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To: The Chair and Members of the Children's
Scrutiny Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 8 March 2021

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CHILDREN'S SCRUTINY COMMITTEE

Tuesday, 16th March, 2021

A virtual meeting of the Children's Scrutiny Committee is to be held on the above date at 2.15 pm to consider the matters below. This meeting can be viewed via the [livestream link](#).

Phil Norrey
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Apologies
- 2 Minutes
Minutes of the meetings held on 25 January 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 Public Participation
Members of the public may make representations/presentations on any substantive matter listed in the published agenda for this meeting, as set out hereunder, relating to a specific matter or an examination of services or facilities provided or to be provided.

5 New Chief Officer

Welcome and Introduction.

MATTERS FOR CONSIDERATION OR REVIEW

6 Scrutiny Committee Work Programme

In accordance with previous practice, Scrutiny Committees are requested to review the list of forthcoming business and determine which items are to be included in the [Work Programme](#).

The Committee may also wish to review the content of the [Cabinet Forward Plan](#) and the Children's Services [Risk Register](#) to see if there are any specific items therein it might wish to explore further.

7 School Return Update

Verbal report of the Head of Education and Learning.

8 Child Exploitation (Pages 1 - 2)

Additional briefing plus Presentation from Inspector Simon Arliss from the Devon & Cornwall Police.

9 Department for Education - Commissioner's Update

Presentation by the Department for Education Children's Services Commissioner, Eleanor Brazil.

10 Education and Inclusion Final Outcomes (Pages 3 - 16)

Report of the Chief Officer for Children's Services (CS/21/04) to be considered by the Cabinet at its meeting on 10 March 2021, attached.

11 Commissioning Liaison Member Review (Pages 17 - 22)

Review report, attached.

MATTERS FOR INFORMATION

12 Commissioning Liaison Member Briefing (Pages 23 - 30)

Spring briefing, attached.

13 Children's Standing Overview Group (SOG) (Pages 31 - 36)

Reports from the January and February SOG meetings, attached.

14 Information Previously Circulated

Below is a list of information previously circulated for Members, since the last meeting, relating to topical developments which have been or are currently being considered by this Scrutiny Committee.

- Children's Commissioner final speech (17/2/21)

- Follow-up Q&As from December CSOG (17/2/21)
- [Briefing notes](#)

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

Nil

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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Induction Loop available



Scrutiny Additional Report – Exploitation

The Adolescent Safety Framework (ASF) is the Devon response to Contextual Safeguarding where the threat is from outside the family. This is across the Devon Childrens and Families Partnership and the Safer Devon Partnership. It ensures we can respond to young people's experiences of harm beyond their families, within their communities; recognising they are vulnerable to abuse in a range of different places, social contexts, and environments. This framework covers Child Sexual Exploitation (CSE), Child Criminal Exploitation (CCE), gang activity and modern slavery.

The Exploitation Hub is located within the MASH. This ensures there is a single point of access, coordination and subsequent intelligence gathering for any rising threats or themes. The Hub also receives wider referrals for individuals and groups of children at different levels of risk of exploitation, including Peer Group Conferences (schools), Neighbourhood Conferences (Community) and Complex Strategies (held by QARRS).

From the 1st Jan 2020 – 31st December 2020 there were 140 specific exploitation-related referrals into MASH. Exeter had the highest number of referrals (32%), South (26%), North and Mid and East 21%. Child Criminal Exploitation (CCE) including County Lines was the most prevalent category.

The ASF Framework operates two levels of assessments and plans, the 'Safer Me' which is at child in need level and the 'Safer Me Plus's at the child protection level. April 2020 to Feb 2021 - there have been 248 completed Safer Me Assessments. 118 of them were initial assessments and 130 reviews. The 248 completed Assessments were for 175 unique children.

Safer Me

As a snapshot on the 3/3/21 there were 98 children subject to Safer Me with 48% at risk of criminal exploitation, 27% sexual exploitation, 19% multiple forms, 3% modern slavery, 1% gangs and the last 12% still under assessment.

