



Dear Councillor

COUNCIL - THURSDAY, 18 JULY 2024

Attached are the reports that were unavailable when the agenda was printed.

Item

4. **Minutes** (Pages 1 - 30)
9. **Changes to Senior Leadership Structure within Adult Social Care & Health**
(Pages 31 - 42)
10. **Children's Services Leadership Changes** (Pages 43 - 50)

Yours sincerely,
Democratic Services

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PUBLIC

MINUTES of a meeting of **COUNCIL** held on Wednesday, 22 May 2024 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

Councillors B Lewis, S Spencer, R Ashton, D Allen, N Atkin, J Barron, J Bryan, S Bull, S Burfoot, A Clarke, C Cupit, A Dale, C Dale, J Dixon, R Flatley, E Fordham, A Foster, M Foster, R George, A Gibson, K Gillott, N Gourlay, D Greenhalgh, A Hayes, A Haynes, G Hickton, S Hobson, N Hoy, R Iliffe, J Innes, T Kemp, T King, G Kinsella, W Major, R Mihaly, P Moss, D Muller, G Musson, J Nelson, R Parkinson, J Patten, L Ramsey, P Rose, J Siddle, A Stevenson, A Sutton, S Swann, D Taylor, J Wharmby, D Wilson, B Woods, J Woolley and M Yates.

Apologies for absence were submitted for Councillor K S Athwal, B Bingham, D Collins, M Ford, L Grooby, C Hart, D Murphy, P Niblock, C Renwick and P Smith.

Officers present: Emma Alexander (Managing Director), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Helen Barrington (Director of Legal and Democratic Services), Mark Kenyon (Director of Finance), Carol Cammiss (Executive Director - Children's Services), Chris Henning (Executive Director - Place), Ellie Houlston (Director of Public Health) and Alec Dubberley (Head of Democratic and Registration Services).

31/24 APPOINTMENT OF THE CHAIRMAN OF THE COUNTY COUNCIL FOR 2024-25

The Director of Legal and Democratic Services opened the meeting to seek nominations for the Chairman of the County Council for the ensuing year.

RESOLVED:

To elect Councillor T Ainsworth as Chairman of the County Council for 2024-25.

Councillor Ainsworth joined the meeting.

On taking the Chair, the Chairman thanked Councillor David Taylor for the wonderful job he had done and work he had carried out as civic chairman over the past year on behalf of us all, very ably supported by his Vice Civic Chairman Councillor Tony Kemp.

He spoke to reflect on some of the highlights and achievements over the past year.

He referred to the newly established East Midlands Combined Authority, the recent Derbyshire Awards Ceremony, the great work that all carers across the county carry out, different levels of funding and grant opportunities available for different service areas along with many other achievements and examples of successes across the County Council service delivery as a whole. He acknowledged the challenging times that would continue from the current budget situation but thanked everyone for the contribution towards achieving the balanced budget. This would need to be continued and he recognised that officers and elected members would need to continue working together vigilantly to achieve the budget savings identified for the forthcoming year whilst embracing challenges and opportunities afforded along the way.

32/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Athwal, Bingham, Collins, Ford, Grooby, Hart, Niblock, Renwick, Murphy and Smith.

33/24 DECLARATIONS OF INTEREST

None received.

34/24 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported with sadness that June Bingham and Peter Innes had recently died and he offered condolences to their spouses, Councillors B Bingham and J Innes.

Condolences from the group leaders were received.

35/24 MINUTES

On the motion of Councillor B Lewis, duly seconded, it was

RESOLVED:

To confirm, as a correct record, the minutes of the meeting of Council held on 27 March 2024.

36/24 APPOINTMENT OF THE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL FOR 2024-25

On the motion of Councillor G Hickton, duly seconded it was

RESOLVED:

To elect Councillor T Kemp as Civic Chairman of the County Council for 2024-25.

37/24 APPOINTMENT OF THE VICE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL FOR 2024-25

On the motion of Councillor J Patten duly seconded, it was

RESOLVED:

To elect Councillor K S Athwal as Vice Civic Chairman of the County Council for 2024-25.

38/24 REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS

The Leader of the Council began his report by offering congratulations to Councillor Ainsworth, the re-elected Chairman, the newly appointed Civic Vice Chairman, Councillor Kewal Athwal and thanked the outgoing Civic Chairman, Councillor David Taylor, who had been excellent whilst carrying out his duties on behalf of the authority over the last twelve months. He congratulated Councillor Tony Kemp for his elevation to Civic Chairman for the forthcoming civic year and paid tribute to the work he had undertaken in his previous role as Vice Chair.

He referred to the recent election of Claire Ward, the first Mayor of the newly formed Combined Authority who he had met the previous week and whom he looked forward to working with to benefit the residents of Derbyshire.

He concluded by talking about the Buxton Museum which sadly closed over a year ago. He reflected on the circumstances that had led to this decision and gave details in relation to its relocation. He also gave reassurances that the staff at the museum would be supported during the relocation process.

In response to a question from Councillor Fordham in relation to the support arrangements and funding for the D2 Strategic Leadership Board, Councillor Lewis confirmed that moving forward the County Council would no longer be in a position to facilitate and support arrangements for the board and that the allocated funding of around £175,000 would be withdrawn subject to Cabinet approval.

In response to a question from Councillor J Dixon in respect of the new mayoralty and working together to maximise funding opportunities and other associated benefits for the residents of Derbyshire, Councillor Lewis confirmed that this was the intention of Derbyshire as part of the newly established Mayoral Combined Authority.

39/24 **PUBLIC QUESTIONS**

Question from David Ingham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget was answered by Councillor A Dale, Cabinet Member for Education

“Given the response to the question asked by Councillor Dixon regarding senior management positions within the Pay Report at Full Council on 27-03-24, the subsequent Derbyshire Times article regarding paying £565,000 for two consultants for “strategic” help on children, schools and learning has obviously drawn my attention. The companies involved being THJH Limited and Populate Consulting Ltd. Apparently “The costs are within the council budgets”.

I’m unclear how this Council has ended up paying somebody more than their own Head of Paid of Service, indeed more than the majority of any Council Chief Executive within the country and consider that’s right just because it’s within budget – one reliant though on delivered savings and reserve draw down.

Given these procurements, as per Financial Regulations, haven’t been included within the Childrens Services Department Service Plan, precisely why are these contracts operating and furthermore receiving the level of payment, especially Populate?”

Councillor A Dale responded as follows:

“Like many other Councils across the country we use a range of external support to help us to improve our services. Utilising external support allows us to bring in subject matter experts, expand resources to fill capacity gaps as well as bringing in an independent perspective.

During 2022 we contracted two consultancy firms to undertake work to support Children’s Services due to the pressures the department was under, especially around the increasing demand in SEND as well as increasing demand and across wider Children’s Services’ functions such as children in care placements. This work was commissioned to specifically look at our High Needs Block, the Dedicated Schools Grant and the wider Children’s Strategy, including the development of early intervention and prevention strategy across the partnership.

This work is also crucial to ensure we have a strong, medium and long-term strategic plan for Children's Services that allows us to meet the increasing demands and the financial pressures we are facing. By using expert external consultants we can accelerate the work without diverting crucial resources within the Service.

The funding for this work has been met by a variety of sources from within our existing budget, including holding vacant posts while the strategic direction of the Department was developed, as well as from grant funding. This additional resource has allowed us to move at pace, especially in areas such as SEND where we have significantly improved the timeliness of education, health and care assessments in the course of the past year and where we continue to seek to drive forward with further improvements.

Finally, in relation to Populate this contract covers a number of areas of work with multiple team members from the organisation working with us rather than a single individual. Therefore any comparison with the pay of any individual member of DCC staff is not valid."

Mr Ingham asked the following supplementary question:

"I am also just trying to navigate between executive function and a non-executive function so there will be questions which I will want to ask of officers at Scrutiny, but in terms of to Councillor Dale the question I have as a supplementary I consider to be an executive function. I will obviously let you decide in terms of the Cabinet Member being able to respond to it because I appreciate there are lots of officer things within it, but my question is:

Given the consultant strategy partner or perhaps its lead, not quite sure, for Schools and Learning receiving £100,000 per annum, up to £45,000 more than Strategy leads within Children's were actually employees, given if the consultant strategy partner for Children's Services is receiving £276,000 a year was an actual post and appointed to on an employee basis it would have had to have had full Council approval retrospectively. Given how tiny these companies actually are comprising of only three directors and employees between them, given these companies were already providing consultancy services for Children's Services from at least April 2022 before the contractors highlighted in the *Derbyshire Times* commenced, they have already received at least £80,000 between them, can the Cabinet Member inform me if he was aware that these companies had already been providing consultancy services prior to these new contracts and has he or Cabinet been involved in any contract decisions?"

Councillor Dale responded as follows:

“In relation to the contracts no, as a Cabinet Member I am not involved in any way in terms of awarding contracts in that respect.

I think you were touching on the person’s job role if you like. I understand that person the official title we use is Strategic Lead for Schools and Learning so I am not familiar with the terminology you are using and I am sorry I forget the third?”

