaken as part of Local Plan and Planning Application. | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.    | Dawlish; Cullompton & Bradninch |
| June 2021        | A3121 Safer Roads Fund – Kitterford Cross Roundabout Improvement - Scheme for Approval                                                                              | Public, landowners, stakeholders                          | Online and correspondence                                  | Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.    | South Brent & Yealmpton         |
| 8 September 2021 | Proposal of a New Integrated Joint Venture from Norse SW' (for Property Consultancy & Facilities Management)                                                        | Corporate Infrastructure and Regulatory Services Scrutiny | TBC                                                        | Report of the Head of Digital Transformation and Business Support outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions                   |

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|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 10<br>November<br>2021                                                           | Childcare Sufficiency<br>Assessment - Annual Return<br>To consider the annual childcare<br>sufficiency assessment |                                                                                    |                                    | Report of the Head of Education and<br>Learning outlining all relevant<br>considerations, information and<br>material including any equality and / or<br>impact assessments, as necessary. | All Divisions                                                                  |
| <b>PART B -FRAMEWORK DECISIONS</b><br>(Requiring approval of the County Council) |                                                                                                                   |                                                                                    |                                    |                                                                                                                                                                                            |                                                                                |
| <b>Date of<br/>Decision</b>                                                      | <b>Matter for<br/>Decision</b>                                                                                    | <b>Consultees</b>                                                                  | <b>Means of<br/>Consultation**</b> | <b>Documents to be considered in<br/>making decision</b>                                                                                                                                   | <b>County Council<br/>Electoral<br/>Division(s)<br/>affected by<br/>matter</b> |
| 19<br>January<br>2022<br><br>17<br>February<br>2022                              | Pay Policy Statement 2022/2023                                                                                    | Appointments<br>,<br>Remuneratio<br>n and Chief<br>Officer<br>Conduct<br>Committee | Meetings                           | Report of the County Solicitor<br>outlining all relevant considerations,<br>information and material including<br>any equality and / or impact<br>assessments, as necessary.               | All Divisions                                                                  |

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|------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 11<br>February<br>2022 | Revenue Budget, Medium Term<br>Financial Strategy 2022/2023 -<br>2025/2026 and the Capital<br>Programme for 2022/2023 -<br>2026/2027 | Consultation<br>with Trade<br>Unions /<br>Business and<br>those that<br>champion the<br>interests of<br>older people<br>and the<br>voluntary<br>sector.<br>Scrutiny<br>Committees | Meetings | Report of the County Treasurer<br>outlining all relevant considerations,<br>information and material including<br>any equality and / or impact<br>assessments, as necessary. | All Divisions |
| 17<br>February<br>2022 |                                                                                                                                      |                                                                                                                                                                                   |          |                                                                                                                                                                              |               |

Page 35

**PART C - OTHER MATTERS**  
(i.e. Neither Key Nor Framework Decisions)

| <b>Date of Decision</b> | <b>Matter for Decision</b>                        | <b>Consultees</b> | <b>Means of Consultation**</b> | <b>Documents to be considered in making decision</b> | <b>County Council Electoral Division(s) affected by matter</b> |
|-------------------------|---------------------------------------------------|-------------------|--------------------------------|------------------------------------------------------|----------------------------------------------------------------|
|                         | <i>Regular / Annual Matters for Consideration</i> |                   |                                |                                                      |                                                                |

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|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Between 10 March 2021 and 5 May 2021                                                    | Standing Items, as necessary (Minutes, References from Committees, Notices of Motion and Registers of Delegated or Urgent Decisions)                                                                                                                                                                                                                                                                                                                                                                   | As necessary                                                                                                     |     | Report of the TBC outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                                   | All Divisions |
| Between 10 March 2021 and 1 May 2021<br>Page 26<br>Between 10 March 2021 and 1 May 2021 | Standing Items, as necessary (Minutes, References from Committees, Notices of Motion and Registers of Delegated or Urgent Decisions)<br><i>[NB: Items relating to the letting or occupancy of individual holdings may contain information about, or which is likely to reveal the identity of, an applicant for a holding and about the financial and business affairs of the Council and any prospective or existing tenant that may need to be discussed in the absence of the press and public]</i> | To be considered at the Farms Estates Committee, including any advice of the Council's Agents NPS South West Ltd |     | Report of the Head of Digital Transformation and Business Support, County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary. | All Divisions |
| 14 July 2021                                                                            | Public Health Annual Report 2020/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                  |     | Report of the Director of Public Health outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                             | All Divisions |
| 14 July 2021                                                                            | Treasury Management Stewardship Outturn Report                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Corporate Infrastructure and Regulatory Services Scrutiny Committee                                              | n/a | Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.                                                      | All Divisions |

|                       |                                               |                                                                                       |           |                                                                                                                                                                                |               |
|-----------------------|-----------------------------------------------|---------------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 13<br>October<br>2021 | Devon Safeguarding Adults<br>Annual Report    |                                                                                       |           | Report of the Chair of the Board<br>outlining all relevant considerations,<br>information and material including any<br>equality and / or impact assessments,<br>as necessary. | All Divisions |
| 8<br>December<br>2021 | Treasury Management Mid Year<br>Report        | Corporate<br>Infrastructure<br>and<br>Regulatory<br>Services<br>Scrutiny<br>Committee | Committee | Report of the County Treasurer<br>outlining all relevant considerations,<br>information and material including any<br>equality and / or impact assessments,<br>as necessary.   | All Divisions |
|                       | <i>Specific Matters for<br/>Consideration</i> |                                                                                       |           |                                                                                                                                                                                |               |



CS/21/04  
Cabinet  
March 10<sup>th</sup> 2021

Future arrangements for the provision of Education and Inclusion Services

Report of 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:

- A) that Cabinet note the consultation and engagement process that has taken place over the past 15 months.
- B) that following expiry or termination of the existing service contracts with Babcock Learning and Development Partnership LLP the Education and Inclusion Services are brought into direct delivery by the Council, through the Education and Learning teams.
- C) that subject to Recommendation B being agreed, the County Treasurer, County Solicitor, and Head of Digital Transformation & Business Support (in consultation with the Leader of the Council and the Lead Member) be authorised to:
  - 1. determine the Council's preferred option for the future of the LLP after the existing service contract for Learner Services has come to an end;
  - 2. enter into discussions with Babcock Education Holdings Ltd for the purposes of agreeing the future of the LLP;
  - 3. execute all legal and financial agreements necessary to effect any decisions or agreements reached with regard to the future of the LLP.
- D) that, subject to Recommendations B and C being agreed, and in the event that the LLP is wound up or otherwise ceases to provide the traded services, that the Chief Officer for Children's Services (in consultation with the County Treasurer, County Solicitor, Head of Digital Transformation & Business Support, Head of Education & Learning, the lead member for Children's Services and the Leader of the Council) be authorised to consider the future of appropriate traded services in accordance with the commitment provided at paragraph 3.17 below.

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## 1. Summary

- 1.1. This report explains the background and process which has taken place over the past 15 months to ensure the effective delivery of a significant number of the Local Authority's statutory duties in relation to Education when the current contract with Babcock LDP expires.

# Agenda Item 14

- 1.2. The current contract delivered by Babcock LDP has worked well and is valued. Moving forward we need to prioritise the integration of SEND services so that we can continue to improve our ability to meet the needs of children and their families.
- 1.3. The recommendations support a fully integrated SEND Service while also securing safe delivery of the remaining statutory duties and services which are important to the inclusive education of pupils in schools.

## 2. Introduction

- 2.1 In 2012, after thorough consultation with staff and stakeholders and following a rigorous options appraisal, Devon County Council (DCC) took the decision to commission out its statutory Education and Inclusion Services. The delivery model chosen was a joint venture with Babcock Training Ltd (now Babcock Educational Holdings Ltd). A new partnership, Babcock Learning and Development Partnership LLP (LLP), was formed between Babcock and DCC and a service contract was put in place for a maximum of ten years. This contract was due to expire on 31st March 2022, but due to the delays caused by the pandemic in August 2020, DCC Cabinet approved an extension to the existing contract for a period of up to 12 months, to 31<sup>st</sup> March 2023. The LLP does not automatically end with the expiry of the service contract. A separate decision is therefore required in relation to its future, see paragraph 3.16 below.
- 2.2 At the time of the original decision, the policy framework for traded services <sup>1</sup> to schools linked to academisation indicated that Local Authority duties would decrease and that many services would move into a fully traded model within the period of the contract. The contract has been very well delivered by Babcock but the impact of this national policy has not been realised and whilst there is a significant traded element, additional to the services within the Education & Inclusion Services contract, this is not to the proportion originally expected. The number of statutory duties sitting with the Local Authority has remained and has in some areas been extended.
- 2.3 In 2014 significant changes were made to Part 3 of the Children and Families Act 2014 and associated regulations relating to children and young people with special educational needs (SEN) and disabled children and young people. New statutory guidance was introduced (the SEND Code of Practice 2014) including guidance to ensure close co-operation between education, health and social care; this was a change from the previous regulation which focused entirely on education.
- 2.4 A DCC led Project Board including school and governor representation has been undertaking work on the future service design and the delivery model options for the Education and Inclusion service. The re-commissioning work began in summer 2019 with consultation, engagement and co-design sessions with parents and schools. Throughout the engagement and as supported again in the recent public consultation, the need to integrate

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<sup>1</sup> these are services bought by schools directly from Babcock LDP but outside of the DCC contract.



services for SEND is the strongest message received. This message is supported by a wide range of stakeholders.