Childrens Social Care monitors the outcomes for young people who have been subject to exploitation, through the Exploitation Tracker. In Q1 and Q2, 13 young people (under 18's) and 6 Care Leavers were deemed to have gained good outcomes and were removed from the tracker. With outcomes noted against the following benchmarks

U18

Reduced risk	Reduced missing	Sustained/ EET	Trusting relationship	Stability in living arrangements	Improved emotional well being	Engaged with services	Positive peer network activities
3	3	5	4	5	1	8	2

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Care Leavers

Outcomes for these care leavers removed from tracker

Reduced risk	Reduced missing	Sustained/ EET	Trusting relationship	Stability in living arrangements	Improved emotional well being	Engaged with services	Positive peer network activities
2	0	3	2	4	0	3	0

Safer Me Plus

Up to December 2020, there has been 36 Safer Me Plus plans enacted, 9 have stepped out of childrens services due to improved outcomes, 5 were accommodated, 24 remain currently on plan (2 over 12 months).

Community Response through MASH

Intervention is targeted at a wider level where the abuse has occurred. Creating, and increasing, safety in the places and spaces where young people spend their time through partnerships with the wider community and agencies. This is achieved through planning via the Context Pathway in Peer Group, Neighbourhood (Location) and School Context Conferences. Any adult or persons of concern will continue to be discussed via the MACE. These forums are not designed to focus on individual planning but intervening to increase the safety for young people by focusing on locations, environments, activity, groups, and persons of concern.

Up to Dec 2020 there had been 18 conferences in total with CCE the most common risk category, present in nearly all the context conference referrals. There have been 7 peer group conferences, 3 neighbourhood conferences and 2 school conferences.

Any intelligence themes and concerns raised across this framework are discussed at the local MACE (Multi Agency Child Exploitation meetings) within which all intelligence is shared with coordinated action and disruption activity. We are unable to provide wider data, as the police analyst was redeployed during the pandemic.

CS/21/04
Cabinet
March 10th 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.

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- 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.

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- 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.

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## 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).

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- 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.

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## 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

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

# Agenda Item 10

## 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 10

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.

# Commissioning Liaison Member Role Review

**March 2021**

This report will be reported to all three Scrutiny Committees by their CLM

## **Recommendation:**

That the new Council continues the role of electing one or two Commissioning Liaison Members for each Scrutiny Committee

## **1. Background**

- 1.1 In 2017 the Corporate (as was) Scrutiny Committee undertook a task group on Commissioning with its stated intention of:
- 1.2 The Task Group set out to explore the following questions during its investigation:
  - How does the Council ensure that the Scrutiny function stays relevant and meaningful?
  - In a Council which no longer directly delivers most of its services, how can Scrutiny continue to hold those responsible for delivering services to account?
  - At what point in the Commissioning process can Scrutiny add the most value?
  - How can commissioners engage Scrutiny in a meaningful way?
- 1.3 One of the four recommendations of the task group was the establishment of a Commissioning Liaison Member from each Committee to strengthen the awareness of commissioning activity in the relevant area of the Council. The role has now been in operation for the majority of this term of the Council. For Corporate Infrastructure and Regulatory Services Scrutiny Committee two Members were put forward for the role.
- 1.4 The Health and Adult Care Commissioning Liaison Member has a slightly different role to the other two in light of the additional scrutiny legislation that covers Health Scrutiny. In brief the NHS has to consult Scrutiny before embarking upon service change or commissioning.

## **2. Activity**

- 2.1 Since the task group in 2017 each Member has approached the role in a slightly different way according to the nuances of each committee. A summary of activity is presented on the following table:

|      | <i>Children's Scrutiny Committee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>Health and Adult Care Scrutiny Committee</i>                                                                                                                                                                                                                                                       | <i>CIRS Scrutiny Committee</i>                                                                                                                                                                            |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2017 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Better Care Fund                                                                                                                                                                                                                                                                                      | Progress of the role                                                                                                                                                                                      |
| 2018 | <p>Disabled Children: Short Breaks Sufficiency: Placements for Children in Care</p> <p>Regional Adoption Agency (RAA)</p> <p><a href="#">Commissioning Liaison Spring Report.pdf (devon.gov.uk)</a></p> <p><a href="#">CS1843 - Commissioning Liaison Member Autumn Briefing.pdf (devon.gov.uk)</a></p>                                                                                                                                                                                                                                                                                                          | <p>Development of an Integrated Care System</p> <p>Attendance at bi-monthly catch up with chairs and senior Health &amp; Adult Social Care officers</p>                                                                                                                                               | <p>Report on street lighting</p> <p><a href="https://democracy.devon.gov.uk/documents/s22591/SLP%20Member%20report.pdf">https://democracy.devon.gov.uk/documents/s22591/SLP%20Member%20report.pdf</a></p> |
| 2019 | <p>Support for Children with Special Educational Needs and Disability Sufficiency of Placements for Children in Care and Care Leavers</p> <p>Regional Adoption Agency (RAA)</p> <p>Commissioning forward plan</p> <p>Support for Children with Special Educational Needs and Disability</p> <p><a href="https://democracy.devon.gov.uk/documents/s25922/CS1914%20Commissioning%20Liaison%20Briefing.pdf">https://democracy.devon.gov.uk/documents/s25922/CS1914%20Commissioning%20Liaison%20Briefing.pdf</a></p> <p><a href="#">CS1843 - Commissioning Liaison Member Autumn Briefing.pdf (devon.gov.uk)</a></p> | <p><a href="#">Model of Care Visits</a> - Residential Care / Personal Care</p> <p><a href="#">Model of Care Visits - Sidmouth/Axminster/Seaton Cluster</a></p> <p>Devon Partnership Trust</p> <p>Attendance at bi-monthly catch up with chairs and senior Health &amp; Adult Social Care officers</p> | <p>Devon Permit Scheme for Road and Street Works</p>                                                                                                                                                      |
| 2020 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Carers Spotlight Review</p> <p>Attendance at bi-monthly catch up with chairs and senior Health &amp; Adult Social Care officers</p>                                                                                                                                                                | <p>Connecting Devon and Somerset Broadband: the procurement of a new contractor to replace Gigaclear.</p> <p>Skanska and the timeline for novation</p>                                                    |