Mr Ingham confirmed:

“The issue with the strategic partner, its strategic lead is that the contract was for strategic partner. I have seen reference to strategic lead in the Scrutiny - People Committee in September 2022. There is also reference to strategic lead within the Service Plan for Children’s Services so it is really important because there wasn’t any procurement information within the Service Plan. I have looked on the transcript.”

Mr Ingham was requested to write to Councillor Dale with his full question.

Question from Rebecca Guy to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“Re: on-going closure of Chinley Footpath No.1 High Peak - this footpath, previously in constant use, has been closed over 3 years. In view of the following:

The "landslip" is very minor and had the landowner not contacted the Council, users would have merely moved in a couple of metres for approximately 15 metres, as is usual when PROW are flooded in wet weather. This would have no material impact on the landowner;

The landowner is responsible for the maintenance of riverbanks on his property;

For 3 years the Council have been considering a range of costly and intrusive repairs which have each been abandoned due to objections from either the Environment Agency or the landowner; and

The Council has a statutory duty to keep open PROW, when can we expect the Council to enforce a minor re-route, as in its power, and reopen this PROW?

Councillor C Cupit responded as follows:

“I appreciate the concern and frustration here. I know this is a beautiful footpath and area of the county so I can completely understand, but I understand the damage to about 20 metres of the embankment on Footpath 1 was related to the release of water around the Toddbrook Dam emergency and because of the quite significant damage, which is what we consider, the footpath does remain temporarily closed for safety reasons.

Having discussed this issue and the concerns and questions and points you have raised with our Rights of Way Team I understand we have been working to try to find a solution to this but unfortunately a couple of previous options we have put forward to carry out repairs, as you have noted in the question, have been refused by the Environment Agency and we need to work with them because of the river proximity and the surrounding wildlife, which hopefully we all agree on. However, we will continue to work with both the landowners and the Environment Agency and I can confirm that all options are currently being considered to reinstate the footpath and, as a final point, and I know you will understand but just for the purposes of the Chamber, it is important for users to keep to registered rights of way which is why this does sadly have to remain closed until we get that alternative solution in place and I would urge everyone to observe that. I know there is access as far as we can from Station Road to the point of the closure which we are trying to maintain.

I can't give a timeframe but I can confirm that it is something we are working on in terms of all options. I have not got your contact details as I don't think you have contacted me previously but if you want to drop me an email or a call I am happy to keep you updated, if that would be helpful.”

Ms Guy asked the following supplementary question:

“In view of the fact that all my previous enquiries have been ignored by the Council officers and that the duty of candour appears to be absent (I had a Freedom of Information which was completely redacted also) I made an official complaint, I was supposed to receive a reply to this complaint within 28 days. Today is the 28th day. When can I expect a reply?”

Cllr Cupit responded as follows:

“I don't deal with complaints but I am sure we can take that away and as I say if you want to email me or we have a note of that I am sure our Legal Team can take that away and provide you with an update with your complaint.”

40/24 **PETITIONS**

None received.

41/24 **COMMITTEE MEMBERSHIPS, SCHEDULE OF MEETINGS AND
OUTSIDE BODY APPOINTMENTS FOR 2024/25**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting in relation to the Committee Memberships, Schedule of meetings and Outside Body Appointments for 2024/25.

The Director of Legal and Democratic Services reported that there had been a few changes to the published report. The first was in relation to the revised Outside Bodies list recently circulated at the meeting, which now took account of the Council's membership of the various Committees of the East Midlands Combined County Authority and would need approval. She also reported a correction to the date of the July Health Scrutiny Committee which would now take place on the 29 July.

On the motion of Councillor B Lewis, duly seconded it was

RESOLVED to:

- 1) Appoint the Chair, Vice-Chair and Members of the Council's Standing Ordinary Committees, Sub-Committees and Improvement and Scrutiny Committees as set out at Appendix 2 to this report;
- 2) Approve the schedule of meetings, attached at Appendix 3 to the report, for the 2024/25 Municipal Year with the date of the Health Scrutiny Committee to take place on 29 July instead of 22 July; and
- 3) Appoints representatives to outside bodies as detailed at Appendix 4 to the report as per the updated list circulated today.

42/24 **NOTIFICATION OF PORTFOLIO HOLDERS AND MEMBERSHIP OF
THE CABINET**

Councillor B Lewis introduced a report, which had been circulated in advance of the meeting in relation to the Notification of Portfolio holders and Membership of the Cabinet.

On the motion of Councillor B Lewis, duly seconded it was

RESOLVED

To note the information, provided at Appendix 2 to this report, in relation to Cabinet and Cabinet Support Members for the ensuing year and approve the record of delegations to be included in the Council's scheme of delegation at Appendix 1 to the Constitution.

43/24 **PERFORMANCE MONITORING AND BUDGET**
MONITORING/FORECAST OUTTURN 2023-24 AS AT QUARTER 3
(31 DECEMBER 2023)

The Managing Director introduced a report, which had been circulated in advance of the meeting, that provided an update of Council Plan performance and the Revenue Budget Forecast/Outturn for 2023-24, as at 31 December 2023 (Quarter 3).

Ms Alexander highlighted that the financial information in the report was the same as that which was reported to the Budget Council meeting in February 2024 as the Quarter 3 finance report was brought forward to support members with the determination of the budget setting process for 2024-25.

On the motion of Councillor S Spencer, duly seconded it was

RESOLVED to:

- 1) Note the update of Council Plan performance and the Revenue Budget position/forecast outturn for 2023-24 as at 31 December 2023 (Quarter 3);
- 2) Note the position on General and Earmarked Reserves;
- 3) Note significant actions are required and will be undertaken across the Council to reduce the significant revenue overspend detailed in this report. Notes that Cabinet will be kept informed on the implementation and progress of these actions; and
- 4) Note the virement of devolved training budgets from departments to a centralised training budget managed by the Learning and Development team within the Human Resources function, with effect from 1 April 2024.

44/24 **REVISED FINANCIAL REGULATIONS AND STANDING ORDERS RELATING TO CONTRACTS**

The Director of Finance introduced a report, which had been circulated in advance of the meeting, that sought approval for the proposed amendments to the Council's Financial Regulations and Standing Orders relating to Contracts.

On the motion of Councillor S Spencer, duly seconded it was

RESOLVED:

To approve the amended Financial Regulations and Standing Orders relating to Contracts as proposed.

(Councillor J Siddle left the meeting at 3.15pm)

45/24 **DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that gave details of decisions taken as a matter of urgency and key decisions with special urgency where call-in had been waived.

On the motion of Councillor B Lewis, duly seconded it was

RESOLVED to note:

- 1) The key decisions taken where special urgency provisions were agreed as detailed in Appendix 2 to the report; and
- 2) The urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3 to the report.

46/24 **ELECTED MEMBER QUESTIONS**

Question from Councillor G Kinsella to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

"There have been over 450 flood resilience applications received by Derbyshire County Council, the majority relating to Storm Babet in October 2023. Over six months later and still no payments have been made. How much longer must residents wait to receive this much

needed support?”

Councillor Cupit responded as follows:

“I know that many residents and communities sadly continue the clean-up following last year’s Storm Babet and the Council, particularly our Flood Team, continue to support many of the over 1,675 properties who were impacted so devastatingly between the 19-25 October last year. Along with Councillor Lewis we wrote to the Government asking them to make this support available at the time and I thank them for doing so.

As a current update we have now received over 520 PFR applications. I would just urge whilst answering this that any properties who haven’t yet applied to do so the deadline for applying is August. Of all the applications received so far we have verified and confirmed more than 80% of these and sent letters to the residents and businesses confirming this.

As Councillor Kinsella may be aware in the majority of cases a survey has to take place pre- and post-installation of the resilience measures and it is at that point that the payments are formally made, so the question is incorrect to imply the support is not progressing. These surveys for those who choose to use our appointed surveying contractor started a few weeks ago and are booked in and progressing over the coming months.

Just as wider context for this Chamber, in our region we seem to be one of the furthest ahead in terms of progressing the grants despite sadly being one of the most impacted counties last year. For instance, I don’t think one of our nearby city neighbours has actually opened their scheme at all yet and in Derbyshire’s case it is predicted to be a £2.5m grant scheme which will have helped residents and businesses and administered.

In addition, I hope you will all agree it has been important to get this scheme right and that is what we have been working to do. As a couple of examples here in Derbyshire with the help of a few of our Conservative MPs we led on getting the survey threshold amended to avoid any potential costs to residents and we also chose to proactively offer a surveying contractor in order to simplify the process for applicants and provide them with confidence around their surveying and measures being recommended to them, which I hope you will all agree are positive changes but have taken time.

I hope the above is reassurance that extensive work has been taking place with regards to progressing these grants and explains the process

in a bit more detail in terms of ensuring the grants are spent on the best possible resilience measures.

We are ahead of the game but to me it is not a race. We need to get it right for the communities and people affected and that is what we have been working to do. I would like to put on record my thanks to the Flood Team for the tremendous amount of work they have been doing in this regard.”

