



Democratic and Member Support

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WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

Wednesday 20 September 2017
10 am
Warspite Room, Council House

Members:

Councillor Mrs Aspinall, Chair

Councillor James, Vice Chair

Councillors Mrs Bridgeman, Cook, Dann, Deacon, Loveridge, Dr Mahony, Sparling, Tuffin and Tuohy.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee

Chief Executive

Wellbeing Overview and Scrutiny Committee

1. Apologies

To receive apologies from Members for non attendance.

2. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. Chairs Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

4. Minutes

(Pages 1 - 6)

To confirm the minutes of the meeting held on 9 August 2017.

5. Establishing a Strategic Partnership with Torbay Council to deliver children's services

(Pages 7 - 28)

The Committee to review the report which was submitted to Cabinet.

6. Work Programme

(Pages 29 - 30)

The Committee will receive the work programme.

Wellbeing Overview and Scrutiny Committee**Wednesday 9 August 2017****Present:**

Councillor Mrs Aspinall, in the Chair.

Councillor James, Vice Chair.

Councillors Mrs Bridgeman, Dann, Dr Mahony, Sparling, Tuffin and Tuohy.

Apologies for absence: Councillors Cook, Deacon and Loveridge.

Also in attendance: Craig McArdle (Director for Integrated Commissioning – NEW Devon CCG and Plymouth City Council), Kevin Baber (Plymouth Hospitals NHS Trust), Jan Fowler (Nursing Director & Director of Commissioning Health and Justice - NHS England - South) and Hong Tan (National Lead for SARC's and Partnership Working - NHS England), Ross Jago (Lead officer) and Helen Rickman (Democratic Advisor).

The meeting started at 3.00 pm and finished at 5.10 pm.

Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

19. To Note the Appointment of the Chair and Vice Chair

Councillor Mrs Aspinall was appointed as Chair and Councillor James was appointed as Vice Chair for the forthcoming municipal year 2017/18.

20. Declarations of Interest

There were no declarations of interest in accordance with the code of conduct.

21. Chairs Urgent Business

There were no items of Chair's Urgent Business.

22. Minutes

The Committee agreed the minutes of the meeting held on 26 April 2017.

23. Acute Services Review

Kevin Baber (Plymouth Hospitals NHS Trust) provided Members with a presentation on the recommendations from the first phase of the Delivery of Acute Hospital Services Review. The presentation was published with the agenda pack.

The key areas of questioning related to:

- (a) concerns regarding staff shortages, staff skills, recruitment and staff retention within the NHS, specifically the four hospitals linked to the review, and how this would be managed effectively;
- (b) the impact upon adult social care resources and future budgets linked to stroke rehabilitation and the clinical discharge of patients from hospital to care provided at home or within the community;
- (c) the importance of GP retention in Plymouth and efforts made to encourage increased trainee numbers;
- (d) the feasibility of recruiting from a hospital consortium to help alleviate workforce issues and aid in career progression.

Agreed that the Committee notes the initial recommendations from the Acute Services Review and agrees that further information on the consultation and final proposals should be provided to the Committee when appropriate.

24. **Accountable Care Delivery System**

Craig McArdle (Director for Integrated Commissioning – NEW Devon CCG and Plymouth City Council) provided Members with an update on the Accountable Care Delivery System. The presentation was published with the agenda paperwork.

Key areas of questioning related to –

- (a) the delivery model of Accountable Care Organisations and how smaller organisations would contribute and be managed within this model;
- (b) the importance of accountability, collaboration, responsibility and governance linked to the Accountable Care Delivery System; what was the democratic process linked to the new system and what financial arrangements were in place?
- (c) the current crisis with primary care and General Practices in Plymouth as well as workforce retention within the NHS and how the Accountable Care Delivery System would have an impact upon these issues.

Agreed –

- 1. to note the update on the Accountable Care Delivery System;
- 2. that the business case would be provided to the Wellbeing Overview and Scrutiny Committee to scrutinise once properly developed.

Under this item the Chair advised Members that herself and Councillor James, as Chair and Vice Chair of the Wellbeing Overview and Scrutiny Committee, had received an invitation from the Health and Wellbeing Board to form part of the

membership for a sub group to fully understand the impact of the Accountable Care Delivery System. Progress updates would be reported back to Members throughout the course of the sub group.

25. **Re-procurement of Sexual Assault Referral Centre (SARC)**

Jan Fowler (Nursing Director & Director of Commissioning Health and Justice - NHS England - South) and Hong Tan (National Lead for SARCs and Partnership Working - NHS England) provided Members with an update on the Re-procurement of the Sexual Assault Referral Centre (SARC). The presentation was published with the agenda paperwork.

Key areas of questioning related to –

- (a) proposals for the Paediatric SARC to be based in Exeter; there were concerns that this location was not accessible and should instead be based in Plymouth as it was the largest city southwest of Bristol;
- (b) proposals for Plymouth to have an Acute Response SARC only; there were concerns that Plymouth was in need of a fully operational SARC as the figures suggested that rape and sexual assault incidents recorded were increasing;
- (c) clarification if other agencies had been involved with the commissioning of the service, if a needs assessment had been undertaken and if the proposals indicated had been tried and tested in other areas with a similar demographic to the South West/ Plymouth;
- (d) how was the consultation process surrounding these proposals undertaken?
- (e) as a result of speaking to victims of sexual assault it was highlighted to Members that the preference was to only have to recount their experiences once – Members questioned how this would be achieved with so many organisations involved;
- (f) concerns that if the current proposals were implemented there would be a reduction in service provided in Plymouth;
- (g) Members raised concerns that despite the numbers of sexual assault and rape increasing, attendance at the SARC were low in comparison.

The committee has agreed -

- I. that it is minded to view these proposals as a substantial variation of service provision. This is based on -
 - the proposed service delivery model not having been tried and tested across a similar geography;
 - reduction in local accessibility, particularly as the proposals indicate adverse travel implications for the public;

- the proposal has a seemingly counter intuitive case for change (reduction in local accessibility for potential service users);
2. that the Committee, under powers conferred by the NHS Act 2006 (as amended) recommends to NHS England that the consultation methodology and results, final service model, and service specification are subject to a Joint Health Scrutiny Committee by Local Authorities in the area to enable this the service specification is not put out for tender in September;
 3. to direct the lead officer to work with colleagues across the peninsula to convene a Joint Health Scrutiny Committee to consider the detailed plans for the variation of service provision.

(Members voted unanimously in favour of the recommendation to further scrutinise proposals to change SARC provision.)

26. **Integrated Commissioning Score Card**

Members noted the Integrated Commissioning Score Card.

27. **Integrated Finance Monitoring Report**

Members noted the Integrated Finance Monitoring Report.

