

Minutes of the Cabinet

County Hall

Thursday, 24 March 2022, 10.00 am

Present:

Cllr Simon Geraghty (Chairman), Cllr Alan Amos, Cllr Marc Bayliss, Cllr Matt Dormer, Cllr Adrian Hardman (Vice Chairman), Cllr Marcus Hart, Cllr Karen May, Cllr Tony Miller and Cllr Andy Roberts

2079 Apologies and Declarations of Interest

Apologies were received from Cllr Adam Kent.

Cllr Marcus Hart and Cllr Karen May declared an interest in item 5 as they were both Non-Executive Directors on the Board of Worcestershire Children First.

2080 Public Participation

There were 5 public participants:

Debra Lamont asked questions regarding Education Health and Care Plans (EHCP). She asked why Worcestershire Children First were failing to follow the law. The Children and Families Act 2014 stated that if a young person may have special educational needs (SEN) or may need SEN provision an EHC assessment should be carried out. She asked why so many assessments were turned down and why so many had gone to appeal or mediation?

Karen Nokes queried why aims stated in the WCF business plan, of increasing co-production with service users and a focus on quality, had to wait for the medium to long term rather than being priorities for the short term?

Tracey Winchester asked that stakeholder groups beyond just Families in Partnership be included in co-production and collaboration to improve SEND services; that the membership of the Children and Families Scrutiny Committee, as well as the proposed 0-25 SEND and All-Age Disability Partnership Board, be extended to include others with relevant experience but certainly parent/carers; that WCF engage directly with parent/carers rather than with commissioning Families in Partnership to engage, and lastly that

external, independent consultants be brought in to support SEND improvements.

Amanda Black explained the problems she had faced and lack of support she had received while trying to get WCF to attend reviews for her Daughter.

Elena Round described how she had taken WCF to a tribunal over their failure to act on a lawful EHCP. She believed there were many unlawful EHCPs in Worcestershire and requested that an independent enquiry be undertaken into the practices and failures within WCF.

2081 Confirmation of the Minutes of the previous meeting

The minutes of the previous meeting held on 3 February 2022 were agreed to be an accurate record of the meeting and were signed by the Chairman.

2082 Worcestershire Response to Invasion of Ukraine

The Leader explained that everyone had been horrified by the scenes in Ukraine. Within Worcestershire the County Council and District Councils were agreed that there should be a One Worcestershire response, and the County Council would use the Here2Help scheme to provide support. The County Council had agreed to participate in the Ukraine Family Scheme and Local Sponsorship Scheme.

All of the contracts held by the Council had been reviewed, and none were directly with Russia or Belarus, however contractors' supply chains would now also need to be looked at. Pensions investment had been considered, and the small 0.15% of assets which were affected would be looked at to see if they could be divested.

The Leader noted that he had hosted the first Leaders Board with the District Council Leaders to consider what could be done, but at present there were more questions than answers. He thanked the OSPB for the in-depth discussion which had taken place the day before. Cllr Matt Dormer would lead the response for the Council, as Cabinet Member for Communities.

The Chairman of OSPB noted that they had held a constructive meeting. The situation was evolving rapidly but the Council were committed to helping refugees. There were various points he wished to raise with Cabinet.

- He was aware that all Councillors were being asked by the public what could be done to help, and it was recommended that Councillors receive regular updates on the situation,
- Information on the website should be very prominent, perhaps as a banner,
- He welcomed the One Worcestershire approach but noted that there needed to be a clear strategy and vision,

- Here2Help had performed well during the pandemic, and that approach could help support the Ukrainian refugees, but the challenges were recognised, including how to help hard to reach refugees,
- Many refugees would have family members serving as soldiers in Ukraine, so it was proposed that the Council work with military organisations to explore how charities associated with them might support such families,
- The situation was very fluid, but consideration of what action might be needed should take place while further information was awaited,
- How the pooled allocation of £10,500 for each person should be best utilised, needed to be considered and then monitored by the appropriate Scrutiny Panel.

Members from outside the Cabinet spoke of their disappointment that their request for an extraordinary meeting of Cabinet had not happened, but they appreciated that the discussion at OSPB had been thorough. They were disappointed at the lack of information coming from Central Government, but Cabinet Members gave assurance that local MPs were being lobbied; the Minister had been approached through the LGA and they were working with the County Council Network.

It was recognised that the Voluntary and Community Sector would be involved in the response to the invasion of Ukraine and tribute was paid to them for the work that they do. It was also noted that there could be an effect on the economy and disruption to the supply chain which could have an impact on people's jobs within the County.