## Views from the current Commissioning Liaison Members

### What has worked well?

- Supported better Scrutiny by an improved strategic understanding of internal systems and external providers 'filling in the gaps' that might have been missed.
- Enabled Scrutiny to consider and input specification changes to new contracts by being involved at an early stage.
- Improved awareness and understanding of the commissioning cycle.
- Having oversight of the long-term schedule of contracts, suppliers, and contract renewal dates.
- Being able to input to agenda setting meetings.
- Members have been able to be pro-active in the role and have had the flexibility to carry out the role in their own way
- Supported by officers when raising concerns of committee members

### What could be improved?

- Improve liaison with the Portfolio holder, perhaps by scheduling regular briefings.
- There has been limited opportunity to flag areas for Scrutiny to review. However, nothing has been missed.
- More formal training and induction to the post
- Embedding the role of Commissioning Liaison Members as an integral part of the committee and giving the CLM prominence

### How to judge success over next year?

- Continuing to have candid conversations across the Council based on trust to improve Scrutiny.
- The task group changed DCC contracts to include providers in the Scrutiny process, but to date this has only happened in a limited way. Having greater oversight over providers could be a measure of good Scrutiny.
- Continued involvement in the wider question of moving services in house or externally commissioning them.
- The role having oversight of ICS with the move away from competition-based health commissioning.

## 3. Conclusion

Although the role has been adapted and evolved separately for each Committee there is demonstrable impact from each role as appropriate to the respective Committee. It may be useful to revisit the Commissioning Liaison Protocol as per the appendix and update it to reflect the nuances that have developed since its inception.

### Report of the commissioning Liaison Members

|                                            |                                                           |
|--------------------------------------------|-----------------------------------------------------------|
| Councillors Phil Twiss                     | Health and Adult Care Scrutiny                            |
| Councillor Richard Hosking                 | Children’s Scrutiny                                       |
| Councillors Kevin Ball and Yvonne Atkinson | Corporate Infrastructure and Regulatory Services Scrutiny |

## Appendix 1: Commissioning Liaison Member Protocol

Summer 2017

This is a guidance document prepared by the scrutiny team to support the effective working of the nominated Commissioning Liaison Member/s from each scrutiny committee. The role was established following a recommendation made by the 'Scrutiny in a Commissioning Council' Task Group 2016. The full report and recommendations can be viewed [here](#).

### **Purpose:**

The task group felt that nominating a member from each committee to develop positive relationships with Cabinet Members and Lead Officers to find out about commissioning activity would strengthen the effectiveness of scrutiny. The Commissioning Liaison Member will undertake to:

1. Understand the Council's commissioning processes and priorities;
2. Act as a link between Cabinet and the Scrutiny Committee and bring to the attention of the Scrutiny Chair and Committee:
  - significant commissioning activity
  - performance or service delivery issues relating to services commissioned through external providers
3. Support the Scrutiny Committee to examine the commissioning of services within the wider context of the Council's strategic vision and purpose

This does not affect the legal duties around commissioning and provider relations particularly in relation to health scrutiny.