28. **Tracking Resolutions**

Ross Jago (Lead officer) advised Members that requests for information contained within the tracking resolutions document had been submitted to relevant officers however there was still several recommendations that had not been completed as information had not been provided. Information received had been emailed to Members for their information.

Agreed that a sub committee is established, with membership to include the Chair and Vice Chair and four other Members of the Wellbeing Overview and Scrutiny Committee, to scrutinise children services.

29. **Work Programme**

Ross Jago (Lead officer) advised Members that the format of the work programme had been revised in order to help prioritise items still to be considered.

Members discussed the work programme –

- adult mental health needed to be added to the work programme to be scrutinised
- the primary care select review was a priority however due to procurement exercises affected three surgeries it was necessary to wait until after 21 August 2017 until this review could be considered – the planning document

also needed to be completed;

- Torbay children services was listed on the work programme and would be arranged shortly;
- select review request forms for End of Life Care and Dementia Friendly City had been submitted and it was hoped that these reviews would be scheduled before December 2017.

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PLYMOUTH CITY COUNCIL

Subject: Establishing a strategic partnership with Torbay Council to deliver Children's Services

Committee: Cabinet

Date: 29 August 2017

Cabinet Member: Councillor Ian Bowyer

CMT Member: Tracey Lee

Author: Alison Ward, Regional Partnerships Manager

Contact: Tel: 01752 398084
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Ref:

Key Decision: No

Part: I

Purpose of the report:

In March 2017, Plymouth City Council was invited to submit an expression of interest to create a partnership arrangement with Torbay Council to jointly deliver its Children's Services. Torbay Council's Children's Services have been judged inadequate for several years and in May 2016, the Department for Education (DfE) appointed a Commissioner, John Coughlan, Chief Executive of Hampshire County Council, to oversee improvement.

The Commissioner's role also involves ensuring that improved performance can be sustained over the longer term by exploring alternative delivery models, including partnering with nearby councils. In April 2017, the Commissioner advised that having evaluated expressions of interest from Plymouth City Council and Devon County Council, his preferred option as a partner for Torbay Council was Plymouth. In June 2017, the DfE Minister endorsed his recommendation. (Appendix 2)

This report seeks an 'in principle' agreement to proceed to develop a delivery model and detailed partnership agreement with Torbay Council to deliver its Children's Services. A Prospectus has been jointly developed by officers from both councils. This is a high level framework document setting out the general terms and principles for the partnership (Appendix 1).

Discussions with Torbay Council regarding Children's Services are set against the backdrop of Torbay exploring longer term options for the future delivery of all their services. They have engaged Local Partnerships (a consultancy between the Local Government Association and HM Treasury) to develop business cases for several options. This work is due to be reported to Torbay Council in mid-September 2017. The options being considered include the potential for joint delivery of all their services with one, or a combination of nearby councils.

The Commissioner and the Minister have both been very clear that improvements to Children's Services in Torbay must happen at pace, and therefore unless there is a credible and compelling alternative, a partnership with Plymouth City Council will remain the preferred option for delivery of that service.

The Corporate Plan 2016/17 – 2018/19:

One of the central themes of the Corporate Plan is that Plymouth City Council is pioneering; finding new ways to deliver services that are innovative and more efficient. A partnership with Torbay Council would enable us to explore new and more cost effective service delivery models based on greater economies of scale and the sharing of best practice, which will benefit both councils.

The partnership also supports our ambition to be a confident city, demonstrating strong sub-regional leadership and enhancing our reputation within the sector and with Government.

The Council has a strong track record of working in partnership which has been recognised regionally and nationally. This proposal is a further opportunity to demonstrate that strength.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The establishment and running of the partnership would be at no cost to Plymouth City Council, and there would be no pooling or cross subsidy with Torbay Council budgets. The set-up costs would be covered by a one-off payment from the Department for Education. In the longer term, Torbay Council would pay Plymouth City Council the extra costs incurred in providing the agreed partnership support. Any savings generated from shared working or more efficient delivery structures would be apportioned between the two councils in accordance with a pre-agreed ratio.

The partnership would involve a shared role for the Director of Children's Services across both councils. This will necessitate a review of the capacity in the senior management arrangements in Plymouth City Council's People Directorate. The remainder of the staffing structures within Children's Services would remain largely unaffected, although the necessity may arise for a minor reapportioning across middle management to take on additional responsibility for supervision and guidance, and a greater degree of deputising across senior management to accommodate the shared Director role.

There would also be opportunities for secondments and career development across the larger workforce of the two councils. The partnership would provide greater critical mass for recruitment and retention of social workers, and better opportunities for training and development based on economies of scale.

There would be an opportunity to harmonise working practices and IT systems across the joint workforce and this could lead to the standardisation of case management software. Any associated costs would be factored into the business case for transition funding from the DfE. Torbay Council would make a proportionate on going contribution to senior management costs, including any additional capacity created to ensure a robust joint DCS function.

There are no direct implications for land or buildings as each council would retain their current facilities.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

The partnership proposal presents a number of risks that would need to be managed, but also a range of potential benefits that would need to be exploited, including financial efficiencies, workforce stability and the testing of new delivery models. Some key risk management principles are set out below:

1. The safety and wellbeing of Plymouth's children and young people is paramount. Any partnership arrangements must not detract from this. The partnership must also not disrupt Plymouth's own Children's Services improvement journey.
2. The partnership must not impact on Plymouth's finances or create issues in terms of staffing. All set up costs will be recorded and contained, and funded by the Department for Education.
3. The precise terms of the partnership arrangement would be set out in a detailed agreement including the roles and accountabilities of Members and officers in both councils.
4. Torbay Council would retain full political accountability, as well as the statutory responsibilities associated with the Director of Children's Services and the Lead Member for Children's Services. There would need to be absolute clarity to ensure that Plymouth's City Council's reputation was not harmed as a result of entering into the partnership.
5. Given the long term and binding nature of the partnership it would be crucial to secure a strong commitment from Members and senior managers before embarking on the partnership. There would be a built-in review point and other termination conditions set out in the full partnership agreement.

Recommendations & Reasons for recommended action:

That Cabinet:

1. Agrees 'in principle' to progress the development of a partnership with Torbay Council to run its Children's Services, working with Torbay Council and the Commissioner for Children's Services, and under the auspices of the Department for Education to develop a detailed partnership agreement.
2. Delegates to the Chief Executive in consultation with the Leader and the Leader of the Opposition the development of the detailed partnership agreement.
3. Requests the Wellbeing Overview and Scrutiny Committee to examine and debate the proposal in September 2017 and provide any feedback to the Council meeting on 25 September 2017.
4. Recommends that the Council endorses the Cabinet's 'in principle' decision at its meeting on 25 September 2017, subject to continuing support for a strategic partnership with Plymouth City Council to deliver Torbay Council's Children's Services, following the latter's Council meeting on 13 September 2017.
5. Receives a further report later in 2017 following the 'due diligence' exercise and seeks further endorsement from the Council before any binding decision is made.