- 2.5 This report lays out in more detail the strategic direction for the services under consideration and how they work alongside the wider Council and partnership. It also reflects on the current market position and how this impacts the market options available. A detailed business case has been developed and shared with leadership and Cabinet at previous meetings. A finance and resources summary is also attached as a separate part 2 paper. Three sessions have also been held with the Children's Standing Overview Group and other invited members to allow consideration of the options appraisal and the outcome of the public consultation, issues raised by Members were taken into account for the future recommendations.
- 2.6 The recommendations made in this paper reflect the work undertaken over the past 15 months and will ensure effective delivery of our statutory duties and other services that schools value when the current contract expires. It will also prioritise the integration of SEND services in order to better meet the needs of children and their families.

### **3. Proposal**

#### Future Service Delivery

- 3.1 Devon has an ambitious partnership vision for all children. The services covered within this paper (as listed in 3.9 and 3.10 below) are significant for the delivery of a wide range of statutory duties which the Local Authority holds to safeguard all children and ensure that they can access high quality inclusive education.
- 3.2 These services impact on some of the most vulnerable children, improving life chances and achieving our strategic priority of inclusion, through high quality SEND and other support services.
- 3.3 There is a strong partnership wide commitment to develop a truly transformative SEND service where Education, Health and Care work as one team. Work to transform the SEND offer in Devon has been underway since Spring 2020.
- 3.4 The purpose of the [SEND transformation programme](#) is "to improve parents' and young people's lived experience of SEN support in Devon by designing and implementing an integrated service that works together, and with families, to ensure young people receive the right support at the right time." This work sits as part of our wider SEND improvement plan.
- 3.5 Parents have told us we need to meet the needs of children with SEND earlier and better and improve access to and coordination of support. In our design work with parents and schools we have also focused on specific groups of children, evaluating ways to improve children's lived experience and impact on their long-term outcomes by changing how we work to meet needs earlier, particularly improving capacity to meet speech and communication, autism and social and emotional needs.

# Agenda Item 14

- 3.6 We have excellent inclusion opportunities for children with SEND in Devon, with 57% (3720) of statutory school age children accessing mainstream education (14% above the national average). This is a continual challenge to achieve however, with the needs of children becoming more complex and standards rising. The transformation programme will support continuation of this performance, particularly in the light of the long-term impact of the COVID pandemic on a generation of children.
- 3.7 Our SEND transformation vision is in line with the priorities of our Children and Young People's Plan and our [SEND strategy](#), where we set out our commitment to improving life chances, ensuring all children and young people in Devon have the right to achieve their potential with opportunities to thrive.
- 3.8 Devon is likely to have a Local Area SEND inspection in 2021. Our partnership will need to demonstrate progress against the SEND Reforms 2014 and the delivery of the Code of Practice. Our assessment of progress to date against the wider outcomes of SEND and the delivery of the Written Statement of Action shows good progress with wide reaching actions. However, impact for children and families is not yet secure and there are several areas which have not seen the improvement needed. Without the transformation of SEND delivery we may not realise the full potential of this opportunity.
- 3.9 There is evidence that to deliver the full integration described above the SEND services currently within the contract would need to be brought into the direct delivery of the council. These services are:
- Education Psychology
  - Early Years support & advice
  - Children Missing Education
  - Physical & Sensory Support
  - Social, Emotional & Mental Health
  - Communication & Interaction
  - Multi-sensory impairment (currently under a separate contract with Babcock LDP)
- 3.10 Despite the benefits identified, bringing in these services creates a knock-on consequence for the viability of a service contract to deliver the remaining services and maintain vital support for schools and children and which include:
- Elective Home Education support and monitoring (EHE)
  - Ethnic Minority, Travel and English as an additional language
  - Education Welfare Service
  - Teaching, Curriculum & Learning Advisory Support
  - Governance, School Improvement and Quality Assurance
  - Education Safeguarding
- 3.11 Our assessment following the market analysis is that, with fewer services being offered as part of the contract, appetite for the remaining services is very low and is limited to one main national provider and one small local

collaboration. Engagement has given a clear view that the incumbent provider would be unlikely to bid in this scenario. The one national provider expressing an interest has indicated they would need to carry out very careful scrutiny and financial assessment prior to bidding and they would include in this assessment the commercial viability of opportunities for economies of scale to trade services over borders.

- 3.12 In summary, our assessment of the market interest is that it is unlikely there are providers in a position to deliver the remaining services, should the SEND services be brought into direct delivery.
- 3.13 There are additional opportunities if remaining services are brought into direct delivery. For example, alignment of Education Welfare (currently in the contract) to the Inclusion Services and Early Help teams (within DCC) could offer good efficiency and effectiveness of outcomes. The remaining services would then be Educational Safeguarding, Governor support and School Improvement. There is a potential opportunity for School Improvement to be part of the sector led peer support landscape.
- 3.14 As explained above, consideration of the strategic benefits that would be realised through SEND integration and transformation alongside the potential market conditions for those services not included has determined the Recommendation B to Cabinet.

## Future of the LLP

- 3.15 The LLP was not set up to automatically end with the service contract. As well as delivering DCC's service contract, it also provides the traded services directly to schools. A separate Corporate Governance Group comprised of the County Treasurer, County Solicitor, and Head of Digital Transformation & Business Support has been set up to consider the future of the LLP. More particularly, the remit of the Corporate Governance Group is to review DCC's options in relation to the future of the LLP and its traded services from a corporate perspective including any liabilities and costs associated with those options and the procedure and timings for each option. In brief, the 3 available options for the LLP are 1) the LLP remains 'as is' to deliver the traded services, 2) DCC sells its interest in the LLP to Babcock or a third party or 3) the LLP is wound up. It is important to stress that DCC will need to explore these options with Babcock Education Holdings Ltd with the aim of agreeing a joint way forward.
- 3.16 If Cabinet approve Recommendation B, they are also asked to approve Recommendations C and D. The Council will need to explore the above-mentioned LLP options with Babcock Education Holdings Ltd and agree a way forward and implement it.
- 3.17 Furthermore, in the event that the LLP is wound up or otherwise ceases to provide the traded services, the Council will need to determine how the traded services will continue to be provided. These services still provide valuable support directly to schools and would have a significant impact on their ability to deliver and support learners if they were lost. Our commitment to schools in any new arrangements for the Education and Inclusion Services will ensure the traded services are not impacted.

# Agenda Item 14

## 4. Options/Alternatives

- 4.1 An options appraisal has been undertaken. It considered the way that the services within the current contract work together and how they are connected to other services outside the contract to provide the whole system of support to schools, children, young people and their families.
- 4.2 The SEND transformation work is a priority for the council and there is evidence that bringing the SEND services into direct delivery by DCC is the best way of delivering an integrated SEND service that works together, and with families, to ensure that young people receive the right support at the right time. This view was supported by the consultation work undertaken (see section 5) and so is a key driver for determining the delivery options.
- 4.3 The current Education and Inclusion services work in an integrated way and to separate the SEND services from the rest would have resulted in an impact in the progress made to improve delivery across the period of the previous contract. This strategic context in addition to the market context resulted in the options appraisal below.
- 4.4 Significant market engagement has been undertaken to fully explore market appetite and a full report has been completed on this. Whilst there was some initial interest from a range of providers in the market, on further investigation and engagement it transpired that, when considering delivery of all services, this was limited to just two potential providers.
- 4.5 It was clear that if the SEND services (including Early Years) were delivered directly by DCC to achieve the benefits outlined above, the market interest to deliver the remaining school improvement, safeguarding and quality services reduced significantly.
- 4.6 Further engagement was therefore undertaken with providers to explore the range of delivery options for the remaining services, direct delivery options from DCC were also considered (as described in section 5).
  - The options of an employee led, alliance, partnership vehicle or community interest company model were considered, there were limited providers showing an interest and most of those that did express an interest did not currently have the capability or capacity to deliver the services as required.
  - The final option considered and recommended, is to bring all remaining services into direct delivery through the Education and Learning teams alongside the SEND services. This delivers against the strategic priorities as outlined in this paper. This option also enables continued integrated delivery of all the Education and Inclusions services and offers the opportunity, in the future, to develop the commissioning of some school improvement services through a peer to peer model. If necessary, it would also provide a vehicle for appropriate traded elements of the remaining services to be delivered through a branded delivery model, once the future of the LLP has been determined.