### **Approach:**

To carry out this role in the most effective way the Commissioning Liaison Members from each committee have agreed to meet as a group on a regular basis to:

1. Receive commissioning training
2. Ensure a consistent approach is taken to the Scrutiny of commissioning
3. Champion the approach to Scrutiny's involvement in commissioning across the Council and Health

The group will also use receive details of forthcoming commissioning activity and individually take this back to each scrutiny committee to report at the work programme with suggestions about how the committee might be involved in commissioning activity.

### **Review and development**

It is proposed that the effectiveness of this role could be reviewed in line with the task group recommendation after six months of operation.

In future there may be the opportunity to undertake specific scrutiny investigations relating to commissioning as directed by each relevant scrutiny committee.



Children's Scrutiny  
March 2021  
CS/21/07

## Children's Services Commissioning Spring Report

Report of Commissioning Liaison Scrutiny Member Cllr Richard Hosking

### 1. Introduction

- 1.1 The Commissioning Liaison member meets regularly with Officers to review the current and future children's services commissioning activity. This is in line with the recommendations of the 2016 'Scrutiny in a Commissioning Council' Scrutiny Task Group. Cllr Hosking is the Commissioning Liaison Champion for Children's Services.
- 1.2 The opportunities for scrutiny will be greater when there is need for service redesign through changing need or issues with the current delivery model/service, than when a service which currently works well is being recommissioned. Scrutiny involvement in commissioning at the earliest stage will allow Members to help shape delivery models, services and outcomes.
- 1.3 The role for Commissioning Liaison is set out in the Protocol at Appendix A. Scrutiny have a key role in bringing the voice of the service user to commissioning. It has been agreed between Children's Commissioning and Commissioning Liaison members that a briefing is made to Scrutiny twice a year, in the Spring and Autumn. Allowing opportunity in the Spring to signal progress on tenders and expected contract award dates, and in the Autumn to outline opportunities for pre-procurement activity ready for the following financial year.

### 2. Commissioning in the Context of COVID-19 - Priorities Spring Summer 2021.

- 2.1 The emergency response to the Covid-19 pandemic and the first lockdown that started in Spring 2020 saw team and corporate resource needing to be diverted from the planned commissioning and procurement activities. This meant that some commissioning activity paused, where appropriate, and all activity remained under review in the context of the necessary emergency response and the learning from this.
- 2.2 As restrictions began to ease in the summer and incident management arrangements adapted, some planned activity resumed, albeit amid a different landscape. However, the rising cases and new variant that triggered lockdowns before and after the Christmas period have brought new challenges and again necessitated the need for a further consideration on what, and where, resource and capacity is best targeted. In short, an agile approach to commissioning work planning has been needed to ensure departmental and corporate priorities are met ongoing.
- 2.2 The team continue to support the continuing response to COVID-19 including assisting with the vaccination programme and supporting the sustainability of the market. There also continue to be priority areas to achieve impact for Children's Services – namely

# Agenda Item 12

sufficiency and the improvement plan actions, services for children with SEND and effective joint commissioning.

## 3. Commissioning Programme

3.1. The Commissioning Programme for the year ahead is outlined below. For reference a diagram of the commissioning cycle is set out at Appendix B. Commissioning activity is undertaken across the Commissioning cycle throughout the year.

3.2. The following are priority areas for Spring/ Summer 2021.

- Education and Inclusion (Current Provider Babcock, Commissioner Children's service's and Schools)
- SEND Joint commissioning Plan
- Sufficiency Strategy refresh including market development for areas of pressure (Suitable accommodation for Care Leavers)
- Commencement of design for re-commissioning of the Peninsula fostering framework
- Short Breaks (Multiple current provider's, Commissioner Children's service's and NHS Devon CCG).

3.3 With clarity on the roadmap to move to recovery we will be able to re-commence the commissioning work plan. In addition to the above priorities the contracts below in para 3.4 which will expire in 2022 will need pre-procurement design work undertaken. As our lead in time on any re-commissioning is very long and to ensure we undertake robust design and engagement work the dates below are well in advance of the expiry date of the existing contracts.