Alternative options considered and reasons for recommended action:

Torbay Council are required to act in accordance with the recommendations of the Commissioner. At this point, the Commissioner has identified that a partnership with Plymouth City Council provides the best solution for Torbay Council to improve its Children's Services at pace and Torbay Members voted overwhelmingly to support this route in July 2017. Plymouth City Council is under no obligation to continue with the partnership at this point.

The options at this point are therefore:-

- (i) To agree 'in principle' to proceed to develop the partnership, or
- (ii) Not to proceed

Option (i)

If the Council decides to proceed to develop the partnership arrangements, officer project teams would be set up within both councils to develop the detail required, and to undertake due diligence. The project teams would report to a single project board chaired by Plymouth City Council's Chief Executive, which would provide structure and rigour to ensure all aspects are covered. The Board would provide regular updates to each council. In addition, the Cross Party Working Group would continue to meet and receive updates, as well as opportunities for wider Member involvement. A final decision will be required before the partnership can be formally established, and Plymouth City Council's Cabinet would seek further endorsement from the Council.

It is envisaged that the partnership would take approximately six months to establish. Should any issues arise during this period which cannot be resolved, or which present 'red lines', the Council could withdraw.

Whilst there are clearly implications that need to be carefully considered, there are also strong benefits and opportunities to be gained from the partnership, particularly in terms of Plymouth City Council's positioning for the future in a fast changing public services agenda.

Option (ii)

If the Council decides not to proceed, the Commissioner will have to find an alternative way forward, as the responsibility for the delivery of Children's Services cannot remain with Torbay Council alone.

Alternatives might involve forming a partnership with Devon County Council who expressed an interest from the outset and were evaluated by the Commissioner. They have subsequently reiterated their 'willingness and readiness to enter into an arrangement for the joint delivery of upper tier services commencing in April 2018' but not if this was on a 'piecemeal' basis.

The Commissioner could also decide to explore setting up an independent trust to deliver Children's Services, however this is likely to be more costly, complex and slower.

If the Council decides not to proceed at this stage, it would lose the opportunity to demonstrate strong sector-led leadership in this area, and would not be able to explore the more innovative delivery models or secure the efficiency savings that the partnership could deliver. In addition there are additional risks for Plymouth if either of the above options become a reality, these include: impact

on our recruitment and retention of social workers in a challenging national and local context; impact on our regional influence with a particular risk in relation to placement sufficiency for children in care.

The Council would also lose the opportunity to align more closely with other commisioning and governance arrangements such as those emerging in the Health and Care Sustainability and Transformation Plans and the changing public sector landscape.

Background papers:

- Appendix 1. Prospectus
- Appendix 2. Ministerial letter

Torbay Council’s report on the Children’s Service Alternative Delivery Model, and the minutes recording their decision.

- [Torbay Council 20 July 2017 Children's Services Report](#)
- [Torbay Council 20 July 2017 Minutes](#)

Sign off:

Fin	dn171 8.82	Leg	lt/2794 7/1708	HR	DA- HR17.0 8.2017	Corp Prop	N/A	IT	N/A	Strat Proc	N/A
Originating SMT Member Tracey Lee											
Have you consulted the Cabinet Member(s) named on the report? Yes											

1.0 Background

- 1.1 In May 2016, the Department for Education issued Torbay Council with a Statutory Direction and appointed John Coughlan, Chief Executive of Hampshire County Council as the Commissioner for Children's Services, and Hampshire County Council Children's Services as expert advisors to support improvement. This action was the culmination of poor Ofsted inspection results over a number of years. An improvement notice was first issued to Torbay Council in January 2011 following poor performance in its safeguarding services for children and young people. A further improvement notice was issued in April 2012 to revise the targets in the first improvement notice. Whilst the service was judged to have shown some improvement following an inspection in 2013, the most recent Ofsted inspection published in January 2016 found that those improvements had not been sustained and this triggered the Statutory Direction.
- 1.2 The Commissioner's primary role is to oversee the improvement of Children's safeguarding services in Torbay, reporting progress to the Secretary of State on a regular basis. However, as a consequence of repeated failure, Torbay falls into a category of intervention whereby there is a Government assumption that the governance of services will be changed and cannot be left to Torbay alone. Consequently it is within the Commissioner's remit to explore alternative delivery models for Children's Services to ensure that improvement can be sustained over the longer term.
- 1.3 Prior to the appointment of the Commissioner, Torbay Council secured funding to help to explore transferring Children's Services into the Integrated Care Organisation (ICO) model, with Torbay and South Devon NHS Foundation Trust, following a similar approach to that for Adult (Social Care) Services. Soon after the Commissioner took up his role, he identified that this work had not progressed sufficiently. An independent company, Mutual Ventures were commissioned to complete the review and reported back in December 2016.
- 1.4 Whilst the model of transferring Children's Services into the ICO was deemed feasible, the Commissioner concluded that it was not appropriate for a number of reasons, including the complexity and uniqueness of such an arrangement, and the time it would take to bring into effect.
- 1.5 In early 2017, the Commissioner started to explore the potential for partnering arrangements with other councils as an alternative delivery model. Cornwall Council, Plymouth City Council and Devon County Council were each approached. Cornwall Council withdrew when their Director of Children's Services was appointed as a Commissioner to another authority. Plymouth and Devon were invited to put forward written submissions and this was followed up with face to face discussions.
- 1.6 On 5 April 2017, the Commissioner wrote to the DfE advising them that his preferred option as a partner for Torbay Council to deliver Children's Services was Plymouth City Council. He concluded that whilst both councils offered credible proposals, on balance Plymouth City Council was a better fit. His rationale included the following points:
- Plymouth evidences a generally stronger performance profile and history than Devon, although both are currently judged as 'requiring improvement'.
 - Analysis of the data shows a stronger synergy between Plymouth and Torbay as coastal and largely urban locations.
 - Plymouth has had long term stability in its senior management team.