- 4.7 The above options and their impact on delivery have been reviewed against the agreed objectives which are laid out in the following documents
- Improve outcomes for Children and Young People as set out in our [Children and Young People's Plan](#) and our [SEND Strategy](#).
  - Reflect the findings of the SEND review in December 2018 and build on the priorities identified in our [Written Statement of Action](#) and the recommendations of the [SEND transformation programme](#).
  - Be efficient.
  - Be sustainable.
  - Be flexible.

## 5. Consultations

- 5.1 Consultation has taken place with schools through a design workshop, two surveys and 3 consultation events held virtually. The main schools' consultation took place as part of the Schools Funding Consultation in October.
- 5.2 The feedback received through the Schools Funding Consultation, alongside previous schools' engagement, informed the options appraisal. Although most school respondents expressed "no preference" to commissioned or in-house delivery of services, where a preference was expressed, most responses indicated they felt there was a benefit on bringing the service in-house.
- 5.3 Feedback from families and other stakeholders has also been used to inform the process. This has included previous engagement during 2017 with families regarding community health and wellbeing services, sensory service review engagement workshops during 2018/2019 and short breaks co-design and workshops during 2019/20, as well as feedback from families during meetings with DCC Childrens' Services senior leaders arranged by Parent Carer Forum Devon in Summer 2020.
- 5.4 Following this consultation with schools and with families, a public consultation was carried out through the 'Have Your Say' website from 5/11/20 to 01/12/2020. This was also advertised through the SEND newsletter and the SEND alerts system as well as other partner communication flows.
- 5.5 This November 2020 public consultation asked the following:
- "The services being considered for direct delivery by DCC are Educational Psychologists (EP), Children Missing Education (CME) and Early Years, with the remaining services to continue to be delivered through a tendered contract(s). Do you agree this would be the best way to deliver these services in the future? "
- 5.6 A total of 115 online responses were received; some of these responses represented a group response and other forums (for example schools) had already fed back earlier in the process. Additional representation was received from the NHS Devon Clinical Commissioning Group, who noted and supported the benefits in relation to the services responding earlier to families need without the need for an Education Health and Care Plan (EHCP).

# Agenda Item 14

- 5.7 Of the online responses received, 62 said yes, 46 said no, and 7 had no view. An appetite for increased service provision delivered by the Local Authority was evident in six of the 'no' responses, with a number of the "yes" responses also commenting that more services could be considered for direct delivery.
- 5.8 Two further questions asked for feedback in relation to whether the services could be delivered differently to the proposal. Feedback themes from the consultation were around the importance of integrated and multi-agency working, either within a Local Authority or a commissioned service delivery model.
- 5.9 The extensive information fed back through the public consultation was used to further inform the options appraisal.
- 5.10 As part of market engagement, the opportunity for providers to feedback was also offered via the portal or in writing.
- 5.11 Children's Scrutiny have also fed back their view and provided challenge at the following meetings:
- Children's Scrutiny Committee – 10<sup>th</sup> November 2020.  
Children's Scrutiny Master Class – 2<sup>nd</sup> December 2020, 9.30 – 11 am.  
Children's Standing Overview Group – 19<sup>th</sup> January 2021, 12 pm – 1 pm.  
Children's Standing Overview Group – 16<sup>th</sup> February 2021, 10.30 – 12.30 pm.
- A summary of Scrutiny members' discussions is included at Appendix A.
- 5.12 The Schools Forum have been kept updated throughout the project by their steering group representatives and at Devon Education Forum and School Funding Group meetings.
- 5.13 Over the past 15 months the DCC senior managers accountable for each of the service areas have also been consulted, and their views have been taken into account alongside those of other stakeholders as part of the options appraisal.

## 6. Financial Considerations

- 6.1 If approved, Recommendation B would see a significant number of staff becoming DCC employees. An initial financial analysis has been undertaken to inform decisions around cost and risk. A summary is provided below but a detailed finance paper including staffing numbers and delivery costs is included as a separate part 2 paper.
- 6.2 Based on the initial calculations, it is estimated that hosting the direct delivery services (excluding traded elements) should not see any additional costs to the Authority over and above the current contract costs (plus inflation to the time of implementation). Due to the market condition, current trading conditions and as the contract value has not increased since 2012 any retender of the services in their current format is very likely to see increased costs.
- 6.3 The current contract commissioned by DCC has a value of £8.8 million pounds per annum. Direct delivery costs estimates have been calculated which take into account:

- Current staffing levels within the contract and estimated staffing costs.
  - IT annual charges.
  - Premises costs.
  - Business, Customer Relations, Finance, Human Resources and Legal Support.
  - Insurance.
- 6.4 There are currently some costs which cannot be quantified, for example possible pension costs for any staff not already on the Local Government Pension Scheme. Work will continue to refine these as more detailed information becomes available.
- 6.5 There is a separate, aligned, contract in place with Babcock which delivers support for children with multi- sensory impairment. This contract has been considered alongside the other SEND Services.
- 6.6 Should the decision be made to go ahead with bringing these services into direct delivery of the Council, resources from several corporate teams will be needed to deliver the transfer of staff to DCC. Initial estimates of the resources needed are being developed.
- 6.7 Organisational learning from other insourcing projects, particularly Public Health Nursing, will continue to be taken into account in planning the direct delivery exercise. Corporate teams will be stakeholders in both project planning and project delivery. The work required will be planned well ahead of transfer. DCC and the current provider already share the same database systems and reporting so this should simplify the process of bringing in the additional teams.

## **6.8 Pension Considerations**

The pension fund actuary will determine if any liability or surplus exists in respect of Babcock's funding position within the Devon Pension Fund at the date that the agreement ceases. Any liability or surplus identified will not be crystallised, and therefore an immediate payment (in the event of a liability) or income receipt (in the event of a surplus) will not be required; instead, the employer pension contribution rate of Devon County Council, as the new service provider, will be revised to incorporate any liability or surplus. At the 2019 actuarial valuation, Babcock was assessed to have a funding level of 100%.

Any employee transferring from Babcock to Devon County Council who is already a member of the Local Government Pension Scheme (LGPS) will remain in the LGPS. Any employee who is not currently in the LGPS will be offered the opportunity to join the LGPS upon commencing employment with Devon County Council. Devon County Council will be responsible for paying the employer pension contributions for LGPS members from the date that the agreement ceases. The costs of employer pension contributions for existing and new members of the LGPS will be covered via a revision to Devon County Council's employer pension contribution rate.

Babcock will be discharged from any future obligations to the Devon Pension Fund from the date that the agreement ceases.

# Agenda Item 14

## 7. Legal Considerations

- 7.1 The lawful implications/consequences of the proposals/recommendations/proposed course of action have been considered and taken into account in the preparation of this report and the recommendations set out above.
- 7.2 The staff directly involved in the delivery of services to DCC under the services contracts would be eligible for transfer to DCC under TUPE regulations. The staff involved in the delivery of the traded services may also be eligible to transfer to DCC under the TUPE regulations if the LLP stops providing the traded services and these are provided by DCC.

## 8. Environmental Impact Considerations (Including Climate Change)

The recommendations made are not expected to have any measurable environmental impacts.

