

Worcestershire County Council

Agenda

Cabinet

Thursday, 12 July 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 3rd 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, 12 July 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

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1	Apologies and Declarations of Interest	
2	Public Participation Members of the public wishing to take part should notify the Head of Legal and Democratic Services in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case Wednesday 11 th July). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed below.	
3	Confirmation of the Minutes of the previous meeting The Minutes of the meeting of 14 th June 2018 have been previously circulated	
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5	Children's Social Care Services Improvement Plan	17 - 24
6	Future Provision of Overnight Unit-based Short Breaks for Children with Disabilities	25 - 44
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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

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

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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.

CABINET
12 JULY 2018**THE ESTABLISHMENT OF THE WORCESTERSHIRE
WHOLLY OWNED COUNCIL COMPANY FOR CHILDREN'S
SOCIAL CARE**

Relevant Cabinet Member

Mr A C Roberts

Relevant Officer

Director of Children, Families and Communities

Recommendation

1. The Cabinet Member with Responsibility for Children and Families recommends that Cabinet:

- a) **notes 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;**
- b) **approves the name of the Company as 'Worcestershire Children First';**
- c) **approves the legal form of the Company as outlined in paragraph 21 and endorses its formation; and**
- d) **delegates the development of the Company and its governance arrangements 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.**

Background

2. On the 29 March 2018, Cabinet agreed to the development of a wholly owned council company to deliver children's social care. The aim being at the point of transferring services into this Company, the Service will be performing well and the Company will have a positive platform in which to sustain the improvement as well as further improve outcomes for children and young people. Following ratification of this decision by the Secretary of State, a revised statutory direction was published on the 25 May 2018 that included an expectation that the Company would go-live on the 1 April 2019.

3. Following Cabinet's decision in March 2018, work commenced on developing a detailed implementation plan for the set up and smooth transition of services to the Company by 1 April 2019. The implementation plan has been overlaid with other service improvement and transformation plans to ascertain the wider impact on children's social

care. This highlighted a significant level of activity throughout December 2018 to July 2019 which creates a critical risk of service failure and/or loss in productivity and improvement in this time. Discussions with the DfE's appointed Children's Commissioner and DfE civil servants have focused on ways of reducing the expected pressure on the business throughout this time. These discussions have concluded in a proposal being taken to the Minister to establish the Company in shadow format by 1 April 2019, with the go-live date moving to the 1 October 2019. This would allow the priority to remain on improving services and outcomes for children and young people. Discussions with the Minister are ongoing and a positive resolution is expected before Government breaks for the summer (24 July).

Implementation: Wholly Owned Council Company

4. Working toward the Council's preferred go-live date of the 1 October 2019, the programme plan has been broken down into three distinct phases:-

- Phase 1: Design and Development (April – March 2019)
- Phase 2: Shadow and Testing (April 2019 – September 2019)
- Phase 3: Operational and Programme Closure (October – December 2019)

Further still, the full range of actions which underpin the completion of key milestones have been categorised into 13 interrelated workstreams as outlined in Appendix 2. The programme plan will be re-worked to the 1 April 2019 if the Minister does not agree to the change of go-live date.

5. A memorandum of understanding is being developed between the DfE and Worcestershire County Council to record the following matters:-

- the establishment of the Company to enable the development and delivery of high quality and innovative children's social care services that meet the requirements of the Directions and the needs of children, young people and their families in Worcestershire
- the overarching agreed principles regarding the proposed:
 - i) legal form of the Company;
 - ii) corporate governance of the Company; and
 - iii) operational framework within which the Company shall operate and be held accountable, which will address key aspects of the proposed Service Delivery Contract, including matters relating to agreeing the Company's proposed budget and the scope of children's social care services that it will be delivering
- the proposed timetable from the signing of the MoU, through to 1 October 2019 (the "**Service Commencement Date**") when the Company will formally commence the performance of the Relevant Functions on behalf of the Council pursuant to the Service Delivery Contract and
- the commitments of each Party in relation to the transition of children's social care and related services to the Company ("**the Programme**") and the processes and the structures that they will put in place to periodically and effectively review, monitor and manage progress in accordance with the agreed timetable.

6. The DfE have agreed to contribute a fixed sum of £3.15million to the set-up/transition costs of the Company. The £3.15m has been negotiated as a fixed sum contribution and would only be reviewed in the light of an exceptional unforeseen change which significantly impacts the scope/cost of ICT and or property requirements.

7. Good progress is being made across all of the 13 workstreams and this includes launching the recruitment campaign for the Company's Chairperson, who will play a pivotal role in the development and implementation of the Company. This role will be a joint Council/DfE appointment and funded by the DfE whilst the Council remains under statutory direction. The campaign for the Chairperson will commence as soon as the Minister confirms the expectations around go-live date. Shortly following this appointment will be the recruitment and confirmation of further Board Members including the senior management roles within the company (Executive Directors) and Council appointed Non-Executive Directors. Progress on the recruitment of Board Members along with a detailed financial assessment of the Company will be included in an update to Cabinet in October 2018. Meanwhile the programme remains on track for completion by the 1 October 2019. Completion is also possible for the 1 April 2019, but with greater risk to service disruption and failure as outlined in paragraph 3 and therefore is not the Council's preferred option.

Company name

8. The Company name is the first impression people will have of the new organisation. It should be appropriate to the services the Company provides and the people it serves and reflect our vision for Worcestershire to be a wonderful place for all children and young people to grow up.

9. The process for developing the name of the Company has included capturing what is important to key stakeholders including staff and children and young people. There have been face to face workshops with social workers, children's social care managers, at schools and importantly with looked after children and care leavers. Desktop research was also undertaken into existing company names and there has been analysis into the online search terms that are currently used for children's social care services in Worcestershire.

10. A shortlist of company names was approved by the ADM Steering Group on 4 June and considered by the ADM Board on 13 June. Further views have since been sought from staff to identify the recommended option.

11. Overwhelmingly the preferred name that staff feel best captures the purpose and values of the company is '**Worcestershire Children First**'. This name has been endorsed by the ADM Board and is recommended to Cabinet for approval in order to begin the process of registering the company with Companies House.

Company Legal Form

12. In accordance with the draft Memorandum of Understanding (**MoU**) with the Secretary of State for Education the Company must be compliant with public procurement law and comply with the "Teckal" exemption in Regulation 12 of the Public Contract Regulations 2015 (the **Regulations**).

13. In setting up the wholly owned council company, advice has been sought from Bevan Brittain (a law firm procured by the Council to lead on the set-up of the company) on the different legal forms for the Company. The advice has concentrated on the most common forms of corporate vehicle considered or established by local authorities which fit within the remit of the Teckal test (as set out below), namely:

- a private company limited by shares (**CLS**);
- a private company limited by guarantee (**CLG**);
- a community interest company limited by shares (**Share CIC**); and
- a community interest company limited by guarantee (**Guarantee CIC**);

14. Less common corporate vehicles (such as community benefit societies or charitable companies) or unincorporated arrangements have not been considered since a contractual arrangement or partnership has already been ruled out.

15. All of the vehicles outlined in paragraph 13 share one feature in common – each one has a separate legal personality independent of its "owner". It may hold assets in its own name and invest funds. It may sue and be sued in its own name and owe liabilities to others on the same basis. The "owner" will benefit from limited liability in its capacity as owner, although the Council will of course owe additional obligations to the Company and to third parties in respect of the vehicle in other capacities (such as funder and provider of support services). It is open to the Council to contractually restrict the vehicle in its business (to what is often called its "objects" or "mission statement") or what it can do (its "powers") but for the purposes of this Paper, we have assumed that there are no restrictions on each vehicle – in terms of what it can own and do – other than restrictions arising under law, the Teckal test set out below and those under the Memorandum of Understanding with the DfE and the Council's Service Delivery Contract.

16. There are many similarities between a CLS, CLG, Share CIC and Guarantee CIC. They each have their own separate legal personality and so can hold assets and enter into contracts independently of their shareholders or members. They can each be wholly owned by the Council as they only require one shareholder or member and are each taxed separately.

17. A CLS has a number of advantages where the company is to be a profit-making company, in particular with shareholders that are equity investors, as it allows the shareholders to receive a dividend in proportion to their shareholding and provides a very flexible method in which to increase and transfer the shareholdings in the company. Given that the company is not to be established as a profit making vehicle, there is little advantage in using a CLS or Share CIC

18. A CLG is typically used as a "not-for-profit" vehicle. The Articles can be drafted in a way which prohibits distributions being made and instead to be directed towards the objects or purpose of the company e.g. in this case, the provision of children's services. The ownership of the company being linked to non-profit distributing membership and not shares with rights to dividends re-confirms this benevolent ethos, which is perceived very favourably when trading with third parties.

19. The Council has the ability to create a community-orientated company with social objects (through drafting in the Articles) of a CLG, without the additional regulation that a CIC brings. It is regulated by Companies House only and not the CIC Regulator as well. It does not have to pass the community benefit test and does not have the duty of

publishing additional documents, as a CIC does (such as the annual community benefit statement). Unlike a CIC, a CLG is not subject to an "asset-lock" and so assets transferred by the Council to the company could be transferred back to the Council at a later date if required. There are no tax advantages applicable to a CIC over a CLG.

20. Given that the Company is to be established for the purpose of providing children's services to the Council and to benefit children in Worcestershire, it is believed that a non-profit distributing vehicle is appropriate over that of a CIC. As the provider of the services could change in the future and assets may need to be transferred back to the Council (or another third party) at some point, it is not recommended establishing a company that is subject to an asset lock. The CLG provides the opportunity to create a non-profit distributing company that is not subject to the regulation or restrictions of the CIC.

21. The options were discussed in detail at the ADM Programme Board on 13 June 2018 which supported the recommendation that a private company limited by guarantee (CLG) is the most appropriate vehicle for the Council in this scenario.

Legal, Financial and HR Implications

22. External solicitors Bevan Brittan will continue to work closely with the Council's Legal Services to consider the legal implications for the move to a Company and this will include fully understanding the Council's ability to delegate the exercise of statutory decision-making as well as ensuring robust legal and democratic governance is developed between the Council and the Company.

23. The DfE have agreed to fund £3.15million towards the transition costs for the Company. The assumption that additional costs arising from potential VAT risks will be funded by the DfE has been included within the draft Memorandum of Understanding (MoU) being agreed with DfE, and as such the assumption is this risk is mitigated and will be cost neutral. Other work on the funding and cost of the company will progress over the summer of 2018 as the shape of its design and interaction with the Council is worked up in more detail, and an update will be included in the October 2018 report to Cabinet. Some provision has been assessed in the medium term financial plan and any changes will be assessed in that and future Cabinet reports.

24. Those staff working in services/teams considered to be included in-scope of the Company are likely to transfer to the new organisation under TUPE Regulations and would be directly employed by the new Company rather than the Council. In accordance with these Regulations staff would transfer to the Company on their current terms and conditions, including access to their current pensions. There will be a TUPE consultation period (best practice is 90 days) during the implementation phase. The cost of increasing HR capacity to help manage the smooth transfer of staff has been included within the Financial Case

Privacy and Public Health Impact Assessments

25. None at this stage. It is recommended that further assessment is done on assessing the service delivery contract for the Company.

Equality and Diversity Implications

26. None at this stage. The Council is very aware of its Public Sector Equality Duty and it is recommended that further assessment is done on assessing the service delivery contract for the Company.

Supporting Information (available electronically and at County Hall Reception)

- Appendix 1 - Statutory Direction
- Appendix 2 - Workstream overview document

Contact Points

County Council Contact Points
County Council: 01905 763763

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of the Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of the Cabinet held on 29 March 2018

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. A revised direction issued on 19 September 2017 ("the second direction"), required the development of an options analysis and business case for an alternative delivery model.
3. The Secretary of State has carefully considered:
 - a. The 2017 Ofsted report, which found that children's services were '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 that 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;
 - c. The findings of Ofsted's monitoring visits since June 2017, and the progress made to date in service improvements; and
 - d. The Council's business case for the establishment of a wholly-owned council company for Worcestershire's Children's Social Care Services.
4. The Secretary of State is 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 appointed Trevor Doughty as Commissioner for Children's Services in Worcestershire ("the Children's Services Commissioner"). An updated terms of reference ("the Terms of Reference") are 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 his 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 his 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 work with the Commissioner towards the establishment of a wholly-owned council company for the delivery of children's social care services in Worcestershire, including:
 - i) Establishment of the company board to operate alongside existing arrangements in shadow form from December 2018; prior to
 - ii) Transfer of operational control for children's social care services from the Council to the company, from April 2019.
- e. To continue to work with Children's Services Commissioner on a long-term improvement plan to address the findings of the Commissioner's report of 9 June 2017, monitoring progress and reviewing the improvement plan as appropriate;
- f. To co-operate with the Secretary of State and the Commissioner, 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 second 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 the 21 day of May 2018

Annex

Non-Executive Commissioner for Children's Services -

Worcestershire County Council

Terms of Reference – May 2018

In all cases where a Council has persistently or systemically failed to discharge its children's social care functions there is a presumption that service control will be removed from the council unless there are good reasons not to do so. The Secretary of State believes that children's social care services should be removed from Worcestershire County Council for a period of time, and that the best model to achieve improvement is for the Council to transfer functions to a wholly-owned council company (the "Company"), set up for the purpose of delivering children's services.

The Children's Services Commissioner for Worcestershire is expected to take the following steps:

- work with the Council to support the establishment of a new body to deliver high quality children's social care services and oversee the transition to those new arrangements;
- shape the Council's and, in due course, the Company's strategic vision for the transformed service and its scope of delivery;
- advise on any senior appointments to the Company and lead or participate in recruitment assessment processes as required;
- issue any necessary instructions to the local authority for the purpose of securing immediate improvement in the authority's delivery of children's social care, to identify ongoing improvement requirements, and to recommend any additional support required to deliver those improvements;
- provide quarterly progress reports to the Parliamentary Under Secretary of State for Children and Families, and more frequently if delivery of children's services is at risk, if progress towards new arrangements is not being achieved, or if otherwise requested; and
- identify key deliverables, and produce a plan detailing the outputs and key performance indicators the Commissioner will meet over the duration of the project, agreeing this with the DfE.

Specifically, the Commissioner shall:

1. Work with the Council to support the establishment of a wholly-owned council company to deliver high quality children's social care services by April 2019 and oversee the transition to those new arrangements;
2. Support the Council in shaping the Company's strategic vision for the transformed service, including organisational design, governance and its scope of delivery;

3. Provide guidance, advice and challenge on plans for implementation of the Company, and associated budgets for both set-up and implementation;
4. Advise on any senior appointments to the body and lead on behalf of the Secretary of State, and in cooperation with the Council, the recruitment for the Chair and Chief Executive of the Company.
5. Guide, monitor and report on the progress towards the establishment of the shadow Company by December 2018, and the transfer of operational control from the Council to the Company by April 2019;
6. Provide advice and direction to the Council and its improvement partner and ongoing monitoring and assurance of progress against implementation of the improvement 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. Lead, on behalf of the DfE, a formal review of the Council's progress towards improvement on a six monthly basis, making a recommendation to the DfE on whether progress has been sufficient;
9. Deliver six-weekly evidence based highlight reports on the Council's improvement progress to the DfE Contract Manager; and
10. Deliver quarterly written updates on the Council's progress to the Parliamentary Under Secretary of State for Children and Families, and more frequently if the pace of progress is not sufficient or if required.

