

Public Document Pack



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Ask for Alec Dubberley

PUBLIC

To: Members of Cabinet

Wednesday, 2 February 2022

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 10 February 2022** in the MembersMembers Room, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington

Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)

Minority Group Leaders in attendance at the meeting are able to ask

questions on agenda items. Any questions should be provided in writing no later than 12 noon on the day before the meeting.

4. To confirm the minutes of the meeting of Cabinet held on 13 January 2022 (Pages 1 - 12)

To consider the following reports:

- 4 (a) Local Government Association (LGA) Corporate Peer Challenge Follow Up Visit - Corporate Health Check Feedback Report (Pages 13 - 30)
- 4 (b) Forward Plan (Pages 31 - 42)
- 4 (c) Re procurement of Nicotine Replacement Therapy contract (Pages 43 - 48)
- 4 (d) Reimbursement of stop smoking pharmacotherapy cost (Pages 49 - 54)
- 4 (e) National Flood Resilience Framework (Lot 2 - supply and installation of Property Flood Resilience Measures) (Pages 55 - 62)
- 4 (f) Children's Services Determined Admissions Arrangements 2023 - 2024 (Pages 63 - 68)
- 4 (g) Retention Payments for Homecare workers in Private, Voluntary, and Independent market (Pages 69 - 78)
- 4 (h) Assistive Technology Services (Pages 79 - 96)
- 4 (i) Derbyshire Second Homes Programme (Pages 97 - 100)
5. Exclusion of the Public

To move "That under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them."

PART II - EXEMPT ITEMS

6. To receive declarations of interest (if any)
7. To consider Minority Group Leader questions (if any)

Minority Group Leaders in attendance at the meeting are able to ask

questions on agenda items. Any questions should be provided in writing no later than 12 noon on the day before the meeting.

8. To confirm the exempt minutes of the meeting of Cabinet held on 13 January 2022 (Pages 101 - 102)

To consider the following exempt reports:

- 9 (a) Project Advisors - External Support (Pages 103 - 110)
- 9 (b) Residential Rehabilitation Framework Contract Extension (Pages 111 - 118)

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Public Document Pack Agenda Item 4

PUBLIC

MINUTES of a meeting of **CABINET** held on Thursday, 13 January 2022 at the Members Room, County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

Councillors S Spencer, A Dale, C Hart, N Hoy, T King, J Patten, K S Athwal and C Renwick.

There were no Declarations of Interest

1/22 MINUTES

RESOLVED - that the non-exempt minutes of the meeting of Cabinet held on 6 December 2021 be confirmed as a correct record.

2/22 PERFORMANCE MONITORING AND BUDGET **MONITORING/FORECAST OUTTURN 2021-22 AS AT QUARTER** **2 (30 SEPTEMBER 2021)**

Cabinet was provided with an update of Council Plan performance and the Revenue Budget/forecast outturn for 2021-22, as at 30 September 2021 (Quarter 2).

This report presented:

- the Council Plan performance and financial budget monitoring and forecast outturn data;
- the Performance Summary which set out the progress the Council was making on delivering the Council Plan with a focus on the achievement of the Council Plan priorities;
- the Revenue Budget Position and Financial Summary which provided an overview of the Council's overall budget position and forecast outturn as at 30 September 2021; and
- appendices that summarised progress on Council Plan deliverables and the controllable budget position by Cabinet Member Portfolio for 2021-22 as at 30 September 2021.

Further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

RESOLVED – to (1) note the update of Council Plan performance and the Revenue Budget position/forecast outturn for 2021-22 as at

30 September 2021 (Quarter 2); (2) consider whether there are any further actions that should be undertaken to improve performance where it has not met the desired level; and (3) note the position on General and Earmarked Reserves.

3/22

CAPITAL BUDGET MONITORING AND FORECAST AS AT QUARTER 2 2021-22

Cabinet was informed of the latest Capital budget monitoring position as at 30 September 2021.

The report gave comprehensive information on Cabinet approved schemes active during the financial year. The programme approved adjustments to increase the budget and rolled forward from previous years; this totalled £682.400m. An underspend of £5.720m over the life of these projects was forecasted; details were provided in Appendix 2 of the report.

The prolonged effect of the Covid-19 virus continued to have an impact on some schemes and where necessary the profile of expenditure had been adjusted to reflect this fact.

Adult Social Care & Health had a projected underspend of £1.222m and a budget of £110.818m. This comprised of 66 schemes, five of which accounted for 59% of the budget; the schemes were summarised in the report.

Children's Services had a projected underspend of £3.412m and a budget of £151.527m. This comprised of 687 schemes, six of which accounted for 29% of the budget; the schemes were summarised in the report.

Commissioning, Communities & Policy had a projected underspend of £0.753m and a budget of £71.288m. This comprised of 261 schemes, five of which accounted for 69% of the budget; the schemes were summarised in the report.

Place had a projected underspend of £0.333m and a budget of £348.767m. This comprised of 102 schemes which accounted for approximately 51% of the total Capital budget with five schemes accounting for 65% of the Place budget; the schemes were summarised in the report.

Appendix 3 attached to the report saw a summary of the ten largest current capital schemes which represented approximately 48% of the current budget; there were projected to underspend by £0.045m.

RESOLVED – to note the current position on the monitoring of Capital schemes.

4/22

TREASURY MANAGEMENT MID-YEAR REPORT 2021-22

Cabinet was provided with details of Treasury Management activities during the first half of 2021-22 (to 30 September 2021) and shown the Council's compliance with the prudential indicators set by Council at its meeting of 3 February 2021, in accordance with the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017 (the CIPFA Code).

The Council had borrowed and invested substantial sums of money and was exposed to financial risks. The successful identification, monitoring and control of risk remained central to the Council's Treasury Management Strategy. Treasury risk management was conducted within the framework of the CIPFA Code, requiring the Council to approve a treasury management strategy before the start of each financial year and a semi-annual and annual treasury outturn report .

RESOLVED – to note the Treasury Management Mid-Year Report 2021-22 and the Council's compliance with the prudential indicators set by Council at its meeting of 3 February 2021 for 2021-22, in accordance with the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017.

5/22

TREASURY MANAGEMENT ANNUAL REPORT 2020-21

Cabinet was provided with details of Treasury Management activities during the last financial year 2020-21 and shown the Council's compliance with the prudential indicators set by Council at its meeting of 5 February 2020, in accordance with the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017 (the CIPFA Code).

The Council had borrowed and invested substantial sums of money and was exposed to financial risks. The successful identification, monitoring and control of risk remained central to the Council's Treasury Management Strategy. Treasury risk management was conducted within the framework of the CIPFA Code, requiring the Council to approve a treasury management strategy before the start of each financial year and a semi-annual and annual treasury outturn report .

RESOLVED – to note the report on Treasury Management activities

during the 2020-21 and the Council's compliance with the prudential indicators set by Council at its meeting of 5 February 2020, in accordance with the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017.

6/22

AN UPDATE ON THE IMPLEMENTATION OF THE SCRUTINY ACTION PLAN

Cabinet was updated on the implementation of the Scrutiny Action Plan and asked to consider the merits of moving to a Select Committee approach.

Following a Member-led review of the Council's Scrutiny function, the Scrutiny Review Steering Group produced an action plan, which was approved by Cabinet on 8 October 2020 and Council on 2 December 2020 – the Plan was attached at Appendix 2. Excellent progress had been made and the majority of actions had been completed.

The Scrutiny Improvement Review report of the Centre for Governance and Scrutiny recommended that the Council move to a modern 'select committee' style of scrutiny. The Steering Group considered the benefits of such a move and compared them to the current member-led approach. It concluded that the powers of the national Select Committees were similar to the Council's I&S Committees, with the exception of the power to require individuals to give evidence or appoint special advisers. It was also concerned that the Select Committee approach could be adversarial and may be seen as too critical or aggressive. It was concluded to continue with the current enhanced, member-led approach and for Cabinet to consider these views of the Steering Group.

The Action Plan recommended that an Executive-Scrutiny Protocol be adopted (referenced in the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities). This was being developed with the Steering Group and would be presented to Cabinet at a future meeting for approval.

RESOLVED – to (1) note the progress made in relation to the implementation of the Scrutiny Action Plan; and (2) support the conclusions of the Scrutiny Steering Group and agrees to maintain the current enhanced member-led approach to scrutiny rather than move to the select style of scrutiny.

7/22

FORWARD PLAN

Cabinet was presented with the Executive's Forward Plan for the period 1 February – 31 May 2022 and to take the opportunity to

comment on future decisions for inclusion in the forthcoming Plan. A copy of the Plan was attached at Appendix 2 and would be published on 12 January 2022.

RESOLVED – to note the contents of the Forward Plan attached at Appendix 2.

8/22

HOUSEHOLD SUPPORT FUND GRANT

Cabinet was asked to note the urgent officer decisions taken by:

- i. the Managing Executive Director on 11 November 2021 to approve spending plans for Derbyshire County Council's allocation of the Household Support Fund grant and approve delegation of authority to the executive directors of Children's Services, Adult Social Care and Health, and the Managing Executive Director Commissioning, Communities and Policy to approve amendments and changes to plans for distributing the Household Support Fund in line with the overall scheme eligibility requirements (Appendix 2); and
- ii. the Strategic Director of Children's services on 21 December 2021 to approve the use of a non-DCC Framework - the Crown Commercial Service (CCS) RM6255 Voucher Framework - to appoint a supplier to provide food vouchers to fulfil the spending plans to utilise the Derbyshire County Council allocation of Household Support Fund (Appendix 3).

On 30 September 2021, the government announced a package of extra targeted financial support for vulnerable households most in need over the winter period. Notification of Derbyshire's allocation of funds and clarifying guidance was not received from the DWP until 6 October 2021. Council was required to provide an indicative plan by 29 October 2021 indicating how it would distribute the grant. Normal decision-making protocols were therefore not possible. The grant covered the period 6 October 2021 to 31 March 2022.

The Household Support Fund was issued by the Department for Work and Pensions (DWP) to provide support to households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs. Derbyshire County Council's allocation was £5,404,080.90.

RESOLVED – to note the decisions made under urgent delegated powers.

9/22

NEW GRANT FUNDING PROSPECTUS AND FRAMEWORK 2022-2023

Cabinet was presented with proposals to establish a new strategic one council grants funding approach, approval was sought for the new grant funding Prospectus and Framework 2022-23 and to launch the first new grants programme from January 2022.

Work had taken place to develop a coordinated one council strategic grants approach and programme to deliver positive change that was built around people and the places where they lived and worked. This would lead to a fundamental change in the way the Council delivered grant funding, putting in place transparent and consistent processes and procedures whilst aligning grant funding to the Council's ambitions and priorities.

The new approach would see the Council distribute grants using an outcomes-based model, supporting innovative and creative activity, projects, and programmes to secure improved outcomes which meet the ambitions set out in the Council Plan 2021-25.

The approach would be underpinned by two fundamental documents – a Funding Prospectus (which would set out the Council's strategic grant funding priorities on an annual basis, a flexible and agile document which would be refreshed regularly to reflect the Council's funding priorities at any given time) (Appendix 2) and a Funding Framework (which would set out the technical grant funding requirements, enabling the Council to provide clarity and transparency to funding recipients whilst also moving towards a greater degree of consistency across the Council) (Appendix 3). Both documents were described further in the report.

The proposed Prospectus and Framework would develop and become embedded to accommodate all Council grant funded activity and deliver a consistent grant funding approach across the authority. Further reports on the development of the approach as the scope widened would be brought to Cabinet in due course.

RESOLVED – to (1) approve proposals to establish a new one council strategic grants programme for the Council as outlined in the report; (2) approve the Derbyshire Grant Funding Prospectus 2022-2023; (3) allocate an initial sum of £1,650,000 to support the launch of the new Grant Funding Prospectus and Grants Funding Programme in January 2022; (4) approve proposals to establish the Derbyshire Grant Funding Framework 2022-2025 as set out in the report; (5) approve proposals to allocate ten percent of the total funding for coordination of the programme and associated administrative costs; and (6) receive reports on progress of the approach at a future meeting and further proposals for the broadening, development and refresh of the Prospectus as

additional grant funding activity from across the Council is aligned to the new approach.

10/22

ANCHOR INSTITUTIONS IN DERBYSHIRE AND DERBY

Cabinet was updated on local work regarding Anchor Institutions in Derbyshire and were asked to agree that Derbyshire County Council be a signatory to the Anchor Charter (Appendix 2). By signing up to the Derbyshire and Derby Anchor Charter Mission Statement the Authority would commit to long-term collaboration with the other Anchor Institutions in the Derbyshire and Derby Anchor Partnership, support community wealth building goals to improve collective wellbeing and create a strong, resilient, and inclusive local economy.

RESOLVED – to agree that Derbyshire County Council becomes a signatory to the Derby/Derbyshire Anchor Charter.

11/22

STAVELEY WATERSIDE DEVELOPMENT

Approval was sought to accept a grant offer from the Staveley Town Deal Fund and to develop and operate Phase 1 of The Staveley Waterside project comprising infrastructure and a two storey 12,000ft² development to create new business growth units.

Staveley Basin was located on the edge of Staveley town centre and formed part of the Markham Vale estate. The Council had previously secured grant funding to support construction of the basin and to create development land; the resulting Masterplan was attached at Appendix 3. If fully developed in accordance with the Masterplan, an estimated £18m of investment would be attracted to the site.

The Staveley Town Deal was awarded £25.2m in March 2021. The first phase of the Staveley Waterside proposal would deliver a new, high-quality 12,000ft² waterside building, offering flexible office and workshop units for small businesses; flexible ground floor units offering a high-quality food and beverage opportunities with indoor/dedicated outdoor dining space; or other retail use. The proposal also included provision of an access road and enabling utilities which were key to open a further 5 acres of the wider site for future development and investment. Appendix 4 of the report considered the financial viability of the proposals and identified the economic benefits the proposals would bring to the area. A business case for the development was attached at Appendix 5.

Completion of the first phase of the development did not commit the Council to starting nor completing any future phases: these would

be the subject of further reports to Cabinet. Subject to securing all necessary funding and planning approvals, construction of the Staveley Waterside Phase 1 development was likely to commence on site September 2022 and be completed by end of 2023.

RESOLVED – to (1) note the actions taken to date to secure the provisional grant offer of £2.664m from the Staveley Town Deal Board and subject to securing a detailed offer accepts the grant towards the costs of designing and building Phase 1 of the Staveley Waterside project; (2) approve the funding package for Phase 1 of the Staveley Waterside Development as set out in the report; and (3) subject to securing the full grant offer from the Staveley Town Deal Board, approve the placing of orders to commence the detailed design stage of the Phase 1 Waterside Development and to invite tenders for the construction design and build phase.

12/22

**FUNDING PROFILE AND PROPOSED UNDERWRITING OF
COMMUNITY RENEWAL FUND TO SUPPORT PROJECT
DELIVERY**

Agreement was sought for the Council's forward funding profile to ensure the CRF projects could be paid in a timely manner from the Council's reserves, with financial reconciliation taking place at the end of the CRF programme delivery.

The Derbyshire Dales and High Peak local authority areas were confirmed as priority places for UK CRF funding. The County Council was confirmed as the 'lead authority' for processing the CRF and invited project proposals from a range of local applicants, carried out project appraisal and produce a shortlist of proposals up to a maximum of £3 million. Two of the Council's shortlisted projects had been successful in being allocated CRF monies – Appendix 2 gave full details.