Councillor Kinsella asked the following supplementary question:

“I do find that hugely, hugely disappointing. Firstly I didn’t say that support is not progressing. I said specifically that payments have not been made. This is payments for people whose houses were flooded in October 2023 and we are still waiting. We are still waiting for the surveyor to come out in the majority of cases and we are still waiting for payment. Not one payment has been made. I would have hoped that there would have been some recognition of the situation my residents have been in waiting for a surveyor to come in before they can carry out any work.

I find the whole situation very frustrating and to compare us to some of the worst in class I don’t think that is a good position to be in. Yes, there are other Councils that are performing badly but to compare us to them I don’t think that is a great benchmark, so I would really press the Council to progress this issue and put in place those payments that have now been outstanding for over six months. It is really, really not acceptable?

Councillor Cupit responded as follows:

“I think I went into a lot of detail about the process that is underway. I think, Councillor Kinsella, you have just implied that we are not progressing them. We are. It has not been six months in terms of when we launched the process. This has been a tremendous undertaking for the Flood Team. As I say I am not benchmarking I was just outlining what we were doing in terms of a region but the surveys have to take place and I have also outlined two other things to you that made sure that the surveys and the grants have been paid right and for the right measures and aren’t having an impact on those affected. I think you flipped it in an interesting way but I hope the Chamber and the public will recognise the process that we are following and that we are progressing this at pace.”

Question from Councillor G Kinsella to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“On three occasions over the past year, I have asked if the Administration will publish performance information on a ‘right first time’ approach to pothole repairs. When pothole repairs fail within a six-month period this is reported to the public. When I asked this question at Full Council in September 2023, Councillor Cupit said “I completely agreed on ‘right first time’” and went on to say that she had “been discussing how to better represent key highways’ performance indicators”. Can she update me on how this work has progressed and whether a ‘right first time’ approach will be reported to residents?”

Councillor Cupit responded as follows:

“As noted last time you raised a question on this back in September. I am always happy to discuss this or any other matter with you in detail and I note you have not taken me up on that as yet but happy to do so.

I think it is fair to say that after we discussed this last September, and as Chair you have already acknowledged earlier on, we have seen an unprecedented and challenging period for our Highway Service and for our roads. We have just discussed one example of that in relation to your previous question and as we all know the impact Babet had on our roads and structures (preceded and followed by record and persistent rainfall which sadly we have again got today) has caused significant challenges for the Service. We have been reacting to this though which is why we have been working through the resurfacing of 150 hotspot sites so far; have extra bumper teams on who have been doing further sectional resurfacing and now the weather hopefully allows, albeit not this week, progressing our capital programme with bigger resurfacing works.

Because of the scale of this programme, which is pretty unprecedented in recent history for highways, combined with the poor weather and impact this has had on the roads but also on our ability to do repairs, it has sometimes been necessary to carry out temporary repairs which isn’t the aim or motive that we want to do. We have had to do this for safety purposes but also to try and minimise costs. We are about to come and do some of the permanent works that I have just been outlining and that we are booking in.

We are also focusing on the right repair for the right location and as I have just mentioned permanent resurfacing works as far as we can. Quite often the need to go back to pothole repairs is indicative that wider works are needed, as I think we discussed back in September, which is why we launched the hotspot resurfacing programme with the additional money we received last year, so whilst new performance

indicators is still something we want to do to demonstrate the work we are doing, the priority for me at the moment is to get the repairs right and to carry out major repairs, not to just count them, so that is what we are focusing resources on at the current time but happy to keep you updated.”

Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

“At the time of the last debate on Care Homes, it was said that fears of the closure of more care homes in the future were ‘plain scaremongering’. We now face just that: a plan to close more care homes. Who was correct during the previous debate and how can we believe any guarantees that are given during this debate?”

Councillor Hoy responded as follows:

“The information provided at the time was correct. At the time there were no plans to look at any options of any further homes.

Councillor Fordham asked the following supplementary question:

“My supplementary question actually comes from a constituent.

“I would be grateful if you could ask Councillor Hoy...” this is your supplementary: “...when they closed The Spinney my mother was moved to another care home. She has barely been there two years. It is now up for closure. What is the best outcome, closing the second care home she has lived in or her death from the stress?”

The Chairman deemed that this was not an appropriate question and therefore did not ask Councillor Hoy to respond.

Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

“What is the physical maximum occupancy for each of DCC’s care homes, what is the current number of advertised vacancies and what is the current occupancy (by number and percentage) for each of the care homes?”

Requested written response from Councillor Hoy:

“There are a total of 528 beds within the 16 residential care homes directly operated by the Council. 78 of those are Community Support

Beds specifically designated to support hospital discharge and delivered in partnership with health partners. I have excluded these from the numbers used as they are not impacted by proposals currently under consultation and including them would affect the figures leading to a lack of clarity around standard residential care bed occupancy and numbers.

Of the 450 standard residential beds there are 266 or 59.1% which are occupied, leaving a total of 184 or 40.9% unoccupied.

In terms of staffing, there are a total of 1110 staff working across the 16 residential care homes operated by the Council and there are currently 200 vacancies. There have been 467 posts advertised with a significant number of those adverts containing several vacancies.”

Question from Councillor E Fordham to Councillor C Hart, Cabinet Member for Health and Communities

“Would the Council consider developing a partnership front-line service of DCC staff in Adult Care and trained with an understanding of mental health to work in Chesterfield in connection with the Hospital, CBC and Police to enable an earlier intervention and a more nuanced constructive engagement with what are often difficult situations in the Market Squares? Can consideration be given to a highly visible 1-stop shop open at the hours needed to secure effective engagement for those people who find themselves in need of help and advice, so we can provide pro-active assistance before someone’s life enters a downward spiral.”

Councillor Hart provided a written response:

“As I said at the last Full Council meeting we are working hard in all areas of the County to combat mental health problems and raise awareness. The Council currently works in partnership with key local organisations through a range of forums and programmes. These include boards and delivery groups as part of the Joined Up Care Derbyshire and Community Safety and programmes such as the Better Care Fund and Right Care Right Person.

Decisions about the provision of services and care are based upon the needs of the local population and local communities. In partnership, the Council considers proposals on how to deliver the most appropriate and accessible care and support.”

Question from Councillor R George to Councillor A Dale, Cabinet Member for Education

“When will plans be announced for the £30 million of SEND capital funding allocated to Derbyshire but so far unspent?”

Councillor A Dale responded as follows:

“It is worth highlighting from the outset that of the £30m allocated to Derbyshire since 2021 in the DfE’s High Needs’ provision capital allocations we have so far received £25.9m and we are awaiting a further payment of £4.2m which I understand will not arrive until later in the financial year.

It is also worth clarifying when exactly the funding was announced and how the payments were profiled. £2.5m was announced in 2021; £13m was announced in 2022 and £14.5m was only announced two months’ ago in March 2024, although as I have said over £4m is still to be received.

To suggest, as some of your Labour colleagues have in recent weeks, that we have been sat on this money since 2019 is frankly a bare faced lie and should be called out as such and I hope that you will seek to distance yourself from these sort of remarks.

I am extremely disappointed at the way in which Labour politicians have so opportunistically sought to score cheap political points on what is clearly a very emotive issue without accepting that it is also a complex one, especially when this includes grossly misleading the public along the way.

You will know from having attended many of the same meetings that I have, Councillor George, and from the briefings I am sure you will have received from officers, that this has been a very significant piece of work which has been ongoing for many months and that progress has been made in the background.

I have said it before and I will say it again: it is money that can only be spent once so it needs to be based on detailed sufficiency work to ensure we provide the right sort of places in the right areas to meet the different demands we are facing. This is not easy in a county with a geography like ours and does unfortunately take time. Rushing to make ill-thought through decisions around allocations would mean we would fail to adequately meet the needs of Derbyshire children further exacerbating the issues around the spread of provision I have referred to and ultimately cost the taxpayer far more in the longer term.

Whilst some smaller Authorities may have the luxury of being able to build a single new Special School this option wouldn’t work for

Derbyshire because of our geography and the need to consider very significant home-school transport costs so a far better approach for us is to grow the number of places we have in our existing 10 Maintained and Academy Special Schools which clearly takes a lot more work.

However, I am delighted to inform you that that is exactly what we have been doing in the past few years. Since 2020 through the better utilisation of existing capacity we have been able to increase the number of places we commission at these schools by 200 rising from 1,022 to 1,227 and this week we have announced that we will be investing around £10m of our SEND capital allocation to further increase the number of places in our 10 existing Special Schools by 300 over the next two academic years. This means that over six years we will have increased the capacity of our existing Special Schools by around 50% and the approach will mean a fairer distribution of all new places around the county to ensure they are as accessible as possible to all Derbyshire children.

It is worth stressing that this is just the first part of a wider three strand project which also includes creating additional places to promote inclusion for children with special needs in mainstream schools by investing in more places in Enhanced Resource Schools, SEND Units and alternative provision. We will also be supporting mainstream schools with more basic spatial and environmental adaptations to enable them to better meet the needs of any children on roll who require SEN support, particularly those who with the right early intervention we can prevent needs escalating. There is a lot of evidence that shows that in many cases children with additional needs will get better outcomes in a mainstream setting with the right support put in place.

