

NOTICES OF MOTION – BRIEFING NOTE

Report of the Director of Legal and Democratic Services

Recommendation

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

Introduction

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 Director is included, to facilitate the Cabinet's discussion of the Notices of Motion.

(a) Control of Local Bus Services (Cllr Atkinson)

That Devon County Council as the transport authority together with the new combined authority, gives serious consideration to take advantage of the package of measures announced by the Transport Secretary on 9th September 2024 to empower local leaders to take control of their bus services . The expectation is that these measures will be the first stop on the journey to better buses.

The Council undertakes to report into the feasibility of these proposals for Devon and how these powers may be used to improve bus services.

That the County Council consider bringing strategic partners such as District Councils into the discussion, as the provision of effective bus services is something that affects us all and does not recognise boundaries.

Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport.

Background

Local bus services in Devon operate under the "deregulated" system introduced by the 1985 Transport Act. This allows bus operators to run services on a commercial basis and a Local Transport Authority (LTA) can secure provision to financially support services that would not be provided by the commercial market.

Across Devon based on mileage, around 55% of local bus services are operated on a commercial basis. Within Exeter City, around 80% of the lettered bus services are operated on a commercial basis. Outside of Exeter some bus services running to the immediate satellite towns from major hubs remain commercial, but a large number are now financially supported by the County Council.

Local Bus Services Act 2017

Under this Act, Local Transport Authorities were given powers to enter into an Enhanced Partnership with their local bus operators and other stakeholders. In November 2022 the County Council entered into an Enhanced Partnership (EP) to secure a Bus Service Improvement Plan (BSIP) grant from the Department for Transport (DfT).

The County Council submitted an ambitious BSIP but the funding allocated was significantly lower than bid for. Notwithstanding this, and to meet the conditions of the funding the County Council did receive, the EP has working successfully with all our bus operators and other key strategic partners to improve local buses under the current framework.

The 2017 Act also granted powers to Mayoral Combined Authorities to franchise their local bus services. A Franchised network, similar to the framework in Greater London which was never deregulated, is where the LTA controls 100% of the network through a commissioning and contracting process with local bus companies. Greater Manchester Combined Authority is the first to franchise their entire local bus network on a phased approach from September 2023. This took a number of years to introduce and follows a statutory process set out in the Act and includes a widespread consultation process. LTAs without an elected Mayor did not, by default, receive these powers.

To consider a full Franchise model, it relies on the Government to put the powers in place for non-Mayoral Combined Authorities to be able to seek consent from the Secretary of State to initiate the process. The Secretary of State will require the authority to show:

- Their plans to make bus services better for passengers.
- It has powers in place to make franchising a success.
- Effective governance arrangements in place.
- Ability to demonstrate that franchising can be put into practice effectively across the geography of the area and why the specified area is appropriate.
- That it has the capability and resources (including financial) to deliver franchising.

The next step is then the development of a Franchising Scheme assessment. This is a detailed process that is required to consider the strategic case, financial case, commercial case and management case before setting out its conclusions. If the assessment is favourable, the authority then has to enter into an independent audit process to appraise the Assessment. This would then be followed up with a full consultation. Finally, the authority can form and publish their franchising scheme.

Outside of the governance process, there would also need to be a plan to implement the operational elements of the Franchise, including capital investments and workforce expansion to bring in the experience and expertise of operating and managing a bus network.

Buses Bill

On 9 September 2024 the Government set out that a new Buses Bill will “put more powers over bus services back in the hands of local leaders” This was published on 17 December 2024:

[Bus Services \(No. 2\) Bill \[HL\] publications - Parliamentary Bills - UK Parliament](#)

Revised Franchising guidance was also published on the same date:

[Setting up a bus franchising scheme: December 2024 - GOV.UK](#)

Through membership of bodies such as the Association of Transport Coordinating Officers (ATCO), where the Deputy Director for Transport Operations, Environment and Waste is the current national Chair, the Association of Directors of Environment, Economy, Planning and Transport (ADEPT), and the Local Government Association (LGA), County Council Officers have been working with the DfT, trade organisations, and other interested bodies on the implications of the Bill and the revised guidance and how this may be implemented in urban and rural areas of the country.

Improving local bus services under the current framework

Local bus services in Devon went through a difficult period during and following COVID. The significant issues Stagecoach suffered during 2022 with systemic recruitment issues impacted their ability to operate their registered bus services.

The introduction of the EP has significantly improved the working relationship between the County Council and our local bus companies with an improvement in the quality of local bus services and improved patronage. While there is still some way to go, the EP has been an important mechanism to set an improved framework for closer collaboration on issues impacting on local bus services. These has included improving reliability, the management of the BSIP funding allocation previously agreed by Cabinet and minimising the impact of disruption on the Highway network and local bus services. Devon’s EP has also been recognised as one of the most productive and progressive partnerships in England.

