

Cabinet

Thursday, 12 July 2018, County Hall, Worcester - 10.00 am

Present:

Minutes

Mr S E Geraghty (Chairman), Mr A T Amos, 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

Also attended:

Ms P Agar, Mr R W Banks, Mr R C Lunn, Mr S J Mackay, Mr P Middlebrough, Mrs F M Oborski, Prof J W Raine, Mrs E B Tucker, Mr P A Tuthill.

Available papers

The members had before them:

- A. The Agenda papers (previously circulated); and
- B. The Minutes of the meeting held 14 June 2018 (previously circulated).

1855 Apologies and Declarations of Interest (Agenda item 1)

An apology was received from Mr A I Hardman.

Mr Roberts declared an interest in Agenda items 6 and 7 as his daughter works for a CCG in assessing CHC.

Mr Geraghty declared an interest in Agenda item 8 as a member of the Midlands Connect Strategic Board.

1856 Public Participation (Agenda item 2)

Tracey Rochelle and Tina Southall made representations to the Cabinet in relation to Agenda item 6 and the proposed closure of short breaks overnight respite provision at Ludlow Road, Kidderminster, setting out the impact on parents of the proposed closures and asking Cabinet to keep the facility open.

1857 Confirmation of the Minutes of the previous meeting (Agenda item 3)

RESOLVED that the Minutes of the meeting held on 14 June 2018 be confirmed as a correct record and signed by the Chairman.

1858 Future Provision of Overnight Unit-based Short Breaks for Children with

The Cabinet considered the findings and recommendations as an outcome of the consultation on the future provision of overnight unit based short breaks for children with disabilities and to seek agreement of further actions to ensure that the future delivery of overnight unit-based short breaks in Worcestershire is sustainable and continues to meet the needs of families.

Disabilities (Agenda item 6)

In the ensuing debate, the following principal points were raised:

- The Cabinet Member with Responsibility for Children and Families introduced the report. He thanked the public participants for their contribution. The Council was working towards improving outcomes for vulnerable children and young people including those with SEN and/or disability were a key priority in the CYPP. He recognised the individual needs of each family and that children and families found it difficult to engage in the process. He also recognised the need for care to continue into adulthood without any unnecessary disruption which required the involvement of Adult Services. It was important that planning was evidence-based and undertaken in consultation with parents, carers and users to provide a degree of flexibility and resilience against possible challenge. It was therefore necessary to understand present and future use. Contracts for Ludlow Road and Osborne Court were being worked on with the Health and Care Trust but he could not commit to saying there would be no changes in the future. The Council had undertaken a thorough consultation process of thinking about change when a service was valued. He recognised the value families placed on the services provided at Ludlow Road and the trust built up with providers. A new model for provision was required but this would take time. Some of the services provided at Ludlow Road could be provided at other provision. He considered that the immediate savings would not justify ending the arrangements with Ludlow Road at present. A further review of commissioning arrangements was required to provide a better use of the Council's property and resources. He aimed to provide a proper, suitable and sustainable system of respite care
- The Chairman of the Scrutiny Panel and task group commented that the scrutiny Task and Finish Group had raised a number of concerns including: parents awareness of respite care facilities; information of the number of children needing the service; signposting of Ludlow Road to parents; the timeline for consideration of the future of Ludlow Road; when the next stage of the consultation process would take place; what did it mean for parents going forward; the sort of

variation to the contract and how it would appear to recipients of the service; the time period for implementation and negotiation; the impact of increasing the capacity at Providence Road on Ludlow Road; the age range of the co-designed service; the level of savings and timeframe for making them; the contribution of the CCGs to the service; the timeline for the next decision by the Cabinet; the details of the membership of the Families in Partnership Forum; the implications for service provision of the ADM for Children's Service; and a commitment to the on-going role for the Task Group and a request for representatives of the Group to attend as an observer at key meetings with parents