There has been some criticism by National Parent Groups, including the Special Needs Jungle website, that too much of the capital allocated so far across the country, around 75%, has just focused on specialist places and not enough on promoting inclusion in mainstream schools. We agree and that is why our approach will focus the majority of our capital allocation on mainstream settings.

Due to the sheer number of schools involved and the need to ensure a fair balance of provision around our disparate geography, this work is taking longer. However, we are making good progress. We now have a strong and active education partnership covering the whole county where all schools and academies have been divided up into area-based clusters and are working constructively together. This means we are better able to map existing provision and identify where there is a need for expansion and schools will be able to work together to share the benefit of any new investment in their clusters.

We have consulted with all schools in all clusters and so far we have received over 50 expressions of interest for different projects to meet local needs. We are analysing each of these while finalising our sufficiency strategy with the latest available data and we hope to be able to make some announcements on the allocation of the remaining funding over the coming months.

Finally, I just highlight that you can make as many nice shiny announcements on the allocation of capital funding and the creation of new places as you like but to be honest that is the easy bit. There is absolutely no point in creating new places at schools if they haven't got the adequate staffing with the specialist training and the resources required to be able to fill those places. This in itself is a big piece of work with our schools which is ongoing but further emphasises the point that we should not be rushing to create new places that our schools cannot possibly keep pace with. We need to work in close partnership and in tandem with our schools to ensure we make the best use of this important capital funding and it successfully delivers for the needs of our most vulnerable children and that is exactly the approach this administration is taking."

Councillor George asked the following supplementary question:

"Councillor Dale may recall our meeting in April 2018 when I spoke to him of the need for additional enhanced resource places in schools and I am very glad that he is now agreeing and will come to deliver that, but in terms of this capital funding which we have known about for at least two years, if not more, the vast majority of it, then most local authorities by November 2023, over six months ago when asked by the Special Needs Jungle how they were proposing to spend that money were able to tell them and were able to show their plans for 20,000 special needs' places.

Why is it that Derbyshire is so far behind the curve in planning for the spending of this money and is Councillor Dale totally satisfied in the very well paid consultancy team who are doing the job of looking at it?"

Councillor Dale responded as follows:

"I am absolutely satisfied that the team have been working flat out to try and deliver the places that we need across Derbyshire. As I have explained I don't think we are particularly behind the curve because what most other Authorities have been doing is providing specialist places in Special Schools and not focusing on the mainstream inclusion.

Now our planning does include the increase of specialist places. We have increased already by 200 places in the past few years, we are increasing by a further 300, but we are really importantly focusing on that harder work, that harder work of working with 400 schools rather than just 10 to try and really deliver inclusive education in mainstream school.

I know she seems to think that she tells me everything that I am now doing and apparently she is excellent at teaching me to suck eggs but we have been working on this for a long time and you know we are getting on with delivering it. It does take work time. It does take hard work. It would be really helpful if the Labour Group didn't mislead the public into suggesting that we have held on to this since 2019 which is totally untrue and actually I think it is pretty disgraceful the way that you have been using our most vulnerable children as your own political football. I really think it is not on at all. I would ask you to think again about the approach you are taking.

Question from Councillor L Ramsey to Councillor C Hart, Cabinet Member for Health and Communities

“Re: the proposal to consult on the cessation of Corporate Services and Transformation discretionary grant funding, how and what will be used to ensure residents of Derbyshire can still access vital support services in all these areas, as the cessation of funding could cause organisations to close?”

Councillor Hart provided a written response:

“I can only respond with more or less the same things that I said at the Cabinet meeting when I presented the report outlining our consultation on the discretionary grant funding in the Corporate Services and Transformation Directorate.

We have prepared a draft EIA on the proposals which is supporting us to anticipate the impact of proposals affected organisations and help shape the consultation with the sector, the EIA will be updated following the consultation. We will be conducting our consultation concurrently and in combination with Adult Care's consultation and their grants to support us to understand both the individual and cumulative impacts of these proposals and the mitigating measures available to support those who may lose funding (and their beneficiaries) if proposals are implemented.

It should not be assumed that ceasing funding will mean that the activity associated with that funding will stop. We have discussed the possibility

of funding ceasing with the organisations over some time and even a year ago they were informed that ongoing funding could not be guaranteed. When the consultation is concluded we will then consider all feedback to assess the viability and implications before making any decisions and if any withdrawal of funding was to happen then this would not take place until April, 2025.”

Question from Councillor L Ramsey to Councillor C Cupit, Cabinet Member for Highways, Assets and Transport

“Can Derbyshire County Council carry out and an urgent review into traffic around all schools in the Derbyshire area, to ensure safer roads and to reduce the risk of accidents and injuries, protecting the most vulnerable members of the community?”

Councillor Cupit responded as follows:

“Our Road Safety and Traffic Team are constantly reviewing all school areas and working with both local schools, residents and organisations to promote road safety near our schools. In addition even just over the last few months I have met with several schools and local members to discuss issues and concerns on how to try to resolve these and various measures. I know Councillor Dale does this through his role regularly too. Together with Councillor Dale we have also been working on some bigger projects and initiatives for the county to try to promote school road safety further, particularly with regards to parking concerns and speeding.

As a couple of examples after lots of work on this and a cross-Party Working Group I can confirm that in June we are about to trial School Streets with several local schools who initially volunteered and there will be more info on that over coming weeks, and we are also looking at the use of enforcement cameras where necessary.”

Councillor Ramsey asked the following supplementary question:

“Just to say I have had a meeting with one of my schools and on a daily basis they have near misses. Obviously there must be a number of schools around the county that have similar issues and problems. That is why I think we need a review so that all parties and all stakeholders can be involved. Thank you.”

Councillor Cupit responded as follows:

“Again as I say I am happy to work with members outside the Chamber, as lots of members know and contact me, and as I have just outlined we

are doing several county-wide initiatives that have come through speaking primarily to my own members in terms of that that are coming up, which will be on offer to all schools, and have indeed been offered to all schools through various letters that Councillor Dale has written over the last year or so.”

Question from Councillor A Clarke to Councillor N Hoy, Cabinet Member for Adult Care

“In the list of closures to be consulted upon, Jubilee Centre New Mills, appears along with other Day Care Centres. You have publicly stated that ‘Derbyshire has an aging population choosing to live at home for as long as they possibly can, and that DCC must look to meet those needs’, also that ‘dementia sadly is, high up there, as a need for people in Derbyshire’.

The majority of the Jubilee Centre’s residents have dementia, the website advertises that, ‘A patient centred approach is taken to all activities to promote and maintain independence. Staff are fully trained in dementia care’. Jubilee Court provides professional support for dementia sufferers and helps maintain residents in their own home. Two criteria highlighted as important by yourself and this council.

So why, have you not included at least one option in the consultation where such Day Centres would be retained?”

Councillor Hoy responded as follows:

“Jubilee Court isn’t a specialist dementia unit. A lot of the activity is NHS related and not entirely social care activities. If you look on the website it will make reference to dementia, as we would expect in many adult social care health settings. The website also clearly states: “The Centre provides nail care; occupational therapy; health checks; venepuncture” as it isn’t a specialist dementia facility.”

Councillor Clarke asked the following supplementary question:

“If you are genuinely wishing to consult with the public should you not have waited until your own consultation on the Dementia Strategy and Engagement due to close on the 24 June had finished before looking to close dementia services and support such as the Jubilee Centre in New Mills?”

Councillor Hoy responded as follows:

“No, I think it is the right time to consult. You know we have been very open and transparent about the situation surrounding the Authority and

what I would do is urge your residents surrounding this Centre to take part in the consultation so we can look at their views as part of the process.”

Question from Councillor A Haynes to Councillor N Hoy, Cabinet Member for Adult Care

“What promises and reassurances has Derbyshire County Council given to the Member of Parliament for South Derbyshire, Heather Wheeler MP that the Castle Court Care Home would not close?”

Councillor Hoy responded as follows:

“It is difficult to respond to your question with the level of detail you have provided. If you can provide me with more detail then I can give you a more detailed answer.”

Councillor Haynes asked the following supplementary question:

“The letter I have in front of me is that it will be sold to an interested party and carry on caring for my elderly residents. If this is the case so quickly into the consultation all I can say is that this is a good viable business and why can't the County Council run this care home? The care home is running at 50/55% capacity with spare beds. Why are we not filling these beds?”

Councillor Hoy responded as follows:

“Your supplementary doesn't actually relate to your question regarding Heather Wheeler. The truth is we can't force people to go into care homes it is about choice and control, but just going back to your question about the comments that Heather has made, perhaps Heather was checking - I am just thinking about this - perhaps Heather was checking we aren't at any decision making stage which would mean she is looking for reassurance of which she would have received because no decision has been made to close any homes, but just going back to your question that has gone off from a supplementary from this we can't force people into care homes. There is a decline of people going into residential care.”

Question from Councillor J Bryan to Councillor N Hoy, Cabinet Member for Adult Care

“Regarding adult social care co-funding - a resident recently contacted our parliamentary candidate, Dr Adam Thompson, to alert us to the fact that their co-funding bill has recently skyrocketed from £200 to £360 per

month. What support is the council going to give to help people like my constituent who are struggling to pay this money for the services they desperately need?”

