

Worcestershire County Council

# Agenda

## Cabinet

**Thursday, 29 March 2018, 10.00 am**  
**County Hall, Worcester**

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## DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

### WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

### WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

### WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

### WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

### DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

### DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

## Cabinet

**Thursday, 29 March 2018, 10.00 am, County Hall, Worcester**

**Membership:** Mr S E Geraghty (Chairman), Mr A T Amos, Mr A I Hardman,  
Mr M J Hart, Mrs L C Hodgson, Ms K J May, Mr A P Miller,  
Dr K A Pollock, Mr A C Roberts and Mr J H Smith

### Agenda

Item No	Subject	Page No
4	<b>Children's Social Care Services Alternative Delivery Model - Business Case Approval – Background papers</b>	126 - 139

#### NOTES

- **Webcasting**

Members of the Cabinet are reminded that meetings of the Cabinet are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

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Agenda produced and published by Simon Mallinson, Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda contact Nichola Garner, Committee & Appellate Officer on Worcester (01905) 843579 or email: [ngarner2@worcestershire.gov.uk](mailto:ngarner2@worcestershire.gov.uk)

All the above reports and supporting information can be accessed via the Council's website.

Date of Issue: Tuesday, 20 March 2018

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## WORCESTERSHIRE COUNTY COUNCIL EQUALITY IMPACT RELEVANCE SCREENING

**This exercise is not an Equality Impact Assessment (EIA). It is a desktop screening exercise designed to establish if you need to carry out an EIA. When completing the screening please use plain English avoiding the use of acronyms or jargon. Any documents referred to should be attached to this screening form.**

Remember, throughout this exercise the term 'policy' (or 'policies') is used as shorthand for 'policies, practices, activities, strategies, plans, projects, procedures, functions and protocols'. It therefore needs to be interpreted broadly to embrace the full range of functions, activities, plans and decisions for which the County Council is responsible.

For help completing this screening please refer to the County Council's EIA Guidance document.

**Part One:** basic information needed to identify the policy and prepare for screening

1.1	Directorate and Section/Unit:	Children, Families and Communities
1.2	Title of the policy being screened:	CHILDREN'S SOCIAL CARE SERVICES ALTERNATIVE DELIVERY MODEL (ADM) PROGRAMME
1.3	Screening by:	Lyndon Thomas
1.4	Date of screening:	18 March 2018
1.5	Summary of policy objectives	<p>The key objective of the ADM programme is to identify a suitable alternative model for Children's Services which will</p> <ul style="list-style-type: none"> <li>• Meet the expectations of the Secretary of State;</li> <li>• Provide a single and unwavering focus on providing the best services to children, young people and families;</li> <li>• Complement and actively support (not distract) the existing improvement work within Children's Services</li> <li>• Be able to support and develop the best social work support to children and families;</li> <li>• Be able to accommodate a range of Children's Services in addition to those under statutory direction if so desired;</li> <li>• Provide the conditions for operational independence (outside the</li> </ul>

		<p>operational control of the Council);</p> <ul style="list-style-type: none"> <li>• Not unnecessarily add additional complexity or fragmentation into the system or place un-due pressure on relationships with partners;</li> <li>• Consider market maturity and risks associated with this;</li> <li>• Consider the significant and avoidable financial implications for the Council including the impact of current service contractual arrangements;</li> <li>• Consider ease of implementation; and</li> <li>• Play a full part in the implementation of Worcestershire's Children and Young People's Plan and demonstrate impact on ensuring that Worcestershire's children and young people:- <ul style="list-style-type: none"> <li>• Are safe from harm</li> <li>• Reach their full potential</li> <li>• Make a positive contribution in their communities</li> <li>• Live healthy, happy and fun filled lives</li> </ul> </li> </ul> <p>The programme has three key phases:</p> <ul style="list-style-type: none"> <li>• Option Analysis– to be completed by 31 December 2017</li> <li>• Full Business Case – to be completed by 31 March 2018</li> <li>• Implementation of the chosen model – to be completed in a timescale to be defined at Full Business Case Phase.</li> </ul>
1.6	Related policies/functions:	Government White Paper Putting Children First (2016).
1.7	To which section of the Directorate or Corporate "business/service plan" does this policy relate?	<p>The ADM relates to Children's Services specifically, within the Children Families and Communities Directorate. The scope of services for inclusion in the ADM has been considered and finalised for the Full Business Case. Core Children's Social Care services will be included where they have been specifically noted in the Statutory Direction issued in September 2017. Other services that are essential for improvement to Children's Services have also been included.</p> <p>The full scope of services to be included is detailed in the full business case (<a href="#">Appendix 2 Categorisation of Services.docx</a>) phased and finalised in the implementation phase.</p>