- 1.7 In response to the Commissioner's recommendation, the Chief Executive of Torbay Council wrote to the Chief Executive of Plymouth City Council on 25 April 2017 setting out his initial thoughts on the key features of a partnership arrangement. This formed the basis of the Prospectus document, developed by officers from both councils, as the overarching framework on which to progress the work. (Appendix 1)
- 1.8 In the early summer of 2017, Torbay Council commissioned Local Partnerships to conduct an in-depth options review of potential future arrangements for the delivery of all of Torbay Council's services. This followed ongoing discussions within the council regarding its long term viability as a unitary council, emanating from an LGA Peer Review which reported in January 2016. The review explores forming delivery partnerships with other local councils. Torbay Council is due to consider the findings at its meeting on 13 September 2017, at which point it could decide which option(s) to pursue.
- 1.9 Devon County Council has stated its willingness to deliver all of Torbay's upper tier services, but not if Children's Services is excluded as they consider it would not make operational or economic sense to have separate arrangements for that service.
- 1.10 The Commissioner and the Minister have both reiterated their strong support for Plymouth City Council as the preferred partner for Torbay Council's Children's Services, but have acknowledged that the outcome of this review could have a direct and material impact on that decision which could force them to reconsider.

2.0 Rationale

- 2.1 The Commissioner judged that Plymouth City Council was a good fit to support Torbay Council. Plymouth is also moving through an improvement process after services for children in need of help and protection, looked after children, and care leavers were judged as requiring improvement in 2015. Good progress has been made to address the areas highlighted by the inspection, including changes to operational practice that have seen caseloads reduced, front line staff better supported, higher retention rates for social workers and improved partnership working through programmes like Families with a Future.
- 2.2 There is also strong leadership and a clear corporate commitment to improving the outcomes and aspirations for children and young people, and for safeguarding the most vulnerable. This is demonstrated by an effective systems leadership culture, and integrated commissioning underpinned by a good understanding of demand, flow, performance and costs.
- 2.3 A recurring theme in Torbay Council inspection assessments has been a lack of strong leadership, and poor management and governance. The latest judgement, published in January 2016, and the Statutory Direction issued in response highlighted this failing, as well as the poor quality of services for children who need help and protection. [Torbay Council Ofsted Inspection January 2016](#)
- 2.4 These are areas that Plymouth City Council can help Torbay to address; in a practical sense in terms of implementing better working practices and introducing cultural change, as well as providing strong and consistent leadership and management support.
- 2.5 Hampshire County Council set up an improvement partnership with the Isle of Wight Council in 2013. This was one of the first partnerships of its kind, however it is increasingly the Government's preferred option, being less complex and more cost effective than setting up an

independent trust. It is a model that supports sector-led, peer to peer improvement which is more embedded and sustainable. A partnership with Torbay Council would be a good example of one unitary council providing sector-led improvement to a similar, nearby unitary council.

3.0 Risks and Benefits

Risks

- 3.1 The partnership would be expected to follow a similar format to that set up between Hampshire County Council and Isle of Wight Council which is designed to run for 5 years. Given this duration, which would span several local election cycles, it would be critical that the arrangement has political consensus and strong corporate commitment.
- 3.2 Inspections at Torbay have highlighted failings in leadership and management. In addition, the Mayoral governance model in Torbay presents different dynamics to the Leader and Cabinet model in Plymouth. These challenges present a potential risk to Plymouth City Council in being able to establish the partnership, and support Torbay to achieve vital service improvements.
- 3.3 Torbay Council is considering a range of options for the long term delivery of all their services. The outcome of that review may persuade councillors to opt for a different delivery partner for other key services, in which case Plymouth City Council would be likely to withdraw, and the Commissioner would be required to review his recommendation and find an alternative solution for the delivery of Torbay Council's Children's Services.
- 3.4 There must be no distraction for Plymouth City Council on its improvement journey as a result of entering into the partnership. It is crucial that the hard-won progress that the Council and its partners have achieved is not compromised in any way. This includes ensuring that the Council has sufficient capacity and capability at all levels, and is not overstretched, particularly in the event of a major safeguarding incident in either council area, or by an inspection.
- 3.5 There must be no extra costs incurred by Plymouth City Council as a result of entering into the partnership. The DfE has agreed to cover transition costs for both councils and it will be essential to ensure that sufficient funding is requested, and that the ongoing additional costs for shared senior management support after the partnership goes live are met by Torbay Council.
- 3.6 There must be absolute clarity regarding lines of accountability to ensure that Plymouth City Council's reputation is not harmed as a result of the partnership.
- 3.7 Plymouth City Council must have sufficient oversight to be confident that Torbay Council has allocated adequate funding to run Children's Services.

Benefits

- 3.8 Plymouth City Council already enjoys a high profile and strong influence in regional and sub-regional work; including Health and Care Sustainability and Transformation Plans; successful recruitment and retention of social workers; effective regional commissioning; and in other spheres of influence such as the Plymouth-Exeter-Torbay Growth Corridor bid which has gained early Government interest. The Council's status would be enhanced through a successful strategic partnership arrangement with Torbay to deliver Children's Services as it would add critical mass in terms of workforce numbers and the scale of delivery.

- 3.9 The partnership could strengthen the Council's own improvements and current partnership initiatives and innovations. For example, the work with the NSPCC could be scaled up and have greater impact in Plymouth, as well as delivering benefits for Torbay.
- 3.10 There are potential areas for financial efficiencies and economies of scale, and for staff development in both councils.
- 3.11 The partnership provides an opportunity to learn from Hampshire County Council which has considerable experience in this area, having established an improvement partnership with the Isle of Wight in 2013. This means that the Council could benefit from working alongside them and use their model for developing the partnership, but also learn from their strong leadership and good practice. There would also be opportunities to learn from areas of strength within Torbay Council Children's Services. Torbay has strong performance in their schools and education services.
- 3.12 The partnership would strengthen the Council's relationship with the DfE, including drawing down dedicated funding to set up the partnership to create a firm foundation for it to flourish.
- 3.13 Setting up a partnership to deliver a complex area like Children's Services would open up the potential for further strategic partnering opportunities to jointly deliver other services in the future, where it makes sense to do so.

4.0 Timeline and Next Steps

- 4.1 Based on Hampshire County Council's experience with the Isle of Wight, the detailed work to develop the partnership is likely to take 6-9 months. On this basis, the target date for the partnership to be established would be 1 April 2018.
- 4.2 Should the Council decide to proceed, a programme structure would be set up with teams across both councils, with a single Board reporting to each council.
- 4.3 Member cross party groups and separate briefings and updates for members would be programmed in throughout the development period.
- 4.4 A business case would be submitted to the DfE at the earliest opportunity to secure funding to cover the transition costs.
- 4.5 A further report would be brought back to the Council in December 2017, in order to secure final agreement to establish the partnership.
- 4.6 The DfE would issue a Statutory Direction setting out the terms of the partnership, as defined in the partnership agreement.
- 4.7 The Commissioner and Hampshire County Council would remain in place to shadow the new arrangements to ensure a smooth transition.



