



Prospectus (Heads of Terms) for a Strategic Partnership between Plymouth City Council and Torbay Council: Children's Services

Context

Children's Services in Torbay have had a history of underperformance and an inability to sustain improvements in outcomes for children. In 2010, Torbay's Children's Services were judged inadequate and a Statutory Direction issued by the Department for Education (DfE) in 2011. Although child protection services were judged 'adequate' in 2013, the latest Ofsted report in January 2016 judged services 'inadequate', identifying significant weaknesses in leadership and management. It should be noted that Torbay's Education services have been performing well, with outcomes for children and young people generally at or above comparators.

As a result of the inspection judgement, Torbay Council was subject to a Statutory Direction in May 2016 and the Chief Executive of Hampshire County Council appointed as the DfE Commissioner. The role of the Commissioner has been to oversee the improvement journey and consider what alternative delivery models might best secure sustainably improved Children's Services in Torbay. Hampshire County Council Children's Services were also appointed as the improvement partner to Torbay Council and a multi-agency Children's Improvement Board (CIB), chaired by the Commissioner, established to oversee the improvement journey. These governance arrangements will remain in place until such time as they are amended, revoked or replaced by a further Ministerial direction.

Since his appointment, the Commissioner has been working with Torbay Council and partner agencies, across the South West, to explore the potential for an alternative delivery model. This reflected a growing consensus in Torbay that it could no longer deliver Children's Services on a unilateral basis. An increasingly detailed series of discussions were commenced by the Commissioner to explore the optimum delivery model and, within that context, a capable partner agency or agencies. The work was supported by Mutual Ventures, a consultant with considerable experience of the development of alternative delivery models for Children's Services. This culminated in a recommendation by the Commissioner, in April 2017, that sustained improvement in Children's Services in Torbay would be achieved via a partnership with Plymouth City Council. This document has been prepared in advance of the Ministerial response to the Commissioner's recommendation to enable work to progress at pace thereafter.

Both Plymouth City Council and Torbay Council believe the partnership model will contribute to improved service delivery, better outcomes for children and young people and the opportunity to realise efficiencies through shared or merged service elements. The larger practitioner resource within the partnership model will better support workforce development, recruitment and retention and provide greater opportunity for service innovation. The statutory direction underpinning the partnership will also establish an ongoing dialogue with the DfE around service improvement and a stronger voice for Plymouth and Torbay within the sector led improvement agenda.

Purpose

The purpose of this document is to set out the guiding principles, operating arrangements, governance and timeframe for the development and implementation of a partnership between Plymouth City Council and Torbay Children's Services. It is intended to provide the baseline for the more detailed work required for the development of a comprehensive partnership agreement and delivery model.

Guiding Principles

1. The safety and wellbeing of children and young people within the administrative areas of Torbay Council and Plymouth City Council will be paramount at all times throughout the development and operation of the partnership.
2. The primary objective will be the sustained improvement of Children's Services in Torbay and Plymouth.
3. There will be a commitment to openness and transparency at all stages and by all parties.
4. Lines of accountability for politicians and officers will be clearly articulated and agreed at each stage to avoid ambiguity.
5. Any issues will be resolved as quickly as possible by working together in the spirit of cooperation, equality and mutual respect.
6. The development and operation of the partnership will be cost neutral to Plymouth City Council, with all costs recorded and recovered in accordance with an agreed cost recovery model.
7. All communications relating to the partnership arrangement will be agreed by both councils before being issued, including the content and timing of messages, and the channels and audiences.

Outline Partnership Arrangements

1. Plymouth City Council's Director of Children's Services shall take full operational responsibility for Torbay Children's Services including its education and social care functions and those corporate support functions that directly support Children's Services. The role of Director of Children's Services will be as defined within Children Act 2004 and Statutory Guidance (2013).
2. Torbay Council will retain political and financial authority and statutory accountability. Plymouth City Council will take no direct political accountability but both parties will readily explore political partnership opportunities over time, such as joint scrutiny arrangements. The Executive Member for Torbay will play a key role in on-going political responsibility.
3. Executive line management and operational responsibility will rest entirely with Plymouth City Council, but with a joint Director of Children's Services reporting to both Councils and Chief Executives regarding their respective statutory duties. The

role of Director of Children's Services will be as defined within Children Act 2004 and Statutory Guidance (2013).