Councillor Hoy responded as follows:

“Again without the individual’s details and circumstances it is very difficult for me to comment on this. Perhaps if you had contacted me away from the Chamber instead of waiting for today I would have been able to help swiftly in our response to your constituent and getting them the support they need.”

Councillor Bryan asked the following supplementary question:

“I got this only half-an-hour before submission for questions and added it in. If I could have a meeting with the member and my constituent I would be very grateful but this arises around the wider issue of care co-funding which has increased for everyone, not just my particular constituents but for many people across the whole of Derbyshire and what is being done to help those people because many of them cannot afford that rise so what is being done generally across the whole county to help not just my particular resident?”

Councillor Hoy responded as follows:

“As I have said I can’t comment on any person’s personal circumstances without further detail. We do have a dedicated team to support people through this process. Like I have said you have waited until full Council meeting to ask this question instead of contacting me directly.

Question from Councillor J Bryan to Councillor A Dale, Cabinet Member for Education

“How many children across the county are currently waiting for a school place, and what efforts are being made to get these children into schools?”

Councillor A Dale responded as follows:

“Thank you for allowing me the opportunity to highlight the success of our Admissions Team who every year work extremely hard to ensure as many children as possible benefit from a place at one of their preference schools on National Offer Day. They regularly out-perform the national averages and have really shone for as long as I can recall having been in this post.

To give you an idea of the figures. In relation to the Reception intake we continue to receive late applications even now, but as at the beginning of this week we have offered 7,611 places, 95% have secured their first preference and around 98% have secured one of their first three preferences. There are a further 9 applications receiving attention which were submitted late by the parents in the last few days and the team are working very hard and as quickly as possible to try and allocate places to those children.

In relation to the Junior intake, as of this morning we have made 2,761 offers to Derbyshire children who are attending an Infant School in Year 2 at the moment and who are obviously transferring into Key Stage 2 provision this September. Of those 97.7% were offered their first preference but because we already have a complete dataset for this year group, because they have already done three years of school we were able to identify all the children and make the offer of a placement at a school even when the parent hasn't actually applied, so there are no children in junior school without a school place for the next year. Those school places will have either been the normal area of school or the nearest Derbyshire school with vacancies if they hadn't made an application.

In relation to Secondary intake we have offered 8,610 places to Derbyshire children. 95.3% have secured their first preference. All Derbyshire children were offered a place on offer day, as again they have already done several years in education so we have a full complete dataset for them. Where no application is received by the Council then we offer the children either the nearest normal area school or the nearest Derbyshire school with vacancies.

Then finally in relation to in-year admissions it is more difficult to say because we receive these on a daily basis but we do work under the Schools Admissions Code which requires parents to be informed of the outcome of an application within 15 school days. Parents do have the legal right of appeal if it is a refusal and for refusals if a child is currently attending a school then obviously it is assumed that attendance will continue so they do technically have a school place. For refusals with no current school we do monitor to make sure that the parent does either apply for another school or submits an appeal and we do offer to support as much as we possibly can, we are regularly in touch with those parents. I understand there are 66 of these cases currently receiving attention and that was true as at the beginning of this week.

I think that covers it all so I hope you will agree that our fantastic Admissions Team absolutely deserve the Council's recognition for such

a strong performance ensuring that as many Derbyshire children as possible are able to benefit from their preferred school place and enables them to get the best possible start in life.”

Councillor Bryan asked the following supplementary question:

“I would actually like to join in in thanking and praising the staff who are doing a really good job. The reason this question came about was because of an issue I have had with a constituent. They moved to the area in around September. The child is still struggling to find a place in school and I appreciate all the work that is being done by the team who are doing a fantastic job. It is really difficult with in-year admissions which is why I asked this question.

Really pleased to hear that there is no one waiting for junior schools but yes, it is those in-year ones that worry me and how long some of them - while it may only be 66 and I am really pleased that it is as low as that - how long some of those cases are, especially when schools struggle when they are full in-year to take in new people. I am just wondering what support we can give those schools as well to help them take these children?”

Councillor Dale responded as follows:

“It is a complicated one with schools in that some schools, particularly Academies, have their own Admissions Authority so they do have to notify us but don’t necessarily have to use us if you like as their Admissions Authority but we do try and support schools as much as possible. There are regularly cases where we get for example an over demand of places in a particular year group, we get bulges in year groups through demographics, as you understand, and we will work with that school to see if they can offer an additional 10 places above their published admissions number for example just to be able to deal with that bigger cohort in year, so we do try and work with schools as much as possible.

In-year admissions as you say is a very difficult challenging one and finding school places halfway through the year is a challenge, particularly in Key Stage 1 because of the legal limit on class sizes being 30, so yes it is very challenging. We do try and work with our schools and support them as much as possible as well as the families to try and get them into a place.”

Question from Councillor J Bryan to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“For many months, residents in Long Eaton and Sawley have been blighted by roadworks on Tamworth Road that disrupt the whole town for weeks at a time. Roadworks have been near-constant, and gridlock has become a permanent fixture of our town - local residents have even defaced local "Welcome to Sawley" road signs with additional slogans proclaiming our town as the "Home of Roadworks"! What is the Cabinet Member doing to ensure roadworks are planned to minimise disruption and done in a timely manner?”

Councillor Cupit responded as follows:

“This is an issue I am fully aware of and have been working closely with Councillor Athwal and also one of the local borough councillors, Councillor McGuinness on. I know if Councillor Athwal were here today he would be shaking his head at the roadworks but probably also giving me a wry smile at all the conversations we have had on this, as well as also the local Parish Council. They have all contacted me at the time of any roadworks or issues.

In the specific instance of Tamworth Road we cannot prevent essential utility works in the area but we have been using all the powers we as DCC have as we fully understand how busy this major route is so the impact even well co-ordinated temporary lights unfortunately has on residents and businesses in the area.

Our Network Management Team are constantly stepping in to either prevent or discourage works wherever possible, emphasise the importance of properly manning temporary lights (which is now formally conditioned on any permitted works on the road) and then intervening whenever issues occur, particularly in the case of emergency works carried out by Utilities as has been the cause of some of the recent issues, or most of the recent issues. Following these recent issues one of the Utilities involved received two fines for the disruption they caused. I am sorry to residents that that occurred and I hope the Utility will be apologising to residents too, I am also seeking a meeting with their executive team to discuss this.

Given the issues we have experienced with utility works not just here but across the county, including in my own Division, I am also personally and constantly trying to speak to the Utilities to highlight the problems their works can cause and encourage better management and communications and at least one of the Utilities has sort of engaged positively in that regard, which I welcome.

Alongside this we continue to work to encourage Utilities wanting to access either Tamworth Road or any other busy routes in the county to

find alternatives wherever possible and we are also supporting the Government's ongoing street works' legislative changes to give us more enforcement powers in this regard, so I hope this reassures you that we have been proactively working and taking action on this and using everything within our power."

Councillor Bryan asked the following supplementary question:

"In regards to Tamworth Road specifically would it be possible to ensure in the future that roadworks done on there are also presented with the date as to when they are expected to be finished by so residents know and are more aware and then make sure it is enforced as much as possible, I know it is difficult, but those roadworks are finished within the time they say they will be done by just to help residents navigate their way through the difficulties that these roadworks no doubt cause them?"

Councillor Cupit responded as follows:

"Yes, that is the case on the system and usually signed on site, so on the one.network system which you can sign to update for. I know a lot of residents in that area because of the issues have signed up to one.network so yes, it is already in-train, and similarly with emergency works we have been urging them to also be clear on their communications. As I say I know one utility has improved communications and I am now trying to sort the rest of the utilities to follow suit."

Question from Councillor C Dale to Councillor J Patten, Cabinet Member for Children and Families

"In a recent Cabinet paper subject to consultation, to charge parents and guardians of children taken into local authority care and also directly charging children of 16 years who are already in care; if the authority fails to recover contributions for their care from the parties, will the child no longer be eligible for local authority care and what will happen to them?"

Councillor Patten responded as follows:

"I can tell you that no current children in care, or their parents or carers will be asked to contribute to their care arrangements. We will only consider applying a charge where circumstances support this and in line with Children in Care arrangements under the Children's Act 1989. No child's looked after status will be affected. Children's safeguarding needs remain our paramount concern and we will *not* be charging any children of any age."

Councillor Dale asked the following supplementary question:

“So when it comes to charging I appreciate what you have said but in future the parents and guardians have to make a contribution will it be the full cost of their care or will it be a proportion?”

Councillor Patten responded as follows:

“What I can tell you is there are several Councils that are already doing this and already charging for a contribution towards care and that is exactly what we are looking to do. It is a contribution towards care and we are looking to charge around 50% of the care charge.