An urgent decision by the Executive Director – Place was taken to accept the grant funding and commence the process for implementing the necessary management processes. The payment of the CRF monies to the Council would be in two payments. The Council was required to 'forward fund' the projects once the initial payment (£1,249,473) had been made and in advance of the second payment (£749,684). Appropriate monitoring and evaluation processes had been set up to check project progress and ensure outputs were being achieved.

RESOLVED - to agree to the Council underwriting the second half of the Government grant (£749,684) and making payments to projects in line with agreed profiles, from the Council's own resources with reconciliation taking place on receipt of the second

Community Renewal Fund payment from Government.

13/22

DERBY AND DERBYSHIRE 2020 ANNUAL CASUALTY REPORT

To bring to the Cabinet's attention the Derby and Derbyshire Annual Casualty Report 2020 (attached to the report) and to seek approval for the wider publication of the report.

The Casualty Report was an annual publication that ensured information on road traffic collision trends was publicly available. It showed road traffic casualty data within the areas covered by the Derby and Derbyshire Road Safety Partnership (DDRSP), Derbyshire County Council and Derby City Council, as well as detailed analysis of casualty trends for each road user group. The Report would be used to guide casualty reduction work.

National and local trends had been impacted by the national restrictions implemented from March 2020 onwards following the coronavirus (COVID-19) pandemic.

RESOLVED – to approve the Derby and Derbyshire Casualty Report 2020 and its wider publication.

14/22

2022-2023 HIGHWAYS CAPITAL DELIVERY PROGRAMME

Approval was sought for the delivery of the Highways Capital Programme for the year 2022-23.

The Council received central Government funding annually via a number of different grants for highways and transport improvement and maintenance schemes. The availability and value of these funds varied each year depending on central Government priorities. Some were allocated via the application of a formula, using road length and highway asset numbers.

Funding had been allocated to meet asset needs, elected members' suggestions and the strict criteria of the different funds; allocation criteria was outlined in the report.

RESOLVED – to (1) approve the delivery of the 2022-2023 Highways Capital Delivery programme; (2) agree to accept a grant offer of £0.500m from the Department for Transport for the design of traffic signal equipment for Urban Traffic Control (UTC) Upgrades; and (3) delegate to the Executive Director for Place, in agreement with the Cabinet Member for Highways, Assets and Transport, the authorisation to approve any changes to the programme, (within the tolerance of the overall budget).

**HIGHWAYS, TRANSPORT AND ENVIRONMENTAL
PROFESSIONAL CONSULTANCY SERVICES PARTNERSHIP
CONTRACT**

Approval was sought to appoint a Project Team to commence a procurement exercise and develop a detailed business case to commission a Highways, Transport and Environmental Professional Consultancy Services Partnership contract to support the delivery of a wide variety and volume of highway, transport and other works in the Council's capital programme.

Over the past few years, the Council had seen a significant increase in Government funding for the highways capital programme and major projects. Simultaneously, it had experienced shortages in staff leading to a backlog in delivery of the programme.

The Council had initiated a new recruitment drive to address the large number of vacancies within the service and had engaged with a wide variety of alternative providers to identify the options available to increase support to the in-house service. The Council was also utilising a wider range of different national and regional frameworks which would enable the Council, in the short-term, to commission more projects to be designed from its capital programme

The Council's preferred option was for an in-house service plus "top-up" arrangements with an external long term partner that better integrated external resources in supporting the in-house service so as to make a future long-term partnership and procurement exercise successful, the form of contract chosen, needed to be as attractive as possible to prospective partners. The procurement exercise was likely to take up to 18 months with a target start date of April 2023. A Project Team and board would be appointed to develop the project, procurement process and final business case to commission the best partner for the Council.

RESOLVED – to (1) authorise the Executive Director - Place to commence the procurement exercise to commission a Highways, Transport and Environmental Professional Consultancy Services Partnership to support the Council in delivering its capital programme; (2) authorise the Executive Director - Place to approve the appointment of a Project Team to undertake the procurement exercise and develop a detailed business case to commission a Highways, Transport and Environmental Professional Consultancy Services Partnership; and (3) note that following completion of the tender process, Cabinet will be requested to approve the award of contract to the preferred bidder.

16/22

CHILDCARE SUFFICIENCY ASSESSMENT 2021 - 2022

The outcome of the Childcare Sufficiency Assessment as required by the Childcare Act 2006 and the Department for Education (DfE) 'Early Education and Childcare, Statutory Guidance for Local Authorities' (June 2018) was reported to Cabinet and approval was sought for the report to be published.

Sections 6(1) and 6(3) of the Act placed a statutory requirement for local authorities to secure, so far as was reasonably practicable, sufficient childcare to allow parents to work, access training or study; take into account the quality of provision to ensure there were 'outstanding' or 'good' Ofsted graded places available for as many children as possible and the affordability of provision to help ensure the places were accessible to parents. The main focus of the 2021-2022 assessment was the provision of the early years funded entitlements for two, three and four year olds.

RESOLVED – to approve the draft Childcare Sufficiency Assessment 2021 – 2022 for publication.

17/22

CONTRACT FOR THE PROVISION OF THE RECOVERY AND PEER SUPPORT SERVICE

Approval was sought for the extension of the contract for the provision of the Recovery and Peer Support Service for 12 months until 31 March 2023, beyond the original contract award, together with a further contract extension to temporarily expand the service.

The Recovery and Peer Support Service provided mental health opportunities and social inclusion services, including a wide range of support for people with mental ill health, to improve and maintain their mental health and overall sense of wellbeing, to improve outcomes, and to support people with mental ill health to lead a fulfilling life. The service was an essential part of mental health care provision in Derbyshire, enabling the Council to meet its Care Act 2014 duty to prevent and delay the need for care and support.

There was a need for an additional 15 members of staff within the Recovery and Peer Support Service at a total cost of £0.420m. It had not been possible to re-commission the service to meet this additional need, as the Covid pandemic delayed the prototyping that would have informed the changes as well as the re-commissioning itself.

An extension was sought, including additional funding to enable the appointment of additional staff, in accordance with Regulation 72 within the Public Contracts Regulations 2015. It would also allow for

the re-commissioning of an expanded service for April 2023, while continuing to provide a service to Derbyshire residents in the interim.

RESOLVED – to approve (1) the extension of the contract for the provision of the Recovery and Peer Support Service for 12 months until 31 March 2023, beyond the original contract award; and (2) a further contract extension to temporarily expand the service.

18/22 EXCLUSION OF THE PUBLIC

RESOLVED that under Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

**19/22 URGENT OFFICER DECISION - CEMETERY ROAD, GLOSSOP:
3G ALL WEATHER PITCH CONTRACTS**

**20/22 AWARD OF CONTRACT FOR THE SUPPLY OF TOOLS AND
ANCILLARIES**

**21/22 REPORT SEEKING APPROVAL TO PROCURE PROJECTS IN
ADDITION TO LATEST DEPARTMENTAL FORWARD PLAN**



DERBYSHIRE COUNTY COUNCIL

CABINET

10 February 2022

Report of the Managing Director

**Local Government Association (LGA) Corporate Peer Challenge Follow Up
Visit – Corporate Health Check Feedback Report**

Strategic Leadership, Culture, Tourism and Climate Change

1. Divisions Affected

1.1 County wide

2. Key Decision

2.1 This is not a Key Decision

3. Purpose

3.1 To consider and approve the Local Government Association's (LGA) Corporate Peer Challenge Follow Up Visit/Corporate Health Check Feedback Report for publication and to outline next steps in taking forward the recommendations.

4. Information and Analysis

4.1 Background

The Council's original Corporate Peer Challenge, facilitated by the LGA, took place in October 2018. On 31 January 2019, Cabinet considered and approved the Corporate Peer Challenge report for publication and approved plans to develop a clear action plan to address the recommendations set out in the report alongside priority actions identified in the Enterprising Council Strategy.

The original feedback report highlighted seven key recommendations to help the Council further improve services as follows:

1. Undertake more work on the Enterprising Council concept.
2. Develop a clear operating model to reflect the development of the Enterprising Council.
3. Take active and deliberate steps to move towards a One Council approach and strengthen corporate capacity.
4. Clarify the intentions within the Council Plan (the Corporate Plan) by refining priorities and underpinning these with more visible targets and identifiable resources.
5. Develop a more consistent and strategic approach to the council's budget and financial systems, aligned to corporate priorities.
6. Ensure members receive transparent and timely reports on the council's performance.
7. Partnership working is mixed and needs further investment.

Since the original visit took place in October 2018, the Council has focussed on addressing the areas for improvement and recommendations outlined in the report. A summary of the activity and progress made can be found in the Council's Position Statement, details of which are set out below. It is important to note the significant challenges in respect of the COVID-19 pandemic, facing the Council and other public sector partners during this time.

The Corporate Peer Challenge process includes a follow up visit to Councils within a two to three period after the original visit took place. However, as a result of the COVID-19 pandemic, the LGA suspended the physical delivery of all peer challenge work. To continue to support councils during this period, the LGA refocused their support and adopted a new remote approach.

4.2 Corporate Peer Challenge Follow Up Visit

The Council's Corporate Peer Challenge Follow Up Visit/Remote Health Check took place on 18 and 19 October 2021. The Peer Team were asked to review and report on the progress the Council had made against the recommendations identified by the original Corporate Peer Challenge report.

As part of the Follow Up Visit, the LGA Peer Team reviewed a range of information including the Council's Position Statement, which was submitted to the LGA ahead of the visit. The Peer Team spent two days doing remote field work at the Council during which it:

- Spoke to more than 40 people including a range of council employees together with Elected Members and external stakeholders

- Gathered information and views from more than 16 meetings and additional research and reading
- Collectively spent more than 120 hours to determine their findings

At the end of their review, the Team presented initial feedback to Cabinet and CMT on 22 October 2021. The Council has subsequently received a short Feedback Report from the LGA which is attached at Appendix 2 to this report for consideration. The final Feedback Report provides more commentary and feedback along with recommendations the Council should consider to build upon the work undertaken to date.

4.3 Key Findings

The Feedback Report provides reflections and comments on progress against the original Corporate Peer Challenge recommendations. There are a range of areas where feedback on the Council's approach is positive and should be celebrated. These include:

- The progress the Council has made during challenging times
- The Council being recognised by all as a Council that excels in emergency situations
- Visible and active political leadership
- The positive culture of partnership working and the pride and commitment people have in working for the Council
- The growing articulation and understanding of the Enterprising Council concept at senior leadership levels
- The centralisation of key functions such as HR and Procurement which has strengthened corporate capacity, and the proposal for a central Programme Management Office are further positive steps.
- Key activity underway to build the 'One Council' approach – for example, corporate initiatives such as climate change being championed by a strategic director outside of their traditional service areas.
- The Council celebrating success through awards and embracing external challenge
- A sharper vision and tighter priorities as set out in the Council Plan, which is now in a much better position and is owned and driven by Cabinet
- A clear delivery plan which underpins the Council Plan and which Cabinet can use to track progress.
- The development of the performance management framework and the quality of information presented to Cabinet Members which is now leading to better and quicker decision-making
- The appointment of a permanent Managing Director which is universally welcomed as an evolution to build on the previous collaborative management model

- Partnership working, agility in decision-making, more flexible ways of working, better use of modern technologies, enhanced communication, community resilience, volunteering, environment which are being taken forward and built upon
- Financial responsibility and decision making which has been improved through greater delegation thereby facilitating more agile decision-making
- The strength of the senior management and Cabinet Member training that has taken place to build a single team
- The investment in partnership working which is very visible and there are good relationships with key strategic partners.
- There are clearly good aspirations for the County, and these are being articulated through 'Vision Derbyshire' and the 'County Deal'.

The report also sets out a number of areas for the Council to consider over the coming period. These include:

- Embedding improvements made in the day to day operations of the Council
- Developing a stronger sense of strategic transformation through regular organisational conversations and communication to change the culture of the organisation so it can deliver its ambitions at pace.
- Making more use of analytics and data in decision-making processes.
- Reviewing the financial plan to recognise the new financial environment as the Council emerges from the pandemic
- Undertaking additional work to rigorously align the budget to corporate priorities to support the achievement of future savings to be made
- Ensuring internal capacity is appropriate recognising the Council's more outward looking and ambitious culture
- Making the most of opportunities for cross-party working through communication, officer support and training for all Members by building on the work of the Scrutiny Review and Member Development Group.
- Further strengthening co-design and co-production approaches with partners, utilising the key strengths of others to lead
- Bringing all key stakeholders on board with the aspirations for 'Vision Derbyshire' and the 'County Deal'.

4.4 Key Recommendations and Initial Actions

The Peer Team were impressed by the progress made since their last visit and recognised that Derbyshire is on a successful improvement journey which is now beginning to reap rewards and make a difference to local people. To maintain momentum, keep on track on the Council's journey of improvement and accelerate that journey further, the Peer Team have made the following three key recommendations:

1. Simplify and continue creatively communicating the Enterprising Council concept so that it can better engage middle management and frontline staff to ensure everyone understands it and is onboard with it.
2. Continue to improve and refine the Council's management processes and partnership working to ensure all available capacity is harnessed to deliver for Derbyshire residents.
3. Continue to communicate and sell the ambition of 'Vision Derbyshire' and the 'County Deal' to all stakeholders, by clearly outlining the benefits and added value for the County and its communities.

The Council had already identified, and is making progress, on a number of the areas highlighted in the report where it felt it could improve its approach, in advance of the Peer Review. This work, set out below, supports the delivery of a number of the identified recommendations:

Key recommendation	Actions
Simplify and continue creatively communicating the Enterprising Council concept	<p>The Council is currently taking forward Phase 2 of its Enterprising Council approach and reviewing the associated strategy. Phase 2 of the approach has identified a number of additional priorities in relation to the development of the Council's strategic transformation approach and the creation of a Programme Management Office which will critical to drive forward progress.</p> <p>Communicating with employees and stakeholders will form part of Phase 2 developments as they emerge and become embedded across the Council.</p>
Continue to improve and refine the Council's management processes and partnership working	<p>The Council's new operating model and the appointment of the new Managing Director has been developed to ensure the Council has effective management processes in place to deal with the complex challenges facing the Council.</p> <p>The new model will continue to be developed and embedded across the organisation over the next six months.</p>

<p>Continue to communicate and sell the ambition of 'Vision Derbyshire' and the 'County Deal' to all stakeholders</p>	<p>The Council's ambitions in respect of the Vision Derbyshire and becoming a County Deal pathfinder will be key priorities for the Council over the forthcoming period. The Council has recently approved proposals to take forward and develop Phase 4 of the Vision Derbyshire approach, a critical element of which will be the broader engagement and involvement of key stakeholder in the delivery of ambitions.</p> <p>Work on Vision Derbyshire will form the platform of work for the development of a County Deal and work is currently underway to develop programmes of work for this activity should the Council be chosen as a pathfinder area.</p>
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In addition the Council has already identified a number of areas where it wishes to focus its effort over the coming period. A number of these actions have been incorporated into the Council Plan refresh 2022-23, which will be the subject of a separate report to a future Cabinet meeting. It is proposed that the actions to address the final Peer Challenge report recommendations will form part of the Council Plan 2022-23 Delivery Plan which is currently in development. This will ensure that there is one clear action plan to take forward transformation activity, which will be important in ensuring the Council is clear about its priorities in this regard moving forward. It is recommended that progress on the delivery of the action plan be reported to Cabinet on a six-monthly basis.