RESOLVED that Cabinet:

- a) Endorsed the joint 'One Worcestershire' approach to support Ukraine and the Ukrainian people following agreement between the County Council and six District Councils to work together and co-ordinate response;**
- b) Approved our participation in the Ukraine Family Scheme and Local Sponsorship Scheme;**
- c) Agreed that the Council uses its resources to help the co-ordination of efforts across the County and to work with voluntary and community groups to support local community response; and**
- d) Noted the work being done to review existing contracts and investments with our intention to immediately suspend any further investments in Russia and Belarus and review our**

approach to exit from all of the investments in Russia and Belarus.

2083 Worcestershire Children First Business Plan 2022/23

The Cabinet Member for Children and Families stated that Cabinet was being asked for approval of the Worcestershire Children First (WCF) Business Plan which was about the relationship between WCF and the County Council. He clarified that the County Council retained responsibility for the services, but WCF delivered services. When the Department for Education Direction was received for safeguarding services to move to the new company the Council believed it would be best to include education services, so that there was not a separation of services.

The business plan detailed the budget which had an additional £7.9 million which would go towards improving services. He pointed out that improvements were being made but the bar had started at a low position. Tribute was paid to the Chief Executive of WCF, also the Director of Children's Services for the Council, who had helped deliver the improvements.

The Business Plan included the vision, aims and goals that the Council were being asked to sign up to. The report was not asking Cabinet to look at specific issues with SEND or Foster Care but it was important to look at where things needed to improve.

The Cabinet Member for Education and Skills assured the Public Participants that Cabinet would not pat each other on the back regarding what had been achieved but would welcome positive as well as negative feedback, and would listen to stakeholders, especially parents and carers.

He explained that reference to the 'medium term' was about embedding good practice but that did not mean that actions would not be taken immediately. He stated that the Council did act within the law, and that he would not approve a plan if he thought it was breaking the law. He said that the four areas where sufficient progress was not being made, were being looked at, but he wished to point out that health also had a key role to play with EHCPs.

During the discussion the following main points were made:

- A member from outside the Cabinet referred to a proposal at the February Council meeting to move funding from transport and spent on SEND which had been unsuccessful. She found it difficult to hear that Cabinet felt they were making progress.
- There was concern that not all problems within SEND and with EHCPs would be resolved, and even with a consultation coming up that there

would not be enough co-production. It was queried whether the current situation regarding outstanding EHCPs was unlawful.

- A third Member from outside the Cabinet felt that the membership of the Overview and Scrutiny function should be diversified to enable parents to advise and participate. He understood that there was a national issue with funding for SEND provision, but suggested that Worcestershire's allocation was lower than other areas.
- The Leader reminded the Cabinet that significant investment had been made in Children's services, and improvements had been made which was a tribute to staff, however it was recognised that some areas were still not good enough. The issue of whether parents and carers should be members of the scrutiny Panel was dependent on the Constitution and not an issue for Cabinet,
- The Cabinet Member for Education and Skills assured the meeting that WCF was in the process of getting parents and carers involved with the four workstreams where sufficient progress had not yet been made. However, enough improvement had been made overall so that the statutory direction had been lifted,
- The Cabinet member for Economy and Skills explained that scrutiny was part of the democratic process and could not be directed by Cabinet. Scrutiny was carried out by Councillors who were representatives of and elected by, the people. If expert opinions were required at a Scrutiny Panel then others would be invited to input to the Scrutiny process,
- It was pointed out that if SEND was used for political purposes then children suffer; a one council approach was needed for Children's services across Worcestershire. The Chief Executive of WCF was the Council's Director of Children's Services to ensure that the organisations worked together.

RESOLVED that Cabinet:

- (a) noted the contractual performance update on Worcestershire Children First;**
- (b) approved Worcestershire Children First's Business Plan 2022/23; and**
- (c) noted the agreed contract sum for 2022/23 to WCF as set out in paragraph 24 and noted the indicative contract sum for 2023/24 and 2024/25 included in the Business Plan.**

2084 Worcestershire Rail Investment Strategy

The Cabinet Member for Highways and Transport introduced the update to the rail strategy which had been developed in 2016. There had been significant investment in rail infrastructure in the county including the opening of Worcestershire Parkway rail station, a new Kidderminster rail station, planned investment in the duelling of the North Cotswold line, parking at Blakedown and improvements at Rushwick.