Prospectus (Heads of Terms) for a Strategic Partnership between Plymouth City Council and Torbay Council: Children's Services

Context

Children's Services in Torbay have had a history of underperformance and an inability to sustain improvements in outcomes for children. In 2010, Torbay's Children's Services were judged inadequate and a Statutory Direction issued by the Department for Education (DfE) in 2011. Although child protection services were judged 'adequate' in 2013, the latest Ofsted report in January 2016 judged services 'inadequate', identifying significant weaknesses in leadership and management. It should be noted that Torbay's Education services have been performing well, with outcomes for children and young people generally at or above comparators.

As a result of the inspection judgement, Torbay Council was subject to a Statutory Direction in May 2016 and the Chief Executive of Hampshire County Council appointed as the DfE Commissioner. The role of the Commissioner has been to oversee the improvement journey and consider what alternative delivery models might best secure sustainably improved Children's Services in Torbay. Hampshire County Council Children's Services were also appointed as the improvement partner to Torbay Council and a multi-agency Children's Improvement Board (CIB), chaired by the Commissioner, established to oversee the improvement journey. These governance arrangements will remain in place until such time as they are amended, revoked or replaced by a further Ministerial direction.

Since his appointment, the Commissioner has been working with Torbay Council and partner agencies, across the South West, to explore the potential for an alternative delivery model. This reflected a growing consensus in Torbay that it could no longer deliver Children's Services on a unilateral basis. An increasingly detailed series of discussions were commenced by the Commissioner to explore the optimum delivery model and, within that context, a capable partner agency or agencies. The work was supported by Mutual Ventures, a consultant with considerable experience of the development of alternative delivery models for Children's Services. This culminated in a recommendation by the Commissioner, in April 2017, that sustained improvement in Children's Services in Torbay would be achieved via a partnership with Plymouth City Council. This document has been prepared in advance of the Ministerial response to the Commissioner's recommendation to enable work to progress at pace thereafter.

Both Plymouth City Council and Torbay Council believe the partnership model will contribute to improved service delivery, better outcomes for children and young people and the opportunity to realise efficiencies through shared or merged service elements. The larger practitioner resource within the partnership model will better support workforce development, recruitment and retention and provide greater opportunity for service innovation. The statutory direction underpinning the partnership will also establish an ongoing dialogue with the DfE around service improvement and a stronger voice for Plymouth and Torbay within the sector led improvement agenda.

Purpose

The purpose of this document is to set out the guiding principles, operating arrangements, governance and timeframe for the development and implementation of a partnership between Plymouth City Council and Torbay Children's Services. It is intended to provide the baseline for the more detailed work required for the development of a comprehensive partnership agreement and delivery model.

Guiding Principles

1. The safety and wellbeing of children and young people within the administrative areas of Torbay Council and Plymouth City Council will be paramount at all times throughout the development and operation of the partnership.
2. The primary objective will be the sustained improvement of Children's Services in Torbay and Plymouth.
3. There will be a commitment to openness and transparency at all stages and by all parties.
4. Lines of accountability for politicians and officers will be clearly articulated and agreed at each stage to avoid ambiguity.
5. Any issues will be resolved as quickly as possible by working together in the spirit of cooperation, equality and mutual respect.
6. The development and operation of the partnership will be cost neutral to Plymouth City Council, with all costs recorded and recovered in accordance with an agreed cost recovery model.
7. All communications relating to the partnership arrangement will be agreed by both councils before being issued, including the content and timing of messages, and the channels and audiences.

Outline Partnership Arrangements

1. Plymouth City Council's Director of Children's Services shall take full operational responsibility for Torbay Children's Services including its education and social care functions and those corporate support functions that directly support Children's Services. The role of Director of Children's Services will be as defined within Children Act 2004 and Statutory Guidance (2013).
2. Torbay Council will retain political and financial authority and statutory accountability. Plymouth City Council will take no direct political accountability but both parties will readily explore political partnership opportunities over time, such as joint scrutiny arrangements. The Executive Member for Torbay will play a key role in on-going political responsibility.
3. Executive line management and operational responsibility will rest entirely with Plymouth City Council, but with a joint Director of Children's Services reporting to both Councils and Chief Executives regarding their respective statutory duties. The role of Director of Children's Services will be as defined within Children Act 2004 and Statutory Guidance (2013).

4. The joint Director of Children's Services will be a full member of the Senior Leadership Team in Torbay and engage in place setting and wider strategy development where this involves activity related to Children's Services. This includes engagement with Torbay's corporate support and governance services as appropriate. There may also be a requirement for a nominated senior officer from Torbay Children's Services to engage with the senior leadership teams of both councils when deputising for the Director.
5. Torbay Council will retain financial accountability and provide an appropriate budget for the delivery of Children's Services, as informed by its Medium Term Financial Strategy (MTFS) which will be subject to regular review and close monitoring and reporting by both partners. The Children's Services' budgets for Torbay and Plymouth will not be pooled or subject to cross subsidy as part of this agreement. The respective Section 151 Officers will continue in their statutory roles providing budgetary oversight and working together to ensure that Torbay Council is making sufficient budgetary provision for its Children's Services.
6. The joint Director of Children's Services shall ensure that there is sufficient leadership visibility in Torbay.
7. Hampshire's role as improvement partner to Torbay Council shall continue until removed or revoked by ministerial direction, whilst also engaging with Plymouth in order to secure the progress made to date and ensure there is a shared and agreed pathway to improvement. This acknowledges a desire on Torbay's part to have continuity of leadership and improvement focus during the transitional period.
8. PCC DCS will join the Children's Improvement Board (CIB) and Torbay's Safeguarding Children's Board (TSCB) at the earliest opportunity to further support a smooth transition.
9. It is anticipated that Torbay Council will be subject to statutory direction and therefore appropriate and proportionate financial assistance will be provided by the DfE, to fully fund the logistics and infrastructure necessary to place the partnership arrangements on a secure and sustainable footing. As an example, this could include the cost of harmonisation of case management systems across both councils. Any development funding provided by the DfE would be held by Plymouth City Council on behalf of the partnership, in consultation with Torbay Council and the DfE Commissioner. This will also contribute towards the arrangements being at no additional cost to Plymouth City Council in both the development and delivery phases.
10. Plymouth City Council will lead on the appointment and development of managers and staff including redesign where appropriate, in consultation with Torbay. Similarly the redeployment of Plymouth City Council managers or staff to Torbay Council posts and vice versa will be a joint decision. Both Councils' view this as an opportunity to second and develop talented staff.
11. A particular consideration for both Councils and their elected members will be to maintain the strong, existing local relationships and high visibility with local partners, communities and schools within any partnership arrangement.
12. This partnership is an opportunity for both parties to explore the development of shared functions and merged teams. Whilst both Councils remain open to all options, it is vital that any such changes contribute to improvements and services for children and do not destabilise services, including the loss of staff or lower morale. No significant organisational changes shall