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ALTERNATIVE DELIVERY MODEL (ADM) FOR CHILDREN'S SOCIAL CARE SERVICES

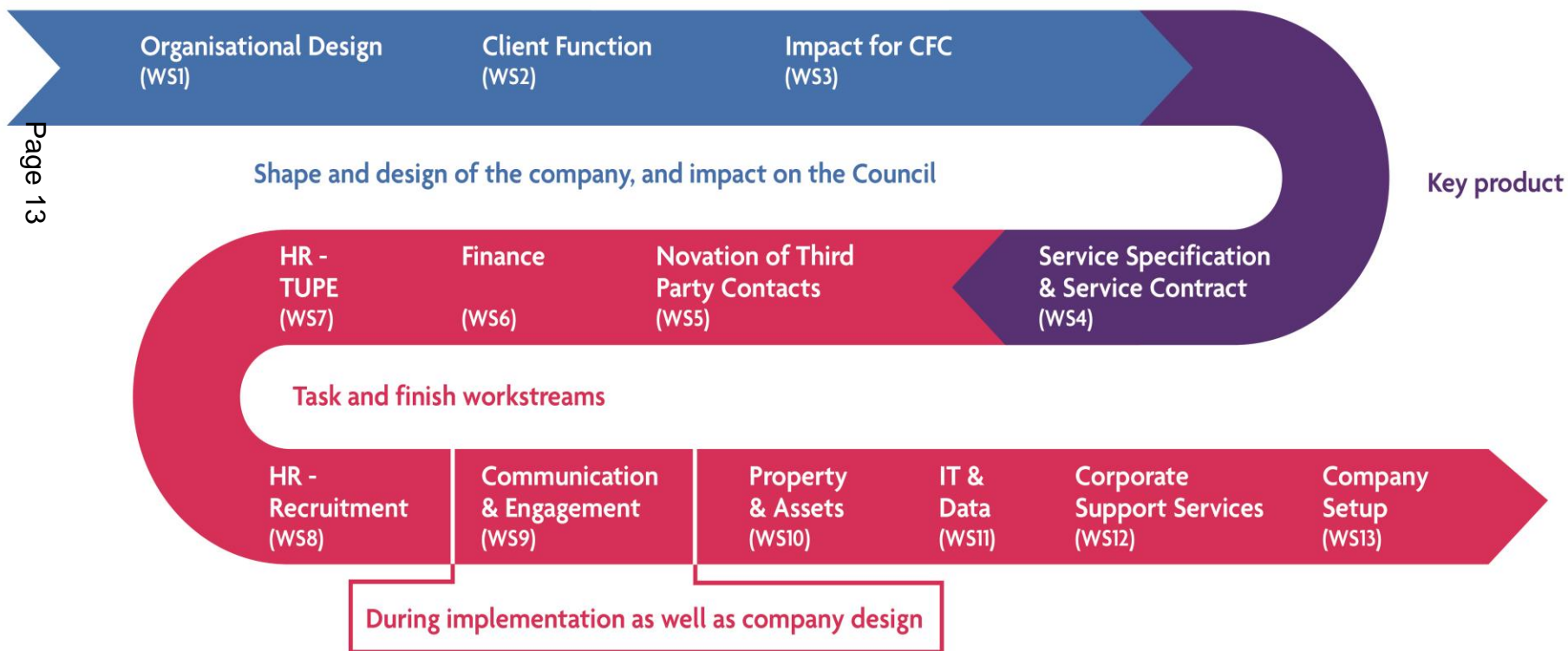
Governance



Governance arrangements for the ADM programme

WORKSTREAMS

Workstreams



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Overview of Workstreams

Workstream	Overview
WS1: Organisational Design	Scope, organisational structure, business plan development, company operating model
WS2 Client Function	Development of the contract between the Company and the Council; intelligent client function; procurement of services by the Company; Council objectives and standards and development of a performance framework
WS3 – Impact for CFC	Services and structure of teams that will be retained within CFC or that will have a working relationship with the company.
WS4 Service Spec & Service Contract	Development of the contract between the Company and the Council; procurement of services by the Company; Council objectives and standards and development of a performance framework.
WS5 Third Party Contacts	Identification and award of all 3 rd party contracts required by the company. (Novation, Variation, Tender)
WS6 Finance	Identification and disaggregation of budgets; identification and disaggregation of capital and revenue budgets; VAT implications; finalise set up costs and additional costs; set up of Finance systems and processes; set up of Company treasury management, banking and insurance

Overview of Workstreams

Workstream	Overview
WS7 HR - TUPE	Identification of all staff to be transferred to the Trust; all TUPE issues and consultation; pensions advisory service and implications for transfer; pension deficit arrangements; payroll arrangements for Company; HR records for the Company/transfer.
WS8 Recruitment Company Board	Recruitment to company board posts and Senior Management Team
WS9 Communication and Engagement	Development of a communications strategy for Council and Company and day to day communications management during the Programme's implementation phase.
WS10 Property and Assets	'Lease' arrangements if necessary for council buildings being provided for the use of the Company or procurement of new building; provision of Facilities Management service; oversee refurbishment of buildings to be used by Company; disaggregation of building and capital assets; transfer or lease arrangements of equipment, vehicles and assets.

Overview of Workstreams

Workstream	Overview
WS11 IT and Data	Implement arrangements for the company to use ICT and telephony systems; set up new systems where necessary for the Company; arrangements relating to data and ICT; data audit; data input, quality, sharing and security compliance; lead data security and responsibility for SIRO; disaggregation of ICT Services including consideration of hosting arrangements with third party suppliers.
WS12 Corporate Support Services	Identify all corporate support services which could be provided to the company, and arrangements for transfer to the company, recruitment or SLAs (e.g. Finance and Procurement), HR & payroll, Communications, Legal, IT/Telecoms and customer services, Property and asset management, cleaning, other support services.
WS13 Company Setup	Development of the company board design; companies house registration; OFSTED registration; Company governance; policies & procedures; company branding/log and name.

CABINET
12 JULY 2018**CHILDREN'S SOCIAL CARE SERVICES IMPROVEMENT
PLAN**

Relevant Cabinet Member

Mr A C Roberts

Relevant Officer

Director of Children, Families and Communities

Recommendation

1. The Cabinet Member with Responsibility for Children and Families recommends that Cabinet:

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

Service Improvement

2. As reported previously, Worcestershire Children's Services was subject to a full Safeguarding Inspection in October 2016 and since that time has been subject to regular Monitoring Visits by Ofsted the purpose of which is to monitor the improvement progress. The dates and key headlines from the Ofsted inspection and visits are listed below:

- **October 2016:** Full Safeguarding Inspection of Children's Services. Ofsted judged that there were widespread and serious failures in the services provided to children in Worcestershire who need help and protection and children looked after
- **May 2017:** Monitoring Visit to Family Front Door. Ofsted concluded that the Improvement Plan is not yet resulting in progress in a number of key areas
- **September 2017:** Monitoring Visit to Family Front Door. Ofsted acknowledged the hard work that had gone on to improve services, with many actions quite recent or too new to have yet had a significant impact, but noted achievement of some tangible improvements.
- **January 2018:** Monitoring Visit to Family Front Door and Children in Care Proceedings. Ofsted acknowledged that whilst services still require much work to be of a good standard, progress has been made
- **April 2018:** Monitoring Visit to Through Care Service. Ofsted noted that the Local Authority is making progress in improving services to children and young people and that Corporate Parenting is now a strength

Progress update

3. Ofsted has commented positively upon the following areas:

- **Strategic Commitment, Investment and Leadership:** Ofsted noted the clear buy-in and investment from Elected Members and senior leaders with significant financial investment to enable implementation of change. Corporate Parenting arrangements are seen to be a strength. Elected Members and senior managers have done much to improve how they listen to children and take positive action as a result
- **Quality Assurance and Learning to understand the experience of our service users:** The development of an effective whole-system approach to quality assurance using a number of platforms for assessing user experience, including audit and telephone survey, which enables the Service and our senior leaders to better understand the views of children and families when shaping and developing improved services
- **Our quality of practice and child-centred approach:** There has been a positive shift in the morale and culture of the workforce, resulting in improved practice. Children's case files demonstrate that an **improved level of professional curiosity, including the identification and response to risk**, is more evident in social workers' practice. Ofsted found that the quality of support offered to children in care and care leavers has improved, including improvements in Outreach, partnership working with housing, Virtual Schools and Personal Education Plans
- **Performance Management:** Relevant performance management information is now readily available to assist staff and managers to understand their day-to-day work, supporting learning and a culture of improvement
- **Arrangements for managing the quality and timeliness of cases in pre and care proceedings:** A comprehensive system for managing work that is subject to the public law outline thereby reducing drift and delay in case progression at court is now in place
- **Staffing and Culture:** Inspectors have seen a positive shift in the morale and culture of the workforce. In their discussions with inspectors, Ofsted described social workers as calm, measured and focused. They described seeing Social workers as "growing in confidence, and this is starting to result in creative, thoughtful and resourceful work with children". Staff have also reported feeling secure and supported through change.

4. However, there remain areas for further progress and development where performance is not as good as they need to be. These are :

- **The quality and consistency of management oversight** and decision-making needs to be improved upon and Team Managers need to be driving improvement
- **Plans for children** need to be of a consistently high quality with strong analysis of risk, a child focus and with clear, measurable outcomes
- **Forward planning for young people leaving care** needs to be improved upon so that the transition to adulthood and independence is a positive experience for all care leavers
- **The number of changes of social worker experienced by some children and young people** remains high and not all social workers have experienced a reduction in caseload. Our recruitment and retention work remains a priority
- **Our audit processes have been compliance driven** - We are about to introduce a new moderated audit process which will include a second auditor to provide

objectivity and challenge and feedback from children and parents/carers about their experience of the service

5. Other areas of improvement are demonstrating a positive impact on key performance indicators

- The development of the Community Social Worker role to support schools and partners in identifying and managing risk has contributed towards a reduction in Referrals to the Family Front Door from approximately 1,000 per quarter to 770 per quarter which means children and families get a timely early help response where it is appropriate
- Fewer children have been received in to care, for quarter four in 2017/18. A total of 269 children were received into care which equates to 53 less entrants for the same time in 16/17. There will be continued focus on "Edge of Care" interventions to prevent family breakdown and permanency planning for those who cannot return home before it can be confidently said that all children in care need to be there. However the Council's Looked After Children rate remains higher than Statistical Neighbours and National data and there is a continued focus on ensuring permanency and long term care plans for those children and young people who have been in care for a number of years
- An increasing number of children are achieving permanency in a more timely way with 48% leaving care within 12 months of entering care in 17/18 compared to only 35% in 16/17
- 85% of social work assessments were completed on time (within 45 days) in Q4 2017/18, a significant improvement compared to 66% in Q1 of the same year
- Fewer children are subject to Child Protection Plans as positive action is being taken to place children in care where positive outcomes are not being achieved and cases have drifted. The rate now stands at 36 per 10,000 which is lower than Statistical Neighbours and National data.

Worcestershire's Improvement Partner - Essex

6. Work has continued with Essex County Council. An interim report February 2018 concluded:-

"Colleagues in Worcestershire are clear that they are on an improvement journey and have worked to enhance and promote the pace of change that is required.

Their new operating model is forward looking and innovative and structural changes are already taking place. The new model also addresses many of the issues identified by both Essex and by Ofsted in their monitoring visits

In our working relationship with Worcestershire we have found them to be very proactive and positive and diagnostic visits and deep dives have been well received by both senior managers and teams. Coupled with this it is good news that a marked improvements in pace and change have been noted in the last two monitoring visits from Ofsted in October 2017 and January 2018.

Having worked in collaboration with ECC managers during the diagnostic and deep dive visits, Worcestershire managers are now in a good position to adopt the team diagnostic model as part of their routine quality assurance and improvement processes in the future".

Service Improvement Plan for 2018/19

7. The Service Improvement Plan has been reviewed and updated using feedback from Ofsted, performance against key performance indicators and the work completed with Improvement Partner, Essex County Council. The focus for the next 12 months will be:

- Supporting and developing our workforce
- Promoting social care best practice
- Building our quality assurance processes
- Listening to the voice of the child
- Enhancing our multi-agency partnerships
- Delivering effective Through Care.

8. The Council believes that there are now strong foundations in place for improvement following the work completed since October 2016. The focus remains on sustaining this progress including a focus on the quality of practice, as well as management oversight and decision making which is key to ensuring that children receive the right service at the right time.

9. The next Ofsted Monitoring Visits are scheduled for July and October 2018.

Legal, Financial and HR Implications

10. There have been positive HR outcomes of the service improvement work, including additional investment in frontline social workers which has meant a reduction in average caseload.

11. The service faced significant cost pressures in 2017/18, including a pressure of £7.6million relating to placements and provision costs and £0.6million relating to safeguarding services. A further £10.5million has been allocated in the 2018/19 budget to support the growing number of looked after children and the increased complexity of need within the care system. Although work continues to ensure improvements in the service enable both better outcomes for children and where possible for outcomes to be provided through the best value for money solution, there remains a risk associated with such a demand related service.

Privacy and Public Health Impact Assessments

12. None at this stage.

Equality and Diversity Implications

13. None at this stage. The Council is very aware of its Public Sector Equality Duty and it is recommended that further assessment is done on assessing the service delivery contract for the Company.