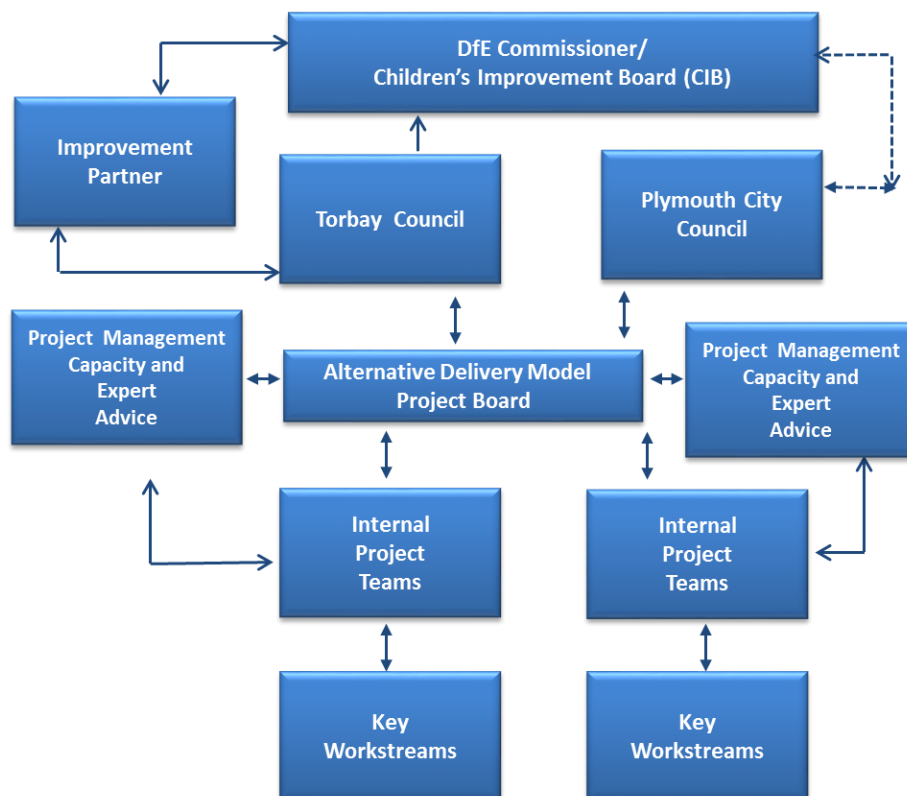
4. The joint Director of Children's Services will be a full member of the Senior Leadership Team in Torbay and engage in place setting and wider strategy development where this involves activity related to Children's Services. This includes engagement with Torbay's corporate support and governance services as appropriate. There may also be a requirement for a nominated senior officer from Torbay Children's Services to engage with the senior leadership teams of both councils when deputising for the Director.
5. Torbay Council will retain financial accountability and provide an appropriate budget for the delivery of Children's Services, as informed by its Medium Term Financial Strategy (MTFS) which will be subject to regular review and close monitoring and reporting by both partners. The Children's Services' budgets for Torbay and Plymouth will not be pooled or subject to cross subsidy as part of this agreement. The respective Section 151 Officers will continue in their statutory roles providing budgetary oversight and working together to ensure that Torbay Council is making sufficient budgetary provision for its Children's Services.
6. The joint Director of Children's Services shall ensure that there is sufficient leadership visibility in Torbay.
7. Hampshire's role as improvement partner to Torbay Council shall continue until removed or revoked by ministerial direction, whilst also engaging with Plymouth in order to secure the progress made to date and ensure there is a shared and agreed pathway to improvement. This acknowledges a desire on Torbay's part to have continuity of leadership and improvement focus during the transitional period.
8. PCC DCS will join the Children's Improvement Board (CIB) and Torbay's Safeguarding Children's Board (TSCB) at the earliest opportunity to further support a smooth transition.
9. It is anticipated that Torbay Council will be subject to statutory direction and therefore appropriate and proportionate financial assistance will be provided by the DfE, to fully fund the logistics and infrastructure necessary to place the partnership arrangements on a secure and sustainable footing. As an example, this could include the cost of harmonisation of case management systems across both councils. Any development funding provided by the DfE would be held by Plymouth City Council on behalf of the partnership, in consultation with Torbay Council and the DfE Commissioner. This will also contribute towards the arrangements being at no additional cost to Plymouth City Council in both the development and delivery phases.
10. Plymouth City Council will lead on the appointment and development of managers and staff including redesign where appropriate, in consultation with Torbay. Similarly the redeployment of Plymouth City Council managers or staff to Torbay Council posts and vice versa will be a joint decision. Both Councils' view this as an opportunity to second and develop talented staff.
11. A particular consideration for both Councils and their elected members will be to maintain the strong, existing local relationships and high visibility with local partners, communities and schools within any partnership arrangement.