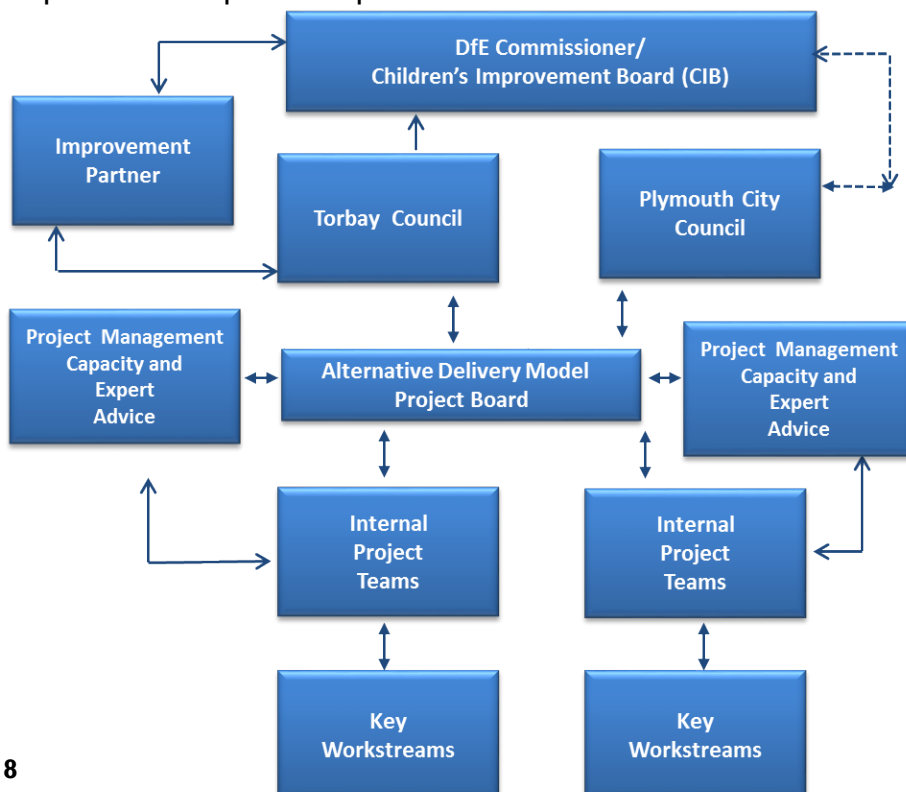
be made affecting Children’s Services without the express endorsement of Plymouth City Council, as supported by the statutory direction.

13. Clear legal arrangements to be put in place to ensure there is no confusion about the right of direction by Plymouth City Council managers to those Torbay employees working within the partnership agreement.
14. Torbay’s operational support arrangements, policies and procedures shall remain in place, particularly where these have developed through the work with Hampshire or are deemed to be important to Torbay’s wider financial position, but with Plymouth City Council having discretion to amend or develop in consultation with Torbay and Hampshire.
15. The same principle would apply to ‘back office’ functions and services, which should remain in situ but may be subject to review.
16. The arrangements for any termination of the partnership from either party will be fully set out in the partnership agreement so as to minimise disruption and risk, and to maintain the safety and wellbeing of children and young people in both localities.

Governance

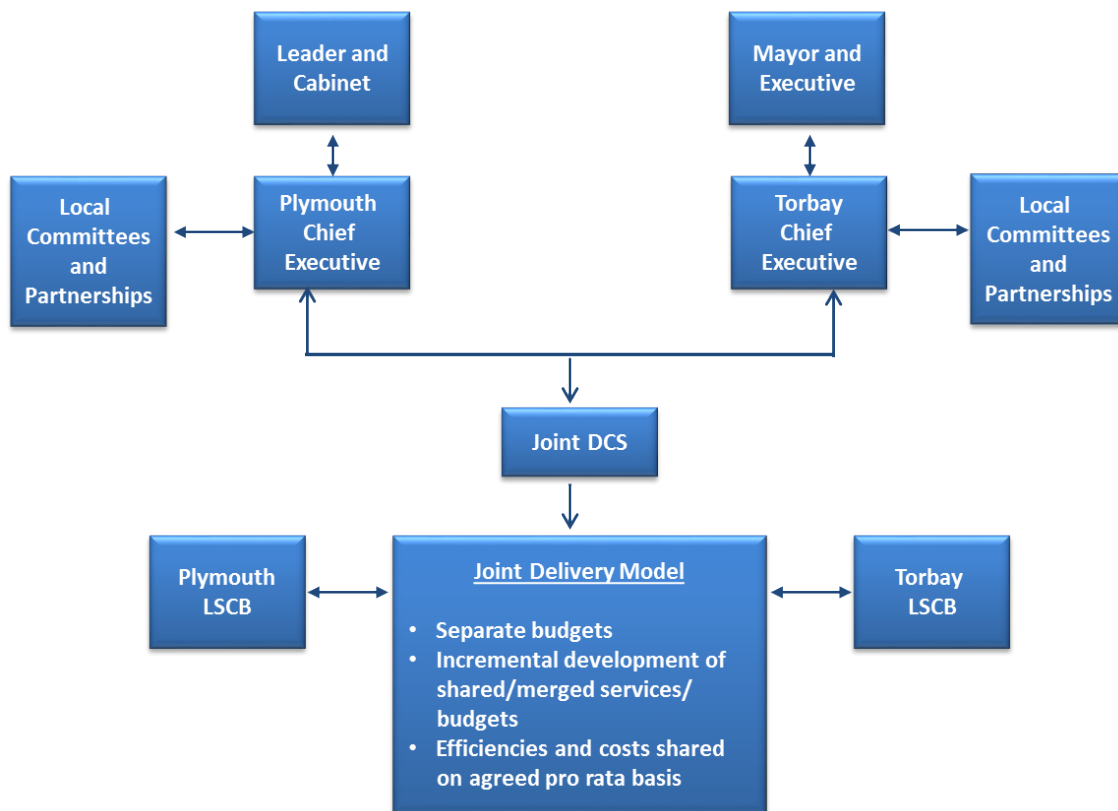
Torbay Council is currently subject to a Statutory Direction issued in May 2016 requiring it to co-operate with the DfE Commissioner, in order to improve Children’s Services and explore the most effective way of securing and sustaining these improvements over the longer term. The governance arrangements put in place by the direction will remain in place during the implementation phase.