		This work links to the Children and Families priority within the Corporate Plan: Shaping Worcestershire's Future (2017-2022) as well as the Children and Young People's Plan (2017-2021).
1.8	Is this a new or existing policy?	New
1.9	Does the policy affect service users, employees, the wider community, or a combination of these?	This programme will positively impact service users, employees and the wider community as the new delivery model will have a single and unwavering focus on providing the best services to children, young people and families
1.10	Who is formally responsible for the <b>delivery</b> of this policy? If different, who is responsible for <b>leading</b> on the delivery?	<p>Cabinet is formally responsible for delivery of this programme in consultation and agreement with the DfE appointed Children's Commissioner</p> <p>The Chief Executive and Alternative Delivery Model Programme Team are ultimately responsible for leading on the delivery of the plan.</p> <p>The ADM Programme Lead and CFC Transformation Lead as responsible for leading on the delivery of this programme, supported by the ADM programme Team, and representatives from across the organisation through the ADM Steering Group.</p> <p>Successful delivery will also be dependent on the support and expertise of external partners, as well as, additional stakeholder engagement and project management capacity.</p>
1.11	What (if any) previous consultation has been carried out for this policy? Who was consulted and when?	<p>A range of consultation and engagement activities have been undertaken and used to inform the development of this programme. The Ofsted inspection report was informed by interviews/meetings with staff, partners and service users during October / November 2016, ensuring recommendations incorporated their feedback and views.</p> <p>The Children's Commissioner for the Department of Education further engaged with key internal and external stakeholders when completing his report in spring 2017.</p> <p>The options appraisal has been developed with continued engagement and</p>

		<p>consultation with the Cabinet, Children and Families Overview and Scrutiny Panel, WCC Corporate Business Board, and the ADM Programme Board, whose membership includes Chief Executive, CMR, DCS, Programme Lead (Assistant Director), Children's Commissioner appointed by Department for Education, a representative from the DfE Intervention Unit and Chief Financial Officer.</p> <p>Further engagement has also be conducted throughout the Full Business Case phase (including staff drop in sessions, sessions engaging children and young people and Children and Young Peoples Groups) and more engagement is planned for the implementation phase.</p>
1.12	Is equality monitoring in place for this policy?	<p>Equality was considered during the development of this programme to ensure it is accessible and applicable.</p> <p>Discussions remain ongoing between the Programme Lead and Corporate Equality and Diversity Manager to ensure appropriate equality monitoring is in place for the ADM programme as a whole.</p> <p>Further detail on the chosen model will not be available until the Full Business Case is completed and signed off at the end of March 2018. Therefore any Equality and Diversity implications arising from the implementation of the ADM cannot be fully explored until the implementation phase.</p>

**Part Two:** The purpose of the following exercise is to assess the potential relevance of the policy in the lives of staff and/or residents who have one or more of the following "Protected Characteristics":  
Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy/maternity, Race, Religion/Belief, Sex and Sexual Orientation.

The questions in this section ask you to consider factors you will need to take into account in assessing the relevance of the policy in the lives of people who have one or more of the Protected Characteristics. The answers you provide will help you determine whether you will need to carry out an Equality Impact Assessment.