Alongside the EP is a Bus Forum which meets a minimum of three times each year. It acts as an informal body to consider current issues and opportunities relating to all aspects of bus services. The forum represents the views of bus users and stakeholders across the county and provides a united voice through the invited representatives.

Each Highways and Traffic Orders Committee (HATOC) has a nominated representative on the Bus Forum which can feed in any local issues on local bus

services in their local areas and feedback any developments. This is the mechanism District Councillors on a HATOC committee can feed into the current framework.

(b) Children's Social Care Policy Statement (Cllr Aves)

This Council Notes:

On 18 November the Department for Education published a policy statement 'Keeping Children Safe, Helping Families Thrive', its new Children's Social Care policy statement, setting out the government's vision for reform and a legislative agenda to reset the children's social care system, both in terms of how national government collaborates with local government, but also in taking a whole system approach to reform.

The Secretary of State states she wants to break down barriers to opportunity. The document also outlines a commitment to support children to live in family settings where children cannot remain at home, including through kinship or foster care, rather than residential care.

The Devon County Labour Group supports this aim and believes Devon County Council must commit to further strengthen what it does to keep families together and children safe.

Alongside this, the statement sets out ambitions to fix the broken care market, invest in key enablers and ensure the system is working effectively for vulnerable children and families.

A Guardian article on children's homes on 18th November pointed out that three years ago the Competition and Markets Authority found Children's homeowners in England, Scotland and Wales were making excessive profits, while carrying too much debt - exposing children and councils to unacceptable risks and exploiting children for profit.

The needs of children rather than market forces should shape where children's homes are placed, and that children are placed in the most appropriate homes.

This Council resolves to:

1. work with the new government to reset and improve the children's social care system in Devon as set out in the new document 'Keeping Children Safe, Helping Families Thrive' from The Rt Hon Bridget Phillipson MP, Secretary of State for Education and Minister for Women and Equalities .
2. welcome the new powers for Ofsted to investigate multiple homes being run by the same company, acting on the recommendations made in response to stop abuse from happening in children's homes.
3. improve the residential care opportunities in Devon to keep children in care near families, friends, and their school where appropriate.

4. increase the number of in-house residential care facilities and use not-for-profit providers, and, become involved in the setting up of Regional Care Co-operatives.
5. give a secure undertaking that they will not place children in homes that are unregistered or just for profit.
6. provide or use not-for-profit homes where children and care experienced young people have access to properly trained staff who are able to give them the support, skills, and connections to friends and relatives that will continue to support them throughout their life.

Briefing Note / Position Statement from the Director of Children and Young Peoples Services

This document provides a summary overview of the Government White Paper, Keeping Children Safe, Helping Families Thrive. Breaking down barriers to opportunity. The paper sets out the summary of proposals alongside a summary of proposed Government actions. Many of these are referenced in the Children's Wellbeing and Schools Bill, published on the 17th December 2024.

Section 1: Legislating to keep families together and children safe, and to remove barriers to opportunity.

1. The Government will help more families to stay together by mandating the offer of family group decision making for every family at the point before it is necessary to initiate care proceedings for a child. When children cannot stay with their parents, the Government want all alternative placements to be secure, high-quality and designed with children's interests in mind.

They will do this through:

- Bringing forward legislation that requires local authorities to offer family group decision making at pre-proceedings, before decisions are taken on whether a child should go into care, to empower family-led solutions in response to concerns about the safety and wellbeing of the children.
- Publishing updated Kinship Care statutory guidance which sets out how local services should support children in kinship care and their families. Keeping Children Safe, Helping Families Thrive.
- Delivering a £40 million package to trial a new kinship allowance to test whether paying an allowance to cover certain costs – like supporting a child to settle into a new home with relatives – can help increase the number of children taken in by family members and friends.
- Continuing the delivery of the Family Network Pilot which is testing flexible funding and practical support for extended family networks to help keep families together and children out of care.