Supporting Information (available electronically and at County Hall Reception)

- Appendix 1 - Service Improvement Plan 2018/19

Contact Points

County Council Contact Points

County Council: 01905 763763

Tina Russell: Assistant Director: Safeguarding Services

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Email: TRussell@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Director of the Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

Interim report from Essex County Council February 2018

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OUTCOME 1

Be the 'employer of choice' for Social Work

OUTCOME 2

Children's needs are assessed and met in a timely and purposeful manner

OUTCOME 3

Children and families benefit from high-quality services

OUTCOME 4

Children and families views drive service improvement

OUTCOME 5

Children and families receive the right service at the right time

OUTCOME 6

Our Looked after Children are fully prepared for adulthood

OUTCOME 7

Children and young people achieve permanency without delay

OUTCOME 8

Children and families access early help and avoid unnecessary interventions

OUTCOMES

A – SUPPORT AND DEVELOP OUR WORKFORCE

CATHERINE DRISCOLL

A1. Refresh Social Work Workforce Strategy

- Recruitment and Retention Plan (including ASYE)
- Management Oversight and Quality of Supervision
- Performance Management
- Social Work Pay Review
- Grow Your Own Social Workers

A2. Enable Access to Workforce Data and Management Information

A3. Social Work Academy - Implement Phase 2

- Organisational Learning, Development and Training Programme for Social Work Workforce
- Grow Your Own Social Work Managers

A4. Implementation of Cultural Shift Plan

B - PROMOTE SOCIAL CARE BEST PRACTICE

TINA RUSSELL

B1. Implementation of Signs of Safety Practice Model

B2. Development of Supervised Contact Service

B3. Improve Quality of Care Plans:

- Health Assessments
- Educational Outcomes (PEPs)
- Child's Life Story Work
- Pathway Plans

B4. Implement Legal Action Plan:

- PLO Practice Review
- Case Progression / Tracking
- Quality of Statements / Evidence to Court
- Review of Section 20
- Review of CP Plans / Family Arrangements (Reg 24)

C – BUILD OUR QUALITY ASSURANCE PROCESSES

SHARON MOORE

C1. Embed Quality Assurance and Performance Management Framework

- Ensure we count the right things
- Align with CSC ICS (Fwi) Replacement
- Establish quarterly audit cycle
- Learn from Compliments and Complaints

C2. Develop Fit for Purpose Performance Management Data:

- Targeted Early Help
- Through Care Service
- Residential and Placements
- Fostering and Kinship
- SQA Unit
- Care Leavers and Outreach

D – LISTEN TO THE VOICE OF THE CHILD

SHARON MOORE

D1. Develop effective engagement mechanisms with children, young people, parents and carers

- Pilot MOMO system
- Rollout parent and carer survey at end of interventions
- Establish appropriate feedback mechanisms for children and young people who use our services
- Utilise existing forums / sources of information

D2. Ensure Participation Strategy is fit for purpose

- Children and young people actively participate in their reviews
- Children and young people are active participants in shaping future service delivery

E – ENHANCE MULTI-AGENCY PARTNERSHIPS

TINA RUSSELL / SARAH WILKINS

E1. Develop Multi-Agency Contribution to Safeguarding Processes:

- Domestic Abuse
- Missing from Home and Care
- Strategy Meetings
- MASH
- Application of Levels of Need
- Supporting and safeguarding vulnerable children (e.g. CSE, Trafficking, Gangs)

E2. Development of Early Help (Level 2 and 3):

- Define and implement Locality Model
- Tools / IAG
- Effectiveness Measures

E3. Development of Edge of Care Offer

F – DELIVER EFFECTIVE THROUGH-CARE

TINA RUSSELL

F1. Deliver Outcomes and Permanency Through Care:

- Permanency Policy
- Care Leavers offer

F2. Develop Our Sufficiency of Placement Resources:

- Residential and Fostering Sufficiency
- Support and Training for Carers

F3. Implementation and Embedding of Corporate Parenting Strategy

Children's Social Care:
Service Improvement Plan
Master Document – v2.1 FINAL
(26 April 2018)

WORKSTREAMS AND PROJECTS

Worcestershire Safeguarding Children Board

Participation Strategy

Early Help Strategy

Education and Skills Strategy

SEND Strategy and Action Plan

Effective Financial Management

ICT and Digital Strategy

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CABINET
12 JULY 2018**FUTURE PROVISION OF OVERNIGHT UNIT-BASED SHORT BREAKS FOR CHILDREN WITH DISABILITIES****Relevant Cabinet Member**

Mr A C Roberts

Relevant Officer

Director of Children, Families and Communities

Local Members

Mr N Desmond
Mr S Mackay
Mr L Mallett
Ms T Onslow
Mr P Tuthill

Recommendation

1. **The Cabinet Member with Responsibility for Children and Families recommends that Cabinet:**
 - (a) **notes the information relating to short breaks provision for children with disabilities contained in this report;**
 - (b) **notes 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 below;**
 - (c) **adopts the response by the Cabinet Member with responsibility for families and children to the Scrutiny Report "Future Provision of Overnight Unit-Based Short Breaks for Children with Disabilities" contained within this report (Appendix 1);**
 - (d) **agrees the continued delivery of short breaks overnight respite provision at Ludlow Road, Kidderminster during this financial year 2018/19, 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) authorises the Director of Children, Families and Communities 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) authorises the Director of Children, Families and Communities 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) authorises the Director of Children, Families and Communities 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) endorses 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;
- (i) endorses 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;
- (j) notes 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.

Purpose

2. The purpose of this report is to provide Cabinet with 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.

Background and context

3. The findings and recommendations in this report have taken into account the recommendations of the Scrutiny Report on Future Provision of Overnight Unit-Based Short Breaks for Children with Disabilities. The response of the Cabinet Member with Responsibility for Children and Families to the recommendations in that report is included in this report (Appendix 1). Cabinet is referred to previous reports on the topic.

4. Schedule 2 to the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 require local authorities to provide services which are designed to give respite breaks for parents and carers of children with disabilities in order to assist them to continue to provide care or to do so more effectively.

5. Short breaks are part of a continuum of services which support children in need and their families. They include the provision of day, evening, overnight and weekend care and activities for the child or young person, and can take place in the child's own home, the home of an approved carer, or in a residential or community setting. Children and young people can have a range of complex disabilities which result in significant care needs during the day and/or night.

6. The duties on local authorities in relation to short breaks for individual disabled children and families can be summarised as follows:

- Duties to assess (both the child and their parent carer(s))
- Duties to decide, subsequent to the assessment, whether it is necessary to provide short breaks
- Duties to provide short breaks sufficient to meet needs where the decision is that it is necessary to do so, taking account of both the child's needs and the wider family context.

7. All disabled children are considered to be a child 'in need' (see section 17 of the Children Act 1989) and therefore the Council has a general duty to safeguard and promote their welfare by providing a range and level of services appropriate to their needs. If a disabled child or their parent requests an assessment then there is a duty to assess in each case, including any needs for carer support.

8. The National Health Service Act 2006 (as amended) states that a primary duty on Clinical Commissioning Groups (CCGs) is to commission services 'to such an extent as it considers necessary to meet the reasonable requirements of the persons for whom it has responsibility'. A specific duty rests with CCGs to assess for and meet continuing health care needs for children, in line with a [national framework](#). Packages of care for such needs which cannot be met from ordinarily commissioned services will be agreed in discussion with the parent/carer'.

9. There are important co-operation duties on local authorities and CCGs including:

- Children Act 2004 which requires local authorities and health bodies to co-operate to safeguard and promote the welfare of children in their area
- National Health Service Act 2006 which requires NHS bodies and local authorities to co-operate to advance the health and welfare of their populations
- Children and Families Act 2014 which imposes a range of duties in relation to co-operation including a requirement for joint commissioning arrangements to be in place.

Commissioning of short breaks provision in Worcestershire

10. Improving outcomes for vulnerable children and young people, which includes those with a special education need and/or a disability (SEND), is a key priority within the Children and Young People's Plan.

11. Worcestershire's [Strategy](#) for Children with Special Educational Needs and Disabilities and Improvement Plan recognise the need for improved joint assessment of children and young people's needs, the need to build better relations with parent carers and the need to improve joint commissioning arrangements including the provision of personalised budgets.

12. The Council and CCGs recognise the value of feedback in shaping services and are committed to improving engagement with service users in the co-design of quality services that provide value for money. Commissioners appreciate the time and effort that parents have taken to express their views and feelings on these proposals during meetings and visits throughout the extended consultation period.

13. In Worcestershire a tiered approach to short breaks is available, ranging from community-based provision (including holiday and term-time play-schemes) to specialist services including residential (unit based) and family-based overnight and weekend care. Community short breaks are delivered by a number of providers in school and community settings (group based activity).

14. Commissioning of short break provision ensures that short breaks:

- Help to support a child or young person's social and emotional development
- Helps to support a child or young person learn new skills
- Provide a child or young person with new experiences
- Promote the welfare and safeguard children and young people
- Assist parents and carers who provide care for children with disabilities to continue to do so or to do so more effectively by giving them breaks from caring.

15. Recent commissioning activity has increased the number of providers able to deliver 1:1 support from 2 to 7, so increasing choice and flexibility for families, and a commissioning process is currently underway to ensure that group-based activities are widely available in the community.

16. Direct payments are also available to families who wish to access support in a way that meets their individual circumstances. The local authority has a duty, where requested, to prepare a personal budget, which is an amount of money identified by the local authority to deliver provision as set out in an Education, Health and Care Plan and to give greater choice and control for parents and young people over how their support is delivered.

17. Specialist short breaks services prioritise support for those families with children and young people who require the highest level of support and where caring responsibilities place significant stress on the whole family. They are available to eligible children and young people via a social care assessment of need. This assessment is carried out by the Children with Disabilities team (0 – 16 years) and the Young Adults Team (16 to 18 years). Specialist short break provision includes 1:1 support and overnight provision accessed in a family home (foster care) or residential overnight units.

Summary of residential short break respite provision in Worcestershire

Name/location of unit	Name of provider	Comments
Osborne Court , Malvern	Worcestershire Health and Care NHS Trust	CYP bungalows are only part of the whole site provision CQC registered Ofsted registration pending
Ludlow Road, Kidderminster	Worcestershire Health and Care NHS Trust	Single 4 bedroom bungalow CQC registered Ofsted registration pending
Kidderminster Short Breaks Unit, Moule Close, Kidderminster	Worcestershire County Council	4 bedroom unit Ofsted registered
Bromsgrove Short Breaks Unit, Providence Road, Bromsgrove	Worcestershire County Council	6 bedroom unit of which 4 are funded/registered for use Ofsted registered

Family-based overnight provision is accessed by 25 children and delivered through a contract held with Barnardos Services Limited.

18. The pre-consultation review of unit-based overnight provision highlighted the differences in regulation of the short break overnight residential units. In line with published guidance it has since been confirmed that each of the four overnight units falls under the regulations for Children's Homes and requires registration with Ofsted. The process of registering the two Trust-led units is underway. The two Council-led units are judged by Ofsted as Good (Providence Road, Bromsgrove, October 2017) and Outstanding (Moule Close, Kidderminster, January 2018).

19. The pre-consultation review of unit-based overnight provision took account of:

- current capacity (based on the number of beds and nights that units are open)
- current allocation of provision to families (assessed need)
- the suitability of accommodation and facilities available
- the potential to deliver additional capacity at each unit and/or to spot purchase provision
- the average cost of an overnight stay at each provision
- geographical spread of provision and families

- the potential to meet needs through 1:1 support and/or overnight family based provision.

20. The pre-consultation review concluded with a set of future service design proposals (outlined in paragraph 20 below) and on 14 December 2017 the Cabinet agreed to consult on these proposals which aimed to ensure that provision (where unit-based overnight provision is assessed as a need) continues to be available to families who are currently accessing the service and those who may be offered the service in the future, at an appropriate unit.

Future service redesign proposals

21. The future service re-design proposals contained within the consultation were to:

- Review the needs of all families currently accessing overnight unit-based (and in some cases other residential provision including residential school provision and/or hospice provision) to ensure that the needs of carers and children with disabilities are being met in the most appropriate way
- Cease the delivery of overnight provision at Ludlow Road, Kidderminster at the end of the summer term 2018 and provide suitable and alternative provision for existing users. This proposal was based on the consideration of the availability of other provision in the north of the county, the need to reduce the number of beds available to four, the potential costs of meeting Ofsted registration requirements and the potential to have more flexible and cost effective provision at Providence Road, which is also located in the north of the county
- 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.
- Review the use of Osborne Court unit in Malvern to ensure that the current capacity (including the use of the two bed 'emergency and assessment' bungalow) is used effectively.

22. Based on the above background and vision for the service, on 14 December 2017 Cabinet agreed to the recommendation that a consultation be launched with families, professionals and wider stakeholders on the proposal to redesign the delivery of overnight unit-based provision.

Consultation process

23. The consultation on the proposals outlined above was launched on 8 January 2018 and remained open until 19 February 2018. A number of further responses were received and included following this date and meetings with stakeholders, including the Worcestershire Health and Care Trust and parents/carers, continued into April 2018 and the Council remained open to responses well after the official closing date.

24. Full details of the consultation process, documents and activity are included in Appendix 2 to this report and analysis of responses follows below. In summary the consultation process included:

- publication of the consultation details on the Council's website and circulation to a wide range of stakeholders
- letters to families currently accessing overnight unit based provision advising of the consultation and follow up letters to advise of drop in sessions, parent meetings and timelines
- one to one meetings with families accessing the Ludlow Road unit
- drop in sessions at Providence Road and Osborne Court units for families currently accessing the Ludlow Road unit
- information sessions with elected members and professionals and a parent carer meeting with Councillor Andy Roberts.

25. A consultation document outlining the proposals was made available, including an Easy Read version, and shared widely, via the Council's [website](#) and directly with families, professionals and settings including the overnight units and special schools.

Consultation responses

26. Full details of responses to the consultation are contained as appendices to this report. Responses received can be summarised as follows:

On-line survey

27. An on-line survey was available for the duration of the consultation and was completed by 44 respondents.

28. A summary and full details of the recorded responses are included in Appendices 3a and 3b and can be summarised as follows:

- Most of the responses to the survey (85%) were from parent carers (35) and children/young people (2), just over half of whom (55%) stated that they currently access overnight respite through a residential unit (24). A large majority (66%) of the current service users who completed the survey are service users of Osborne Court in Malvern (9) and Moule Close in Kidderminster (7).

Responses from people who live in the Wyre Forest district (15) represented 34% of all responses. This was the highest representation from any one district. Two of the four units are located in the Wyre Forest district although service users live both within and outside of the district

- A large majority of responses (80%) were in favour of the first proposal to review the needs of all families accessing overnight unit based provision (35)
- A large majority of responses (66%) did not agree with the proposal to cease the delivery of overnight provision at Ludlow Road, Kidderminster at the end of the summer term 2018 and provide suitable and alternative provision for existing users (29)

- There was a mixed response to the proposal to increase capacity at Providence Road by the use of one or two additional bedrooms (12 agreed, 13 disagreed and 19 neither agreed nor disagreed). Concerns were expressed about overall capacity, staffing and ability to meet the needs of children with complex needs
- 19 responders (43%) agreed with the proposal to review the use of Osborne Court to ensure that the provision is used effectively. 9 responders (20%) disagreed with this proposal and 16 (37%) neither agreed nor disagreed
- The survey also asked: "Considering all four proposals as a whole, do you feel that the overnight short break needs of you and your family or the families you work with can be met?" There was a mixed response to this question depending on current provision accessed. In the main respondents are happy with their current provision and do not agree with the proposals for change
- Additional comments reflected the overall concerns that the proposals would impact on families' access to overnight respite.

Formal responses submitted by other means

28. A formal response letter (included as Appendix 4) was received from the Worcestershire Health and Care NHS Trust providing narrative on the provision at both Osborne Court and Ludlow Road and providing stakeholder and staff feedback. This feedback includes responses from parents to previous proposals in respect of Ludlow Road unit and express opposition to the proposal to cease provision at this unit. Staff feedback similarly expressed concerns regarding the proposals and the ability of alternative provision to meet the particular health needs of children currently accessing the unit. A number of queries on the data within the published position statement and commentary on the calculation of costs were included. At a meeting with the Worcestershire Health and Care NHS Trust on 19 April 2018 further information was received including financial information relating to the Trust's calculated costs of service delivery at both Osborne Court and Ludlow Road. This financial information provided commissioners with details of new information pertaining to provider's breakdown of costs for Ludlow Road and Osborne Court. This has not been previously available.

29. Further formal responses have been collated and are included in Appendix 5, personal information has been redacted to ensure confidentiality for families. These responses express the value of short breaks provision to families and endorse the quality of care and support provided, as well as expressing concerns at the proposals that potentially change the location of provision and concerns regarding the information available to parent carers about the possible alternatives. The content of these responses has been considered alongside responses received via the on-line survey, face to face meetings and group meetings.

Meetings with parents

30. Early in the consultation commissioners contacted each family impacted directly by the proposal that considered ceasing the provision of overnight short breaks at Ludlow Road. A one to one meeting was offered with a member of the commissioning team and a Social Worker from the Children with Disabilities or Young Adults' team as appropriate.