5. Consultation

- 5.1 The LGA Peer Team met with a sample of key stakeholders to inform their conclusions, as set out in their feedback report

6. Alternative Options Considered

- 6.1 Option 1 – To challenge the LGA Remote Corporate Health Check Feedback Report and recommendations. This is not recommended as addressing the recommendations will enable the Council to continue to improve.

7. Implications

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

8. Background Papers

- 8.1 None identified.

9. Appendices

- 9.1 Appendix 1- Implications
- 9.2 Appendix 2 – LGA Remote Corporate Health Check Feedback Report

10. Recommendations

That Cabinet:

- a) Consider and approve the Corporate Peer Challenge Follow Up Visit/ Corporate Health Check Feedback Report for publication.
- b) Note the areas of success articulated by the Peer Team and celebrate the progress and improvement journey made by the Council over the last three years.
- c) Note the areas for further consideration by the Council over the coming period and the recommendations made by the LGA Peer Team as set out in the report
- d) Agree the outlined next steps to address recommendations as set out in the report and proposed alignment with the development of the Council Plan refresh 2022-23
- e) Receive a further update on progress in due course.

11. Reasons for Recommendations

- 11.1 To make available the LGA's Remote Health Check Feedback Report.
- 11.2 To ensure there is a shared understanding of the progress made by the Council on its improvement journey over the last three years.
- 11.3 To ensure Cabinet is aware of the outlined areas for consideration and to make provision for these in the development of relevant plans and strategies over the coming period.
- 11.2 To ensure plans are in place to address the LGA's recommendations.

12. Is it necessary to waive the call in period?

12.1 No

Report Author: Wes Downes

Contact details: wes.downes@derbyshire.gov.uk

Implications

Financial

- 1.1 There are no financial implications.

Legal

- 2.1 None identified

Human Resources

- 3.1 There are no Human Resource implications associated with the report. Any Human Resource implications arising from planned actions to address key recommendations will be considered separately

Information Technology

- 4.1 None identified

Equalities Impact

- 5.1 The LGA Remote Corporate Health Check Feedback Report provides indirect benefits for all its residents through the improvements identified.

Corporate objectives and priorities for change

- 6.1 The LGA Feedback Report provides areas for further consideration for the Council in respect of the Council's three strategic pillars of Enterprising Council, Thriving Communities and Vision Derbyshire. The actions to address the final Peer Challenge report recommendations will form part of the Council Plan 2022-23 Delivery Plan which is currently in development. This will ensure that there is one clear action plan to take forward transformation activity, which will be important in ensuring the Council is clear about its priorities in this regard moving forward.

LGA Remote Corporate Health Check

Derbyshire County Council

Dates of Health Check: 18th & 19th October 2021

Feedback Report

1. Introduction	3
2. Executive Summary	Error! Bookmark not defined.
3. Recommendations	Error! Bookmark not defined.
4. Feedback on the core themes of the health check	Error! Bookmark not defined.
5. Final thoughts and next steps	9

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Introduction

A Remote Corporate Health Check is a key part of the LGA's Sector Support Offer. It provides a council with peer led improvement support that is delivered remotely.

On 18th & 19th October 2021 Derbyshire County Council undertook an LGA Remote Corporate Health Check (RCHC). As part of this Remote Corporate Health Check, the Peer Team reviewed progress of the Council's improvement journey against the recommendations made in its full corporate peer challenge in October 2018.

The Peer Team for the Remote Corporate Health Check included the following participants:

- **Paul Masters** - Chief Executive, Council of the Isles of Scilly
- **Cllr Keith Glazier** - Leader, East Sussex County Council
- **Stephen Chandler** - Corporate Director, Adults and Housing Services, Oxfordshire County Council
- **Richard Puleston** - Director Policy Unit, Essex County Council
- **Selena Lansley** – Senior Adviser (Workforce & Negotiations), LGA
- **Satvinder Rana** – Programme Manager, LGA

The peer team reviewed a range of information to ensure it was familiar with the council's progress since the Corporate Peer Challenge of October 2018. The peer team spent 2 days doing remote field work at Derbyshire County Council during which it:

- Spoke to more than 40 people including a range of council staff together with councillors and external stakeholders
- Gathered information and views from more than 16 meetings and additional research and reading
- Collectively spent more than 120 hours to determine our findings – the equivalent of one person spending over 3 weeks in Derbyshire County Council

Feedback was provided at the end of the remote field work and that is now being followed up by this short report.

Background

Derbyshire County Council received an LGA Corporate Peer Challenge during 22nd – 25th October 2018. Feedback from the Corporate Peer Challenge concluded that:

‘There is a widespread willingness to improve on many levels and to move away from the traditional model of a county council which has had a focus on direct provision, and to improve the pace of change. The next steps should be to clarify and communicate the political vision; invest in corporate infrastructure and a more strategic way of working; and underpin delivery with a robust performance management framework which is regularly reported to members and made public’.

The Peer Challenge Team made a series of recommendations to help the Council along its improvement journey as follows:

- 1) Undertake more work on the Enterprising Council concept.
- 2) Develop a clear operating model to reflect the development of the Enterprising Council.
- 3) Take active and deliberate steps to move towards a One Council approach and strengthen corporate capacity.
- 4) Clarify the intentions within the Council Plan (the Corporate Plan) by refining priorities and underpinning these with more visible targets and identifiable resources.
- 5) Develop a more consistent and strategic approach to the council’s budget and financial systems, aligned to corporate priorities.
- 6) Ensure members receive transparent and timely reports on the council’s performance.
- 7) Partnership working is mixed and needs further investment.

This report provides a written summary of the key observations made by the peer team during their follow up remote corporate health check at Derbyshire County Council. It addresses the key issues of the recommendations made in October 2018 and provides some key reflections on the Council’s onward improvement journey.

Feedback and Key Reflections

The Peer Team was very impressed with the progress the Council has made during some unprecedented and challenging times. The Council has come a long way on a journey and now need to embed the improvements made into the culture and day-to-

day operations of the organisation so that they are sustained going forward.

The Council has faced numerous challenges from COVID to multiple floods and is recognised by all as a Council that excelled in emergency situations. Everybody the Peer Team spoke to, internally and externally, were incredibly impressed by the way the Council stood up in times of crisis. People looked on the Council as a safe and trusted organisation that took the leadership role and acted at speed.

The Peer Team was particularly heartened to see the positive way in which the Council addressed the recommendations of the Corporate Peer Challenge of 2018 and the evidence provided to show the progress made, especially during such challenging times.

There is visible and active political leadership provided by the Leader and Cabinet. The Leader is making his presence felt in national, regional, and sub-regional forums; and through the support of a committed and effective senior management team the Council is beginning to take a much more outward looking leadership role.

The Peer Team was impressed to hear from both partners and council staff the positive culture of partnership working, and the pride and commitment people have in working for the Council. These are huge assets for the Council that will help in delivering its ambitions for Derbyshire residents.

Enterprising Council

There is growing articulation and understanding of the Enterprising Council concept at the senior leadership levels. The concept has now been firmed up with a strategy and action plan and these are owned by the Cabinet and senior managers. Nevertheless, there is still a lack of clarity and understanding of the corporate intent and ambition among partners and staff. There is therefore some further work to be done to clarify what the Council is trying to achieve and what it will prioritise. This may mean communicating in very simple ways 'what' the message looks like in practice and 'how' people can embed it in their work and through their behaviours and actions. It calls for a concerted communication and engagement exercise to put the message out in a clear and simple way.

The Council has made good progress in strengthening its corporate capacity. The positive move to the centralisation of corporate services such as Human Resources and Procurement functions; and the proposal for a central Programme Management Office are positive steps in giving a strategic context to the Council. These changes have not only delivered efficiencies and led to better services but have also been well received by staff.

To build a 'One Council' approach the Peer Team was pleased to see that corporate initiatives, such as climate change for example, are being championed by strategic

directors outside of their traditional service areas. This will help to break down silos and drive home the message of the 'One Council' approach. It should also lead to more cross-service collaborations and shared learning.

It was good to see the Council celebrating success through awards and embracing external challenge. Staff were particularly proud of the achievements made and there feels to be a greater acceptance of positively opening the organisation to constructive challenge. Going forward, the Council should now develop a stronger sense of strategic transformation through regular organisational conversations and communication to further engage the whole workforce and key partners so it can deliver its ambitions at pace. This could involve putting in place 'all staff days' and periodic partnership planning workshops/conferences, etc.

The Council has high ambitions articulated in its Enterprising Council strategy and the Council Plan through 'Vision Derbyshire', 'Thriving Communities' and the 'County Deal'. The Council will need to ensure that it has the right capacity in the right places to deliver against these ambitions. For example, is the capacity to generate economic growth and fuel post pandemic recovery in place across the County? Ensuring this capacity is in place will reap huge rewards for the Council.

Council Plan and Performance

A sharper vision and tighter priorities are provided by the Council Plan, which is now in a much better position and is owned and driven by the Cabinet. The Council Plan is also underpinned by a clear delivery plan which Cabinet can use to track progress.

The efforts put into developing the performance management framework and the quality of information presented to Cabinet Members is commendable and this is now leading to better and quicker decision-making. The Peer Team heard how useful Cabinet Members find this information and are now in a much better position to communicate and promote the Council's achievements to the public.

Going forward, the peer Team heard about plans to make further improvements to sharpen up and better align service plans, corporate risk, major projects with the budget. This would be the logical next step to enable the Council to have a completely integrated corporate and service planning process aligned with financial planning; and with performance data, risk management, and progress against strategic programmes being reported through the Programme Management Office.

The Peer Team would also suggest that the Council should consider making more use of analytics and quality data in its decision-making processes. The value of data and evidence driven decision-making has been demonstrated during the pandemic and this should be an area to develop going forward.

Finance and Capacity

The move to appointing a permanent Managing Director is universally welcomed as an evolution to build on the previous collaborative management model. This should help to strengthen managerial leadership and provide a clear strategic focus in the Council.

The Peer Team was pleased to note that some of the positive impacts of the pandemic on its partnership working, agility in decision-making, more flexible ways of working, better use of modern technologies, enhanced communication, community resilience, volunteering, environment etc are being taken forward and built upon by the Council. All these positives should help the Council accelerate improvements as it moves into the post-pandemic 'new normal'. It will be important to ensure the organisational culture continues to shift in a positive direction to build for the future and that people continue feeling connected to the organisation.

Financial responsibility and decision making has been improved through greater delegation thereby facilitating more agile decision-making. However, there is still work to be done to rigorously align the budget to corporate priorities to support the achievement of future savings to be made. Furthermore, as the Council emerges from the pandemic it is important to review the financial plan to recognise the new financial environment, e.g. care markets, inflation, and other known risks; and drive forward any consequences. It will therefore be even more important to ensure that the Medium-Term-Financial-Plan (MTFP) is wrapped around the Council's strategic plans. This will enable Members and officers to have a clear line of view of how the delivery of the Council's priorities and operational plans will be financed, where the pressure points are likely to be and how savings are to be delivered.

In terms of the internal capacity of the Council it will be important to ensure that this is appropriate and in line with the Council's more outward looking and ambitious culture. Cabinet Members should be clear that the right organisational resources are in the right places to drive forward their ambitions, and that this is developed to take on emerging challenges.

In terms of political capacity, it is recommended that the Council should review the opportunities for cross-party working through communication, the right officer support and training for all Members - building on the work of the scrutiny review and the Member Development Group. The Peer Team recognises the strength of the senior management and Cabinet Member training to build a single team, as well as the leadership development courses that have taken place and would encourage all this to be continued and built upon.

Partnership Working

There are clearly good aspirations in place for the County, and these are being articulated through 'Vision Derbyshire' and the 'County Deal'. The challenge now is to bring all key stakeholders on board with the aspirations and ensure they are

shared by all key stakeholders.

The Peer Team was pleased to note the very visible investment in partnership working and the good relationships the Council has with key strategic partners. This was also acknowledged and appreciated by the Council's partners. They have been incredibly impressed with the extra mile that the Council is currently going, especially by the political leadership going out and visiting all the partners to make the case for the 'County Deal' and 'Vision Derbyshire'.

This work should continue and be expanded to ensure all key partners e.g. parish councils, colleges, universities, and the business sector are not only involved but that their capacity is captured to deliver, for example, 'Vision Derbyshire' and 'Thriving Communities' objectives. This may mean further strengthening co-design and co-production approaches with partners and utilising the key strengths of others to lead would be worthwhile where appropriate.

By building on the good work undertaken to align the Council behind some strong values and behaviours, tightening up its strategic functions, clearly articulating the Council's plans for the future, continue investing in partnership working, and wrapping the MTFP around corporate ambitions and priorities, the Council is in a strong position to deliver impressive results for the people of Derbyshire.

Recommendations

The Peer Team was impressed by the progress made against the original recommendations of The Corporate Peer Challenge of 2018. Derbyshire is on a successful improvement journey and it is now beginning to reap rewards. To keep this journey on track and accelerate it further the Peer Team would make the following recommendations to build upon the excellent work to date:

- 1) Simplify and continue creatively communicating the Enterprising Council concept so that it can better engage middle management and frontline staff to ensure everyone understands it and is onboard with it.
- 2) Continue to improve and refine the Council's management processes and partnership working to ensure all available capacity is harnessed to deliver for Derbyshire residents.
- 3) Continue to communicate and sell the ambition of 'Vision Derbyshire' and the 'County Deal' to all stakeholders, by clearly outlining the benefits and added value for the County.

Next steps

The LGA would like to thank Derbyshire County Council for undertaking an LGA Remote Corporate Health Check.

We appreciate that senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take things forward.

Under the umbrella of LGA sector-led improvement, there is an on-going offer of support to councils. The LGA is well placed to provide additional support, advice, and guidance on a number of the areas identified for development and improvement and we would be happy to discuss this. Mark Edgell (Principal Adviser) is the main point of contact between the authority and the Local Government Association (LGA). His e-mail address is mark.edgell@local.gov.uk Tel: 07747 636 910

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

10 February 2022

The Forward Plan

Report of the Managing Director

(Corporate Services & Budget)

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is not a Key Decision

3. Purpose

3.1 To present the Executive's Forward Plan for the period 1 March – 30 June 2022 and provide an opportunity for Cabinet to comment on future decisions for inclusion in the forthcoming Forward Plan.

4. Information and Analysis

4.1 An independent review of the Council's Scrutiny function was undertaken in 2020 by the Centre for Governance and Scrutiny. The report commented upon several areas, including the proposal for a Forward Plan which looks to the future, for a period longer than the statutory requirement.

- 4.2 It was believed that such a Forward Plan would enable the four Improvement and Scrutiny Committees to prepare better informed work programmes. This will equally apply to the work programme of the new Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction.
- 4.3 It has been agreed that a four-month rolling Forward Plan be considered by CMT and then by Cabinet monthly. This approach should improve planning and horizon-scanning.
- 4.4 In the interests of effective coordination and public transparency, the Forward Plan includes any item that is likely to require an Executive decision of Cabinet or Cabinet Member whether a key decision or not. The Forward Plan covers the forthcoming 4 months and will be updated on a rolling monthly basis. All items have been discussed and approved by the Corporate Management Team.
- 4.5 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains executive business due for decision. A copy of the Forward Plan covering the period 1 March – 30 June 2022 is attached at Appendix 2. This document will be published on 9 February to comply with the requirements to give 28 days' notice of key decisions to be considered at the 10 March 2022 Cabinet meeting.

5. Consultation

- 5.1 There is no requirement to consult in relation to the preparation of the Forward Plan.