I have to tell you something else as well. The other reason that we are also looking at this - obviously with budget restraints and everything we are looking at everything within the portfolio - but we do have a cohort of parents who are professional workers who are resistant to the advice of our very experienced social workers that suggest, especially we are looking at teenagers where they have been disruptive or quite difficult to work with and we suggest working with our social workers to keep that child within the home because we all know the best place for a child is within the family unit even if there are some problems because coming into care is not a good start for any child and repatriation is always difficult, but where these parents are just resistant and say “No no, we don’t want them, you can have them”. This we believe will also act as a deterrent to those people who can afford it and it will all be done on a means basis so every single case will be looked at individually but we believe this is the right way to go and it is the right thing to do for our children.”

(Councillor B Woods left the meeting at 4.15pm)

47/24 NOTICE OF MOTION

Councillor R George proposed a motion that was duly seconded, in the following terms:

Background

Council continues to recognise the dire financial situation faced by the Authority and the Cabinet’s need to make savings if it is to deliver a balanced budget. However, Council cannot at this stage support the Cabinet’s proposals to cease in its entirety the Authority’s role as a provider of in-house standard residential care and directly operated non-integrated day centres that could see the end of service provision for

Derbyshire residents from the following residential care homes:

Briar Close	Breaston Division	Cllr Parkinson
Bennerley Fields	Ilkeston East Division	Cllr Flatley
Castle Court	Linton Division	Cllr Swann
Florence Shipley	Heanor Central Division	Cllr Illiffe
The Grange	Eckington & Killamarsh Division	Cllrs M Foster & Renwick
Lacemaker Court	Petersham Division	Cllr Hickton
The Leys	Ashbourne Division	Cllr Bull
New Bassett House	Shirebrook Division	Cllr Dale
Rowthorne	Alfreton & Swanwick Division	Cllrs Rose & Wilson
Thomas College	Bolsover South Division	Cllr Dixon
Whitestones	Whaley Bridge Division	Cllr George

together with the following non-integrated day centres:

Blackwell Day Centre	Tibshelf Division	Cllr Barron
Ecclesfold Day Centre	Chapel & Hope Valley Division	Cllr Gourlay
Gourlay		
Fabric Day Services	Clay Cross North Division	Cllr Cupit
Hasland Resource Centre	Birdholme Division	Cllr Allen
Jubilee Centre	New Mills Division	Cllr Clarke
Queens Court	Buxton North & East Division	Cllr Grooby
Shirevale Resource Centre	Shirebrook Division	Cllr C Dale
Valley View Day Centre	Bolsover South Division	Cllr Dixon

The motion proposed was:

That Council:

believes that the full implications of these proposals should be understood prior to a final decision being taken, especially given the grave financial circumstances that the Authority faces and the risks involved if the wrong policy is adopted, and requests the Improvement & Scrutiny Committee – People to exercise its functions in accordance with the Improvement & Scrutiny Arrangements to advise Cabinet in its deliberations on this difficult matter so as to ensure the best outcome for Derbyshire residents and taxpayers is achieved by:

- a) conducting a review to inquire into and investigate the consequences of the Council ceasing to be a direct provider of these two services, including assessing the impact the closure of these facilities would have on the provision of these services for Derbyshire residents and for the Authority:

- b) reporting its findings to Cabinet in time for them to be considered as part of the consultation into the “Proposed Redesign of Residential Care and Day Opportunities for Older People initiated by Cabinet at its meeting on 29th April 2024, and
- c) submitting the report to Full Council for consideration at the October 2024 meeting.

With the time approaching 5.00 pm and on the motion of Councillor B Lewis, duly seconded it was,

RESOLVED:

That under rule 6.1 of the Council Procedure Rules the meeting should be extended by 30 minutes to 5.30 pm to enable the remaining business on the agenda to be considered.

In accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote was taken as follows:

For the motion:

Councillors Allen, Bryan, Burfoot, Clarke, C Dale, Dixon, Fordham, George, Gillott, Greenhalgh, Gourlay, Hayes, Haynes, Innes, Kinsella, Mihaly, Ramsey, Rose, Stevenson and Yates.

Against the motion:

Councillors Ainsworth, Ashton, Atkin, Barron, Bull, Cupit, A Dale, Flatley, A Foster, M Foster, Gibson, Hickton, Hobson, Hoy, Iliffe, Kemp, King, Lewis, Major, Muller, Moss, Musson, Nelson, Parkinson, Patten, , Spencer, Sutton, Swann, Taylor, Wharmby, Wilson and Woolley

Abstentions:

None.

A vote was taken on the motion and was declared LOST.

The meeting finished at 5.25 pm



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

THURSDAY, 18 JULY 2024

Report of the Executive Director - Adult Social Care and Health

Changes to Senior Leadership Structure within Adult Social Care & Health

1. Purpose

- 1.1 The purpose of this report is to seek approval from Full Council to approve the remuneration on appointment of the Director of Strategic Commissioning, Integration and Partnerships and the Director of Quality Assurance, Performance and Safeguarding.

2 Information and Analysis

- 2.1 Adult Social Care & Health currently consists of three service areas led by three Directors as shown in the organisation chart Fig.1.

Fig 1: Current Structure



- 2.2. All three posts within the current structure are full time positions and the review of the Adult Social Care and Health senior team structure has determined that two roles will continue to be required, these are the Director of Public Health and the Director of Adult Social Care. The Director of Adult Social Care and Director of Transformation are both occupied currently on a temporary basis until end of September 2024. The salary package for the Director of Adult Social Care was approved by Council on 13th June 2019 and a recruitment exercise to fill this role on an established basis will also be undertaken at the same time as recruiting to the two new Director roles.
- 2.3 In 2021 the Adult Social Care service moved to its current senior leadership structure in order to build in dedicated transformation capacity at a strategic leadership level to drive the delivery of the Better Lives / Best Life Derbyshire programme. Now that the majority of that transformational activity is completed the service area needs to readjust its senior leadership team accountabilities in order to have the right resources to address current priorities and shape the future.

Since the previous restructure of the Adult Care service, it is clear that the operating context has changed significantly. Adult Care continues to face substantial and increasing demand, and significant budget pressures and also experience significant challenges in service delivery and the recruitment and retention of personnel. Adult Care are also now subject to formalised regulatory inspection arrangements delivered by the Care Quality Commission (CQC).

To ensure that we have appropriate strategic leadership capacity to deliver to our duties, ambitions, strategy and operating pressures we need to remodel our structure to focus on the following core business areas:

Strategic commissioning, partnerships and integration

Adult Care needs to have focused strategic leadership that enables us to strengthen our commissioning arrangements both internally and across the system partnership and supports us to better deliver on our market management duties through shaping and driving a joined up strategic approach with partners to ensure that we can develop the right volume of the right type of services and support capacity to meet future demand, seeking opportunities to grow the collective workforce but also using our collective, and limited, resource to best effect to improve outcomes for people.

Operational delivery and strategic leadership across the whole service area

Adult Care needs to maintain a focus on the delivery of our statutory duties and to make sure that we are running services, both assessment and delivery, in line with our strategic ambitions whilst also meeting regulatory and legislative requirements. There also needs to be a lead, deputising function which would take a 'first amongst equals' role to ensure collaboration and collective operating across the department.

Quality, performance, improvement, assurance and safeguarding

Adult Care needs to ensure that at the same time as delivering to our business-as-usual operations, driving change towards our new operating model and delivering substantial efficiencies, that we also maintain a strong strategic leadership focus on quality assurance, performance, and safeguarding vulnerable adults across the whole market, both for directly delivered services and via independent providers. We have a commitment to ensure that we are driving high quality services and delivering continuous improvement and we will require dedicated strategic leadership capacity to develop and drive our quality assurance strategy and work in a supportive way but where required, enforcing compliance to make sure that we can have assurance that quality services and support are in place.

Adult Care also needs to ensure that we have focused strategic leadership in place for the Principal Social Worker (PSW), which is a statutory function, as well as supporting our safeguarding functions and leadership into the regional Association of Directors of Adult Social Service (ADASS) space on this.

It is proposed the role of Director of Transformation would be removed and a new role of Director of Strategic Commissioning, Integration and Partnerships would be created which would hold responsibility for key areas including:

- Working as part of the Adult Social Care senior leadership team ensuring that service strategies reflect the national social care policy agenda and priorities and the Council's values and strategic priorities; developing and leading delivery of the strategic commissioning strategy across the Council's Adult Social Care Services, including system partners, wider stakeholder groups and other Council departments to deliver the Council, system and department's vision and long-term direction.

- Leading and directing market shaping and market management activity to enable the redesign and remodelling of care and support services across the whole market, including Derbyshire's directly delivered Adult Social Care Services, to ensure the appropriate levels of the right type of care and support services are in place to achieve a financially sustainable Adult Social Care system for Derbyshire.
- Proactively supporting the culture, system and process changes required across the Adult Social Care workforce, partners, and stakeholders, to deliver the Council's longer-term health and wellbeing agenda and improve outcomes and value for money.
- Supporting the delivery of the Department's financial savings targets including determination of how savings will be achieved.
- Leading on embedding a culture across all Adult Social Care services, both directly delivered and those procured within the wider market, which is asset based, independence promoting, performance and improvement focused, and manages risk effectively.
- Actively developing strategic partnering relationships within both the wider health & social care service, integrated care system and other public sector bodies and maximise integration opportunities with health partners.