31. The purpose of these meetings was to ascertain the views of the families, including those of the child or young person concerned, about the proposals contained in the consultation and to have a discussion about what might be suitable alternative provision if Ludlow Road was not available for overnight short breaks. This was for the purposes of informing feedback on the proposals.

32. The collection of views on possible alternative provision was necessary to inform the development of proposals and to enable the commissioning team to calculate increased demand on alternative provision and to analyse how this could be met.

33. A social worker known to the family attended meetings where this was possible. In some cases this was not possible either because the social worker no longer worked for the Council or due to the timing of meetings. In every case the commissioning team worked with the family to ensure that views of professionals who were unable to attend the meetings were also obtained if possible. The amount of time and effort that families put in to arranging and engaging in these meetings and the follow-up activity, including submission of formal responses, is appreciated and valued by the commissioning team.

34. Prior to the meetings a review of the health and social care needs of each child or young person had been completed so that the commissioning team and social worker had an understanding of the needs of the family and an indication of the alternative provision that may be suitable prior to discussing this with the family.

35. Following each meeting notes were shared with families as a record of the discussion and consultation responses recorded. Due to the personal information contained within these notes they have not been included in this report.

36. Views and concerns of families on the proposals were also captured during the meetings and have been taken into consideration in formulating the recommendations in this report.

Meeting with the Cabinet Member with Responsibility

37. Following a request from parents to meet with the person with responsibility for making the final decisions on the proposals (as agreed by Cabinet on 14 December 2017), before final recommendations were made, Councillor Andy Roberts, supported by the commissioning team, met with parents and carers affected by the proposals on 8 March 2018. Parent/carers of all Worcestershire children attending one of the four overnight short break units were invited to the meeting. 8 parent/carers and 2 family friends attended.

38. The notes from this meeting have been published for those who could not attend on the Council's [website](#) and are attached as Appendix 6. The views expressed at the meeting have been considered as part of the wider consultation process.

39. Topics of discussion at the meeting included the consultation process, communication with parents, arrangements for meetings, the response to the consultation by the Worcestershire Health and Care Trust, the proposals in the consultation, funding and the next steps in the process.

Petition

40. A petition was organised by members and candidates from Wyre Forest Labour alongside a parent carer of a young person who accesses Ludlow Road short breaks unit.

41. The petition campaign was called 'Save Ludlow Road Short Breaks Respite Centre' and the detail provided was:

42. *"We, the undersigned, call upon Worcestershire County Council to maintain funding for Ludlow Road, Kidderminster, NHS Short Breaks Service, and keep it open. Further, we call upon the NHS, CCG, and other statutory health & care bodies to work with the County Council to find a solution to secure its future. Ludlow Road provides specialist care for the disabled young people that use it, and so allows their carer families the valuable respite they need. Such specialist services cannot be readily replaced and closure will likely lead to demands elsewhere in the health and care system making the closure of Ludlow Road a false economy."*

43. The total number of signatures received was 8,225. The online petition had 7,056 signatures (as of 18 February 2018) and a paper version of the petition had 1,169 signatures.

44. The parent carer leading the petition attended Council on 15 February 2018 as part of the Public Participation agenda item and presented the full petition and a collective parents' letter and read out a personal statement.

Overarching themes from the consultation responses

45. The detail of the consultation responses has been considered fully in the development of the recommendations in this report and the future proposals for the provision of overnight respite care. The broad themes that the team heard about short breaks provision were:

- Families value the respite care provided by all of the short breaks units and staff are trusted to provide the care their child needs
- It can take time for parents to recognise that this support can assist them and to develop the trust in the staff that is needed to ensure that a beneficial short break is provided
- Flexible provision that can adapt to the needs of families and to the varying health and care needs of the child or young person is essential to meet the need of families for a short break.

46. The themes the team heard about the proposals contained within the consultation document were:

- concerns about the impact of a change of provision (for those accessing Ludlow Road), particularly for young people and their transition to adult provision
- questions and concerns as to the cost, capacity and flexibility of the proposed provision and whether any savings would result from the proposed changes

- questions and concerns as to whether units run by the Council could meet the health needs of children and young people currently accessing NHS (Worcestershire Health and Care Trust) run provision
- overall support for the proposal to assess the needs of families
- opposition to the proposal to cease funding for Ludlow Road and concerns about the possible impact on families accessing other units and
- concerns as to whether reviewing the provision at Osborne Court would lead to a loss of flexibility and/or emergency provision.

47. Further detail on the content of responses from families currently accessing overnight unit based short breaks is contained in Appendix 7.

Consideration of proposals and recommendations

48. Following feedback from families, stakeholders, partners and other interested parties and considering additional information that has been submitted to date (including the Scrutiny report and CMR response) it is possible to further consider the redesign proposals and establish recommendations in relation to each proposal.

Consultation proposal 1 – review of the needs of all families currently accessing overnight unit-based respite provision

49. Consultation responses indicated support for this proposal (80% of survey responses agreed), in order to ensure that the needs of all families accessing overnight unit based provision are understood and continue to be met as appropriate. The review of need and provision is part of the continuous social worker assessment process as outlined in Appendix 10 to this report and is being undertaken by the CWD social care team and Young Adults Team.

Consultation proposal 2 – Cease the delivery of overnight provision at Ludlow Road, Kidderminster at the end of the summer term 2018 and provide suitable and alternative provision for existing users (see also proposals 3 and 4 below)

50. In considering this proposal we have taken into account feedback provided by families both during and following on from their one to one meetings and as consultation responses, the views of professionals on the health and social care needs of the children and young people. Overall responses to this consultation proposal are contained elsewhere in the report but it is important to note the considerable concern expressed by parent carers about the proposal and in particular the impact of change on them and their children. In particular, the parent carers of all older young people who responded expressed concern about the impact that a change of provision, followed by transition to adult services within a short time, would have on the young people concerned.

51. The overall assessment of suitable alternative provision **for the current service users at Ludlow Road** was analysed to give an indication of the additional capacity requirements at both Providence Road and Osborne Court, the likely impact on travel distances for current families and the overall financial impact if this proposal were implemented. This analysis is contained within Appendix 11 to this report.

Consultation proposal 3 – Increase the capacity at Providence Road overnight short breaks unit in Bromsgrove by the flexible use of one or two additional bedrooms (subject to any necessary changes to the Ofsted registration) as required

52. Consultation feedback to this proposal was mixed, based on the concerns as to whether the unit could meet the health needs of children currently accessing Ludlow Road, whether the provision could be provided without delay, and the impact of the additional costs of staffing two beds on potential savings.

53. Development of the unit, to provide additional accommodation, was completed in 2015 but has not been operational due to funding not being available for staffing costs. The accommodation comprises two fully furnished bedrooms (one of which has hoisting equipment and an electric bed), a staff sleeping in/office space, an adapted bathroom suitable for wheelchair users, lounge area with sofa, TV and chairs, access to a secure and separate (if required) garden and a small kitchen suitable for the preparation of snacks. This part of the unit can be self-contained with separate access arrangements if required or can be accessed as part of the main unit. An amendment to the current Ofsted registration of the unit as a Children's home would be required before the additional accommodation could be utilised.

54. An estimate of additional costs to the Council of increasing provision at the unit by bringing into use the two unused bedrooms and ancillary accommodation at the unit has been calculated as detailed in paragraph 64 below. This provision will be able to meet the needs of children and young people, some of whom may have specific health and care needs.

55. The additional costs considered include:

- additional staffing costs to cover a ratio of 5 staff to 6 children and increased hours for the Senior Residential Support Worker to cover additional supervision requirements
- provision of permanent night waking staff for every overnight stay (currently night waking staff are present only on nights where assessment of need indicates that this is necessary)
- additional cleaning and catering staff
- increased food and supply costs due to increased numbers
- increased activities budget.

56. The cost of child-specific equipment including additional sleep systems has not been included as it is assumed that these are child specific and would be considered on a case by case basis or transfer if a child was moving from a different provision.

57. The calculated additional cost for the operation of two additional beds 7 days a week, 52 weeks of the year has been estimated to be a maximum of £151k in a full year. However, the additional capacity is likely to be phased in according to need and therefore the full year impact of the proposal would be less than this based on occupancy levels.

Consultation proposal 4 – Review the use of Osborne Court in Malvern to ensure that the current capacity (including the use of the two bed 'emergency and assessment' bungalow) is used effectively

58. Osborne Court is a health unit for both children and adults with a range of health needs including challenging behaviours, learning and physical disabilities. Consultation responses to the proposal to review the provision varied but all, where comments were made, are in support of the provision at the unit, in favour of emergency provision being available and in favour of a review that resulted in provision being maintained at least at the current level.

59. Children and young people's short break accommodation comprises one main unit which has 6 beds, 5 of which are funded for routine short breaks, and an 'emergency and assessment' bungalow comprising 2 beds. This 2 bed bungalow is designated for emergency provision, such as care for children and young people when carers are ill or receiving treatment themselves, and is funded separately. This provision is also used to provide flexibility of provision for those children and young people displaying potentially risky and harmful behaviours.

60. The provision at Osborne Court is currently commissioned as a block contract. The cost of delivery of this provision delivered under this contract has recently been shared by the Trust. For the purposes of this report, the cost of commissioning an additional bed at Osborne Court has been estimated by the Council, from the financial information provided by the Worcestershire Health and Care Trust (see Appendix 8) at a meeting with the Council in April 2018.

61. Further work is needed with the Trust to provide clarity on the service specification for this provision including cost, capacity and monitoring arrangements and to build in to 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

62. Based on the cost per bed night provided by the Worcestershire Health and Care NHS Trust the estimated cost of commissioning an additional bed at Osborne Court, seven nights per week, is £139,000 in a full year.

63. It should again be noted that the Worcestershire Health and Care NHS Trust has applied to register the unit at Osborne Court as a Children's home. The timetable for registration indicates that this should be complete by 1 September 2018, depending on requirements for registration. The impact of this on the future operating model of the unit and its maximum capacity are not yet known.

Other relevant information

64. During the consultation questions were raised as to the likely future demand for overnight respite care based on predicted numbers of children and young people with

disabilities and the availability of alternative short break provision. Appendix 12 to this report provides additional information on trends in demand and factors likely to impact on future demand as well as further information regarding current provision which is relevant to this question.

Financial Information

65. Work undertaken over the last six months has identified that the WHCT have different costs of delivery for overnight short break provision at Ludlow Road and Osborne Court compared to those detailed in the current contracts.

66. The previously identified full cost of the Ludlow Road contract was £624K of which £546k had been funded via the Public Health Ring-Fenced Grant and £79k by the CCGs. The £546k is no longer available within the current budget, however it has been assumed that the CCG contribution of £79k will continue to be available to support the future provision. The cost of delivery at the Ludlow Road unit, based on recently provided WHCT financial information, is £458k per annum, i.e. £166k less than the contract value of £624k.

67. Based on WHCT financial information, the cost of delivery of at Osborne Court is £588k, which is £172k higher than the apportioned contract value relevant to children's services of £416k.

68. A summary of the overall full year financial implications of the original proposals is detailed in the following table, which identifies that there would be a budget shortfall of £384k against the savings requirement.

	Existing £'000	Proposal £'000
Ludlow Road	546	0
Osborne Court	416	588
	962	588
2 additional beds @ Providence Road		151
1 additional bed @ Osborne Court		139
	962	879
Savings forecast to be achievable		83
Contribution from CCGs		79
Savings required		546
Shortfall in savings		384

Consideration of consultation proposals and recommendations

69. The process of consulting on the redesign of overnight unit-based short breaks provision has improved the Council's understanding of the value and benefits of short breaks provision to families, and the cost of the provision. This report contains detailed

information (both within the report and the appendices) resulting from the consultation and the analysis of the resulting information.

70. Cabinet has also, at its meeting on 14 June 2018, considered the outcome of pre consultation engagement relating to the provision of replacement services for adults with learning disabilities. The outcome of this engagement together with the extensive feedback from families and other stakeholders to this consultation have been analysed in order to inform the following recommendations.

71. Recommendation: Cabinet are asked to note the information relating to short breaks respite provision for children with disabilities contained in this report and to note the responses received to the consultation with families, professionals and wider stakeholders on the proposal to redesign the delivery of overnight unit-based provision and the additional information and comment received during the period as outlined in paragraphs 25 to 47 above;

72. Whilst the analysis of the service re-design proposals show that the needs of families for overnight short breaks respite could continue to be met with a different configuration of beds and units, under current contractual arrangements and costs provided it may be suggested that the service re-design proposals do not realise sufficient savings to justify the change that would be required for children and young people, particularly those who are young adults.

73. Recommendation: Cabinet are asked to agree the continued delivery of short breaks overnight respite provision at Ludlow Road, Kidderminster during this financial year 2018/19 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.

74. Recommendation: Cabinet are asked to authorise the Director of Children, Families and Communities 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 in to 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.

75. The information gained through the consultation and assessment process, including health input, has confirmed that there are children accessing Ludlow Road whose health needs could equally be met at Providence Road and that this would reduce the travel time and distance for these children from home and/or school. The two additional bedrooms referred to in the consultation were created in 2015 and are fully equipped and ready for use. It is therefore proposed, subject to the necessary changes to the unit's Ofsted registration, that these two beds are brought in to use on a flexible basis to meet current and future need. This reflects appropriate use of public funds previously invested to improve and enhance Worcestershire County Council's overnight short break offer. Pending any future decision on the delivery of overnight short breaks provision, any transfer of current service users to Providence Road, from Ludlow Road, will only occur with parental agreement and based on the assessed needs of the child/young

person and in conjunction with contractual negotiations with the Trust in paragraph 83 above to ensure that the Council does not double fund provision.

76. Recommendation: Cabinet are asked to authorise the Director of Children, Families and Communities 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.

77. Cabinet will be aware of the report in June 2018 from the Cabinet Member with Responsibility for Adult Social Care on the future provision of replacement care (overnight respite) services for adults with a learning disability. During the consultation on overnight provision for children with disabilities, families with older children frequently expressed concerns regarding the potential impact of change as their children approach the transfer to adult services for young adults, including uncertainty as to the availability and location of adult provision. There is an opportunity for the two directorates to work together with parents and carers on the co-design of services for young adults, alongside co-design activity with parents, carers and wider stakeholders to consider the provision of short break provision across all ages to increase choice and flexibility of provision now and in the future.

78. Recommendation: Cabinet are asked to authorise the Director of Children, Families and Communities in consultation with the Director of Adult Services to undertake co-design activity with parents, carers and wider stakeholders on short break/respite provision, including the provision for young people as they approach transition to adulthood, to ensure appropriate transition to adult services and/or independent living.

79. Current delivery of overnight unit based provision through a block contract and County provided units, does not lend itself to the use of personal budgets and choice and flexibility of provision for families. Work is needed with potential providers of overnight provision to engage in dialogue as to how this provision can be developed alongside current service delivery.

80. Recommendation: Cabinet is asked to endorse 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 these options and implementing improvements where appropriate.

81. Recommendations: Cabinet is also asked to endorse the proposal to engage with Families in Partnership (the recently formed parent carer forum) in order to address concerns raised throughout this process in relation to pre-engagement with parent carers and the proposal to engage with advocacy services for both children and adults to support engagement in service redesign and improvement.

82. Financial savings are still required and that to the extent that any future proposals for service change require formal consultation with relevant stakeholders, further reports will be brought back to Cabinet at a future date as required to authorise consultation on such proposals.