- Providing a training, information and advice offer so kinship carers across the country know where they can get support to provide loving homes for their kin, and funding peer support groups across England for all kinship carers so they can build a community of support for kinship carers.
 - Appointing a National Kinship Care Ambassador who will advocate for kinship children and carers across government and work directly with local authorities to improve services.
 - Engaging the Law Commission to undertake a review into the legal orders and statuses underpinning kinship care arrangements and provide recommendations to government to ensure that the legislative framework is fair, modern, and meets the needs of its users.
 - Investing in and promoting the use of the Adoption and Special Guardianship Support Fund for eligible adoptive and eligible kinship families so children can access therapeutic support where they have experienced trauma.
 - Providing funding for Adoption England to support Regional Adoption Agencies (RAAs) to improve recruitment, matching and post adoption support while promoting consistency by setting national standards in adoption practice across the country.
 - Investing an additional £15m to boost the number of foster carers to offer children a stable environment to grow up in. This will make sure every local authority has the offer of a regional fostering recruitment hub to help raise awareness about fostering and offer prospective carers support from the start of their fostering journey and also improve the support offer to existing foster carers.
2. To keep children safe, the Government plan to improve the sharing of information across and within agencies by enabling the use of a Single Unique Identifier. They will do this through:
- Improving multi-agency data sharing across services by bringing forward plans to deliver and implement a Single Unique Identifier to support children and families
3. To better protect children from harm, the Government plan to strengthen the delivery of a local decisive multi-agency child protection model through integrated multi-agency child protection teams. They will do this through:
- Rolling out a single offer of help and protection for children and families experiencing multiple and complex challenges. Lead practitioners with appropriate knowledge and skills will support families, working seamlessly with a reformed child protection system, when the fiscal situation allows. This offer will be underpinned by whole-family working, engagement of and support for family networks, evidence-based interventions and mechanisms to enable effective multi-agency leadership and practice.

- Responding to the Law Commission’s review of the legal framework governing social care for disabled children in England and taking forward actions to ensure the law is fair and allows children with disabilities to access the support they need.
4. The Government plan to put a new duty on safeguarding partners to ensure education is sufficiently involved in multi-agency safeguarding arrangements, and ensure parents have consent from local authorities to home educate children where there are safeguarding concerns. They will do this through:
 - Strengthening the role of ‘education’ in multi-agency safeguarding arrangements and providing national direction to the child protection system through reviews to the multiagency safeguarding statutory guidance entitled ‘Working Together to Safeguard Children’.
 5. The Government will remove barriers to opportunity for children and young people in care by extending the corporate parenting duty for children in care to a range of public bodies that provide housing, health, education and employment services. To reduce the risk of homelessness as a barrier to getting on in life for children in care, the Government will provide Staying Close support to care leavers. They will do this through:
 - Removing barriers to opportunity for children in care and care leavers through a cross government programme of work to improve outcomes across education, training, and employment, housing, mental health, and relationships.
 - Extending corporate parenting responsibilities to a wider range of public bodies so that they consider their needs when designing and delivering services for children in care and care leavers.
 6. The Government will extend the duty on local authorities to promote educational outcomes for all children with a social worker through the Virtual School Head role. They will do this through:
 - Extending the duty on local authorities to promote educational outcomes to all children with a social worker through the statutory Virtual School Head role.
 - Legislating to place a statutory duty on local authorities to promote the educational achievement of children in kinship arrangements, building on the non-statutory extension of the Virtual School Head role from September 2024.

Section 2: Legislating to Make the Care System Child Centred, and to Tackle Profiteering

7. Some children need their local authority to step in and provide another form of care because it is in their best interests. When residential care is needed it should be a positive experience for children in care and give them the best start in life. The Government need to make sure those providing care are held

to account for the quality of the homes they provide to make this vision a reality. The Government plans to boost the number of good quality homes, both through legislative and nonlegislative changes, so children receive the homes they deserve. They will do this through:

- Boosting the supply and diversity of placements by encouraging non-profit providers back into the market to reduce costs and provide placements which better meet children's needs closer to home.
 - Introducing a financial oversight scheme to increase financial and corporate transparency among the most 'difficult to replace' providers, increase provider contingency planning for financial failure, and provide an early warning system to local authorities.
8. It needs to be easier to open more good quality homes where they are most needed to enable children to maintain relationships close to their communities. The Government are already investing in children's homes, including secure provision, but the Government want to go much further to remove barriers to creating new high quality provision in the right places. The Government will break down planning permission and location assessment barriers to establish new homes in areas where they are most needed. The Government will diversify the types of providers in the placements market by encouraging nonprofit providers back to the market and the Government will make sure the provision being built matches what the evidence is saying about the needs of children. Namely, there is a gap in provision for children who are deprived of their liberty, and so the Government will amend legislation to provide the statutory framework to place children in a new type of accommodation. The Government will do this through:
- Improving our data on placements to give local authorities the information they need to assess need in local areas and assess longer-term demand for placements.
 - Enabling local authorities to set up Regional Care Co-operatives (RCCs), working in partnership with health and justice stakeholders. RCCs will carry out regional data analysis, develop regional sufficiency strategies, and develop regional provision.
9. It's not only about the volume of homes in the country, the Government will need to make sure there is the right level of accountability for the quality of homes children grow up in and ensure they are regulated inspected. The Government are working with Ofsted as they look to update the Social Care Common Inspection Framework. The Government are also working with Ofsted and CQC in response to 'Safeguarding children with disabilities and complex health needs in residential settings.'
10. The Government want to raise the standards and professionalism of staff and managers in children's homes. As announced in the Ofsted Big Listen response, the Government will work with Ofsted to improve the re-registration

process when a manager moves to a different children's home and to make sure expectations and providers are clear and unambiguous.