6. Alternative Options Considered

- 6.1 Cabinet could decide not to agree with any of the items that are suggested for inclusion in the Plan. This would then be referred to the Corporate Management Team.
- 6.2 Cabinet could decide to move the date for consideration of any item provided the requirement to give at least 28 days' notice of a key decision is met.

7. Implications

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

8. Background Papers

8.1 The Scrutiny Review 2020.

9. Appendices

9.1 Appendix 1 - Implications

9.2 Appendix 2 - The Forward Plan for the period 1 March 2022 to 30 June 2022

10. Recommendation

10.1 That Cabinet notes the contents of the Forward Plan attached at Appendix 2 and comments on future decisions for inclusion in the Forward Plan, where appropriate.

11. Reasons for Recommendation

11.1 To promote the items that are due for decision by Derbyshire County Council's Executive during the forthcoming four-month period.

11.2 Whilst the Forward Plan cannot be an exhaustive list of all future decisions, to ensure as far as possible that the Forward Plan gives an indication of those decisions which it is known the executive will need to consider in the coming period and can therefore be used as a planning tool for managing the work programme of the executive and Improvement and Scrutiny Committees.

12. Is it necessary to waive the call-in period?

12.1 No

Report Author: Helen Barrington **Contact details:** helen.barrington@derbyshire.gov.uk

Implications

Financial

- 1.1 None directly arising from this report.

Legal

- 2.1 The Council is required by law to give to give 28 days' notice of key decisions that are scheduled to be taken by the Executive. A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more divisions in the County. This legal obligation is discharged by including the necessary information in the 'Forward Plan'.
- 2.2 There is no legal requirement to have a four-month rolling Forward Plan, however it is good practice to do so to support effective work programmes for the executive and scrutiny functions.

Human Resources

- 3.1 None directly arising from this report.

Information Technology

- 4.1 None directly arising from this report.

Equalities Impact

- 5.1 None directly arising from this report.

Corporate objectives and priorities for change

- 6.1 The Forward Plan will include future decisions which support the Council's corporate objectives and delivery of the Council Plan priorities and deliverables.

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

- 7.1 None directly arising from this report.



FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 MARCH TO 30 JUNE 2022

This Forward Plan sets out the details of the executive decisions (key and non-key) which the Cabinet individual Cabinet Members or Officers expect to take during the next four-month period.

Please note that a key decision is a decision to be taken by the Executive which:

- (1) is likely to result in the local authority incurring expenditure or making savings of above £500,000 and/or
- (2) is significant in terms of its effects on communities living or working in an area comprising two or more divisions/county electoral areas.

The current members of the Cabinet are:

Councillor Barry Lewis	Leader of the Council and Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change
Councillor Simon Spencer	Deputy Leader and Cabinet Member for Corporate Services and Budget
Councillor Carol Hart	Cabinet Member for Health and Communities
Councillor Tony King	Cabinet Member for Clean Growth and Regeneration
Councillor Natalie Hoy	Cabinet Member for Adult Care
Councillor Carolyn Renwick	Cabinet Member for Infrastructure and Environment
Councillor Kewal Athwal	Cabinet Member for Highways Assets and Transport
Councillor Julie Patten	Cabinet Member for Children's Services and Safeguarding
Councillor Alex Dale	Cabinet Member for Education

The information provided for each key decision includes a list of the documents which will be submitted to the decision maker. Further documents relevant to the matter may also be submitted to the decision maker

Subject to any restriction on their disclosure, copies of, or extracts from, any document listed will be available on the County Council's website or for inspection at County Hall, Matlock, Derbyshire DE4 3AG at least five clear days before the meeting.

If you wish to request details of documents listed or further documents as they become available please email Democratic Services at democratic.services@derbyshire.gov.uk

Subject: Proposal to support submission of a Full Business Case to create an East Midlands Freeport - EXEMPT

Is this a key decision?	Yes
Date notice of key decision published	5 November 2021
Date decision to be made	15 February 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Strategic Leadership, Culture, Tourism & Climate Change
Documents to be submitted to the decision maker	Report of the Executive Director – Place
Lead Officer	Joe Battye Email: joe.battye@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

Subject: Day Opportunities – LD/Autism

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Adult Care
Documents to be submitted to the decision maker	Report of the Executive Director – Adult Social Care & Health
Lead Officer	Lisa Reddington Email: lisa.reddington@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

Subject: Climate Change Projections and Adaptation

Is this a key decision?	Yes
Date notice of key decision published	15 September 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Strategic Leadership, Culture, Tourism & Climate Change
Documents to be submitted to the decision maker	Executive Director – Adult Social Care & Health
Lead Officer	Caroline Toplis – Programme Manager – Climate Change e-mail caroline.toplis@derbyshire.gov.uk
Improvement and Scrutiny Committee	Climate Change, Biodiversity and Carbon Reduction

Subject: Construction and Property Maintenance Delivery

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Corporate Services & Budget

Documents to be submitted to the
decision maker
Lead Officer

Managing Director

Stuart Knight – Interim Property Manager
e-mail stuart.knight@derbyshire.gov.uk

Improvement and Scrutiny Committee

Resources

Subject: Procurement and delivery of Holiday Activity and Food Programme 2022-25

Is this a key decision?	Yes
Date notice of key decision published	9 February 2022
Date decision to be made	10 March 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Education
Documents to be submitted to the decision maker	Report of the Executive Director – Children's Services
Lead Officer	Sarah Edwards – Head of Service Programmes Email: sarah.edwards@derbyshire.gov.uk

Improvement and Scrutiny Committee

People

Subject: Service Plan of Public Health Procurement Projects 2021-25: Refresh

Is this a key decision?	Yes
Date notice of key decision published	9 February 2022
Date decision to be made	10 March 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Health & Communities
Documents to be submitted to the decision maker	Report of the Director of Public Health
Lead Officer	Jim Dix – Project Manager Email: jim.dix@derbyshire.gov.uk

Improvement and Scrutiny Committee

Health

Subject: Ash Dieback Disease

Is this a key decision?	Yes
Date notice of key decision published	12 January 2022
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Infrastructure & Environment
Documents to be submitted to the decision maker	Report of the Executive Director – Place
Lead Officer	Claire Russell Email: claire.russell@derbyshire.gov.uk

Improvement and Scrutiny Committee

Subject: Approval of the Derbyshire Sexual Health Service within a Section 75 for implementation April 2022

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Health & Communities
Documents to be submitted to the decision maker	Report of the Director of Public Health
Lead Officer	Ellen Langton Email: ruth.shaw@derbyshire.gov.uk
Improvement and Scrutiny Committee	Health

Subject: Quarter 3 Council Plan Performance and budget update

Is this a key decision?	Yes
Date notice of key decision published	13 May 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Strategic Leadership, Culture, Tourism & Climate Change
Documents to be submitted to the decision maker	Report of the Managing Executive Director and Director of Finance & ICT
Lead Officer	Emma Alexander – Managing Executive Director e-mail emma.alexander@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: Council Plan Refresh 2022-23

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Strategic Leadership, Culture, Tourism & Climate Change
Documents to be submitted to the decision maker	Report of the Managing Director
Lead Officer	Laura Howe Email: laura.howe@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: Departmental Service Plans

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet

Relevant Cabinet portfolio	Strategic Leadership, Culture, Tourism & Climate Change
Documents to be submitted to the decision maker	Report of the Managing Director
Lead Officer	Laura Howe Email: laura.howe@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: Corporate Property Joint Ventures Fees & Charges 2022

Is this a key decision?	Yes
Date notice of key decision published	12 January 2022
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Cabinet Member for Corporate Services & Budget
Documents to be submitted to the decision maker	Report of the Director of Property
Lead Officer	Stuart Knight Email: stuart.knight@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: The Derbyshire Bus Enhanced Partnership Plan and Scheme

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Highways Assets & Transport
Documents to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Mark Hudson Email: mark.hudson2@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

Subject: Trial of Speed Indicator Devices in Derbyshire

Is this a key decision?	Yes
Date notice of key decision published	9 February 2022
Date decision to be made	10 March 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Highways Assets & Transport
Documents to be submitted to the decision maker	Report of the Executive Director - Place
Lead Officer	Simon Tranter – Principal Engineer Email: simon.tranter@derbyshire.gov.uk
Improvement and Scrutiny Committee	Places

Subject: Localities Programme 2022-23 to 2024-25

Is this a key decision?	Yes
Date notice of key decision published	15 December 2021
Date decision to be made	10 March 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Health & Communities
Documents to be submitted to the decision maker	Report of the Director of Public Health
Lead Officer	Ellen Langton Email: ellen.langton@derbyshire.gov.uk
Improvement and Scrutiny Committee	Health

Subject: Central School Services Block and Pupil Growth Fund Settlement 2022-23

Is this a key decision?	Yes
Date notice of key decision published	20 October 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Education
Documents to be submitted to the decision maker	Joint report of the Executive Director for Children's Services and Director of Finance & ICT
Lead Officer	Shelley Kerslake – Senior Business Partner (Children's Services) Email: Shelley.Kerslake@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: Early Years Block Funding Settlement 2022-23

Is this a key decision?	Yes
Date notice of key decision published	20 October 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Education
Documents to be submitted to the decision maker	Joint report of the Executive Director for Children's Services and Director of Finance & ICT
Lead Officer(s)	Shelley Kerslake – Senior Business Partner (Children's Services) Email: Shelley.Kerslake@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: High Needs Block Funding Settlement 2022-23

Is this a key decision?	Yes
Date notice of key decision published	20 October 2021
Date decision to be made	10 March 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Education

Documents to be submitted to the decision maker	Joint report of the Executive Director for Children's Services and Director of Finance & ICT
Lead Officer(s)	Shelley Kerslake – Senior Business Partner (Children's Services)
	Email: Shelley.Kerslake@derbyshire.gov.uk
Improvement and Scrutiny Committee	Resources

Subject: The Early Help Transition Team – Future Model of delivery - EXEMPT

Is this a key decision?	Yes
Date notice of key decision published	5 November 2021
Date decision to be made	7 April 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Children's Services
Documents to be submitted to the decision maker	Report of the Executive Director – Children's Services
Lead Officer	Chris Caley
	Email: chris.caley@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

Subject: Levelling Up

Is this a key decision?	Yes
Date notice of key decision published	5 November 2021
Date decision to be made	7 April 2022
Decision maker	Cabinet
Relevant Cabinet portfolio	Leader of the Council and Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change
Documents to be submitted to the decision maker	Executive Director for Children's Services
Lead Officer	Iain Peel
	Email: iain.peel@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

Subject: Proposed increase in the price of school meals

Is this a key decision?	No
Date notice of key decision published	n/a
Date decision to be made	5 May 2022
Decision to be taken by	Cabinet
Relevant Cabinet portfolio	Children's Services & Safeguarding
Documents to be submitted to the decision maker	Report of the Executive Director – Children's Services
Lead Officer	Kate Evans
	Email: kate.evans@derbyshire.gov.uk
Improvement and Scrutiny Committee	People

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 10 February 2022

Report of the Director - Public Health

Re procurement of Nicotine Replacement Therapy contract
(Cabinet Member for Health and Communities)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £0.500m) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 To obtain approval from Cabinet to increase the financial value of the Nicotine Replacement Therapy (NRT) budget on the forward plan of procurements in the Adult Social Care and Health Service Plan 2017-2021.

4. Information and Analysis

4.1 Live Life Better Derbyshire (LLBD) provides an evidence-based stop smoking service to support smokers who want to quit smoking. Accessing a local stop smoking service is the most effective method of

quitting smoking, with smokers four times more likely to quit smoking with a stop smoking service than if they tried to quit on their own. The support provided by the LLBD consists of behavioural support (advice on quitting, setting a date to quit and dealing with withdrawal symptoms/cravings) and access to smoking cessation pharmacotherapy products.

- 4.2 There are a range of smoking cessation pharmacotherapy products available to help smokers quit including nicotine replacement therapy (NRT) such as patches or gum, which are provided directly to clients free of charge.
- 4.3 NRT is currently supplied to Derbyshire County Council by Sigma Pharmaceuticals. The contract was initially approved at the Councils Cabinet meeting on 5th October 2017 for a term of 5 years (3+1+1) and has a maximum value of £2.8m. The contract is due to end 30th October 2022. A procurement process is on-going to find a provider for the next 5 years.
- 4.4 The Sigma Pharmaceuticals Nicotine Replacement Therapy contract value is a maximum of £0.56m per annum, but the actual annual spend has been much lower – see Table 1 below. The costs are met from the public health budget.

Table 1 – Stop Smoking Activity by Live Life Better Derbyshire

Year	2018--2019	2019-2020	2020-2021	2021-2022 (Forecast)
Quit Dates Set	1,405	1,710	2,297	2,600
4 Week Quits	862	1,158	1,553	1,625
NRT Spend	£0.109m	£0.133m	£0.182m	£0.270m

- 4.5 At the Cabinet meeting of 16 March 2020 (Min No. 44/20) Cabinet approved the 2019-2020 updates to the Departmental Service Plans 2017-2021. Within the Adult Social Care and Health Service Plan 2017-2021 the procurement of NRT was identified and the plan stated a value of £1.25m over five years (£0.250m a year) which was sufficient having regard to the service performance in the financial years 2018-2019 to 2020--2021.
- 4.6 However, the procurement value needs to be increased from £1.250m to £2.500m for the new five year contract for a number of reasons:

- LLBD service activity has significantly increased as shown in Table 1 above, with a subsequent increase in the amount of NRT provided by the service. Demand for stop smoking support by the service continues to grow and the service continues to ensure its offer is accessible, especially by those groups that are more likely to smoke – pregnant women, routine and manual workers, individuals with serious mental illness.
- Pfizer announced in June 2021 they were stopping all Champix production and recalling all remaining stock due to a contamination issue. Champix is a prescription only pharmacotherapy and is used by around 30% of LLBD clients in their stop smoking attempt. At the present time Pfizer has been unable to advise when Champix will be available again. Due to the lack of supply of Champix, LLBD is encouraging individuals to use NRT instead in their attempt to stop smoking. Consequently, this will increase the amount of NRT that the service uses.
- The NHS Long Term Plan sets out new commitments for action that the NHS itself will take to improve the prevention of ill health and reduce health inequalities. Whilst the prevalence of smoking has fallen, it still accounts for more years of life lost than any other modifiable risk factor. The NHS is therefore implementing a Tobacco Dependency Treatment programme to support patients to stop smoking and locally this programme will actively commence at both acute trusts in January 2022 and be rolled out to all adult inpatients, pregnant smokers and adult outpatients with serious mental illness by 2023-2024. This work by the NHS is welcomed but it should lead to more individuals being referred into LLBD for stop smoking support and therefore further increase the amount of NRT the service uses.

5. Consultation

5.1 No consultation required

6. Alternative Options Considered

6.1 Do nothing; the current budget may not meet the needs of the amount of NRT required to support the Derbyshire population which would have negative implications on the delivery of the LLBD stop smoking service. Failure to increase the value of the NRT contract could result in the Council being unable to procure sufficient NRT to support individuals to stop smoking and this will adversely impact service performance.

7. Implications

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

8. Background Papers

- 8.1 None identified

9. Appendices

- 9.1 Appendix 1 – Implications

10. Recommendation(s)

That Cabinet approves the increase in the financial value of the Nicotine Replacement Therapy (NRT) budget on the forward plan of procurements in the Adult Social Care and Health Service Plan 2017-2021 from £1.25million to £2.5million over the 5 years of the new contract for the reasons set out in this report.

11. Reasons for Recommendation(s)

- 11.1 LLBD require sufficient budget to buy enough NRT to support clients accessing the LLBD stop smoking service and contribute to improving population health by supporting individuals to stop smoking.