## 9. Equality Considerations

An Impact Assessment has been prepared and is published on the DCC website. <https://www.devon.gov.uk/impact/published/>

## 10. Risk Management Considerations

- 10.1 A risk register is in place for the project and risks have been analysed. The most significant risks identified from a service and an organisational perspective are described below.
- 10.2 Failure to deliver the Local Authority's statutory responsibilities – failure to agree a way forward beyond the current contract would put continuity of a significant number of statutory duties at risk. The existing contract cannot be extended further in compliance with the Public Contracts Regulations 2015. If approval for the recommendations is granted today the current project governance will be reviewed and revised, with a plan and a project team being put in place including the stakeholders and resources needed to ensure continuity of services at the end of the current contract.
- 10.3 Unsuccessful Tender - should the above recommendations not be approved, there is a high risk that there would not be a successful bid as an outcome of the tender process. Market engagement has tested potential interest in the services both on a macro and micro level. As fewer services are offered together, the risk of an unsuccessful tender increases (impacting on both outcomes for children and the financial risks).
- 10.4 Project resource capacity - the project remains a high priority for the Local Authority, with escalation procedure should needs require due to conflicting priorities.
- 10.5 Impact on staffing, future retention of key staff and impact on service delivery – there is a risk that changes could cause staff working for the current provider to feel unsettled and seek alternative employment. This is being mitigated through



ongoing dialogue with the incumbent provider to ensure engagement as appropriate throughout, with clear communications managed via incumbent provider to staff groups. The future design of services will aim to encourage retention and sustainability of staffing in the future.

## 11. Public Health Impact

- 11.1 The proposals outlined in this report are expected to have an overall positive effect on public health as well as on individual children and their families. The proposals support our partnership vision across education, health and social care for all children to have the best start in life and to improve their life chances, ensuring that they are able to achieve their potential and have opportunities to thrive.
- 11.2 Health elements are also picked up in the impact assessment.

## 12. Conclusions

- 12.1 In conclusion, as a result of the extensive analysis and consultation work carried out over the last 15 months and given the findings of the market engagement work and the risk identified of there not being a competitive provider market for the remaining services, it is recommended that all of the Education and Inclusion services currently provided by Babcock LDP and as described in this document are brought in for direct delivery by DCC through the Education and Learning teams. This is the best option to successfully transform SEND for children and families.
- 12.2 If these recommendations are agreed, the current project team will be repurposed to include resources from corporate teams including HR, ICT and Estates. Work will then go ahead to fully define and plan the activities needed to bring these services into direct delivery by DCC at or before the end of the current contract extension period.

Chief Officer for Children's Services Melissa Caslake

Electoral Divisions: All

Cabinet Member for Education: Councillor James McInnes

Head of Education and Learning: Dawn Stabb

### **Local Government Act 1972: List of Background Papers**

Contact for Enquiries: Dawn Stabb, Head of Education and Learning

<b>Background Paper</b>	<b>Date</b>	<b>File Reference</b>
Impact assessment		<a href="https://www.devon.gov.uk/impact/published/">https://www.devon.gov.uk/impact/published/</a>

# Agenda Item 14

## Appendix A

### Education and Inclusion consideration by the Children's Scrutiny Committee Standing Overview Group in 2021

Scrutiny welcomes the open and transparent way in which Children's Services has invited and involved Scrutiny Members in the candid consideration of future options for Education and Inclusion. This year the Children's Standing Overview Group has met twice on the 21st January and on the 16th February to consider this issue in detail.

To date this has not been reported to Committee due to time restrictions, however Members have expressed support for the plans. This is an example of excellent pre-decision Scrutiny and of Councillors being involved early in the consideration of service change including confidential information to support the conversation. The turnout for both meetings was high with the majority of the Committee attending both meetings. Members endorsed the direction of the recommendations.

Extracts from the reports for each meeting are detailed below:

#### **Report of the Children's Special Standing Overview Group 21st January 2021**

Dawn Stabb (Head of Education & Learning), Kate Mulford (Commissioning Manager – Children's Services), Andrew Simkins (Procurement Category Manager) presented on the recommissioning of Education and Inclusion Services.

The presentation re-capped previous information shared with members, the outcomes of the public consultation, an overview of the SEND Transformation plan, financial information on the different option 'bundles' and the outcomes of market engagement.

The information shared was on a confidential basis with members due to the information being market sensitive and the legal process of tendering services.

After the presentation, there was an opportunity for members to raise any questions about the presentation with officers.

Member discussion topics:

- Members asked officers about the public consultation and the types of people engaged in the consultation.
- Members asked about alternative delivery models in the procurement process rather than just public or private providers. Officers explained options were being explored and would become clearer once options were finalised.
- Members discussed the timeliness of Education Health and Care Plans (EHCP) and officers explained that by providing an inclusive wrap around service, the number of EHCPs would decrease and timeliness would improve.
- Members discussed the impact of moving services in house and the rationale of the original contract of services and the approach being taken now.
- Members asked about other services which were not included in the discussion. Officers highlighted that the proposals reflected improving outcomes and providing a better service. Officers and the Cabinet Member

highlighted 'bundles' or options are open for discussion and no decision had been made on the final proposals.

- Members discussed professional development and training of the local workforce and working with local education providers.

*Actions:*

1. *Future briefing note or agenda item focusing on professional development of local staff and acknowledging the local workforce of professionals.*

Officers outlined the next steps of the process to Members and highlighted their focus on ensuring Members are informed of the decisions.

## **Report of the Children's Scrutiny Standing Overview Group – 16th February 2021**

Melissa Caslake (Chief Officer for Children's Services), Dawn Stabb (Head of Education & Learning) and Fiona Fleming (Head of Commissioning – Children's) presented on the recommissioning of Education and Inclusion Services.

The presentation re-capped previous information shared with Members and the recommissioning journey so far. The presentation covered the context of the decisions being made, the current contract, SEND Transformation, the current options for services, and the financial implications of these options.

The information shared was on a confidential basis with Members due to the information being commercially sensitive.

Officers stressed the justification behind the recommissioning of services to work together with the SEND Transformation project to create a better wrap around service that avoids high cost interventions at a later stage. Members praised the reasoning behind the recommissioning of services and the possibility of creating a better service for Children and Families.

After the presentation, there was an opportunity for Members to raise any questions about the presentation with officers.

Member discussion topics:

- Members asked officers about when scrutiny will be able to see the improvements made from the recommissioning of services. Officers responded that the current timetable to integrate services is 18 months to 2 years.
- Members asked officers about the financial implications of the decisions. Officers and the Cabinet Member confirmed that the recommissioning of services is not a cost saving exercise but focussed on better outcomes for children and families while transforming how services work.
- Members questioned officers on the implications on staff and management staff in the event of services moving to the County Council. Officers responded that staff will TUPE across to the County Council and they already work closely with staff in the current arrangements but will continue to work closely with staff in the integration of services.
- Members asked officers about the proposed SEND 'Hub' of wrap around services. Officers responded that the 'Hub' is still in the design phase but would be centred on local areas.

# Agenda Item 14

Officers outlined the next steps of the process to Members to ensure Members will be involved in the process.

The full reports for each Standing Overview Group will be reported to the Children's Scrutiny Committee Meeting on the 16<sup>th</sup> March.

# Impact Assessment



Assessment of: - The impact of the recommendation for Education and Inclusion Services to be delivered by Devon County Council directly from 2022/23.

Service: - Education and Learning, Children's Services, Devon County Council.

Head of Service: - Dawn Stabb, Head of Education & Learning, Children's Services, Devon County Council  
Melissa Caslake, Chief Officer of Children's Services, Devon County Council

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

Assessment carried out by (job title):- Jade Torr, Commissioning Officer, Lucy Brewer Senior Commissioning Officer.

## 1. Description of project / service / activity / policy under review

Devon County Council and its partners hold a number of statutory responsibilities concerning the education of and the safety and welfare of children and young people in Devon. Examples of these duties are summarised in a number of pieces of statutory legislation and guidance including:- *Education Act (1996)*; *Education Act (2002)*; *Children Act (1989)*; *Children and Families Act (2014)*; *SEND Code of Practice:- 0-25 Years (2014)*; *The Education (Health Standards) (England) Regulations, (2012)*; *Keeping Children Safe in Education (2019)*; *Working Together to Safeguard Children (2018)*; *School Standards & Framework Act, (1998)*; *Education & Inspections Act (2006)*; *Childcare Act (2006)*.

In 2012, Devon County Council and Babcock International entered into a joint venture partnership (a type of commercial enterprise involving two or

more parties, but where all parties retain their distinct identities) Babcock LDP. This arrangement has allowed both parties to work together to deliver a range of 'Education and Inclusion Services' in Devon which in turn respond to legal responsibilities held and referenced above. These services support through a range of practitioners and professionals working in education settings such as schools and early years settings both children and young people including those with Special Educational Needs and Disabilities (SEND). This is achieved by providing practitioners and professionals better access to education, support, training, and intervention, thus supporting education, and learning achievements and outcomes. These services also support the quality of education, helping and supporting education settings with improvements and development, alongside offering support to ensure and promote the safety, safeguarding and protection of children and young people in education settings.