		Yes	No	Details and comments
2.1	Could this policy have a significant impact on service delivery or other aspects of daily life for people because		N	Programme focuses on improving the lives of children and



	they have one or more of the Protected Characteristics listed above?			young people in Worcestershire
2.2	Does the policy involve a significant commitment, or reduction, of resources?	Y		Specific additional resource has been and will be required to develop the options appraisal, full business case and implementation phase of this programme.
2.3	Does the policy relate to an area where inequalities are already known to exist?		N	

2.4 Is there any evidence of potential or actual unplanned variations in the participation levels or use of the policy between different groups (Existing policies only)?

Characteristic	Yes	No	Details, including what information you have based your answer on
Age		N	
Disability		N	
Gender reassignment		N	
Marriage/Civil Partnership		N	
Pregnancy/maternity		N	
Race		N	
Religion or belief		N	

Sexual orientation		N	
Sex		N	

If the answer to question 2.3 is "yes" or "could be yes" then you **must complete an EIA**.

For existing policies, if the answer to question 2.4 is "yes" or "could be yes" then you **must complete an EIA**.

If the answer to questions 2.1 or 2.2 is "yes" or "could be yes" then you may need to complete an EIA. Please refer to Section 3 of the EIA Guidance document for further clarification on when an EIA should be completed.

2.5 Based on the factors above, is an Equality Impact Assessment required for this policy?

<b>Yes</b>	
<b>No</b>	N

An EIA is not always needed. Where you have decided that an assessment is not required please clearly summarise the reasons for your decision, including any factors you have taken into account, in the box below. Please then ensure this screening form is signed-off by your line manager and sent to the Corporate Equality and Diversity Team for publication.

**EIA not required: reasons and additional comments**

The Children's Services Alternative Delivery Model programme is currently in the Options Appraisal phase, meaning the detail of the final model to be implemented is not yet known.

As such, it is not possible to sufficiently detail, at this stage, all the actions necessary to ensure Equality impacts are considered as part of delivery/implementation. Therefore it is recommended that the equality impact should be identified at a lower level and addressed as part of specific service implementation arrangements following the Full Business Case phase.

Signed (completing Officer/Manager):

*Lyndon Thomas*

Date: 18<sup>th</sup> March 2018

Signed (Line Manager): .....

Date: .....

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**STATUTORY DIRECTION TO WORCESTERSHIRE COUNTY COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996**

WHEREAS:

1. The Secretary of State for Education ("the Secretary of State") has noted in respect of Worcestershire County Council ("the Council") that following earlier 'inadequate' judgements, performance in respect of services for children who need help and protection has remained 'inadequate' as detailed in Ofsted's inspection report of 24 January 2017 ("the 2017 Ofsted report").
2. The Council's failure led the Secretary of State to issue a statutory direction on 8 March 2017 ("the first direction"), requiring the Council to take a number of steps to improve the quality of services, including to work with Trevor Doughty, as the appointed Commissioner of Children's Services in Worcestershire.
3. The Secretary of State has carefully considered:
  - a. The 2017 Ofsted report, which found that children's services are 'inadequate'. The sub-judgements for children who need help and protection, children looked after and achieving permanence, and leadership, management and governance were all rated as 'inadequate';
  - b. The Children's Services Commissioner's report, of 9 June 2017 ("the Commissioner's report"), which highlighted a lack of evidence to date that the improvement plan was delivering genuine benefits for children, young people and their families beyond process and structural change, and that the Council should develop an alternative model of delivery for children's services; and
  - c. Ofsted's letter of 21 June 2017 to the Council, recording the findings of its monitoring visit of 23-24 May 2017.
4. The Secretary of State is therefore satisfied that the Council is still failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 ("the 1996 Act") is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely:
  - a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b. the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
  - c. the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
5. The Secretary of State has re-appointed Trevor Doughty as Commissioner for Children's Services in Worcestershire ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with her powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.