12. Is it necessary to waive the call in period?

- 12.1 *No*

Report Hayley Contact details: Hayley.gleeson@derbyshire.gov.uk
Author: Gleeson

Implications

Financial

- 1.1 The costs of NRT would be met from the Public Health Grant. Please note that the budget of £2.500m is the maximum and it is anticipated that the actual spend will be lower.

Legal

- 2.1 The procurement of a new supplier of NRT will be carried out in accordance with the Public Contracts Regulations 2015 and the Council's Financial Regulations.

Human Resources

- 3.1 Not applicable

Corporate objectives and priorities for change

- 6.1 This proposal supports the Council priority 'Increase the number of people taking part in stop smoking and weight management programmes' set out in the current Council Plan through providing a stop smoking service to Derbyshire residents.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 10 February 2022

Report of the Director - Public Health

Reimbursement of stop smoking pharmacotherapy costs
(Cabinet Member for Health and Communities)

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £0.500m) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 This report seeks approval from Cabinet to:

- a) Reimburse the Derby and Derbyshire Clinical Commissioning Group (CCG), for the costs of stop smoking pharmacotherapy products available on prescription only, throughout 2022-23. A maximum annual charge of £0.326m for 2020-21 has been agreed with the CCG based on historic prescribing costs and the same allocation is proposed for the 2022-23 financial year.

- b) Amend the Council's Scheme of Delegation to enable the Director of Public Health to authorise the reimbursement of stop smoking pharmacotherapy products available on prescription only from the financial year 2023-2024 onwards.
- c) Subject to the approval of the delegation, Cabinet notes that the Monitoring Officer and Director of Legal and Democratic Services has the authority to include this delegation in Appendix A to Appendix 1 of the Constitution – Responsibility for Functions and will report the amendment to the Governance, Ethics and Standards Committee and full Council for noting.

4. Information and Analysis

- 4.1 Smoking is the main cause of preventable illness, disability, and premature death in England, it also accounts for half the difference in life expectancy between the most affluent and most deprived groups within society. In Derbyshire, it is a key issue with 12.6% of adults smoking compared to the England average of 13.9% (APS method, 2019). Smoking is a key contributor to health inequalities with a prevalence of 19.5% in Derbyshire (England 23.2%) in routine and manual workers (APS method, 2019).
- 4.2 In Derbyshire 11.8% of pregnant women are smoking at time of delivery, compared to the England average of 9.6% (2020/21 data). The prevalence remains even higher in people with mental health conditions, where more than 25% of adults in Derbyshire with a serious mental illness smoke.
- 4.3 In Derbyshire, during 2016-2017 there were 8,326 smoking attributable hospital admissions and the number of deaths during 2014-16 is estimated to be attributable to smoking was 3,991. The prevalence of smoking varies considerably across the county, from 8.6%, in North East Derbyshire to 15.8% in South Derbyshire, the highest in the county (APS method, 2019).
- 4.4 Live Life Better Derbyshire (LLBD) provides an evidence-based stop smoking service to support smokers who want to quit smoking. It is the most effective method of quitting smoking, with smokers four times more likely to quit smoking with a stop smoking service than if they tried to quit on their own. The support provided by the LLBD stop smoking service consists of behavioural support (advice on quitting, setting a date to quit and dealing with withdrawal symptoms/cravings) and advice and access to smoking cessation pharmacotherapy products.

- 4.5 There are a range of smoking cessation pharmacotherapy products available to help smokers quit smoking including nicotine replacement therapy (e.g. patches or gum) which are provided directly by LLBD, and others such as bupropion (Zyban) and Varenicline (Champix), which are only available on prescription. A local pathway exists to allow smokers to access bupropion and varenicline whilst receiving support from the LLBD stop smoking service.
- 4.6 The funding for smoking cessation pharmacotherapy products issued on a prescription did not originally transfer to local authorities when Public Health responsibilities transferred on 1 April 2013 under the Health and Social Care Act 2012 and instead were included within CCG budgets. Following discussions with the Derby and Derbyshire CCG, it was agreed the County Council would hold the budgets associated with the cost of smoking cessation pharmacotherapy products issued on a prescription (Champix and Zyban only). Therefore, the budgets were transferred from the Derby and Derbyshire CCG by the Department of Health to Derbyshire's ring-fenced Public Health Grant with effect from 1 April 2016. However, prescriptions issued in general practice are initially charged to CCG prescribing budgets and therefore it is expected that CCG will invoice Derbyshire Public Health for these costs as they no longer hold the budget for prescriptions related to stop smoking (Champix and Zyban only).
- 4.7 Since 2016 a report has been submitted annually to the Council's Cabinet requesting permission to reimburse the Derby and Derbyshire CCG for smoking cessation pharmacotherapy. Given that Public Health have a budget and the amount allocated is not exceeded, in the interest of administrative efficiency consideration should be given to delegating to the Director of Public Health the authority to agree the reimbursement to the CCG.

5. Consultation

- 5.1 No consultation required

6. Alternative Options Considered

- 6.1 Do Nothing; up to 30 percent of LLBD clients use Champix to stop smoking. If GPs do not prescribe Champix for clients because of budgetary implications this would have a negative implication on the delivery of the LLBD stop smoking service. Failure to have this budget in place could result in the Council being unable to support individuals to stop smoking and this will adversely impact service performance.

7. Implications

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

8. Background Papers

- 8.1 None identified.

9. Appendices

- 9.1 Appendix 1 – Implications

10. Recommendation(s)

- 10.1 That Cabinet approves:

- a) The reimbursement of prescription only smoking cessation pharmacotherapy product costs (Champix and Zyban only) to the Derby and Derbyshire CCG to a maximum cost of £326,150.
- b) The delegation of authority to the Director of Public Health to authorise the reimbursement of stop smoking pharmacotherapy products available on prescription only from the financial year 2023-24 onwards.
- c) Subject to the approval of the delegation, Cabinet notes that the Monitoring Officer and Director of Legal and Democratic Services has the authority to include this delegation in Appendix A to Appendix 1 of the Constitution – Responsibility for Functions and will report the amendment to the Governance, Ethics and Standards Committee and full Council for noting.

11. Reasons for Recommendation(s)

- 11.1 To support work to improve the health of the population of Derbyshire by ensuring that people who wish to stop smoking are able to access stop smoking pharmacotherapy available by prescription only.
- 11.2 To improve administrative efficiency and support the Enterprising Council approach by delegating decision making down to an appropriate level.

12. Is it necessary to waive the call in period?

- 12.1 No

Report Hayley Gleeson
Author:

Contact
details: Hayley.Gleeson@derbyshire.gov.uk,

Implications

Financial

- 1.1 The maximum cost of £0.326m will be met by the ring-fenced Public Health Grant budget.

Legal

- 2.1 Cabinet may delegate a decision-making function to an officer in accordance with paragraph 1.3 (a) of Appendix 4 to the Council's Constitution.
- 2.2 Paragraph 1.4 of Appendix 4 to the Constitution provides (a) that the Council's Scheme of Delegation may only be amended by the Council except (b) where Cabinet is able to decide whether to delegate its functions in which case, Cabinet must give written notice to the Director of Legal Services and the person concerned setting out the extent of the proposed amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Director of Legal Services is then required to present a report to the next ordinary meeting of the Council, setting out the changes that have been made by Cabinet.

Human Resources

- 3.1 Not applicable

Corporate objectives and priorities for change

- 6.1 This proposal supports the council priority 'Increase the number of people taking part in stop smoking and weight management programmes' set out in the current Council Plan through providing a stop smoking service to Derbyshire residents that includes access to stop smoking pharmacotherapy available on prescription.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 10 February 2022

Report of the Executive Director - Place

National Property Resilience Framework (Lot 2 - Supply and Installation of Property Flood Resilience Measures)

(Cabinet Member for Highways, Assets and Transport)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To note the urgent decision taken by the Executive Director – Place to utilise Lot 2 of the Environment Agency's National Property Flood Resilience Framework.

4. Information and Analysis

4.1 On 29 December 2021, the Executive Director – Place took an urgent decision to utilise Lot 2 of the Environment Agency's National Property Flood Resilience Framework.

4.2 The National Property Resilience Framework is a framework which all Local Authorities have access to, in order to procure contractors to undertake Property Resilience Flooding schemes. Utilising one of the Contractors off the National Property Flood Resilience Framework,

means that all of the due diligence work has already been undertaken, which will not only ensure that the Contractor is fit for purpose, but also reduce the timescales for procurement and award of any contract.

- 4.3 Lot 2 is for Supply and Installation of Property Flood Resilience Measures.
- 4.4 Please note that the use of this framework was approved by the Cabinet Member – Highways, Transport and Infrastructure on 30 July 2020 (Minute No. 40/20 refers) to utilise Lot 1, which is for Property Flood Surveys. At the time, it was envisaged that Lot 2 of the framework was not going to be utilised. However, it subsequently transpired that a requirement to use Lot 2, was necessary for a scheme which had come forward to protect 12 properties in Renishaw and for which funding had to be claimed from Defra by the end of February 2022.

5. Consultation

- 5.1 Not applicable.

6. Alternative Options Considered

- 6.1 Procure a Contractor through open tender. Although this would comply with procurement protocols, the Contractors would have to go through detailed evaluation and due diligence, all of which would take additional time and resource to undertake. Numerous Local Authorities have utilised this framework successfully since it was brought in by the Environment Agency, and the feedback received from these authorities is positive, providing further assurance that the framework is the best route to take.
- 6.2 Do nothing. This option is not practical as schemes which have subsequently come forward will require further procurements which can be sourced through the framework.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.
- 7.2 The benefits from utilising the Framework will be as follows:
- The Council will be utilising Contractors who are experienced in undertaking this type of work.

- All of the Contractors will have already been through the due diligence process in order to get onto the Framework.
- Utilising an experienced Contractor to undertake this work will ensure a satisfactory level of consistency and quality.

8. Background Papers

- 8.1 Report to the Cabinet Member – Highways, Transport and Environment
30 July 2020
<https://democracy.derbyshire.gov.uk/documents/s3681/National%20Property%20Resilience%20Framework.pdf>

9. Appendices

- 9.1 Appendix 1 – Implications.
- 9.2 Appendix 2 - Urgent Decision taken by the Executive Director – Place dated 29 December 2021.

10. Recommendation

That Cabinet:

- a) Notes the urgent decision taken by the Executive Director – Place to utilise Lot 2 of the Environment Agency's National Property Flood Resilience Framework.

11. Reason for Recommendation

- 11.1 To ensure the Authority is utilising the most experienced Contractors available for this type of work, who have already been through a process of Due Diligence. It will also enable the procurement process to be more efficient and quicker, thus reducing the time and resources required.

12. Is it necessary to waive the call in period?

- 12.1 No.

Report	Joanna Jackson,	Contact	Joanna.Jackson@derbyshire.gov.uk,
Author:	Richard Ward	details:	Richard.Ward@derbyshire.gov.uk

Implications

Financial

- 1.1 Existing resources within the Authority will be utilised (Flood Risk Team) to both procure and manage Contractors off the framework.

Legal

- 2.1 The County Council has a duty under the Flood and Water Management Act 2010 to manage local flood risk, and under the Local Flood Risk Management Strategy, there is an objective to aim to reduce the level of flood risk to the people of Derbyshire. Utilising this framework will assist in achieving this objective.
- 2.2 The Director of Legal and Democratic Services is satisfied that, on the basis of the information contained in this report, the award of contract was made in accordance with the Council's Financial Regulations.
- 2.3 The Council's Constitution provides that "*notwithstanding any other provision of the Constitution Executive Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.*"
- 2.4 In this case, the urgent decision was taken in order to claim funding from DEFRA, by the deadline of the end of February 2022. The urgent decision was required to enable the contract to be signed, and the appointed Contractor to progress with this scheme, in time for the work to be completed and the grant funding claim to be submitted to DEFRA.

Human Resources

- 3.1 None.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 An Equality Impact Assessment (EIA) was undertaken in support of the Local Flood Risk Management Strategy (LFRMS). The LFRMS has an objective embedded within it, to aim to reduce the level of flood risk to the people of Derbyshire. The main concerns in the EIA related to Public Health and the impacts of recurrent flooding on mental health and the effects of flooding on the elderly, infirm, pregnant and disabled, who may not be so able to adapt to/, or be capable of making themselves resilient to the effects of flooding or deal with flooding should it enter or confine them to their property. The LFRMS takes on board these issues and seeks to address them through strong emphasis on preparation and development of personal resilience.

Corporate objectives and priorities for change

- 6.1 Not applicable.

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

- 7.1 **Environmental:**
Utilising the National Property Flood Resilience Framework and therefore using one Contractor to undertake all of the Property Flood Resilience work in Derbyshire, will generate local efficiencies of scale, reduced travel time, and a level of consistency and quality in the flood risk schemes the Authority undertakes, which will reduce the overall carbon footprint for any given scheme.
- 7.2 **Social Value:**
Ensuring each Flood Risk scheme has the most beneficial flood mitigation products for their properties, utilising the expertise from the Contractors on the Environment Agency Framework, will produce an intangible social value to health and well-being, simply by reducing fear of flooding, of loss of property and of the long term misery caused by the invasion of the home or business.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION AND DECISION REVIEW RECORD

Officer: Richard Ward <i>*For emergency powers, this would be the Executive Director</i>	Service: Place
Delegated Power Being Exercised: "Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee". <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>	
Subject of Decision: (i.e. services affected)	Flood Risk Team – Use of the Environment Agencies (EA) National Property Resilience Framework
Is this a review of a decision? If so, what was the date of the original decision?	No – However, approval was received through a Cabinet Member report back in September 2020 (Minute Nr 40/20) which approved the use of this framework. This approval however, only covered Lot 1 of the Framework.
Key decision? If so have Democratic Services been notified?	No
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	To approve the use of Lot 2 "Supply and installation of Property Flood Resilience Measures" from the EA's National Property Resilience Framework. The decision will last for the period of the framework, which is between 2018 and 2022.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.	It was only envisaged at the time, that the Authority would have the need to use Lot 1 from the EA Framework. However, the Flood Risk Team are now delivering a contract to protect 12 properties in Renishaw from flooding. The quickest and most expedient way to procure this contract was through the EA's Framework, as the deadline to claim funding from DEFRA, which will be partly used to fund this scheme, is the end of February 2022. This is why an urgent decision is required, to enable the contract to be signed, and the appointed Contractor to progress with this scheme, in time for the work to be completed and the grant funding claim to be submitted to DEFRA.

Alternative Options Considered (if appropriate) and reasons for rejection of other options	The Renishaw scheme wasn't included in the Departmental Service Plan 2021-2022, which meant that the delegated powers to Executive Director could not be used in an Executive Directors Report. The next Cabinet Member meeting isn't until the 10 th February 2022, which wouldn't have been timely enough to facilitate claiming the grant funding from DEFRA.
Has a risk assessment been conducted ?- if so what are the potential adverse impacts identified and how will these be mitigated?	No
Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision	No
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	No
Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))	Cabinet member report attached, approving the use of the Environment Agencies Property Resilience Framework, the approved Procurement Business Case, and the signed Environment Agency Framework agreement.
Consultation with relevant Cabinet Member (s) – please note this is obligatory.	Cllr Athwal has been briefed in an email dated 23/12/2021, and is included in the report pack.
Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived and key decision to be made without requisite notice – please note this is obligatory in those circumstances	N/A
Decision:	To approve the use of Lot 2 "Supply and installation of Property Flood Resilience Measures" from the EA's National Property Resilience Framework.
Signature and Date: <i>Chris Henning 29/12/2021</i>	

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 10 February 2022

Report of the Director - Schools & Learning

Children's Services Determined Admissions Arrangements 2023 - 2024
(Cabinet Member for Education)

1. Divisions Affected

County Wide

2. Key Decision

No

3. Purpose

- 3.1 To report on the annual consultation, and to seek Cabinet approval for the proposed determined admission arrangements for the academic year 2023/24.