3.4 The Commissioning Liaison briefing in the Autumn will provide further details on this commissioning plan, in each area below the timescales set out cover only the design and market engagement phases this is not the whole re-procurement timeline. Throughout this time there will be opportunities to engage Members:

Only Design and Market Engagement timeline set out here for to re-commission these existing contracts:

- |                                                                      |                 |
|----------------------------------------------------------------------|-----------------|
| • Homelessness prevention                                            | Apr 21 – Nov 21 |
| • Child Death Overview Panel Sub-regional commissioning arrangements | Apr 21 - Aug 21 |
| • SEND commissioned OT Services                                      | May 21– Sep 21  |
| • RAA Adoption Support Fund                                          | Jun 21 – Feb 22 |
| • Supported Living Framework – Evaluation and due diligence          | Jul 21 – Aug 21 |
| • Children's Homes Framework                                         | Oct 21 - May 22 |
| • Young Carers                                                       | Oct 21 – Aug 22 |

## 4. Commissioning Priority: Education and Inclusion

- 4.1. We have an ambitious partnership vision for all children in Devon. The services considered as part of the recommissioning of Education & Inclusion are significant for the delivery of universal school improvement and therefore impact on attainment goals and aspiration for all children in Devon. They also impact on some of the most vulnerable children, improving life chances and achieving our strategic priority of inclusion, through high quality SEND support services.
- 4.2. The re-commissioning work for Education and Inclusion Services began in summer 2019 with consultation, engagement and co-design sessions with parents and schools. The main themes arising from this were to create better integration by SEND services being brought together around achieving better outcomes for key groups of children. Throughout the engagement and then supported again in the recent public consultation, the message to integrate services for SEND is the strongest. This is supported by a wide range of stakeholders.
- 4.3. An options appraisal 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.
- 4.4. Work to reform and transform the SEND offer in Devon has been underway since Spring 2020. The SEND services within the Education and Inclusion Services contract form a substantial part of the SEND system of delivery and are therefore integral to this transformation. The purpose of the SEND Transformation Programme is “to improve parents and young peoples 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 piece of work sits as part of our wider SEND improvement plan.
- 4.5. The project board have ensured that the all options are fully considered. Two additional Children’s Standing Overview Group meetings have also considered the options and the recommendations. Final recommendations will be put to the Cabinet meeting in March.
- 4.6. This 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.

## 5. Commissioning Priority: SEND Joint Commissioning Plan

- 5.1. Work towards a joint commissioning plan linked with wider SEND transformation is underway and is within the governance of the established Joint Commissioning Group which includes membership from Devon County Council (Public Health and Children’s Services), NHS Devon CCG, Office of the Police Crime Commissioner and District Councils. Our vision for children and young people with SEND in Devon is that all children and young people with special educational needs and disabilities are supported to dream, believe, achieve and fulfil their potential.

# Agenda Item 12

- 5.2. In turn, our ambition for joint SEND Commissioning is that commissioning in Devon supports the delivery of our vision for children and young people with special educational needs and disabilities. Working together to ensure outcomes for children are improved.
- 5.3. Partners in Devon have been jointly commissioning together over many years. Examples include the commissioning of Community Health Service's in 2018 contract awarded to Children and Family Health Devon, short breaks services for disabled children and jointly commissioning individual and specialist placements. This plan will set out work so far, assess gaps and set the development plan for the years ahead.

## 6. Commissioning Priority: Placement Sufficiency

- 6.1. The Sufficiency Strategy refresh was undertaken during 2020 and agreed at Corporate Parenting Board in October 2020. However, the impact of CV-19 and emerging need in the now third lockdown has caused a review and pause in publication. A CV-19 Interim Sufficiency Plan will be published in March. This will address the capacity necessary to accommodate the rise in Children in Care and to meet specific needs such as Autism and challenging behaviour. A full refresh of the Sufficiency Strategy will be written in line with the refresh of the Corporate Parenting Strategy by Summer 2021.
- 6.2. Market development work for key areas such as Children's Homes and Fostering has continued with projected growth through 2021 for both areas. Some additional focus on meeting the needs of children with autism and learning disabilities for both areas to ensure that current and pipeline capacity can meet need.
- 6.3. Focussed work is currently taking place in partnership with districts for developing suitable accommodation for care leavers, aligned with the improvement plan and managed through a separate market development plan; working to ensure sufficiency in this area including increased support to sustain tenancies and reducing the need for care leavers to be entering unsuitable accommodation.
- 6.4. Sufficiency during the pandemic has brought about some additional challenges for placement finding. Increased communication with provider markets and processes for 'Risk Mapping' are ensuring that we are able to as far as possible pre-empt any market/ provider failure that may affect placements. These mechanisms will continue for as long as are required. In addition, the Emergency Provision Incident Management Team was re-established to assess current and future risk and to plan for contingency in these circumstances.
- 6.5. The coordination of the vaccination roll out to external providers has been supported. This programme has successfully ensured offer of vaccination to all those providers and services who's work includes engagement with Clinically Vulnerable young people, this has included 1481 staff or roles across 85 providers offering a range of services.
- 6.6. Quality Assurance work for placements and services has continued during the pandemic. Devon and Peninsula Local Authorities took responsibility for foster carers



from a fostering provider who had received an Ofsted suspension in October 2020. A monitoring programme was established to support the provider to make the necessary progress for development. As of January 2021, the provider has made all the necessary improvements and assurance is now achieved. The provider has had suspension lifted. Throughout this process placement disruption for children has been avoided.