Legal Implications

83. The statutory duty to provide short break provision is contained in Schedule 2 to the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 which require local authorities to provide services which are designed to give respite breaks for parents and carers of children with disabilities in order to assist them to continue to provide care or to do so more effectively. More generally, Section 27 of the Children and Families Act 2014 requires the Council to keep under review the social care etc provision for children and young people who have SEN or a disability, and consider the extent to which that provision is sufficient, having regard to the assessment of needs and joint health and wellbeing strategy.

HR implications

84. The identified HR implications for the Council arising directly from this report relate to the additional staff that are potentially required in order to support the use of two additional beds at Providence Road which is a unit operated by the Council. The Worcestershire Health and Care NHS Trust are working with their staff regarding any implications in relation to Osborne Court and Ludlow Road arising from this report.

Financial implications

85. The report to Cabinet in December 2017 identified that the financial impact of the proposals within the consultation would be finalised as part of the consultation process. A recurring budget reduction of £546k has been applied to this and future years' budget due to the decrease in Public Health Ring-Fenced Grant. This report provides further implications of the financial impact and has also highlighted that there are differences between the contract value funded by the Council and the cost incurred by the Trust for service provision at both Osborne Court and Ludlow Road. Further work is therefore needed between the Council and Worcestershire Health and Care Trust to clarify the contract values for this provision.

86. The results of the consultation costs of alternative provision and analysis of information received show that the planned savings of £546k will not be fully achieved by implementing these proposals, and therefore achievement of the savings will be delayed further. The in-year financial implication has been mitigated by identifying alternative one-off sources of funding to meet the budgetary shortfall. The Council will need to consider how to meet those planned savings, and options for the future assessed in the light of the commercial work to be undertaken as set out in this report.

Privacy and Public Health Impact Assessments

87. These proposals have no direct impact on information risk or privacy impact at this stage.

88. These proposals have no direct impact on information risk or privacy impact at this stage.

89. A Public Health Impact Assessment of the proposals is not required at this stage based on a review of the recommendations within this report.

Equality and Diversity Implications

90. The Council is fully aware of its Public Sector Equality Duty obligations as set out in numerous reports to Cabinet. An Equality Impact Screening of the proposals within the consultation indicated that a full Equality Impact Assessment was required. The completed EIA for the recommendations in this report is attached as appendix 9.

Supporting Information – Available electronically only

- Appendix 1:** Response of 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
- Appendix 2:** Summary of consultation activity
- Appendix 3a:** Summary of the responses to the on-line consultation survey
- Appendix 3b:** Detail of the responses to the on-line consultation survey
- Appendix 4:** Response from the Worcestershire Health and Care NHS Trust to the consultation
- Appendix 5:** Summary of other formal responses to the consultation
- Appendix 6:** Notes of the meeting of the Cabinet Member with responsibility for Children and Families with parent carers
- Appendix 7:** Content of letter from families accessing unit based short breaks
- Appendix 8:** Financial information received from Worcestershire Health and Care NHS Trust
- Appendix 9:** Equality Impact Assessment
- Appendix 10:** Social work assessments

Appendix 11: Analysis in relation to consultation proposal 2

Appendix 12: Additional relevant information in relation to demand and provision

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of the Cabinet held in July 2015, 16 May 2016 and 14 December 2017

[Report](#) of the Overnight Unit-Based Short Breaks for Children with Disabilities Task Group – as presented to the Overview and Scrutiny Performance Board meeting on 26 April 2018.

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CABINET
12 JULY 2018**JOINT LOCAL AREA SPECIAL EDUCATIONAL NEEDS AND
DISABILITY (SEND) INSPECTION - LOCAL AREA ACTION
PLAN**

Relevant Cabinet Member

Mr M J Hart

Relevant Officer

Director of Children, Families and Communities

Recommendation

- 1. The Cabinet Member with Responsibility for Education and Skills recommends that Cabinet:**
 - (a) notes 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;**
 - (b) acknowledges 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) authorises the Cabinet Member with Responsibility for Education and Skills, in the light of the required timescales, to approve the Action Plan on behalf of the Council for sending to Ofsted/CQC.**

Background

2. A Joint Ofsted and Care Quality Commission (CQC) local area¹ Special Educational Needs and Disability (SEND) inspection took place 5 – 9 March 2018. The inspection of the Local Area¹ involved an evaluation of the commissioned services of the CCG and the Council, provider services, schools and education providers. It should be noted that it was an inspection of the work of the Council on SEND and also that of our key strategic partners for this work, the three Clinical Commissioning Groups in Worcestershire. The findings of the Inspection were published on 16 May 2018 (attached as an Appendix).

3. The inspection raised concerns about the effectiveness of the local area¹, and the issues identified included:

¹ The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years settings, schools and further education providers.

- Safeguarding concerns around:
 - children and young people from London boroughs who are housed locally
 - the use of long-term part-time timetables
 - children taken off roll and missing education
- the CCGs' lack of strategic leadership in implementing the SEND reforms
- the current poor quality of the existing SEND Strategy action plan the lack of joint commissioning arrangements
- the variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEN and/or disabilities
- the lack of suitable specialist provision to meet the identified needs of children and young people
- the fragile relationships with parents and carers and the lack of meaningful engagement and co-production and collaboration
- the poor quality of EHC plans including the limited contributions from health and social care and the processes to check and review the quality of EHC plans
- the lack of systems to track outcomes for children and young people who have SEN and/or disabilities in special schools, post-16 provision, young people who are NEET and youth offenders effectively
- the disproportionate numbers of children and young people who have SEN and/or disabilities who have been permanently excluded from school
- the quality of the Local Offer
- academic outcomes, behaviours and attendance of children and young people who have SEN and/or disabilities.

4. Improving outcomes for vulnerable children and young people, which includes those with a special educational need and/or a disability (SEND), is a key priority within the Children and Young People's Plan and is dependent on, and expected of, effective partnership collaboration between strategic health bodies and the Council.

5. The Local Area¹ Inspection resulted in the request that a Written Statement of Action (Action Plan) be prepared by the Local Area¹ and submitted to OFSTED/CQC within 70 days of the publication of the report. Work is taking place to produce this Action Plan, demonstrating how we will tackle areas for improvement identified by the Joint Local Area¹ SEND Inspection. The plan is currently in draft form and includes actions and tasks to ensure there is a single implementation plan that responds to the findings of the SEND local area¹ inspection, the recent Peer review carried out at the request of the Council by the Local Government Association (LGA) in December 2017 (Appendix 2) and ensures effective implementation of the SEND strategy actions. The primary aim of this plan is to build trust and confidence in the system that supports parents, carers and children and young people with SEND.

6. On 20 June the SEND Improvement Board met to discuss the draft Action Plan. The Board includes representation from the CCGs, Families in Partnerships, Special Schools, WH&CT, Babcock, Ourway Advocacy, Youth Justice and SENDIASS and officers from the SEND Services within the Council. The SEND Improvement Board gave constructive feedback and it was agreed that over the next 6 weeks work with all key partners will continue to ensure we have a comprehensive and multiagency

response, which is fit for purpose and has full support from stakeholders including parents / carers, children and young people.

7. The action plan will have resource implications for workforce and finance. Cabinet will already be aware of the pressures on the High Needs Block of the Dedicated Schools grant, which is an allocation specifically to fund those children and young people with special educational needs and disabilities. In 2017/18 the High needs block faced an additional cost pressure of £3.4million which was funded from centrally held school reserves. This is not sustainable in the long term. The HR and financial implications will be considered as part of the action plan development.

8. Given the timescales required for return of the Action Plan and the timing of Cabinet meetings, it is recommended that the Cabinet Member with Responsibility for Education and Skills be given delegated authority to approve the Action Plan on behalf of the Council. From the CCGs' perspective, it is intended that the Action Plan will be approved by the CCG Governing Body for final submission to CQC/OFSTED by 20 August 2018.

Privacy and Public Health Impact Assessments

9. Screenings will be carried out for both Privacy and Public Health Impacts and if appropriate, more detailed assessments will be done on individual workstreams.

Equality and Diversity Implications

10. The overarching objective of the proposed action plan is to improve education opportunities for Children with SEND and support for them and for their families/carers. Proposed change will have positive Equality Impact. More detailed equality assessment will be carried out for individual work streams, where appropriate.

Contact Points

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Background Papers

Appendix 1- OFSTED/CQC Joint Local Area SEND Inspection in Worcestershire
Appendix 2 – Local Government Association - Peer Review
http://www.worcestershire.gov.uk/info/20546/news_and_updates_the_local_offer/1614/s_end_inspection_and_peer_review

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3 May 2018

Dr Catherine Driscoll
Director of Children's Services, Worcestershire LA
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Simon Trickett, Accountable Officer, NHS South Worcestershire Clinical
Commissioning Group
Lyndon Thomas, Local Area Nominated Officer

Dear Dr Driscoll

Joint local area SEND inspection in Worcestershire

Between 5 March 2018 and 9 March 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Worcestershire to judge the effectiveness of the area in implementing the special educational needs and disability (SEND) reforms as set out in the Children and Families Act 2014.

The inspection was led by one of Her Majesty's Inspectors (HMI) from Ofsted, with a team of inspectors including an HMI, an Ofsted Inspector and a children's services inspector from the CQC.

Inspectors spoke with children and young people who have special educational needs (SEN) and/or disabilities, parents and carers, and local authority and National Health Service (NHS) officers. They visited a range of providers and spoke to leaders, staff and governors about how they were implementing the SEN reforms. Inspectors looked at a range of information about the performance of the local area, including the local area's self-evaluation. Inspectors met with leaders from the local area for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning.

As a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action is required because of significant areas of weakness in the local area's practice. HMCI has also determined that the local authority and the area's clinical commissioning group (CCG) are jointly responsible for submitting the written statement to Ofsted.

This letter outlines our findings from the inspection, including some areas of strength and areas for further improvement.

Main findings

- Leaders recognise that the local area has suffered from a lack of strategic direction in the past. This has had a negative impact on the timely implementation of the SEND reforms. The director of children's services acknowledges that they are 'late to the party', and there is still much work to do. Currently, children and young people who have SEN and/or disabilities are not provided with the quality of support and service to which they are legally entitled. There is now a concerted drive and commitment to make these improvements, but the impact of these actions is yet to be seen.
- Commissioners' strategic oversight of the delivery of some services in the local area is weak. Although meetings take place to monitor the performance of commissioned services, the focus is on making sure that actions are completed rather than focusing on the quality of the service and the impact on outcomes for children and young people.
- The local area has not given sufficient priority to the SEND reforms. Strategic local area documents, such as the joint health and well-being strategy, make no discrete reference to SEND. The joint strategic needs assessment and sustaining transformation plan lack a focus on children and young people with the full range of SEN and/or disabilities.
- The local area has recently developed its SEND strategy but it is at an early stage of implementation. Many of the requisite actions, which underpin a comprehensive and well-evidenced strategy, are either still in development or have just been finalised. There has been limited engagement with parents and professionals in devising the strategy. Both parents and professionals talked of their frustration in not being consulted. Lines of accountability are not clear.
- There is currently no designated clinical officer or designated medical officer in post. The provisional arrangements to fill the vacancy do not reflect the breadth of the role sufficiently in terms of both strategic and operational duties. From a health perspective, this hampers the strategic oversight and pace of change.
- Relationships with parents and carers are fragile. Parents and carers are overwhelmingly negative about their experiences and involvement with the local area. Many feel that they are not listened to by officers and frequently told inspectors that they had to 'fight' to get the right support for their child.
- While the local area has developed a 'co-production charter', leaders were unable to provide any meaningful evidence of co-production (a way of working where children and young people, families and those that provide the services work together to create a decision or a service which works for them all) with parents, carers, children and young people. This is contrary to the requirements set out in the code of practice.
- The local offer is not fit for purpose. The overwhelming majority of parents, children and young people who have SEN and/or disabilities, and professionals were either not aware of the local offer or had little success when they tried to

use it. Leaders have begun redeveloping their local offer but this work is still in very early stages of development.

- Too few education, health and care (EHC) plans have been issued within the statutory timeframes. While the local area is now on track to meet the April 2018 deadline of conversions of statements to EHC plans, the wider adherence to statutory timescales for the completion of plans is not being achieved consistently well.
- The quality of EHC plans is poor. Health and social care professionals are not actively involved in the assessment process and subsequent planning of support to meet children's and young people's needs. As a result, the child's or young person's health and social care needs are not being identified sufficiently well or met effectively.
- Exclusions from school are rising for children and young people who receive support for their SEN and/or disabilities but do not have an EHC plan.
- There is strong commitment and drive from some professionals on the ground in education, health and social care to improve the quality of the local area's provision. Inspectors saw pockets of excellent practice in the local area, along with a commitment to high-quality services for children and young people who have SEN and/or disabilities. However, the overall quality of provision for children and young people who have SEN and/or disabilities in the local area is variable. This is due to the historical lack of strategic oversight and leadership in the local area.
- While the local area is aware of children and young people who have SEN and/or disabilities, leaders do not currently keep a formal 'children with disabilities' register.
- Inspectors identified potential safeguarding concerns relating to the use of part-time timetables, children and young people being removed from school rolls, and the local area's tracking of vulnerable children housed in the local area by some London boroughs. There is currently a lack of strategic oversight of these areas of concern.
- Leaders recognise the benefits of strengthening accountability for improved outcomes and better use of resources across education, health and care. The speech and language therapy service is an example of a successful partnership between the CCGs, the local area and the local providers. Leaders have recently developed a joint commissioning strategy, which is awaiting ratification. However, the lack of joint commissioning is creating tensions in terms of funding services and in the supply of specialist equipment, where the education and health boundaries are less clear.
- The determination of leaders to ensure that the overall picture for children and young people who have SEN and/or disabilities improves is beginning to be recognised by some professionals across the area. Recent changes in leadership have been described as being 'like a breath of fresh air'.

The effectiveness of the local area in identifying children and young people's SEN and/or disabilities

Strengths

- Children, young people and families benefit from the support given by the 'starting well' public health nursing service. Support includes drop-in sessions at school, contact with health visitors for mandatory child development checks and assistance through the telephone advisory service. If nurses have concerns about a child, they can make direct referrals into therapy services or the child development team. As a result, nurses can identify additional needs and seek specialist support quickly.
- The identification and intervention for children and young people who have sensory impairments is effective. This begins at an early age, and complements the quality early years provision that exists in the local area.
- School nurses attend termly 'vulnerability meetings' with school safeguarding leaders, to identify, monitor and support vulnerable children and young people who have SEN and/or disabilities.
- Health visitors benefit from effective training, enabling them to support families well. They attend reviews for children looked after to ensure that these children are provided with coordinated support for their needs.
- The most inclusive education settings ensure that children's and young peoples' needs are identified swiftly. Leaders of these settings make sure that the right support is in place to help children and young people make progress and improve their overall outcomes.
- Despite previous delays, the local area is now on track to complete conversions of statements to EHC plans by April 2018.

Areas for development

- Infants in Worcestershire do not benefit from the integrated two- to two-and-a-half-year health check carried out by health visitors and early years settings. Informal, ad hoc arrangements are in place to share information but these do not ensure that there is a consistent and holistic assessment of children's needs.
- The multi-agency pre-school forums, which help to identify children in need of a specialist setting, are predominantly health-led. As a result, children who need additional support for needs that are not health-related may experience a delay in receiving the support they require, as they are not identified quickly enough.
- The impact of the reduced, and soon-to-be-removed, portage service (home-visiting educational service for pre-school children who have SEN and/or disabilities and their families) is of grave concern to both parents and professionals. The local area has not yet considered the impact of this on the support available for parents of young children who have SEN and/or disabilities.