They will do this through:

- Work with Ofsted in response to the findings of their Big Listen, to explore how improvements to their frameworks can ensure inspection is a constructive force in the sector that champions good practice, empowers leaders and practitioners, and drives improved outcomes.

11. To ensure the right quality of homes, the Government need to address the rising number of homes that are unregistered and operating lawfully, as well as ensure group level accountability for provider groups that provide multiple homes. Unregistered homes are out of sight to Ofsted and so the Government have no visibility of the level of care and support provided to children living in these homes. The Government want to give off state greater powers to tackle persistent use of unregistered provision by giving them the power to issue civil penalties against providers of unregistered settings. They will do this through:

- Creating a fast-track route for the registration of some new children's homes to make it easier for homes to be set up where they most need them.
- Introducing a provider oversight scheme to increase Ofsted's existing powers to ensure provider groups are held responsible for the quality of the children's homes and other children's social care provision that they own.
- Enhancing Ofsted's enforcement powers so that they can fine providers illegally operating unregistered children's homes, so they can make sure children are safe, and placed in homes that are properly regulated by Ofsted.
- Introducing powers for the Secretary of State to cap provider profits from the provision of children's social care places in the future in the event that excessive profiteering is not brought under control
- Exploring introducing registration requirements for companies that provide placements to children to ensure they have responsible tax practices and are domiciled in the UK

12. The Government has introduced statutory guidance 'Agency Rules for Local Authority Children's Social Care' to reform the use of agency social workers. The Government propose to strengthen this approach by legislating thus allowing the Government to go further than statutory guidance in the use of agency staff, to drive the right conditions for children's social work practice.

They will do this through:

- Support, champion and empower the social work workforce through recruiting and retaining social workers, and professional development programmes. The work social workers deliver for children and families is essential and deserves to be recognised and supported. The Government know a key part of retention

will be about improving the offer of support social workers receive so they will populate a national virtual hub with resources to support local authorities with best practice on retaining social workers, including improving working conditions.

- Implement statutory guidance published on local authority use of agency child and family social workers to reduce the impact of workforce instability on children and families, improve quality and reduce costs, and underpin the agency rules with a new regulation making power which will create a legally binding framework in relation to the use of agency workers in children's social care which local authorities must adhere to.

Section 3: Summary of further actions addressing the overall improvement the Government expects of local leaders and safeguarding partners in meeting the outcomes in the National Framework.

To drive the change, the Government want to see in the system, they will take actions across enablers like leaders, multi-agency working and the workforce to:

- Embed the Children's Social Care National Framework (National Framework) and align policy with these expectations for practice, driving the whole national system to focus on the highest aspirations for children and families. The Government will also deliver a Dashboard to have a real-time picture of how the system is moving towards embedding the outcomes in the National Framework.
- Galvanise local leaders to drive improvements in their region, with a focus on outcomes, through work with the Local Government Association, through Regional Improvement and Innovation Alliances (RIIAs) and other sector-led programmes such as Sector Led Improvement Partners (SLIPs). The Government will continue to intervene in local authorities where Ofsted have found poor social care practice, to drive service improvements to keep children safe. Enable strategic multi-agency working by supporting statutory safeguarding partners across local authority, police and ICB with multi-agency national facilitators and use safeguarding partnerships yearly reports as an accountability and learning tool to improve the system.
- Support safeguarding partnerships to prevent or reduce the risk of recurrence of serious harm or abuse, through the sharing of data and evidence from the Child Safeguarding Practice Review Panel. Get support from children's social care sector-led improvement partners Keeping Children Safe, Helping Families Thrive.
- Enable learning from data and take forward digital solutions to build a better understanding of children, young people and families and to create better support for individuals and communities.

- Address the drivers which cause delays in the family court, and improve the experience of children and families, by improving pre-proceedings practice and investing in developing local solutions.
- Work in partnership with MHCLG, to ensure the Government have systematic and strategic join up in how local areas are funded and supported to deliver effective services. The Government will work to address some of the burdens placed on local authorities by consolidating small grants wherever possible and distributing funding as effectively as possible.

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.

MARIA PRICE

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

Background Paper **Date** **File Reference**

NIL