The kinds of Education and Inclusion Services currently offered includes: -

- Educational Psychology services.
- Early Years Support and Advice services (for children aged 0-5 years).
- Children Missing from Education service.
- Elective Home Education.
- Teaching and Learning Advisory Support.
- Ethnic, Minority and Traveller Achievement Service and English as an Additional Language.
- Physical and Sensory Support.
- Multi-Sensory Impairment services.
- Communication and Interaction.
- Behaviour support and social, emotional, and mental health (SEMH).
- Education Welfare Service.
- Safeguarding services.
- School improvement and Quality Assurance services.
- Governor Support and Quality Assurance services.

The current Provider of the Education and Inclusion Services contract also provides other services not directly commissioned by DCC. This includes a 'traded service offer' which is a mixture of: -

- a) An equivalent to DCC commissioned services that can be bought by schools (for example additional Educational Psychologist work). This draws on the expertise and skills of practitioners across services summarised above to provide a package of bespoke support and intervention to education settings and wider practitioners who will choose to purchase these services directly from the Provider.

- b) 100% traded services which are not commissioned in any form by DCC but are still highly valued by schools and realise outcomes that otherwise would not be achieved. These wholly 100% traded services include: -
- The management of the Devon Music Education Hub, which is funded by grants. Through the Devon Music Hub all Devon schools currently have fully funded access to class sets of instruments. 2,800 instruments are currently on loan to schools and pupils across Devon and an increased number of children and young people are using the online facility to support home learning over the last calendar year.
  - The Outdoor Education service which provides a range of services from two outdoor education sites based on Dartmoor. These are accessed by schools directly and are self-funded drawing no resources from the commissioned services.
  - Library Service which provides book boxes to schools and, like the Outdoor Education service, is completely self-funded.

Education and Inclusion Services are currently being funded through a range of core education funding received by Devon County Council from the Government, as well as de-delegated funds (where schools pass equal % money back to the council for them to purchase services on schools behalf), which are used to commission services on behalf of schools. The 2019/20 value of the Education and Inclusion Services contract is around £9.8 million (includes Music Grant £0.9m). The value of the 'traded service offer' in 2019/20 was approximately £4 million.

Page 55

## Reason for change / review

The contract and existing arrangements for the delivery of Education and Inclusion Services are due to end in 2022/23 after a period of potentially 11 years. Devon County Council are required to undertake a process and work to review, consider and facilitate decision making which will determine the design of and the arrangements for the delivery of any Education and Inclusion Services for the future. The services are also linked to other services being reviewed as part of the corporate SEND transformation project and as such need to be designed to align with that.

## 3. Aims / objectives, limitations and options going forwards (summary)

Our goal is to ensure the continuity and availability of service support and intervention which can best meet the future needs of children, young people, families, professionals, practitioners and partners in Devon.

It is intended as part of this goal: -

- To design services which are as efficient, sustainable, and flexible for the future as possible.

- Designed services continue to support Devon County Council in meeting its statutory responsibilities and obligations concerning the education, safety and welfare of children and young people in Devon.
- Designed services align and deliver in ways which support Devon's aims to improve outcomes for children and young people in Devon as described in our [SEND Strategy](#), [Children and Young People Plan](#), [Written Statement of Action](#) and [SEND Transformation Project](#).

An options appraisal has been undertaken to consider the ways in which Education and Inclusion Services could be delivered going forward.

This assessment follows this appraisal and aims to consider the impact of the recommendation to deliver Education and Inclusion Services through a different set of arrangements from 2022/23.

The recommended change proposes Devon County Council, from 2022/23, directly deliver all of the services currently included in the Education and Inclusion Contract, this would include continuing to ensure 'traded services are available, to provide a greater opportunity for integration and to support SEND transformation and improve outcomes for children. With the option to commission out the School Improvement and Quality Assurance services at a later point going forward.

Further rationale, analysis and explanation for this recommendation can also be found in the accompanying Cabinet paper.

#### 4. People affected and their diversity profile

People affected would include children and young people aged 0-18 years living in Devon. It would include children and young people aged 0-25 years with Special, Educational, Needs and Disabilities (SEND) living in Devon. Additionally, families of children and young people living in Devon and a range of professionals and practitioners working across education (including early years) settings in Devon would be affected.

Reach: - The Joint Strategic Needs Assessment (JSNA) Devon Overview, 2018 indicates Devon has a population of about 750,000. Of this figure around 21% (157,500) are children and young people aged between 0-19 years. The 2011 Census indicated of the DCC population 94.4% identified as White British; 2.5% identified as White Other and 2.6% identified as Black, Asian or Other Ethnic Minority Group. Of the Devon population



responding to the DCC Community Insight Survey in 2019, 47% strongly agreed or agreed with the statement “I have good access to learning opportunities”.<sup>1</sup>

In 2019, 65% of pupils in Devon achieved a pass (grades 9-4) in English and Maths. Attendance of children and young people in school settings is high, often above the national average. In 2019, there were only 1% of unauthorised absence/ sessions missed in state funded primary, secondary and special schools. In 2020, 92% of 2-3-year olds and 92% of 3-4-year olds were benefiting from funded early education with Providers judged to be ‘Good’ or ‘Outstanding’ by Ofsted.

At Autumn 2020, there were 106,000 children attending Devon schools. An additional 1,508 children and young people are known to be home educated. At October 2020, 20,794 children and young people were identified to have a special educational need in Devon. Of this number 13,316 are supported at school level and 7,478 children and young people with SEND had an Education, Health and Care plan (EHCP) to support their needs. Devon has more children supported at both SEN support level and with an EHCP than seen elsewhere in the country. Social, Emotional and Mental Health difficulties (SEMH), Speech, Language and Communication difficulties (SLCN) and Autism Spectrum Disorder represent the 3 highest categories of need for children and young people with SEND in Devon. The educational outcomes for children on SEN support and with EHCP are better in Devon than the National Average, with Devon having 32% of pupils that are achieving a good level of development compared to 30% for England.

2,077 teachers across 290 schools in Devon are currently registered with the Devon Music Education Hub. 14,746 children and young people are using the online facility offered through the Hub to support home learning during COVID-19. 2,800 instruments are currently on loan to schools and pupils. All Devon schools have fully funded access to class sets of instruments.

The ‘traded service offers’ are currently purchased and used by a significant number of Education settings, including maintained special schools; mainstream settings and academies; and independent schools and colleges who are supporting children and young people, children and young people with SEND and in some cases supporting provision for them as described in their Education., Health and Care Plan.

Experience: - There are a variety of ways families are able to share their feedback and views with DCC. This includes: - through the Devon SEND Local Offer; through customer services; through the Parent Carer Forum operating in Devon. Details of engagement, feedback and consultation being undertaken relating to this topic is summarised in section 7 below. Education settings, Early Years settings and Governors are also able to

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<sup>1</sup> Joint Strategic Needs Assessment (JSNA), Devon Overview, 2018, pages 51-53.

share their experience with DCC through a range of methods including via DCC website, surveys, as well as through strategic and operational meetings such as Heads Liaison group, Schools Finance group and Devon education Forum.

Dependence: - There is a high dependency on services delivered as part of the Education and Inclusion Services contract. As well as supporting quality and development of education settings and safeguarding of children and young people in education settings; services also support schools to support some of Devon's most vulnerable or disadvantaged pupils to have a good education which helps them to gain skills, knowledge and qualifications, achieving the best possible outcomes. This can enable children and young people to have aspirations for, and to access opportunities for training, further education and/ or employment in the future. Support and intervention services offered through Education and Inclusion contract in the academic year 2018/19 for instance, has supported over 325 early years settings with advice and information. Participation and engagement in specific intervention projects to reduce likelihood of exclusion and support literacy and reasoning to aid maths in both early years and other school settings have also been facilitated. Over 116 families with English as an additional language have been offered support. Growing numbers of schools have been supported with training, advice, guidance, development, and best practice resources to help them to support children and young people to achieve better outcomes. This has also included supporting schools to understand, support and monitor children and young people from minority ethnic groups. For instance, over 163 children and young people from Gypsy, Roma or Traveller families have been supported to access educational provision, online teaching, support through transition or have accessed a targeted programme to support attendance. Home visits and monitoring visits have been undertaken to support a number of children and young people who are being electively home educated. Support and involvement has been recorded in over 400 cases where children and young people have been identified to be missing from education. Moreover, through support there has been a reduction in the length of time children in Devon are remaining 'missing from education'. Furthermore, educational psychologists are working alongside Devon County Council to support input and improve timeliness of issued EHCP plans as part of initial assessments and/ or as a result of annual reviews for children and young people with SEND.