- Leaders acknowledge that children's and young people's needs are not identified consistently well. There is a lack of clarity among parents and professionals regarding referral pathways because of fragmented communication from the local area. Too many parents and carers report that they have to fight to get their child's needs identified, and many feel they are not believed by professionals when they voice their concerns. Some parents resort to funding their own assessments for their children so that they can get the help they need.
- Parents and carers consistently report that the 'tell it once' strategy, highlighted in the SEND reforms, is not embedded in the local area. As a result, they have to repeat their 'story' over and over again to a variety of professionals.
- A lack of transparency about the referral process leads to confusion and subsequent delays in the timely identification and assessment of the needs of children and young people. Parents agreed with the view expressed that 'there is no clear route for support – you just have to keep on and on to get the right support for your child. It's exhausting.' The lengthy dyslexia pathway document lacks clarity and confuses parents and professionals alike. The area's own overview and scrutiny performance board acknowledged that the diagnosis of autistic spectrum disorder (ASD) through the local area's 'umbrella pathway' was 'not as timely and efficient as possible'. Furthermore, once a diagnosis of ASD has been made, the only follow-up is in the form of a leaflet. This leaves parents feeling unsupported at the end of a long and arduous process.
- Too few EHC plans are completed in a timely way. Most are completed way beyond the statutory timeframe, serving to anger and frustrate parents and professionals. One parent echoed the views of many others, saying, 'My child and the whole family are so damaged from all the delays and difficulties in getting what we need.'
- There is no system to quality assure the EHC plans once they have been written. Therefore, the quality of the plans is poor. Children's needs are not recorded accurately, and they are not written in a way that is easily understood by children and their families. Outcomes are not specific enough and do not take account of the child's wishes or ambitions.
- The 'early help' strategy is at an early stage of development. It is not yet effective in identifying the most vulnerable children and young people who have SEN and/or disabilities.
- Not all general practitioners' (GP) practices participate in multi-agency meetings to discuss vulnerable families with other relevant health professionals. Consequently, some children may not have a coordinated approach to their care, and risks may not be shared in a timely way.
- There are no clear criteria for travel training, which serves to frustrate parents. Transport information for parents on the local offer leads to further confusion and delay in getting timely support and advice. Parents and professionals told inspectors that it is difficult to access transport to early years specialist settings.
- The changes to service arrangements in children's centres along with the

redesign of the health visiting service have resulted in a high level of demand at drop-in clinics. While parents are able to access the health visitor telephone advice service, there is limited capacity to meet the needs of parents who wish to have face-to-face contact with a health visitor.

The effectiveness of the local area in assessing and meeting the needs of children and young people who have SEN and/or disabilities

Strengths

- The 'modelled intervention' and 'additional assessment' groups provide good opportunities for a thorough assessment of infants' needs. The 'nursery assessment' classes are an excellent example of inclusive practice. These groups allow professionals to assess additional needs and make sure that further referrals to other services take place if required.
- Children, young people and families who have speech, language and communication needs benefit from a coordinated approach by the speech and language therapy (SALT) service. The service ensures that practitioners, health visitors and teaching staff receive regular training in how to support children and young people who have speech, language and communication needs.
- The speech, language and communication needs pathway is clear and easily accessible to families and practitioners via the NHS website. The SALT service uses social media effectively to increase access and provide resources for all users.
- Outreach support in the local area is a strength. Children and young people with physical disabilities and sensory impairments benefit from timely support. The behaviour outreach service in South Worcestershire provides training and advice for schools, as well as targeted six-week interventions for children in a specialist setting. As a result, a large majority of these children are able to return successfully to their mainstream school.
- Local charities are making a positive difference to the lives of children and young people who have SEN and/or disabilities, and their families, through help and targeted support. Families spoke positively about the support they receive from the local charity What Makes You Different Makes You Beautiful. Inspectors saw positive examples of support for families provided by Action for Children, a commissioned provider of early help, parenting and family support for children and young people and their families in South Worcestershire.
- Parents and carers speak highly of the special educational needs and disabilities information advice and support service (SENDIASS). It is well used and receives a large number of requests for support from parents and carers. The service is currently feeling the pressure from the increased number of parents requiring help with requesting an EHC assessment. SENDIASS's employment of a young people worker enables them to engage directly with young people to provide information, advice and reassurance about their options. The worker has begun work with young people, co-producing documents for the service.

- Some schools are now improving provision across a wider area, beyond their own school. Others are working together to jointly commission services to reduce costs. Autism resource bases are delivering support programmes based on research evidence. These are having a positive impact on the support that children receive both at the provision and within the wider school community.
- Children and young people have a strong sense of self and their abilities. They are aware of their conditions and needs, relative to their ages and abilities. They talked to inspectors with confidence about how their needs affects their lives, and how parents and professionals support them. They want to be known for their strengths and not their SEN and/or disabilities.

Areas for development

- Children looked after are not consistently having their health assessments completed within statutory timeframes. This means that some young people may experience a delay in having their needs assessed.
- High demand for physiotherapy and occupational therapy services means that most children and young people are assessed and reviewed, but have limited access to ongoing intervention. In addition, provision for children who require respiratory physiotherapy within the community is no longer available. Commissioners recognise that accessing the service via an acute setting is not a good use of resources.
- Professionals and parents expressed concerns about the waiting times and the high threshold to access support for children and young people with social, emotional and mental health issues. A significant number of parents reported that their child's mental health was adversely affected because the provision was not meeting their needs sufficiently well. While services to improve the mental and emotional well-being pathway have begun in the past year, it is too early to see the impact of these.
- The local offer is not fit for purpose. Leaders have plans to address this, but currently it provides little helpful, easy-to-find information. Parents and professionals who know about the local offer say that it is not helpful. Many parents, and all the children and young people to whom inspectors spoke, are unaware of the local offer and its purpose.
- There is no properly constituted panel who make decisions about assessments for EHC plans. Currently, decisions are based on education information. Health and social care professionals are not normally consulted during the assessment process. As a result, health and social care recommendations do not routinely inform the request for an EHC plan assessment or the subsequent plan. This is the case even when children have significant health or social care needs. The majority of parents who spoke with inspectors support this view.
- There is a significant shortage in education provision in the local area for children and young people whose needs should be met in a specialist setting. Currently, 111 children are waiting to be allocated a place in a special school, and 25

children are not receiving education. The demand for specialist provision in the local area, where special schools are already full means that children and young people have to be educated out of county. As a result, additional financial demands are made of the already overspent high needs funding budget.

- Some schools work in ways that are in complete contrast to the spirit of the SEND reforms. They are not inclusive. Local area leaders are beginning to address this with school leaders but it is too early to see any impact of this challenge. Parents recognise that the commitment of school leaders and special educational needs coordinators (SENCOs) is pivotal to the support for their children. However, there is variation between providers. School leaders are sometimes allowing funding to be a factor in their request for an EHC plan assessment.
- A number of schools are carrying out 'grey' exclusions through their use of part-time timetables. The local area is now aware of this. However, the local area does not check attendance information from schools sufficiently well. Leaders do not identify emerging patterns of poor attendance or challenge schools about this unlawful practice. As a result, too many children are not receiving their statutory entitlement to a full-time education.
- The local area's medical education team does not reintegrate children back in to mainstream education quickly enough, or secure a more appropriate placement. Parents expressed their concern about this provision.
- Leaders in the local area have not ensured that the two parallel-running SENCO forums are coordinated. This results in a duplication of support and advice to schools.
- The parent carer forum, Families in Partnership, has only recently been re-established, following a gap in the provision. The forum is now beginning to rebuild links with parents, carers and the local area. Trust needs to be built so that parents feel involved and listened to. Only then can true co-production and collaboration begin.

The effectiveness of the local area in improving outcomes for children and young people who have SEN and/or disabilities

Strengths

- Positive steps have been taken to increase engagement between children and young people aged 14 and over who have SEN and/or disabilities and primary care. A large number of children and young people now benefit from annual health checks completed by their GP. They are also offered comprehensive health action plans and hospital passports.
- Academic outcomes at key stage 1 for children who have SEN and/or disabilities are higher than the national average. This is also the case for children looked after who have SEN and/or disabilities at the end of key stage 1.
- The young adults' social care team ensures that outcomes for young people are central to their planning. The team has both a housing and an employment

officer. They are key to the significantly higher number of adults than the national average who have SEN and/or disabilities in employment and settled housing.

- 'My past, my present, my future' training workshops, designed by young adults, parents and professionals, are beginning to reduce the dependency on health services in preparation for adulthood.
- A careers and enterprise SEND network linked to the local enterprise partnership is raising the aspirations of young adults who have SEN and/or disabilities. Some young people to whom inspectors spoke articulated their ambitions for their future clearly. They knew who was going to help them to achieve their goals.
- The recently introduced local area's 'aiming for outstanding' policy is sharply focused on making a difference to the quality of teaching and leadership and management in schools. Officers know which schools are not having a positive enough impact on outcomes for children and young people who have SEN and/or disabilities. Tailored coaching programmes are now being introduced to address areas of weakness, and the recently introduced 'escalation policy' is beginning to hold lower-performing schools to account.
- Travel training, when available, is having a positive impact on improving young people's independence. The majority of young people who received support are now travelling independently to their place of study.

Areas for improvement

- Standards at the end of key stage 2 and 4 achieved by children and young people who have SEN and/or disabilities in Worcestershire are below those seen nationally. It is a similar picture for phonics outcomes. The local area has implemented a key stage 2 action plan, but this has had limited success so far in closing the gap with national figures.
- Absence and persistent absence rates for children and young people who have SEN and/or disabilities are higher than the national averages. The rates of permanent exclusions for these children and young people are rising sharply, and are well above the national averages. Parents and professionals note that the lack of specialist provision in the local area leads to some children being excluded before a more suitable provision can be found. Equally, where providers do not quickly and accurately identify and support children's needs, this can also lead to exclusions.
- Leaders do not track outcomes for children and young people who have SEN and/or disabilities in special schools, so do not know how well they are achieving. Leaders recognise that systems for collecting and analysing outcomes and destination information for young people beyond key stage 4 are not robust. Monitoring of the impact of alternative provision is at an early stage of development.
- Access to short breaks is limited and commissioners are currently reviewing the provision. The use of personal budgets is much lower than the national average

and parents report that they are limited in ways in which budgets can be used.

- The decision-making process for securing specialist provision for young people with the most complex needs into adulthood is not clear to parents and professionals. As a result, there is confusion, frustration and dissatisfaction.
- The local area is currently reviewing its commissioning arrangements for young people who have SEN and/or disabilities and who are not in education, training or employment (NEET). There is currently a disproportionately high number of young people who have SEN and/or disabilities who are not in employment and training or further educational study. Study programmes commissioned through MENCAP are supporting limited numbers of young people with EHC plans. The local area collects limited information about the progress and outcomes of young people who have SEN and/or disabilities who are NEET, so cannot evaluate progress of this group.
- The local area does not collect information about youth offenders who have SEN and/or disabilities sufficiently well. Consequently, they cannot ensure that they are receiving support that is tailored to their needs and abilities.

The inspection raises significant concerns about the effectiveness of the local area.

The local area is required to produce and submit a Written Statement of Action to Ofsted that explains how the local area will tackle the following areas of significant weakness:

- the safeguarding concerns around: children and young people from London boroughs who are housed locally; the use of long-term part-time timetables; children taken off roll and missing education;
- the CCG's lack of strategic leadership in implementing the SEND reforms;
- the current poor quality of the action plan required to implement the new SEND strategy;
- the lack of joint commissioning arrangements;
- the variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEN and/or disabilities;
- the lack of suitable specialist provision to meet the identified needs of children and young people;
- the fragile relationships with parents and carers and the lack of meaningful engagement and co-production and collaboration;
- the poor quality of EHC plans including the limited contributions from health and social care and the processes to check and review the quality of EHC plans;
- the lack of systems to track outcomes for children and young people who have SEN and/or disabilities in special schools, post-16 provision, young people who are NEET and youth offenders effectively;

- the disproportionate numbers of children and young people who have SEN and/or disabilities who have been permanently excluded from school;
- the quality of the local offer;
- academic outcomes, behaviour and attendance of children and young people who have SEN and/or disabilities.

Yours sincerely

Ofsted	Care Quality Commission
Lorna Fitzjohn Regional Director	Ursula Gallagher Deputy Chief Inspector, Primary Medical Services, Children Health and Justice
Deb Jenkins HMI Lead Inspector	Kaye Goodfellow CQC Inspector
Matthew Rooney Ofsted Inspector	Lea Pickerill CQC Quality Assurance
Simon Mosley Her Majesty's Inspector	

Cc: Department for Education
 Clinical Commissioning Group(s)
 Director Public Health for the local area
 Department of Health
 NHS England

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CABINET
12 July 2018**A38 BROMSGROVE MAJOR SCHEME**

Relevant Cabinet Member

Dr K A Pollock

Relevant Officer

Director of Economy & Infrastructure

Local Member(s)

Mr C J Bloore

Mrs R L Dent

Mr P M McDonald

Mr K Taylor

Mrs S A Webb

Recommendation

- 1. The Cabinet Member with Responsibility for Economy and Infrastructure recommends that Cabinet:**
 - a) notes the overall concept of the A38 Bromsgrove Scheme and progress made to date;**
 - b) supports the continued progress of the scheme and notes the further work required to finalise the project deliverables, especially in terms of planning strategy, securing funding and land acquisitions;**
 - c) notes the importance of improvements to the A38 in advance of proposed developments, with particular reference to Whitford Rd, Perryfields and Foxlydiate applications;**
 - d) notes the need for some flexibility within and between the packages of work within the overall scheme;**
 - e) requests that the Director of Economy and Infrastructure brings a detailed report on Package 1 of the A38 improvements to Cabinet in Autumn 2018; and**
 - f) supports taking preparatory steps in the interim towards the commencing of Package 1 of the scheme without prejudice to that later decision.**

Why is this decision important?

2. As a key component of the Infrastructure Delivery Plan this scheme is aimed at supporting the sustainable growth of Bromsgrove by enhancing the A38 Bromsgrove Eastern Bypass. There is a requirement to give support to this in advance of the relevant planning applications.