The development phase for the partnership, which the Commissioner has indicated will take between 6-9 months from the point of a decision by the Minister, will require interim governance arrangements to be established to oversee project delivery. The arrangements will necessarily link into the DfE Commissioner and Children’s Improvement Board (CIB) put in place by the statutory direction issued in May 2016. The outline model below sets out how governance will work during the development phase for the partnership.



The Alternative Delivery Model (ADM) Project Board will comprise of appropriate senior representatives from both Plymouth and Torbay Councils, with input from the DfE Commissioner (or their representative) as appropriate. The ADM Project Board would continue to meet on a regular basis until the partnership is operating on a secure and sustainable basis.

At the point that the partnership is able to go ‘live’ it will link in with the existing political and managerial accountabilities in place within Torbay Council and Plymouth City Councils, acknowledging the longer term opportunities to develop shared arrangements for the children safeguarding boards and other aspects of assurance and scrutiny. The diagram below sets out how the partnership will integrate with the existing governance arrangements for Plymouth City Council and Torbay Council.



Workstreams

Working within the above governance framework the joint or separate project teams working to the project board will need to progress a wide range of work streams to enable the partnership to go live.

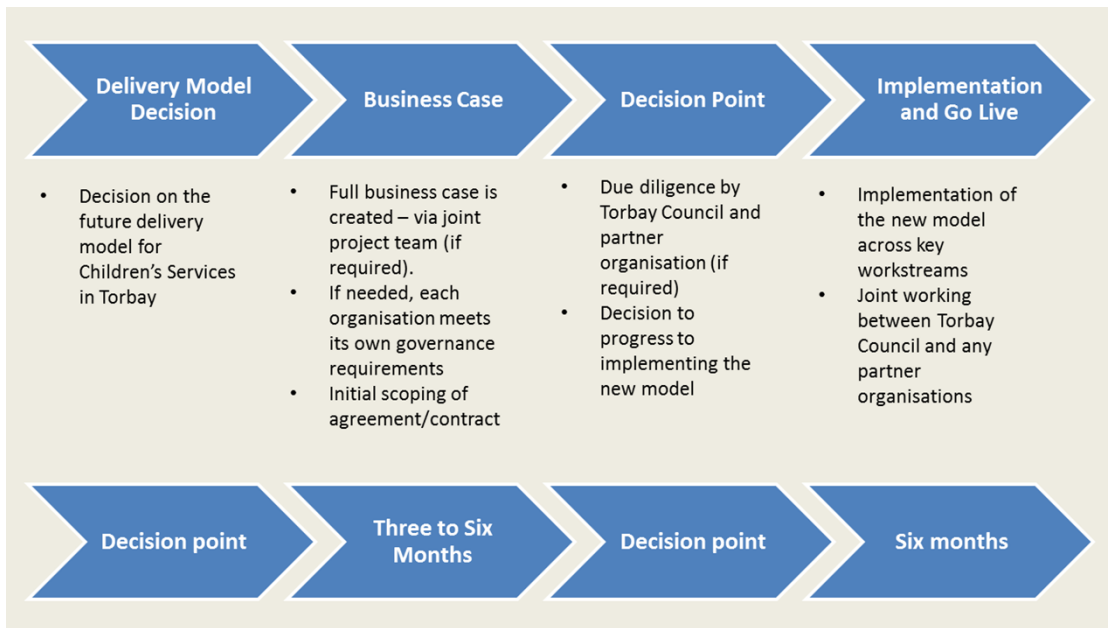
The table below sets out an illustrative set of workstreams to enable work to progress from a Heads of Terms to a detailed partnership agreement.

Number	Workstream	Description
1.	Service delivery and improvement	<ul style="list-style-type: none"> ▼ Scope of Children's Services within the agreement. ▼ Operating model. ▼ Organisational structure. ▼ Quality standards and performance.
2.	New model governance	<ul style="list-style-type: none"> ▼ Development of delivery model governance. ▼ Ofsted registration. ▼ Budget, finance and management/reporting arrangements.
3.	Legal and contracts	<ul style="list-style-type: none"> ▼ Partnership Agreement between Torbay Council and Plymouth City Council. ▼ Governance model. ▼ Services contract. ▼ Third party contracts/commissioned services.
4.	Finance	<ul style="list-style-type: none"> ▼ Budget(s). ▼ Restructuring the budget ▼ Re-coding the budget?
5.	Staff transfer (if the new delivery model involves any transfers of staff)	<ul style="list-style-type: none"> ▼ TUPE / HR advisory. ▼ Pension advisory. ▼ Staff consultation. ▼ Payroll disaggregation if required. ▼ Terms and conditions contracts review.
6.	Communication	<ul style="list-style-type: none"> ▼ Joint Communications strategy. ▼ Day-to-day communications management. ▼ Press management. ▼ Customer information. ▼ Website.
7.	Stakeholder management and regulation	<ul style="list-style-type: none"> ▼ Engagement with key Government departments. ▼ Engagement with the requisite regulators.
8.	Property and assets	<ul style="list-style-type: none"> ▼ Building and capital assets disaggregation (if required). ▼ Valuation of transferred assets (if required). ▼ Accommodation arrangements.
9.	Data and ICT	<ul style="list-style-type: none"> ▼ Review of databases and case management platforms. ▼ Archiving. ▼ Disaggregation/Integration of ICT systems

		(if required). <ul style="list-style-type: none"> ▼ Ongoing access to information and data sharing (if required).
	Support services	<ul style="list-style-type: none"> ▼ Finance. ▼ Payroll. ▼ Legal services. ▼ HR support. ▼ Facilities management. ▼ Utilities. ▼ Telephony. ▼ Security. ▼ Communications. ▼ ICT support. ▼ Printing and office materials. ▼ Admin and PA support.

Timeframe

A Ministerial decision in response to the Commissioner’s recommendation is anticipated in July. The Commissioner had identified a timeframe of 6 – 9 months from the point of a decision for the partnership arrangement to go live. The timeframe below sets out how this will progress including the stages at which key decisions will be required.





Robert Goodwill MP
Minister of State for Children and Families

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tel: 0370 000 2288 www.education.gov.uk/help/contactus

Gordon Oliver
Mayor, Torbay Council
Town Hall
Torquay
TQ1 3DR

30 June 2017

Dear Gordon,

I am writing following the report from the Children's Services Commissioner, John Coughlan, on the future of Torbay's children's social care services. John has carried out a very comprehensive review and I am grateful to him for his work.

As you know, the starting place for the Commissioner's appointment was Ofsted's inspection of Torbay's children's social care services which found serious and persistent failures. John has been clear for some time that services should not remain under the operational control of the Council and has carried out a thorough analysis of the options for the future delivery of services in Torbay. I am persuaded by John's argument that a partnership with another local authority to run services on Torbay's behalf is the best way to achieve sustainable improvement.