## 5. Stakeholders, their interest, and potential impacts

- Practitioners currently delivering Education and Inclusion Services currently employed by Babcock LDP. The outcome of decision making and arrangements for future delivery could have potential implications e.g. mean a change of employer for some practitioners.

- Headteachers, teachers and support staff in education settings in Devon including schools and early years settings. The outcome of decision making and arrangements for future delivery are important for this group in them understanding how they can access and who they can access services and support with/ from, in the future. School and education settings are also a joint commissioner of some of these services alongside the local authority.
- Officers and practitioners delivering service functions across DCC Children’s Services, for example 0-25 SEN, DCC Early Years and Inclusion Services. Depending on decision making there would need to be consideration for the transition of any staff to DCC teams internally.
- Devon County Council Elected Members. Overall decision-making lies with this group. Elected Members will be making decisions that represent and respond to the needs and interests of Devon communities based on the information and evidence provided to them by Officers. Elected Members also need to be assured in their decision making that Devon County Council are meeting their legal responsibilities and making the best use of public funds.
- Children and Young People, and their Families. As the recipient of the support offered either directly or indirectly by services.
- Wider services supporting Children, Young People and their Families. For example, Providers of community health and well-being services, in their assessment of, and delivery of provision to Children and Young People and through joint working across SEND.

## Research used to inform this assessment

- [Joint Strategic Needs Assessment Devon Overview \(2018\).](#)
- [Devon Special Educational Needs and Disability \(SEND\) Local Offer and vision](#)
- [ONS 2011 Census- Office for National Statistics. Figures for DCC Population area.](#)
- <https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2019>
- <https://www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/support-education-health-and-care/care/short-breaks/shortbreakscodesign>
- <https://www.dcfp.org.uk/>
- <https://www.newdevonccg.nhs.uk/your-ccg/children-and-young-people-100144>
- <https://www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/the-picture-in-devon>
- <https://www.devon.gov.uk/equality/performance-and-monitoring/equality-information/2019insight>
- [Local Authority Interactive Tool \(LAIT\)](#)

## 7. Description of consultation process and outcomes

Outcomes and feedback obtained through engagement activity undertaken by Devon County Council and its partners is being used to inform the process seeking to agree and design arrangements for the delivery of Education and Inclusion Services from 2022/23. Engagement activity used to inform the proposals has included a range of stakeholders, for example, children and young people, parents, professionals working across children's services including in schools and therapeutic settings. Examples of engagement undertaken includes:- workshops, surveys and focus sessions as part of the Short Breaks Co-Design; as part of SEND transformation; the Community Health and Wellbeing Services engagement led by NHS Devon; a sensory service review; School Focus Groups; School Leader and Governor Surveys; focus sessions with other local authorities, market engagement opportunities.

Themes highlighted include:- the importance of supporting integrated working; adopting holistic approaches; identification and assessment; early help and accessing the right service at the right time and earliest point; clear pathways and skilled workforces.

Further information for some of the engagement pieces described above can be found on the following: -

- <https://www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/support-education-health-and-care/short-breaks/shortbreakscodesign>
- <https://www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/we-are-listening>
- <https://www.devon.gov.uk/educationandfamilies/archives/10372>

A public consultation was undertaken through the 'Have Your Say' website from 5/11/20 to 01/12/2020. A total of 115 online response were received. The consultation asked the following: -

*The services being considered to be directly delivered by DCC are Educational Psychologists (EP), Children Missing Education (CME) and Early Years, with the remaining services to continue to be delivered through a tendered contract (s). Do you agree this would be the best way to deliver these services in the future?*

Of the responses to the above 62 answered yes, 46 answered no, and 7 indicated they had no view.

Respondents were asked two further questions- for feedback in relation to the option presented, further considerations or issues that had not been taken into account and if the services could be delivered in a different way to that presented in the proposal. Themes identified through the consultation were around the importance of integrated and multi-agency working either within a local authority or commissioned service delivery model, as well as an appetite for increased service provision delivered by the local authority, evident in six of the 'no' responses. A number of the yes responses also expressed a preference for further services currently in scope of the project but not in the proposal to be directly delivered by DCC as well. There was some preference for additional services not currently in scope being commissioned out as an alternative to the proposed model, as well as some reference to a lack of trust and faith in the local authority or in commissioned services. The rich information fed back through the public consultation will also be used throughout the service design element, further informing principles and ways of working, in the future.

<https://www.devon.gov.uk/haveyoursay/consultations/education-and-inclusion-services-across-devon-county-council-consultation/>

'Soft Market Testing' events, benchmarking, research sessions and dedicated open surgery engagement sessions have been undertaken throughout late 2020 and into January 2021 with both external Service Providers and Other Local Authorities (authorities who have recently undertaken a procurement process for delivery of a similar group of services). These engagement events and research sessions have been important in gathering further information from experts across the Provider market and to learn from the practice of Other Local Authorities. This has allowed Devon County Council to consider the feasibility of options for delivery of Education and Inclusion Services in the future, to collate evidence including to barriers as well as opportunities which are essential to achieving innovation and creativity to service delivery in the future. Additionally, these engagement opportunities have allowed Devon County Council to explore the interest and ability of external Service Providers to deliver Education and Inclusion Services in the future and achieve the intended outcomes outlined in section 2. These events have revealed: -

- A position of limited market interest and a decreasing interest from the market across opportunities which could include delivery of smaller numbers of services in partnership with Devon County Council.
- Challenges in achieving the impact and outcomes for children and young people and in the context of a changing and developing position with the SEND transformation work currently being undertaken by the Local Authority.
- Opportunities for collaborative delivery across partners though showing promise for the future are not yet developed and would take significant work to be able to respond to the service needs and objectives.

These have been important outcomes from engagement and ones which have had to be considered in the recommendation summarised above for the future delivery arrangements of Education and Inclusion Services.

## 8. Equality analysis

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy, or practice. In so doing we must give due regard to the need to: eliminate unlawful discrimination, harassment, and victimisation; advance equality of opportunity and foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief. This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).
- The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:
  - Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
  - Proportionate (negative impacts are proportionate to the aims of the policy decision)

- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>All residents (include generic equality provisions)</p>	<p>Delays in accessing services and/ or in receiving support, plans or intervention with services delivered by DCC.</p>	<p>The impact of this issue will be minimised as the recommendation described above would ensure all services would continue to deliver support and intervention to children and young people with SEND. Maintaining delivery of all services together and delivery by one organisation i.e. DCC has the potential to facilitate multi-agency working and joint partnership working in delivering these services. Thus, reducing the likelihood of delay in accessing services. Timeliness of intervention and support would be kept under review. DCC and its partners remain committed to transforming services for children and young people in Devon including children and young people with SEND. All will continue to develop mechanisms by which they can hear the voice of practitioners, children and young people and of families accessing services using this to sense check experiences of service and develop action plans as needed where improvements to service delivery maybe identified . DCC will undertake quality assurance procedures and checks as part of the delivery of services directly delivered. This should help to ensure professionals, children, young people, and families continue to receive support and intervention from services in a timely way and in ways which work for them positively. Hence this change should not impact on the experience of all those accessing Education and Inclusion Services for support and intervention in the future.</p>