Background

3. The delivery of the overall A38 Bromsgrove Major Scheme programme is essential to support growth identified in the adopted Bromsgrove District Plan. The scheme is a key component of the transport Infrastructure Delivery Plan and would support the sustainable growth of Bromsgrove by enhancing the A38 Bromsgrove Eastern Bypass. Development of the scheme has been funded as agreed in 2015 and 2016. The proposed initial phase of the overall scheme, Package 1, consists of enhancements and improvements to three junctions, the M5 Junction 4, Barley Mow Lane junction and the M42 Junction 1.
4. The overall A38 Bromsgrove Major Scheme works would also be critical in helping to support the objectives of the Redditch Local Plan, the County Council's LTP4 and both the Worcestershire and Greater Birmingham and Solihull Strategic Economic Plans prepared by the Local Enterprise Partnerships.
5. The key issues for the A38 corridor in Bromsgrove have been identified as:
 - There is significant congestion across the local Bromsgrove transport network
 - The A38 strategic corridor, the approaches and the town centre suffer significant congestion, particularly at peak times. On average over a 12 hour period, delay accounts for 23% of total journey times on the highway network
 - The transport network in Bromsgrove is car dominated (particularly for local trips), which is resulting in environmental deterioration
 - The A38 corridor has two Air Quality Management Areas
 - Junction design within Bromsgrove is of variable quality resulting in congestion at junctions.
6. The concept details are shown at **Appendix A**. Concept design drawings showing the schemes included in the Bromsgrove A38 Scheme are contained in **Appendix B**. The sites and proposed works are as follows:
 - A38/B4091 Hanbury Road traffic signals – widening of the A38 southbound approach to provide a long left turn flare;
 - A38/Buntsford Drive roundabout – widening of the A38 northbound approach and exit towards Austin Road roundabout;
 - A38/Austin Road/Sherwood Road roundabout – widening of the A38 northbound approach to two lanes and provision of two lanes on the exit link to Charford Road signals;

- A38/Charford Road traffic signals – localised widening of side road arms and upgrade of signals to provide near-sided pedestrian aspects and on-crossing detection;
 - A38 /B4184 New Road traffic signals – widening of the southbound approach to provide two lanes for the ahead movement;
 - A38 /A448 Bromsgrove Highway (Oakalls) roundabout – widening of the A38 northbound, A38 southbound and A448 westbound entries to the roundabout with widening of the A38 northbound exit to two lanes and ancillary relining and signing of the circulatory carriageway;
 - A38/Birmingham Road – refurbishment of the existing signal including an upgrade to introduce MOVA control;
 - M42 Junction 1 – widening of the A38 southbound approach to provide three long entry lanes as well as widening of the A38 northbound exit to provide two lanes on exit from the roundabout;
 - A38/Barley Mow Lane – localised widening of the carriageway in order to provide a A38 southbound ghost island right turn facility;
 - A38 Marlbrook Crossroads – reconfiguration of the junction to provide two ahead lanes for the A38 arms with merge on exit arrangements and introduction of pedestrian facilities on the south side of the junction;
 - M5 Junction 4 (from Woodrow Lane) – widening of the A38 between Woodrow Lane and M5 Junction 4 to provide two lanes on the approach to M5 Junction 4 as well as two exit lanes over a considerable distance.
7. It is currently envisaged that the improvements would be delivered in five packages. These current packages are summarised in **Appendix A**. As the scheme develops it is likely that some flexibility within and between the packages may be necessary.
8. In order to progress the scheme there are a number of parameters requiring further detail during summer 2018 before the works can be prioritised for implementation. These parameters include:
- Planning Strategy (if not within Permitted Development)
 - Funding Strategy and land acquisition (by Compulsory Purchase Order if not by private treaty)
 - Deliverability
 - Responsiveness to effects of development.
9. As stated earlier, the delivery of the overall A38 Bromsgrove Major Scheme programme is essential to support growth identified in both the adopted Bromsgrove District Plan and the Redditch Borough Local Plan. There is a direct link with the following proposed developments:
- Whitford Road: 490 houses plus retail space
 - Perryfields: 1,300 new homes and include a proportion of affordable housing, new school, new employment and retail space, a provision of elderly care homes, and open space including formal sports pitches.
 - Foxlydiate: 2,800 homes, together with a new primary school, community facilities and open space

Legal, Financial and HR Implications

10. The total cost of the scheme is currently being reviewed. Funding of £7.5m is secured through the Local Growth Fund, in addition a number of funding options are being pursued;
- £2.8m bid to Highways England Growth and Housing Fund
 - £2.3m bid to Greater Birmingham and Solihull Local Enterprise Partnership
 - £10.9m bid to the Housing Infrastructure Fund
 - £5.3m contribution from developers
 - All other potential funding options will be pursued, including any opportunities with Major Road Network funding.
11. A Planning Strategy and Land Acquisition Strategy are being developed in order to clarify the options available. The land acquisition strategy will consider the potential need for Compulsory Purchase Orders (CPO) should it not be possible to acquire the land for the scheme through negotiation. Details of this to be included in a further report to Cabinet in Autumn 2018.

Privacy and Public Health Impact Assessments

12. Health implications will be identified by assessing changes in the opportunities for increased physical activity through cycling and walking. In addition, work will be carried out with Worcestershire Regulatory Services to deliver improved air quality within the designated Air Quality Management Area.

Equality and Diversity Implications

13. An Equality Relevance Screening is currently being undertaken. It is anticipated there will be minimal Equality and Diversity implications.

Supporting Information

- Appendix A: Concept
- Appendix B: Concept Design Drawings for Schemes in Bromsgrove Transport Package
- Appendix C: Bromsgrove District Plan (2011-2030):
 - www.bromsgrove.gov.uk/council/policy-and-strategy/planning-policies/local-development-plan/the-bromsgrove-district-plan-2011-30.aspx

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Background Papers

In the opinion of the proper officer (in this case the Director of Economy & Infrastructure) the following are background papers relating to the subject matter of this report:

Report to [Cabinet](#) 5 February 2015 on the Budget;

Report to [Cabinet](#) 4 February 2016 on the Budget and Council Tax 2016-17.

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Overview of the A38 Bromsgrove Major Scheme

The A38 Bromsgrove Major Scheme will support the sustainable growth of Bromsgrove, Redditch and South Birmingham by enhancing the existing A38 Bromsgrove Eastern Bypass. The full scheme comprises ten junction enhancements on the A38 corridor between its junctions with M5 (Junction 4) to the north and the B4091 in the south, as shown on **Figure 1** and is to be delivered in 5 packages.

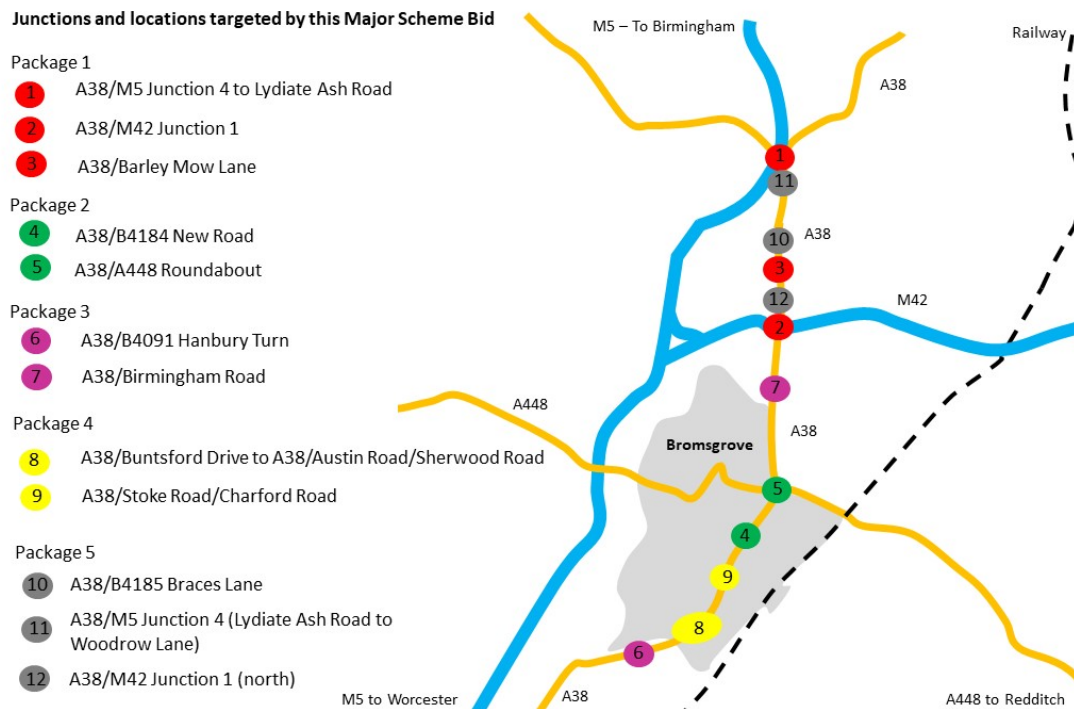
The A38 is an important corridor for traffic travelling between residential areas in Bromsgrove and Redditch and employment areas in South Birmingham. Bromsgrove and Redditch are recognised as important areas of development and economic growth for Worcestershire as a County and for the rest of the West Midlands as a whole.

This Major Scheme targets locations where delay and congestion are currently experienced, and where conditions are predicted to deteriorate further without intervention. The proposed works differ at each junction but typically include carriageway widening, lengthening of approach lanes, creation of new lanes for turning traffic, reconfiguration of traffic signals and enhanced pedestrian facilities.

Thus, the scale of growth proposed in Bromsgrove and Redditch cannot be satisfactorily accommodated on the Strategic Road Network without improvement to M42 Junction 1 and M5 Junction 4. To sustain the level of growth envisaged, additional highway capacity will be required to ensure that the additional economic growth does not lead to deterioration in the functionality of the highway network.

Indeed, Highways England (HE), in its responses to both the Bromsgrove District Plan and the Redditch Local Plan, identified that improvements to both M42 Junction 1 and M5 Junction 4 were necessary due to the cumulative traffic impacts of planned development arising. This was accepted at the examination in public of the two Local Plans and the improvement of both M42 Junction 1 and M5 Junction 4 are recorded in the Infrastructure Development Plans of both authorities as a key transport infrastructure requirement. Therefore, whilst no individual allocated site has planning conditions (i.e. a Grampian condition) that restrict development to delivery of the A38 corridor Schemes, including Package 1, there are linkages between the A38 Major Scheme and the wider Local Plan requirements.

Figure 1 – Junction Improvement Location and Package Plan.



Package 1 - M42 Junction 1, M5 Junction 4 and A38 / Barley Mow Lane

The A38 within Bromsgrove fulfils two primary functions. It is the principle distributor for Bromsgrove town, as well as acting as a through route to the M42 and M5 motorways and thus into Birmingham. Between M42 Junction 1 and M5 at Junction 4, the A38 has an additional ‘pseudo-strategic’ role as a consequence of the absence of west facing slip roads at M42 Junction 1. This attribute of M42 junction 1 means that traffic originating in the Bromsgrove area and wishing to access the M5 (and vice versa) has to route via the A38 between M42 Junction 1 and M5 Junction 4 to access the M5 motorway for destinations to the north of the town. A substantial amount of traffic at M42 Junction 1 is, therefore, ‘through traffic’ which crosses the circulatory and continues along the A38 to access the M5 at Junction 4.

- Improvements to M42 Junction 1 comprising:
- Widening of the A38 southbound approach to Junction 1 to add a 3rd lane (flare) on the existing approach;
- Widening of the northbound circulatory to accommodate 4 lanes on the existing western bridge deck structure;
- Widening of the A38 Birmingham Road northbound away from Junction 1 to 2 lanes, for a distance of approximately 35 metres before merging to tie-in to the existing road layout at the Topaz Business Park;
- A service road for the properties facing the A38 southbound approach to allow vehicles to access their properties safely and without affecting traffic on the A38 once it has been widened. The service road would be a level surface with non-motorised users; and

- Widening of the M42 entry slip to accommodate 2 lanes from the existing roundabout for approximately 30 metres. The two lanes then merge into one along the slip road where a retaining wall, approximately 200 metres long, will be required.

Improvements to M5 Junction 4, including:

- Widening of the A38 Halesowen Road northbound approach to the motorway roundabout. Two lanes will be provided from around 100 metres in advance of the existing stop line, increasing to three lanes for the last 35 metres;
- Widening of the A38 Halesowen Road southbound away from Junction 4 to 2 lanes, merging back to the existing single lane prior to Lydiate Ash Road;
- The repositioning of the footway to accommodate the southbound widening; and
- This improvement requires two parcels of land in third party ownership. On the western side of the road, land is required to create the proposed visibility splay for the A38 northbound approach. On the eastern side, land is required for the road widening and new footway. It is hoped that this land can be secured by agreement with the land owner. If this is not possible, then there may be a requirement for a CPO process.

Improvements to the junction with Barley Mow Lane, including:

- The conversion of the junction to a ghost island junction;
- Retention of the existing footways, with the signalised pedestrian crossing being relocated further north from its current position;
- Relocation of two bus stops; and
- The existing road width is sufficient, so no road widening is required.

These works are prioritised as Package 1 because:

- These junctions play a strategic role on the wider network and are key strategic links between the local road network (A38) and the Strategic Road Network;
- These junctions are a source of delay to cars, lorries and public transport services; and
- Completion of improvements at these junctions will provide housing and business interests with confidence to realise the full development potential of allocations in both the Bromsgrove District Plan and the Redditch Local Plan, helping to support the aims of both the Worcestershire Local Enterprise Partnership (WLEP) and the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) which focus on creating stronger conditions for growth.

Package 2 - A38/New Road Junction

The A38 southbound approach to the A38/New Road intersection experiences significant congestion in both periods associated with the provision of a restrictive single lane entry for the A38 southbound ahead movement. Forecast modelling suggests these conditions will persist in future with weekday evening peak hour conditions particularly bad with queue lengths of circa 40 pcus predicted during this period.

The proposals for the A38/New Road signals are to provide two lanes for the A38 southbound ahead movement. The proposals are shown in Drawing No. 473946.LS.00.10-06. Examination of the site suggests that this cannot be achieved by simple nearside widening as the noise bund on this site would be too adversely affected, and properties behind the bund are too close to the A38. As such, the space is proposed to be created by widening to the north and realignment of the exit here and the A38 northbound approach. This widening will require some minor shaping of the bund on this side with vegetation clearance and the potential loss of some mature trees along this section. As with the

A38/Charford Road signals, it is also proposed to upgrade the existing signals and provide nearside pedestrian aspects with on-crossing and kerbside detection.

Package 2 - A448 Oakalls Roundabout

Forecast ARCADY modelling shows that the A38/A448 (Oakhill roundabout) is predicted to operate well in excess of capacity with significant queue of over 100 pcus predicted in both periods on the A38 (south) arm. Extensive queuing is also expected on the A448 (east) Bromsgrove Highway approach during the weekday evening peak hour, with queue lengths of circa 60 pcus. These operational issues can be attributed to restricted entry geometry on the A38 (south) arm which has a single lane approach with two lanes provided over a short flare on entry to the roundabout.

The proposed Option 1 changes at Oakalls roundabout are shown in Drawing No. 473946.LS.00.10-07. The changes proposed widen the A38 (south), the A38 (north) and the A448 (east) entries to the roundabout, as well as widening of the A38 northbound exit in order to allow both lanes on the A38 (south) arm to cater for the A38 northbound movement. The scheme also includes ancillary relining and signing of the circulatory carriageway. The latter allows both lanes on the A448 Stratford Road approach to be used for the ahead movement to the A448 Bromsgrove Highway, so achieving better utility of the currently underused outside lane.

The proposed widening works to the A38 (north) and the A448 Bromsgrove Highway arms can be achieved within existing highway land by taking existing verge. However, the widening of the A38 (south) approach will require reshaping of the noise bund and relocation of the retaining wall to the back of the nearside verge, with vegetation clearance and the potential loss of some mature trees. The ADS and wicket signs along the nearside verges will also need to be relocated, with the latter updated as required to reflect the increases in approach lanes and the change in their formal designation. A small number of lighting column within this verge will also need to be relocated.