- The Head of Legal and Democratic Services advised that the Cabinet was not being asked to start a consultation process at this meeting. A further report would be brought to Cabinet setting out the details of any future consultations as required. The other requests and suggestions from the task group would be addressed by the Director of Children, Families and Communities and the Cabinet Member outside this meeting
- The Cabinet Member with Responsibility for Children and Families welcomed the feedback from the task group and would ensure that a full response was made
- The administration was committed to protecting vulnerable children and adults and was fully cognisant of its statutory duties to provide respite care and the responsibilities of acting in accordance with Equality legislation. The process had been proper, fair and transparent. To reflect its importance, the decision was being made by the Cabinet rather than delegated to the Cabinet Member
- The Leader commented that the Council would continue to fulfil its statutory duties in a manner that engaged people and was tailored to the needs of the most vulnerable but within a restricted resource envelope. It was right to review services in consultation with carers, parents and users to ensure they were fit for purpose. He understood that the process was emotionally challenging for all involved

RESOLVED: that

- a) the information relating to short breaks provision for children with disabilities**

contained in this report be noted;

- b) the responses received to the consultation with families, professionals and wider stakeholders, including the report from the CYP Scrutiny Task Group and the CMR response, on the proposals to redesign the delivery of overnight unit-based provision and the additional information and comments received during this period as outlined in paragraphs 26 to 47 of the report be noted;
- c) adopts the response by the Cabinet Member with Responsibility for Children and Families to the Scrutiny Report "Future Provision of Overnight Unit-Based Short Breaks for Children with Disabilities" contained within the report (Appendix 1) be adopted;
- d) the continued delivery of short breaks overnight respite provision at Ludlow Road, Kidderminster during this financial year 2018/19 be agreed, subject to further review of contract arrangements and sufficiency with Worcestershire Health and Care Trust and without prejudice to any future proposals for change which may be developed and any further consultation as may be appropriate;
- e) the Director of Children, Families and Communities be authorised to work collaboratively with the Director of Adult Services to negotiate with the Worcestershire Health and Care Trust a variation of their contract, effective from 1 August 2018, for the delivery of overnight provision at Osborne Court and Ludlow Road in order to provide clarity on the service specification including cost, capacity and monitoring arrangements and to build into the contract the flexibility required for the service to adapt appropriately to future changes in demand including, where necessary, changes to the location of service delivery and/or age range of service users;
- f) the Director of Children, Families and Communities be authorised to implement the proposal within the consultation to increase the capacity at Providence Road, Bromsgrove by the flexible use of one or two additional bedrooms (subject to the necessary changes

to the Ofsted registration) as required to meet the needs of families who have an assessed need for overnight respite care now or in the future without prejudice to any future consideration in relation to Ludlow Road;

- g) the Director of Children, Families and Communities be authorised in consultation with the Director of Adult Services to undertake co-design activity with parents, carers and wider stakeholders on short break/respite provision for children with disabilities, including the provision for young people, as they approach transition to adulthood, to ensure appropriate transition to adult services and/or independent living;
- h) the proposals to engage with an appropriate level and type of advocacy and parent carer forum(s) in order to address concerns raised throughout this process in relation to pre-engagement with parent carers to support engagement and contribution to service redesign and improvement be endorsed;
- i) the intention for the Council's commissioners to work with the providers of overnight short break services to remodel the way services are provided in order to meet needs now and in the future and ensure maximum value for money, by exploring options and implementing improvements where appropriate be endorsed; and
- j) it be noted that financial savings are still required and that to the extent that any future proposals for service change require formal consultation with relevant stakeholders, a further report will be brought back to Cabinet at a future date as required to authorise consultation on such proposals.

1859 The Establishment of the Worcestershire Wholly Owned Company for Children's

The Cabinet considered the proposed 'go-live' date for the establishment of a Wholly Owned Council Company for Children's Social Care.