<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
	<p>Disruption to services, changes to or inconsistent service delivery for Education settings, families, children, and young people, if the recommendation is agreed above and all aspects of Education and Inclusion Services are transferred to Devon County Council (DCC) in 2022/23.</p>	<p>The impact of this issue will be mitigated by DCC in a number of ways. DCC has a range of resources which will be made available to support the safe transition of Education and Inclusion Services to the Local Authority. DCC will continue to work in partnership with the current Service Provider to develop an action plan for both parties to ensure the smooth transition of services from the external Service Provider to DCC in a planned and safe way. DCC will take action to consult with existing practitioners and to retain the skills and expertise of current practitioners delivering services and/or to recruit any additional practitioners to ensure levels of staffing to allow for continued delivery of services. Therefore, it is considered there is a low likelihood services, in transfer to DCC, would be significantly disrupted or cease and would therefore continue as usual/ planned for any settings or families. DCC will also develop a plan for clear and co-ordinated communications and updates for all those who would and are known to be accessing Education and Inclusion Services.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
	<p>Trust in the ability of DCC to deliver Education and Inclusion Services in ways which best support practitioners in education settings, children, young people, and families in Devon.</p>	<p>DCC are committed to hearing from and working alongside all partners in Children's Services, including children and young people and families in Devon. DCC continues to seek by the view of peoples experiences in various ways for example through our education website page, in order to improve services <a href="https://www.devon.gov.uk/educationandfamilies/give-feedback">https://www.devon.gov.uk/educationandfamilies/give-feedback</a></p> <p>Through a variety of projects such as the SEND transformation project, DCC are seeking to explore and implement methods and mechanisms to keep all of our partners aware of how feedback is being actioned, what is happening with our services and how this is working. For example, through posts and 'You Said, We are Doing' functions on our <a href="#">SEND Local Offer</a>. DCC are continually looking to improve in this area.</p> <p>Service functions are also monitored and explored routinely through DCC democratic functions, for example Children's Scrutiny Committee and Cabinet sessions led by Elected Members <a href="#">(outcomes of these functions are available to view on the website)</a>.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
	<p>Knowing how to access Education and Inclusion Services and knowing who to go to, in order to access support.</p>	<p>DCC will develop a plan for clear and co-ordinated communications and updates for all those who would and are known to be accessing Education and Inclusion Services. To ensure equality and inclusion consideration would be given to formats in which these are made available to everyone e.g. producing Easy Read versions, using simple and plain English and a range of methods e.g. newsletter, online videos and social media, written information, links, telephone. This would facilitate access and awareness of services for the future.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>Age</p>		<p>The arrangements for delivery of Education and Inclusion services in the future as described in section 3 would still require services to be personalised in ways which promote best understanding and support for that individual reflecting their age. This would include adapting delivery of services through a variety of method and medium which support engagement and provide the most appropriate support taking into account the individual's age. This would also include a requirement to obtain feedback from all who access the service to ensure improvements to delivery can continue to develop over time. DCC as an employer have a number of policies and resources available to staff teams which could be accessed for support and advice to continue to ensure and promote service accessibility in line with needs of the public. This should help to ensure practitioners, children, young people, and families continue to receive support and intervention from services in a timely way, in ways which work for them positively and enable them to achieve the best outcomes.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people</p>	<p>Input to EHCPs following initial assessment and annual review for children and young people with (SEND).</p>	<p>Arrangements to bring the educational psychology function into direct delivery by Devon County Council has the potential to increase multi-agency working and improve the timeliness of input into EHCP's following an initial assessment or annual review for a child or young person with SEND. This would be beneficial for education settings such as schools who would be able to adapt provision and put in place support that best meets the needs of children and young people with SEND. This (and the wider elements of SEND services within the education and inclusion services) will support children and young people to continue to make good progress, develop life skills and gain qualifications as they move towards adulthood. Improving this process will also provide reassurance and contribute to positive wellbeing of parents and carers that their children and young people are being provided with support which best meets their needs and is promoting inclusion for their child or young person. Moreover, educational psychologists will continue to provide support to education settings through direct support and/ or provision of resources and guidance to support upskill of practitioners in education settings. In turn enabling them to personalise support to continue to meet needs of children and young people to achieve their potential.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
	<p>Accessibility of services.</p>	<p>The arrangements for delivery of Education and Inclusion services in the future as described in section 3, would still require services to be accessible to all. DCC would require staff delivering services to put in place reasonable adjustments to allow equal access to services and would implement accessibility plans for services to help monitor this as a function. DCC as an employer have a number of policies and resources available to staff teams which could be accessed for support and advice to continue to ensure and promote services accessibility for the public. This should help to ensure practitioners, children, young people, and families continue to receive support and intervention from services in a timely way, in ways which work for them positively and enable them to achieve the best outcomes.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion, and belief</p>	<p>Continued delivery of Education and Inclusion Services in ways that show understanding of and reflect any families, child, young person, or practitioner's identity and or beliefs.</p>	<p>The arrangements for delivery of Education and Inclusion services in the future as described in section 3, would still require services to be personalised in ways which show an understanding of cultural beliefs, traditions or wishes which are important for each individual. DCC will require staff delivering services to put in place any adjustments to allow equal access to services and/ or adapt service delivery to take into account the individual's beliefs. DCC as an employer have a number of policies and resources available to staff teams which could be accessed for support and advice to continue to ensure and promote service accessibility in line with needs of the public This should help to ensure practitioners, children, young people and families continue to receive support and intervention from services in a timely way, in ways which work for them positively and enable them to achieve the best outcomes.</p> <p>Additionally, as evidence is emerging through the COVID-19 pandemic suggesting an association between ethnicity, the occurrence of COVID-19 and adverse health outcomes more generally. Practitioners delivering services going forward will need to continue to consider carefully increased risks to Black, Asian and Minority ethnic groups accessing services and develop an action plan to implement any additional safeguards/ measures that may be needed to ensure extra protection for this group.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>Sex, gender, and gender identity (including men, women, non-binary, and transgender people), and pregnancy and maternity (including women's right to breastfeed)</p>	<p>Continued delivery of Education and Inclusion Services in ways that show understanding of and reflect any families, child, young person, or practitioner's identity.</p>	<p>The arrangements for delivery of Education and Inclusion services in the future as described in section 3, would still require services to be personalised in ways which take account of an individual's sex, gender or gender identify. DCC will require staff delivering services to put in place any adjustments to allow equal access to services and/ or adapt service delivery to take into account the individual's beliefs. It could also include signposting individuals to any additional information or advice which could be beneficial to the individual. DCC as an employer have a number of policies, and resources available to staff teams which could be accessed for support and advice to continue to ensure and promote service accessibility in line with needs. This should help to ensure practitioners, children, young people, and families continue to receive support and intervention from services in a timely way, in ways which work for them positively and enable them to achieve the best outcomes.</p>



Characteristics	Potential or actual issues for this group.  [Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a> ]	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim? Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
Sexual orientation and marriage/civil partnership	Continued delivery of Education and Inclusion Services in ways that show understanding of and reflect any families, child, young person, or practitioner's identity.	The arrangements for delivery of Education and Inclusion services in the future as described in section 3, would still require services to be personalised in ways which are important for that individual. DCC will require staff delivering services to put in place any adjustments to allow equal access to services and/or adapt service delivery to take into account the individual's beliefs. DCC as an employer have a number of policies and resources available to staff teams which could be accessed for support and advice to continue to ensure and promote service accessibility in line with needs of the public. This should help to ensure practitioners, children, young people, and families continue to receive support and intervention from services in a timely way, in ways which work for them positively and enable them to achieve the best outcomes.

<p>Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban</p>	<p>Impact of COVID for families, children, and young people now and into the future.</p>	<p>Lack of income, potential redundancy and job loss in families in Devon as a result of the COVID-19 pandemic has the potential to adversely impact all families in Devon but particularly vulnerable families who may be in low paid occupations, single parent families, or where adults in families may need to shield and so cannot attend work, as well as families with children with SEND. Resources and multi-agency agency support will need to continue to be made available to support families through this difficult time. In delivering Education and Inclusion and Services in the future DCC would need to ensure training and have awareness of and the ability to signpost families to any other support services they may feel could support any additional needs observed. This could include signposting to support available through District Councils or external charities for example, and Early Help, initiating Early Help or MASH assessments appropriately for any additional support.</p> <p>National restrictions active during the COVID- 19 pandemic have the potential to adversely impact the learning of some children and young people and also to impact schools, early years, and other education settings. As education settings move through the pandemic, this could impact the kind of support and intervention they require going forward from school improvement, quality, and safeguarding functions, particularly during any 'recovery' phase in the year(s) following the pandemic. Moreover, the kind of intervention projects and specialist support that may be required to support and engage children and young people whose learning has been impacted by the COVID- 19 restrictions and measures will be important. School closures as a result of the COVID-19 pandemic could also result in more parents taking the decision to home educate their children, thus potentially increasing the number of children in Devon who are being home educated. The above will all be important considerations for DCC in delivering Education and Inclusion Services. DCC will need to demonstrate an ability to shape and adapt services</p>
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<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment, or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p><b>Are you complying with the <a href="#">DCC Equality Policy</a>?</b></p>
		<p>flexibly over time, to meet emerging needs, and any increasing demand going forward.</p>

## 9. Human rights considerations:

Any arrangements and design agreed for the future delivery of Education and Inclusion Services would continue to require delivery of services in ways which support the vision, values and principles of United Nations Convention on the Rights of Children (1990) and the United Nations Convention on the Rights of Persons with Disabilities (2006). The United Nations Convention on the Rights of the Child (1990) describes a number of articles detailing the rights of all children and young people age 18 and under. This includes: - non-discrimination; best interests of the child; the right to life, survival, and development; health and health services; standards of living; right to education; freedom of expression and thought. In addition, The United Nations Convention on the Rights of Persons with Disabilities (2006) describes a further series of articles clarifying the rights of all individuals with a disability including children and young people. This includes:- respect for each person's dignity and personhood; disabled people being full and equal members of communities/ society; equal life chances; education; equal rights to family life whereby disabled children should never be forced to live away from parents and families unless this is the best thing for them; health without discrimination; independence; standard of living; right to enjoy culture; recreation, leisure and sport in an equal basis to people who are non-disabled.