Package 3 - Hanbury Turn Junction

The A38 Redditch Road/Hanbury Road (Hanbury Turn) signal controlled junction is expected to be operating in excess of capacity in 2023, particularly during the weekday evening peak hour when a heavy A38 southbound flow results in notable queuing on this arm. There are limited opportunities to widen the approaches to the signals because of property boundaries tight to the highway on the north-western and south-western corners of the intersection. An extensive remodelling of the junction is therefore unlikely to be feasible. The signals already operate under MOVA.

Some widening on the A38 southbound arm could be achieved to extend the existing left turn give-way slip lane using the available verge on the southern side of the A38. Examination of the forecast turning movements indicates that this could be benefit because of the high volume of traffic turning left from this arm in each period. The proposed layout with the left turn lane extended by some 60 metres is shown in Drawing No 473946.LS.00.10-01.

An examination of the site on Google Street-view suggests that sufficient width is available for a 3.0 metre lane with a 1.8 metre footway behind without interfering with the mature trees along the highway boundary line. However, Ordnance Survey mapping suggests that the available width is limited. A topographical survey will therefore be required in order to confirm the extent of widening that can be achieved.

Package 3 - A38 / Birmingham Road

The current layout at this junction is a signalised T-Junction. It operates within a 40mph speed limit area. The signal operation is such that southbound A38 traffic is stopped within every cycle of the junction, resulting in delays to southbound traffic blocking back to M42 Junction 1. The primary purpose of the signals for the southbound A38 traffic is due to the current pelican crossing being within the operating area of the traffic signal junction. There is no opposing vehicular traffic flow for the A38 SB. However, the signals need to be called within each signal cycle to ensure that should the pelican crossing be used that drivers are used to seeing a red signal at this location, to aid safety.

The junction is proposed to be upgraded as an option which requires further investigation, within the Bromsgrove IDP an allowance has been made to upgrade the signal controller to MOVA operation.

It is proposed that in addition to upgrading of the signal controller that the pelican crossing is reconfigured/relocated such that southbound A38 traffic is not stopped every cycle, which will aim to clear the blocking back traffic from M42 Junction 1. Upon investigation the scheme may also require an extension to be provided to the right turn lane, this is factored into the anticipated scheme costs at this location.

Package 4 Buntsford Drive to Austin Road

The A38 northbound section between Buntsford Drive and Austin Road roundabouts experiences severe congestion during the weekday evening peak period. This was confirmed by base year modelling with forecast modelling predicting a worsening of conditions during this period by 2023. These issues arise because of restricted approach geometry on the A38 northbound approach to the Austin Road roundabout, with the A38 northbound exit link geometry restricting the dominant northbound flow to a single entry lane.

To resolve these issues, it is proposed to widen the northbound A38 through this section to two lanes with two lanes extending through the Austin Road roundabout and northwards to tie-in with the existing two lane approach to the Charford Road signals. The northbound approach to the A38/Buntsford Drive roundabout is also proposed to be widened to maintain capacity through this intersection and provide a consistent tie-in with the widening to the north. The proposals are shown in Drawing Nos. 473946.LS.00.10-02.

The works to the south-west of Austin Road are all within highway, although a key issue will be the potential impact on screening vegetation on the north side of the section between the Buntsford Drive and Austin Road roundabouts. As shown, the 'minimum' planting width could be reduced to 0.70m in order to widen the carriageway and retain a 2.0 metre footway. Any services in the existing verge taken out by the widening would have to be installed in the footway, whilst re-location of existing Advance Direction Sign (ADS) would need some consideration.

It is not considered necessary to alter the footprint of the Austin Road roundabout, although designated lane allocations will be formalised. The link widening to the north will require land take outside the highway to create two 'continuous' northbound lanes together with a 2.0 metre footway and 1.8 metre verge strip. This would require a strip of land off the recreation ground bounding the north side of the A38 along most of this length, and critically a short length of the open space to the back of the Charford First School and Nursery. The proposals also include a new Puffin crossing on the A38 north of the Aldi egress, as crossing this section was noted to be extremely difficult during site visit.

Package 4 - Charford Road/Stoke Road Junction

The A38/Charford Road signal controlled junction is predicted to be over-capacity in 2023 with congestion on the Charford Road arm in the morning peak hour and Stoke Road and A38 (south) arms in the evening peak hour. The intersection footprint is already large with little opportunity to increase geometric capacity for the A38 approaches. Additionally, the Method of Control does not give much latitude for rationalisation as the Charford Road and Stoke Road arms already run concurrently in Stage 3.

Consequently, it is considered that improvements to the side roads are the key to getting more capacity out of the intersection. The proposed changes increase capacity on Stoke Road to get the relatively high flow turning left moving more freely with less impedance. These widening works will require an extension of the existing culvert on this approach.

The signals at the site also appear to be quite dated, so it is also considered that an equipment upgrade to the signals could help, since all the pedestrian crossings currently have long fixed clearance periods. Providing near-sided aspects with on-crossing detection should enable lower crossing clearance times, freeing up green time for traffic movements.

Package 5 - A38 / Braces Lane / Golden Cross Lane (Marlbrook Crossroads)

The current layout of this junction operates as a four arm signalised crossroads. The corridor provides two lanes SB on the A38 (Lane 1 Ahead/Left; Lane 2 right Only), on the A38 NB there are two lanes providing ahead movements with lane one permitting left turn movements. Right turns are not permitted at the junction from the A38 NB, as this is catered for by the Birmingham Road junction to the south of Marlbrook Crossroads.

Braces Lane provide a dedicated right turn lane, plus an ahead and left lane, whilst Golden Cross Lane is a single lane approach for all movements. The A38 is subject to a 40mph limit, and the minor roads a 30mph limit.

The available highway land at this junction is constrained by the proximity of the petrol filling station and local shops in the western quadrants of the junction.

As part of the scheme development consideration was given to providing a roundabout junction at this location. However this was discounted as adequate entry path curvature was unlikely to be feasible for A38 Northbound traffic, In addition, the geometry of the Golden Cross Lane approach is likely to have required purchase of the petrol filling station to accommodate the necessary highway alignment changes. From a capacity perspective, it was likely that Braces Lane and Golden Cross Lane, would find it difficult to egress onto a roundabout given the high A38 North to South traffic flows.

The preferred option at this location looked at providing improved capacity on the A38 corridor within existing highway land.

Package 5 - M5 Junction Four (Lydiate Ash to Woodrow Lane)

The current layout of this junction operates as a wide single carriageway, encompassing a single lane in each direction tying into the latest Pinch Point Programme scheme at M5 J4, which provides three lanes on approach to the junction and two lanes on exit merging to a single lane. The carriageway within this

section is subject to the National Speed Limit. The current layout exists with a number of departures from standard in so far as forward visibility is below DMRB standards as set out in TD9/93, junction visibility is also sub-standard (as per DMRB TD42/95 for the current speed limit of the carriageway (60mph) at Lydiate Ash Road and the Business Park access.

Two options have been considered at this motorway junction, both are similar in that they provide an increased two lane carriageway in the vicinity of Junction Four over varying lengths. Option 1 (preferred) extended two lanes on approach to the junction as far as the Woodrow Lane junction, whilst Option 2 provided a two lane carriageway as far as the existing bus stops to the south of Lydiate Ash Road.

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CABINET
12 JULY 2018**MINERALS AND WASTE LOCAL DEVELOPMENT SCHEME**

Relevant Cabinet Member

Cllr Ken Pollock

Relevant Officer

Director of Economy and Infrastructure

Recommendation

1. The Cabinet Member with Responsibility for Economy and Infrastructure recommends that Cabinet:

- (a) approves the Minerals and Waste Local Development Scheme (LDS) July 2018 – June 2021;**
- (b) authorises the Director of Economy and Infrastructure to make minor amendments to the LDS prior to publication;**
- (c) delegates authority 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) agrees 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) delegates authority 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) agrees 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.**

Background

2. Worcestershire County Council is the Local Planning Authority for minerals and waste planning for the county of Worcestershire. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, sets out the requirement for Local Planning Authorities to prepare and maintain a scheme and schedule of planning policy documents that it intends to produce, known as a Local Development Scheme. The Minerals and Waste Local Development Scheme (LDS) has two main purposes:

- to inform the public about the preparation and adoption of planning documents; and
- to establish and reflect Council priorities and enable work programmes to be set for the preparation of the documents.

3. As circumstances change and the process of making development plans moves forward, it is necessary to review and revise the LDS in order to keep it up to date. The LDS at Appendix 1 is proposed to replace the previous document which came into effect in July 2017.

4. This revision extends the timetable for the preparation of the Minerals Local Plan due to a revised approach to site allocations and sets a timetable for the production of a Mineral Site Allocations Development Plan Document. The latter is a revision to the proposed plan structure to maintain consistency with the revised National Planning Policy Framework (NPPF) that is due to come into effect in summer 2018. It also outlines the consequent changes to the timetable for commencing the review and revision of the adopted Waste Core Strategy for Worcestershire. The main proposed changes to the LDS are set out below:

Worcestershire Minerals Local Plan and proposed Mineral Site Allocations Development Plan Document

5. Minerals development in Worcestershire is currently guided by national policy and by those policies within the 1997 'County of Hereford and Worcester Minerals Local Plan' that have not yet expired. Once adopted, the emerging Minerals Local Plan for Worcestershire will replace the 1997 Plan. This emerging plan is about to enter its Fourth Stage of Consultation, preparation for which is well underway and on target for quarter four 2018. As a result of concerns raised following the Third Stage Consultation of the Minerals Local Plan an additional call for sites was required in late 2017, to address insufficiency of future minerals supply and concerns over the paucity of the information for some of the already submitted sites. This 4th call for sites successfully generated both further sites and more detailed information of the previously submitted sites.

6. A number of these sites are expected to come forward with planning applications in the medium term, whilst as noted in the July 2017 LDS a review of our site selection process is also required prior to submitting the plan to the Planning Inspectorate for consideration. This process review is time-consuming, and may result in planning applications for individual sites being submitted prior to the Minerals Local Plan being adopted, resulting in applications having to be determined against national planning policy without any local policy being in place.

7. It is therefore proposed that we progress the strategic elements of the Minerals Local Plan which includes the strategy and vision for minerals in the county and planning policy as one document with the site allocation being addressed in a separate Development Plan Document (DPD) which will have its own preparation schedule. This approach will ensure that the strategic elements of the Minerals Local Plan could be progressed as quickly as possible to provide certainty over the vision, objectives, spatial strategy and development management policies. This would provide a high level of certainty in relation to whether stakeholders consider the method to be appropriate and robust, although will delay allocation of Specific Sites and Preferred Areas.

8. Previously, the Minerals Local Plan was intended to include allocations and strategic policies within a single document. Principally due to the new requirement for 5-yearly reviews of plans set out in the amended Town and Country Planning (Local Planning) (England) Regulations 2012, it is considered that the most effective approach for the Council is to have a separate site allocations DPD. The process and rigour in developing this is exactly the same as for the Minerals Local Plan itself and it has to go through the same steps. The purpose of the recommendations relating to the Minerals Site Allocations DPD is to enable the preparation of the preliminary version to proceed. Publication of the formal 'draft' plan is a matter for Council, although Cabinet will consider the document and recommend it to Council for publication. Accordingly, the matter will be reported back to Cabinet and thereafter to Council.

9. Once adopted by Council, both the Minerals Local Plan and separately the Site Allocations Development Plan Document will be subject to the requirement for regular review every 5 years from adoption. This requirement means an assessment must be carried out of whether the plan remains relevant and effectively addresses the needs of the local community, or whether policies need updating. This will result in either publishing the reasons that policies or allocations do not need updating, or in updating the Local Development Scheme to set out the timetable for revising the plan. This review will be undertaken as part of the annual Authority Monitoring Report (AMR).

10. The Minerals and Waste Planning Policy team has been re-shuffled to meet the requirements of this new approach, with support from specialist consultants where it is prudent and cost effective to do so.

Waste Core Strategy for Worcestershire

11. The current LDS timetable also includes the initial stages in the review and preparation of a new waste local plan, The Waste Core Strategy was adopted in 2012 and its implementation has since been monitored through the annual Authority Monitoring Report. Although the plan is for the period 2012-2027, the July 2017 LDS anticipated the requirement to review the plan regularly to ensure that it remains relevant and responds to changes in local context and national policy.

12. From April 2018, under Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review local plans at least once every five years from their adoption date. This requirement means an assessment must be carried out of whether the plan remains relevant and effectively addresses the needs of the local community, or whether

policies need updating. As set out above, this will result in either publishing the reasons that policies do not need updating, or in updating the Local Development Scheme to set out the timetable for revising the plan. This does not necessarily mean that a full revision will be required, but the government anticipates that most plans are likely to require revising in whole or in part at least every five years. Reviews should be proportionate to the issues, and annual Authority Monitoring Reports will play a significant role in determining whether there is a need to undertake a partial or full revision of a plan.

13. As the Waste Core Strategy was adopted in 2012, the requirement for a formal review will be addressed as part of the next Authority Monitoring Report (Scheduled in the July 2018 LDS at Appendix 1 for Quarter 4 of 2018 to Quarter 1 of 2019). However, no significant failings have been identified through the Authority Monitoring Reports to date, and therefore no urgent requirement for full or partial revision of the plan is anticipated.

14. The submission and examination of the Worcestershire Minerals Local Plan and the preparation of the Minerals Site Allocations Development Plan Document have therefore been given priority in preparing the July 2018 LDS at Appendix 1, whilst preparatory work for review and revision of the Waste Core Strategy is scheduled to commence in Quarter 2 of 2021. This is as soon as practicable given the need to progress the Minerals Development Plan Documents within existing staffing resources, and is considered to be an appropriate means of securing compliance with review requirements. The implementation of the Waste Core Strategy will continue to be monitored through the annual Authority Monitoring Report and the Local Development Scheme will be revised if the need for a more urgent review and revision of the Waste Core Strategy is identified. For instance, changes of circumstances could cause plan policies to become out of date, reducing their weight as planning considerations

Legal, Financial and HR Implications

15. There are financial implications associated with preparing the documents set out within the LDS. Plan development work is a core funded activity supported by specific reserve to fund specialist development plan work and to cover the cost of examination in public. The scale of this examination will reflect the scale of responses to the formal consultation, but the specific reserve, totalling £200k for 2018-19, is expected to be sufficient to cover the financial implications. Internal staff resources in the Strategic Planning and Environmental Policy team are dedicated to producing the Minerals Local Plan and the associated documents including the Habitats Regulations Assessment and supervision of consultants producing the Sustainability Appraisal.

16. External consultants are being used where there is demonstrable value for money and to maximise efficiency in supporting internal staff resources. Additional costs will be incurred through consultation and examination which will include the procurement of external expertise. This has been fully costed and an indicative budget agreed with Finance for this.

Privacy Impact Assessment

17. None identified as a direct result of this report.

Equality and Diversity Implications

18. An Equality Relevance Screening has been completed in respect of these recommendations. The screening did not identify any potential Equality considerations requiring further consideration during implementation.

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Supporting Information

- Appendix 1 Minerals and Waste Local Development Scheme July 2018 – June 2021

Background Papers

In the opinion of the proper officer (in this case the Director of Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

Minerals and Waste Local Development Scheme adopted July 2017

http://www.worcestershire.gov.uk/download/downloads/id/8400/minerals_and_waste_local_development_scheme_2017.pdf

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