12. This partnership is an opportunity for both parties to explore the development of shared functions and merged teams. Whilst both Councils remain open to all options, it is vital that any such changes contribute to improvements and services for children and do not destabilise services, including the loss of staff or lower morale. No significant organisational changes shall be made affecting Children's Services without the express endorsement of Plymouth City Council, as supported by the statutory direction.
13. Clear legal arrangements to be put in place to ensure there is no confusion about the right of direction by Plymouth City Council managers to those Torbay employees working within the partnership agreement.
14. Torbay's operational support arrangements, policies and procedures shall remain in place, particularly where these have developed through the work with Hampshire or are deemed to be important to Torbay's wider financial position, but with Plymouth City Council having discretion to amend or develop in consultation with Torbay and Hampshire.
15. The same principle would apply to 'back office' functions and services, which should remain in situ but may be subject to review.
16. The arrangements for any termination of the partnership from either party will be fully set out in the partnership agreement so as to minimise disruption and risk, and to maintain the safety and wellbeing of children and young people in both localities.

Governance

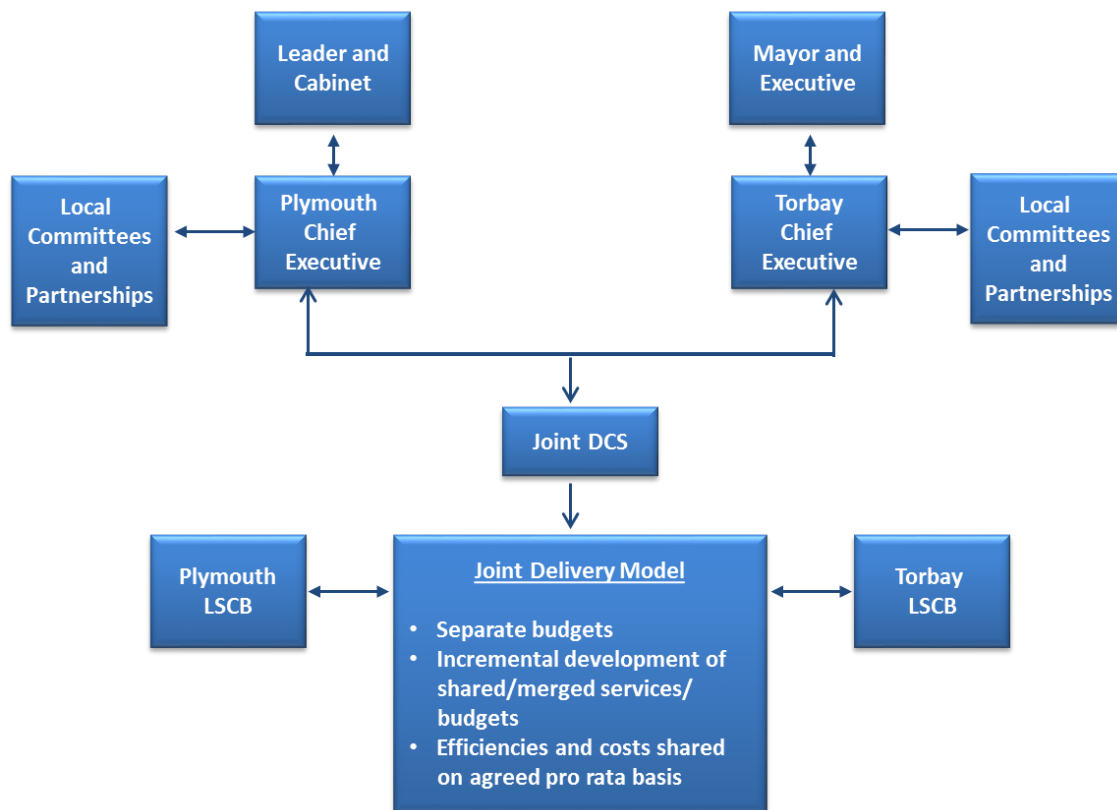
Torbay Council is currently subject to a Statutory Direction issued in May 2016 requiring it to co-operate with the DfE Commissioner, in order to improve Children's Services and explore the most effective way of securing and sustaining these improvements over the longer term. The governance arrangements put in place by the direction will remain in place during the implementation phase.

