

# Cabinet



Date of meeting:	11 November 2019
Title of Report:	<b>Joint Arrangement: Torbay Council Children's Services</b>
Lead Member:	Councillor Jemima Laing (Cabinet Member for Children and Young People)
Lead Strategic Director:	Alison Botham (Director for Children's Services)
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Your Reference:	AB/SKW
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

This report:

- Updates Cabinet on the joint arrangement with Torbay for the delivery of children's services with a shared Director of Children's Services.
- Sets out the context and origins of the joint arrangement, its governance and management arrangements and improvement progress to date
- Describes the key challenges that face the joint arrangement, and options for addressing them
- Makes a recommendation based on the above
- Ref Cabinet report [29 Aug 2017](#)
- Ref Council report [25 Sept 2017](#)

## Recommendation

That the joint arrangement for the provision of children's services between Plymouth and Torbay Councils be drawn to a close by mutual agreement with effect from the end of January 2020, in recognition of the need to revert to a full time, dedicated Director of Children's Services (DCS) in Torbay and to establish equivalent DCS capacity in Plymouth.

## Reason

Three options with respect to the future of the joint arrangement were considered carefully by the Department for Education; the Leaders, Lead Members and Chief Executives of Plymouth and Torbay and the current joint Director of Children's Services. They concluded that the best option to secure the required improvements for children and young people in both places is encompassed in the recommendation above.

### **Alternative options considered and rejected**

Two other options were considered regarding the future of the joint arrangement. The first focussed on increased joint working, continuing with a joint DCS and with additional senior management capacity. This option had the potential to drive efficiencies, improve shared learning and build workforce capacity, capability and resilience. However, there were concerns about a lack of flexibility for the joint DCS to ensure the right degree of focus on both known and unanticipated strategic priority, the potential for a slower pace of improvement and greater risk of slippage, and inequalities in experience and capacity across teams.

The second option proposed further and faster integration between children's services in the two councils, with the appointment of a dedicated transformation lead and full project team spanning both councils, with full time Deputy Director Posts in each authority. A number of difficulties were identified with this option, including the risk of diversion from key priorities in each authority, system turbulence created by such a large scale transformation potentially distracting from key improvement priorities, additional costs and issues with the availability of appropriate senior officer capacity.

### **Relevance to the Corporate Plan and/or the Plymouth Plan**

The guiding principles for the joint arrangement, set out in the body of this report were rooted in the values of the Corporate Plan, committing all parties to openness and transparency, co-operation and mutual respect. The primary objective of the agreement – the sustained improvement of children's services – reflect the stated priorities of the plan as a Caring Council. The same values and priorities have informed the review of the arrangement and the recommendation of this report.

### **Implications for the Medium Term Financial Plan and Resource Implications:**

The agreed principle of cost neutrality to the City Council has been applied to the joint arrangement since its inception. Provision for a full time dedicated DCS resource (and associated support services) in Plymouth will be addressed from within the resource envelope available to the Children's Services directorate.

### **Carbon Footprint (Environmental) Implications:**

The recommendation of this report allows for greater strategic focus by the DCS on environmental implications for the city of the activities of the directorate and a closer alignment with corporate carbon reduction priorities.

### **Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:**

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Risks were identified and reported at the inception of the joint arrangement. These risks have been actively managed through the governance structures set out in the report. The report sets out the shared acknowledgement of the capacity issues impacting the joint arrangement, and the recommendation takes account of the need to take action to mitigate these.

### **Appendices**

*\*Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report							

**Background papers:**

\*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	1	2	3	4	5	6	7

**Sign off:**

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Originating Senior Leadership Team member: Alison Botham

Please confirm the Strategic Director(s) has agreed the report? Yes – Author of report.

Date agreed: 07/11/2019

Cabinet Member approval: [electronic signature (or typed name and statement of 'approved by email/verbally')] Cllr Laing has received a verbal update.

Date approved: 07/10/2019

## **1. Introduction**

This report provides an update on the joint arrangement with Torbay Council for the delivery of Children's Services with a shared Director of Children's Services (DCS). It follows an annual stocktake meeting held early in October 2019 between both local authorities and the Department for Education.

The stocktake undertook a review of the first year of the joint arrangement between Plymouth and Torbay councils which became active when the joint DCS took up responsibility for both authorities on 6 July 2018.