In the ensuing debate, the following principal points were raised:

- The Cabinet Member with Responsibility for Children and Families introduced the report and

Social Care (Agenda item 4)

commented that the Council's aim was to improve children's social care so that the service was in a good position to be taken over by the new company. The timetable had now changed so that the service would be in shadow form in April 2019 and go live in October 2019. This would allow time to focus on the priority areas for improving the service. The wholly-owned company was the most appropriate arrangement for the service. The DfE had contributed £3.5m to the transition arrangements. To date, good progress had been made on the 13 work streams. He was confident that the arrangements would not be subject to VAT whilst the Council was the subject of intervention

- The name of the company "Worcestershire Children First" was entirely appropriate given the Council's responsibilities for children in the county. The Council was fulfilling its statutory responsibilities and was grateful for the additional funds from the DfE
- The chairman of the Scrutiny Panel commented that it was ironic that by the time the services were transferred to the company they would be good or approaching good. She was concerned that any commitment from the Government in relation to VAT should be binding and whether the ADM could achieve what was required within the Medium Term Plan budget. The Cabinet Member with Responsibility for Children and Families responded that VAT relief had as yet only been promised for the period of intervention
- The Leader indicated that the financial matters relating to the Company needed to be set out in a report to Cabinet in the autumn. Further clarification on VAT implications was needed because there could be longer term VAT cost to the Council. He welcomed the additional funding from the DfE for the set up costs of the Company
- The change of the 'go-live' date was welcomed because the existing proposed dates coincided with the introduction of a new social care management framework
- A member from outside the Cabinet commented that the change of 'go-live' date was appropriate to avoid a negative impact on service improvements and causing confusion to the detriment of the end user
- The Leader recognised the risks associated with the introduction of a new system and the potential impact on the creation of a new Company and

this point had been made to the Government. He emphasised that the statutory direction had not been revised yet and discussions were being held with the Government.

RESOLVED: that

- a) **the proposed change in 'go-live' date for the establishment of a Wholly Owned Council Company for Children's Social Care ('the Company') to 1 October 2019 and the high-level overview of the implementation plan be noted;**
- b) **the name of the Company as 'Worcestershire Children First' be approved;**
- c) **the legal form of the Company as outlined in paragraph 21 of the report be approved and its formation be endorsed; and**
- d) **the development of the Company and its governance arrangements be delegated to the Chief Executive, in consultation with the DfE's appointed Children's Commissioner, Leader of the Council and Cabinet Member with Responsibility for Children and Families.**

1860 Children's Social Care Services Improvement Plan (Agenda item 5)

The Cabinet considered endorsing the updated Children's Social Care Service Improvement Plan.

In the ensuing debate, the following principal points were raised:

- The Cabinet Member with Responsibility for Children and Families introduced the report and commented that the Council was currently the subject of an Ofsted visit, the outcome of which was awaited. There were clear signs from the Ofsted reports over time that progress was being made. Although Ofsted recognised a number of positive aspects to the Council's approach, there remained a considerable amount of work to be done, in particular to provide a consistent relationship for young people with their social worker. However the changes made to-date had had a positive impact on the provision of services. He was confident that improvements would continue but recognised that this had been at a cost to the Council of £7.6m for placement and provision and £0.6m for safeguarding

- The progress made so far was welcomed. The key issue was to ensure a smooth transition ensuring officers and service users were kept on board
- A member from outside the Cabinet expressed a concern about the number of changes to social workers experienced by children in social care. The new moderated audit process was welcomed. In response, it was commented that there had been a tangible increase in the retention levels of social workers in the county
- The Leader commented that the council was 18 months into its improvement journey and evidence nationally was that it took 5 years to improve from inadequate to good and therefore there was considerable work to be done. He assured the public that the funds were being well-spent on the most vulnerable in society. He thanked Essex County Council for their contribution which represented good value for money. Ofsted would continue to visit every 3 months during the intervention period and this was welcomed in ensuring that the improvement journey continued. He thanked everyone concerned for contributing to the whole council response.

RESOLVED: that

- a) the progress on service improvement as described throughout paragraphs 3-7 of the report be noted; and**
- b) the updated Service Improvement Plan set out at Appendix 1 of the report be endorsed.**

1861 SEND Local Area Inspection Action Plan (agenda item 7)

The Cabinet considered the Joint Local Area SEND Inspection – Local Area Action Plan.