4. Information and Analysis

4.1 The regulations concerning school admissions – namely, the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 and the statutory Department for Education 'School Admissions Code' (September 2021) – requires that the admission arrangements for the 2023/24 academic year are consulted for a minimum of 6 weeks between 1 October 2021 and 31 January 2022 and determined no later than 28 February 2022.

5. Consultation

5.1 Consultation information was posted on the Derbyshire County Council website from 14 October 2021, setting out the proposed changes to arrangements for the 2023/24 academic year.

The following were also consulted:

- (a) Community, Voluntary Controlled, Academy, Voluntary Aided and Foundation primary and secondary schools in Derbyshire.
- (b) Neighbouring Local Authorities and Diocesan Authorities.
- (c) Neighbouring authority schools which are adjacent to the County boundary and may be affected by Derbyshire's arrangements.

The consultation was publicised by schools' extranet and e-mail on 2 November 2021. The consultation period finished on 5 December 2021 and the responses are shown below.

There are no changes proposed to the over-subscription criteria for community and controlled schools.

Proposed amendments to normal areas are as follows.

The creation of a shared normal area between Highfields Spencer Academy and Findern Community Primary School. The normal area of Highfields Spencer Academy was previously within the normal area of Findern Community Primary School. The council consulted to create a discrete normal area for Highfields from September 2021, removing it from that of Findern. It is now necessary to temporarily designate the normal area of Highfields as a shared normal area with Findern.

This is to ensure that, due to the gradual opening of year groups at Highfields, children of all primary ages can be designated a normal area school. This shared arrangement will need to stay in place until September 2027.

The creation of shared normal area between Chellaston Fields Spencer Academy and Sale and Davy's CE (Controlled) Primary School
The normal area of Chellaston Fields Spencer Academy was previously within the normal area of Sale and Davy's C.E. Controlled Primary School.

The council consulted to create a discrete normal area for Chellaston Fields from September 2020, removing it from that of Sale and Davys. It is now necessary to temporarily designate the normal area of Chellaston Fields as a shared normal area with Sale and Davys. This is to ensure that, due to the gradual opening of year groups at Chellaston Fields, children of all primary ages can be designated a normal area school. This shared arrangement will need to stay in place until September 2025.

A copy of the arrangements is available on the Derbyshire County Council website. [School admission arrangements 2023 to 2024 - Derbyshire County Council](#)

Published Admission Numbers [PANs] Following consultation, changes to the school Published Admission Numbers (PANs) listed in Appendix 1 are recommended. These have all been agreed by the schools. All of these changes are in line with revised net capacity assessments.

The only school where the PAN is less than the indicated admission number (IAN, which is usually the minimum number) is now Spire Junior School. The published number is 50 while the indicated admission number is 51. This was agreed in 2008/9 following consultation within the community so that the PANs of Spire Infant and Spire Junior School are co-ordinated. No change is proposed this year.

Fair Access Protocols There are no changes to the Fair Access Protocols. Copies of the Primary and Secondary Fair Access Protocols are available on the Derbyshire County Council website. <https://www.derbyshire.gov.uk/education/schools/school-places/admissions/admission-arrangements.aspx>

Co-ordinated Admissions Scheme. It is proposed to make no significant changes to the Co-ordinated Admissions Scheme, other than to bring forward relevant dates into the 2023/24 admission rounds.

6. Alternative Options Considered

N/A

7. Implications

- 7.1 The DfE School Admission Code requires authorities to consult on their admission arrangements annually where they propose changes

to the policy. If no changes are required, then the admission authority must consult once every 7 years. As the admission authority is making changes to published admission arrangements which include reductions, the council is legally obliged to consult and determine the admission arrangements for the 23/24 academic year by 28 February 2022.

8. Background Papers

School Admissions Code (DfE September 2021).

Schools Admissions Appeals Code (DfE February 2012).

2021/22 Consultation documents.

Proposed Admission Arrangements for community and voluntary controlled schools in Derbyshire for the 2021/22 academic year.

9. Appendices

9.1 Appendix 1 – proposed changes to published admission numbers.

10. Recommendation(s)

That Cabinet:

10.1 considers the outcome of the consultation and approves the proposed determined admission arrangements for the academic year 2023/2024.

11. Reasons for Recommendation(s)

11.1 To ensure legal compliance with the statutory obligations for school admissions as defined in the DfE School Admission Code (2021)

11.2 The consultation period has now closed, and there have been no responses received.

12. Is it necessary to waive the call-in period?

12.1 No

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Appendix 1

Published Admission Numbers for Community and Controlled Schools for 2023/24

As a result of a review of the accommodation of the schools and the net capacity assessment of the buildings, proposed changes to Published Admission Numbers (PANs) for 2023/24 are as follows –

<u>School</u>	<u>Movement of PAN</u>	<u>Details</u>
Reduction		
New Mills School	171 to 150	Review of capacity
Blackwell Primary School	24 to 20	Review of accommodation
Increases		
Brockwell Junior School	60 to 64	Review of accommodation
Combs Infant School	8 to 10	Additional Accommodation

All other PANs remain as published in the 2022/23 arrangements.

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Agenda Item

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 10 February 2022

Report of the Executive Director-Adult Social Care

**Retention Payments for Homecare workers in Private, Voluntary, and
Independent market**
(Cabinet Member for Adult Social Care)

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 Yes

3. Purpose

3.1 To seek cabinet approval of an Officer Decision made on the 21st December 2021, following agreement of the Corporate Management Team on 16th December 2021, to administer a one-off grant available to registered domiciliary care providers in the Private, Voluntary and Independent market in Derbyshire to pay a retention payment to workers remaining employed by their organisation through the winter months.

4. Information and Analysis

4.1 This is a one-off action to retain the existing workforce capacity at a time of acute seasonal pressures alongside increasing infection rates associated with the Omicron variant of the coronavirus. The impact of this retention payment will be evaluated via workforce and capacity data and qualitative information provided by providers.

To support retention in the Private Voluntary and Independent domiciliary care workforce at a time of increased demand with an existing substantial capacity gap that will:

- Support delivery of services to Derbyshire residents with social care needs living in their own homes who would face substantial risks to their safety, health and wellbeing without the continued delivery of such services
- Retain our domiciliary care capacity to prevent admissions and support discharges out of NHS acute settings
- Mitigate against the risks associated with increased infection rates and staff absence in the PVI domiciliary care market

There has been increasing demand for support at home over a period of 4 years. This demand is related to several factors including: changing expectations of people who have social care needs and from their families for support at home as opposed to permanent admission to residential care; increased demand from the NHS to facilitate hospital discharge much more quickly and to reduce non-elective admissions to hospital and the Adult Social Care Better Lives strategy which seeks to support people to retain their independence and continue to live independent lives in their own homes in the community.

Workforce capacity has not increased in line with the increase in demand and, whilst workforce capacity has been challenging in domiciliary care services for several years, this has been exacerbated by the opening up of other parts of the job market following the loosening of covid restrictions earlier in the year, the payment of incentives and bonuses to new workers by some employers in logistics and retail, low unemployment rates in Derbyshire and Derby and the impact of the Covid-19 pandemic with which has resulted in many leaving the caring profession. As the UK is experiencing high infection rates associated with the Omicron variant, sickness absence associated with infection is likely to also increase over the next few months alongside an increase in demand associated with seasonal pressures and capacity gaps due to care workers leave over the festive period.

Significant waiting lists have developed for domiciliary care in Derbyshire over the past 4 years with these currently being at their highest with 413 people without their required homecare package on the 15/12/21. This impacts on people's safety, health, and wellbeing, leads to increasing safeguarding concerns and can lead to increased deterioration often resulting in more intensive intervention by social care and health, including hospital admission. It also causes significant delays in hospital discharge and discharge from rehabilitation beds and from the Council's short-term service which supports people to maximise their independence and have reduced or no ongoing needs for social care services in accordance with the requirements of the Care Act. It also creates new demand for other services, including health, and results in the Council being unable to deliver its statutory duties.

Due to extremely high occupancy levels in hospital and continued high demand alongside the likely additional demand associated with the Omicron variant, health colleagues are taking all possible steps to maintain the acute hospital services and require all partners to also deliver actions to protect and maintain capacity in the acute hospitals.

In order to mitigate against the risks associated with further reductions in the domiciliary care workforce capacity, the Clinical Commissioning Group has provided funding of £2.1m across Derbyshire to make a retention payment of up to £500 to all homecare workers by way of a grant to providers.

Full consideration of this decision has been made by legal, finance and HR services with specialist advice obtained from Counsel on the risks associated with the Council administering payment on behalf of the Clinical Commissioning Group.

This approach was communicated to regulated providers of domiciliary care in the Private, Voluntary, and Independent (PVI) sector in Derbyshire on the 22nd December 2021.

- 4.2 The funding of £2.1m for Derbyshire is being provided by the Clinical Commissioning Group in the context of significant workforce capacity challenges across this market in Derby and Derbyshire which impact on the health, wellbeing and safety of people who are waiting for such services, but for whom there is no current capacity, and which also impacts adversely on hospital discharge and demand for acute and community health services.

5. Consultation

- 5.1 This is not a decision that would normally have required consultation.

6. Alternative Options Considered

6.1 Alternative options considered include:

- to take no action and continue to maintain the current position, doing this would very swiftly lead to a critical lack of capacity to deliver to urgent and essential current commitments for people living in the community and also cause a blockage on hospital discharge.
- continue to provide support via Joined Up Careers Derbyshire to the Private, Voluntary, and Independent market with rolling recruitment and this continues alongside the development and delivery of a comprehensive health and social care workforce strategy, but the impact has not been significant and the imperative currently is to retain the workforce that is already available via the payment of a one-off retention payment

7. Implications

7.1 The risks associated with his approach have been considered in detail from a human resource, legal, financial, corporate and Adult Social Care perspective and appropriate mitigations have been identified and will be implemented. It is a one-off initiative approach, and the impact will be reviewed and reported corporately as well as into the health and social care system.

The risk to the authority if unable to retain sufficient capacity is a failure to deliver its statutory duties. There would also be significant risks to Derbyshire residents many of whom would not have access to the support they require to remain safe in their own homes in addition to the risks associated with delayed hospital discharges for people medically fit to leave hospital and to the acute hospital in relation to inadequate in-patient capacity. The Council would also face a reputational risk if no action taken.

8. Background Papers

8.1 Officer Decision Record dated 21/12/2021

9. Appendices

9.1 Appendix 1- Implications.

10. Recommendation(s)

That Cabinet:

- a) Note the challenging position of Adult Social Care regarding sufficiency in the homecare market.
- b) Note the receipt of the funding provided by Derby City and Derbyshire Clinical Commissioning Group and support the use of this to fund retention payments to homecare workers in Derbyshire's Private, Voluntary, and Independent sector.
- c) Note and support the decision made by Helen Jones, Executive Director Adult Social Care and Health, to make retention payments to homecare workers employed in the Private, Voluntary, and Independent sector.

11. Reasons for Recommendation(s)

- 11.1 It is expected that a retention payment will lead to a reduction in the number of people leaving their employment in the Private, Voluntary, and Independent Homecare sector and, therefore, protect the existing capacity in this market which is used to support those people with social care and health needs.
- 11.2 The retention of this capacity will support the Council's delivery of its statutory duties.

12. Is it necessary to waive the call-in period?

- 12.1 Yes, permission was sought to waive the call-in period Cllr Wharmby, Chair of the Health Improvement and Scrutiny Committee, confirmed her approval of the decision to be made without the requisite notice and also approved the waiver of the call-in period for this decision on the 20/12/2021.

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Appendix 1

Implications

Financial

1.1 This will be funded in full from the £2.1m made available to the Local Authority by Derby & Derbyshire CCG. There will be no impact on the current budgetary position of Adult Social Care & Health.

1.2 To enable consistent pro-rata payments to be made across those eligible, a formula will be developed by DCC and given to each provider in order to calculate the value of the payment each worker would be eligible to. This would depend upon the average weekly hours worked as opposed to their contracted hours given the fact that the majority of homecare workers work above their contracted hours on a consistent basis. Additionally, a deadline would be implemented for receipt of applications for this funding in order to mitigate against the risk of late applications resulting in an over-commitment of funding.

The actual pro-rata payment (currently proposed at up to £500 gross) will be finalised once we have received staffing levels from all relevant parties. This will ensure that we remain within the level of funding provided by Health.

Legal

2.1 Legal considerations

Commercial

The recruitment and retention payments to home care providers in private sector (PVI – Private, Voluntary and Independent Sector) who provide home care packages to the Council have been considered from a legal risk point of view.

The proposed payment will be provided by way of a grant received from the NHS CCG and it thereafter proposed to provide such payments to care providers by way of a grant.

The grant will be made available to all PVI care providers in Derbyshire, who may apply for such a grant to be used for the prescribed purposes of the incentive.

Advice has been sought from the Council's specialist legal advisors in respect of the use by the Council of this grant and its implications in respect of subsidy control (formerly known as state aid).

In summary, the advice sought in respect of subsidy control gives consideration to the legal risk of challenge in the use of grant monies to be paid in the manner prescribed.

It is clear that there are several areas of subsidy control law that provide protection to the Council from the use of funds spent in this way. It was noted by our external advisors that it was significant that the funds would be made available to all relevant PVI providers. It is also relevant that the payments made to each provider would not exceed a minimum amount of funding that would cause a concern. This is called the 'de minimus' level and is set at an amount equivalent to approximately £330,000.

Provided this level was not exceeded, the risk to the Council would be minimised.

In addition, there are exemptions in law for provision to address matters of national concern or particular difficulties in a given sector. Further, the pressures on the National Health Service itself by the failure to not release more patients into their homes and instead for them to remain in hospital could be used as another perfectly valid example to demonstrate the net benefit of making payments in the manner proposed.

The Council would need to be robust in its scrutiny of how a provider spent its funds in respect of the proposed retention and recruitment benefits and make it clear to providers that such funds could be recovered if they weren't spent at all or, in the correct way.

The Council, via a grant agreement, would also require recipients to report on the outcomes achieved and to be open to scrutiny via audit to ensure the grant is used as intended.

Legal services will work with adult care to ensure that the appropriate grants are in place and further ensure that the documents address the points of scrutiny discussed above.

Employment issues.

- 2.2 The decision at this stage only relates to the payment of the grant to persons employed within the Private, Voluntary, and Independent sector rather than Derbyshire County Council employees.

Human Resources

3.1 The proposal to make a one-off retention payment to Private, Voluntary, and Independent sector employees is a matter for ASC and the Council to determine. However, it must be noted that an approach which does not include providing payment to the Council's directly employed workforce within this sector could potentially raise employee relations challenges, further reducing morale and facing challenge from Joint Trade Unions. This is something Adult Social Care will manage effectively through appropriate communications and engagement with internal employees.