This report sets out:

- the context and origins of the joint arrangement
- governance and management
- improvement
- key challenges
- options
- recommendations

The report makes recommendations about how to ensure continued and sustained impact on improved outcomes for children and young people in Plymouth and in Torbay. It is informed by work commissioned over the last few months by each Chief Executive to review and consider the senior officer capacity and structures in each Local Authority as a major factor in evaluating the current situation and future options.

## **2. Context and Origins**

The joint arrangement between Torbay Council and Plymouth City Council was agreed following a recommendation to the Department for Education (DfE) in April 2017 by the Torbay Children's Commissioner (and Hampshire County Council Chief Executive) John Coughlan. As the Commissioner and Chief Executive of Torbay's Improvement Partner, Hampshire County Council, John Coughlan was faced with a range of options to embed a more sustainable solution to turn around many years of underperformance at Torbay. Having ruled out options such as creating a Children's Trust or moving Children's Services into the Integrated Care Organisation, he invited expressions of interest from neighbouring authorities.

His final choice was between recommending a partnering arrangement with Devon County Council or with Plymouth City Council; he opted for Plymouth. Despite being rated Requires Improvement at the time he felt that that Plymouth were on track to improve faster and had a stable and very experienced management structure in place. The partnering model was based on John Coughlan's own experience of Hampshire's support to the Isle of Wight Council over many years which had brought about sustained improvements and many other benefits.

In the spring of 2017 a programme of work was established that was overseen by a board, chaired by the then PCC Strategic Director for People (DCS designate) Carole Burgoyne.

In September 2017, Plymouth City Council agreed 'in principle' to continue to develop proposals, however this was against the backdrop of some uncertainty given that Torbay had commissioned Local Partnerships (a Local Government Association and HM Treasury owned consultancy) to review all options for ensuring the viability of Torbay's services going forward, including whether there was appetite for Local Government re-organisation with Devon County Council.

The primary reasons for Plymouth City Council pursuing the joint arrangement were around:

1. **Peer to peer sector support** – one unitary council supporting another in the region with similar challenges and characteristics. There were clear opportunities for both councils to share learning as part of their respective improvement journeys, to explore new delivery models, and an opportunity for Plymouth to demonstrate strong sub-regional leadership in a challenging and complex service area.
2. **Resilience** – to provide greater critical mass for the recruitment and retention of social workers and other specialist staff within a difficult national and regional picture for training and recruitment. It would also provide improved opportunities for joint training and career development, including potential secondments.
3. **Savings** – a number of service areas were identified as having the potential to deliver savings over time, including franchise arrangements for Quality Assurance, Professional Development, commissioning in relation to placement sufficiency and fostering, and Education. With the biggest potential for savings coming primarily from any potential for joint commissioning.

The guiding principles for the arrangement were set out in a Prospectus and were agreed by the Members and senior management of both Councils. These were:

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.

These principles and the Prospectus itself then created the framework upon which the contractual arrangement was formed. It was important to have absolute clarity regarding the distinct **roles and responsibilities** of each of the bodies and individuals involved, and to note the **phased approach**

adopted, recognising that the priorities and requirements for the initial phase of the arrangement would be different from those in the later years.

The initial expectations on both Torbay and Plymouth were based on an agreed view that Plymouth would be able to support effective and sustained improvement by sharing models, through a franchise approach, for successful improvement in key areas for Children's Social Care.

## Roles and responsibilities

### **Torbay Council**

Torbay Council has the statutory accountability for Children's Services in Torbay,

### **Plymouth City Council**

Plymouth City Council has the statutory accountability for Children's Services in Plymouth.

### **Joint DCS**

The Joint Director of Children's Services has full operational responsibility for both Torbay and Plymouth's Children's Services, including education and social care functions. This includes decisions regarding structures and recruitment.

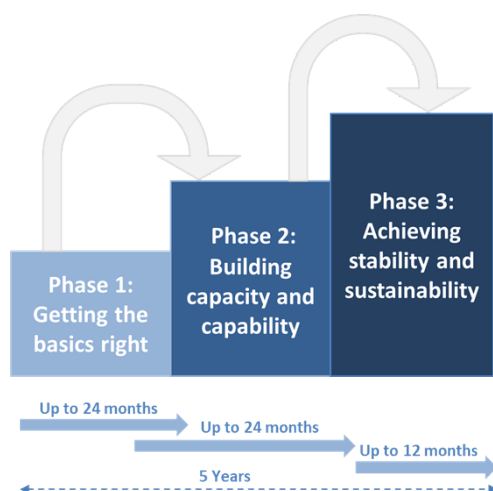
### **Improvement Partner**

Hampshire County Council have the role of providing peer-to-peer improvement support around Children's Services to Torbay Council from the perspective of a high-performing local authority. This arrangement has been agreed until December 2019.