NOW THEREFORE:

7. Pursuant to her powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
  - a. To comply with any instructions of the Secretary of State or the Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as either the Secretary of State or the Children's Services Commissioner may require;
  - b. To co-operate with the Children's Services Commissioner, including on request allowing the Commissioner at all reasonable times access:
    - i. to any premises of the Council;
    - ii. to any document of, or relating to, the Council; and
    - iii. to any employee or member of the Council,which appears to him to be necessary for achieving the purposes of, and carrying out the responsibilities set out in, the Terms of Reference;
  - c. To provide the Children's Services Commissioner with such amenities, services and administrative support as he may reasonably require from time to time for the carrying out of his responsibilities in accordance with the Terms of Reference, including:
    - i. providing officers' time or support;
    - ii. providing office space, meeting rooms or computer facilities;
  - d. To develop and draft, in consultation and agreement with the Children's Services Commissioner:
    - i. an options analysis for an alternative delivery model, with an outline recommended model, by no later than 31 December 2017.
    - ii. a full business case for the proposed alternative delivery model by March 2018, and to provide regular reports on its progress, the first of which by no later than 30 November 2017; and
    - iii. an updated long-term improvement plan to address the findings of the Commissioner's report, and to include the proposed arrangements for monitoring progress and reviewing the improvement plan as appropriate;
  - e. To co-operate with the Secretary of State and her advisers, including by:
    - i. Attending and participating in reviews of progress on dates to be notified to the Council;
    - ii. Preparing and making available to the Secretary of State's advisers, when requested, up to date improvement plans and assessments of progress evidenced by performance data;
    - iii. Reporting to the Secretary of State on the nature and rate of improvement of children's services when instructed to do so.
8. In consequence of this direction, the Secretary of State for Education revokes the first direction.

9. This direction will remain in force until it is revoked by the Secretary of State.

Signed on behalf of the Secretary of State for Education

A handwritten signature in black ink, appearing to read 'Suzanne Lunn'. The signature is written in a cursive style with a large, looping initial 'S'.

SUZANNE LUNN

A Senior Civil Servant in the Department for Education  
Dated this 19th day of September 2017

## **Annex**

### **Non-Executive Commissioner for Children's Services -**

#### **Worcestershire County Council**

#### **Terms of Reference – September 2017**

Given the systemic and persistent failures in Worcestershire, and the need to increase the pace of change, the Commissioner has been re-appointed to work with Worcestershire County Council to undertake an assessment of options of the future delivery model for services in Worcestershire, overseeing its subsequent implementation, and to provide ongoing direction and assurance of service improvements ahead of transition.

Specifically, the Commissioner shall:

1. Lead and manage, on behalf of DfE, discussions with the council's leadership and partners on an analysis of options for new arrangements to secure high quality services, and report on the Council's recommended model to the Minister of State for Children by 31 December 2017;
2. Provide advice to shape the Council's strategic vision for the transformed service and its scope of delivery;
3. Work with the Council in their establishment of a full business case and implementation plan for the proposed alternative delivery model, by 31 March 2018;
4. Provide ongoing assurance and oversight to the implementation of the agreed new model, and the transition of services;
5. Advise on any senior appointments to the body and lead or participate in recruitment assessment processes as required;
6. Provide advice and direction to the Council and its improvement partner in the development and agreement of long-term improvement plans to address the findings of the Commissioner report of 9 June 2017; ongoing monitoring and assurance of progress against implementation of the plan;
7. Support and challenge senior members, corporate senior management and senior partners to work together to create the culture and leadership necessary to bring about and sustain improvements in children's services;
8. Produce a high level plan by 31 December 2017, detailing anticipated approach / scheduling of support and challenge input throughout the establishment and implementation of an alternative delivery model, and ongoing service improvements;



9. Lead, on behalf of the DfE, a formal review of the Council's progress towards improvement within six months of appointment and thereafter on a six monthly basis; and making a recommendation to the DfE on whether progress has been sufficient;
10. Deliver six-weekly evidence based highlight reports on the authority's improvement progress to the DfE Contract Manager; and
11. Deliver quarterly written updates on the Council's progress to the Minister for Children and Families, and more frequently if the pace of progress is not sufficient or if the Minister requires it.

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