## 7. Peninsula fostering framework

7.1. Work streams are being developed in readiness for design and implementation of our fostering framework renewal which will be due April 2022. It is felt that largely the framework as a Peninsula Authority collaboration will remain very similar, however we will be wanting to ensure greater focus and to develop strength on the following areas: -

- Step down from residential settings
- Increased offer for same day placements (Emergency Placement)
- Increase capacity to meet disabled children and young people's needs

## 8. Commissioning Priority: Short Breaks for Disabled Children

8.1. During 2019 we began a review of our Short Breaks offer. Extensive engagement with families began over the Autumn and winter of 2019/20. This was then paused in Spring 2020 with the hope to re-start in Summer. This has not been possible. Families were communicated with to this effect.

5.3. Since then there has been a focus on market risk mapping and resilience in what has been a challenging time for families and providers. Much of the market has needed to adapt the offer due to fluctuating demand, attributable to both the caution that families have exercised and the changes to restrictions. A handful of organisations have received a small amount of financial support, in line with the corporate supplier relief process, in order that they may continue to remain viable.

5.4. A regular short breaks provider forum is also now in place with good attendance. Whilst the recommissioning activity has been paused due to the emergency response, it is planned to resume this during the Spring/ Summer 2021 including any interim arrangements that may be needed to ensure continuity. The insight and relationships that have been strengthened during the pandemic will serve to be beneficial throughout the recommissioning.

Electoral Divisions: All

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

Chief Officer for Children's Services: Melissa Caslake

Contact for Enquiries: Fiona Fleming Head of Commissioning

# Agenda Item 12

## Appendix A

### Commissioning Liaison Member Protocol Summer 2017

This is a guidance document prepared by the scrutiny team to support the effective working of the nominated Commissioning Liaison Member/s from each scrutiny committee. The role was established following a recommendation made by the 'Scrutiny in a Commissioning Council' Task Group 2016. The full report and recommendations can be viewed [here](#).

#### Purpose:

The task group felt that nominating a member from each committee to develop positive relationships with Cabinet Members and Lead Officers to find out about commissioning activity would strengthen the effectiveness of scrutiny. The Commissioning Liaison Member will undertake to:

1. Understand the Council's commissioning processes and priorities;
2. Act as a link between Cabinet and the Scrutiny Committee and bring to the attention of the Scrutiny Chair and Committee:
  - significant commissioning activity
  - performance or service delivery issues relating to services commissioned through external providers
3. Support the Scrutiny Committee to examine the commissioning of services within the wider context of the Council's strategic vision and purpose

This does not affect the legal duties around commissioning and provider relations particularly in relation to health scrutiny.

#### Approach:

To carry out this role in the most effective way the Commissioning Liaison Members from each committee have agreed to meet as a group on a regular basis to:

1. Receive commissioning training
2. Ensure a consistent approach is taken to the Scrutiny of commissioning
3. Champion the approach to Scrutiny's involvement in commissioning across the Council and Health