## Phased Approach

The formal contract covering the arrangement was signed in April 2018, having been reviewed and approved by Plymouth and Torbay councils, the DfE, and the Children's Commissioner. The senior officer structure within Plymouth City Council was amended to accommodate both the contractual arrangement with Torbay, and other changes that were already in train. This resulted in the development of a distinct Director of Children's Services role and an appointment to this role was made in March 2018. This appointment became the shared DCS role under the joint arrangement.

From the outset, and in line with any major joint working exercise, a planned franchise approach was developed to identify the key phases and areas of focus to deliver the long term benefits. The approach is illustrated below.

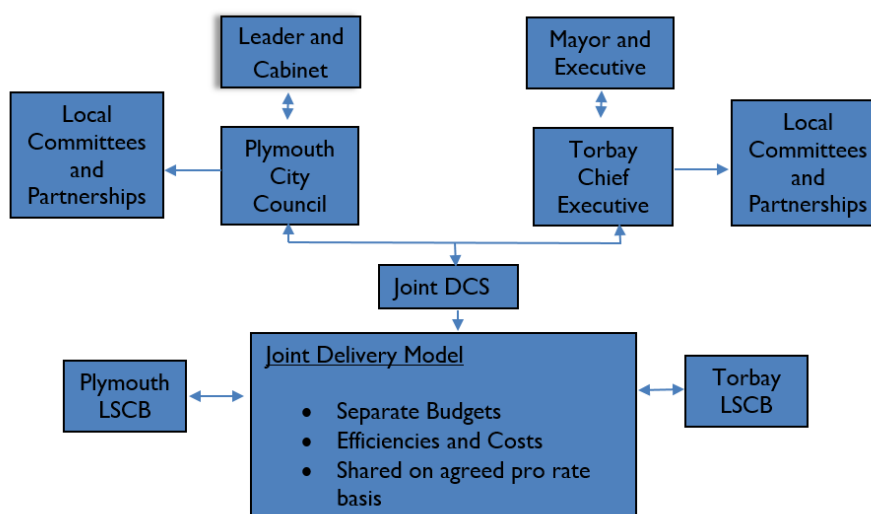


- **Phase 1 - Getting the basics right**
  - Prioritising the issues that have consistently been flagged as poor and which put children at risk: **Workforce capacity** (including joint workforce development); **Risk assessment and visit frequencies**; **A clear focus on the individual child and family**
  - Meeting the requirements of Corporate budgets and tackling financial challenges
- **Phase 2 - Building capacity and capability**
  - Developing overall consistency, quality and confidence across services, embedding effective practice models
  - Learning from improved areas of service delivery and translating that learning to other areas: service interaction; leadership and oversight; communication; information recording and performance management; multi-agency working
- **Phase 3 - Achieving stability and sustainability**
  - Moving to a culture of success
  - Maintaining standards, keeping an eye on the basics
  - Strong and visible political and senior leadership team ownership

The priorities for the first phase of the arrangement (up to 24 months) were about stabilising the situation within Torbay Children’s Services and orientating services to focus on areas of weakness identified over many years within Ofsted judgements. Whilst progress has definitely been achieved against the objectives in the first phase, it is accepted that this progress has not been at the pace that had been anticipated, given the very challenging circumstances and with a series of unanticipated events.

### 3. Governance and Management

The Governance arrangements that were proposed from the outset are shown below. There have been political changes in both Councils since the original work was conducted and the details are set out in the paragraphs that follow.



#### Update

Local elections have taken place in each authority; in Plymouth the administration changed in May 2018 immediately prior to the point at which the Joint DCS responsibilities went live. Cross-party support for the proposed Joint Arrangement had been developed in the lead up to the arrangements going live and so the new administration was equally committed to the arrangement as the previous administration.

In Torbay the Mayoral system ended in April 2019, and in May 2019 the new administration was established. At the same time in Plymouth, while there was no change in administration as a result of May 2019’s elections, there has been a change of Lead Member which has required additional short term support and orientation.

Plymouth agreed that meetings in Torbay were to be prioritised in order to establish visibility and trust. Despite some practical difficulties at times, the Leaders, and Lead Members in each Authority continue to demonstrate a strong commitment to improving Children’s Services. Relationships are supportive and productive.

Regular quarterly meetings take place between the DCS and both Chief Executives. These meetings have been prioritised, and used as a constructive forum to ensure that each Chief Executive is aware of developments in both councils’ Children’s Services, in addition to corporate and regional issues which may impact upon them.