A Job and Person Profile has been created and the evaluation completed by Korn Ferry Hay has confirmed the post as Grade 18.

It is also proposed to add a further additional new post to the structure of Director of Quality, Performance & Safeguarding. This new post will hold responsibility for key areas including:

- Working as part of the leadership team ensuring that service strategies are aligned across the three core functions of the department and that they reflect the national social care policy agenda and priorities and Council's values, and strategic priorities.
- Leading on the development and deployment of a quality assurance strategy for the delivery of care services within a complex internal and external market.
- Working with the market to deploy the quality assurance and contract management strategy to achieve the council's ambition, setting performance targets and continual improvement strategies and leading on enforcement action and provider failure management where necessary.

- The role would also provide leadership and direction on key areas including:

- Readiness for single and multi-agency inspections.
- Multi Agency Public Protection Arrangements (MAPPA), local multi agency safeguarding arrangements and audit processes, and Derbyshire Safeguarding Adults Board arrangements.
- Regional ADASS safeguarding activity.
- Quality strategy and performance management.
- Workforce and organisational development strategies.
- Business services functions across Adult Care Services.

- Working in collaboration with the Director of Strategic Commissioning, Integration and Partnerships to ensure that quality and performance strategies are aligned to and support the interdependencies of the broader commissioning strategy.
- Ensuring that strategies are constantly evolving meet future demand.
- Leading the Adult Care Services self-evaluation and service planning processes and the Adult Care Services contribution to corporate processes including Council Plan development, monitoring and evaluation.
- Acting as the Adult Social Care lead on regional improvement initiatives including co-ordination of peer review activity, research and development of regional data and performance systems.
- Providing leadership for Adult Social Care co-production strategies ensuring well structured, creative, and cost-effective methods are in place to gain feedback for service improvement and to assist co-design of services.
- Working closely with the Cabinet Member for Adult Social Care Services, and other members of the Cabinet, and lead Opposition and Scrutiny members in developing and reporting on the performance of services within the department.
- Leading and directing performance management, monitoring and assurance activity across the Adult Social Care department and the wider market to drive continuous improvement and ensure that core performance requirements are identified, delivered, and audited.
- Providing assurance to key stakeholders that the appropriate level of high-quality service is in place. Leading the departments safeguarding arrangements, ensuring that requirements are clearly identified, activity is robustly overseen and audited and that individual safeguarding episodes are undertaken in line with making safeguarding personal.

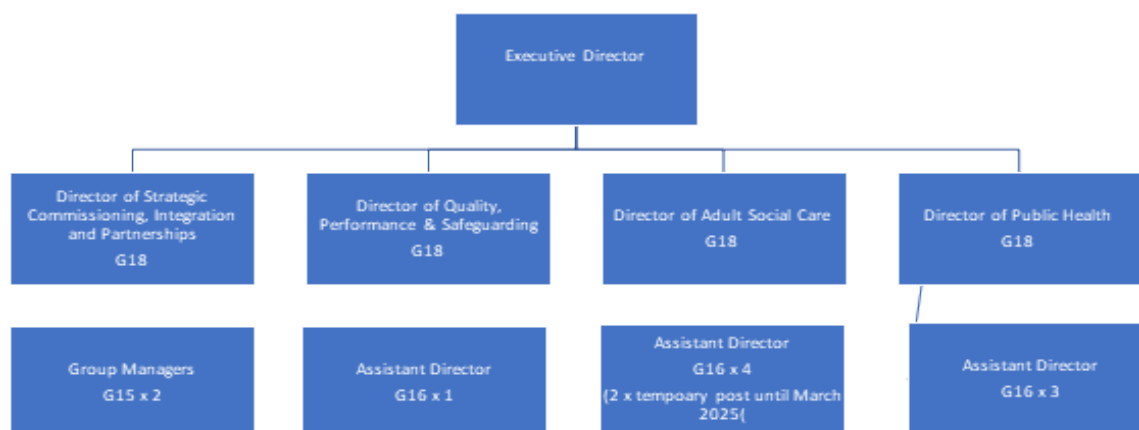
- Proactively supporting the culture, system and process changes required across the Adult Social Care workforce, partners, and stakeholders, to deliver the Council's longer-term health and wellbeing agenda and improve outcomes and value for money.
- Proactively supporting the delivery of the Department's financial savings targets including determination of how savings will be achieved.
- Leading on embedding a culture across all Adult Social Care services, both those directly delivered and those procured within the wider market, which is asset based, independence promoting, performance and improvement focused, and managing risk effectively.
- Actively developing strategic partnering relationships within both the wider health & social care service, integrated care system and other public sector bodies and maximise integration opportunities with health partners.

A Job and Person Profile has been created and the evaluation completed by Korn Ferry Hay has confirmed the post as Grade 18.

- 2.4 In order to stabilize the senior leadership team within Adult Care as soon as possible, the intention is to commence the recruitment by October 2024 for the Director of Quality, Performance & Safeguarding and the Director of Strategic Commissioning, Integration and Partnerships.

Due to the grades of the proposed posts of Director of Quality, Performance and Safeguarding and Director of Strategic Commissioning, Partnerships and Integration both being evaluated at Grade 18, the salary for these roles exceeds the £100k salary threshold, which requires consideration by Full Council.

Fig 2. Proposed Adult Social Care Structure



2.5 The Managing Director considered a report setting out the proposed changes to the structure and agreed to support the amendments on 12th July, subject to Council approving the salary package for the roles of Director of Quality, Performance and Safeguarding and Director of Strategic Commissioning, Partnerships and Integration as Grade 18. The changes to the senior leadership structure in Adult Care as outlined in the report would require the Pay Policy Statement to be amended to reflect the new roles and job titles.

2.6 In addition, any additional references in the Constitution to the existing role title will require amendment to reflect the new title.

3 Consultation

3.1 The Executive Director is authorised (by virtue of the constitution) to make changes to departmental structures relating to changes to Director roles in conjunction with the Director of People and Organisational Change. In exercising delegated powers, it is the duty of an officer to whom the exercise of powers is delegated to consult such other officers, Director of Finance and Director of Legal and Democratic Services, as may be appropriate in the circumstances and to have regard to any advice given.

3.2 There is no requirement for formal public consultation on the proposal, planned communications will take place with both Trade Unions and employees across Adult Social Care and Health.

4 Alternative Options Considered

- 4.2 The Council could decide not to approve the salary for the Director of Strategic Commissioning, Integration and Partnership and the Director of Quality, Performance and Safeguarding. However, these roles are crucial to the development and implementation of the Adult Care Strategy, performance and compliance across the service.

5 Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6 Background Papers

- 6.1 None Applicable

7 Appendices

- 7.1 Appendix 1 – Implications

8 Recommendation(s)

That Council:

- a) Approves the remuneration on the appointment of the Director of Strategic Commissioning, Integration and Partnerships and the Director of Quality, Performance & Safeguarding, both posts having been evaluated at Grade18 with a salary in excess of £100,000.
- b) Approves the amendments to the Pay Policy Statement to reflect the changes to the Adult Care leadership roles as outlined in the report; and
- c) Authorises the Monitoring Officer to make the necessary amendments to the Constitution to reflect the changes to the jobs and role titles.

9 Reasons for Recommendation(s)

- 9.1 To comply with the necessary legislation, statutory guidance and Constitutional requirements.
- 9.2 To ensure that the Pay Policy Statement and Constitution remain up to date.

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Appendix 1

Implications

Financial

- 1.1 The mid-point cost of the Director of Strategic Commissioning, Integration and Performance - Grade 18 post including on costs would be £139k.
- 1.2 The mid-point cost of the Director of Quality, Performance and Safeguarding - Grade 18 post including on costs would be £139k.
- 1.3 The current budget for the Executive Director and his Leadership Team can support the revised new structure assuming that new postholders are recruited at the bottom of the Grade and that external funding is maintained for two of the Assistant Director positions. This funding is from long standing national arrangements which are unlikely to cease.

Legal

- 2.1 The amendments to the structure of the Adult Care Leadership Team have been approved by the Managing Director as Head of Paid Service. The Head of Paid Service derives power from statute to agree the manner in which the discharge by the authority of their different functions is co-ordinated; the number and grades of staff required by the authority for the discharge of its functions; and the organisation of the authority's staff.
- 2.2 The Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act provides that full council should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment. As set out in the Constitution, Appendix 1 – Responsibility for functions, approval of

remuneration on appointment in excess of £100,000 is the responsibility of full Council.

- 2.3 Subject to approval of the salary by Council as these roles are deputy chief officer roles because they report directly to the Executive Director of Adult Social Care & Health, recruitment to the posts will be carried out in accordance with the Officer Employment Procedure Rules in the Constitution. The Officer Employment Procedure Rules stipulate that the appointment of Directors (excluding the Director of Public Health) as Deputy Chief Officers is by a politically balanced panel, and following the recruitment process, all members of the Cabinet will be notified of the proposed appointment to these roles and any objections will be considered before any appointment is made.
- 2.4 The Monitoring Officer is authorised to make changes to the Constitution to reflect any changes to job or role titles; however, any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council for noting. To avoid the need to prepare additional reports, Council is recommended to approve the necessary amendments.