The development phase for the partnership, which the Commissioner has indicated will take between 6-9 months from the point of a decision by the Minister, will require interim governance arrangements to be established to oversee project delivery. The arrangements will necessarily link into the DfE Commissioner and Children's Improvement Board (CIB) put in place by the statutory direction issued in May 2016. The outline model below sets out how governance will work during the development phase for the partnership.



The Alternative Delivery Model (ADM) Project Board will comprise of appropriate senior representatives from both Plymouth and Torbay Councils, with input from the DfE Commissioner (or their representative) as appropriate. The ADM Project Board would continue to meet on a regular basis until the partnership is operating on a secure and sustainable basis.

At the point that the partnership is able to go 'live' it will link in with the existing political and managerial accountabilities in place within Torbay Council and Plymouth City Councils, acknowledging the longer term opportunities to develop shared arrangements for the children safeguarding boards and other aspects of assurance and scrutiny. The diagram below sets out how the partnership will integrate with the existing governance arrangements for Plymouth City Council and Torbay Council.



Workstreams

Working within the above governance framework the joint or separate project teams working to the project board will need to progress a wide range of work streams to enable the partnership to go live.

The table below sets out an illustrative set of workstreams to enable work to progress from a Heads of Terms to a detailed partnership agreement.

Number	Workstream	Description
1.	Service delivery and improvement	<ul style="list-style-type: none"> ▼ Scope of Children’s Services within the agreement. ▼ Operating model. ▼ Organisational structure. ▼ Quality standards and performance.
2.	New model governance	<ul style="list-style-type: none"> ▼ Development of delivery model governance. ▼ Ofsted registration. ▼ Budget, finance and management/reporting arrangements.
3.	Legal and contracts	<ul style="list-style-type: none"> ▼ Partnership Agreement between Torbay Council and Plymouth City Council. ▼ Governance model. ▼ Services contract. ▼ Third party contracts/commissioned services.
4.	Finance	<ul style="list-style-type: none"> ▼ Budget(s). ▼ Restructuring the budget?

		<ul style="list-style-type: none"> ▼ Re-coding the budget?
5.	Staff transfer (if the new delivery model involves any transfers of staff)	<ul style="list-style-type: none"> ▼ TUPE / HR advisory. ▼ Pension advisory. ▼ Staff consultation. ▼ Payroll disaggregation if required. ▼ Terms and conditions contracts review.
6.	Communication	<ul style="list-style-type: none"> ▼ Joint Communications strategy. ▼ Day-to-day communications management. ▼ Press management. ▼ Customer information. ▼ Website.
7.	Stakeholder management and regulation	<ul style="list-style-type: none"> ▼ Engagement with key Government departments. ▼ Engagement with the requisite regulators.
8.	Property and assets	<ul style="list-style-type: none"> ▼ Building and capital assets disaggregation (if required). ▼ Valuation of transferred assets (if required). ▼ Accommodation arrangements.
9.	Data and ICT	<ul style="list-style-type: none"> ▼ Review of databases and case management platforms. ▼ Archiving. ▼ Disaggregation/Integration of ICT systems (if required). ▼ Ongoing access to information and data sharing (if required).
	Support services	<ul style="list-style-type: none"> ▼ Finance. ▼ Payroll. ▼ Legal services. ▼ HR support. ▼ Facilities management. ▼ Utilities. ▼ Telephony. ▼ Security. ▼ Communications. ▼ ICT support. ▼ Printing and office materials. ▼ Admin and PA support.

Timeframe

A Ministerial decision in response to the Commissioner’s recommendation is anticipated in July. The Commissioner had identified a timeframe of 6 – 9 months from the point of a decision for the partnership arrangement to go live. The timeframe below sets out how this will progress including the stages at which key decisions will be required.