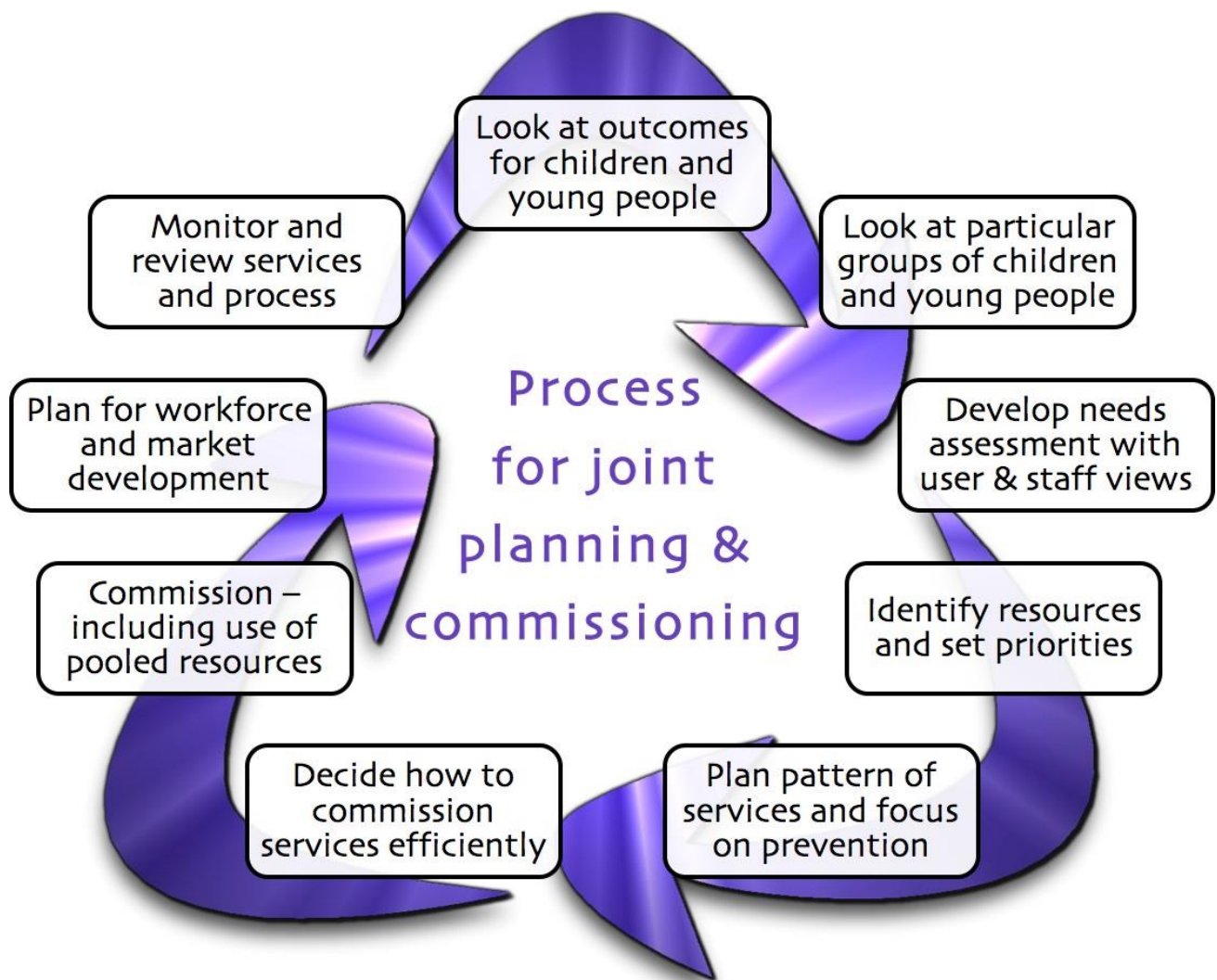
The group will also use receive details of forthcoming commissioning activity and individually take this back to each scrutiny committee to report at the work programme with suggestions about how the committee might be involved in commissioning activity.

#### Review and development:

It is proposed that the effectiveness of this role could be reviewed in line with the task group recommendation after six months of operation.

In future there may be the opportunity to undertake specific scrutiny investigations relating to commissioning as directed by each relevant scrutiny committee.

## Appendix B Commissioning Cycle





# Report of the Children's Scrutiny Standing Overview Group of 21<sup>st</sup> January 2021

## 1. Introduction

The Children's Scrutiny Committee Standing Overview Group meets regularly throughout the year to consider key updates and pertinent issues from across Children's Services, with the aim of developing Members' knowledge and understanding, and bringing to the forefront any areas which may benefit from further scrutiny.

This report outlines the topic(s) covered at the meeting of 21<sup>st</sup> January 2021, highlights the key points raised during discussion and details any agreed actions.

## 2. Attendance

Scrutiny Councillors: Rob Hannaford (Chair), Debo Sellis (Vice Chair), Su Aves, Christine Channon, Ian Chubb, George Gribble, Linda Hellyer, Richard Hosking, Tony Inch, Andrew Saywell, Margaret Squires and Mrs Christina Mabin (Church of England)

Cabinet Member for Children and Schools: Councillor James McInnes

Children's Services: Dawn Stabb (Head of Education & Learning), Fiona Fleming (Head of Commissioning – Children), Kate Mulford (Commissioning Manager – Children's Services), Andrew Simkins (Procurement Category Manager), Katherine Charman (Project Manager).

Independent Advisor: Kevin Crompton

Scrutiny Officers: Charlie Fisher and Camilla de Bernhardt Lane

## 3. Notes and Actions

### 3.1 Education and Inclusion

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.