Human Resources

- 3.3 Recruitment will be undertaken in accordance with the Council's recruitment procedures and the constitutional requirements of the Deputy Chief Officer positions.

Information Technology

- 4.1 No implications

Equalities Impact

- 5.1 The Council has put in place a number of measures in its recruitment process in order to promote equality. These include:
- providing disabled job applicants with adjustments throughout the recruitment process to help make the process fairer, such as making reasonable adjustments at interview
 - providing all disabled people who meet the essential criteria with a guaranteed interview and by ensuring that any test or assessment is fair to everyone and focuses on the skills and knowledge needed for the job.

Corporate objectives and priorities for change

6.1 These structure changes will enable the Adult Social Care Department to have the appropriate level of senior leadership capacity to deliver to the three core ASC service areas as identified in the body of this report as well as to deliver to the following key Adult Social Care and Corporate priorities:

- Delivering to statutory and regulatory business activities in accordance with the Care Act 2014
- Delivering to the profiled savings requirements in the Mid Term Financial Plan to 2028
- Enabling the culture and service change required to move to a more efficient, effective, and sustainable operating model.
- Ensuring that appropriate levels of assurance can be provided to the Council around safeguarding activity, quality assurance and market management.
- Driving closer system integration and partnership working
- Developing a co-produced approach to ensuring support and services are enabling the people of Derbyshire to maintain and maximise independence.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Not applicable

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

THURSDAY, 18 JULY 2024

Report of the Executive Director - Children's Services

Children's Services Leadership Changes

1. Purpose

- 1.1 The purpose of this report is to seek approval for the salary package for the Director of Strategic Commissioning, Quality and Performance (SCQP) as changes to the role have resulted in it being evaluated as a Grade 18 instead of a Grade 17 role. As this will potentially result in a salary payment of over £100,000, Council approval is required.
- 1.2 For Council to note the job title of the Director of Schools and Learning is changed to become Director of Education. The job content remains the same resulting in the requirement for the Pay Policy and Constitution to be updated to reflect the changes.
- 1.3 The implications to the change in Children's Services senior leadership are highlighted in this report.

2. Information and Analysis

- 2.1 Children's Services currently consists of three Directorates led by three Directors: Director of Schools and Learning, Director of Early Help and Safeguarding (EH&S), and the Director of Strategic Commissioning, Quality and Performance (SCQP).

Together with the Executive Director, the leadership team provide strategic leadership and management of Children's Services ensuring

quality provision of services and better outcomes for Derbyshire's children, young people and families.

All three posts within the current structure are full time positions and a review of the Children's Services senior team structure has determined that all three roles continue to be required. The Director of Schools and Learning and Director of SCQP are both held currently on a temporary basis until end of October 2024 and end of September 2024 respectively. The Director of EH&S will be vacant from 18th August 2024 when the current post holder retires.

- 2.3 The Director of SCQP's Job and Person Profile has been revised to reflect changes to the role. In 2022, Children's Services went from four to three Directors and some duties were re-aligned to the role Director of SCQP. More recently additional accountability for children's residential services and the principal social worker function has been transferred to this role from the Director of Safeguarding and Early Help role. The Director of SCQP role also provides key leadership in transformational change and responsibility for commissioning of children's services and the impact this has on good and/or better outcomes for children's services.
- 2.4 All Director grade positions are assessed by the Council's external job evaluation provider, Korn Ferry Hay. The evaluation completed by Korn Ferry Hay, in light of the changes, has assessed the amended Director of SCQP role at Grade 18. The role is currently evaluated at grade 17. The Grade 18 pay scale is currently £99,063 - £108,772 per annum, and therefore the salary could fall above the £100k salary threshold. Any proposed salary package over £100,000 requires agreement of Full Council. Council is therefore asked to approve the remuneration package for the role of Director of SCQP to be a Grade 18 remuneration package, with the salary for that role currently falling within the range of £99,063 to £108,772.
- 2.5 The Director of EH&S role has been re-evaluated by Korn Ferry Hay in relation to the key change to its portfolio as above and the role has been confirmed to remain at Grade 18. Therefore, there is no change to this role.

The Executive Director of Children's Services has determined that the job title of the 'Director of Schools and Learning' should be changed to 'Director of Education' on the basis that this better reflects the responsibilities of the role, particularly in light of the transition from schools to academies. Minor changes have also been made to the Job and Person Profile to reflect these changes. It has been confirmed by

Korn Ferry Hay that the changes are minor and do not require a job evaluation, with this role remaining at Grade 18.

2.6 The Managing Director considered a report setting out the proposed changes to the structure and agreed to support the amendments on 12th July, subject to Council approving the salary package for the role of Director of SCQP as Grade 18. The changes to the senior leadership structure in Childrens Services as outlined in this report would require the Pay Policy Statement to be amended to reflect the new grade of Director of SCQP and the job title change from Director of Schools and Learning to Director of Education.

2.7 In addition, any additional references in the Constitution to the existing role title of Director of Schools and Learning will require amendment to reflect the new title.

3. Consultation

3.1 There is no requirement for formal consultation on the proposal with no risk of redundancy identified as all 3 posts will be vacant and available to be advertised due to the retirement of one of the postholders and that the other two roles are on held on a temporary basis. Therefore, there are no individuals directly impacted by these proposals. Planned communications will take place with both Trade Unions and employees across Childrens Services prior to implementation.

4. Alternative Options Considered

4.1 The Council could decide not to approve the salary for the Director of SCQP. However, this role is crucial to the development and implementation of the Children's Services Strategy and performance and compliance across the services.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications

8. Recommendation(s)

That Council:

- a) Approves the salary package for the role of Director of SCQP as Grade 18, up to £108,772 per annum;
- b) Approves the amendments to the Pay Policy Statement to reflect the changes to Childrens Services leadership roles as outlined in the report; and
- c) Authorises the Monitoring Officer to make the necessary amendments to the Constitution to reflect the changes to job and role titles.

9. Reasons for Recommendation(s)

- 9.1 To comply with the necessary legislative, statutory guidance and Constitutional requirements.
- 9.2 To ensure that the Pay Policy Statement and Constitution remain up to date.

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Implications

Financial

- 1.1 The salary package for the role of Director of SCQP as Grade 18, up to £108,772 per annum, would increase costs by up to £18,287 per annum including NI and pension on costs. The cost of the increase in the salary budget from the regrade is being met from a particular budget in Children's Services where a corresponding saving has been identified.
- 1.2 There are no other financial implications arising from the proposed amendments to the Pay Policy Statement to reflect the changes to Children's Services leadership roles as outlined in the report.

Legal

- 2.1 The amendments to the structure of the Children's Services Leadership Team have been approved by the Executive Director of Children's Services and the Managing Director as Head of Paid Service. The Head of Paid Service derives power from statute to agree the manner in which the discharge by the authority of their different functions is co-ordinated; the number and grades of staff required by the authority for the discharge of its functions; and the organisation of the authority's staff.
- 2.2 The Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act provides that full council should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment. As set out in the Constitution, Appendix 1 – Responsibility for functions, approval of remuneration on appointment in excess of £100,000 is the responsibility of full Council.
- 2.3 Subject to approval of the salary by Council as these roles are deputy chief officer roles because they report directly to the Executive Director of Children's Services, recruitment to the posts will be carried out in accordance with the Officer Employment Procedure Rules in the Constitution. The Officer Employment Procedure Rules stipulate that the appointment of Deputy Chief Officers is the responsibility of the Head of Paid Service or an officer nominated by them, but that

members of the Cabinet will be notified of the proposed appointment to these roles and any objections will be considered before any appointment is made.

- 2.4 The Monitoring Officer is authorised to make changes to the Constitution to reflect any changes to job or role titles; however, any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council for noting. To avoid the need to prepare additional reports, Council is recommended to approve the necessary amendments.
- 2.5 The proposals set out in the report meet the necessary legislative, statutory guidance and constitutional requirements.

Human Resources

- 3.1 Recruitment to the Director roles will be undertaken in-line with the Council's recruitment and selection policy and the constitutional requirements for Deputy Chief Officers.

Information Technology

- 4.1 Not applicable

Equalities Impact

- 5.1 The Director roles will be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it. The appointment process will be conducted in accordance with the Council's Recruitment and Selection Policy and any reasonable adjustments will be made for candidates in order to access the process as appropriate.
- 5.2 It should be noted that the Council has put in place a number of measures in its recruitment process in order to promote equality. These include:
 - providing disabled job applicants with adjustments throughout the recruitment process to help make the process fairer, such as making reasonable adjustments at interview.
 - providing all disabled people who meet the essential criteria with a guaranteed interview and by ensuring that any test or assessment is fair to everyone and focuses on the skills and knowledge needed for the job.

Corporate objectives and priorities for change

6.1 These proposals form part of the Council's Strategic Objective number 26;

“Reviewing the efficiency and effectiveness of top-level structures within the Children's Services directorates”

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Not applicable

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