Information Technology

4.1 There are no information technology implications related to this decision.

Equalities Impact

5.1 An Equalities Impact Analysis (EIA) was not indicated for this decision as it is not envisaged that there will be a differential impact between groups with protected characteristics under the Equality Act (2010). This decision is regarding supporting the continued delivery of domiciliary care services to the people who use these who are predominantly, but not exclusively, older adults with frailty, long term conditions and disabilities. As with much of the adult social care workforce nationally and locally, the majority of care workers are female and aged 35 plus; however, where there are workers employed in these services who do not fall into this demographic, they too will be eligible to the payment.

Corporate objectives and priorities for change

6.1 Resilient, healthy, and safe communities.

A retention payment made to individual homecare workers employed in the Private, Voluntary, and Independent domiciliary care market is one of the strategies available to the Council to protect the existing capacity in that market. This capacity supports delivery of our corporate priority to support resilient, healthy, and safe communities where people can access care and support in their local community and remain living in their own homes. This results in improved outcomes for individuals and for communities and also reduces the number of avoidable admissions to hospital and supports improved resilience in the health and social care system.

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

7.1 Risk management and safeguarding are both applicable to this report and the recommended decision is expected to result in improved risk management and a reduction in adult safeguarding concerns arising from the lack of provision to people waiting for homecare services to be available.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 10 February 2022

Report of the Executive Director - Adult Care

Assistive Technology Service

(Cabinet Member for Adult Care and Health)

1. Divisions Affected

County-wide

2. Key Decision

2.1 No

3. Purpose

To seek Cabinet approval to carry out a ten week consultation exercise on the future provision of the Assistive Technology (AT) service for all community alarm only clients.

4. Information and Analysis

4.1 Background

The AT service (previously called community alarm and telecare service) has been in place since 2003, when the responsibility of the Supporting People programme transferred to the Council. As part of this transfer of funding responsibility, the Council was required at that time to maintain the funding arrangements for nearly 5000 people who were supported by the provision of community alarm and telecare.

The AT service currently offers an analogue range of equipment with a traditional approach to support people to live independently for longer such as activity monitoring, community alarm and telecare.

- 4.1.1 Activity Monitoring: The system is used by social care professionals to monitor activity when working with people who may have difficulty communicating their needs to other people including their family or social care professionals. The system can be used to assist the identification of a baseline for the activities of daily living, support the tracking of progress and the effectiveness of interventions for the person. The report generated from the activity monitoring system provides evidence and support to social care professionals when carrying out Care Act 2014 eligibility assessments for people. The activity monitoring system is only available to social care professionals and a telephone line is not required for installation.
- 4.1.2 Community Alarm: An analogue based system with a pendant or wristband that connects to a telephone line through a base unit. If help is needed, the person can get help by pressing the button on the pendant.
- 4.1.3 Telecare: It can be used throughout the home to support people with identified social care needs and their carers. It is usually supported by a base unit connected to a telephone line and automatically raises an alert when help is required. Examples of some of telecare equipment are bed/chair occupancy sensors, falls detector, property exit sensors and smoke /carbon monoxide detectors.

Both the community alarm and telecare equipment operate 24 hours a day, seven days a week and are either installed in individual homes that use the person's telephone line or connected to hard wired systems in sheltered accommodations. The community alarm and telecare equipment can either be connected to a monitoring centre or standalone equipment (e.g. pager) to alert others if assistance is needed.

The AT service is provided across the eight Derbyshire districts by a range of providers providing different elements of the pathways which creates multiple handovers, inbuilt inefficiencies and increases costs. The current providers include District and Borough Councils and Housing Associations. The Council currently coordinates the provision in Derbyshire Dales, Erewash and North East Derbyshire following the decision of these District and Borough Councils to no longer offer these services. The installation, maintenance, review, decommissioning and

recycling of community alarm and telecare equipment is currently provided by the Handy Van service. There is a contract with Tunstall Healthcare for the provision of the community alarm and telecare equipment.

The current service model has not been competitively procured since the Council took over the responsibility for funding these services in 2003. Therefore, the current service model has not been subject to a value for money assessment as part of a commissioning exercise. Since November 2018, the service was re-focused to provide a person centred, outcome focused approach, which reflects the underpinning principles and requirements of the Care Act 2014.

In September 2018, Cabinet approval was sought to extend the contracts for a period of two years whilst service transformation and consultation activity took place. In November 2018, the consultation exercise was carried out (from 19 November 2018 to 25 January 2019) with the legacy clients who were users of the service in their own home via Adult Social Care funding. (Cabinet Report [8-11-2018 Consultation on eligibility criteria for community alarms and telecare services \(derbyshire.gov.uk\)](#)).

In June 2019, the Council made a decision to continue funding the service for the legacy clients and approved the new eligibility criteria for new clients from 1 November 2019 (Cabinet Report [2019-06-06 6h Consultation Community Alarms and Telecare \(derbyshire.gov.uk\)](#)). The new criteria limited eligibility to only those who were aged 18 and over, assessed under the Care Act 2014 as having eligible needs and warranting the use of the AT service. Eligibility for support is now also subject to a co-funding assessment which may mean some individuals will have to pay for their own support. [Paying for non-residential care - Derbyshire County Council](#)

The Council commenced a transformational programme called Better Lives in November 2019. The programme was established to redesign existing services to ensure that the Council is putting people at the heart of everything we do, to embed strengths based approaches to delivering care and support and to make sure the right solutions are available in the right place, at the right time. It is about maximising and regaining independence and reducing and delaying the need for intervention, focussing on resilience, social connection and health and wellbeing. The Better Lives programme focusses on improving the wellbeing of local people by supporting them to live independently for as long as possible, ensuring they remain a part of their local community. AT is

integral to supporting an individual's independent living in the community.

During this period, inter authority arrangements were put in place with the District and Borough council providers, and service level agreements for the other providers to allow flexibility in how these services are managed until March 2021. However, due to the COVID-19 pandemic, it was not possible to commence the procurement process, and the contracts were extended to March 2022 following approval by senior management team in November 2020.

A further 12 - 24 month contract extension to March 2024 (12months + 6months + 6months with 3-month termination clause) has been approved to allow time to carry out the consultation and depending on the outcome of the consultation, implement the proposals and to allow a full and open procurement exercise to be undertaken.

The continued provision of services to legacy community alarm only clients costs the Council over £0.400m per annum for the monitoring charges alone. This expenditure excludes equipment, installation, maintenance and decommissioning costs. Whilst the cost of service provision for legacy clients is a diminishing expenditure, the rate of reduction is slow and practically these responsibilities will remain with the Council for another 10 years or more.

The Council is proposing changes to the community alarm provision of the AT service to ensure that the eligibility criteria is fair and equitable across Derbyshire. This is because there are currently two groups of clients, the legacy (individuals who have received the service prior to 1 November 2019) and the Care Act eligible clients. It is proposed that an assessment will be carried out for all community alarm only clients including both legacy and Care Act eligible community alarm only clients to ensure that the provision of the service is based on either Section 2 or Section 18 of the Care Act (see Section 2.1 of Appendix 1 of this cabinet paper for details of Section 2 and Section 18 of the Care Act).

The ongoing monitoring charges associated with the community alarm element of the AT service for all clients assessed as having eligible needs under the Section 18 Care Act 2014 will be assessed under the appropriate charging regulations and the individual's personal budget will reflect this.

4.2 Eligibility for Current Service Provision

Following the consultation exercise undertaken by the Council in November 2018, a new eligibility criteria was implemented for new

referrals, whereby the provision of community alarm and telecare services is provided only to those assessed as eligible under the Care Act 2014, under the provisions of either Section 2 (prevention) or Section 18 (assessed need). In addition, these services have since been provided to children who have been assessed as eligible for this service by Children Services.

4.3 Analysis of Current Users

Initial analysis of individuals in receipt of the AT service as a whole including children in March 2021 suggests 50.1% of people had a primary support need of physical support, 0.7% for carer support, 1.2% for memory and cognition support, 2% for learning disability, 2.5% for mental health support, 2.4% each for sensory support, 2.6% for social support, 0.3% for children, followed by 36.8% with non- primary support reason users.

82.5% were aged 65 and over, 17.1% aged 18-64 years old and 0.3% for children. This indicates that the adult care social care technology offer is currently focused on supporting older people.

Further analysis shows that 95% of individuals in receipt of the community alarm only service are legacy clients whose eligibility is based on them being in receipt of housing benefit and/or pension credit while the remaining 5% are assessed as Care Act eligible. The data clearly highlights that a large proportion of the users of the service are legacy clients rather than those who have an assessed need under the Care Act.

However, this analysis needs to be treated with some caution as there are different counting and reporting methods across the range of service provision. There has been ongoing data cleansing exercise to reduce data quality issues and throughout the proposed consultation, further work will take place to analyse updated information and to provide a more accurate picture for the Equality Impact Analysis.

4.4 Drivers for Change

4.4.1 Financial Challenges

Adult Social Care is tasked with making further budget savings which requires undertaking review of current services, eligibility criteria and service redesign to ensure good quality services and value for money. Other local authorities have already revised their AT offer and currently only provide telecare and bespoke AT packages for Care Act eligible clients with an ongoing support package. In light of reducing budgets Derbyshire now needs to consider similar proposals.

4.4.2 Welfare Reform

Another driver for proposing changes to the eligibility criteria for legacy clients is the Welfare Reform agenda and Universal Credit. By 2023, the Government has stated that it intends that there will be no legacy benefit claimants and Universal Credit will be fully adopted. Therefore, options regarding future eligibility criteria for legacy clients, needs to be considered in light of ongoing changes to the benefits system.

4.4.3 Impact of COVID-19

Local authority finances are under significant pressure in the context of the COVID-19 pandemic, with central government asking local authorities to deliver many additional services while the cost of many existing services increasing. Opportunities to implement savings programmes have been disrupted and various locally generated income streams have fallen.

These challenges follow a decade in which local authority funding has reduced while demand for key services has risen. As a result, the ability of local authorities to maintain financial and service sustainability this year and over the medium-term is being tested.

4.4.4 Digital Switchover

There is a need to review the existing analogue service in operation across Derbyshire because this will be affected by the proposed switch-off of the public switched telephone network (PSTN) in 2025. Current AT equipment is analogue based and would need to be replaced with digital equipment. The notification of each area in Derbyshire being switched over is called a 'stop sell date' and Open Reach are releasing these dates across the country. Different parts of the County have different 'stop sell dates and will therefore begin switching over at different times.

According to the Technology Enabled Care Services Association (TSA) Commissioner / Buyer Guidance published in November 2021, **“Organisations must no longer procure social alarms that can only establish connections to Alarm Receiving Centres using analogue tone-based communication. It is mandated that those organisations that have an ongoing requirement to communicate in analogue protocols (e.g. ARC infrastructure has not been upgraded) must procure ‘hybrid’ social alarms that communicate in both analogue and digital protocols (and can be switched remotely without the need for an on-site reprogramming)”**. As a result of this, additional investment would be required to replace current analogue equipment with digital equipment.

4.4.5 New opportunities through technology

As part of the Enterprising Council approach, the Council Plan sets out clear ambitions to be an efficient and high performing Council delivering value for money services. As a result, the Council is exploring creative ways to deliver better services for less and ensuring that the operating model is fit for purpose. The approach will also see the Council modernise and take advantage of new technology and better ways of doing things for both residents and employees. There are opportunities to explore how the authority develops its AT offer to support people by including the service as part of the person's Care Act eligible support package.

There is a wide range of other technologies that allow people with impaired mobility, with disabilities (physical or learning), and sensory impairments to live as independently as possible on a day to day basis.

This might include:

- 4.4.5.1 Technology to help with activities such as switching on lights, controlling the temperature in the home, cooking and preparing meals, medication and appointment reminders, and technology to support social activities and interaction
- 4.4.5.2 Consumer technology such as smart home hubs (e.g. Hive) and voice activated virtual personal assistants (e.g. Alexa, Google Home) may be offered to eligible people where there are demonstrable benefits (a pilot was carried out in June 2019 in Derbyshire). Wearables like smart watches, GPS trackers, fitness and activity trackers may also be part of this offer.
- 4.4.5.3 Whilst there are many generic devices available, there are also increasingly technologies targeted at people with particular conditions such as dementia or long-term health conditions and communication devices to support people who have communication difficulties which might form part of their support package
- 4.4.5.4 Remote monitoring and virtual solutions for social interaction and to connect with professionals virtually (e.g. video / virtual calls for social purposes through tablets or screens)
- 4.4.5.5 Applications (apps) for mobile devices that promote independence, health and well-being may also be provided by the service to target particular needs such as Brain in Hand which the Council is currently piloting with 30 licences.

The technologies above are increasingly connected and integrated to each other and to dashboards to support remote monitoring. There is an opportunity proactively to use data generated from technology to support independence and improve outcomes, provided we do this in a way which complies with the GDPR. Also, some new technological

solutions do not require a third party to manage a service via a calls monitoring centre. It is now possible to purchase pieces of technology which do not require external agency involvement and can be operated privately between individuals and their friends, carers or neighbours.

4.4.6 Current service utilisation

Data analysis suggests that utilisation of current services by provider varies across the County with underutilisation between 24 – 84%. A summary on a district-by-district basis can be found in Appendix 2. Therefore, there is an opportunity to look at how the current funding invested in these services, provides value for money and whether the service approach is equitable and focused on the Council fulfilling its statutory duties.

5. Consultation

- 5.1 Adult Social Care is seeking to consult for ten weeks with individuals who are in receipt of community alarm only as their package of care funded by Adult Social Care, their representatives and current contracted AT service providers. The proposals outlined below will form the basis of the consultation.

It is proposed that:

- 5.1.1 Individuals who are community alarm only clients will be subject to an assessment to identify whether they would be eligible either under Section 2 or Section 18 Care Act 2014. Individuals who are currently in receipt of the service by virtue of their entitlement to housing benefit and / or pension credit (legacy clients) will no longer be automatically eligible for a DCC funded community alarm element of the AT service. Any individual identified as not eligible for ongoing support would be offered a transition period to identify alternative arrangements, should they wish to pursue this.
- 5.1.2 The community alarm provision of the AT service will continue to be provided free of charge (to include provision of the equipment and monitoring charge) as part of the short term service (see details of short term service in appendix 4) offer and the client will be subject to an assessment of need at the end of the short term service.
- 5.1.3 Those clients assessed as eligible under Section 2 will be provided with the equipment free of charge and it is proposed that they either pay the ongoing monitoring charges (which is currently an average cost between £2.50 - £5.00 per week) directly to the provider or the Council recharges the client for this activity.
- 5.1.4 The ongoing monitoring charges associated with the community alarm element of the AT service for those clients assessed as having eligible needs under the Section 18 Care Act 2014 will be assessed under the

appropriate charging regulations and the individual's personal budget will reflect this.

- 5.1.5 Any self-funding clients will continue to have the ability to obtain a community alarm from available local providers at their own cost.
- 5.1.6 Should a self-funding client become eligible under Section 18 Care Act 2014, they would then be provided with a personal budget, if considered an appropriate way to meet their eligible needs.

It is proposed that the consultation would run from 21 February until 1 May 2022. Consultation activity will include an online questionnaire, paper version and letters to the community alarm only clients their representatives and current contracted AT service providers. The consultation will be promoted at existing stakeholder groups and networks. There will also be an option for telephone conversations with the Stakeholder Engagement and Consultation Team and online virtual meetings.

Following the consultation, results will be analysed and a further report tabled to Cabinet for consideration outlining the key themes, issues and findings which need to be considered to inform the future of the community alarm element of the AT service provision. Irrespective of the consultation outcome, individuals in receipt of the service will be made aware of further changes to service provision as the current contracted arrangements need to be re-procured on a competitive basis and a new service model developed and implemented.