## 4. Next Meeting

The next meeting of the Children's Standing Overview Group is scheduled for Tuesday 16<sup>th</sup> February 2021.

The meeting began at 3:00pm and ended at 4:40pm

Councillor Rob Hannaford  
Chair of the Children's Scrutiny Committee

# Report of the Children's Scrutiny Standing Overview Group of 16<sup>th</sup> February 2021

## 1. Introduction

The Children's Scrutiny Committee Standing Overview Group meets regularly throughout the year to consider key updates and pertinent issues from across Children's Services, with the aim of developing Members' knowledge and understanding, and bringing to the forefront any areas which may benefit from further scrutiny.

This report outlines the topic(s) covered at the meeting of 16<sup>th</sup> February 2021, highlights the key points raised during discussion and details any agreed actions.

## 2. Attendance

Scrutiny Councillors: Rob Hannaford (Chair), Debo Sellis (Vice Chair), Su Aves, Frank Biederman, Julian Brazil, Christine Channon, George Gribble, Jonathan Hawkins, Linda Hellyer, Richard Hosking, Philip Sanders, Andrew Saywell, Margaret Squires, and Mrs Christina Mabin (Church of England)

Cabinet Member for Children and Schools: Councillor James McInnes

Children's Services: Melissa Caslake (Chief Officer for Children's Services), Dawn Stabb (Head of Education & Learning), Rachel Gillott (Head of Children's Social Care), Vivien Lines (Improvement Director), Fiona Fleming (Head of Commissioning – Children), Andrew Simkins (Procurement Category Manager) and Katherine Charman (Project Manager).

Independent Advisor: Kevin Crompton

Scrutiny Officer: Charlie Fisher

## 3. Notes and Actions

The Chief Officer for Children's Services, Melissa Caslake, introduced herself as the new Chief Officer having recently joined the County Council.

### 3.1 Education and Inclusion Update

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 re-commissioning 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.

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

### 3.2 Ofsted Improvement Update

The Chief Officer for Children's Services and the Improvement Director updated Members on the improvement of Children's Services following the Ofsted Inspection in 2020.

The Chief Officer began by praising the work already undertaken by staff to address the problems identified.

The presentation comes around a year after Ofsted finished their inspection and subsequently graded Children's Social Care Services as inadequate. Improvement has been delivered alongside responding to the COVID-19 Pandemic.

The presentation covered the recent updates and developments in the Improvement journey focusing on the three Practice Priorities based from the Ofsted report – Children at risk of neglect, Permanence for Children in Care and Accommodation and Support for Care Leavers.



The Improvement Director reported on the progress that had been made in the Practice Priorities such as improved legal decision making, improved social work practice and evidence gathering in legal proceedings, better recording of permanence plans for the majority of children in care and earlier permanence planning, particularly for younger children. In addition, progress was being made on improving relationships with care leavers and senior management oversight on care leavers.

In addition, the Improvement Director reported on the continuing risks and challenges for the service. This included high rates (32%) of repeat child protection plans, higher rates of young children in residential care and some care leavers still in emergency/unsuitable accommodation, although this is a very small minority.

A challenge for the service was ensuring there is a stable workforce. Officers reported on the high turnover of staff, the high vacancy rates in some teams and the high proportion of agency workers. Whilst there has recently been a recruitment campaign and improved terms and conditions, the third national lockdown means it is challenging to recruit staff. This means the impact of the improved offer has yet to be realised.

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

The discussion with officers focused on staff recruitment and retention. Devon continues to lose social workers, primarily to Torbay Council due to better terms and conditions offered by Torbay. The Head of Children's Social Care reported that officers were looking at exit interviews from leavers to feed into the recruitment campaign. Members highlighted recruitment and retention has been an ongoing issue and continues to be a worry for the Committee. Members questioned whether the County Council should benchmark its conditions to Cornwall rather than Torbay.

The Chief Officer reported that the social worker workforce is limited in the South West and we needed to work with other local authorities to develop a local workforce. She stated that the issues around recruitment and retention have been raised with the Chief Executive and the Leader of the Council and she would be raising it at an upcoming meeting with regional Directors of Children's Services.

#### 4. Next Meeting

The next meeting of the Children's Standing Overview Group is scheduled for Thursday 8<sup>th</sup> April 2021 at 10.30am.

The meeting began at 10.30am and ended at 12.22pm

Councillor Rob Hannaford  
Chair of the Children's Scrutiny Committee