Page 76

## 10. Supporting independence, wellbeing, and resilience. Give consideration to the groups listed above and how they may have different needs:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered, and resourceful?

The arrangements for delivery of Education and Inclusion services in the future, if agreed, would still collectively, positively support practitioners and professionals across education settings in Devon as well as positively support children, young people, and their families in Devon. Particularly helping to meet the needs of those who are most vulnerable or disadvantaged, to have a good education, which in turn, helps them to gain skills, knowledge, and qualifications, achieving the best possible outcomes. Support can help children and young people to have aspirations, achieve, become independent and thrive as they grow into adulthood. This can then allow children and young people to access opportunities for training, further education and/ or employment in the future.

The commitment to ensuring the continuation of the 'traded services offer' including Devon Music Education Hub for practitioners in schools across Devon and for children and young people in Devon will have positive impacts for health and wellbeing. For example, access to instruments and music as part of a child's experience, school curriculum and personally is important to physical development in promoting physical activity and co-ordination of the body and mind. Opportunities to engage in musical experiences can be important in developing a child or young person's confidence, self esteem and in supporting positive mental health and wellbeing. Music can help to capture and develop the imagination as well as facilitating emotional understanding and expression for a child or young person. This could positively impact their ability to regulate their emotions, their mood, manage behaviour and build resilience. Moreover, access to music can provide social opportunities for children and young people to build social relationships if playing a musical instrument as part of a band for instance.

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

The arrangements for delivery of Education and Inclusion services in the future, if agreed, would still collectively seek to promote, and support the quality, improvement and development of education settings including schools and early years settings. Both parties would still work together and across the system would support education settings to comply with safeguarding processes and best practice both locally and nationally. Thus, protecting and promoting the welfare of children and young people appropriately in Devon.

In what way can you help people to be connected, and involved in community activities?

The arrangements for delivery of Education and Inclusion services in the future if agreed, would still seek to promote, and support the achievement of children and young people. Enabling increased confidence, skills and experience that can positively enable young people to feel confident in and become involved with community activities. Likewise supporting the inclusion of children and young people in accessing their learning environments.

## 11. Environmental analysis

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties. The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	

	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Reduce, reuse, recycle and compost:	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support increasing positive environmental habits etc.
Conserve and enhance wildlife:	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support increasing positive environmental habits etc.
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support increasing positive environmental habits etc.
Conserve and enhance Devon's cultural and historic heritage:	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support increasing positive environmental habits etc.

Page 79

Minimise greenhouse gas emissions:	NONE	The emergence of COVID-19 has meant where possible adapting the way in which services are delivered as far as possible. As such some Education and Inclusion Services have been delivered using technology and virtually, in place of face to face means during the pandemic. As learning is taken forward this could become included in 'business as usual' delivery (where appropriate) and variety of ways services could be delivered in the future. This could reduce the need for as much travel in and around Devon to reach training venues, location of education settings or children, young people, and their families at home. This has the potential to benefit the environment as there will be fewer emissions from vehicles due to travel if some different ways of working are taken forward/ continued as options for delivery in the future.
Minimise pollution (including air, land, water, light, and noise):	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support this thus increasing positive environmental habits etc.
Contribute to reducing water consumption:	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support increasing positive environmental habits etc.



Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	NONE	These services will continue to support inclusion in education and learning where children and young people can learn about environmental impacts, ways to support increasing positive environmental habits etc.
Other (please state below):		

## 12. Economic analysis

	<b>Describe any actual or potential negative consequences.</b> (Consider how to mitigate against these).	<b>Describe any actual or potential neutral or positive outcomes.</b> (Consider how to improve as far as possible).
Impact on knowledge and skills:		<p>The arrangements for delivery of Education and Inclusion services in the future (as described in section 3 above) are likely to have a neutral or the potential for a positive impact on knowledge and skills. It is likely knowledge and skills of the existing staff team would be retained and maintained as all efforts would be made to safeguard their expertise, involve and consult with staffing teams appropriately and retain existing employees (see impact and mitigations below).</p> <p>Opportunities to continue to enhance staff knowledge and skill through appraisal, supervision and CPD programmes, events or training are important. Devon County Council are a committed employer and have a comprehensive structure supporting appraisal, supervision and CPD programmes appropriately for</p>

		teams who would join the organisation. Opportunity for continuing to develop staff groups being able to learn and gain from each other's expertise will be considered and reflected through service design.
Impact on employment levels:	<p>There is a likelihood the arrangements recommended in section 3 could impact employment levels as it would result in all of the existing staff delivering Education and Inclusion Services having a new employer. There is a small risk some employees could leave their posts as a result of this. To mitigate this risk all agreed changes to arrangements would be overseen according to employment law and regulations. Part of this would be the requirement to safeguard and protect the rights of employees through the application of TUPE (Transfer of Undertakings (Protection of Employment) Regulations) as part of this process. Moreover, as part of the existing process DCC will continue to (as appropriate) engage and consult with, obtain feedback from, and include existing staff members at appropriate stages and via appropriate methods, ensuring this is taken into the design of services to be delivered by DCC directly going forward.</p>	<p>There is a likelihood the arrangements recommended at section 3 have the potential to positively impact retention and recruitment of particular groups of practitioners, for example educational psychologists. There are national challenges in recruiting Educational Psychologists currently. Research indicates where Local Authorities employ Educational Psychologists this can be more favourable, and the offer of employment can be viewed as more attractive.</p> <p>There could also be a potential of job opportunities in Devon in the future delivery of Education and Inclusion services. This could be linked to demand for and impact of services in local communities and/ or also to facilitate the development of services over time.</p>
Impact on local business:		There may be the potential for local and national businesses to bid for an opportunity to deliver School Improvement and Quality Assurance services in the future. This will be kept under review by DCC alongside changes and/or development in the position of the

		<p>external Provider market.</p> <p>The possible arrangements for the delivery of the 'traded service offer' to transfer to DCC as part of the recommendation described above, has the potential for a small negative impact. This could be if Education settings and practitioners across services do not or are reluctant to purchase bespoke offers of support and intervention from DCC directly instead of an independent external Provider. Any 'traded service offer' would need to be financially viable and sustainable. If these are not purchased through choice of the customer base this could impact the viability and sustainability of this offer of services by DCC into the future. To mitigate this Devon County Council will continue to engage with education settings, partners and practitioners to ensure awareness of 'traded service offers' and flexibility to adapt this to continue to best meet needs.</p>
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### 13. Describe and linkages or conflicts between social, environmental, and economic impacts (Combined Impacts):

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

Arrangements for the future delivery of Education and Inclusion services will continue to support the quality and practice of early years settings, schools, colleges, and alternative education provisions and continue to provide support and intervention to vulnerable children, young people and their families. This will be important in ensuring the best education is provided and the right support is being provided at the right time. In turn this will facilitate in driving the achievements made by children and young people, in obtaining skills, knowledge and access to opportunities, which will allow them to be independent, thrive and have good health as they develop for the future. This could positively impact on wellbeing and improve social value in the years ahead.

## 15. How will impacts and actions be monitored?

A risk register is in place for the project. This will be routinely reviewed and updated through the project. Mitigating actions will be included on the risk register, monitored and risks re-assessed considering likelihood and impact using risk matrix as identified by Devon County Council. Oversight and monitoring of this and all other monitoring of action taken and impacts concerning the future arrangements and design of Education and Inclusion Services for the future, will be achieved through identified governance structures operating across Devon County Council. This will include the Project Board operating within Devon County Council (representatives from many service areas are included on this group); Children's Services Leadership Team and democratic functions such as [Children's Scrutiny Committee and Cabinet](#).

Moreover, a strategy and plan focusing on communication and engagement will be developed and kept under review as part of the above process. This will help to ensure co-ordinated communication and information updates to families and partners appropriately and continued engagement with all key parties as part of our processes.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