6. Alternative Option Considered

- 6.1 The alternative to consulting on future arrangement would be to do nothing. The Council could continue with current arrangements i.e. providing the AT service which includes community alarm, telecare and activity monitoring as a single service or as a wider support package.

However, this is costly due to continuous increased cost of service provision for legacy clients and digital switchover and it is difficult to identify how savings could be delivered. Thereby making it financially unsustainable to keep the AT service in its current operational model (see AT costs in section 1.1 of appendix 1). In addition, the current regime also includes service provision for clients with two different eligibility criteria which provides for differing outcomes which are not fair and equitable across the County for those in receipt of the service.

7. Implications

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

8. Background Papers

- 8.1 [8-11-2018 Consultation on eligibility criteria for community alarms and telecare services \(derbyshire.gov.uk\)](#)
- 8.2 [2019-06-06 6h Consultation Community Alarms and Telecare \(derbyshire.gov.uk\)](#)
- 8.3 [Paying for non-residential care - Derbyshire County Council](#)

9. Appendices

- 9.1 Appendix 1 - Implications.
- 9.2 Appendix 2 - Analysis of current users of the Assistive Technology service
- 9.3 Appendix 3 – Users of AT service not subject to the consultation proposals
- 9.4 Appendix 4 - Short term service

10. Recommendation(s)

That Cabinet:

- a) Notes the proposals to be consulted upon
- b) Approves a ten-week consultation exercise on the proposed changes to the provision of the AT service for all community alarm only clients. The consultation will include details of the proposed eligibility criteria and funding arrangements.
- c) Is informed following the outcome of the consultation exercise by way of an updating report.

11. Reasons for Recommendation(s)

- 11.1 If any significant changes are proposed to the provision of services, the Council is required to undertake a period of consultation for the people affected to better understand their views before any decision is made.
- 11.2 The proposal to consult is required to ensure that the future provision of the entire AT service effectively meets the needs of those clients who are assessed as having Care Act eligible needs following assessment which necessitates this service provision.
- 11.3 To ensure that the eligibility criteria for future provision of the community alarm element of the AT service is fair and equitable and any change to the current charging arrangements relevant to the provision of the service is transparent and meets the Council's statutory responsibilities.

12. Is it necessary to waive the call in period?

a. No

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Implications**Financial**

- 1.1 Regard has been made to financial implications, the current contractual commitment (monitoring costs) for 2021-22 is summarised in the table below. The cost below excludes installation, maintenance, decommissioning and recycling costs which is £0.305m.

Contract provider	Funding 2021-22 (£m)
Futures Housing Group (Amber Valley)	0.126
Yorkshire Housing Group (M&D)	0.003
Chesterfield Borough Council	0.128
Bolsover District Council	0.144
High Peak Borough Council	0.064
South Derbyshire District Council	0.065
Tunstall Response Ltd - Derbyshire Dales, Erewash, North East Derbyshire	0.070
Equipment	0.180
Total	0.780

The current total cost of the Assistive Technology service is £1.08m and the AT service will continue to be financed from existing budgets.

However, due to the digital switchover (see section 4.4.4 of this cabinet report) the Council is required to provide additional investment between £0.5m - £1.1m to replace current analogue equipment with digital equipment. This is required to be carried out imminently in preparation for the digital switchover by 2025 where BT Openreach have already started providing digital lines in some areas in Derbyshire.

In the Budget report considered by Council in February 2021, the increased use of AT was identified as an area for potential savings through the re-shaping of the service. The report outlined a potential savings of £0.3m and the proposals for consultation outlined in this paper may help contribute towards these identified savings targets. The delivery of the identified savings is dependent on the outcome of the proposed consultation and the Cabinet's response to the outcome.

Legal

2.1 Section 2 of the Care Act 2014 requires local authorities to provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will:

- contribute towards preventing or delaying the development by adults in its area of needs for care and support.
- contribute towards preventing or delaying the development by carers in its area of needs for support.
- reduce the needs for care and support of adults in its area.
- reduce the needs for support of carers in its area.

The Care and Support Statutory Guidance is clear that the care and support system must work to actively promote well-being and independence and does not wait to respond when people are in crisis by early interventions which prevents need or delays deterioration wherever possible. The importance of preventative services is highlighted further within Section 1(3)(c) Care Act 2014, which requires local authorities to have regard to the importance of preventing or delaying the development of needs for care and support.

Adults who are in receipt of the preventative services will not necessarily require a wider package of care and may receive this support in isolation.

Whilst Section 2 of the Care Act 2014 permits a local authority making a charge for the above, the Care and Support (Preventing Needs for Care and Support Regulations explicitly prohibit making a charge for a service which consists of the provision of community equipment (aid and minor adaptations). Community equipment is defined within the Regulations as as an aid, or a minor adaptation to property, for the purpose of assisting with nursing at home or aiding daily living and, for the purposes of these Regulations, an adaptation is minor if the cost of making the adaptation is £1,000 or less.

In addition to the duty under Section 2 of the Care Act 2014, the local authority is also under a duty to meet an adult's eligible needs. The eligibility criteria is set out within the Care and Support (Eligibility Criteria) Regulations 2015. An adult's needs meet the eligibility criteria if:

- the needs arise from or are related to a physical or mental impairment or illness.
- as a result of the adult's needs, they are unable to achieve two or more of the outcomes (outcomes defined below); and

- as a consequence, there is, or is likely to be, a significant impact on the adult's well-being.

The outcomes referred to above are:

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult's home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and
- carrying out any caring responsibilities the adult has for a child.

Where an adult is assessed as having eligible needs, the local authority must consider what can be done to meet those needs; this may include the provision of AT.

Whilst Section 14 Care Act 2014 permits a local authority to charge for meeting needs under Section 18 Care Act 2014, the Care and Support (Charging and Assessment of Resources) Regulations 2014 explicitly prohibit making a charge for a service which consists of the provision of community equipment (aid and minor adaptations). Community equipment is defined within the Regulations as as an aid, or a minor adaptation to property, for the purpose of assisting with nursing at home or aiding daily living and, for the purposes of these Regulations, an adaptation is minor if the cost of making the adaptation is £1,000 or less.

The proposal is to consult in relation to changes being made to the community alarm element of the AT service by altering the eligibility criteria for legacy clients to ensure a consistent approach. There is no statutory duty to consult, however, the proposals do trigger a duty to consult by virtue of common law. The clients currently in receipt of the community alarm service have a legitimate expectation of being consulted as the proposals will directly impact their current service provision. The clients, their representatives and the current contracted AT service providers also have a legitimate expectation to be consulted due to an established practice of consultation, as demonstrated by the consultation exercise completed in November 2018.

Human Resources

- 3.1 There are no human resources considerations associated with this report.

Information Technology

- 4.1 There are no information technology considerations associated with this report.

Equalities Impact

- 5.1 An Equality Impact Analysis will be undertaken to assess the proposals on the protected characteristic groups. The Equality Analysis will include an assessment of the response to the consultation and engagement and will include a range of recommendations and potential mitigations.

Corporate objectives and priorities for change

- 6.1 Enterprising Council: Transforming the organisation, working as one council, ensuring we are prepared for the future and able to respond to the challenges and opportunities that lie ahead.

As part of the Enterprising Council approach Adult Social Care intend to broaden and expand its use of a range of assistive technology over the next five years. This is a fast paced and constantly evolving area of work due to technological and digital advancements. Nationally evidence suggests technology can have a positive impact for an individual whilst potentially reducing demand and the cost of care. This was also evidenced during the COVID-19 pandemic, as organisations deployed different digital technological aids, equipment, apps etc to help meet the needs of the people by providing care and support, promote independence and reduce isolation. Technology also acts as an enabler providing a range of interventions for people with a long-term health condition of disability.

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

- 7.1 In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations

Appendix 2

Analysis of current users of the AT service (March 2021).

The summary below provides an overview of current AT service provision.

Area	Provider	Capped Client	Current Clients	Monitoring Centre	Comm Alarm Ownership	Telecare Owner	Self-funding Market
Amber Valley	Futures Housing Group	1650	759 (46% utilisation)	Third Party (Astraline)	DCC Adult Social Care	DCC	Futures Housing Group
Bolsover	Bolsover District Council	1300	900 (69% utilisation)	Bolsover District Council	Bolsover District Council	DCC	Bolsover District Council
Chesterfield	Chesterfield Borough Council	1650	771 (47% utilisation)	Chesterfield Borough Council	Chesterfield Borough Council	DCC	Chesterfield Borough Council
Derbyshire Dales	DCC Adult Social Care	650	162 (25% utilisation)	Third Party (Tunstall)	DCC Adult Social Care	DCC	DCC Adult Social Care
Erewash	DCC Adult Social Care	1500	352 (23% utilisation)	Third Party (Tunstall)	DCC Adult Social Care	DCC	DCC Adult Social Care
High Peak	High Peak Borough Council	650	545 (84% utilisation)	Third Party (Tunstall)	High Peak Borough Council	DCC	High Peak Borough Council
North East Derbyshire	DCC Adult Social Care	1500	417 (28% utilisation)	Third Party (Tunstall)	DCC Adult Social Care	DCC	DCC Adult Social Care
South Derbyshire	South Derbyshire District Council	900	441 (49% utilisation)	Third Party (Tunstall)	South Derbyshire District Council	DCC	South Derbyshire District Council

AT service provision, infrastructure and operational arrangements by district

Clients access AT service via a geographical place based offer, the service is provided by four district or borough local authorities, a housing association, in three areas is co-ordinated directly by Adult Social Care. There is also one housing scheme in Derbyshire with DCC funded community alarm provision for eight clients, the scheme has a total budget allocation of £3,499 per annum and the contract is due to expire at the end of March 2022.

Users of AT service not subject to the consultation proposals

There are a number of scenarios where individuals may be in receipt of services either commissioned by the Council or as private arrangements. None of these service types below will be impacted by the proposals for consultation detailed in this report.

- Any AT client in receipt of a service other than community alarm only.
- Community alarm only clients in receipt of other services funded by the Council.
- Individuals in receipt of standalone equipment which is not connected to a monitoring service, such as pager units that allow individuals to alert a nearby carer wearing a pager that they require help and assistance.
- Clients in Extra Care settings that are operated by DCC or a registered social landlord and Adult Social Care Direct Care establishments, such as the Community Care Centres, which utilise AT services other than community alarm only to provide support in both the communal spaces and individual rooms.
- Children's Services clients who access the services to support young carers and young people with a physical or learning disability; this service is recharged to Children's Services.
- Private clients who are not known to Adult Social Care who self-fund community alarm and telecare services operated by the same providers as those utilised by DCC.
- Individuals who may have put independent arrangements in place themselves or through their landlord for community alarm and/or telecare support within their property or with a national provider.

The Short Term Service

The Service is used to:

- Support a person to gain or re-gain their independence with independent living tasks in their own home
- Support a person to improve their level of independence through maximising their own strengths and/or through identifying the best approach to supporting them
- Support a period of assessment
- Respond to an urgently presenting need in the community whilst further assessment can be carried out by adult social care or others

The Short Term Service should be used in the following circumstances:

- To facilitate a discharge from hospital
- To prevent a hospital admission
- As a new home care response to support a new assessment of the person's need for care and support or increase independence
- As a new or additional home care response where there is a significant change in need for a person already in receipt of services

Eligibility for the Short Term Service:

As a preventative service the Short Term Service is available to those who would benefit. They do not need to be eligible under the National Eligibility Criteria.

Prior to a referral to the Short Term Service, consideration must be given as to what else could help the person meet their needs and achieve their goals. Where appropriate, the person may be signposted to alternative services rather than being offered support from the Short Term Service.

The service is free at the point of entry.



Agenda Item

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

DATE – 10 FEB 2022

Report of the Executive Director Adult Social Care & Health

**Derbyshire Second Homes Programme
(Adult Care)**

1. Divisions Affected

- 1.1 The Second Homes Programme covers Amber Valley, Derbyshire Dales, High Peak and South Derbyshire District Councils.

2. Key Decision

- 2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £500,000) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

- 3.1 This report seeks approval for the programme covering the use of the £0.552m Second Homes budget for Amber Valley, Derbyshire Dales, High Peak and South Derbyshire District Councils to deliver low level support.

4. Information and Analysis

- 4.1 The rules on levying Council Tax on people's second homes were changed in 2004. The County Council agreed with the four District Councils most affected: Derbyshire Dales, High Peak, Amber Valley and South Derbyshire that £0.552m (75% of the then additional income raised for the County and District/Borough Councils) would be used to enhance low level support for people with the highest need in these areas. Examples of the housing related services supported include Housing Options, Help to Move, support for homeless people and a Domestic Abuse project.

Cabinet 8 June 2017 (Minute 177/17) and 16 March 2020 (Minute 58/22) agreed two-year investment programmes of £0.552m for 2017-19 and for 2019-2021.

The delivery of the current Second Homes programme has shown the value of targeting services for people with the highest need, resulting in reduced demand, and meeting the Borough's, District's and County Council's Housing, Health and Adult Care strategic policy objectives.

It is intended that there will be a review during the next 12 to 18 months of the Second Homes Programme alongside a proposed review of Low Level Practical Support funded by Adult Social Care. This will be with the aim of providing integrated, appropriate and consistent support for people, targeted to those most in need in a way that will enable them to maintain their independence.

5. Consultation

- 5.1 There is no requirement to consult in relation to the Second Homes Tax decision.

6. Alternative Option Considered

- 6.1 Cabinet could decide not to agree to the recommendation to fund the Second Homes Programme. This would mean that the relevant Districts and Boroughs would be required to source alternative funding, or more likely to have to cease their current programmes.

7. Implications

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

8. Background Papers

8.1 None identified.

9. Appendices

9.1 Appendix 1 - Implications.

10. Recommendation(s)

That Cabinet:

- a) Approves the Second Homes Programme covering the use of £0.552m from the Second Homes budget for Amber Valley, Derbyshire Dales, High Peak and South Derbyshire District / Borough Councils for 2021 – 2023
- b) Notes the intention to review Second Homes Programme funding with key partners during the next 12 to 18 months alongside a proposed review of Low Level Practical Support funded by Adult Social Care.

11. Reasons for Recommendation(s)

- 11.1 To enable the existing Second Homes Programme activities in Amber Valley, Derbyshire Dales, High Peak and South Derbyshire to continue.
- 11.2 A joint review of the current programme and aligned low level activities will ensure that a system wide approach is taken to targeting support to those most in need to enable people to maximise and maintain their independence.

12. Is it necessary to waive the call in period?

12.1 No

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Implications

Financial

- 1.1 The total costs are £0.552m per annum which would be met from the Second Homes budget which is allocated to the overall ASCH budget:

Amber Valley	£0.080m
Derbyshire Dales	£0.305m
High Peak	£0.105m
South Derbyshire	£0.062m
<u>Total</u>	<u>£0.552m p.a.</u>

Legal

2.1 The Care and Support Statutory Guidance states that the wellbeing principle (the duty on local authorities to promote an individual's wellbeing when carrying out care and support functions) should also be considered by the local authority when it undertakes broader, strategic functions and should be seen as the common theme around which care and support is built. The Care and Support Statutory Guidance also states that supporting people to live as independently as possible, for as long as possible, is a guiding principle of the Care Act.

2.2 The recommendation is considered to meet the requirements and expectations of the relevant community care legislation.

Human Resources

3.1 No obvious implications

Information Technology

4.1 No obvious implications

Equalities Impact

5.1 Not applicable

Corporate objectives and priorities for change

6.1 Not applicable

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

7.1 Not applicable

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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