There has been a shared acknowledgement of the capacity issues impacting upon the joint arrangement, and on the ability of the joint DCS to maintain visible leadership with staff, members, and critically for effective strategic leadership with partners, in addition to each corporate leadership tea

#### **4. Improvement**

##### **(i) Torbay**

Improvement work in Torbay was progressed and overseen by the Children's Improvement Board chaired by the Children's Commissioner between 2016 and July 2018. It was agreed that, if possible, the appropriate handover point to the joint DCS would occur as soon as possible after the Single Inspection Framework re-inspection in Torbay. Monitoring visits had acknowledged some improvements, but the last monitoring visit in February 2018 was extremely challenging and identified significant areas of concern in relation to basic safeguarding practice.

The Torbay self-assessment to be presented back to Ofsted was developed and agreed by Torbay's Children's Improvement Board at the start of the re-inspection. This clearly articulated a view that the service was rated 'Requires Improvement'. Undoubtedly, substantial work and progress had been made in the previous two years. However, the outcome of the re-inspection was mixed and resulted in an overall judgement of 'Inadequate'. The consequence of this was continued scrutiny and a redoubling of efforts to address areas of weakness rather than being in a position to consolidate achievements and move on.

The assumption when entering into the contractual arrangement was that the service in Torbay would be rated as 'Requires Improvement'. In Torbay the judgement had an immediate negative impact on recruitment and retention at all levels of the Children's Social Care Service and this reverberated and impacted on achieving necessary improvements. Torbay continues to face significant recruitment and retention challenges. It also resulted in having to dedicate far more resources, including more calls on the joint DCS' capacity to respond to on-going monitoring and scrutiny.

The DfE have made substantial funds available to support improvement work, including additional social work capacity. This has permitted the provision of additional training for frontline staff and managers in Torbay in the agreed social work model, and the commissioning of a project team of eight additional social workers for one year, that started in April 2019. However, it is clear that the project team have not been able to deliver all that was anticipated and this team has similarly faced recruitment challenges.

In Torbay the corporate understanding and engagement with the improvement work has continued with a clear commitment to ensuring investment where appropriate, and the leadership team have worked hard to support all aspects of improvement activity. Torbay's decision to redeploy a significant element of its corporate transformation team to support the service has significantly improved the methodology and structure behind the delivery of the improvement plan.

Plymouth has begun to share with Torbay good practice in particular in relation to workforce development and commissioning. This has included: delivering joint supervision training, sharing the successful ASYE programme, and commissioning frameworks and approaches specifically in relation to increasing appropriate residential placements in area.

A Joint Safeguarding Strategic Partnership has been agreed and the proposal was submitted to the DfE in June 2019. The newly established Partnership has just been established.

Recruiting to specific posts to support improvement work has taken longer than anticipated, and this has impacted on the ability to increase the rate of improvement, as well as limiting the opportunity to consider the development of further joint arrangements.



The absence of senior leadership capacity within the service and resilience in Torbay has resulted in further management churn and sickness absences. As a consequence Torbay has created the new position of Deputy Director Children's Safeguarding (currently filled by an experienced interim).

In Torbay the education system and local authority role remain a significant area of strength, and progress and innovative practice continues to develop, with the Council taking significant steps to try to galvanise a wide range of partners to improve the outcomes for pupils within Torbay. The work conducted by the Council is valued and there is confidence that there are the necessary staff, governance systems and strategic plans to continue to impact on change within the sector. The new Local Education Board is leading the way in reducing inequality and focusing on closing the gap in attainment.

### **(ii) Plymouth**

The Children Young People and Families Improvement Plan in Plymouth has been progressing, and there are significant areas of improvement in performance that have been achieved at pace. This includes improved short and long term placement stability, and reductions in the numbers of children subject to repeat Child Protection Plans, with work continuing in other areas.

### **(iii) Both Councils**

A significant factor in the slower rate of achievement points to the issue of capacity at senior management level. The scale of the task and the sheer practical difficulties of being sufficiently visible in both authorities suggests that additional capacity is absolutely vital within the senior management structure in order to genuinely make further progress. This needs to be taken into account in considering any option for moving forward.

## **5. Key Challenges**

The detail in the previous section demonstrates that despite unforeseen events and unprecedented challenges there has been demonstrable progress. However, the pace and scale of this progress has not been as originally planned.