Despite the investment, challenges remained with connectivity with limited frequency of trains to London and reduced connectivity between Worcester and Birmingham. Proposals included having two trains to London from Worcester once the dualling was complete, improved parking at Alvechurch, Droitwich and Kidderminster, new and enhanced stations at Droitwich, Rushwick and Worcester Shrub Hill and the introduction of inter-modal ticketing.

It was queried why there was not more focus on the electrification of the network as presently hybrid trains were necessary to travel in different areas. There was not a clear reason why the network was not going electric, but the Chairman agreed to pursue this point in the relevant fora at which the Council was represented.

Cabinet agreed that this was an important project which would keep people moving and also help the economy. Overall Worcestershire was committed to improving all modes of transport to the detriment of none.

RESOLVED that Cabinet:

- (a) noted the details of the changes to the updated and revised Worcestershire Rail Investment Strategy;**
- (b) authorised the publication of the updated and revised Worcestershire Rail Investment Strategy including key changes for public engagement;**
- (c) authorised the Strategic Director for Economy and Infrastructure to formally approve the updated revised Strategy for adoption after representations subject to, in his opinion, there being no major or significant objections to delete, amend or alter the proposals as submitted;**
- (d) authorised the Cabinet Member with Responsibility for Highways and Transport to consider any major or significant objections to delete, amend or alter the proposals as submitted made during the public engagement, to make revisions to the revised Strategy in the light of these and formally approve it for adoption.**

2085 Domestic Abuse Act 2021 Update

The updated Domestic Abuse Act gave a broader definition of Domestic Abuse, improvements to the criminal justice process and made changes to the responsibilities of authorities such as the provision of accommodation if needed. A Domestic Abuse Partnership Board (DAPB) had been established to deliver the strategy which worked on the four principles of Prevention, Provision, Partnership and Pursue.

A Joint Commissioning Group, made up of WCC, WCF, District Councils, CCGs and the Police, had been set up to implement commissioning arrangements and West Mercia Women's Aid has been awarded the contract.

The Cabinet Member for Children and Families supported the Act and Policy and wished to point out that any children involved in a domestic abuse situation needed special consideration as they would be affected if they had witnessed the abuse, with boys more likely to become violent and girls more anxious and likely to pick abusive partners when they were older. It was important to break the cycle of abuse and work on prevention.

RESOLVED that Cabinet noted the progress implementing the new Domestic Abuse Act 2021 duties placed upon Worcestershire County Council (WCC) and the publication of a new Worcestershire Domestic Abuse Strategy 2022-25 (the Strategy).

2086 Adult Social Care - Local Account 2021/22

The Cabinet Member with responsibility for Adult Social Care explained that the Local Account was a summary of activities and performance and included feedback from service users. The previous Local Account detailed the aim of ensuring longer and healthier lives for the people of Worcestershire, but this report focussed on COVID. The Three Conversation Model was starting to have an effect and Mental Health provision was improving, but it was recognised that there was a way to go. For example there was some concern with reablement as too many people had returned to hospital within 91 days of discharge.

RESOLVED that Cabinet endorsed the improvements Adult Social Care have made in 2021/2022.

2087 Adult Social Care - Joint Continuing Health Care Partnership Policy

The Cabinet Member for Adult Social Care explained there was a new policy for Section 117 continuing healthcare payments in partnership with Herefordshire Council and Herefordshire and Worcestershire CCG. In the past there had been disputes with health around who should pay for what services,

but the new policy provided clarity and set out the roles and responsibilities of each organisation.

RESOLVED that Cabinet approved the NHSE Herefordshire and Worcestershire NHS Continuing Healthcare and Funded Nursing Care – Working in Partnership Policy (the Policy)

2088 Section 75 Agreement Between Worcestershire County Council and Herefordshire and Worcestershire CCG

The Cabinet Member with Responsibility for Adult Social Care explained that the section 75 agreement, which set out the arrangements for managing the Better Care Fund, had been revised after eight years. He thanked the officers involved for their work in achieving the update and reported that the Agreement would now be reviewed on a more regular basis.

RESOLVED that Cabinet endorsed the revised section 75 Agreement between Worcestershire County Council and the Herefordshire and Worcestershire Clinical Commissioning Group.

At the end of the meeting the Chairman and Chief Executive announced that as both the Director of People and Director of Public Health would be shortly leaving the County Council, they wished to pass on their thanks to them for doing such a good job during the very difficult circumstances of the past couple of years and wished them good luck for the future.

The meeting ended at 12.02pm

Chairman