I am encouraged that both Plymouth and Devon developed credible proposals to work with Torbay. At present I am minded to agree with John's recommendation that Plymouth is the most appropriate partner for the reasons set out in his report. I understand that Torbay and Plymouth have already engaged in discussion about how a partnership would work. However, I note that Torbay is also undertaking a wider review of the future of services, due to conclude in July. I will ask John to consider the outcome of that review and, if it materially changes his view about the most appropriate partner, to update me accordingly. You will be aware, though, that services in Torbay have not been good enough for too long and it is imperative that we act at pace to bring about long-term improvement and provide the most vulnerable children and young people in Torbay the services they deserve. I share John's concern that any alternative model that may be proposed by the separate review can only make a material difference to John's recommendation if it is able to achieve a sustainable change in the governance of children's services that can match the pace of the Plymouth proposal.

The Commissioner remains in place under statutory direction, and I expect the Council to continue working with him on the development of the new operating model. I have asked John to provide an update on progress in September.

I am copying this letter to John Coughlan and Steve Parrock.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Goodwill', written over a large, loopy circular flourish.

Robert Goodwill MP
Minister of State for Children and Families

EQUALITY IMPACT ASSESSMENT



STAGE 1: What is being assessed and by whom?

What is being assessed - including a brief description of aims and objectives?	This assessment considers the potential impact of a decision by the Cabinet to proceed 'in principle' to develop a partnership with Torbay Council to deliver their Children's Services. A further, final decision will be required before any operational changes are made.
Responsible Officer	Tracey Lee
Department and Service	Chief Executive
Date of Assessment	17 August 2017

STAGE 2: Evidence and Impact

Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Age	The decision relates to Children's Services, potentially affecting all children and young people across the City, particularly those receiving services under the	Services to Children and Young people in Plymouth are not expected to be impacted by this decision. The Council's Children's Services staffing	This is an 'in principle' decision to proceed with the full 'due diligence' exercise. Any potential impacts on services and the safeguards required to	The development phase to carry out the full due diligence exercise and establish the partnership is expected to take 6-9 months. A further report will be made to Cabinet and Council later in
Disability				
Faith, Religion or Belief				
Gender - including marriage, pregnancy and maternity				

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Gender Reassignment	following functions: <ul style="list-style-type: none"> • Safeguarding • Fostering and Adoption • Children in care – (including the Council’s corporate parenting responsibility) • Early help and targeted help • Youth offending • Schools improvement • Schools admissions • Special Educational Needs and Disability services • Early years 	structures will remain unaffected, with the exception of the senior management team where an adjustment will be required to accommodate a shared Director of Children’s Services role to manage Torbay Council’s services.	avoid them will be fully explored during this phase. It is imperative that Plymouth’s Children’s Services are not negatively impacted as a result of entering into a partnership with Torbay Council and this will be a critical focus throughout the development phase.	2017 to secure the final decision on setting up the partnership. The SRO for the programme is Tracey Lee.
Race				
Sexual Orientation -including Civil Partnership				

STAGE 3: Are there any implications for the following? If so, please record ‘Actions’ to be taken		
Local Priorities	Implications	Timescale and who is responsible?
Reduce the inequality gap, particularly in health between communities.	The Council’s Children’s Services contribute to reducing the inequality gap in the City and this will remain the case should this decision proceed.	
Good relations between different	None	

STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken		
Local Priorities	Implications	Timescale and who is responsible?
communities (community cohesion).		
Human Rights	None	

STAGE 4: Publication			
Director, Assistant Director/Head of Service approving EIA.	Alison Botham, Assistant Director Children, Young People and Families	Date	17 August 2017

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WELLBEING OVERVIEW SCRUTINY COMMITTEE

Work Programme 2017-2018



Please note that the work programme is a 'live' document and subject to change at short notice.

For general enquiries relating to the Council's Scrutiny function, including this committee's work programme, please contact Helen Rickman, Democratic Support Officer, on 01752 398444.

Date of meeting	Agenda item	Prioritisation Score	Reason for consideration	Responsible Cabinet Member / Officer
9 August 2017	Reprocurement of Sexual Assault Referral Centres (SARC)	5 (High)	Member request due to announcement of re-procurement process	Cllrs Downie / Mrs Beer / Mrs Bowyer / NHS England / Office of the Police and Crime Commissioner
	Acute Services Review	6 (High)	Member request – Aligned to Sustainability and Transformation Plan and outcome of review.	Sustainability and Transformation Plan – Kevin Baber (Plymouth Hospitals NHS Trust)
	Integrated Commissioning Action Plans / Performance Scorecard	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
	Integrated Fund monitoring Report	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
11 October 2017	Plymouth Education System	5 (High)	Member request as a result of monitoring reports and changes to Education Funding – to include Special Educational Needs & Disability (SEND) Update	Cllrs Mrs Beer / Judith Harwood
	CQC Review / Delayed transfer in care	6 (High)	Member request as result of announcement of CQC Targeted review	Cllr Mrs Bowyer / Carole Burgoyne / Craig Mcardle
	Integrated Commissioning Action Plans / Performance Scorecard	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
	Integrated Fund monitoring Report	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
13 December 2017	Urgent Care System	3 (Medium)	Member request – Review impact of review process, winter pressures and areas of poor performance (Including attendance for 0-4 yr olds)	Sustainability and Transformation Plan - Plymouth Hospitals NHS Trust / NEW Devon CCG (Craig Mcardle)

Date of meeting	Agenda item	Prioritisation Score	Reason for consideration	Responsible Cabinet Member / Officer
	Social care re-referrals and the reduction in child protection plans	2 (Low)	Member request – due to review of Integrated Commissioning Performance Scorecard	Cllr Mrs Beer / Alison Botham
	Integrated Fund monitoring Report	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
	Integrated Commissioning Score Card	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
14 February 2018	Mental Health	3 (Medium)	Member Request – to include Pathways to work and emotional and mental health in children / admissions to hospital due to mental health conditions / self harm	Cllr Mrs Beer / Bowyer and NEW Devon CCG (Craig Mcardle)
	Integrated Fund monitoring Report	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
	Integrated Commissioning Score Card	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
11 April 2018	Integrated Fund monitoring Report	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
	Integrated Commissioning Score Card	-	Standing Item – Written briefing only. Members to advise the Chair if matters arising require presence of an officer / or addition to work programme.	-
Items to be scheduled				
	Homelessness to be reviewed by Place and Corporate Overview and Scrutiny Panel			
	Torbay Children's Services	5 (High)	Member request – Due to announcement of planned state intervention	Cllr Mrs Beer / Carole Burgoyne / Alison Botham
Select Committee Reviews				
	Primary Care Services (September)		PID to be developed	