The key challenges that have arisen above and beyond those anticipated when planning the programme and identifying the risks are around:

1. **Workforce** – delays in backfilling vacancies in both councils and increasing/maintaining capacity in the structures.
2. **Unprecedented budget challenges** in Children's Services in both councils.
3. A disappointing Ofsted assessment for Torbay in 2018 and a **slower pace of improvement for Torbay**,
4. A requirement to focus on Education in Plymouth.

### **1. Workforce**

The time taken to recruit to crucial posts in both organisations is a significant area of concern. National challenges in recruitment are exacerbated in the Peninsula, with a reduced catchment to find appropriate high calibre staff and with stronger competition between authorities.

In Torbay agreement was made early in 2019 to increase senior leadership oversight of the improvement work, at the same time as the Corporate Transformation Team became directly involved in overseeing the improvement programme. This involved the current Assistant Director for Education taking on Strategic Improvement and partnership responsibilities, and was dependent on securing appropriate back fill to release her capacity, so that there was no negative impact on the leadership

within the education system in Torbay. Attempts to secure appropriate backfill were unsuccessful despite two different approaches.

In Plymouth, an interim Service Director for CYPFS was appointed in March 2018 to backfill the role vacated by the new DCS. Recruitment to the permanent post also began at that time, however it took 17 months to finally recruit a permanent Service Director. This delay was entirely unanticipated and resulted in a less stable management structure than was hoped for over that period.

## **2. Budgets**

Increases in costs in both Local Authorities for Children's placements mirrors the national picture. The stretched leadership capacity however means the ability to drive through, in a sustained manner, remedial plans to meet such unprecedented challenges is problematic.

In Torbay significant investment has been made in children's services for this year, with very limited savings targets, but significant pressures have recurred mainly as a result of increased numbers of children placed in residential units, and agency staff costs. This has to be a key service and corporate focus and priority, as this has implications for the council's financial viability in the medium and longer term.

## **3. Slower Pace of Improvement**

In Torbay, the relentless need to focus on preparation for the Ofsted monitoring regime, with an unstable senior leadership team in Children's Social Care, and ongoing recruitment and retention issues, has made operational improvement extremely challenging.

In the first six months of this year the small steps that had been taken in stabilising the Children's Social Care (CSC) leadership team were eroded by the unexpected early departure of an interim Head of Service (HOS), immediately prior to the April monitoring visit, and the resignation of both permanent HOS. Currently the Assistant Director of Safeguarding is absent due to ill-health and this may continue for several months. Suitable interim arrangements are being sought.

Positively, three of the four HOS posts in Torbay are now recruited to, and this will put Torbay in the strongest position it has been at this level in CSC for the last two years. However this is not yet impacting on achieving the necessary improvements in outcomes and practice.

## **4. Education**

Plymouth has a priority to improve education across the city and has focussed on this over the last two years, with leadership from both politicians and the Chief Executive. There is however a need to accelerate this improvement and the leadership and visibility of the DCS with partners and key stakeholders is essential in doing this.

## **Conclusion**

At this point in the joint arrangement it's clear that some critical decisions need to be taken in terms of the next phase. Despite some good progress so far during the first phase, the original planning assumptions have proved to be incorrect and the number and scale of challenges that have emerged subsequently are unprecedented.

This leads to the conclusion that the current arrangements cannot deliver what is required and are not viable. A series of options were considered that take into account the experience so far, the benefits, risks and costs of each option, and the requirements for success in terms of senior leadership capacity, which has proved to be an absolutely critical factor.

It is clear that for different reasons in each authority a dedicated full-time DCS is required to provide the necessary level of focused strategic leadership.

The annual review has fully considered alternative approaches to achieving the necessary level of senior officer capacity, including additional senior officer posts in each authority, and further integration at a senior and operational level.

Three options with respect to the future of the joint arrangement were considered carefully by the Department for Education; the Leaders, Lead Members and Chief Executives of Plymouth and Torbay and the current joint Director of Children's Services. They have concluded that the best option to secure the required improvements for children and young people is to revert to a dedicated full time DCS in Torbay, and for a full time DCS in Plymouth.

In order to achieve it has also been concluded that the current joint arrangement should be concluded, recognising that both local authorities, Hampshire as the improvement partner, and the DfE have done all possible to support the arrangement.

## **Recommendation**

That the joint arrangement for the provision of children's services between Plymouth and Torbay Councils be drawn to a close by mutual agreement with effect from the end of January 2020, in recognition of the need to revert to a full time, dedicated Director of Children's Services (DCS) in Torbay and to establish equivalent DCS capacity in Plymouth.