In the ensuing debate, the following principal points were raised:

- The Cabinet Member with Responsibility for Education and Skills introduced the report and commented that the rationale for the delegation of the decision to himself concerned the timing of the Stakeholder meeting on 17 July as it would be folly to approve an action plan without their engagement and he wished to receive the input of the Children and Families Scrutiny Group which

met on 8 August. He therefore intended to make his decision around 9 August. The SEND Improvement Board had put a lot of work into the action plan. He was confident that working with the CCG, partners, parents and users, the action plan would improve outcomes for children with SEN. Working with parents needed to be the norm to ensure that the right strategies were in place for children and young people

- The Cabinet Member with Responsibility for Health and Well-being commented that everyone was concerned about the shortcomings that had been identified by the Ofsted inspection. However this was a priority issue for all partners not just for the Council including CCGs, Public Health and the NHS. Screening of Privacy and Public Health Impacts would be carried out if appropriate within the improvement plan
- A member from outside the Cabinet commented that there were a number of concerning points made in the Ofsted/CQC letter, in particular the quality of EHCP plans, the need for a disability register and safeguarding issues surrounding the placements of vulnerable children. The Leader responded that safeguarding was a particular concern and a national issue had developed concerning Councils, particularly from London, placing children elsewhere
- A member from outside the Cabinet queried the correlation of the advice from the peer review with that of the Ofsted report, the current financial pressures and the role and responsibilities of the education commissioners, whether the Cabinet member would be making his final decision on 9 August, and the role and buy-in of partners. The Leader advised that many of these points would be picked up in the action plan. The Head of Legal and Democratic Services explained that a Cabinet Member's report would be published in advance of the decision being made in line with normal publishing deadlines and all councillors would be notified
- The Cabinet Member for Education and Skills added that the only possible delay to his decision might be if anything significant came out of the scrutiny process that would require him to re-write his report. The decision could be called in but he requested that this be avoided to prevent further delay to this process
- The Director of Children, Families and Communities confirmed that the deadline for the

submission of the action plan to Government was 20 August. The Council was well versed in the improvement process as a result of its social care work. The work with the CCGs was crucial in building trust with parents. Based on good evidence and data and great support from public health through the SEND Programme Board, she was confident that by next spring there would be a thorough, detailed and improving picture

- The Leader commented that this was a service that needed to improve and would improve in partnership with health. There was a financial implication that would need to be addressed at the appropriate time. He had made the point to Government that although standards were being improved, adequate financial support had not been provided to support what was a local issue.

RESOLVED: that

- a) the Joint local area SEND Inspection that took place 5 – 9 March 2018 and the consequent Ofsted/CQC letter to the CCGs and the Council dated 16 May 2018 be noted;**
- b) it be acknowledged that progress is underway on the Written Statement of Action (Action Plan) to show how the agencies will tackle areas for improvement identified by that letter in order to improve outcomes for all children and young people with SEND, by helping them to achieve their full potential; and**
- c) the Cabinet Member with Responsibility for Education and Skills be authorised, in the light of the required timescales, to approve the Action Plan on behalf of the Council for sending to Ofsted/CQC.**

**1862 A38
Bromsgrove
(Agenda item 8)**

The Cabinet considered the A38 Bromsgrove Major Scheme.

In the ensuing debate, the following principal points were raised:

- The Cabinet Member for Economy and Infrastructure introduced the report and commented that the purpose of the scheme was to reduce congestion in Bromsgrove. The concept was to improve junction design. The progress depended on the planning strategy. Bromsgrove

District Local Plan had a number of housing developments to the west of Bromsgrove totalling approximately 4090 homes. £7.5m had been allocated from the Local Growth Fund with further applications for funding submitted totalling £21.3m. The aim was to fund the work from other sources than Council Tax. The A38 would substantially remain on its present route. There would be a certain amount of land acquisition so provision had been made for compulsory purchase orders where required

- This was an essential piece of infrastructure improvement for the present and future of Bromsgrove
- A member from outside the Cabinet welcomed the proposals but asked that a study be considered for the introduction of yellow box junctions on the Oakalls Roundabout (set out in Package 2) as early as possible. The Leader responded that this was a matter that the Director of Economy and Infrastructure could take into consideration and provide written feedback
- The Leader commented that given the size of the investment, the scheme would need to be delivered in a number of packages to ensure that the Council carried out its duties effectively and efficiently. Midlands Connect were putting this scheme forward for funding as part of the major road network albeit subject to Government approval therefore it was vital that accurate data was made available. The scheme was one of the very few high priority schemes in the county due to the importance of addressing congestion issues in Bromsgrove, particularly given the proposed housing growth in the future
- The scheme was welcomed as congestion had been a long term issue that had affected Bromsgrove financially and in terms of air quality
- A member from outside the Cabinet raised local requests for the building of a 3 pronged roundabout at the junction of the A38 and the A4104 in Upton. The Leader acknowledged that this was a key corridor for the county.

RESOLVED: that

- a) the overall concept of the A38 Bromsgrove Scheme and progress made to date be noted;**
- b) the continued progress of the scheme be supported and the further work required to**

**1863 Minerals and
Waste Local
Development
Scheme
(Agenda item 9)**

finalise the project deliverables, especially in terms of planning strategy, securing funding and land acquisitions be noted;

- c) the importance of improvements to the A38 in advance of proposed developments, with particular reference to Whitford Road, Perryfields and Foxlydiate applications be noted;**
- d) the need for some flexibility within and between the packages of work within the overall scheme be noted;**
- e) the Director of Economy and Infrastructure be requested to bring a detailed report on Package 1 of the A38 improvements to Cabinet in Autumn 2018; and**
- f) the taking preparatory steps in the interim towards the commencing of Package 1 of the scheme without prejudice to that later decision be supported.**

The Cabinet considered reviewing and revising the Minerals and Waste Local Development Scheme in order to keep it up to date.

In the ensuing debate, the following principal points were raised:

- The Cabinet Member with Responsibility for Economy and Infrastructure introduced the report and commented that this was the 4th call for sites for the Minerals Plan because the Council needed a 5 year supply of sand and gravel. The Waste Core Strategy required reviewing every 5 years. The last review found no significant failings and this would be monitored annually
- It was anticipated that the aggregate from the Energy from Waste plant at Hartlebury would at some point be available for use in road building process. The Council was getting to a point where it might need to supplement its supply of minerals from outside the county
- A member from outside the Cabinet urged that the Strategic Policy Framework for the Minerals Local Plan be developed with haste to prevent pre-emptive applications that would need to be addressed outside the plan. He stressed the importance of local input to avoid clustering of

sites in local areas and requested that the consultation document be published asap and took account of Neighbourhood plans and that adequate resources be made available to enable site allocations to proceed. The Leader commented that it was intended to have the strategic framework and overview available asap to allow the determination of applications to include the involvement of local communities. The Cabinet Member with Responsibility for Economy and Infrastructure added that if an application for a site was forthcoming it was not incumbent on the Council to accept it. The Council had policies about where it wished to have sites and it was hoped to avoid clustering and destruction of local amenities in that way

- It was important that when consideration was given to the allocation of sites for minerals extraction that due care and attention was paid to the restoration of the area.

RESOLVED: that

- a) **the Minerals and Waste Local Development Scheme (LDS) July 2018 – June 2021 be approved;**
- b) **the Director of Economy and Infrastructure be authorised to make minor amendments to the LDS prior to publication;**
- c) **delegated authority be granted to the Director of Economy and Infrastructure in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to approve the preparation of the draft Mineral Site Allocations Development Plan Document, carry out the informal preliminary consultations on it in accordance with the LDS, and make any amendments to it to create a final draft, without the need for further formal approval by Cabinet;**
- d) **it be agreed that the final draft Minerals Site Allocations Development Plan Document then be returned to Cabinet for recommendation to Council for approval before it is formally published for public representations as a statutory 'draft' Development Plan Document and submitted to the Secretary of State for examination;**

- e) **delegated authority be granted to the Director of Economy and Infrastructure, in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to approve the preparation of a new draft Waste Local Plan and the informal preliminary consultations on it in accordance with the LDS, and any amendments to it, without the need for further formal approval by Cabinet; and**

- f) **it be agreed that the final draft Waste Local Plan be returned to Cabinet for recommendation to Council for approval before it is formally published for public representations as a statutory 'draft' Development Plan Document and submitted to the Secretary of State for examination.**

The meeting ended at 12.05pm

Chairman